



1971 (?) Ralph Lopez, 20, San Antonio, Texas: Shooting
 1971 (?) Augustine Martinez, 16, San Antonio, Texas: Shooting
 1972 (?) Danny Villareal, 17, San Antonio, Texas: Shooting
 1973 (July 24) Santos Rodriguez, 12, Dallas, Texas: Shooting
 1975 (Sept. 14) Richard Morales, 26, Castroville, Texas: Shooting
 1976 (June 11) Barlow Benavidez, 26, Oakland, Calif.: Shooting
 1977 (Feb. 28) David Dominquez, 18, West Covina, Calif.: Shooting
 1977 (May 5) Joe Campos Torres, 22, Houston, Texas: Beaten and Drowned
 1977 (May 18) Juan Veloz Zuniga, 38, Sierra Blanca, Texas: Beaten
 1977 (July 30) Arthur Espinosa and James Hinojos (?), Denver, Co.: Shooting
 1977 (Nov. 6) Tirburcio Santome, 37, Garden City, Texas: Shooting
 1977 (Dec. 8) Juanito Galaviz, 19, Big Spring, Texas: Shooting
 1978 (Jan. 10) Larry Losano, 27, Odessa, Texas: Beaten

THE TEXAS MURDERS

Richard Morales was killed at least three times—once by the sheriff, once by the wife and daughter and once by a Texas court.

BY CARLOS MORTON

There are two things these men and boys had in common: they were all of Mexican ancestry and they were all killed by the police. None of them were revolutionaries or dangerous criminals. Some were drowned or beaten, most were shot. The majority of the cases occurred in Texas, four took place in Colorado and California—all within the pacific decade of the '70s.

The situation in Texas has led one civil rights attorney to remark, "Why, it's worse here than it was in Mississippi in the early '60s, and we've got the body count to back it up!" According to San Antonio attorney Ruben Sandoval, who supplied some of the above casualty list, "The cops always say, 'He was coming at me with a knife,' yet the bullet holes are always in the kid's back."

Sandoval, at 37, is overweight and overworked. He will show you the tatoos on his legs and the scars on his body from the knife fights when he was growing up as a gang member in the tough lower class barrios of El Paso. As a young man he worked for the fire department before becoming a lawyer in 1969. He is considered by his critics to be "abrasive, rude egotistical, and quick to shoot his mouth off," and by his admirers as being in the forefront of civil rights cases involving police brutality in the country.

A case that Sandoval handled, that of Richard Morales, is an example of "neogenocide." This September marks the third anniversary of Richard Morales' death. When a friend of mine sent me a newspaper clipping telling how Morales was taken at gunpoint to a lonely country road and shot down in cold blood by the local sheriff, I was aghast. When I read that the sheriff's own wife and daughter transported and buried the body 400 miles away in a cover-up attempt, I was sickened. But when I read that the state courts had only convicted Sheriff Frank Hayes of aggravated assault, and his wife Dorothy of "tampering with physical evidence" (she was fined \$49.50 in court costs), I felt like throwing a bomb.

Instead, I wrote a documentary play taken from newspaper clippings, court transcripts, and interviews entitled "Las

Continued on next page.

Many Muertes de Richard Morales," the many deaths of Richard Morales. Many deaths because they killed him at least three times: Once by the sheriff with a .12 guage sawed-off shotgun, once by the wife and daughter in the burial attempt, and once by the lenient sentences in the Texas court of law. It was also many deaths because Richard represented scores of Chicanos in this country who have been harassed, beaten, and killed by the police.

I myself have been arrested at least half a dozen times on what I felt were trumped up charges: Once in a Greyhound station in San Antonio while waiting for a friend (loitering in a public place), and once for sitting on a wall in a vacant lot in San Juan Bautista, Calif. (drunk in public). Could it have been my initial attitude towards the officers? And yet I cannot help but feel that had I been white I would not have been rudely handcuffed and thrown about in both cases.

There was the time I was detained, stripped, and searched while crossing the International Border in El Paso by the U.S. Border Patrol who then called in the FBI for further interrogation. My only crime was wearing a new suit and driving a fancy rented car. But the culmination of my "criminal" career occurred in 1970 when I was called before the Grand Jury of El Paso to answer charges of police brutality stemming from a series of narcotics raids by plain clothes police. My mistake was writing an article critical of the police for the student newspaper at the University of Texas where I was a student.

