

CACC

NEWSLETTER

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COLLAPSE OF THE ADMINISTRATION OF JUSTICE, PART II

In the newsletter of June 15, discussion of the threatened collapse of the administration of justice within the United States of the U.S.A. was commenced. The effects of false propaganda concerning the existence of political prisoners and disruptive conduct by revolutionary attorneys were considered. Consideration will not be given to: 1) The behavior of defendants, 2) Mob demonstrations inside and outside the courtroom, 3) The lack of restraint by the news media, 4) The difficulty of securing an unbiased jury, 5) Judicial delay.

The Behavior of Defendants

Disruptive behavior of defendants is becoming commonplace. Recent examples are: the conduct of Bobby Seale and the other defendants in the conspiracy trial of the Chicago 7; the conduct of Charles Manson and his co-defendants in their trial for the murder of Sharon Tate; and the actions of the co-defendant of Angela Davis, Ruchell Mage, in their current trial.

Efforts are made to reduce the trial to a farce. The defendants may persistently interject, abuse witnesses, the attorneys, or the judge himself, and attempt physical violence. They reject the services of attorneys appointed by the court, dismiss their attorneys repeatedly during the trial, and accuse the judge of bias. Such behavior imposes a severe strain on the judge, drags out the legal process and increases the costs.

In the trial of the Chicago 7, when all other methods failed to restrain Bobby Seale, the judge ordered that he should be bound and gagged. The Supreme Court later held that it was legitimate to gag and bind a defendant in exceptional circumstances. Nevertheless, the communists and their allies seized on the binding and gagging of Bobby Seale as a propaganda weapon to berate American justice all around the world. The picture of a black man bound and gagged in an American courtroom was presented as the real face of American justice.

The judges are compelled to endure the pressures caused by such conduct with what patience they can muster. If the judge is provoked and makes an angry comment, this may form the basis of an appeal. Penalties for contempt of court are not usually imposed until the conclusion of the trial. This does not prevent the trial becoming a circus.

The dignity of the court is held in much higher esteem in other countries with a tradition of British justice. Some time ago, one Sunday morning, a group of university students went to the home of the Australian Attorney General to protest the Australian participation in the defense of Vietnam. They trespassed on his property and harassed his wife and small children.

The Attorney General was at the airport, but when informed of what was taking place at his home, he hurriedly returned and defended his family with a cricket bat. (Cricket is a ball game with a remote resemblance to baseball.) The police arrested a number of the demonstrators.

The demonstrators were charged with trespass and brought before a magistrate, the lowest rank of the judicial hierarchy. In the magistrate's court, they expressed defiance by giving the clenched fist salute. The magistrate sentenced them to 14 days imprisonment for contempt of court. They were taken immediately to jail. While serving their sentence, they instituted appeals against it. Their first appeal was rejected by a judge somewhat higher on the judicial ladder. There was no point in continuing further appeals as, by this time, they had served their 14-day sentences. An Australian student will consider the consequences before he expresses defiance of the court in the future.

If contempt of court sentences were given when the act of contempt was committed, and if the sentences were carried out immediately, it is probable there would be a dramatic improvement in the behavior of the defendants and the administration of justice would be improved.

Mob Demonstrations Inside and Outside the Courtroom

In so-called "political trials," mobs of supporters of defendants often pack the courtroom or mass outside. They encourage, salute, and applaud the defendant and attempt to harass and intimidate the prosecution, judge, and jury. Jurors and court officers are human and it is difficult for them to remain uninfluenced by mob pressures. It is natural for jurors to fear retribution from friends of the accused if their verdict is guilty. An environment of emotional tension produced by the pressure of partisan mobs is inimical to the unbiased administration of justice.

The right of assembly has its limits. There is such a thing as an illegal assembly. It is not permissible to assemble and form a threatening mob and to deny the rights of others free movement and clear judgment.

