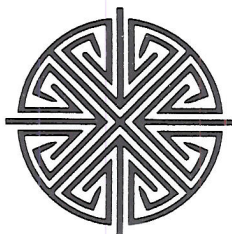


REC'D JUL 74



# CENTER FOR CONSTITUTIONAL RIGHTS

U  
P  
D  
A  
T  
E

VOLUME 1, NUMBER 1

## A NOTE TO CCR SUPPORTERS

In an effort to increase communications with CCR supporters and to inform them of new developments that occur between issuance of our Annual Report in the first quarter of the year and our Docket Report in the last quarter, we have created this CCR UPDATE. Each spring you will receive the CCR UPDATE which will contain discussions of new developments in existing cases, decisions to take on new cases and other current information on the state and the work of the CCR.

As you've probably already noticed, there is a business reply envelope enclosed in this mailing. Its enclosure heightens for us the sense of appreciation we have for your past support, and the anxiety we feel at having to ask again for your financial help in a time of growing economic dislocation.

Perhaps what is most galling about our current situation is that the same people, the corporate/government elite, who ride roughshod over the democratic rights of the American citizenry, as well as the citizens of other nations, are the ones who most benefit from the economic dislocation. Indeed, the gradual but steady erosion of constitutional protections in the legal sphere makes it that much easier for those institutions to solidify their domination in the economic sphere.

We believe that the law must be a people's tool—that it must not only protect people from the depredations of both government and corporations, but it must provide a means through which people can make these institutions liable for their acts. This is our reason for existing. We are accountable to no one except the people—to you. We urgently ask for your continued support. Please send as much as you can, today.

.....

## **BANKS V. HOLDER— (RIGHT TO COUNSEL)**

At the time of the CCR's 1973 Report, the United States Supreme Court had accepted the government's appeal of the 7th Circuit order requiring Federal Judge Cale J. Holder to permit CCR lawyer William Kunstler to represent Arthur Banks. (Judge Holder had refused Bank's request to have Kunstler represent him because of the latter's outspoken political views.)

On April 24, 1974, the Supreme Court heard oral argument in this case, which

involved no less than the right of a defendant to have counsel of his choice, unfettered by whatever the judge's opinion of that lawyer's political views might be, and the right of a lawyer to defend a client free of any restrictions with respect to the public discussion of the issues in the case.

On May 28, 1974, the Supreme Court took the unusual step of withdrawing its original agreement to consider the appeal, declaring that *certiorari* (permission to appeal) had been improvidently granted. In so doing, it left the favorable opinion of

853 BROADWAY 14TH FLOOR NEW YORK N.Y. 10003 212 674 3303

CONTRIBUTIONS TO CCR ARE TAX DEDUCTIBLE

CABLE: CENTERITES. NEW YORK

the 7th Circuit Court of Appeals undisturbed.

In the meantime, government efforts to have Arthur Banks' bail revoked have failed, and his trial, with William Kunstler as his counsel, is set for July 15, 1974.

Morton Stavis, who argued this case before the Supreme Court, summed up its import when he said,

"The Court evidently realized that the issues which it thought were in the case, were, in fact, not there. The case had been presented by the lower federal court judge as one involving a misbehaving lawyer. On the contrary, the record demonstrated that it was the misbehaving judge who had arrogantly misused his power to deny a fundamental constitutional guarantee, the right to have the lawyer of one's choice."

**BRIGGS, ET AL. V. GOODWIN, ET AL.  
(PROSECUTORIAL MISCONDUCT)**

Guy Goodwin, notorious as the man who traveled the country running political grand juries such as those that indicted the Harrisburg 8, the Camden 28, and the Gainesville 8, has been named as the chief defendant in a suit being brought by CCR attorneys.

The suit, brought on behalf of the Gainesville 8, charges Goodwin with having committed perjury by swearing under oath that there were no FBI agents or informers in the defense camp, when, in fact, he knew the opposite to be true. This perjury, CCR lawyers contend, was committed with the express purpose of insuring a steady flow of "inside" information as to the defense strategy right up to the time of trial.

The veterans, who were found innocent of all charges in August, 1973, are asking for a total of \$1,500,000 in compensatory and punitive damages, for complete reimbursement for the cost of their legal

defense, and for the appointment of a special prosecutor to secure indictments against Goodwin and the other defendants named in the suit for any violations of law they committed in connection with the prosecution of the Gainesville 8.

In bringing this case, the CCR hopes to establish the principle that the mere acquittal of defendants who are being prosecuted in bad faith and for solely political reasons is not adequate, and that the prosecutors themselves must be held legally accountable for violating their constitutional rights.

