

DETROIT REVOLUTIONARY MOVEMENT RECORDS

BOX 6 OF 16

FOLDER 10

COMMITTEE REPORTS 1970

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SAN FRANCISCO CHAPTER DEFENSE COMMITTEE
MINUTES (Meeting held Nov. 4, 1970)

I. The first meeting of the Chapter Defense Committee was attended by Al Brotsky, Doron Weinberg, Ann Ginger, Jennie Rhine, Don Jelinek, John Thorne, Ezra Hendon, Marvin Stender, Sharon Gold and Barry Winograd. Others who have agreed to work with the committee but were unable to attend are Doris Walker, Mal Burnstein, Dennis Roberts, Fay Stender, Anne Cummings, Stan Zaks and/or Paul Harris, and Dan Siegel. It was agreed that Jennie, who had been asked by Marvin to convene the meeting would continue as chairman.

II. The National Defense Committee: This committee, established pursuant to a resolution adopted at the February 1970 convention, has not been very active. At its only national meeting in June, it stressed the need for local defense committees and decided that the Meiklejohn Library should be the repository for legal materials collected throughout the country. The October NEB asked that the national office and officers give top priority to activating the national committee. Doris is currently in New York meeting with the local support committee there to determine who should lead it.

Ann described how people in each chapter were to be responsible for collecting materials in their areas that would be of national interest in movement law --- particularly in cases involving contempt and conspiracy charges, mass arrests, jury selection and challenges, and prisoners' rights --- and having the materials forwarded to the Meiklejohn Library. Forms are available for the lawyers involved in the cases to describe them. The Library will publicize what it gets through its monthly publication, Acquisitions (\$12 for 1-year sub). Copies of the materials can be obtained either from the Library (15cents per xeroxed page) or from the lawyer(s) directly involved.

III. Chapter Defense Committee: Three major areas of activity were discussed as being proper and useful for this committee to devote itself to:

1) information gathering, i.e., collecting materials for the Meiklejohn Library. Since each major movement legal office in the area is represented on the committee, its representative should be responsible for collecting materials produced in his or her office. The Regional Office will coordinate this by periodically reminding the representatives. The forms to be completed about cases of interest can be obtained from the Meiklejohn Library. It was also suggested that articles be placed in The Conspiracy and the Guild Practitioner about the availability of materials from the Library.

2) rational use of legal resources; the committee should assist in determining who handles movement cases, with certain principles -- such as the training of inexperienced lawyers -- in mind. The Soledad 7 case was used as an example of when such assistance would be useful. More follow-up is needed with referrals of movement cases; at present, the office staff does not keep track of what happens with a case after it finds a

lawyer to handle it. Ann offered to make up a form which could be used for this purpose. The committee might deal with mass arrest situations, both in pulling the needed resources together and in following up to keep the defendants and lawyers working together.

3) education and training: teams of inexperienced lawyers working together with more experienced ones, and conferences on legal topics of current interest to new and experienced lawyers were discussed. Suggested topics for conferences were conspiracy law, contempt and the 1970 Crime Control Act. A sub-committee was formed to discuss specific plans for conferences.

The committee briefly discussed the idea of allocating a specific portion of Regional Office facilities and personnel to work of this committee. No decision was reached.

Another sub-committee was formed to discuss further specific plans for the other areas of committee involvement.

SUB COMMITTEE MINUTES

The sub-committee dealing with other areas of committee involvement agreed with the tentative conclusion of the committee of the whole that its efforts should be confined to the three areas of information gathering, rational use of legal resources, and education and training.

The specific ideas put forth by the entire committee seemed to cover sufficiently the area of information gathering.

With respect to the rational use of legal resources, the sub-committee proposed that the concept of defense teams be used wherever feasible to handle movement cases. Such defense teams should consist of both experienced and inexperienced lawyers, law students, legal organizers, other legal workers such as typists, and extra-legal support, e.g. a sociologist, as needed. Ideally, such teams could be pulled together from currently available sources. The sub-committee did not agree on how this could best be done: Ann proposed that a committee be formed on each side of the Bay to do it, while Jennie thought that most of the work would most naturally and easily be done through the Regional Office, and that there should be only one committee to advise and work with people on the office staff. The question was referred to the committee of the whole.