It is difficult to strike the balance between competing rights, but since the administration of justice is absolutely essential to the maintenance of any individual rights whatsoever, an assembly that interferes with the unfettered administration of justice should be classified as an illegal assembly. Judges and juries should be permitted to perform their difficult function without mob intimidation.

The Lack of Restraint by the News Media

To one reared in the tradition of British justice, the lack of restraint practiced by segments of the news media appears intolerable. In England or Australia it would be classed as criminal conduct. In these countries, when an individual is arrested and indicted, the case becomes "sub judice" and comments concerning the case by the news media are legally limited. It is assumed that unfettered discussion will prejudice the right of the defendant to a fair trial. Newspapers may report what is said in court and nothing more. Interviews with prisoners and attorneys are unthinkable. Comment and discussion must wait until the issue has been decided in court.

This is not regarded as an infringement of freedom of the press but as sustaining the rights of the accused to a fair trial.

In this country it is sometimes difficult to distinguish between an attorney and a journalist. The attorney may appear to be attempting to try the case in the news media. Some appear more interested in securing a story which can be published at a profit than in securing justice for the accused.

The Difficulty of Securing an Unbiased Jury

Most individuals who are interested enough to sift evidence and reach an unbiased verdict on the basis of that evidence, read newspapers, listen to radio programs and watch television programs.

When a case has public interest, sensational reports frequently appear in the newspapers, on the radio, and on television, and it is an unusual person indeed who is not influenced by these reports. Consequently it becomes exceedingly difficult, if not impossible, to select a jury which is truly unbiased.

In addition, many citizens are reluctant to serve on a jury for a variety of reasons. They may dislike the disruption of their domestic and business life; jury service may cause loss of income; some are afraid.

The right to a jury of ones "peers" is a long established principle of justice. Recently the problem of defining who constitutes a "peer" has arisen. If a defendant is black, some claim that the jury should be predominantly black. The same principle is applied to other ethnic minorities. If carried to its logical conclusion, a female defendant could demand a jury consisting of women and a religious defendant could demand a jury of co-religionists. For example, members of the Jehovah's Witnesses are opposed to blood transfusions. Parents have denied a life-saving blood transfusion to a child and allowed it to die and for this have been brought to trial. Would they be entitled to demand that the jury be made up of members of the Jehovah Witness sect?

In the case of the trial of Bobby Seale, many months were consumed by the process of selecting a jury. The jury was unable to reach a verdict. When Seale was released, it was reported that two of the jurors were in the enthusiastic crowd that welcomed him.

Judicial Delay

"Justice delayed, is justice denied." This has long been recognized. Nevertheless, delay seems to be inescapable in the judicial process. It is not unusual for years to pass between arrest and trial.

Some of the causes of delay are unavoidable. The number of judges is inadequate for the number of cases. The increase in crime adds to the judicial burden. The courts are clogged. When one particular case consumes an abnormal amount of time, it denies justice to other defendants or to society.

At times the delay appears deliberate. Attorneys ask for a continuance for trivial reasons. A defendant may change his attorney with the deliberate intent to delay trial.

With the passage of time, the memory of the witnesses becomes dim. Witnesses or plaintiffs may die, and the likelihood of justice being rendered diminishes.

It is assumed that a defendant is innocent until proven guilty and convicted. It is considered wrong to keep him in prison before the trial so bail is allowed except in special cases.

If the defendant is considered dangerous to society or likely to flee the jurisdiction of the court, bail may be set at a very high figure to assure that he remains within the jurisdiction of the court. Sometimes this stratagem is unsuccessful. For example, bail for Eldridge Cleaver was set at \$50,000. Eldridge Cleaver fled to Cuba and Algeria and his bail was forfeited. There have been no public complaints from those who provided the bail.