This is the story of Richard Morales:



THE KILLING AND THE COVERUP

(According to Court Testimony)

This sleepy Texas town of 2,000 calls itself "The Little Alsace of Texas" because some of its first European settlers came from that district of France in 1844. However, the original Tejanos (mixture of Spanish and Indian) have been in the area since the middle of the 18th century. Castroville is in Medina County and half of the 21,000 population is Mexican-American. San Antonio, in Bexar County, is only 24 miles away.

Richard Morales was a 26-year-old unemployed construction worker who lived in Castroville with his common law wife Maria. Richard was one of ten children, reared in poverty, who never got past the sixth grade. He was once sentenced to three years probation for burglary, arrested and thrown in jail for drunken driving, and picked up for questioning about other robberies. When construction

jobs were hard to find, Richard picked crops in the fields as his father before him.

Frank Hayes, 52 years old, was the Police Chief of Castroville. He was hired on September of 1969 at a salary of \$450 per month. He served 20 years in the Air Force and retired as a Senior Master Sergeant. Small Texas towns often hire pensioners as they are the only ones who can afford to take the relatively low-paying jobs.

SUNDAY, SEPT. 14, 1975

9:30 P.M. Chief Hayes and a fellow policeman had been working all day on a burglary case which they suspected Morales had committed. After drinking margaritas at his police friend's house, Hayes returned to his trailer home where he heard over his home police radio that his deputy, Donald McCall, was arresting Morales on two outstanding misdemeanor or theft warrants. He told Dennis Dunford, his future son-in-law, then 17, to come along as a witness. "I'm going to shoot three or four times, but don't worry," said Hayes to Dunford. "I won't get you into any trouble."

10:25 P.M. Upon arriving at the Morales home, according to McCall, Hayes and Steve Worthy, a friend who was riding along with McCall that night, walked up to the patrol car, pulled Morales out of the back seat and began cursing at him. Hayes hit Morales in the stomach, shoved him against the car, and threatened his life.

"You're a thieving bastard, and I'm gonna kill your ass," Hayes said. He also said, "I've already killed one Mexican, and I'm going to kill me another one." The Chief then instructed his deputy to drive Morales to the Three-Point Station, a remote portion of Highway 90 outside of Castroville. Hayes followed them in his own car.

10:40 P.M. At the appointed place Chief Hayes got out of his car and instructed the deputy to threaten the suspect. "Tell him I'll kill him if he doesn't confess," said Hayes. "Tell him I'll shoot him if he does not tell the truth." Morales insisted that the stereo and TV were rented from a firm in San Antonio. The Chief became more and more infuriated and ordered the deputy to follow him in the car with Morales still handcuffed in the back seat. "I don't want to do it here," said Hayes, who drove on to an old gravel road five miles west of Castroville known as the Old Dunley School Road.

11:20 P.M. They all got out of their cars except for Dennis Dunford. Hayes told McCall to remove the handcuffs from Morales. Worthy handed the police chief his sawed-off shotgun and Hayes said, "Let the son of a bitch go. Uncuff him and let him run so I can shoot him. And turn off all the lights, I don't want any lights, no car lights, no flashlights, no cigarettes."

Hayes then told McCall and Worthy to leave the scene. Dennis Dunford saw the Chief strike Morales with the butt of the shotgun in the stomach. Hayes struck Morales again with the barrel and Morales put his hand up, trying to fend off more blows, when a muffled blast was heard. Hayes had shot Morales under the left armpit with the shotgun at close range. Hayes walked back to his car and said to Dunford, "It was an accident, but no one will believe it."

12:30 A.M. Mike and Estella Morales, Richard's parents, had been told by Maria Morales that their son had been arrested. The Morales family went to the county jail where they were told by Medina County Sheriff Charles Hitzfledler to go home, as Richard had probably escaped and was out hiding in the fields.