The sub-committee also noted that a difficult question which should be discussed by the entire committee was the establishment of criteria for determining which cases should get this type of treatment.

Another proposal was that the committee work to develop sources of financial support for the handling of movement cases, e.g., court appointments where possible, publishing, assisting a private lawyer handling a major case by having other private lawyers handle some of her or his other cases, soliciting direct financial support from other lawyers.

The sub-committee also agreed that where possible, house counsel relationships should be encouraged between lawyers and movement organizations. Two suggestions were that they might be developed out of the defense team concept and through a speakers bureau.

Regarding education and training, the sub-committee affirmed the ideas of conferences and seminars, and noted the training aspect of the defense team concept.

CONFERENCE SUB-COMMITTEE MINUTES

The sub-committee decided to recommend having a conference on the "Police State Legislation of 1970" and how it affects the movement. A full day was set out, Saturday, January 9th, hopefully at Boalt Hall.

Emphasis will be on how the laws significantly change present rules in little known, but important, areas of law. Thus, new immunity and perjury rules will be discussed, as well as the no-knock and preventive detention provisions.

Possible moderators will be Paul Halvonik or Chuch Marson of the ACLU. Speakers will hopefully include Al Brotsky, Mike Kennedy, Norm Leonard, Richard Gladstein, Dave Pesonen, Tony Amsterdam, etc.

The charge will be \$2.00 for lawyers, \$1.00 for students.

The committee postponed a decision on whether the conference would be the first of a series, or would stand alone.

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Additional information on the conference: It will be held on Saturday, January 9, 1971, at Earl Warren Auditorium, Boalt Hall Law School, Berkeley, California.

Topics to be discussed are:

- An Introduction to the 1971 Crime Bills.
- New Rules on Depositions (in the Crime Control Act of 1970)
- Search and Seizure: the "No-Knock" provisions
- Death of the Fifth Amendment: the new immunity provisions
- False Statements: changes in the law of perjury
- Crimes for Organizational Activity
- Electronic Eavesdropping.

Speakers include: Paul Halvonik, Patrick Hallinan, Michael Kennedy, Allen Brotsky, Norman Leonard, Ezra Hendon

The minutes of the last Executive Board meeting, held on October 6, 1970, are contained, for the most part, in the Guild newsletter. If you didn't get a copy, call Nancy.

COMMITTEE REPORTS

PUBLICATIONS COMMITTEE: (Members: Neal Bush, Nancy Kahn, Marc Stickgold, Dick McMillin, Gabe Kaimowitz, Camilla Davis - in January)

Authorized the publication of two pamphlets:

1. Student rights for college students
2. Student rights for secondary school students

Plans to re-organize Guild newsletter in January.

Talked about possibilities of publishing books on Student Rights, Criminal Practice, etc. to raise money.

*Nancy finding writer
Camilla will work on it.*

LIBRARY COMMITTEE: Ernest Goodman and law student or Paul Rossen and student. didn't meet.

LAWYER - STUDENT RELATING COMMITTEE: meeting 11/12/70

(Members: Chuck Ravitz, Nancy Kahn, Dick McMillin, U. of Detroit students and Wayne students)

Has sent a letter to lawyers asking them to work with a student.

FINANCE COMMITTEE: (MEMBERS: Dean Robb, Nancy Kahn, Dick McMillin, Neal Bush, Jeff Taft, Phil Colista, Buck Davis)
Discussed many ideas:

Probate estate: Guild lawyers urged to appoint other Guild lawyers. Can get $\frac{1}{2}$ of 1% appraisal evaluation. Marianna from Goodman firm could talk to Guild lawyers about giving appraiserships to other Guild lawyers.