**AIKENS, ET AL. V. ABEL, ET AL.  
(A.K.A. THE "STEEL CASE")**

The history of the American labor movement has been a history of struggle, not only for the right to organize but also for the right to strike. For working men and women, the retention of the right to strike is not an abstract concept, but a concrete necessity that provides the only existing means through which to negotiate with powerful and predatory corporate employers from a position of some strength.

In March, 1973, the hierarchy of the United Steelworkers of America (USWA) reached an agreement with the "Big Ten" steel companies euphemistically referred to as the Experimental Negotiating Agreement (ENA). A more accurate name would be the No-Strike Agreement. In simplest terms, this agreement took the unprecedented step of surrendering the right to strike, **in advance of the conclusion of a new three-year [1974-77] contract**, thereby depriving the rank and file of the only bargaining leverage they've ever had in negotiations with the companies—the right to put their hands in their pockets and walk off the job.

CCR founder and volunteer attorney Arthur Kinoy and CCR cooperating attorney David Scribner, in conjunction

with other lawyers, filed suit in Federal District Court in Pittsburgh seeking to have the ENA declared illegal and enjoined.

The federal complaint, brought on behalf of rank and file steelworkers, accused the Union leadership of violating Union policy (which had always held the preservation of the right to strike to be fundamental) and principles of Union democracy by giving away this right in a series of top secret negotiations that were held without the knowledge, much less consent, of the rank and file or even the International Executive Board of the USWA.

The complaint also charged that the USWA leadership and the companies violated the statutory obligation of the Union to represent the membership fairly, with due regard for the interests and wishes of that membership, and to act in accordance with the procedures of the USWA Constitution.

The complaint was dismissed in the District Court in April, 1974, and shortly thereafter the Union leadership and the "Big Ten" steel companies agreed to extend the "experiment" of the no-strike agreement to cover negotiations for the 1977-80 contract.

CCR lawyers are now working with the rank and file of the USWA on new legal approaches to recovering not only the right to strike, but the right to a democratically operated union.

#### **INTERNATIONAL JUSTICE**

Martin Luther King Jr. said, "Injustice anywhere is a threat to justice everywhere." At this moment the Chilean people are going through the agony and torment of life under a right-wing military junta. The threat to the international sense of justice and decency is dramatically symbolized by a series of "show trials" of former members of the Allende govern-

ment and armed forces being orchestrated and conducted by that junta.

In the face of a storm of protest by peoples throughout the world, the United States government has not uttered one word of condemnation or moral outrage. Such silence can only be viewed as an indication of our government's approval and even support for the arrogantly gross charade that these trials constitute, and a reaffirmation of its role as the supporter of dictatorships throughout the world. The notion that our government can so blithely accept the dissolution of every universally held concept of justice and due process as they apply to Chile, suggests that it would do likewise if the opportunity presented itself at home.

The CCR is responding to the moral bankruptcy of the United States government and the aggressively fascist character of the Chilean government by sponsoring independent U.S. observers at the "show trials" taking place in Santiago. Thus far, the CCR has sent former Attorney General Ramsey Clark, Judge William Booth (former Human Rights Commissioner for the City of New York) and attorney and N.Y.U. law professor Oliver Rosengart to Chile to provide both international presence and moral witness at these trials.

As each observer returns to this country, more and more information will become available with which to educate the American public about the legal/political conditions in Chile and to alert us to the responsibility our own government bears in this situation.

#### **NEW LITIGATION**

Millions of Americans spent the better part of the late 1960's and early 1970's fighting for an end to U.S. military presence in Indochina. Our troops are officially gone now, and our country's involvement is supposedly at an end.

But to believe that the war is not still going on and that the U.S. government is not conducting it is to believe a cruel and murderous hoax. For, in fact, hundreds of millions of dollars are being spent to sponsor covert military activities against the people of Indochina and to support the most notorious prison system in the world in Saigon.

CCR attorneys are actively exploring the possibilities of litigating the continuing illegal expenditure of funds in one of the most discredited enterprises in human history. At a time when this Administration is lopping millions of dollars off

programs to ease the burdens of poor people in America, the expenditure of these millions to further decimate the people of Indochina adds tragic irony to the seemingly endless horror.

The CCR's resolve to contribute to the termination of the horror and to the termination of the U.S.'s posture as an international law breaker, did not end with the Paris "Peace" Agreement. On the contrary, it is only heightened by the continuing destruction for which this government must be held legally accountable.