

# DETROIT REVOLUTIONARY MOVEMENT RECORDS

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FOLDER 12

COUNTER CULTURE LAW  
PROJECT

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## COUNTER CULTURE LAW

Son: "Father, how can I achieve enlightenment?"

Father: "Kill me!"

Joseph Burke, Counter Culture,  
London: Peter Owen Ltd., 1969

### HISTORY

The Counter Culture Law Project's development in choosing legal priorities paralleled our development of political consciousness and awareness of human sensitivities and emotions.

As law students, a small group of men and women were activists in Northwestern Law School. We were all raised in middle class families and had been politically involved in the civil rights movement of the early sixties. This group became the LSCRRC chapter and much of its work was done within the school in opposition to administration policies.

In response to competitive pressures from other elitist schools, the law school made plans to open a legal clinic in the Spring of 1968. Most of the radicals helped plan the Clinic with the proposed director. The radicals' work with the Clinic soon became a priority for them and less energy was exerted in attacking the policies of the law school.

As the Clinic opened, everyone's consensus was that poverty, due in part to racism, was the "primary contradiction" of Amerika. The lawyers and students agreed that effectively representing individual poor people in their legal struggles was the most important way to ameliorate poverty.

We treated our secretaries nicely since they were all "student types". We always smiled when we asked them to file this, type that. After all, everyone came to community meetings and some male students dated these women.

Thus, the Clinic worked on individual poor persons problems, getting busted, beaten, evicted, welfareed, garnished, and divorced.

Very soon, we felt that the individual case approach was like putting band-aides on a bleeding corpse. Given our resources we weren't helping many people. The laws seemed so unfair and the judges were not interested in helping our clients. We thought that the way to reach more people was to pick an important issue, bring a test case in appellate courts and the decision would affect millions of poor people. These appellate judges

might better understand our arguments. (We still talked nicely to the secretaries.)

We very quickly learned that the "test case approach" was equally bullshit. The courts and the American legal system were the forum and process which rationalized the preservation of vested power interests. Judges merely reflected and protected their own privileged community's cultural, economic, sex and race interests. A lawyer could never speak about the real issues. (Could we enjoin imperialism under Dombrowski?) If the courts perceived any interest as a threat to the ruling class, some new rationalization would be invented. (Who ever heard of an injunction being enforced "with all deliberate speed.") The social effect of many decisions was to co-opt. For example, Giddeon v. Wainright guaranteed all criminal defendants the right to counsel. The social effect of this decision was to create a network of Public Defenders who were at best severely overworked and unable to adequately prepare their cases and at worst the same as the judges and prosecutors, in Chicago even having to obtain the approval of their local machine precinct captain before they could be hired. (It's always easy to find the worst of everything in Chicago.)

Having no faith in the judicial system, we realised that we could both "heighten" and exploit the contradictions:"  
1) that the courts were inefficient; 2) that many cases did not pose a perceived political threat; 3) that the law must maintain an ever-changing facade so that people believe that it is legitimate (e.g. belief in constitutional principles.) We sprouted more hair, relished with adoration our work clothes, said "fuck" alot, and used the latest rhetoric so that movement heavies knew we were the "good guys".

We decided to use our skills to give power to oppressed (mostly Third World) communities. We began writing paralegal manuals, doing paralegal training, working with community welfare rights groups, tenant unions and co-operatives. We thought it important to let communities have control over all their institutions: schools, homes, businesses, police. Unfortunately, in our enthusiasm and aggressiveness, many of us were left unwillingly leading some of the community groups. We had gone to groups that did not have a strong political

and ideological base, and when tension increased, many community people left the organizations and got yet another apartment or yet another welfare worker. (The secretaries began to feel bad about some of the anal shitwork that they were asked to do. It wasn't so bad though, because they were our friends and we all got stoned together on the weekends.)

Then came the Democratic Convention, the Days of Rage, The Murder of Fred Hampton, and a developing sensitivity to sexism. We were all Weatherpeople and Black Panthers.

Realizing that the legal system was totally fraudulent, we thought it necessary to work to maintain only the most highly political, aggressive, cohesive groups. It was not only important to keep these groups functioning, but to keep revolutionary leaders on the streets. We did mostly criminal work for the Black Panther Party, Rising Up Angry, The Young Lords, The Black Disciples.

EXPLOIT THE CONTRADICTIONS  
power to the people

THE REVOLUTION HAS COME  
power to the people

ITS TIME TO PICK-UP THE GUN  
power to the people

The secretaries were enraged; they became legal workers. The men formed a men's group. (Oh the guilt! Not only were the men white professionals, but were such sexists. "Beat me! Beat me!" was their cry.)