1:30 Chief Hayes ordered Dennis Dunford to help him switch the body of Richard Morales from the floorboard to the trunk. Then Hayes and Dunford washed the mats and the car free of blood. Hayes asked Dunford to go with his wife and daughter to a ranch in Carthage to bury the body. Dunford declined. Hayes' wife, daughter, and sister-in-law, Alice Blad-

win (who is picked up in San Antonio) departed for Carthage, 400 miles away. Dunford returned to San Antonio and Chief Hayes went to bed.

3:00 A.M. The Morales family and a neighbor went out to the spot where Richard reportedly escaped. After having searched all night, Mike Morales and the neighbor found a pool of dried blood and a shoe belonging to Richard.

12:00 P.M. Dorothy Hayes, Alice Baldwin and Jeanne Hayes arrived at the burial site and dug a shallow grave in which they buried Richard Morales in a plastic bag. The grave was then covered with brush and fence posts.

4:00 P.M. Mike and Estella Morales, frustrated in their attempts to find Richard, went to the home of Chief Hayes. When presented with the news of the dried blood and shoe, Hayes told them that he would go immediately to the county jail to find out what was going on. When he arrived there he was detained by Sheriff Heitzfledler on suspicion of murder.

TUESDAY, SEPT. 16, 1975

Sometime in the morning Texas Rangers were called into the case by Sheriff Heitzfledler and they proceeded to San Antonio to arrest Dennis Dunford.

Sometime in the afternoon Chief Hayes and Dennis Dunford were officially charged with murder. Hayes was confined in the county jail in lieu of \$50,000 bond and Dunford was released on \$2,500 P.R. bond. The Hayes home was searched and the weapon and ammunition found.

WEDNESDAY, SEPT. 17, 1975

Sometime in the morning A search was conducted for Mrs. Hayes at her home and place of employment. Acting on a tip they flew out to Carthage and located Mrs. Hayes who at first denied any wrong doing but subsequently lead them to a grave, three feet deep, at her brother's ranch where Richard Morales' body was found.

Sometime in the afternoon Mrs. Hayes was transported by car to the Medina County Jail where she was charged with Hindering Apprehension, a misdemeanor, and released on a \$2,500 P.R. bond. Alice Baldwin and Jeanne Hayes were not charged.

SATURDAY, SEPT. 20, 1975

Richard Morales was buried.

INTER-MISSION

The murder and its cover up splashed like blood on the front pages of the newspapers. It was the story of the passing down of racism in an American family, a grisly ritualistic murder. Father takes son-in-law to the killing, mother takes daughter along to cover it up. A Southern version of *Macbeth*.

A series of marches and demonstrations swept over the Chicano community. The people were outraged to the point of rebellion, not only by the murder of Richard Morales, but other Chicanos as well.

"The police chief was known for his bad temper," said Mike Morales in an interview several years later, tears streaming down his face in recollection, "and it was common practise to take boys down that same lonely road and beat them."

"And my son was not a wild or abusive boy," said Mrs. Morales during the same interview. "He was raised on a rancho, and it wasn't until he was 20 that he started going out to the dances. And he was a hard worker. The day they killed him he worked. It was Sunday."

The stereo and TV Richard was alleged to have stolen was indeed rented from a firm in San Antonio. Maria Morales, who watched that night as police drove her husband away in the opposite direction from the county jail, said that Richard wanted to watch the *16 de Septiembre* (Mexican Independence Day) parade on

television as one of his brothers was riding horseback in it.

Even Sheriff Charles Heitzfledler, a law enforcement veteran of 27 years, told newsmen, "This is the most cold blooded murder I've ever seen."

THE STATE TRIAL

Frank Hayes was released on \$50,000 two weeks after Richard Morales' funeral and hospitalized at Willford Hall, a government hospital, suffering from gastrointestinal disorders. Witnesses said he was free to come and go as he pleased. On Oct. 30, 1975, Hayes was indicted on a six-count capital murder charge and at his arraignment on Nov. 24 he pleaded "not guilty."

Marvin Miller, Hayes' defense attorney, argued for a change of venue at the arraignment on the grounds that excessive publicity had made it impossible for his client to receive a fair trial in Medina County. Miller's motion was based on a series of mass demonstrations which pictured his client as a "pig" and a "gringo racist."