Recently a concern has been voiced because many crimes are committed by individuals who are free on bail awaiting trial. A proposal for preventive detention, when there is reason to believe that a defendant is likely to commit further crimes if he is allowed to go free on bail, has stirred considerable controversy. The dilemma is caused by the conflict between the civil liberties of the individuals and the right of other individuals to be secure in their person and property. A decision must be made whether rights of the suspected criminal or the potential victim take precedence.

Again, the practice in other countries with a tradition of British justice is informative. In England and Australia, there is no automatic right to bail. In general, bail is not granted in capital cases. However, trial is not usually delayed for such a long period and the appeal processes are not so extensive.

Conclusion

The communist formula for the conquest of the U.S.A. is: External encirclement plus internal demoralization leads to progressive surrender.

It is clear that the moral fiber of the American citizens is crucial to the survival of a lawful society. The majority of the citizens must voluntarily obey the law. Coercion can only be successfully applied to a small minority. When a substantial section of the community holds the law in contempt, no police force will be adequate to maintain order and no judicial system will be able to administer justice. There is accumulating evidence that this situation is developing within the United States.

The communists are waiting, watching, and working. When the disintegration reaches an appropriate point, they will strike. The need for a religious revival which will create a climate of morality is urgent. The command of Christ must ring through the land, "Render unto Caesar the things that are Caesar's and unto God the things that are God's."

REBELLION IN THE PHILLIPPINES

The *Peking Review* of April 23, 1971 publishes part of a statement by the Philippine New People's Army on its second anniversary. Extracts from this statement follow:

“The intensification of the revolutionary armed struggle by the New People's Army has frightened U.S. imperialism and the local reactionaries who are now resorting to fascist campaigns of terror in a desperate bid to cover up their grave economic and political crisis. Campaigns of ‘encirclement and suppression’ launched by the reactionary armed forces principally against the New People's Army have been stepped up under the direction of U.S. imperialism and the fascist puppet clique.

“Despite wild enemy assaults, the New People's Army continues to grow beyond expectations. The concentration of enemy forces in Central Luzon since the founding of the New People's Army has not destroyed the revolutionary forces there but has furthermore allowed those elsewhere to grow rapidly, especially in Northern Luzon. Armed and unarmed propaganda teams are indefatigably working in such other regions as Southern Luzon, Visayan and Mindanao to develop guerrilla warfare.

“In the countryside, the New People's Army is advancing steadily, and wave upon wave from designated centers of revolutionary armed struggle. Armed struggle is combined with the programme of agrarian revolution and the building of revolutionary bases.

“On the international scale of Asia, Africa and Latin America, the Philippines can be considered as part of a vast world countryside where the weakest links of U.S. imperialist rule are certainly to be found. In the Philippine countryside, conditions are extremely favorable for the Communist Party of the Philippines and the New People's Army to mobilize the masses and advance courageously.” Page 14.

RED CHINA ATTACKS THE U.S.A.

There has been no change in the attitude of the Chinese Communists towards the United States. This is made crystal clear in an editorial published in the *Peking Review* of May 21, 1971. The *Peking Review* is the official voice of the Chinese Communists and it informs the supporters of the Chinese Communists throughout the world of basic policies. Pretensions of friendliness are designed to deceive the American Government and people but not the communists and their supporters. Extracts from the editorial are as follows:

“On May 20, 1970, the great leader Chairman Mao issued the solemn statement ‘People of the World, Unite and Defeat the U.S. Aggressors and All Their Running Dogs!’ This solemn statement has shaken the world, immensely inspired the people of all countries in their struggle against U.S. imperialism and its running dogs, and exerted a most far-reaching influence on the international situation. This brilliant document of historic significance has become a programme for the anti-imperialist struggle waged by the Chinese people together with the revolutionary people throughout the world.

“Chairman Mao points out in the statement: ‘The danger of a new world war still exists, and the people of all countries must get prepared. But revolution is the main trend in the world today.’ This is a most important scientific thesis set forth by Chairman Mao after summing up the development of the international situation in the twenty-odd postwar years and concisely

summarizing the essential features of the present-day international class struggle.

