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ACLU NEWS

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POLITICS OF CRIME OR CRIME OF POLITICS?

NOVEMBER PROGRAM HIGHLIGHTS

WHEN: Wednesday, Nov. 14, 7:30 p.m.

WHERE: Gottschalk residence, 4637 El Cerrito Dr.

WHAT: Discussion of ACLU's campaign urging the impeachment of President Nixon.

Guest speaker: Coleman Blease, ACLU/Southern California lobbyist, on "The Politics of Crime and the Crime of Politics."

Now that we have reached that irritating period of "post-Watergate morality" that was supposedly preceded by "law and order," it might be time to get some political insight from the Southern California ACLU lobbyist in Sacramento, Coleman Blease.

Blease has chosen as his topic, "The Politics of Crime and the Crime of Politics." He will speak at 7:30 p.m., Nov. 14, at the Gottschalk's, 4637 El Cerrito Dr.

His appearance is very timely because most civil libertarian activists are saying that now that the Supreme Court has taken a Nixon turn, they should turn to the legislatures more, instead of the courts.

Blease, an attorney, has been the ACLU legislative advocate since 1960. In his job he appears before committees to be sure that civil liberties are maintained. He is personally involved with about 800 bills per session.

Blease is a graduate and former faculty member of the University of California at Berkeley.

El Cerrito Drive runs into El Cajon Blvd., one block east of 56th St. Turn north for about one and one-half blocks.

UNTIE POVERTY LAWYERS' HANDS -- HAVERSTICK

In accordance with supporting the right to counsel and equal protection amendments of the Constitution, George Haverstick, SDACLU president, made a presentation to the American Bar Association's Ethics Committee Oct. 25.

At the present time poverty lawyers--those working for OEO and Legal Aid societies, for example--are prevented by various state and national laws from representing their clients in the same manner as retained attorneys.

Some class-action suits are not allowed and, in some cases, attorneys are not allowed to appear before legislatures to represent their clients. A retained attorney is not prohibited from following these alternatives.

The code of Ethics of the ABA includes a canon saying that an attorney should use ALL legal and proper methods possible to defend his client.

Haverstick's presentation, made at the request of National and Affiliate branches of ACLU, urged that the Ethics Committee and ABA oppose limiting the powers of poverty lawyers, and accord them the same options as retained attorneys so that every citizen has access to the right to counsel and to equal protection.

AMNESTY WITH HONOR

The war is over (supposedly). All U. S. troops are out of there (supposedly). The Vietnamese at last are left to settle their own problems. And who gets "amnesty"? Nixon and Agnew.

But what about the draft refusers, deserters, veterans with less than honorable discharges, those the military punished, and civilian war protesters and resisters? Their "records" will haunt them the rest of their lives, although their only "crime" was to refuse to kill people in an insufferable and unconstitutional war.

The National ACLU has called for a universal and unconditional amnesty. ACLU believes that American involvement in the Southeast Asia war was unconstitutional and that compulsory military service to carry on the war was unconstitutional.

In calling for amnesty--"forgetting of certain acts"--the ACLU feels it is the best way to avoid compounding the injustices of this tragic episode in American history. It is the least that can be done for those who had the courage to say "No."

Take Norman Lewis, for example. About two months ago Lewis, the keynote speaker at last month's ACLU membership meeting on amnesty, was released from a federal prison after 22 months for resisting the draft. With a prison record and 4½ years of parole facing him, his future is bleak indeed.

Lewis told the meeting about his philosophical differences with the war and what it stood for. He told of his imprisonment, his so-called trial where a federal judge immaturely called him a "coward" and "yellow," and about being manacled and shackled like a wild animal.

There are thousands like Norm Lewis scattered all over the world, and they need a break. We cannot "forgive" them, for there is nothing to forgive them for. (If anything, they are heroes.) But we must "forget." Amnesty is a decision to raise the issues of whether there has been any criminal conduct.

America has a long tradition of amnesty. After almost every military engagement, whether home or abroad, we have extended amnesty to those who could not, for one reason or another, participate in those wars. The Civil War was probably the best example.

