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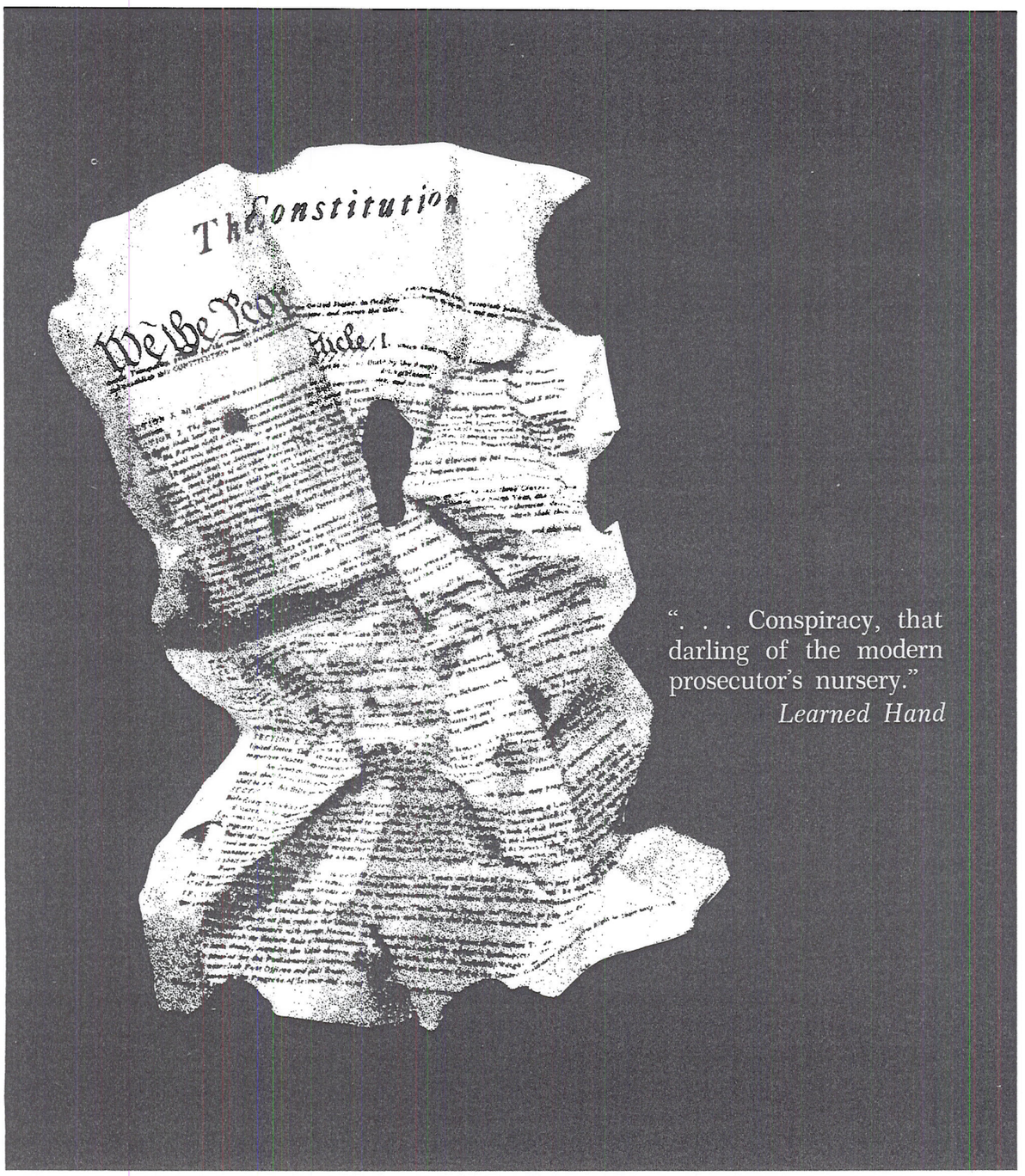
Center for Constitutional Rights

REPORT 1974-1975



". . . Conspiracy, that darling of the modern prosecutor's nursery."

Learned Hand

1974 CCR ANNUAL REPORT

Dedication: This report is dedicated to Morton Stavis, whose vision, wisdom and energy have time and again propelled him into the leadership of the people's struggles.

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INTRODUCTION

The history of the past year is a chronicle of dramatic events the magnitude and impact of which will not be fully realized for years to come. The ignominious resignation of Richard Nixon, the deterioration of the economy, the resounding victories of the Vietnamese and Cambodian peoples have all shaken fundamental assumptions and shattered naive beliefs that have been carefully cultivated by our government/corporate leaders and too long accepted by the American citizenry.

It would take a volume to adequately describe the role and enumerate the contributions of the CCR in the legal/political struggles that surrounded these and other historic events. That the CCR's role and contributions are as significant as they are is a function both of the uniqueness of American legal tradition and the CCR as an organization.

It has always been necessary, in the United States, for the government to disguise even its most repressive activities and intentions in a cloak of legality. The President of the United States, unlike the Queen of Hearts, cannot simply declare "off with their heads." He must first find a "legal" reason for the decapitation. The illusion of lawfulness, so necessary for preserving the myth of democracy, has been at the center of the strategy and tactics of repression throughout this nation's history. From the Alien and Sedition Act to the Gulf of Tonkin Resolution, from the Palmer Raids to the Mass Mayday arrests, the government has strenuously attempted to vest its outrageous undertakings with this cloak of legality.