“Postwar history is one of fierce and repeated struggle waged by the people of all countries against U.S. imperialism and its lackeys; it is one of U.S. imperialism and its followers continuously launching wars of aggression and the people in various countries continuously waging revolutionary wars to defeat the aggressors. In its attempt to dominate the world, U.S. imperialism has committed aggression, intervention, subversion and sabotage everywhere. This has enable the people of various countries to see more and more clearly its aggressive nature and inherent weakness and aroused them to rise in revolutionary struggle against aggression and oppression. With the daily sharpening of the fundamental contradictions of the world and the steady awakening of the people of various countries, the world people’s revolutionary movement is mounting. A new high tide in the struggle against U.S. imperialism is rising vigorously throughout the world.

“U.S. imperialism’s war of aggression in Indochina and its fascist rule over the American people have touched off violent revolutionary storms in the United States. The revolutionary struggle in various forms waged by the broad masses of the workers, Afro-Americans and other national minorities, students, women, soldiers and people of the other strata against the Nixon government’s policies of aggression and war and racial discrimination has become more widespread, frequent and intense. Increasing numbers of people have risen to oppose counter-revolutionary violence with the revolutionary violence. The people of the United States are dealing heavier and heavier blows from within at U.S. imperialism, the world people’s ferocious enemy, and they have become an important vigorous force in the world people’s struggle against U.S. imperialism.

“More and more people in the world have now done away with myths about U.S. imperialism and realized that U.S. imperialism, a huge monster, is not at all terrific. Big and small, strong and weak are relative and may transform themselves into their opposites. U.S. imperialism can be defeated, provided that the people of all countries dare to rise and fight against it, and fight jointly.

“However, the aggressive nature of imperialism will not change. U.S. imperialism will never be reconciled to its defeat. It has not for a moment relaxed its arms expansion and war preparations, nor has it relinquished its aggressive ambitions in the least. To save itself from doom, U.S. imperialism will inevitably counterattack, make desperate struggles and even embark on a hazardous adventure. Lenin, the great revolutionary teacher, said: ‘Modern war is born of imperialism.’ The world will have no peace as long as there is imperialism. The danger of a new world war still exists. We must maintain high vigilance and get prepared at all times. It is dangerous if we see only the raging revolutionary flames but not the enemy who is sharpening his sword, and think that in view of the excellent situation we can lay our head on our pillows and just drop off to sleep.

“Chairman Mao’s great call ‘People of the world, united and defeat the U.S. aggressors and all their running dogs!’ has won enthusiastic response throughout the world. . . The international united front in the world against U.S. imperialism and its running dogs has expanded enormously in the past year.

“The international united front against U.S. imperialism is an important magic weapon

for the world people to defeat U.S. imperialism and all its running dogs. In order to completely defeat U.S. imperialism, the common enemy of the world people, we should further expand and strengthen the international united front against U.S. imperialism, united to the greatest extent with all forces that can be united, mobilize to the fullest all the positive factors favourable to the struggle against U.S. imperialism, and isolate and strike at the chief enemy to the utmost, so as to push to a new high in the struggle of the world people against U.S. imperialism and all its running dogs.

“Following Chairman Mao’s teachings, the Chinese people uphold proletarian internationalism, forever stand on the side of the people of all countries, resolutely oppose U.S. imperialism’s policies of aggression and war and firmly support the people of all countries in their revolutionary struggles. This stand of ours is firm and unshakable. We will further strengthen the military unity with the proletariat and the oppressed people and nations of the world and further unite with all the peace-loving countries and people subjected to U.S. imperialist aggression, control, intervention or bullying in the common struggle to thoroughly defeat the U.S. aggressors and all their running dogs.” *Peking Review*, May 21, 1971, pages 4 and 5.

This is the message the Chinese Communists will proclaim to the world if they are admitted to the United Nations.