Ruben Sandoval, who was hired by the Morales family because of his track record with civil rights cases, said that the change of venue was a defense tactic to reshuffle the jury deck in Hayes' favor. Sandoval pointed out that there was a much lower percentage of Mexican-American voters in Tom Green County, favored by the defense, than in Medina County, half of whose 21,000 residents were Mexican-American. Tom Green County is a white, Baptist enclave with strict anti-liquor laws.

Judge J.B. Smith sided with the defense and ordered that the trial be moved from Medina to Tom Green County.

Marvin Miller then tried to get Frank Hayes judged legally insane. On April 6, 1976, he submitted a letter to the court from a doctor claiming that Hayes was suffering from a chronic brain syndrome and could not be present that day and that neurosurgery was seriously being considered. Miller moved that a sanity hearing be set for May 24 and Judge Smith approved the motion despite Sandoval's protestations.

"Hayes could have been at court that day," complained Sandoval. "Witnesses saw him grocery shopping in San Antonio three days later. The defense hoped to get Hayes judged legally insane so he could beat the murder rap."

On May 24, 1976, a jury of his peers found Frank Hayes mentally competent to stand trial. Trial was set for July 8.

"Incidentally, during the time Hayes was out free on bond," recalled Sandoval, "the Morales family was being sued by the funeral parlor for expenses incurred in his burial."

Then there was the matter of the jury selection," he said bitterly, "of the 76 prospective jurors, only three were Chicano, and the defense used pre-emptory challenges to exclude them. The jury eventually selected consisted of 11 Anglos and an elderly black woman (ten women and two men.)

Marvin Miller made it a point to have a Mexican-American lawyer named Joe Valdez at his side as a consultant.

"That was just another tactic," said Sandoval, "so the jury would say, 'Well yes, Hayes killed a Mexican, but he's got a Mexican defending him. He can't be all that bad.'"

Frank Hayes took the stand during his trial and insisted that the shooting was accidental and that he was only threatening Morales so he would confess. Hayes said repeatedly that he could not recall much of what happened the night of the killing because of the effects of anti-depressant medication he had been taking.

Sandoval wondered what the combined effects of the Margueritas and the pills had on his behavior that night.

Hayes also had to take medicine to relieve almost "constant pain" from three bullet wounds suffered three years before in a shooting with two blacks who were robbing a liquor store. He testified on his behalf that this incident, "fighting for control of his gun and his life," as he put it, "caused me to struggle all the more with Morales."

THE FEDERAL POST-MORTEM

Ruben Sandoval, who lists his religious preference as "Catholic," and his political party affiliation as "Democrat," called for an investigation by the Department of Justice. Sandoval argued that Justice had routinely entered such cases on behalf of blacks in the South, but had ignored similar injustices against Latinos, the second largest minority in the country with 12 million people. Justice Department officials at first cited a policy against dual prosecutions, and said they planned to take no action.

But the San Antonio lawyer, in his own dogged, pushy way buried himself deep into the ways of lobbying and began to push for an investigation. Immediately after the trial he prepared a detailed package on the Morales case and other related incidents involving Chicanos and police and sent them directly to then U.S. Attorney General Edward Levi. He called attention to it in the media and sent press releases and packets on the case to members of Congress.

Within weeks, Gov. Dolph Briscoe, Senators Lloyd Bentsen and John Tower, and a dozen Texas State Representatives had joined him in the call for a federal investigation. Texas Attorney General John Hill opened his own investigation when his interest was aroused by the apparent light sentence given Dorothy Hayes.

"The case has become tainted with politics," declared defense attorney Marvin Miller, "and they are beating a poor sick old man to death. But worse, if Frank Hayes gets indicted in federal court, it's going to intimidate every jury in this area." Miller meant that if the federal government tried Frank Hayes again, the will of the "community" would be superseded from above.

Back in Castroville, the mere mention of either Morales or Hayes brought grimaces to the faces of most of the 2,000 people in town. "I think most people, especially the Anglos," said a Chicana waitress in a local cafe, "want to forget the whole thing."

"People don't want to talk about it," said an Anglo bartender. "I think Hayes should have gotten more than he did. But you have to be very careful about what you say about it around here."