It is in this context that the CCR has, since its founding in 1966, played a central role in advancing the goals of progressive organizations and individuals while protecting them as they engage in their struggles. Because it has been the "law" that has been used as a tool of repression, it can be the law that is used as an instrument of resistance. Because it has been the "law" that has so often given legitimacy to governmental abuse, it can be the law that is used to strip away the facade of legitimacy where it exists and deprive it where it is sought. And, because it has frequently been the "law" that has stood as an obstacle to change, it can be the law that is employed as an agent of social progress.

Thus, the CCR's role in history is as a legal instrument of the people; people who are challenging the inequities and injustices of our society, or who are under attack by the dominant forces of that society. We are activists in a struggle for justice and against illusory democracy. We recognize that this struggle arises in countless ways, from criminal defense to labor litigation to affirmative suits for women's rights. But, no matter what the issue may be, when the law is used as a weapon and the courtroom as a battlefield, the CCR is committed to insuring that the people never enter the fray unarmed.

INTERNATIONAL AFFAIRS

The war is over. It was settled, ultimately, by the military defeat of the Thieu and Lon Nol regimes in Vietnam and Cambodia. The U.S. involvement in Indochina over the years was, among other things, perhaps the most grossly illegal military adventure in the history of this nation. From the original commitment of troops pursuant to the fraud of the Gulf of Tonkin incident to the continuing U.S. military aid in violation of countless Congressional prohibitions, the CCR fought tirelessly to convince the judiciary that it had the legal right and responsibility to declare the war unconstitutional.

Our final attempt, in the winter of 1975, was a lawsuit brought on behalf of twenty-one United States Congresspeople and one serviceman (*Drinan, et al v. Ford, et al.*) seeking to enjoin the military and logistical support for the Lon Nol regime in Cambodia. On March 26, 1975, less than a month before the war in Cambodia ended, the Federal District Court in Boston dismissed our complaint. Though the dismissal represented the last in a long series of dismal instances of judicial cowardice with respect to anti-war litigation, the lawsuit did, like those before it, educate many Americans not only as to the criminality of the war, but also as to judicial complicity in the crime.

As if to symbolize the criminality of the Vietnam War, one of the final acts of the U.S. government was the mass uprooting of Vietnamese children allegedly considered orphans by American officials. Dubbed the "Babylift" by the authorities, it constituted nothing more than a final, cynical attempt by the Administration to put public relations pressure on the Congress in order to win eleventh hour military aid for the Thieu regime.

CCR lawyers were urgently contacted by anti-war forces in California, where the children were being held pending adoption, to see if the "Babylift" and adoptions of children could be stopped. It was explained that many of the children had living parents in Vietnam, that the extended family culture of the Vietnamese did not even recognize the Western concept of being an orphan, and that no attempt whatever had been

made to locate the families or friends of the children who would be willing to care for them.

CCR attorneys moved quickly, filing a class action suit (*Nguyen Da Yen, et al v. Kissinger, et al*) on behalf of the children seeking to reunite them with their immediate or extended families and to prevent the finalization of any adoptions. The new government of South Vietnam, via telegram, has indicated its desire for the return of the children and its commitment to assist in reuniting them with their families. At this writing, the Federal District Court in San Francisco, the plaintiffs and the defendants are attempting to conclude a consent decree which would substantially provide the relief requested.

The destruction of nations is not a new phenomenon in U.S. history, as the Native American people know well. The CCR has taken up the question of treaty rights in the case of *State of New York v. Danny White, et al.*

In May, 1974, a group of Mohawk Indians established a settlement (Ganienkeh, or Land of the Flint) in upstate New York on land that belonged to them under the Treaty of 1784 between the United States and the Six Nations Confederacy, of which the Mohawks are one. New York had recently purchased the land to be part of a State park.

In October, 1974, the State filed an action in federal district court to resolve the question of the conflicting claims to ownership of the land. In the papers the State recognized that the Treaty of 1784 gave the land to the Six Nations, but claimed that a subsequent treaty concluded in 1797 provided for the relinquishment of the land by the Mohawks. The Mohawks vigorously contest the validity of the latter treaty, as well as the right of one nation to settle a land dispute with another nation in the domestic courts of one of the disputing parties.

On October 28, two whites were injured by gunfire returned from the Mohawk camp after the campsite was fired upon. State police have since demanded to question witnesses and alleged participants in the shootings. The residents of Ganienkeh have taken the position that the proper way of resolving the matter is under the Canandagua Treaty of 1794 which establishes the procedures to be followed when an Indian is injured by a non-Indian or vice versa.

The Grand Council of the Six Nations has, in addition, sent a formal complaint to the President of the United States regarding violence directed at the residents of Ganienkeh by citizens of the United States, asking that the U.S. government take steps to stop it. It has also asked the United States to take action to terminate the federal lawsuit regarding the land dispute based on the fact that a suit is against the Six Nations which, as a sovereign nation, is immune from suit, and that their nation does not consent to be sued, and finally, that a land dispute between nations must be settled in an international forum or through diplomatic negotiations.* The CCR will, of course, continue its representation of the Mohawk Nation as this struggle continues to unfold.

Since the last Annual Report, the CCR has been asked to provide legal observers in both Chile and West Germany. In response, we have underwritten the trips of five attorneys to Chile to observe the trials of political prisoners formerly associated with the Allende government. These attorneys have witnessed first hand the total mockery by the fascist junta of every universally accepted notion of due process. They have returned to the United States where they have lectured and written extensively about the abuse of human rights in Chile.

In addition, CCR founder William Kunstler travelled to West Germany to speak out against the attempts of the West German authorities to prevent the effective assistance of counsel from being rendered to radical German defendants. Upon his return, Kunstler reported on the systematic attacks being aimed at the progressive German bar by the government in its attempt to drive a wedge between politically controversial clients and the lawyers of their choice.