CONDITIONS IN NORTH VIETNAM

Everyone in North Vietnam is in prison. Recent evidence for this is that only 13 of 500 North Korean prisoners of war were willing to return home when they had the opportunity. This seems so incredible that many people assume it cannot be true. However, the International Red Cross interviewed 500 North Vietnamese prisoners in South Vietnam and only 13 were willing to return.

It is noteworthy that the North Vietnamese authorities have refused to allow the International Red Cross to interview American prisoners who are in captivity in North Vietnam. No one has the slightest doubt that the overwhelming majority of these prisoners are longing to return to their homes. Their families are praying and working night and day for their return.

If the refusal of the great majority of the North Vietnamese prisoners to return home was an isolated incident, it would be permissible to suspect that this was not their real choice. However, it is typical of the attitude shown by prisoners given the opportunity to return to communist countries. After the Second World War, hundreds of thousands of Russians had to be forced back to the Soviet Union at the point of a gun. Many committed suicide by jumping out of the train en route. After the Korean War the great majority of the Chinese prisoners refused to return to China.

The refusal of the North Vietnamese prisoners to return home speaks more eloquently than any news reporter could concerning the real conditions in Communist North Vietnam.

ANGELA DAVIS, FINANCIAL ANGEL OF THE COMMUNIST PARTY?

The donation of \$10,000 to the Angela Davis Defense Fund by the Commission of Race of the United Presbyterian Church has stirred considerable controversy within that denomination. It raises the questions of how much money is being received allegedly for the defense of Angela Davis and who is handling the money?

Angela Davis is a communist. The communists have always regarded the cause as more important than the individual. One of their classical ways of raising money has been to establish a Front which collects money for the defense of an individual whose plight stirs a measure of public sympathy. Communist activities is considered as contributing to the defense of the individual so there has been great latitude in the use of the funds collected.

The Communist Party is exploiting the case of Angela Davis to the full. Articles reporting rallies supporting Angela Davis, appear in practically every edition of the communist papers. The following two articles are taken from the People's World, June 12, 1971, and give some idea of the international scope of the propaganda campaign:

“1,500 in San Antonio at Free Angela meeting

“San Antonio, Texas—The first mass rally and dance for Angela Davis in the Southwest was a smashing success here May 23 as some 1,500 persons attended.

“David Poindexter, main speaker of the evening, termed the rally and dance the most successful he had yet seen.

“First speaker for the evening, Rev. C. W. Black, Jr., pastor of the Mt Zion First Baptist Church, was followed by Franklin Garcia, international representative of the Amalgamated Meatcutters and Butcher Workmen's Union.

“Seated on the platform were Carlos Richardson, Texas co-ordinator of Student Non-violent Co-ordinating Committee and chairman of the San Antonio Committee to Free Angela Davis; Raul Rodriguez, publisher of Chicano Times, and Rosie Castro, both candidates for City Council; G. J. Sutton and John Inman, black community leaders; John Stanford, Communist party spokesman; Mario Cantu, Chicano businessman; Mrs Manuela Sager, and David Plylar.

“Poindexter dealt with the August 7 shoot-out at the Marin County Courthouse, used as the excuse for Angela Davis' subsequent imprisonment. He said Davis 'didn't know about Jonathan Jackson's attempt; didn't give Jonathan any guns; and had she known, she would have stopped Jonathan. Angela knew that the only defense we have is organizing people.'

“He also outlined the heroism and desperation from which the Jackson's attempt sprang.

“Poindexter said Angela knew he was coming to Texas and had written asking that black, brown, red, white and poor people form a coalition to make this country a better place to live. He said a year ago a rally such as this would have been impossible, but things were different now, following recent demonstrations in Washington.

“Bail Drive

“Poindexter asked everyone to sign bail petitions for Davis, for Ruchell Magee and for all political prisoners. ‘We need one to one and a half million signatures. Calley had 16,000 and he’s free now. Let the world know how you feel about Angela.’