"There had been other killings in Castroville," said Mike Morales. "An Anglo killed two Chicanos in a local hotel. Hayes himself said he had killed a Mexican before and I wonder if that dead boy (Juan Rodriguez) Hayes said he found on the railroad tracks was really a suicide. But the people there, especially the Chicanos, won't say anything about the killings because they are afraid."

It was Sandoval's contention that the problem was not going to go away and that it had to be brought out in the open. "It's racial, but it goes way beyond that," he said. "It's the mentality that permeates this state that a badge and a uniform gives license to kill. The juries can't see beyond that uniform."

In August of 1976 Attorney General Edward Levi said that the policy of dual prosecution was under review and that additional facts in the Morales case had come to his attention. Levi's successor, Griffin Bell, issued new guidelines in

Feb. of 1977 and Frank Hayes, Dorothy Hayes, and Alice Baldwin were indicted by a federal grand jury at that time.

The federal trial was held in Waco, Texas, in September 1977, exactly two years after the death of Richard Morales. Sandoval, who was a spectator in the courtroom, did not like the weak line of questioning that Justice Department prosecutors Dan Rinzel and Karen Moore were using and started passing frantically scribbled notes to them.

"I got on the phone to Justice Department officials in Washington," said Sandoval, "and complained every hour or so that the prosecutors were hedging with their questions and not pressing the issues."

Attorney Dan Rinzel became so angry with Sandoval that they engaged in a shouting match during a recess and Rinzel threatened to have federal marshalls forcibly eject Sandoval.

Allegedly, a call was made to Rinzel from the Justice Department in Washington and he was instructed to proceed with a stronger line of questioning. Sandoval continued to pass notes. "The complexion of the trial changed after the first day," said Sandoval.

Frank Hayes, Dorothy Hayes and Alice Baldwin were all found guilty of violating the civil rights of Richard Morales in Waco on Sept. 30, 1977. Hayes was given life imprisonment, his wife, Dorothy, three years, and Alice Baldwin, 18 months.

Had justice finally prevailed? That was just one case, there were many other instances of police brutality buried in the back pages of obscurity.

DALLAS, TEXAS JULY 24, 1973

Santos Rodriguez, 12, was sitting handcuffed in the front seat of a squad car when Officer Darell Cain put a .357 Magnum to the side of the boy's head. Cain wanted to know if the boy had robbed eight dollars from a gas station and was using Russian Roulette as an interrogation tactic.

"Oh my God," said Cain as he blew a hole into Santo's head. The officer later claimed that the shooting was accidental.

"That weekend after the shooting Dallas had its first riot ever," claimed the Rodriguez family attorney, Ruben Sandoval. "Violence erupted in downtown Dallas after the protest march."

Nearly 2,000 police were called to quell a three-hour long outbreak which caused substantial property damage, reported the newspapers. At least five policemen were injured and 39 protestors were arrested after a woman suddenly grabbed a microphone and began shouting, "Kill the pigs! Kill the pigs!"

At the state trial, Darell Cain, 30, was convicted of murder with malice and sentenced to five years in prison.

HOUSTON, TEXAS MAY 5, 1977

Joe Campos Torres, 22, an ex-G.I., was arrested by police in an East Side cantina on charges of being drunk. The police would later claim that Torres was "kicking at the windows" of their squad car, and "cussing them out and spitting in their faces."

Five policemen decided to "talk some sense into him." In a parking lot by the Buffalo Bayou, they stood around in a circle and threw him, still handcuffed, on the ground. They also kicked him

and beat him with their fists and steel encased flashlights.

When they finally got around to taking him to the station, the desk sergeant took one look at Torres and ordered the policemen to take him to the hospital. Instead, they took him back to the Buffalo Bayou, a running sewer that undulates through the heavily industrialized city, and threw him in. "Let's see if the wet-back can swim," one of the cops said.

"The attitude of the cops was that if he had not been drunk or abusive, this wouldn't have happened," said Sandoval, who is involved in the federal indictment portion of this case. "In effect [the cops were] acting as judge, jury and executioner."