CRIMINAL CASES

The murder trials of Attica inmates (*State v. John Hill* and *State v. Charles Pernasilice*) are over. From the outset, this lengthy trial was permeated with prosecutorial misconduct and unequal treatment which resulted in the first degree murder conviction of Hill and the attempted assault in the second degree conviction of Pernasilice.

From the moment that a Wyoming County Grand Jury (the members of which had a variety of relationships with the prison and its staff) returned multiple indictments against scores of inmates, but not one indictment against any guard or prison official, it was clear that the State

*In March, 1975, the Federal Court dismissed the suit, holding that the New York State courts were the proper forum for the action. This decision is, clearly, unacceptable to the people of Ganienkeh (and, apparently, to New York State, which has appealed it).

of New York was embarking on the largest legal whitewash in its history.

Among the motions made by the defense and denied by the court were a request for a change of venue (location of trial) to New York City, challenges to the composition of the Grand Jury, and dismissal on the grounds of selective prosecution (all of the guards killed, save one, died at the hands of state troopers and others involved in assaulting the prison). The court refused to let defense counsel introduce any evidence as to the conditions in the prison that led up to the rebellion, instead interpreting the rules of evidence in the narrowest possible way.

And, once again, we saw the ever present agent in the defense camp, this time in the person of a young woman F.B.I. informer who had infiltrated the Attica jury project which was charged with the highly sensitive task of developing a strategy for choosing jurors.

With the complete weight of the State, which allocated millions of dollars to finance the prosecution while contributing virtually nothing to the impoverished defense, and with the court squarely in the camp of the government, the resulting convictions were almost inevitable. The CCR has agreed to participate in the appeals that will be filed on behalf of Hill and Pernasilice. It is hoped that the Appeals courts will have the courage to reverse the convictions, as the sordid record of this case requires.

Delfin Ramos is a carpenter. He lives in Puerto Rico and has an average income of $25.00 per week. Delfin Ramos is also an active supporter and organizer for Puerto Rican independence and a member of the Puerto Rican Socialist Party.

For the past two years, Puerto Rico has been hit with waves of strikes in the wake of its disasterously deteriorated economy. During the course of some of these strikes, a small amount of what has been described as "sabotage" has occurred. Putting aside the question of whether such sabotage was in reality the provocateurism of employers or the government, the fact is that the colonial and federal governments want nothing more than to link such violence with the most responsible and effective independence groups.

In December, 1974, local Puerto Rican police broke into the home of Delfin Ramos, ransacked it for several hours, and after finding nothing, departed. More than a week later, while no one was at home, F.B.I. agents, armed with a search warrant, entered Ramos' home and, lo and behold, found allegedly stolen explosives.

Ramos was charged with violating the federal Explosives Control Act (*United States v. Delfin Ramos*). The fact that the prosecution is a federal one is noteworthy for it constitutes the first political prosecution brought by the federal government in Puerto Rico since the anti-colonial upheavals of the early 1950's.

CCR attorneys are representing Ramos in such a way as to not only expose the government's political motivations for the prosecution, but to reveal the oppressive nature of the colonial relationship itself. Among the many pre-trial motions that have been filed is a demand that the proceedings be held in Spanish (invariably all of the parties; judge, jurors, lawyers and defendants have Spanish as their primary language) rather than English which is now required in federal court in Puerto Rico. In addition, CCR lawyers are preparing a major challenge to the composition of the jury based on the fact that the overwhelming majority of potential jurors whose English is adequate to follow a federal court proceeding are from the upper income strata of Puerto Rican society. This built-in bias dramatically illustrates the inherently exploitative and unequal character of a colonial relationship.

The widely publicized case of Joann Little (*State of North Carolina v. Joann Little*) raises a variety of political/legal issues, including the question of whether or not a racially representative jury can be impanelled given discrimination against blacks in selecting Beaufort County, North Carolina's jury pools (the group from which jurors are chosen). In addition, because of the intense racism in eastern North Carolina, the area in which the State sought to try Ms. Little, the question of whether or not a fair and impartial jury could be found was seriously in doubt.

The CCR, which over the years had acquired much expertise in these areas, was called upon to assist the defense in challenging the racial composition of the grand jury which indicted Joann Little, and in preparing the defense motion for a change of venue (location of trial) to a less racially prejudicial area. The latter motion was granted, a rare victory in a motion of this type, but the grand jury challenge was rejected. The grand jury issue is, however, preserved for appeal should that be necessary.

WOMEN'S RIGHTS

Each year in the City of New York, thousands of women are sterilized without their consent or because they have been frightened or coerced into consenting. Statistically, Puerto

Rican women have been the chief victims of this mass sterilization campaign in an apparent effort to "control" the population of this oppressed segment of society. (A similar situtation exists with respect to Chicanos in California and the Southwest).

Attorneys at the CCR are in the process of developing a comprehensive Sterilization Guidelines and Consent Form which will be submitted to the City's Health and Hospitals Corporation for approval. If approved, the form should go a long way toward insuring that all sterilizations performed in City Hospitals are the result of knowing and voluntary agreements by the women who choose to have them. Should the consent form be rejected, however, the possibility exists that CCR lawyers will attempt to have it implemented through litigation. In addition to the work being done in New York City, the proposed consent form will be distributed to dozens of women's organizations throughout the nation and in Puerto Rico.

