Miscellaneous

51. Wright *v.* Patrolmen's Benevolent Association, *et al.*

Hon. Bruce McM. Wright, a New York City Criminal Court Judge, is also a Black man, who is particularly sensitive to the inhumane and frequently illegal processes of the criminal court system. For five years, he took the Bill of Rights seriously, including the right to reasonable bail and the presumption of innocence. As a result, Judge Wright incurred the wrath of the Patrolmen's Benevolent Association (PBA), the District Attorney's Office, judges, and "law and order" forces generally. Judge Wright was transferred from criminal to civil court, where, presumably, his proclivity toward dispensing justice to poor people "would do less harm."

Together with attorneys from the National Conference of Black Lawyers and the National Lawyers Guild, CCR attorneys designed a federal civil rights action attacking the constitutionality of the transfer, and demanding Judge Wright's return to criminal court. The federal district court upheld, against a motion to dismiss, Judge Wright's claims that the transfer was instigated to punish him for his race, bail decisions and controversial public statements concerning the administration of justice.

After the suit was filed, the Criminal Courts Committee of the Association of the Bar of the City of New York investigated the transfer. The Association filed a report supporting Judge Wright's performance as a criminal court judge and his approach to bail; criticizing his attackers as "unfair and uninformed;" the court administration and the bar for their failure to adequately defend him; and urging that he be immediately returned to the criminal bench. In addition, the Association Report identifies Chief Judge Breitel of the Court of Appeals as having sought the transfer for reasons which he "declined to state publicly." Despite this, efforts to begin discovery of judges and others who have information concerning the transfer are being obstructed by the Association, which is claiming yet another unprecedented "privilege" to prevent our inquiry into the investigation underlying its Report and cover up the real basis for the transfer.

(Rhonda Copelon, William M. Kunstler, William H. Schaap, Morton Stavis, Peter Weiss, with Mark Amsterdam, Stephen Latimer, and Lennox Hinds, Lawrence Cumberbatch and James Carroll of the National Conference of Black Lawyers)

52. United States *v.* Briggs, Application of Beverly and Chambers

Ten persons were charged by a federal grand jury with conspiracy to disrupt the 1972 Republican National Convention in Miami. Seven were indicted and after a month long trial acquitted by the jury of this and all related charges. The remaining three were denominated "unindicted co-conspirators." Two of these, Beverly and Chambers, petitioned the District Court to expunge any reference to them from the conspiracy count on the grounds that their being accused in a public document by a quasi-judicial body of a serious crime, without being afforded the opportunity to contest or in any way challenge that accusation, constituted a violation of due process and grand jury secrecy and exceeded the powers of a federal grand jury. The District Court denied relief; the Court of Appeals for the Fifth Circuit, however, unanimously reversed and remanded the case with directions that all reference to Beverly and Chambers be expunged from the conspiracy indictment. Noting that "the issue for decision appears to be of first impression at the appellate level," the Court of Appeals held that appellants' denomination as unindicted co-conspirators was a violation of due process of law and exceeded the power and authority of the grand jury. The Court observed that the use of this tactic by the prosecution "was not an isolated occurrence in time or context," and cited several other political conspiracy cases where this device had also been employed by the Justice Department. Said the Court: "There is at least strong suspicion that the stigmatization of appellants was part of an overall governmental tactic directed against disfavored persons and groups. Visiting opprobrium on persons by officially charging them with crimes while denying them a forum to vindicate their names, undertaken as extra-judicial punishment or to chill their expressions and associations, is not a governmental interest that we can accept or consider." The government did not appeal the decision of the Court of Appeals, and the latter therefore stands as the definitive opinion on this legal question.

(Jim Reif)

53. State *v.* Robert Rice

Rice is the only member of the "Harlem 6" (originally charged with the murder of a Harlem shopkeeper in 1964), who is still in jail. Although a federal judge held that he had been unfairly convicted, this ruling was eventually reversed by the appellate court. However, four of his co-defendants were released after their third trial, when the jury voted 7-5 for acquittal, and a fifth, who pleaded guilty to a lesser charge, is now on parole. Rice, who runs much of the athletic program at the Greenhaven Correctional Facility, is supported in his pending application to Governor Carey for commutation of sentence, by such persons as Episcopal Bishop Paul Moore, Representative Charles Rangel, Rev. Donald Harrington and the Warden and many correction officers at Greenhaven.

(William M. Kunstler, Lewis Steel, Conrad Lynn)

54. Wallace *v.* Kern (Brooklyn House of Detention)

In July 1972, seven indigent inmates awaiting trial in the Brooklyn House of Detention began a class action suit in Federal District Court which alleged systematic and widespread constitutional deprivations in the Brooklyn Criminal Courts.

After a series of hearings, United States District Court Judge Orrin Judd issued an injunction against the Legal Aid Society for failing to provide adequate counsel because of overburdened caseloads and against the State Supreme Court for refusing to calendar motions submitted by the defendants themselves when their lawyers wouldn't do so.

