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William Kunstler speaks on law; Calls courts '...arm of destruction'

By Brad Rich

"It is not just in the U.S. where the legal system is utilized as a method for controlling society," said self-avowed radical lawyer William Kunstler to a crowd gathered in the McKnight Lecture Hall Tuesday night, "but the U.S. is the most hypocritical. We utilize the court system as an absolute arm of destruction...It creates situations of intolerable cruelty...It is really a system of injustice, not a system of justice."

Kunstler is perhaps the most famous of America's "radical lawyers." He has defended, among others, the Chicago Seven, Angela Davis, Rap Brown, Joanne Little, the American Indian Movement, Daniel and Phillip Berrigan, and the Freedom Riders of Mississippi. He has been a lawyer for 30 years, but sees the law and morality as "opposite poles."

"Legal systems," Kunstler said, "are an arm of the ruling class designed to prevent disruption of power. It utilizes this power to convict people and either take them out of the system or destroy them physically. This is a political trial."

Kunstler said a political trial is supposed to do three things; "destroy a voice, inhibit those who follow the voice, and solidify support of the silent majority behind the ruling class."

He cited the trial of Christ as the classic example of the political trial. He said Christ was a threat to the system, a "small communist," and had to be disposed of. To kill him by the sword would have excited too many people, so he was arrested for conspiring to destroy the temple. Later the charge was changed to blasphemy, for claiming to be the son of God; he was convicted, thus the voice was destroyed, and the followers were scattered. The silent majority fell right into line, and on the Passover Day picked Barabas to be released instead of Christ.

"Our government does this regularly," Kunstler said, and cited the trials of Ben Chavis, Angela Davis, Dr. Spock and the Berrigans as examples.

Kunstler used the peace movement as the central example for his analysis of political trials in the United States. He said John Kennedy was the President who actually started the Vietnam War — he sent in the first 1800 combat troops, and initiated the first defoliation of the Vietnamese countryside, but Lyndon Johnson accelerated the war by sending in half a million troops secretly after his landslide victory over Barry Goldwater in 1964. "Goldwater was more truthful during the campaign," Kunstler said, "but I didn't think so at the time."

"The first people to oppose the war were 'respectable' citizens like Dr. Benjamin Spock," he said. Spock was indicted for conspiring to pervert the youth of America, "just as Socrates had been in Greece." He had been telling American youths to avoid the selective service draft.

"Conspiracy can't be defined; it is an act of 'thinking,' and you don't even have to think, they'll provide an informer who will think for you," said Kunstler. A person can be tried for this anywhere a supposed overt act has occurred, and Spock was tried in Boston, a perfect place to try defendants because of the high percentage of Catholic population.

Kunstler said the "Chicago Seven" were tried by jurors drawn from "Daley-land," yet they still were not able to get a conviction on the original charges. "We were, however, convicted of contempt of court," Kunstler said.

"The Chicago Seven trial, while an apparent victory for the Movement forces, did accomplish the goals the

system had hoped for. The leaders were scattered, many were harassed into going underground, and a new leadership, called "The Catholic Left," emerged. This group included such people as Daniel Berrigan, Phillip Berrigan and Dorothy Day. Eventually, they too were brought to trial on a conspiracy charge, this one the most outlandish of all. They were accused of conspiring to disrupt the steam-heating system of Washington, D.C., then sneak into the White House and kidnap Henry Kissinger, then the President's advisor on foreign affairs."

The trial was held in Harrisburg, Pennsylvania, a town Kunstler said "is composed of two per cent Catholics, and 98 per cent Fundamentalist Protestants. There are almost no blacks, no nearby universities, and only two airline flights a day — Allegheny Airlines in and Allegheny Airlines out." 80 per cent of the city's wealth comes from the Bethlehem Steel plants, which are directly linked to the production of war machinery. "Even with all that," Kunstler said, "The jury voted 10-2 for acquittal." The government had based its case on a witness, Dale Boyd, who testified that, while in prison at Louisburg, Pennsylvania, he had heard Berrigan tell of the plot.

Kunstler said the only trouble with this was on the date Boyd gave for the conversation, Berrigan was serving time in Danbury, Connecticut for another charge. "Ten jurors didn't believe Berrigan could shout from Danbury, Connecticut to Louisburg, Pennsylvania," Kunstler said, "but two still did."