Two male law students who worked in the Clinic came to realize that even if you were a lawyer for the Black Panther Party, you were still male, white elitist professionals aspiring to be movement heavies. This felt bad. With the sound of Malcolm X's admonition - "Go back to your own community"-ringing in their ears, they decided to start the Counter Culture Law Project.

To begin, the Project had two objectives: 1) to keep new cultural forms (such as communes, work collectives, free schools, underground media) viable; 2) to develop a sense of community among these new institutions. To further these objectives, we intended to use both traditional legal skills and develop new approaches. The founders of the Project began by going and

talking to every group they could find, whether by reading a listing in an underground newspaper, by reputation, or by past experience. They shared their theories, informed communities of their services and tried to comprehend the true needs of the community. The purpose of these encounters was to build trust so that a working relationship could naturally develop. The personal lives of members of the projects also changed, characterized by the members becoming part of many community institutions, living communally (although not together), marriages breaking up, and relationships initiated. Gradually more students, legal workers and lawyers became part of the Project. At present the primary energy comes from one legal worker and one lawyer, many people having passed through the Project.

#### POSTULATES

Our lives and work, shaped by past history and experience, are grounded in certain assumptions, presuppositions and theories.

1. Uniqueness, creativity, and freedom are the most natural states of human beings.
2. Human beings desire life, not death; freedom, not authority; growth, not decay; support, not competition; sharing, not power; comradeship, not anomie; joy, not alienation.
3. A community whose institutions are based on people's uniqueness, freedom and creativity is the actualization of genuine desires.
4. Human history is a dialectic process.
5. Reactionary politics in the West derived from Machiavellian precepts and has centered around manipulative, unprincipled competition for control of production and consumption; territory; governmental structure; sexist, racist and religious superiority myths; and cultural norms.
6. The present industrial civilization manipulates people's lives and denies women's and men's most desirable nature.
7. The product of industrial civilization's manipulation - Dominant Culture - is the development, growth, refinement, and aculturation of the concepts and practices of sexism, racism, alienation, and individualism in the social sphere and capitalism, imperialism, and technocracy in the economic

and political spheres.

8. A wealthy, authoritarian government-business-military-church-school-media complex in the United States retains control of the people by exploitation and impoverishment of human beings, by police terror, by legal injustice, by perpetuating racism and sexism and - to support these anti-human policies - by building and maintaining a culture that constantly propagandizes anti-human values: competition, white supremacy, expertise and manipulation.

9. Although all human beings are exploited and oppressed; the most extreme form has been of the Third World, manifested by outright denial of subsistence.

10. Revolution- i.e. qualitative change of existing social, political and economic reality- is an historical inevitability and is necessary to ameliorate this exploitation and oppression.

11. Revolutionary politics in the West derived from Marxist-Leninist precepts and has centered around the struggle to take control away from a power elite, to distribute resources equally among the people and to create structures to insure that control of these resources and their use remains always with the people.

12. The Revolution is the realization of a new morality which is based on a return to people's most natural and desirable state of being.

13. The Dominant Culture is dying while the seeds of a new culture are growing.

14. In the United States, the strategy for revolution is the development of community.

15. Community is based on people being conscious of their own most immediate oppression, gathering to share this consciousness, and working to control all institutions of a community.

16. While a community is positively growing, it must also resist the Dominant Culture.

17. A person must first recognize and fight the oppression that touches her/him in the structures in which she/he lives, works and plays before attempting to revolutionize the lives of other people. A person must be free in order to preach freedom.

18. To overcome that oppression, a revolutionary must build a new culture as well as a new politics. "People's politics" which is based on the same antihuman values as the Amerikan system has inherent contradictions and is not truly revolutionary. By its form, it reinforces what it should destroy.
19. To combine revolutionary politics and revolutionary culture, one must build an integrated whole--a whole self, a whole family, a whole work, a whole community. A revolutionary's lifestyle and politics must reflect a living revolution.
20. All communities should be self-determining, linked to otherself-sufficient communities out of self interest, common needs and desires, and resistance to the Dominant Culture.
21. The oppression of Third World communities is the most venal because it attempts to deny human subsistence.
22. Motivated by a desire for Social Justice, many people have irrevocably given up privileges and realized that to seek a different culture is desirable.
23. Formerly privileged people are highly conscious of cultural oppression.
24. As the Dominant Culture dies, it is desirable to have new communities and institutions ready to replace the old.
25. Since formerly privileged people are the most conscious of their cultural oppression, they are creating new cultural forms to replace the old.
26. The forms of this new culture are a Counter Culture.
27. The Counter Culture is composed of institutions which are based on uniqueness, freedom, and creativity for all people.
28. The Counter Culture is our community, its oppression, our oppression, and our political priorities are realized within this community.



