

# trial

Schlusser turned over a half-page of the 12-page report. Long later said he would subpoena Butkovich, who has been silent on the issue of his infiltration, if he felt the agent's testimony was necessary.

### Playing it up

Media attention, especially by national television and print journalists, has focused on the sensational aspects of the trial.

Both sides, defendants and CWP members, have attempted to use the media to gain attention.

Defendants have shaved beards, cut their hair and donned business suits daily, undoubtedly to make a good impression on jurors.

The six have put on a show of unity, Christianity, patriotism and other qualities jurors may find appealing. One defendant, Jerry Paul Smith, has a miniature American flag sewn to the sleeve of one of his jackets. But hidden from jurors are the Confederate flags and swastikas tattooed on the arms of several of the defendants.

The CWP has shown itself to be more concerned with media coverage than either with the trial or with workers' rights.

The group's energy in Greensboro has been channeled toward appearing in the newspaper or on television daily, calling the trial a sham and charging the government, the FBI and the local police with the Nov. 3 shootings.

While CWP members picketed in front of the county courthouse one day, 3,000 persons looking for jobs stood in front of the State Employment Security Commission office a couple of miles away.

The workers were assembled, but the party, which claimed to represent the laborers, was concerned more with its media blitz than with the problems of

working class.

### A free speech

The CWP announced before the trial that it would neither participate nor help in the prosecution of the six defendants being tried now or those who will go on trial later.

Greensboro was plunged into the national spotlight again when police struggled with CWP members the opening day of jury selection because of restrictions on the number of people who could enter the courtroom.

Marty Nathan, widow of Michael Nathan, one of the five slain Nov. 3, spoke out from the spectator section in court the day of opening arguments, Aug. 4.

Nathan refused to be silent, was gagged on an order by Long and later was jailed with another CWP member on contempt charges.

Nelson Johnson, the most active CWP leader in the area, crashed a press conference of Gov. James B. Hunt Jr. and was removed by security personnel; stormed a meeting of the Greensboro City Council and was removed again; and was arrested but not charged when he climbed atop a column to shout his grievances and rehash CWP rhetoric.

Johnson at the time of his arrest was out on \$15,000 bond for charges stemming from another incident.

The state asked that Johnson's bail be increased to \$100,000, charging that he was a danger to the public welfare. The request was denied, though Johnson stayed in jail on assault charges after breaking the nose of one officer while being forcibly removed from a courtroom.

Johnson's attorney in the bond-increase hearing was Richard Rosen, a UNC Law School instructor. Rosen represented the CWP firebrand without compensation. The state, Rosen said,

was attempting to use bond laws to muzzle Johnson.

"What did (Johnson) do?" Rosen asked Superior Court Judge D. Marsh McLellan. "He was rude. He was loud. He walked up to the governor and to the mayor."

"The district attorney is trying to take a defendant he feels is politically distasteful and use the bond laws to incarcerate that defendant," Rosen said. The judge agreed, and the bond increase was denied.

Johnson undeniably was aggravating public opinion against the CWP, instead of drawing support for the overthrow of the government, as state officials feared.

### Exploitation

The CWP leader also may have lowered the chances of conviction of the six on trial, even if their guilt were proved.

A basic right in America, however, is free speech.

And, as Rosen pointed out, free speech must remain a right even if what people are saying is not what mainstream America likes to hear.

The state showed a remarkable lack of respect for Johnson's constitutional rights in its attempts to increase his bond and thus keep him locked up.

The CWP could have helped convict those who shot its members, some of whom may or may not be among those

## integration

participate in campus organizations, and they're going to have to recognize that blacks simply aren't going to assimilate themselves into white culture. Blacks are holding onto their heritage and whites will have to accept that heritage.

Canady is attempting to take the BSM in a new direction to facilitate integration on this campus. Aside from its role as a black rights advocacy group, it will begin this year to try to bring about more interaction between black and white campus groups to make them more homogeneous.

Saunders says he also has made a deliberate effort to recruit blacks in Student Government.

These actions are positive signs, but

on trial now.

Many CWP members were present Nov. 3 and could give positive identification of those who did the shooting.

By refusing to testify, the CWP purportedly rejects the American legal system. Still, the group demands the rights allowed by the U.S. Constitution in the state's handling of Nelson Johnson and in the CWP's continued attack on the federal government, capitalism and democracy.

CWP rhetoric, often incoherent, claims the state and other government institutions and individuals, with help from the Klan and Nazis, murdered what they call the "CWP 5."

The group shouts for justice, yet refuses to help attain it through the only legal avenue available.

Believing in a cause is admirable. Living by one's beliefs is even more noteworthy.

But hiding behind blind, empty accusations, rejecting facts in favor of rhetoric and waving like a bloody flag the deaths of five persons is not admirable.

It is exploitation. Justice, a fleeting concept often hindered by the legal system, depends in criminal cases on evidence and identification of criminals.

The behavior of all parties involved in the Klan-Nazi trial in Greensboro has shown that few, if any, of those involved are interested in justice.

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## UNC system

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haggling with the federal government and have had the most headaches."

In desegregation negotiations the government has two options. It can refer a case to the Justice Department for negotiations as it did with Louisiana, or start proceedings through the Department of Education, which is the route it took with UNC. In both circumstances the two parties can agree on a settlement at any time.