One of the cops, however, a 20-year-old rookie, did the unheard of and filed a report against the other five. All five were fired immediately, the rookie given immunity, but only two, Stephan Orlando, 22, and Terry Denson, 27, an ex-Marine, football letterman, and member of a national high school honor society, were tried for murder.

In the state trial an all-white jury found them guilty, not of murder, but of negligent homicide, a charge usually associated with traffic deaths. They were both fined one dollar and given one year's probation sentence.

Police brutality and the problems of it are not a franchise to the Mexican-American people," said Reuben Sandoval, who is married and the father of two children. "It happens to whites and blacks as well. We're actually talking about human rights and a double standard of justice. If a citizen kills a cop, it's life in the pen or death. But if a cop kills a citizen, then it's only aggravated assault (Richard Morales), murder with malice (Santos Rodriguez), or negligent homicide (Joe Campos Torres)."

The Morales case, according to Sandoval, "broke the veil where police officers were unaccountable to anybody." Other federal indictments followed quickly after the breakthrough.

In October of 1977 the Department of Justice decided to indict four of the five policemen involved in the beating and drowning death of Joe Campos Torres in Houston.

In December of 1977 the Department of Justice decided to re-examine the Santos Rodriguez case and to review alleged civil rights violations by two former Dallas policemen in the shooting death of that 12-year-old boy.

Although Justice did not reopen the Santos Rodriguez case, in February 1978 former Houston police officers Terry Denson, Stephan Orlando, and Joseph Janish were convicted of depriving Joe Campos Torres of his civil rights by causing his death, a felony punishable by up to life in prison. They were also found guilty of the misdemeanor of beating the victim. Judge Ross Sterling gave then a ten-year suspended sentence on the felony count, and a one-year jail term for the misdemeanor.

"A slap on the hand," said Sandoval of Judge Sterling's sentence. "When they get out they still have the right to seek public office or to enter any of the professions."

A *Cinco de Mayo Fiesta* (May 5, 1978) a year and a day after the death of Joe Campos Torres turned into a riot in Houston's near northside after angry, stone-throwing Chicanos attacked police and newsmen. Cars were smashed and burned, a policeman was run down and his leg broken, and stores in the area were damaged and looted.

Texas State Senator Ben Reyes was quoted by the Associated Press as having said that "the seed for the riot was a federal judge's recent lenient sentencing of three officers convicted in the death of Joe Torres." Fifteen persons were carried to hospitals with injuries after the riot, including two newsmen and three policemen. Twenty-four persons were arrested.

"I tell you, we must stop this open season on Chicano meat before it is too late," said Sandoval, who is threatening to present evidence of police brutality against Chicanos to the International Press Association and to the United Nations. ■

EDITORIAL

A pure and simple road to socialism

Few people paid much attention to AFL-CIO president George Meany's statement back in 1974 that if there had to be economic controls at all he'd favor mandatory controls across the board—on wages and prices *and* on profits, interest rates, rents, executive compensation, and dividends. On the eve of Carter's announcement of a new anti-inflation plan, Meany has now repeated that position, more or less on behalf of the AFL-CIO leadership as a whole, and corporate executives, the business press, and senior federal officials are taking notice.

Whatever his ultimate intent, Meany's message is clear: Labor will go along with no government control over wages and prices or with virtually full control over the investment system, but not something in between that amounts in practice to no control except over wages. This represents the position, not of some mavericks on labor's left, but of labor's "moderate" leadership.

The implications of labor's "moderate" position must horrify business executives and pro-corporate politicians in something like the degree to which the implications of Lincoln's "moderate" stand against the extension of slavery horrified the Slave Power in 1860: Either make the system as it is work to the benefit of labor (in those days, to the benefit of the northern bourgeoisie) or change it drastically. The full controls recommended by Meany as "a least worse" alternative would mean opening the way to government displacement of the capitalist class as the arbiter of investment. To capitalists, that means socialism (whatever socialists may think it is)—the worst possible alternative.

For, if government assumes the control of the investment-price system, that system must then become the central issue of politics; it is exposed directly to democratic scrutiny and disposal, and labor and its allies will have every incentive to see that electoral politics work to make the investment system work to their interests. It will desanctify the dogma that the investment function is the peculiar affair of private profit-seekers, by making it the people's business. It will give new meaning to the idea of government of the

people, by the people, and for the people.