## COUNTER-CULTURE COMMUNITY

Political principles and postulates cannot be realized intellectually or in a vacuum but must be an organic part of everyday life. They must be transformed from idea to reality by groups of people living and working toward shared goals. A community is a group of people conscious of their strong bonds and their shared goals.

The value of "community" itself, rather than isolation, is important because it speaks to the needs of human beings for deep, healthy interpersonal relationships and because community is the force opposed to the fragmented, anomic society that is unable to act against or to resist an oppressive system. That kind of society -- 20th century amerikan society-- is characterized by millions of passive, privatized lives - frustrated but incapable of revolt. It is a society that generates social rules and hierarchial roles by default. Its rebellions are isolated acts by individual leaders who argue over which way to lead. People are weakened personally, by lack of contact with their fellow human beings, and politically by their passivity. People must take control of their own lives in the most fundamental ways. Revolutionary personality, revolutionary woman and man, must develop, and it cannot develop in individualized, competitive interactions. Community is necessary for both personal and societal revolution.

We see as one model, the counter-culture community. A counter-culture community is one in which revolutionary politics and lifestyle are integrated into a living, revolutionary antithesis to the amerikan system. It provides for individual growth as a human being through new kinds of interpersonal relationships and for political growth as a revolutionary through the actual construction of revolutionary forms. A specific example is the collective living together and working for shared political goals. Building a collective is a tremendous challenge. What is the collective's political analysis--can it even arrive at a shared analysis? What political work will the group do together? How will it help build and support other community institutions? How is work divided? How is income earned and divided? How is space

shared: Who does child care? What are the sexual relations? The process of working out these questions is growth and revolution. It is developing long-range strategy as opposed to crisis reaction. It is people controlling their own lives.

People are forming new families. Collectives have sprung up from Seattle to Atlanta, Buffalo to Vermont, and they are units of people to trust each other both to live together and to organize and fight together. The revolution involves our whole lives; we aren't part-time soldiers or secret revolutionaries. New Morning - Changing Weather, December 6, 1970 - statement by Weather underground.

The work of collectives together is building community as well as ending oppression.

...strategy without a revolutionary form of organization can only emerge as a new class society. To destroy the system of oppression is not enough. We must create the organization of a free society. When the underground emerges, the collectives will be that society. The Anti-Mass: Methods of Organization for Collectives - New Haven, Ct.

A counter-culture community is defined by the network of its values, its politics, its structures (communes, work collectives, free schools, free clinics, anti-sexist groups, people's information centers, revolutionary labor unions, community law offices, radical therapy, child care centers, people's music/art/literature) and its awareness of the interrelationships between its values, politics and structures. One way to think of the community is as concentric circles: self (anti-sexism, sharing, self-criticism, commitment) surrounded by family (commune) surrounded by work (collective) surrounded by community (the structures listed above). A counter-culture community generates a continuous movement from

leadership/hierarchy	to collectivity
self-repression	self-expression
capitalism	commune-ism
passive	active
sexism	non-power relationships and discovery of other/ new sexual needs
manipulation	honest relationships
fragmentation	involvement as a whole person
consumerism for false needs	subsistence for human needs
professionalism	self-sufficiency
schooling	learning
"objective" mass media	subjective community media

The community is both a model (of post-revolutionary society) and a base of operations.

## LEGAL WORK \* TRADITIONAL SKILLS

Our legal work is oriented toward keeping these counter-cultural forms viable and strengthening the counter-cultural community. We take cases only from people involved in revolutionary cultural forms, with revolutionary political goals. Much of our work is traditional kinds of law which we've used for new purposes and in new ways. We do not feel that the law itself can provide any solutions or bring about any fundamental change. But the law is one tool of advocacy in a many-sided struggle.

Our traditional legal work includes criminal and constitutional work, the mainstays of radical lawyers. But it also includes attempts to turn around other kinds of laws, to use them to perpetuate the community.

An example is the not-for-profit corporation form. A commune, a work collective, a free school can become a not-for-profit corporation. All assets and liabilities are attached to a group as an entity rather than to any individuals, thus reinforcing collectivity. The corporate form - directors, officers, quorums, etc. - can be ignored for the most part. The writing of by-laws is an opportunity for the group to make explicit the obligations, expectations and needs of members and the purposes and ground rules of the group as a whole. If the group is ever challenged by the dominant culture or wishes to bargain with it, the incorporation is a sign of "legitimacy." In some cases, the group can go farther and make itself exempt from paying taxes. Tax law is another area of usually reactionary work that can be somewhat adapted. Tax resistance and other ways of denying money to the government can be investigated and practiced by an entire community.

We have also been called on to counteract very localized harassment in the form of selective zoning and building code enforcement. Free schools and free clinics are particularly subject to this kind of harassment. We respond with our own harassing tactics - getting delays, scheduling hearings on architects' plans, partial completion of required work. As with all laws, building codes are not used to enforce safety - owners of fire-traps can easily bribe inspectors - but to make unrealistic demands on people who try to control their own lives, health or education.

