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SITUATION INFORMATION REPORT

The court order procedure, successfully employed by college administrators in recent months (a tactic previously noted and favorably reported in the WSR dated 2 May 1969) is apparently presenting a mucilaginous problem for the student radical movement. The procedure, in fact, enjoyed so much success in emptying a building of student occupiers (and keeping it empty) that it has probably found its place in the contingency plan of academe for next fall. Undoubtedly, campus administrators subscribing both to the stern authoritarianism of San Francisco State's Hayakawa and the latitudinarianism of Cornell's Perkins (and others) have observed with compelling interest the relative success of the court order at Dartmouth, Howard, George Washington, Columbia, and elsewhere.

Evidence that use of the temporary restraining order, the temporary injunction and the permanent injunction is "bugging" the movement was recently found in an article written by two new lefters and published in the June 14 edition of the Guardian (a weekly, that claims to be an independent radical paper). The article concedes that court orders have been effective due largely to the "classic weapons" defusing the student movement. Its use is described as "repressive psychological warfare" and compares current repression to the McCarthy era "when an entire population was terrorized into inactivity." The authors imply that the court order effect will be minimized if all understand the legal characteristics, the manifestations, the power, and the prerogatives of the courts. So then to clarify for one and all (but actually counterproductively clouding the picture) the following advice is served up to the would-be protester as what to do after issuance.

"Now a choice must be made. We can leave the buildings, postpone rallies and leafleting, and test the order in court a week or two later. Although the court will almost always extend the TRO into a preliminary injunction, it may delete some provisions which limit our freedom to organize, and we can use the court proceedings to make political points. (A legal rule called the "clean-hands doctrine" prohibits a court from using its injunctive

power to help a party which itself has done wrong and been unfair. Since courts must at least listen to arguments based on this doctrine, we can describe all that we consider wrong with the university as argument against extending the TRO.)

The common alternative to waiting for a court test is immediate mass disobedience. We openly violate the TRO and the university administration asks the court to jail us for contempt. The contempt trial is independent of hearings on the TRO and injunction.

This spring many of us feared that contempt meant arrest at any time, jail without a trial, indefinite sentence and no right to bail or appeal. But contempt procedures are, on balance, no worse than regular criminal trials.

Contempt starts with a subpoena to appear in court on a given date. There is no arrest, and therefore no need for bail, unless the defendant refuses to show up in court.

Each defendant has the right to a trial, to determine whether he knew of and willfully disobeyed the TRO. A jury trial is required before a court can impose a heavy sentence. Immediate jailing for contempt, without a trial, is allowed only for conduct in court.

When a court orders us not to do something, disobedience is criminal contempt of court and the judge must set a fixed jail sentence, usually no more than 30 days. (In civil contempt a court orders someone to do something and keeps him in jail until he does it.) Conviction can be appealed and bail is available until appeal is decided.

A contempt trial sometimes can be won on the issue of notice. The university must prove each defendant in fact read or heard the entire court order. On some campuses, students have drowned out official efforts to read injunctions, later testifying in court that they could not hear the injunction when it was read to them.

Contempt trials have only one serious disadvantage compared to trials for trespass or other crimes. Though no one can be jailed for violating an unconstitutional criminal law, people can be imprisoned for disobeying an invalid TRO or injunction. The U. S. Supreme Court recently upheld 5-4 an Alabama conviction of Martin Luther King and others for violating an obviously unconstitutional injunction against a civil rights march."

As to tactics, the Guardian article offers the following good counsel:

"If it seems the university will enforce injunction clauses against basic organizing, a variety of tactics are possible, including open violation coupled, in some situations, with a free-speech fight organized by liberal supporters and keeping some leaders out of the limelight to reduce the possibility that the entire leadership will be picked off. Bringing in outside organizers not known by campus authorities is another possible tactic. For someone to be charged with contempt he must be identified as having had notice of an injunction."

‘... And Now, As Your Names Are Called, Will You Come Forward Very Slowly One At A Time, And Collect Your Diplomas...?’

COMMENCEMENT '69



CALENDAR OF TENTATIVELY SCHEDULED ACTIVITIES

Asterisked items are either reported for the first time or contain additions or changes to previously reported activities.