That is why it has been more comfortable—and politic—to pretend that Meany and labor simply oppose controls. It kept the issue submerged and out of public debate. In the meantime, Carter and his bipartisan allies—like Stephen Douglas and his in the 1850s—are searching for a middle ground, one of "voluntary restraints," a 20th century equivalent of Douglas' ersatz "popular sovereignty." As this middle ground will no more solve the inflation crisis of modern capitalism than Douglas' solved the crisis of the union, it continues to shrink (as did Douglas'), which is largely what the disarray of the two-party system is all about.

The more the partisans of the Corporate Way hold to their "middle ground," the more strongly labor is being pushed into posing the issue as no controls, which only extends and deepens the crisis, or full controls, and the higher go the political stakes of the inflation issue. The

"moderation" of pure and simple unionism, under the impact of new historical conditions, has become willy-nilly the "extremism" of a demand implying fundamental change.

Labor's weakness in all of this is that, unlike the Republican coalition of Lincoln, it has not built up a popular understanding of the issue at stake, a political strategy for settling the issue in labor's favor, or a broad constituency ready to move in alliance with it. This leaves to the corporate middle-grounders incomparably more room to maneuver than Douglas and his allies had. It underlies the much noted political malaise and apathy of the American people, as they are becoming fed up with the "middle-ground," yet see no alternative prospect in the present configuration of party politics. It also opens the door to the right which has not been hesitating to rush through it, and that lends all the more urgency to labor's need to quicken and deepen its political

initiative.

The labor movement, even its most conservative elements, show little or no sign of courting the political right. If anything, it is in the vanguard of warning against the dangers and perfdies of the political right. If it continues on that course, the venerable question of, "Why is there no socialism in the U.S.?" may soon give way to a whole new scholarly industry of exploring the question of how it came to be that pragmatic American pure-and-simple-unionism turned itself and America onto the path of socialism—even if not so pure and even if rather simple.

Long-time American socialists may be the last to acknowledge the question. But many of America's corporate managers are already either racking their brains on it or trying to keep it from gaining public notice. Others are losing little time in taking the yellow brick road to the right in search of a new wizard with a reactionary deal.

Supreme Court leans right in First Amendment protection

The U.S. Supreme Court has upheld a federal lower court in ruling unconstitutional ordinances passed by the Skokie city council designed to prevent a Nazi march in that Chicago suburb. It also declined to review an Illinois Supreme Court decision that an injunction against a Nazi march in Skokie sought by resident survivors of the Nazi holocaust on grounds that the march would comprise an intentional inflicting of emotional distress upon them was unconstitutional.

For reasons argued in previous editorials, we think the U.S. and Illinois supreme courts' decisions are sound in protecting First Amendment rights, however odious its beneficiaries in this case.

The ordinances and the injunctions would have restricted everyone's liberty. If let stand, they would have reinforced precedents particularly injurious to the rights of labor, women's groups, blacks,