Finally, our traditional work includes para-legal training and organizing people around their own legal problems. People who know their rights are not so easily intimidated, and as they gain confidence in their own legal skills and knowledge, the myth of professionalism falls apart. We have done training sessions for a number of community groups in various areas of law; these groups have set up their own community clinics. We have written a manual on starting free schools. A model of a collective organization of people handling their own legal problems is the pro se divorce project of the Chicago Women's Law Caucus, in which women act as their own lawyers in uncontested divorce cases, with help from other women - lawyers, student, legal workers and women who got their own divorce in the project and stayed to help others.

#### LEGAL WORK - NEW SKILLS

Due to the Dominant Culture's socialization, legal people have seen themselves as using traditional legal skills within the Amerikan legal system primarily in response to oppression.

However, just as the seeds of a new culture are growing, so must a new way to view law and legal skills.

Realizing that new institutions are the building blocks of a Counter Culture, we tried to both experience and learn the ways that these institutions have solved problems. We learned and experienced through talking, reading and experimenting ourselves. For example, how have communes solved the problem of allocation of space, income and property sharing, work inside and outside the commune, child care, sex roles, how to resolve disputes, and mechanisms for sharing emotions. Given this knowledge, we attempt to share it with potential or existing communes. We have applied the learning and sharing of alternate models and theories to other new institutions such as work collectives, alternate schools and food co-ops.

We also thought it important to teach others about these new forms and initiated a course in Counter Culture at an alternate High School where these ideas were shared in creative ways. (Teaching methods included sharing of free associations, discussions, psychodrama, and game playing).

Attempting to develop new skills for a new community, the Counter Culture Law Project has tried to anticipate and furnish a mechanism for resolving potential or actual disputes within the community, outside of the litigious legal structure.

Among members of groups, we have tried to mediate disputes if so requested. Furthermore, it is often helpful to write and make clear the expectations of group members prior to the group's formation.

On the community level, when institutions come in conflict, the Project- using Cuba and China as models - convened a People's Tribunal to resolve the problem. Four facilitators, approved by both sides of the dispute, were chosen. Both groups were brought together by the facilitators, whose function was to structure a continuing interaction among the participants. No person or group was found "guilty or not guilty, " but feelings were shared, specific acts analyzed, and facts investigated. Methods included not only discussion, but Gestalt techniques, and psychodrama.

The Project also tries to bring together interest groups within a community and develop ways to share experience and resources. This usually involves finding groups, talking with them about mutual goals, arranging a joint meeting and exploring methods of cooperation. (e.g. underground press sharing equipment, theatre groups sharing space).

Practicing other legal skills involves contact with other community institutions and thus breaks down the specialization and isolation reinforced by the Dominant Culture.

#### LEGAL WORK IN A COLLECTIVE

The Counter-culture Law Project is organized as a collective within the Northwestern clinic, which is also struggling to become more of a collective. Both the Counter-culture Project and the clinic consist of lawyers, students and legal workers. The tendency to accept those categories as capitalist labor divisions is very strong. We have analyzed that tendency and its origins in our attempts to revolutionize our own work lives. The typical straight law office is characterized by professionalism and sexism.

Lawyers divide the creative, prestigious, "valiant defender" work among themselves; the necessary but boring research goes to students; the typing, xeroxing, filing, mailing, record-keeping shitwork goes to secretaries. Secretaries are considered below the professional level and are treated in such a way as to insure that they will never acquire the skills to allow them to challenge their place, their class position. Secretaries are alienated laborers. Not surprisingly, secretaries are women. They have bad jobs, bad pay and, on top of that, are expected to provide casual sexual stimulation for their hip, liberal bosses.

The clinic as an office once fit the basic description of any straight office with the exception of clothes, hair, and perhaps, friendliness. A year and a half ago, however, basic changes began to happen. The secretaries became legal workers and with the name change, they won an accepted right to participate in the intellectually and emotionally rewarding aspects of legal work. The lawyers and students, on the other hand, generally accepted responsibility for their own typing, xeroxing, answering the phone, filing, etc. I say generally because the old ways are still reverted to, especially when the brief is due tomorrow, and the lawyer never learned how to type, and somebody has to do it and....

In the Counter-culture Project, collectivity is carried farther than in the clinic at large (partly because the clinic's size and the widely varying interest of students prohibit real collectivity). The two coordinators share income. We also share work, both doing creative work and shitwork. We alternate as spokesman/teacher. We try to keep analyzing our goals as new situations arise. We are planning to begin a commune. Certainly the effort to build collectivity is an ongoing, difficult process. But we believe it is the key to revolutionary life-culture-politics.