“The Rev. C. W. Black drew a parallel between his situation and that of Nat Turner, ‘a prophet who came on the scene long ago who was not identified with the system. Nat Turner took it upon himself to use the forces at his disposal to overcome the system of slavery. . . I am here because I believe that Angela Davis is innocent and is being persecuted.’

“Sheriff Refusal

“Nearly blocking the rally was the last minute refusal by the county sheriff’s department to permit off-duty deputies to guard the meeting. Since guards were required for the use of the hall, their absence would have stifled the rally.

“It took the appearance of G. J. Sutton at County Commissioners’ Court, demanding police protection, and the intervention of American Civil Liberties Union attorneys with federal and state judges before the city allowed police to be hired for the rally.”

Second Article

“Venezuela youth rally for Angela

“Caracas—Recently formed Comite Juvenil Venezolano por la Libertad de Angela Davis (Venezuelan Youth Committee to Free Angela Davis) has set as its primary task the collection of 100,000 signatures demanding liberty for the U.S. black Communist.

“The organization’s constitution states, ‘In raising the banner to free Angela Davis we express the true sentiments of the majority of Venezuelan youth, who feel in their own flesh the aggressions of North American imperialism through its local puppets, and who are united in the struggle for a new society.’

“The constitution repudiates racial discrimination in the U.S. and repression against those who protest against a ‘rotting social system that lives off war, exploitation and the robbery of other people.’

“The committee, which represents a wide spectrum of the Venezuelan youth movement, called on other youth groups in that country to join in the efforts to free Davis.

“As part of the signature drive, the Venezuelan Young Communist League paper, Joven Guardia, included a center spread poster of Davis with a recommendation that it be posted up and distributed.

“Meanwhile news of the growing Venezuelan movement to free Davis reached the German Democratic Republic last week when Manuel Tabarda, himself a black man and one of the founders of the United Center of Venezuelan Oil Workers told delegates to the recently concluded conference of oil workers held in Leuna, GDR, of his people’s efforts in behalf of the black U.S. political prisoner.

“The people of this South American country hate racism and have great sympathy with and understanding for the struggles of the black Americans in the U.S.,” he said.

“Meanwhile, in San Rafael, the hearing on bail for Angela Davis was put over from Wednesday to Monday June 14. People holding petitions for bail for Angela were asked to turn them in the United Committee to Free Angela Davis.”

COMMUNIST HEROES

The double standard of radicals, such as Herbert Marcuse, is revealed by their attitude to heroes. Herbert Marcuse, in his political preface to “Eros and Civilization” calls for the abolition of all heroes within the United States. On the other hand, his favorites society is Communist China where the role of the hero is encourages in every possible way.

The Chinese Communist attitude to heroism is revealed in an article in the Peking Review, May 21, 1971:

“A hail of bullets, prisons and execution grounds are touchstones showing who are heroes or renegades and who are genuine or sham revolutionaries. Faced with the test of life or death, we Communists and revolutionaries behave entirely different from them. Chairman Mao has taught us: ‘We Chinese Communists, who base all our actions on the highest interests of the broadest masses of the Chinese people and who are fully convinced of the justice of our cause, never balk at any personal sacrifice and are ready at all times to give our lives for the cause.’ (On Coalition Government) Armed with Marxism-Leninism-Mao Tsetung Thought, Communists and revolutionaries regard the great and magnificent cause of communism more important than their own lives. They make sacrifices and risk their lives for the liberation cause of the Chinese and the world’s people. They fight and shed blood on the battlefield and advance wave upon wave. They stand majestically on the execution ground and would rather die than surrender. . . The lofty determination of the proletarian revolutionaries reaches to the sky and shines over all the world. It is impossible for shameless renegades, who will trade principles for their despicable lives, to understand the high aspirations of proletarian fighters.” Pages 7 and 8.