Dues letter and schedule to all members. *Nancy will do in November*

Office to try for more student representation. Neal in charge. (he got \$500 from MSU students)

Books: school rights (high school rights and college rights) and Bust Book. Sell to get money. Possibility of Gabe and Marc doing lawyer's manual on student rights.

Cocktail party for Kunstler in December at John Houston's house.

Dick (checking dates)

Jeff Taft: checking into foundations. Gave report.

Week-end conference: in the planning. will be a bread and butter seminar for young lawyers. 6 weeks - *Dean in charge*

2 sessions on criminal law

1 on criminal procedure

1 on trial tactics (voir dire, exam - cross exam, pre-trial examination) civil-rights act

2 sessions on negligence (slum-lords, led poisoning, cops, automobile)

2 sessions on workmen's compensation and industrial worker's rights (one of these would include medical information)

1 session on the draft

(Millender, Loria, and Glotta proposed to lead comp sessions)

Foundations: checking into New World, Rubinowitz, and Fuchsberg
Possible topics for proposals: Recorder's Court (racism); prison reform (prisoner's rights and bail reform; student rights)

Checking into showing BBC film on "The Conspiracy" - *Dick checking dates*

Possible Guild event per month: speakers and dues collection

Check with Fred Patton, Mike Wahls; Bill Segesta, and Craig for possible rock group contacts in the event that we give a benefit

Office Committee: Buck, Nancy, Dick, Marc Stickgold, Neal Bush, Tom Meyer, Alan Houseman - will meet 11/17

Finance Committee

Q3

① Proposal for lawyer's defense comm.

② Hsg

③ Library

④ Prison

⑤ Nat'l Office

⑥ Treasury functions

⑦ Christmas party

ORGANIZING COMMITTEE MEETING

FRIDAY, FEBRUARY 12th, 1971, Atlanta, Georgia

The organizing committee was established at the June, 1970 NEB meeting. It consists of past and present national staff as well as representatives from the regional offices.

The original conception of the committee placed its emphasis and priority on ascertaining priority areas for organizing and assignment of that area(s) to various individual(s)/office(s). The first such experience with this type of "regional" organizing was Seattle, where an organizer from the San Francisco regional office was sent to Seattle. The committee evaluated this experience and, on the whole, felt that it had been a successful implementation of regional organizing. (Although there are still some problems in Seattle ---- obtaining a steady source of income, organizing additional lawyers coupled with the fact that a great deal of time and energy went into providing support for the Seattle Conspiracy trial and things kind of fell apart when the mis-trial was declared.) However, on an over-all nationwide basis, regional organizing has not been that successful. It was suggested that one of the reasons for lack of success was lack of personnel. Regional offices, staffed by only one or two people have found it difficult to free one of the two for extended periods of time to do organizing in other areas. It was felt that for the immediate future we have a pragmatic approach to organizing --- i.e. either a regional office or the national office will deal with requests for organizers and problems as they arise depending upon whoever is in a position to best deal with the area.

It was also felt that the committee meetings were valuable and should be continued but that the conception in part should be altered so that the committee would also be a place where staff from the different areas could come together to share their experiences and discuss their problems.

Toward this end there was a general discussion of Guild relationships with LSRCC, ACLU, National Conference of Black Lawyers, etc.etc. It was noted that our relationship with LSCRRRC had improved tremendously (due primarily to the change in LSCRRRC staff) and that it might be possible to have law students, doing some Guild work, funded through LSCRRRC for the summer. It was also noted that Guild relationships with the ACLU differed from area to area depending upon the local ACLU personnel, so that in some areas it was quite strained, while in others there was a very close working relationship.

A question was raised about our relationship with Black lawyers and law students. It was pointed out that we had very close relationships with the National Conference of Black lawyers in areas where either their national office or local chapters existed. However, the Conference has not as yet organized chapters in many areas. It was generally felt that our role was not to take the initiative but to offer help wherever possible. It was also suggested that where possible and appropriate, we should encourage third world leadership of defense committees. There is some development along these lines in the Bay Area.