Next to rise to the front of the fight was an organization known as the Vietnam Veterans Against the War (VVAW). Kunstler said they were thought the most dangerous of all, because they weren't draft evaders, yuppies, etc., they were Americans who

had served, then become wounded and disenchanted with the war. "They had been there and had firsthand knowledge." Another conspiracy charge was brought, this one accusing them of "conspiring to pin down delegates to the Republican National Convention in Miami, Florida." This time the government's witness was a man who had been discharged from the army for psychiatric reasons, and who claimed the VVAW members planned to fight the delegates with such things as slingshots and crossbows. "I thought crossbows went out at the battle of Hastings," Kunstler said. Nonetheless, the trial took five months before the jury acquitted the defendants in a 53 minute session.

The final trial Kunstler discussed was the Daniel Ellsberg-Anthony Russo trial which centered around Ellsberg's publicizing the Pentagon Papers. Ellsberg and Russo were accused of conspiring to break down the classification system of

the United States by removing and xeroxing copies of the "Pentagon Papers" and sending them to such "disreputable" publications as the Washington Post and the New York Times. Charges were later dropped against when it was discovered his only part in the action was allowing free use of the copying machine. During the trial, Federal Judge Burke of California was offered the Directorship of the FBI after the trial. Burke said he had to think it over, and another meeting was set up. This one, to be held in MacArthur Park in Los Angeles, would be between Judge Burke and John Erlichman, the President's chief advisor for domestic affairs.

Little did Burke and Ehrlichman know that Anthony Russo's bathroom window looked over the park. Russo saw the two men talking, and contacted his lawyers, who brought it up in court.

Judge Burke left the bench, and in 30 minutes returned and dismissed prosecution. "This was the first trial ever dismissed for governmental misconduct," Kunstler said.

Kunstler said lawyers must constantly play a charade, namely; that there is justice in the legal system. "This is not true. All you can do is throw up roadblocks and bring out the contradictions in the system. This is where you can damage it the most," he said. "There is no justice in the system, no truth or beauty. It's a dirty little game where the rules are manipulated. There are things happening all the time, but we see only the celebrated ones. Joanne Little was lucky. Because of the nature of her case, she broke the anonymity, but very few do."

To change the system Kunstler believes a fundamental attitudinal change must occur. "Somewhere in our minds," Kunstler said, "is the idea the legal system is sacrosanct. We think it may make mistakes, but is basically decent. We accept these not as assassinations, which they really are, but as some part of a legal process. It is time to begin to question the system. People have to take an interest or the system will destroy you as well."

Kunstler said he thinks electoral politics is a waste of time. He advocates political activism instead, and feels eventual armed revolution will be the way the system is finally changed. "If you think you vote for America's rulers, you've have another think coming. You don't make any choices. America's rulers never run for public office," he said.

He said the only thing that's important is how people relate to their brothers and sisters around them in love. "Don't trust my examples; you yourself must take an interest and understand what is going on around you," he said.

'Possible irregularities' Spur SBI investigation

By Les Bowen

The State Bureau of Investigation (SBI) is investigating what Vice Chancellor Leo E. Ells last week called "possible irregularities" at UNCC.

Ells, vice chancellor for Business, said he couldn't discuss the nature of the "possible irregularities" until the investigation is concluded. He said the situation involved "possible wrongdoing on the part of an employee...no one has been charged, no one has been found guilty, and almost anything I could say would be the most sheer speculation."

When asked to comment on reports that a university employee's resignation was related to the "irregularities," Ells said, "Yes, a person resigned, but, you know, I think that happens every week, or maybe twice a week. We have approximately 1,000 employees at UNCC, so the fact that a person resigned has almost no significance, unless you connect it with something else — and if you do that you might be lookin' at a nice, fat, libel suit."

Ells said he consulted with Security Director Jerry Hudson, who recommended that they advise Chancellor Colvard to bring in the SBI.

"We decided to ask for the SBI because of the nature of the kinds of things we'd have to do to find out if we had a problem or not," Ells said.

Ells cited several investigatory avenues open to the university in the event of "irregularities."

"If you have a theft, you call in the police. If you are missing money, you call in the internal auditor. In this particular instance we decided we needed investigative skills."

Ells said he felt the investigation had been damaged by publicity — that the persons being investigated were alerted by the media and would be harder to catch.

"Anytime an investigation is broadcast through the media, it's destructive. Anytime the conclusion of an investigation is broadcast, it's helpful," he said.

Carolina Journal photo by Pete Meuser



Vice Chancellor Leo Ells.