In May, 1972 CCR lawyers filed a Petition to Deny the License Renewal of WABC-TV with the Federal Communications Commission. It was based on the systematically distorted image of women presented by the station, its discriminatory hiring practices and its failure to consult with womens' groups as to women's programming. For two and a half years the F.C.C. refused to rule on the petition one way or the other, thereby burying the issue within the vast bureaucracy. CCR attorneys, however, recently won a major victory in the Washington, D.C. Court of Appeals which, in a rare action, ordered the F.C.C. to make a ruling within sixty days. Several weeks ago the F.C.C. handed down its belated decision.

With the typical ignorance and bigotry of most federal agencies, the Commission virtually ignored the massive factual case presented in the petition and found that WABC-TV did not seriously or systematically discriminate against women. CCR lawyers, on behalf of the plaintiff National Organization For Women (NOW) are preparing to appeal the F.C.C. decision in the federal courts.

The case of *Weinberger v. Wiesenfeld* raised the issue of whether or not Social Security benefits were applicable only to women whose spouses die, or are equally applicable to widowers whose wives had worked and contributed to Social Security. CCR lawyers filed an *Amicus Curiae* brief in the United States Supreme Court, contending that the sex-based discrimination exemplified by the unequal treatment of widowers was unconstitutional. On March 19, 1975, the Supreme Court unanimously struck down the contested provision of the Social Security Act.

The CCR is actively engaged in a broad range of other women's rights issues, from the full implementation of the Supreme Court's abortion decision (*Doe v. Nassau County Medical Center*) to the "voluntary" nature of jury service for women (*Edwards v. Healy-Amicus Curiae* Brief). In addition, CCR attorneys Nancy Stearns and Rhonda Copelon recently contributed a major chapter, "Legal Considerations," to *Gynecology and Obstetrics, The Health Care of Women,* McGraw Hill, 1975.

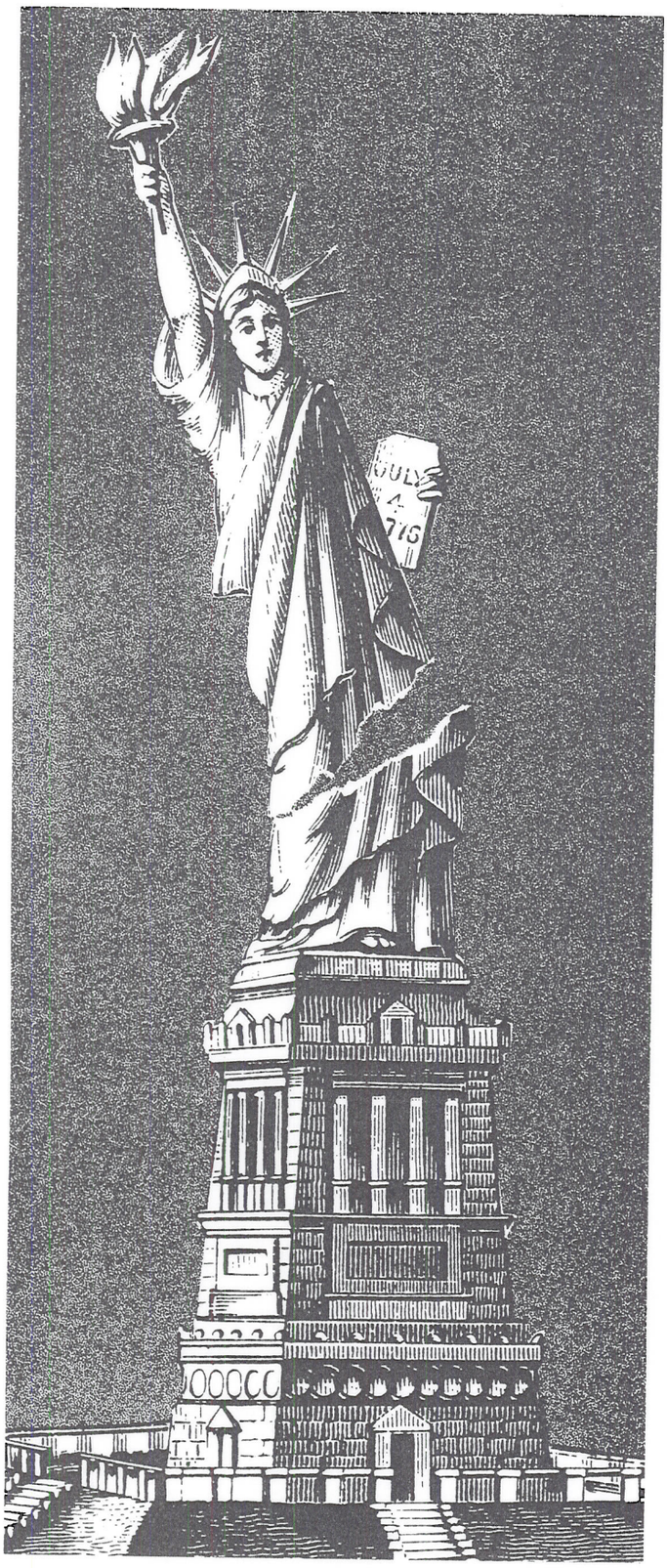
GOVERNMENT MISCONDUCT

Government misconduct, particularly that of the Justice Department and F.B.I., has become so clear to the American people that those once super-popular agencies are now the focus of national disgust. Though the CCR has played a leading role in exposing government misconduct, it also recognizes that more concrete deterrents to such misconduct than now exist are necessary. We are engaged in a number of attempts designed to create such deterrents.

