

THE MILITANT

INSIDE

The myth of race
International Socialist Review, PAGES 9-12

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Rally initiates new campaign for parole of jailed unionist

BY CHRIS REMPLE

DES MOINES, Iowa — Supporters of Mark Curtis and fighters against police brutality from across the Midwest held a rally here February 8. They were celebrating Curtis's victory in his federal civil rights lawsuit against the cops who beat him while in custody nearly four years ago.

The event took place at the Wilkie House, a well-known neighborhood center in the Black community, and was covered by two of the three local TV stations.

Among the 160 attending were many who had heard about Curtis's fight at protests over the past month against the cop attack on Larry Milton, a 35-year-old Black worker. Milton was savagely beaten to within an inch of his life by three Des Moines police Dec. 28, 1991.

Others at the meeting had themselves been beaten by the Des Moines cops or had relatives who were victims of police brutality. One woman who came to the rally described how Officer Daniel Dusenbery, one of the two cops who beat Mark Curtis, had beaten her boyfriend on the head with a flashlight while he was handcuffed. This is the same method the police used when they beat Larry Milton.

The victory celebration focused on how Curtis supporters can take the January 31 ruling by U.S. District Judge Charles Wolle to step up the fight around the world to win the framed-up packinghouse worker's freedom from prison on parole.

The judge ruled that Curtis "proved by a preponderance of the evidence that he is entitled to damages on his federal section 1983 claim and state battery claim against the individual defendant officers" who beat

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An appeal from Mark Curtis and Kate Kaku

The following is a letter from Mark Curtis and Kate Kaku, his wife, to supporters of the jailed unionist and political activist.

February 6, 1992

Dear Supporter,

We are proud to share with you a tremendous victory scored in my civil rights lawsuit against the City of Des Moines and officers of its police department. On January 31, Federal Judge Charles Wolle ruled that the two police officers who beat me in the Des Moines city jail the night I was arrested nearly four years ago violated my basic constitutional rights.

The ruling would not have been possible without the worldwide support of thousands like you. It is a victory for everyone who has joined in the defense effort over the past four years by making financial contributions, distributing information on the case, and talking to friends and coworkers about the stakes in the fight. My coworkers at the Swift/Monfort meat-packing plant helped through petitions, donations, and letters. So did gold miners in South Africa, farmers in New Zealand, sugar workers in the Philippines, and youth in Cuba. My wife Kate and I thank each and every one of you very much for your commitment and staying power.

Without that commitment, I could not have maintained the kind of effort needed to pursue the lawsuit and fight my frame-up conviction.

Most people who are victims of injustice who send out a public appeal do so because they feel isolated and backed into a corner.



Militant/Stu Singer

Jailed unionist Mark Curtis with Kate Kaku. Victory Curtis has won in suit against Des Moines cop brutality can help win new support to overturn frame-up.

Fortunately, I am writing out of gratitude. Many thousands around the world — both in and out of jail — will draw strength from this victory you helped make possible.

Moreover, the issues in my case are even more relevant today than when we first began this struggle. From Ireland and Britain, to

Rodney King in Los Angeles, from Sweden to New York and Des Moines — police brutality and frame-ups have become a worldwide issue. I am more aware than ever how the authorities aim to wear down thousands like myself, hoping to deprive us of the strength and the resources needed to continue to fight. Your support has made it possible for me to withstand that pressure and continue to participate in the worldwide struggle for justice.

This victory was also made possible because of the recent explosion of protests following the December 28 beating of Larry Milton, a 35-year-old Black man, by Des Moines police. Milton was beaten so brutally it took 22 special surgical staples to close the wounds to his head. Once again the Des Moines cops "crossed the line," and weekly protests centered in the Black community have put the issue of cop violence on the front burner of politics in the city.

The judge's ruling in my favor, and our response to it, received prominent coverage in Des Moines. Reporters immediately called me in prison and supporters at the defense committee office. It represents the first big victory in our four-year fight and an important turning point in the international defense campaign. Now we need to strike while the iron is hot.

What do we do next? I would like to suggest we take three steps right away. First, help publicize the victory and how it came about. A rally is being held this weekend in Des Moines and similar events can be held in cities around the world. Attached are materials that can be duplicated and widely distributed.

