The Nixon/Burger/Mitchell design to rework traditional United States justice and the defenses of individual rights sanctified in the Constitution did not end with their early proposals at the beginning of Nixon's first term. By September 16, 1973, two and a half billion dollars had been given to the states for use in various projects that tended toward authoritarianism in police, prosecutorial and court organization and activities.

(A good study of how this money was used toward authoritarian ends is Andrew Kopkind's "The Politics of Police Reform," in the October 1973 Ramparts. Kopkind ticks off a long list of former CIA personnel infiltrated into these endeavors and shows how the trend in "modernization" and "reorganization" is actually a concerted effort to abridge individual rights.)

Of this enormous sum a large one that seems insignificant in comparison was spent on getting a 350-page "report" from Nixon's "National Advisory Commission on Criminal Justice Standards and Goals." After a two-and a half year "study" the 15-member task farce headed by University of Virginia Law Professor Daniel J. Meador "concluded" exactly what Nixonians had been propagandizing, "modernization" and "effeciency" that ended Constitutional gau guarantees and assured the denial of a fair trial to the accused.

A touchstone to all of this "justice" and to Nixonian intent is the adoption of Mitchell's scheme to eliminate the Sixth Amendment. Nixon's experts would remove the splinter from the little finger by lopping the arm off at the shoulder.

Its other most basic recommendation was ending what little protection official abuse had allowed to remain in the grand jury.

Where Mitchell had asked for trial within 60 days as the right of the prosecution (the Constitution grants speedy trial as the right of the accused only), this commission urged precisely the same time limit on felonies and half that on misdemeanors. The limitation would begin with the moment of arrest, not of charging. Even less time would be permitted for preparation of any defense. Where in serious cases all possible prosecution witnesses have to be investigated, and where the better criminal lawyers

of whom there is no surfeit are always committed to cases already in the courts, the practical effect of this recommendation alone is to eliminate the possibility of any real defense and to make the courts a rubber-stamp of officialdom acting through prosecutors who are in all federal cases the selectees of the administration.

Before authoritarians abused it, from the 12th century the role of the grand jury has been to assure that there is probable cause before charges are laid against an individual. In practise of which Nixon's "justice" is the best example, this protection has been virtually eliminated. It is, in fact, as this commision of Nixonians concluded, "The presentation of evidence is under prosecutorial control and the grand jury merely agrees to the actions of the prosecutors."

Is the remedy for evil to legalize and perpetuate evil? That is the Nixon answer.

It is not the answer eq required for justice. Justice requires the end of evil and the guarantee or rights and freedoms.

These and the other proposals are as close an approximation of what Hitler did to German justice as can be dared in the United States. It is also Orwellian, goodspeak semantics being used to sugar-coat. All sorts of sweets that would dangle on the stick just out of reach were also included, like upgrading the performace of both prosecution and defense, an attractive illusion; getting better judges (who decides quality - appointer Nixon?); even requiring that fees be keyed to the ability of defendants to pay. These are the legal goodspeaks that were they attainable would be without meaning. They are intended to make the fascisization of "justice" seem other than fascism.

When this commission's proposals could mean that there is no limit on the use of illegally-obtained evidence and all judges would have to accept it, does it make any difference if by some magic only those ideally-suited for the bench could be esconced on it?

Nixon's Attorney General Richardson hailed this commission's recommendations as realistic and achievable. Nixon'd Law Enforcement Assistance Administration Administrator Donald E. Santarelli (who took no chances and served with his commission) looked ahead, saying, "We are beginning to work on a series of grants possible

to implement some commission recommendations. Howard P. Rawlins, main general counsel and executive director of the commission - Nixon controlled it as firmly as possible - explained tha these grants would be for the speed-up of what the commission was careful to inveigh against,"perfunctory...assembly-line justice," and for the abrogation of the rights of minors that are protected by juvenile courts, which would be eliminated.

Were nothing to come of any of these proposals, the more serious consideration of what for this country of the fascisization of its entire system and concept of justice is in itself a stexp toward fascisization of the country. It means that fascism is given serious and respectful consideration. This makes it seems like something not bad. When only a violent eruption can be the only alternative to its gradual imposition, each effort, no matter how minor or immediately unsuccessful and no matter how misrepresented as something good becomes a conscious, deliberate effort to impose fascism by the only means immediately possible.

Were this not so grave and grim, there would be humor in how little these authoritarians mean what they say. Mitchell, who first made the speed-up-the-prosecution proposal (th the bar, which was without nausea or protest) is also the philosopher who asked that he and Nixon be judged not by their words but by their acts. Mitchell was first indicted for the least of his Watergate crimes on May 10, 1973. He had not yet been tried 60 days later. After 120 days had passed, counsel for his co-defendant Stans went to federal court to plead for "mercy" and to argue that various government acts made it impossible for him to defend his client. One of the lawyers, Robert W. Barker, claimed that putting in 14 to 16 hours a day still was not enough to prepare an adequate defense. Another, Walter J. Bonner, wept, "I've got a 65-year-old defendant. It's a wonder the man hasn't had a heart attack." ~~(WXP,NYT 9/4/73.)~~ On August 15, 11 days after this move by Mitchell's and Stan's lawyers, District Court Judge Lee P. Gagliardi ruled against them and set trial for September 11, or twice Mitchell's own proposal for others of 60 days. ~~(NYT 9/4/16/73; WXP 9/16/73.)~~ So, Mitchell and Stans sought delay from the federal appeals court. It held it could not grant the delay but offered the opinion delay might hurt nothing. ~~Accordingly~~ Judge Gagliardi,taking the hint, promptly

announced a delay of at least a month ~~(WDD 9/12/73)~~, after which he tentatively set October 23 for the trial to begin. To this point Mitchell had fought to get for himself almost three times the preparation period he had held more than adequate for others to assure justice to them.

Note to self-try to find Santarelli file and others to see whether these cats have right-wing backgrounds.

Foregoing to follow what is already written on Mitchell and Burger from COUP

Jim, osrry the resued carbon eliminated top line. To show how timely that Ramparts was and what is afoot if you did not read that story.