In the case of *Briggs, et al. v. Goodwin, et al.,* CCR lawyers are representing the VVAW "Gainesville 8" defendants who were acquitted of conspiring to disrupt the Republican National Convention in 1972, in a suit against Guy L. Goodwin of the Internal Security Division of the Justice Department, as well as two United States Attorneys and one F.B.I. agent.

We charge Goodwin, who was widely condemned as the man who travelled the country running political grand juries, with having committed perjury by swearing, under oath, that there were no agents or informers in the defense camp of the eight veterans. Subsequently, the fact that one of the individuals that Goodwin specifically swore was not an agent or informer turned out to have been a paid F.B.I. informer for months before the veterans were even indicted, was revealed.

Our suit charges that Goodwin lied as to this fact in order to insure a steady flow of "inside" information regarding a defense strategy right up to the time of trial, and demands that a special prosecutor be appointed to secure indictments against Goodwin and any other involved parties for every violation of law committed in connection with the prosecution of this case. In addition, the suit demands that the veterans be reimbursed for the cost of their legal defense and compensated for the fourteen months of hell that



they were maliciously and intentionally put through by the government.

In June, 1974 plaintiffs sought to take Goodwin's deposition. The government moved to stay the deposition and have the case moved to Florida so that Judge Arnow, who presided over the criminal trial, would have jurisdiction, particularly over the motion to dismiss. Judge Aubrey Robinson of the District Court in Washington, D.C., who now has the case before him, granted the stay but ordered the government to file its motion to dismiss before him prior to his ruling on the transfer motion. The government's motion to dismiss, based on a claim of prosecutorial immunity, and its motion to transfer were denied by Judge Robinson in November, 1974. Subsequently, however, Robinson dismissed the two U.S. Attorneys and the F.B.I. agent as defendants, leaving Goodwin as the only remaining defendant. CCR lawyers are appealing this dismissal to the Circuit Court. In addition, Goodwin is appealing Robinson's refusal to dismiss him as a defendant, and pending its decision, the taking of Goodwin's deposition has been stayed.

The underlying reason for this suit is the need to establish as a principle that prosecutors cannot go about violating the rights of defendants, secure in the knowledge that they are immune from both civil and criminal penalties. This issue will be legally settled by the outcome of Goodwin's appeal.

The widespread use of illegal electronic surveillance was (and is) one of the central forms of government misconduct. Two affirmative suits begun while the Justice Department was under the reign of John Mitchell are *Kinoy v. Mitchell* and *Dellinger v. Mitchell.* Both Arthur Kinoy, a founder of the CCR, and David Dellinger, a defendant in the Chicago Conspiracy trial, alleged that they had been illegally wiretapped over the years and asked for extensive damages. The government at first denied that it had tapped Kinoy and Dellinger, but, after being pressured by our discovery efforts, repudiated its denials. Since that time, the government has been slowly forced to turn over to the plaintiffs significant portions of the surveillance records being kept on them. Though these records cannot be made public at this time due to strict protective orders from the courts, both suits are moving forward. If the claims of the plaintiffs are ultimately sustained by the courts, it will serve notice on the Justice Department that it cannot flaunt the law and the Constitution with impunity.

After the murders of Fred Hampton and Mark Clark by Chicago police in December, 1969, the CCR agreed to represent the families of the victims in a massive damage action (*Hampton v. Hanrahan, City of Chicago, et al.).* During the course of this litigation, using the process of discovery, CCR lawyers have unearthed significant information regarding both the apparent conspiracy to murder Fred Hampton and the federal role in that conspiracy via the F.B.I.'s Counter Intelligence Program (COINTELPRO). COINTELPRO had as a major focus the destruction of the growing and increasingly militant Black movement. Hampton, as one of the most charismatic leaders of that movement, was a clear target. Among the facts that have been developed are that the F.B.I. provided false information to the Chicago police suggesting that Hampton had been involved in the killing of a Chicago police officer, and made repeated attempts to incite the Chicago police to raid the Black Panther headquarters. On December 4, 1969, such a raid, under the direction of State Attorney Edward Hanrahan, occurred.

After five years of litigation, including motions to dismiss, discovery, requests for documents, demands for admissions, taking of depositions and answering interrogatories, the case is now moving quickly toward trial, which is expected to begin in the Fall of 1975. The result of this trial will be closely watched by both the people and the press with an eye toward discovering whether it is possible in this nation for poor people to win compensation from powerful forces for the crimes that have been committed against them.

U.S.S.F. v. Eastland (See 1974 CCR Docket Report, page 2). On January 22, 1975 CCR attorney Nancy Stearns and attorney Jeremiah Gutman argued this case before the United States Supreme Court in the continuing attempt to prevent the Senate Internal Security Subcommittee (and, consequently, other notorious witch-hunting Congressional Committees) from being permitted to subpoena the bank records of politically dissident organizations.

On May 27, 1975, by a vote of 8 to 1, the Supreme Court reversed the Court of Appeals, holding that the Senate and its members were absolutely immune from suit, and that "a *mere* allegation that First Amendment rights may be infringed does not warrant judicial interference with the Legislature." (Emphasis added). The Court, in effect, blatantly elevates the Speech and Debate Clause of the Constitution above the most fundamental pillar of the Bill of Rights, the First Amendment. Regardless of what the Supreme Court has held, the people of this country can and should not concede the absolute primacy of their freedom of expression.

LABOR

As the economy worsens and labor unrest rises, the need for a constitutional approach to labor law becomes increasingly important. Consequently, the CCR has entered this area of law for the first time.