June 20

*Fort Meade, Maryland - Members of the Baltimore Defense Committee plan to join peace demonstrators from the Washington area (NFI) at Fort Meade in a protest against the arresting of three Peace Action Workers at Ft. Meade on 13 June.

June 21-22

*Unconfirmed rumors have been received that a radical disturbance is to take place in Hartford, Connecticut, over the weekend of June 21-22, 1969. The violence is to take the form of burning schools in the greater Hartford area and "getting some of the teachers." The Hartford area has been up-tight from racial tensions recently and is a fertile ground for rumors.

* The SCLC sponsored Poor People's Campaign for 1969 continues to be revamped, reshuffled, and rephased as the SCLC leaders seem to be fumbling their way along toward an ultimate display of some sort in Washington, D. C. What was first apparently intended to be a number of area marches all proceeding to an impressive collective effort in D. C. has met with varying degrees of support in the Midwest, Alabama, Georgia, and Mississippi. It appears that the state marches will culminate with rallies in the state capitals. The SCLC intends to give first priority to escalation of protest activities relative to the continuing hospital workers' strike in Charleston, South Carolina, in an effort to secure a settlement there that may be highlighted as a noteworthy SCLC victory.

Demonstrations in Washington, D. C., are still intended although planning does not seem to be very firm at this time. Out-of-town "hunger-marchers" will come to Washington to be joined by local protestors to conduct demonstrations and marches as Congress prepares to vote on food stamp and farm subsidy bills.

June 17-24

*Mobile, Alabama - The SCLC expects 100 to 150 participants in its Poor Peoples March from Mobile to Montgomery, Alabama, where the marchers are scheduled to arrive on 23 June. The SCLC expects the number of participants to increase to 3,000 as they pass through Chatom, Jackson, Butler, Linden, Camden and Hayneville, Alabama. On 24 June, the SCLC has planned a march to the Alabama State Capitol.

June 23

*On 17 June, the SCLC-sponsored Mississippi march arrived uneventfully in Pickens, Mississippi. A delegation was sent to Jackson, Mississippi, to make final arrangements for the arrival on 22 June of the main body of the march. On 23 June, the SCLC will stage a march to the Mississippi State Capitol where a three-hour demonstration is planned. Ralph Abernathy, SCLC President, is expected to participate.

June 21-23

East Berlin - U. S. delegates to the World Peace Council, which is to be held at East Berlin, Germany, during the period June 21-23, will include David Dellinger, who has been indicted for his activities during the Democratic National Convention; Dick Gregory, a Negro comedian and peace activist; and Herbert Aptheker, a member of the National Committee, Communist Party, U. S. A. Representatives from the Women Strike for Peace; Congress of Racial Equality; BSU; and the Young Socialist Alliance, the youth group of the Socialist Workers Party, a Communist splinter group, will be present. Five hundred people are expected to attend from the U. S.

June 21-23

Berlin, Germany - The World Federation of Trade Unions (Communist) has issued a call to all the trade unions of the world urging support of the World Peace Assembly in Berlin.

The WFTU call says:

"The World Peace Assembly is open to all persons and organizations fighting for universal peace, for a world without the danger of new wars." The call says the Assembly will meet to discuss jointly the main problems agitating mankind today: Vietnam, European security,

the Middle East, neo-Colonialism and national independence, disarmament.

"The questions that will be in the center of the discussion at the Berlin World Assembly are among the main concerns of the WFTU and of the international trade union movement.

"This is why the WFTU supports this big undertaking, held on the initiative of the World Council of Peace in cooperation with other international and national organizations."

June 30-July 3

*U. S. A. - Dr. George A. Wiley, Directory of the National Welfare Rights Organization, announced that on June 30, 1969, this organization will conduct demonstrations in each state capital; on 1 July it will demonstrate at Welfare Centers across the nation; on 2 July it will demonstrate at grocery stores; and on 3 July will "Sock it to" Sears Roebuck and Company stores throughout the country. The National Welfare Rights Organization is a private nationwide organization with national headquarters in Washington, D. C. It is reported to have chapters in ghetto areas in over one hundred cities in forty-five states and claims a membership of thirty thousand people. It has sponsored and participated in numerous protest rallies and demonstrations demanding changes in Welfare Benefits and Legislation. Some of these activities have resulted in mass arrests brought on by civil disobedience on the part of members of this group.

