

COPS ATTACK ANTI-WAR GIs

Police smash in door, bust peaceful meeting

MARK LANE

The San Diego Police Department, after conspiring with the Shore Patrol (Naval Police) smashed down the door of a San Diego store front on J Street Sunday evening to break up a peaceful meeting of Marines, Sailors and civilians.

The illegal and violent action followed several hours of terror on the streets in the vicinity by the local and military police during which civilians were threatened and detained by the cops and GIs were taken into custody, physically pushed around and finally arrested on non-existent charges. Among the witnesses and victims were Barbara Dane, Donald Duncan, and Irwin Silber of *The Guardian*. I was there too.

The night before, Barbara, who is to the growing GI anti-war movement what Mort Sahl is to the JFK assassination investigation (that is, almost the only consistent voice) sang and rapped with the Marines in a garage in Vista, California, not far from the Pendleton base.

Both the Saturday and Sunday evening meetings were organized by the newly formed Movement for a Democratic Military (MDM). Don Duncan joined us Sunday afternoon in Vista and we, together with the civilian organizers there, named the Green Machine Project, and a number of Marines, drove down to San Diego for a joint meeting with the naval chapter of the MDM.

The meeting in a store in downtown San Diego called The Waiting Room began with a sailor reporting on police harassment of the project. He said that in just over one month, 23 members of MDM had been arrested on charges ranging from a non-regulation haircut to illegal assembly. The latter bust occurred as the members quietly filed out of a meeting. Others had been arrested for distributing their newspaper, *Duck Power*. The official charge — blocking public sidewalks. The Waiting Room opened on December 28, 1969. In the next five weeks virtually every GI member had been arrested at least once and the civilian organizers detained by the police three times. Since the charges were fraudulent even the military concept of justice could hardly result in successful prosecution. Seventeen charges were later dismissed; five are still pending. One, distributing the newspaper, resulted in a verbal reprimand. The sailor reported that on January 15 police broke into the Waiting Room and rifled the files. The next day a San Diego based FBI agent called a member to offer him \$25 a head for every deserter he turned in.

As the report went on, I glanced out of a window and saw two Shore Patrol (SP) cops who were making a complete check of the cars parked in front of the Waiting Room. Each had a flashlight, a large clipboard, a pistol. They

wrote down license numbers and peered into the cars, flashing the lights through the windows.

I grabbed my Uher tape recorder, put it on, asked a photographer friend, Carolyn Mugar, to accompany me. We walked up to them. "Why are you writing down my license plate number?" I asked. They looked at the recorder and froze into silence. Carolyn photographed them.

They turned away and half ran down the block. One whipped out a walkie-talkie. Within seconds two gray SP vans arrived. One cut me off. An SP jumped out and demanded to know if I was in the military. If so, I was subject to immediate arrest. I told him that I was in the Army when we were fighting against fascism, not for it. He dashed back to his radio and within 30 seconds two San Diego Police cars arrived. A cop demanded my identification. "What's the charge, officer?" He looked up and said, "Well, er, using a tape recorder on the street." Three minutes later his supervisor arrived and told him to drop the charge. The cops split and the street was empty again.

Fifteen minutes later the street was crawling with police and SP vehicles and personnel. One Marine, due to be discharged the next day, after three years in the Corps and 18 months in Viet Nam, decided to go out for a cup of coffee. He was grabbed by a police officer, then surrounded by three patrol cars and six cops. He was searched and made to stand with his palms against a squad car. I asked the officer what was going on, after explaining that I was the Marine's lawyer. The cop, Patrolman Berg, said that I was going to be arrested also. "Really. What's the charge?" He replied, "We'll think of one, you son of a bitch."

When the supervisor arrived, charges against the Marine and me were abandoned. Once we were both freed I called the Police Department to complain. Captain Allen, in charge of patrolmen, seemed sympathetic enough at the start. Later I was to realize that my call would have been equivalent to Custer calling for more Indians. At the moment, however, the police street excesses appeared to result less from a high level agreement and more from individual cop stupidity.

A little later two Marines and a civilian organizer from the Green Machine Project walked into enemy territory out on J and toward Fifth Street. Two SP's ordered them to stop. Two other SP's came up, one a six foot seven giant who kept mumbling to himself while he nervously played with his club. The two Marines were searched, roughly thrown into the SP van. When I asked what the charges were, the SP called the police. I was again detained. This time I broke away and called Capt.