The case of *United States v. Union Nacional de Trabajadores, et al.* (UNT) arose out of a labor dispute between the UNT and the WERL Construction Company, a North American-owned enterprise operating in Puerto Rico. The UNT, which is an important pro-independence force in Puerto Rico, had struck a construction site in the San Juan area. WERL complained to the National Labor Relations Board that the strike was an unfair labor practice, and the NLRB obtained an anti-strike injunction in federal court against the Union. Several weeks later, after the strike had been settled, the NLRB sought criminal contempt charges against the Union and two of its officers for allegedly violating the anti-strike injunction. CCR lawyers agreed to represent the defendants on the criminal contempt charges, as the case went to the heart of the colonial relationship between the United States and Puerto Rico.

As part of the pre-trial motions in the case, CCR lawyers challenged the constitutionality of the use of the English language in federal court in Puerto Rico, and the previous interpretation of the courts that jury trials were not available in such cases.

Both of these motions were denied by the District Court, but the latter was reversed by the First Circuit Court of Appeals in a landmark decision which held, for the first time, that a union is entitled to a jury trial in a criminal contempt situation arising out of an alleged violation of the injunctive provisions of the Taft-Hartley Act.

A related case (*Muniz v. Hoffman*) in California which was decided against the right to a jury, has been argued before the Supreme Court. The CCR filed an *Amicus Curiae* Brief in this case, which has not yet been decided.

Other major pre-trial motions that have been filed include a motion to dismiss based on the inapplicability of the Taft-Hartley Act to the nation of Puerto Rico (this motion directly raises the question of the illegal colonial domination of Puerto Rico by the United States), and a motion to dismiss for bad faith prosecution based on a claim that UNT is really being prosecuted for its outspoken support of Puerto Rican independence.

After having unsuccessfully challenged on behalf of rank and file steelworkers, the constitutionality of the "No-Strike" agreement (also Experimental Negotiating Agreement or ENA) of the United Steelworkers of America with the Big Ten steel companies, CCR lawyers became involved in the rank and file steelworkers fight against an inequitable consent decree.

At the same time that the ENA was upheld, the USWA leadership, the steel companies, the Department of Labor and the Equal Employment Opportunities Commission signed a consent decree to allegedly remedy race and sex discrimination in the industry. Rank and file steelworkers saw this decree as similar to the ENA in that it was agreed upon by the Union leadership without consultation with the membership, waived the workers' rights under Title VII of the 1966 Civil Rights Act, and offered inadequate remedies to race and sex discrimination.

A variety of individual steelworkers and interested organizations intervened in the case in opposition to the consent decree. CCR attorneys have filed an *Amicus Curiae* Brief, which argues that the decree should be set aside as it was the product of an abuse of Union democracy, and constitutes a conspiracy between the USWA leadership and the steel companies.

ATTACKS ON LAWYERS

It has become clear over the past year that the government has identified the progressive bar as a central obstacle to its desires to use the law for repressive political purposes, and, as a result, has marked the progressive bar as a target for repression.

The CCR has pioneered in the development of legal resistance to attacks upon lawyers who defend politically controversial clients. Beginning with Judge Hoffmann's attempt to use the contempt power against William Kunstler and Leonard Weinglass in the Chicago Conspiracy case, CCR lawyers have campaigned vigorously defending their clients.

Most recently, the CCR has taken the cases of Martin Stolar and Arthur Turco. The former case is an attempt by the Justice Department to use the Grand Jury to invade the confidential nature of the lawyer-client relationship. Mr. Stolar was subpoenaed by a Grand Jury, the purpose of which was to force him to disclose confidential information provided to him by a client. CCR lawyers filed an *Amicus Curiae* brief in a motion to quash the subpoena as being violative of the Fourth, Fifth and Sixth Amendments. On May

22, 1975, Judge Pierce quashed the subpoena as violating the lawyer-client privilege and constituting an abuse of the Grand Jury.

The Turco case involves an appeal to the U.S. Supreme Court of the disbarment of Arthur Turco. Turco had been charged with murder while he was an attorney for the Baltimore Black Panthers. After serving eleven months in pre-trial confinement in Maryland, Turco finally went to trial. The jury was hung in his case, and the State threatened to try him again. Rather than go through many more months of pre-trial confinement, Turco pleaded guilty to a misdemeanor, all the while stating his innocence.

After Turco returned to New York to resume the practice of law, he was disbarred by the New York State Appellate Division which took as a fact all of the unproven allegations of the Maryland prosecutor. An appeal of this decision is now before the Supreme Court.

PRISONER RIGHTS

The ongoing saga of our battle to secure full constitutional rights for pre-trial detainees (see 1974 CCR Docket Report, case number 45), which has seen major victories in Federal District Court overturned by the Second Circuit Court of Appeals, has once again yielded a crucial victory at the district court level.

The issue considered by Judge Orrin Judd was the question of bail, and the fact that the overwhelming majority of poor poeple have little or no chance of purchasing their freedom before trial. The bail system, in its application, is made especially inequitable by the fact that bail hearings usually last two or three minutes, rarely take relevant facts such as the defendant's roots in the community into consideration, and, once bail is set, offer minimal chances for bail reduction.

Judge Judd, in his opinion, granted plaintiffs' demand for special bail hearings at which the State must present evidence of the need for monetary bail and the reason why alternative conditions of release would not assure the defendant's return for trial and where the defendant can present evidence to the contrary; that such hearings must be held on demand after 72 hours from the time of the original arraignment and at any other times as new evidence or changes in the facts may justify; that the defendant is entitled to a written statement of reasons for denying bail or fixing it at a particular figure, with failure to provide such reasons resulting in a new bail hearing; and that the State courts should create a plan whereby adequate facilities for lawyer-client interviews would be insured.