The Constitution gives the President the power to grant pardons for federal crimes. But the Congress also can enact amnesty legislation.

What can we do? First, we must insist on unconditional amnesty with no strings, punishment, or alternate services. Anything else is not amnesty.

Here are a few things the average citizen can do:

1. Write to your local congressional representatives and the White House.
2. Circulate petitions for amnesty.
3. Arrange for public and organizational meetings on amnesty.
4. Write to your local newspaper, radio and TV stations not only to express your opinions, but also to ask for space and time for discussions of amnesty.
5. Obtain and publicize information about war resisters and amnesty, through personal contacts, the media, meetings and the like.

(SDACLU has pamphlets on amnesty. Call 223-3863 if you want some.)

MASSAGE PARLOR LAW CALLED UNCONSTITUTIONAL

The San Diego City Council has adopted a tough ordinance regulating massage parlors that even some of the city councilpersons feel is unconstitutional.

With a 6-3 decision (Williams, Bates, Hitch), the Council replaced a less strict ordinance that was declared unconsitutional last August. The city attorney feels the new one will be upheld.

The SDACLU Board declared itself in opposition to the ordinance at its October meeting and its feelings were communicated to the Council via Dave Irving, treasurer.

In his review of the provisions of the ordinance, Irving pointed out those the Board felt were or may be unconstitutional The main provisions of the law and the critiques include:

1. Prohibition of massage parlors within 300 feet of a residence--There are few locations in San Diego more than 300 feet from residences (counting hotels) and therefore this is not a method of regulation but an outright ban.
2. Prohibiting outcalls--This points up the problems with laws over victimless crimes; they are virtually impossible to enforce. Knowing they would have to use extensive undercover entrapment, if they are seeking to control prostitution, the police seek to lighten their burden by an unconstitutional prohibition on an unrelated activity--massage.
3. Unlocked rooms--The only purpose is to make it easier for the police to conduct illegal searches.
4. Masseuses be fully clothed--It is unconstitutional to prohibit nudity in private among consenting adults. There are no health and safety justifications for this again, because the police have no victim to enforce prostitution laws, they create a new "crime" out of something else.

IMPEACHMENT WITH HONOR

ACLU has launched a national campaign calling for the impeachment of President Richard Nixon.

San Diego chapter endorsement will be sought at the next Board of Directors meeting and probably at the membership meeting Nov. 14. At that meeting the civil liberties issues of such a campaign will be discussed by the membership.

Since the appearance of an ad in the Los Angeles Times, the San Diego office has sent out over 80 petitions and received over 60 phone calls, none of them negative. The affiliate office in Los Angeles has received some 1200 pieces of mail, 80 per cent containing money.

The unprecedented decision was made at a National Executive Board meeting Sept. 30. The motion, passed unanimously, was presented by the ACLU of Southern California.

A condensation of the text of the resolution follows.

WHEREAS, there is now substantial public evidence of President Nixon's participation in high crimes and misdemeanors; and

WHEREAS, these acts have violated the civil liberties of the people of the United States and the rule of law;

THEREFORE, the ACLU calls upon the House of Representatives of the U. S. to initiate impeachment proceedings against Richard M. Nixon.

Impeachment should be predicated on the following grounds affecting civil liberties:

He and his aides have organized and conducted a deliberate assault on civil liberties by approving plans for domestic surveillance and espionage by such methods as burglary, wiretapping and eavesdropping, mail covers and military spying on civilians.

The war-making powers of Congress have been usurped in the bombing of neutral Cambodia, and in the concealment of that bombing from Congress.

A personal secret police (the "plumbers") was established by Mr. Nixon.

He and a principal aide offered a high federal post to the presiding judge during the Ellsberg trial, and he withheld from the courts knowledge of the burglary of the office of Dr. Ellsberg's psychiatrist.

He and his aides interfered with and distorted the administration of justice through such acts as his efforts to limit the scope of the FBI investigation and the Watergate break-in.

He has perverted and attempted to pervert the operation of various federal agencies by engaging them in political surveillance and in the falsification of information made available to Congress and the American people.