If North Carolina loses its battle, money is at stake; if Louisiana submits a plan that is unacceptable or fails to carry out government directives, its officials theoretically could be held in contempt of court and go to jail.

"Although it's a bit different, I have really been waiting on the North Carolina case," Ferlita said. "We are beginning to look at it more seriously because its outcome will affect other states. I think (the North Carolina case) is going to give us answers we haven't been able to get through negotiations."

### Duplication the key

There are common problems all the southern states have encountered in their attempts to satisfy government guidelines for desegregation, but program duplication heads the list.

"The main thing we're talking about is duplication," Ferlita said. "All the universities within our system are doing their best to integrate in terms of numbers. The main bone of contention is what (program) goes where."

Louisiana has nine predominantly white schools and four predominantly black schools. The white schools have an average of between 12 and 15 percent black population.

"It's not the numbers that count," Ferlita said. "It has a sociological root and most parents probably would send their kids clear across the country before sending them to Grambling or Southern University (two of the state's black schools)."

But the government has made it clear that it is not seeking to close down current programs if there are two equal programs at a black and white school located near each other. It is seeking to eliminate duplication of new programs that are being planned for the years ahead.

Jesse Stone, president of Southern University at Baton Rouge, said he thinks some duplication is necessary even if it does upset racial balance. "We do think we must broaden our programs and objectives so as to include whites at black schools and vice versa. The main way to do this is to enhance the black schools by putting key programs there."

He said program planning and financial assistance would be the key. "Many people say money is the root of all evils, but when it applies to us I think money could be the root of most good," Stone said.

A recent report issued by the Southern Regional Education Board states that duplication of programs does not necessarily impede the elimination of a segregated system. "I think the key emphasis of the report was on the word 'unnecessary,'" said James Godard who conducted the study.

"We feel the contention that the student will follow the program wherever it goes is of dubious validity on an undergraduate level. He's there for the lifestyle, whether it be sports, fraternities, etc."

### Poor program planning

But critics of the University claim the administration and UNC Board of Governors could have avoided the controversy years ago with proper planning for the black schools. Among

the chief examples are the location of a school of veterinary medicine at N.C. State University and a medical school at East Carolina University.

"I can't think of anything that could have helped more than if the state put the vet school at (N.C.) A&T (State University in Greensboro)," said Hayden Renwick, associate dean for UNC-CH's College of Arts and Sciences.

"When the proposal came up to put the school at State, the state should have said, 'No we can't do that because we committed ourselves to establishing facilities to attract all students,'" he said. "The only way you solve these problems is to be perfectly honest, and you're going to hurt some feelings but it's a start."

After a tour of the UNC system in the spring of 1979 government officials said the University would have to spend \$125 million to upgrade the black schools, a figure administration officials said was unreasonable. Since 1972 UNC has pumped \$80 million into the black schools, \$20 million for renovation and repair and \$60 million for capital improvements. But some observers have said it's not enough.

"The money we have received at Fayetteville State has helped some, but when you have to spread out the total over five schools, it doesn't go very far," Lyons said. "Apart from this, though, I think one of the most important things is trying to find ways to produce more black professionals—this is our end goal."

### Private schools

While both sides have tried to argue how best to achieve this goal in the public systems, the private colleges and universities have not been affected thus far. But that situation may change, largely depending on the outcome of the UNC case.

The Legal Defense Fund recently announced it is working to expand desegregation requirements to include private colleges and universities in states where public institutions are negotiating with the government.

"It's irritating to watch the government crack down on us when the private schools are more segregated than we are," one UNC official said. "And the argument that they are immune is invalid because they receive massive amounts of federal money."

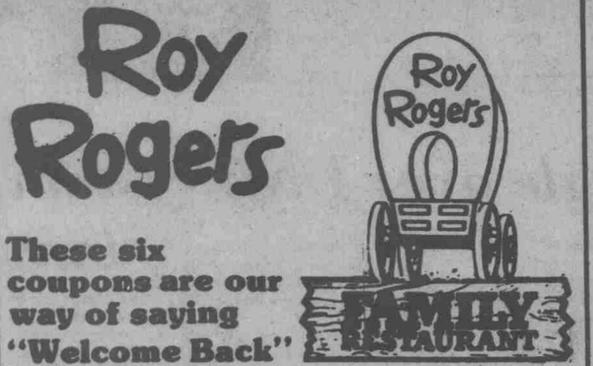
The Statistical Abstracts for Higher Education in North Carolina for 1978-1979 lists Duke University as having a 4.5 percent black population and Wake Forest University with 3.6 black enrollment. The corresponding figures for UNC-Chapel Hill and N.C. State for the same period are 6.8 and 5.7 percent respectively.

### Desegregation and politics

A final aspect of the case that looms in the background involves the presidential election this fall. With President Jimmy Carter's support in the southern states dwindling, North Carolina could be a key state for the incumbent.

The desegregation dispute, coupled with Joseph Califano's campaign against smoking, has left many residents angry at the current administration. Ronald Reagan could capitalize on the case over the course of the campaign.

"Reagan could come in here and say, 'I know a way to solve this problem and can do it in 30 days,'" an observer said. "And as president he could do it by telling the government to get off the state's back and let them handle it themselves. He could pick up 50,000 votes in one day."



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