The Justices and Legal Aid Society appealed the injunction to the United States Court of Appeals, which reversed on jurisdictional grounds and refused to consider plaintiffs' mo-

tion to reconvene the case before the entire court. The U.S. Supreme Court refused to hear the case, deciding not to grant a petition for *certiorari*. Justice Douglas dissented.

Plaintiffs next conducted hearings into allegations that since the State could not provide speedy trials to incarcerated defendants it violated their Sixth Amendment rights. The District Court issued another injunction ordering defendants to be tried within 7½ months after arrest or be paroled pending trial in order to reduce the oppressive legal and psychological effects of pretrial incarceration. The government again appealed, got a stay of execution of the injunction, and the case was reversed by the Court of Appeals for the Second Circuit in July 1974. A motion to reconvene the panel was again denied and a petition for *certiorari* was filed and denied by the Supreme Court.

In July 1974, plaintiffs conducted a thorough trial with respect to how the bail system discriminates against pretrial detainees unable to purchase their freedom, delving into statistical studies, expert testimony and official documentation to establish their case.

In February, 1975, the District Court issued an opinion granting plaintiffs evidentiary bail hearings upon request (to allow information bearing on their roots in the community and other pertinent data to be put before the judge), and a written statement of reasons for the amount of bail set (to facilitate bail review). However, this decision was overturned by the Court of Appeals on jurisdictional grounds. Plaintiffs have filed a petition for *certiorari* to the Supreme Court, which, if it accepts the case for review, will have an opportunity to vindicate the constitutional rights of pretrial detainees.

A portion of the District Court's order, pertaining to the creation of adequate facilities for lawyer-client interviews in the court bull-pens, was not appealed by the government, and plans are underway for the building of such facilities.

(Dan Alterman, Elizabeth Fink, Stever Latimer, law student John Boston, and legal workers Mike McLaughlin, and Merle Ratner)

55. Matter of Jeanne Baum

Jeanne Baum is a Blackfoot Indian woman, who removed her 13-year old daughter, Siba, an honor student, from Selden Junior High School and refuses to allow her to return until the school system does something about racism. She removed her daughter when Siba's English teacher returned a book report on the autobiography of Geronimo, an Apache Chief, with a criticism ending with the words ". . . the Indians got what they deserved."

Ms. Baum has been charged in Suffolk County Family Court with neglect and a trial on that matter was held on January 2, 1976. We are awaiting the Court's decision.
(William M. Kunstler)

56. Drinan, *et al. v.* Ford, *et al.*

Beginning with *Massachusetts v. Laird* in 1971, the Court of Appeals for the First Circuit had demonstrated a greater reluctance than most other courts to dismiss as "political" suits challenging Presidential war-making without Congressional authority.

On January 31, 1975, Center attorneys, representing 21 members of Congress and one active-duty marine, moved, in the District of Massachusetts, for an injunction restraining President Ford and other named members of the Executive Branch from conducting military and paramilitary operations in Cambodia in violation of the Constitution and specific Congressional prohibitions.

On March 25, 1975, Judge Frank Freedman granted the government's motion to dismiss by refusing to draw a line between the aid voted for Cambodia and the military operations complained of. The First Circuit granted an expedited appeal and, during oral argument, indicated some sympathy for the plaintiffs' position and little for the government's.

However, the case was overtaken by events, i.e. the end of the war in Cambodia, and the appeal was dismissed as moot on May 27, 1975.
(Peter Weiss, Rhonda Copelon, Doris Peterson, Robert L. Boehm with Nancy Gertner)

EDUCATION

The Center expends tremendous energy on winning its legal cases, but its efforts do not end once the court battle is over. We know that it is the understanding and the implementation of the rights won which make the victories worthwhile.

Distribution of Materials

To that end, CCR has developed a variety of methods to disseminate that information. The distribution of briefs, motions and memoranda to hundreds of lawyers has undoubtedly benefited countless defendants whose rights were being similarly violated. Although it is not financially feasible to print the dozens of major briefs produced at the Center each year, it has been possible to keep interested people informed of CCR's work through the yearly distribution of the Annual and Docket Reports. This results in a great many requests for legal papers with which we comply as rapidly as possible. In addition, the Center sends out a "docket update" each year, which serves to fill people in on the latest developments in some of the major cases. In this way, attorneys and other interested persons throughout the country are kept informed of new legal techniques and novel uses of established law as they are developed by the CCR.

Expanding the Program

This year, the Center has both expanded its general educational program and instituted a special one just for attorneys, to supplement the above-mentioned materials. For its general audience, CCR will provide articles written in laypersons' language on various aspects of the legal system.

The "lawyer program" provides more technical details, which CCR feels will be of particular interest to people practicing law. The first, former CCR staff attorney Mark Amsterdam's law review article, "The One-Sided Sword: Selective Prosecution in Federal Courts," was sent to 1,000 attorneys, law libraries, law students and legal workers, who in turn requested CCR to send copies to their colleagues. In this way, the Center has been able to make available valuable legal information to an increasing number of members of the legal community. Other mailings will include bibliographies of CCR case materials, law review articles, and other literature written by Center staff persons.