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THE CAMPAIGN FOR IMPEACHMENT IS COSTING EXTRA MONEY IN ADS, MAILING, ETC. CAN YOU AFFORD A CONTRIBUTION? SEND TO P. O. BOX 6233, SAN DIEGO 92106, WITH THIS TEAR-OFF. THANK YOU.

NAME_____ ENCLOSED $_____

ADDRESS_____

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BILL OF RIGHTS BANQUET COMING UP

In early December we plan to repeat the highly successful Bill of Rights Banquet of last year. The event will be held in a large home and will again provide tempting main dishes and mouthwatering desserts.

The speaker, date, and place for the event will be announced soon.

Connie Mullin has volunteered to be in charge of the occasion, but she needs help! Please call her at 454-6871 if you would like to be on the banquet committee.

SUGGESTIONS FOR CIVIL LIBERTARIAN OF THE YEAR

This award is made annually at our Bill of Rights Celebration to a person from the local community who has promulgated liberties. Please fill in the form below and mail to P. O. Box 6233, San Diego 92106, by Nov. 20.

I would like to suggest_____

Why_____

A committee will consider the suggested persons and their qualifications, and choose the civil libertarian of the Year 1973.

SDACLU BACKS "FREEDOM" AT BLACKS BEACH

The SDACLU has once again come out forthright for liberation. This time it's from one's clothes at Black's Beach if one so desires.

Speaking at a recent State Parks Board hearing, chapter treasurer Dave Irving told the group that the SDACLU supports the right of those who wish to enjoy nude sunbathing to have suitable locations where they may freely do so.

Irving said the chapter also supports the right of those who do not wish to observe public nudity not to have such nudity thrust upon them. The solution, he said, is to set aside certain beaches as "free beaches" where nudity is permitted but where the beach is isolated from public view.

The hearing was held because the state park system, which controls about two-thirds of Black's Beach, suddenly realized that it has laws against nude sunbathing on its beaches.

The result of the hearing was to refer the matter to the State Parks Director. Most of the testimony at the hearing favored leaving the beach as it is, a free beach where people may do as they please regarding "textiles."

Irving pointed out the legal precedent to leave the whole beach as is. Only last year the California Supreme Court ruled that mere nudity on an isolated beach did not constitute "indecent exposure." The case happened to stem from an arrest at Black's Beach.

He also discussed the public's changing attitudes toward beach nudity, claiming that in two years the Gallup Poll predicts that a majority of California will be tolerant of beach nudity.

LEGAL BRIEFS

ROCK DISPERSAL--A false arrest suit will be filed against the City of San Diego in the case of a man charged with failure to disperse at a rock concert in Balboa Stadium in July. ACLU volunteer attorney John McGuane went to court with Stephan Andruszkewicz on the charge, and, according to McGuane, the jury deliberated 10 minutes before declaring Andruszkewicz not guilty of the charge. The false arrest suit will be filed soon.

MORAL TURPITUDE?--The Department of Motor Vehicles has set a hearing for Dec. 11 to consider whether Frederick Wagner should receive an ambulance driver's license. Wagner had been arrested for being in a place where marijuana was present. Under a certain statute, his case was put out of court and into probation, where he was given a "period of diversion." There is NO conviction of a crime in this type of handling. The DMV denied Wagner's application for a license on the basis of the arrest and revoked his temporary license. The judge wrote the DMV saying that there was no conviction. Now the DMV is attempting to deny the license on the basis of "moral turpitude." ACLU attorney Don Nunn is prepresenting Wagner, and if the license is denied, suit will be filed.

NEW SUITS FOR SCHOOL--Two new desegregation suits have been approved by the SDACLU Board of Directors. One will be filed in Federal Court, and one in Superior. The Federal Court suit would require the San Diego Unified School District to apply for federal Health, Education and Welfare Department funds to improve racial balance in city schools.

The Superior Court suit would seek to prevent the SDUSD from rebuilding pre-Field act schools on sites which would maintain patterns of segregation. William Gavin is the volunteer attorney spearheading these suits and the long-standing desegregation suit scheduled for hearing in the Spring.

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