The State has once again appealed Judge Judd's decision to the Second Circuit (except the "adequate facilities" portion), an act which is entirely consistent with its demonstrated desire to maintain the status quo, rather than to expend the administrative energy and responsibility required to provide justice to a class of people the law presumes to be innocent.

A "by-product" of the CCR's prison litigation has been the decision to create an extensive, simply-written pre-trial detainees' manual. This manual, which is already in the process of being written, will be the product of a number of lawyers, each of whom has expertise in a particular area of law. It will include chapters on arrest, arraignment, bail, plea bargaining, *pro se* motions, and many others, and will be available in both English and Spanish. It is hoped that the manual will be completed and ready for distribution by the end of 1975.

CENTER TRAINING PROGRAM

A central role played by the CCR is that of a training center for progressive young attorneys where they gain experience in litigation while developing a creative outlook on the use of law as a vehicle for social change.

At present, former CCR staff lawyers are working in legal collectives, private practice and teaching positions throughout the United States. Since the last report, Otis Cochran has left the CCR to work as the Assistant Director of the National Scholarship Service and Fund for Negro Students and Mark Amsterdam has entered private practice in New York City.

Very much a part of the CCR's training program is its work with law students. This year, NYU law student Miles Frieden has worked closely with us on the Mohawk Treaty rights case. Art Read, also from NYU has worked on the Brooklyn House of Detention case, and law students Martha Jeores and Geri Palast worked on women's rights cases. Each summer, of course, the Center works with a number of law students, many of whom are sponsored by the Law Students Civil Rights Research Council. This has been an experience of mutual benefit, offering law students considerable exposure to the actual practice of law and providing the Center with valuable contributions to its work.

EDUCATIONAL PROGRAM

It is not the purpose of the Center to win abstract legal victories, isolated in an intellectual vacuum from the daily lives of the American people. On the contrary, the Center seeks to make people aware that they *have* rights, and to make those rights a reality.

This is accomplished in a variety of ways. The distribution of briefs to hundreds of lawyers has undoubtedly benefited countless defendants whose rights were being similarly violated. Though it is not financially feasible to print the dozens of briefs produced at the Center each year, we have attempted to keep interested people informed of our work through the annual distribution of the Center Docket Report. This results in scores of requests for briefs, motions, complaints and legal memoranda with which we comply as rapidly as possible. In this way, attorneys around the country are kept informed of new legal techniques and novel uses of established law that are developed at the Center. The ripple effect that is created can and often does reach to even the most remote community via the civil liberties-oriented attorneys in the area.

A crucial part of the Center's educational program is making its staff available for speaking engagements at law schools, lawyers' organizations, citizens' groups, public meetings and radio and television programs. In the past year, for example, Center staff members have traveled to more than twenty states to fulfill more than one hundred and fifty speaking engagements on such topics as prisoners' rights, women's rights, wiretapping, and the political use of the conspiracy charge, to name a few. Also, although there is less time for this than CCR lawyers would like, each year several articles are written for various legal publications.

Currently, three of the Center's staff attorneys, Nancy Stearns, Rhonda Copelon and Elizabeth Schneider are teaching courses in their "spare time" at Rutgers Law School (Nancy) and Brooklyn Law School (Rhonda and Liz). In addition, Morton Stavis, one of the Center's senior volunteer attorneys, has taught a course at the Constitutional Litigation Clinic of Rutgers Law School.

Perhaps one of the most fruitful educational relationships the CCR has had has been with the National Lawyers Guild. Under NLG sponsorship, CCR lawyers have participated in what have become known as "Road Shows" wherein attorneys with expertise in a particular area, such as illegal surveillance, travel throughout a geographical region sharing legal information.

Finally, the CCR joined other groups, such as the Civil Liberties Legal Defense Fund and the National Lawyers Guild, in founding the National Jury Project. This Project is now the center for legal information relating to eliminating discrimination in jury selection systems through the use of jury composition challenges, eliminating prejudice from juries themselves by perfecting and using techniques for detecting prejudice, and the defense and preservation of the unanimous verdict, currently under attack in a number of states.

ADMINISTRATION AND STAFF

Fund-raising, of course, remains a problem at the CCR. With so much work to be done, we still cannot put the time into this rather crucial area that it clearly requires. This is exacerbated by both the current state of the economy and the fact that a long-time supporter, the DJB Foundation, has exhausted its funds after many years of generous support for progressive organizations. We will, however, continue to devote as much time and energy as possible in order to insure the CCR's continued existence.

There have been several additions to and departures from our legal and non-legal staffs in the past year. William H. Schaap has joined Nancy Stearns, Elizabeth Schneider, Rhonda Copelon and Doris Peterson on the full time legal staff.

Georgina Cestero, Elizabeth Bochnak, Gregory H. Finger and Jeffrey Segal have been joined by Joan L. Washington, Lisa Roth and Dianne Boesch. Together they are responsible for all aspects of administrative, educational and fund-raising work at the CCR. Esther Boyd, Dorothy Thorne and Rick Wagner have left the CCR's non-legal staff.

Arthur Kinoy, William M. Kunstler, Morton Stavis, Peter Weiss and Robert Boehm continue to devote large amounts of their time to the Center's legal work. They not only play an intimate role in a major portion of our litigation, but also contribute their vast legal experience in the form of advice and counsel to the younger staff lawyers.

A continuing special note of thanks is extended to attorneys Daniel Alterman and Steve Latimer, law student John Boston and legal workers Michael McLaughlin and Merle Ratner for their leadership of input into the massive litigation around the Brooklyn House of Detention for Men.