Page 22

Police attack peaceful meeting

(from page 1)

Allen. He said he was sending Lt. Sturm (phonetic) at once.

The lieutenant arrived and said that I could be released. By that time an army of cops and SP had gathered outside the Waiting Room. Sturm shouted through the door, "Open up or we'll break the door down." I was out on the street surrounded by the local military police. Three civilians stood in front of the door, reluctant to leave the way open for the cops. Carolyn just kept shooting away with her two Nikons.

I had been traveling around the country, and through Canada, Sweden and Germany for research for a film and book on what is potentially the major story of the day — the resistance to the military by draft age Americans. We had filmed a Barbara Dane concert and rally the week-end before at the Oleo Strut, a coffee house in Killen, Texas, just outside of Fort Hood. The only serious problem the organizers had there was when the KKK fired upon their car caravan.

We had filmed the early part of the meeting at the Waiting Room, and the camera had been packed away. Now, with the cops threatening to break down the door, I gestured frantically through the window for the cameraman to unpack the camera and set up before the door was smashed. I turned to the lieutenant, "Do you have a search warrant?" He snapped back, "We don't need one."

"Why not?"

"We have probable cause of a crime being committed in there."

"What crime? By who?"

The cop turned to the SP and asked what crime they were investigating. The SP said, "They have a sailor in there who is UA (unauthorized absence)." The lieutenant turned back to me and said, "If you don't get them to open the door we're going to break it down."

"What's the name of the suspect?"

I asked. The lieutenant turned to the SP and said, "What's his name?" The SP said he didn't have any name. "We'll know him when we see him," he explained.

I told the lieutenant that there was no reasonable cause for breaking the door down since there was no reasonable basis to presume that a crime was being committed. "A face is not UA. If the man is wanted for UA his name is known." At that point the SP, the lieutenant and I all knew that the door

man dragged out of the meeting room and thrown into a waiting van. We also knew, all of us, that no one in there was wanted for UA or any other crime.

As the cops prepared to smash the door down we heard the strong voice of Barbara Dane begin to sing:

I'm going to prison
For what I believe
I'm going to prison
So I can be free

And then the Marines and their supporters sang with her —

I've something to die for
What more can they do
I've something to live for
And how about you.

By now the cameraman was set. Flood lights lit the interior of the Waiting Room, all focused on the inside of the door. The lieutenant gave the order. Cops dragged the civilians away from the door. Two cops charged forward and kicked and pushed at the two doors. One door gave; it was torn off its hinges. The cops stepped aside and the SP charged in. One of them grabbed a young man. In order to avoid a serious mistake the SP asked the man, "Are you in the military?" When he replied in the affirmative he was dragged out and thrown into the van. The question had to be asked. If a civilian was charged with UA the SP would have been embarrassed. Yet, the question revealed more clearly than before that there had been no suspect, that the false charge of UA was the agreed upon pretext to break up the meeting.

The SP retreated with their prisoner and the streets appeared to be empty again. I took a short walk and saw that the area was still well staked out by police and SP, some on foot, some in vehicles, and all out of direct view from the Waiting Room. They were waiting for the GIs to leave. The GIs in the Waiting Room were hostages. It was apparent that as soon as they stepped out onto the street they too would be arrested, searched, pushed around and thrown into the vans. A photographer for the *Street Journal*, an underground San Diego newspaper, arrived on the scene.

One of the men in the SP van heard the radio bark, "Try to get close enough to grab the cameras and destroy them." The *Street Journal* photographer took a picture of the tall, nervous SP. The two SP men moved in on

ceful G.I. anti-war meeting

him, ripped it out of his hands and off of the chain around his neck that was attached to it. He held it high in the air and then threw it on the ground. It broke into several pieces. The SP then picked up the largest remaining piece and hurled it onto the street again. Then, he turned to the startled photographer and said, "Sorry about that." A number of people, including Carolyn, who photographed the episode, saw the crime committed. The police were on the scene in large numbers again.