Freedom of Information Act

In the spring of 1975, CCR prepared a sample letter to the CIA, and suggested to contributors that they take advantage of the Freedom of Information Act, and write to the CIA, FBI and other government agencies requesting any personal files these agencies might have. The Center asked to be advised of the results, and has received some 300 responses to date. Since responses continue to arrive each week, it is expected that it may take several months to complete the investigation and analyze the results.

Public Forums

A crucial part of the Center's educational program is making its staff available for speaking engagements at law schools, lawyers' organizations, community groups, public meetings and radio and television programs. In the past year, Center staff members have traveled to more than twenty states to fulfill more than 150 speaking engagements, on such topics as prisoners' rights, women's rights, electronic surveillance and grand jury abuse, to name a few. Recently, CCR attorneys were panelists in a three-day "Women in the Law" conference in Philadelphia, attended by over 2,000 women attorneys, law students and legal workers.

Recognizing the necessity to keep abreast of parallel legal situations in other countries, CCR sent legal observers to political trials in Germany, Chile, and the Dominican Republic. Upon return, the observers gave public lectures on their experiences abroad. In addition to staff travel, CCR received courtesy visits from several attorneys from other countries. These included Ismail Mahomed, the only non-white ever named Senior Barrister in South Africa; and Ambassador Nguyen Van Luu, of the Republic of South Vietnam, who is also an attorney. Through such visits, CCR staff has been able to learn more about foreign legal systems, and to describe its own work in this country.

Teaching

In the past year, two Center staff attorneys taught law school courses on "Women and the Law," and a third attorney resumed teaching her course this spring. CCR attorneys also run "training sessions" in their areas of specialization, such as wiretap law, grand jury abuse, and jury composition and selection, at the request of the National Lawyers Guild and the National Jury Project (See below).

The CCR also shares its legal experience with others through a column in the National Lawyers Guild newspaper, which reaches lawyers, law students, legal workers and prisoners.

As a result of our work in the *Mandel* case (See Docket #4), CCR is planning a series of seminars to train women lawyers to represent rape victims. These seminars not only will include a review of new developments in rape law, but discussion of courtroom strategy and exploration of new approaches. In addition, CCR will seek the participation of rape victims who have been through the trial experience; members of the sex crimes squad; and women from various women's organizations which have been doing support work for rape victims.

Finally, Center lawyers are called upon on a daily basis to act as consultants to other lawyers and paraprofessionals on cases containing issues in which the Center has acquired expertise.

National Jury Project

Founded early in 1975, the National Jury Project is cosponsored by CCR, the National Lawyers Guild, the National Conference of Black Lawyers, the Civil Liberties Defense Fund and the National Emergency Civil Liberties Committee. The NJP was formed to aid elimination of discrimination in the jury system through jury composition challenges,

analysis of jurors' attitudes, and legal and educational campaigns to preserve the unanimous jury verdict. CCR staffpersons have been actively involved with the NJP since its inception, serving both on its Executive Board and the Steering Committee. Rhonda Copelon worked on the jury composition challenge in the case of *State v. Joan Little* (see Docket #14) and Greg Finger worked on the jury selection project for the case of *United States v. Pat Swinton*. In both cases, the result was complete acquittal. National Jury Project staff work closely with CCR on a number of cases including: *U.S. v. Delfin Ramos* (see Docket #12), in which they are helping to coordinate a study to expose the exclusion of non-English speaking people from juries in Puerto Rico; and *State v. Spencer*, (see Docket #13), in which they are planning a study to determine racial prejudice among grand and petit jurors in Queens, New York.

National Study Committee on Indochina
(formerly Recriminations Committee)

Shortly after the end of the fighting in South Vietnam, and following the installation of the Provisional Revolutionary Government in Saigon, President Ford announced that there should be "no recriminations." A large segment of the community—particularly the people most active in the anti-war movement over the past decade—found this statement not only incredible, but dangerous. They felt that if the government's plan to get the people to forget about Vietnam were successful, some of the most costly lessons of history could be lost. There should be recriminations. The American people *must* remember Vietnam, as the German people must remember Auschwitz, and the Japanese people remember Hiroshima.

Under the auspices of CCR, a large group of anti-war activists and scholars is attempting to compile information about both the war, and the war crimes of many of our "leaders" as well as plan some form of monument to the Vietnam war. CCR has provided legal and logistical support for plans to create a Vietnam people's archives and museum, to preserve the history of the war; and CCR attorneys have participated in plans to continue the investigations of scholars into the real decision-making processes during the war—through Freedom of Information Act lawsuits—and to aid the scholars in the preparation of informative indictments of government figures, using many of the principles of Nuremberg.

Pre-Trial Detainees' Manual

As a result of the overwhelming response to *Wallace v. Kern* from both attorneys and pretrial detainees all over the country, members of the Brooklyn House of Detention Project determined that there was a great need for some kind of repository for information pertaining to pre-trial detention, and the Legal Manual for Pre-trial Detainees was born.

This Manual will include chapters on the rights of detainees and "how to" information to assist them in filing their own civil rights actions, as well as doing work on their own cases. A broad based editorial board of people with knowledge of the various areas to be covered has been formed, and an editor has been hired. The Manual will have both English and Spanish editions, and should be completed this fall.

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International Affairs

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