There was also some general discussion about women-men relationships in regional offices, the San Francisco office of six women and one man reporting that they no longer had a chauvinism problem, but rather a problem of professional - non-professional working orientation.

Finally, there was some discussion about the need for cadre people to leave the sunny beaches of California or the pollution of New York and go to some unromantic places like Chicago, etc.etc. It was reported that no one was having much luck.

There has been, over the past months, an increased use of grand jury investigations against movement organizations and individuals; hence the topic for discussion was that of grand juries, with particular attention given to immunity.

There are two types of immunity commonly referred to as "use" & "Transactional." The question of whether immunity could be granted at all, and, if so, whether use immunity was co-extensive with the 5th amendment privilege was decided by the Supreme Court in Counselman vs. Hitchcock. The Court held there that immunity could be granted but that the constitution required that such immunity be transactional. Thus, from that time on, the legal questions surrounding grants of immunity have centered not on whether there could be immunity at all but rather on the scope and nature of the immunity being conferred.

The discussion then turned to two current cases ---one involving the use immunity provision of the Organized Crime Control Act of 1970, the other, transactional immunity provided for under the "Rap Brown Anti-Riot" Statute. [Title 18, U.S.C. sec. 2514]. The former case centered around Joanne Kinoy (Arthur Kinoy's daughter) who was subpoenaed before a Federal Grand Jury investigating the harboring of witnesses. The grand jury wanted to ask her the whereabouts of another person, who in turn might know the whereabouts of a third person who is presently a fugitive. Upon taking the 5th amend., she was offered use immunity. A challenge to the immunity provisions of the 1970 statute was instituted and argued before Federal Justice Constance Baker Motley.

At the same time, a nun who was called to testify in Harrisburg in the "Kissinger Conspiracy Plot" case was offered use immunity and the 1970 statute was similarly challenged. In this instance the judge orally upheld the statute, however the gov't retreated the next morning and offered transactional immunity, under §2514. Upon her continued refusal to testify she was held in civil contempt under the 1970 act as a recalcitrant witness. The 3rd circuit granted bail and the appeal is now pending. In the Kinoy case, Judge Motley struck down the use immunity provision as being unconstitutional. Other issues raised by the Kinoy case were (1) wiretapping and (2) the proper function of a grand jury - to adjudge - rather than as an investigative arm of the Federal Gov't.

The second case involved a grand jury investigation of anti-riot, explosives, & firearms statutes in Tucson, Arizona. A number of movement people from the L.A. area were subpoenaed, granted transactional immunity, and asked very broad questions. They continued to refuse to answer and are presently incarcerated as recalcitrant witnesses.

The use of grand juries in the ways described above raise once again the political problem of whether or not a witness should testify. It was suggested that the political considerations of such a decision are: trust-hearings are secret and if people testify they will sow distrust among the movement; damage - can the testimony really be damaging, how much does the gov't already know or not know, can the testimony lead to an indictment; imprisonment - is it better to go to jail for contempt or a guilty finding after a trial. Another problem raised was how these decisions are to be made, particularly how one involves the underground in the process since they appear to be the targets.

The discussion was held in conjunction with the board meeting for a couple of reasons: First to determine whether it was useful to have such discussions and secondly, with regard to the specific subject, to ascertain whether such a discussion would be valuable in local areas. Those attending reacted favorably to both and local areas are encouraged to plan similar programs. In addition, we would like to suggest the following topics for other discussions: (1) challenging juries and jury panels, (2) the politics of bombing cases, (3) the Allen case & related problems of courtroom tactics, (4) problems of multiple defendants in political cases (5) problems relating to bail, bail jump, & bond forfeiture, (6) wiretapping and new surveillance decisions, (7) new decisions on confessions. There are a number of Guild lawyers who are extremely knowledgeable about the *suffocated* areas and the Nat'l Office would be more than happy *to assist*.