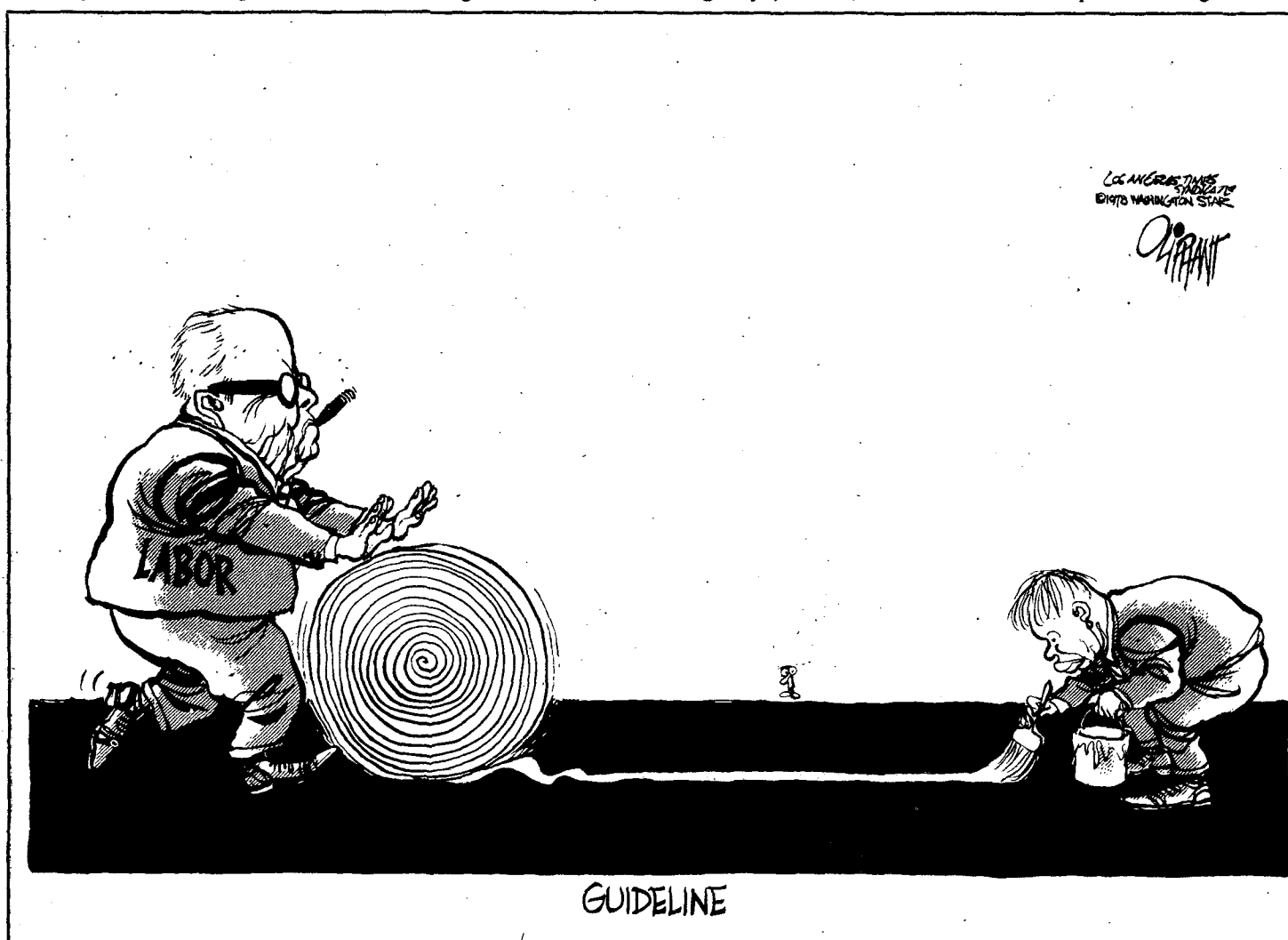
environmentalists, sex-preference proponents, and leftists of all persuasions, especially as the nation moves toward sharper conflicts in the near future. Such measures also tend to reinforce the illusion that protection against racism and facism can be safely reposed with state fiat restricting speech and association instead of through popular agitation, education and organizing.

Having praised the Supreme Court, we would add this large caveat. Since the beginning of this century, when labor-capital conflict increasingly displaced conflict among propertied groups at the center of national politics, the Supreme Court has more readily invoked the First Amendment protection of speech and association in cases involving rightists, racists and fascists than in those involving blacks, pacifists, leftists, and socialists.

The "clear and present danger" doc-

trine was invented by the liberal Justice Oliver Wendell Holmes to deny First Amendment protection to leftists in the World War I era. That not being enough, the Court then adopted the "grave and probable danger" doctrine (invented by the liberal federal judge Learned Hand) to deny First Amendment protection to Communists in the '40s and '50s. Even in upholding rights of leftists in the late '50s and '60s; the Court stopped short of doing so on First Amendment grounds.

As long as the Supreme Court dispenses First Amendment protection so unevenly, it cannot escape the judgment that its deliberations, and American law, regarding civil liberties, are permeated by the class bias normal to the law in general in capitalist societies. In this respect, the U.S. is not "exceptional"—it has yet to establish the "equal liberty" that is celebrated in rhetoric but far from honored in practice.



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