Several officers had to have witnessed the crime. The photographer tried to file a complaint with Lt. Sturm. The lieutenant laughed. I suggested that he arrest the SP and entertain the complaint. He laughed again. Then the lieutenant led a police charge into the Waiting Room. The door, still unhinged and precariously leaning against the frame provided no real obstacle this time. When we told the cops to leave, the lieutenant answered, "We want to see everyone's identification." I asked why and he replied, "These people are all possible witnesses to a crime." I told him that no one who was in the Waiting Room could have witnessed the crime which took place on the street and several doors away. I also told him that we could provide the witnesses for him right then and I urged him to make an arrest before the SP disappeared. He grinned. I called Captain Allen who assured me that the lieutenant knew what he was doing. The SP who committed the crime walked through the street, brushing past police officers and left the scene. Meanwhile, methodically, the cops demanded the names and addresses of everyone in the Waiting Room, civilian and GI, drew up a brief description of each, height, weight, color of eyes, while others copied information from the bulletin board and calendar of events.

I stood there at one end of the room and said to Don Duncan, "Do you have the feeling that this is not happening? That it's a film? And it's about some other country?" Don replied, "Yes. The name of the film is Z."

After the police left a number of Marines walked into a VW microbus in order to return to Pendleton. The Shore Patrol moved in, surrounded the bus and ordered the men out. They were searched and thrown into a small gray van built to hold four

almost two hours. No doubt every GI would have been arrested as he left the meeting room except for the clever action taken by those remaining. Since the maneuver may bear repeating it is better not to detail it at this time.

Those arrested were denied the right to make a telephone call, were not informed of their rights, and not even told of the charges against them. Finally, they were driven to the SP station in San Diego and jailed there, then driven to the Marine Corps Recruiting Depot in San Diego and jailed there, then taken by bus to the jail outside of the Provost Marshall's office at Camp Pendleton and placed in an outdoor cage, there during the cold rain. Some of the men were released late Monday afternoon. They had been falsely arrested the night before. Most had not been given breakfast or lunch. They had not been permitted to sleep.

What evidently upset the Navy and Marine brass initially was the march of almost one thousand GI's on Dec. 14. They had carried posters which cried, "Bring Our Brothers Home; Keep Us Here" and "End Racism Through Solidarity." This, followed by serious organizing efforts at San Diego and near Pendleton threatened the totalitarian hold of the military over the men it commands. The newspapers published by the sailors at San Diego, *Duck Power*, and the Marines at Pendleton, *Attitude Check*, are starting to catch on, and they represent just two of the more than fifty underground papers published by anti-war and military GI's. They began to remind the lifers that the people, not lifers, built the American military during World War II to fight Hitler and his cohorts. And the people who put the military together man by man can take it apart man by man as well.

The spirit of the busted GI's is high. They sang in the van; they chanted in

the cells; and they whistled the Marine Corps hymn on occasion. The ACLU has already arranged for a public meeting in San Diego on February 24. I hope to show motion picture films of the raid at that time. A lawyer is now prepared to bring an action against the police and Shore Patrol in the Federal court to seek injunctive relief. But the costs will be heavy. Funds can be sent to the MDM Defense Fund in care of Support Our Soldiers, 3846 Ingraham Street, Los Angeles 90005.

I've been jailed in Jackson, Mississippi; I traveled through Spain; I was clubbed and gassed in Chicago and threatened with death in Dallas. But, for coldly calculated police state destruction of basic rights, I have never seen the equal of San Diego. Optimists or liberals may view Sunday night as an isolated instance, just as Nixon views the My Lai massacre. Realists are compelled to recognize that My Lai occurs each week and has for years, and Sunday evening in San Diego is part of the same repression at home that has resulted in the murder of Black Panther leaders as well as the assassination of enlightened moderates.

The recently released Seattle story offers further proof that the conspirators are not in Chicago but in Washington.

Mark Lane is on the West Coast now. He is anxious to interview servicemen or veterans who have witnessed atrocities in Viet Nam. He can be reached through the Free Press at 937-1970.

Here's how the United States government deals with dissent: These photographs were taken just as the police and shore patrol were smashing in the door of the building where a peaceful meeting of anti-war G.I.s and sailors was taking place, in San Diego



Ironically, the Fourth Amendment to the United States Constitution (which prohibits exactly the kind of action the cops are shown performing) is taped to the door which is being kicked in, illustrating obvious contempt for the highest law of the land. The door was ripped off its hinges, and most of the G.I.'s present were arrested. Some escaped.

(photos by Carolyn Mugar)