TO THE DISCUSSION OF THE FUTURE DIRECTION OF THE GUILD

The panel on working people and the economy hereby moves to add to the panel program on the future direction of the Guild a 45 minute discussion at the beginning of the program of the relationship of the Guild to working class struggles.

Our position is that the other critical issues confronting the Guild -- racism, sexism, imperialism, etc. -- are being treated in a vacuum unless they are grounded in an analysis of the working class as a major force for change. While our consciousness in some areas is high, the importance of the working class movement has largely been ignored. For too many years, now, the Guild has abandoned its role in the labor movement; and younger lawyers, in particular, have ignored the difficult, ongoing efforts to organize workers in favor of other student and street movements.

Throughout the country, workers are getting together and developing the working-class base for the struggle against capitalism and imperialism. There has been a tremendous upsurge in militancy among rank and file workers -- the miners' movement for democracy, the municipal employees' strikes in New York, the wildcat postal workers' strike, the recent walkout of clothing workers in Philadelphia, the Muni Drivers' rank and file militancy under Marxist-Leninist leadership, and the key role that the rank and file committee within the steel workers will play in the coming national strike are signs of a national class consciousness developing within the working class.

At this stage of the struggle there is a critical need for legal support for the workers' movement and it is incumbent upon the Guild, as the only legal organization in a position to provide such support, to get behind it NOW!

GUILD SUPPORT FOR WORKING CLASS STRUGGLES

Throughout the country, workers are getting together and developing the working-class base for the struggle against capitalism and imperialism. There has been a tremendous upsurge in militancy among rank and file workers -- the International Congress ~~of~~ Black Workers in Detroit and other cities, the League of Revolutionary Black Workers, the Motor City Labor League, the miners' movement for democracy, the municipal employees' strikes in New York, the wildcat postal workers' strike, the walkout of clothing workers in Philadelphia, and the San Francisco members for rank and file control of the San Francisco Municipal Railway are all signs of a national class consciousness developing within the working class.

The critical issues confronting the Guild -- racism, sexism, imperialism, etc. -- are being treated in a vacuum unless they are grounded in an analysis of the working class as a major force for change. ~~The real problems of white chauvinism and sexism are used by the ruling class in this country to divide workers and preserve the status quo;~~ (ADD "A") we must unite our efforts to liberate women and gay people and third world peoples with the working class movement. ~~The Guild was founded largely in response to the militant working class struggles led by Marxists within the CIO during the 1930's.~~ (New Paragraph) For too many years now, the Guild has neglected the labor movement and failed to provide enough legal support for workers' struggles. ----- (no new paragraph) ----- At this stage there is a critical need for legal support for the workers' movement and it is incumbent upon the Guild, ~~as the only legal organization in a position to provide~~ such support, and to do it NOW!

THEREFORE BE IT RESOLVED THAT THE NATIONAL LAWYERS GUILD SHOULD DO THE FOLLOWING:

"A" -- In the same way, the working class struggle must totally integrate the struggle against racism and sexism and move beyond an economist position to a true revolutionary position.

1. Chapters should create committees to coordinate work, training and information exchange of Guild members aiding working class struggles.

2. A National Labor Committee shall be established to have the following responsibilities:

a) Initiate on-going political analysis and discussion within the Guild, at the national, regional and local levels, as to the future political direction of the Guild with reference to working class movements.

b) Establish a national communication and information-exchange clearinghouse for Guild members involved in legal work relating to working class movements.

c) To organize a national conference in the early spring of 1972 on legal involvement in working class movements.

d) To assist, in whatever ways possible the efforts of chapters to serve the legal needs of working class struggles in their areas.

3. The National budget should make appropriate funding available for the work of the National Labor Committee.

4. Law student chapters should investigate and make their support available to workers struggles both on campus and in their communities.

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SUBMITTED TO THE PROGRAM COMMITTEE AND THE CONVENTION BY
THE CONTINUING CAUCUS OF THE LABOR PANEL.