June 25

*Philadelphia, Pennsylvania - The GI Civil Liberties Defense Committee (GICLDC) has scheduled a public meeting to be held at the Germantown Community Presbyterian Church. The purpose of the meeting is to obtain public support for the GICLDC and its goals.

July 4-6

*Madison, Wisconsin - A conference has been called in an attempt to form an organization of radical scientists. No further information.

July 16

*In this day of "unnegotiable demands," "blackmail," and outrageous pressuring, another example surfaced recently. How seriously the leaflet's distributor expects to be taken

is difficult to assess, but it is doubtful that Nevada gambling interests will panic. The leaflet, captioned "Ultimatum to the County Commissioners and Resort Industry," set forth a demand that forty million dollars be spent in West Las Vegas to develop clubs and gambling casinos to be staffed and operated by Negroes. The leaflet concluded by stating that if the demands are not met, 4 July 1969, will be the last big revenue holiday for the years 1969 and 1970. The leaflet bore the closing statement: "The Black Prophet has spoken: The Black Prophet will act after July 16, 1969."

July 18-21

*"The Black Panther," newspaper of the Black Panther Party, contained a one-page announcement in its June 7, 1969, edition which reported that a National Revolutionary Conference for a United Front Against Fascism is being sponsored by the Black Panther Party. It is scheduled to be held at Oakland, California, from 18-21 July 1969. Don Cox, Field Marshal of the Black Panthers has spoken of the need for revolutionary groups in white communities. According to "The Black Panther," some 5000 representatives of all organizations representing the people - students, workers, farmers, and unemployed - will be called together to form the united front. The call to the conference stresses the need for "a front which has a common revolutionary ideology and political program which answers the basic desires and needs of all people in fascist, capitalistic, racist America. Primary objective will be community control of police to end fascism." Reportedly, David Hilliard, National Chief of Staff of the Black Panther Party, was to visit New York City on 16 June and hoped to meet with two members of the CPUSA, to discuss the forthcoming conference. Also, it has been reported that Hilliard has already spoken to the Northern California CP functionaries.

July 30

Tokyo - The Japan Council against Atomic and Hydrogen Bombs (Gensuikyo) recently announced five points on which the 15th World Conference against atomic and hydrogen bombs will concentrate.

The five items listed are:

1. Opposition to the U. S. aggressive war in Vietnam.
- Realization of complete victory of the Vietnamese people.

Strengthening of further aid to the Vietnamese people.
Opposition to war provocation against Korea.

2. Prevention of nuclear warfare. Complete prohibition of nuclear weapons. For the immediate future, conclusion of a treaty to prohibit the use of nuclear weapons.

3. Abolition of the nuclearized Japan-U. S. military alliance - "nuclearized security treaty system." Abrogation of the Security Treaty. Immediate, unconditional and complete reversion of Okinawa. Withdrawal of military bases. Prohibition of the bringing in of nuclear weapons. Opposition to Japanese nuclear armaments and revival of militarism.

4. Together with bomb victims, strengthen the relief campaign for bomb victims aiming for complete prohibition of nuclear weapons. Enactment of law to assist the victims of the bombs.

5. Strengthening of the struggle for international solidarity and mutual assistance.

August 29-31

*Los Angeles, California - On 13 June, Leroi Jones, the poet and playwright, and other black leaders announced in Newark, New Jersey, that the Fourth National Black Power Conference will be held in Los Angeles. The theme of the Conference will be "1969 Reconstruction."

October 6

*Bel Air, Maryland - The trial of H. Rap Brown, militant black former head of SNCC, charged with inciting to riot and arson in a Cambridge racial disturbance two years ago, has been set for October 6 in Harford County Circuit Court. This is the second time it has been scheduled since the 4th Circuit Court of Appeals in Richmond, Virginia, rejected Brown's request that he be tried in Cambridge, Maryland, which was the scene of a riotous disturbance in July 1967 after Brown spoke to a street rally of Negroes.

SOURCE: Government and news media.

RELIABILITY: Probably true.