TABLE OF CASES

For your convenience, this year we have added a Table of Cases to the Annual Report. Citations have been included wherever possible.

Attacks on Lawyers

In re Grand Jury Subpoena of Martin Stolar, Misc. No. 11-118 (S.D.N.Y.)

Turco v. Monroe County Bar Association, et al., Civ. Action No. 75-100 (W.D.N.Y.).

Turco v. Monroe County Bar Association, (U.S. Supreme Court)

Criminal Cases

State of New York v. John Hill, Ind. No. 1/72

State of New York v. Charles Pernasilice, Ind. No. 1/72

State of North Carolina v. Joann Little, 74 Cr. 4176

Government Misconduct

Briggs, et al. v. Goodwin, et al., Civ. Action No. 74-803 (D.D.C.)

Dellinger v. Mitchell, Civ. Action No. 1968-69 (D.D.C.)

Hampton v. City of Chicago and Hanrahan, et al., 70 C 1384 (N.D. Ill.)

Kinoy v. Mitchell, 70 Civ. 5695 (RJW) (S.D.N.Y.)

U.S.S.F. v. Eastland, S.Ct. No. 73-1923, 43 LW 4635

International Affairs

Drinan, et al. v. Ford, et al., Civ. Action No. 75-426-F (D. Mass.)

Nguyen Da Yen, et al. v. Kissinger, et al., C-75-D389-SW (D. Cal.)

State of New York v. Danny White, et al., 74 Civ. 370 (N.D.N.Y.)

Labor

Aikens, et al. v. Abel, et al., No. 74-17 (W.D. Pa.) and *Barbero, et al., v. Abel, et al.,* No. 74-22 (W.D. Pa.) (right to strike)

Muniz v. Hoffman, S.Ct. No. 73-1924

United States v. Allegheny-Ludlum Industries, Civ. Action No. 74-P-339-S (N.D.Al.) (consent decree)

United States v. Union Nacional de Trabajadores, et al., Cr. No. 164-73 (D.P.R.)

Prisoner's Rights

Wallace, et al. v. Kern, et al., 72 Civ. 898 (E.D.N.Y.), 75-2069 (2nd Cir.)

Women's Rights

Doe v. Nassau County Medical Center, 75 Civ. 295 (E.D.N.Y.)

Edwards v. Healy, S.Ct. No. 73-759

Petition to Deny License Renewal of WABC-TV, FCC 75-330, 75-331; 74-1853, Jan. 22, 1975 (D.C. Cir.)

Weinberger v. Wiesenfeld, 43 LW 4393

May 27, 1975

Center for Constitutional Rights
853 Broadway
New York, New York

Gentlemen:

We have examined the Balance Sheet of Center for Constitutional Rights as of December 31, 1974, and the related Statement of Income Expenditures and Changes in Fund Balance for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion the accompanying statements present fairly the financial position of Center for Constitutional Rights at December 31, 1974 and the results of their operations for the year then ended, in conformity with generally accepted accounting principles applied on a consistent basis.

ZISMAN, TRAURIG & ELBLONK

CENTER FOR CONSTITUTIONAL RIGHTS

BALANCE SHEET

DECEMBER 31, 1974

ASSETS

	1974	1973
Cash	$17,130	$49,439
Marketable Securities	--	11,717
Other Receivable—Expense Reimbursement	--	3,554
Loans Receivable—Employee	--	500
Prepaid Expenses	958	1,093
Security Deposits	6,583	6,743
Furniture and Equipment	1	1
	$24,672	$73,047

LIABILITIES AND FUND BALANCE

Liabilities:		
Notes Payable—Bank	$ --	$10,000
Accounts Payable	8,568	30,920
Payroll Taxes Payable	2,529	2,702
Total Liabilities	$11,097	$43,622
Commitments and Contingencies—(Note)		
Fund Balance	13,575	29,425
	$24,672	$73,047

CENTER FOR CONSTITUTIONAL RIGHTS
STATEMENT OF INCOME EXPENDITURES AND CHANGES IN FUND BALANCE
FOR THE YEAR ENDED DECEMBER 31, 1974

	1974		1973	
Income:				
Contributions	$273,419		$303,890	
Honorariums	700		5,938	
Art Portfolio Project—(Net of Expenditures)	(329)		4,500	
Miscellaneous	4,746		3,492	
Interest	727		661	
Total Income		$279,263		$318,481
Expenditures:				
Salaries	$112,351		$113,249	
Travel Expense	26,042		20,760	
Attorney's Expenses	1,823		7,099	
Court Costs, Transcripts and Briefs	7,511		8,654	
Rent	19,694		16,299	
Telephone	18,150		25,143	
Postage, Stationery, Office and Copying	32,448		24,698	
Insurance	195		666	
Utilities	4,041		2,639	
Payroll Taxes	9,611		8,938	
Employee Welfare	5,388		3,939	
Special Project Attorney Costs	22,910		7,510	
Mailing	33,797		44,669	
Fund Raising	8,165		6,913	
Moving and Renovating	--		5,250	
Office Cleaning and Maintenance	4,050		1,120	
Interest	78		1,422	
Books, Subscriptions and Publications	4,130		1,883	
Total Expenditures	$310,384		$300,851	
Less: Reimbursements	15,271		25,412	
Net Expenditures		295,113		275,439
Excess (Deficit) of Income over Expenses		$ (15,850)		$ 43,042
Fund Balance (Deficit)—January 1		29,425		(13,617)
Fund Balance—December 31		$ 13,575		$ 29,425