Second, reach out to win new and broader support for my campaign for freedom by parole. The federal judge's ruling means many more people will be willing to join the call for my immediate release. The fact that

Continued on Page 5

Militant Labor Forums

Hear

Jack Barnes, National Secretary, Socialist Workers Party in the U.S.

on

- The Crisis of the Market System Has Become Worldwide
- The "Crisis of Socialism" Is Over
- The Opening of the New World Depression Is Behind Us

Stockholm, Sweden
Friday, Feb. 14, 6:30 p.m.

Sheffield, Britain
Wednesday, Feb. 19, 7:30 p.m.

London, Britain
Friday, Feb. 21, 7:30 p.m.

Manchester, Britain
Tuesday, Feb. 25, 7:00 p.m.

Chicago
Friday, Feb. 28, 7:00 p.m.

Minneapolis/St. Paul
Saturday, Feb. 29, 7:30 p.m.

All forums will be held at the local Pathfinder bookstores. See page 16.

Protesters demand political asylum for Haitian refugees



Militant/Marc Lichtman

New York march. U.S. government forced return of 2,000 Haitians in one week.

BY BRIAN WILLIAMS

Thousands of Haitians and their supporters took to the streets in several U.S. cities February 7. The date marked exactly one year since the inauguration of Jean-Bertrand Aristide as president of Haiti and also the day in 1986 when the Haitian masses ended the 29-year Duvalier family dictatorship.

Protesters condemned the September 30 military coup that overthrew President Aristide and demanded the U.S. government grant political asylum to the Haitian refugees fleeing repression in their homeland.

In New York City, 4,000 marched from Times Square to a rally held at the United Nations. Signs carried by demonstrators included: "Total Embargo — Yes! Foreign Domination — No!" and "OAS Countries: Stop Violating the Embargo." The marchers were joined by members of Local 1199 of the Hospital Workers union, who earlier in the day had marched against health-care cuts.

In Miami, 2,000 rallied in front of the office of the Haitian group, Veye Yo. In Boston, 300 picketed in front of the Federal building, where Irish activists joined the Haitian protesters in an act of solidarity. The Haitians are planning to picket President George Bush's campaign office in New

Continued on Page 6

Court briefs in battle to defend write-in vote — pages 13-15

Attacks on abortion protested in Toronto

BY JANET FISHER

TORONTO — Campaign Life Coalition and other antiabortion groups have stepped up attacks on clinics in Toronto. This coincides with the anniversary of the Supreme Court of Canada's Jan. 28, 1988 ruling that Canada's abortion law was unconstitutional.

Commemorative celebrations for the striking down of the law, which had restricted women's right to abortion, brought more than 300 pro-choice supporters to a benefit. They broke into chants of "The people have spoken! The clinics will stay open!" as Dr. Henry Morgentaler took the stage.

Morgentaler is a long-time supporter of women's right to choose abortion. As a physician he has challenged Canada's restrictive laws by openly performing abortions. He has been tried four times between 1969 and 1984. Despite acquittal by a jury he was sent to prison for 10 months for performing abortions outside a hospital, under the restrictions of the old law. Morgentaler called for "vigilance against religious bigots and fascists who would enforce a return to reproductive slavery" and championed the struggle of women to win dignity and the right to choose.

The right to choose has been eroded by the refusal of some provincial governments to allow non-hospital abortions. Others have refused to provide funding for abortion. Three provinces still have no abortion services. Most other areas of the country continue to have very limited and unequal access to it.

Anti-choice elements have been successful in driving out doctors from various smaller cities. In Kitchener, Ontario, last week, the only doctor willing to perform abortions closed his practice and left town after an ongoing campaign of intimidation and harassment.

The free-standing clinics have been the focal point of antiabortion attacks in Toronto. On the evening of January 23 a firebomb attack on the Morgentaler clinic here caused thousands of dollars damage and heavy smoke forced the evacuation of neighbors out a back window. On January 27 an anti-abortion-rights activist posing as a patient released a substance in the washroom of another clinic causing a foul odor, which remained throughout the day.

Anti-choice vigilantes continue to harass patients and block entrances to clinics in Toronto. "The police have consistently been very lenient toward the protesters and pickets and let them get away with aggressive and hostile and criminal actions," said Morgentaler.

Pro-choice forces have organized escorts and some defense mobilizations. Many are incensed by the early 1991 arrest of the doctor who heads one clinic.

Further mobilizations are planned to defend clinics from organizations like Operation Rescue, which has daily actions at clinics in Buffalo, New York, an hour's drive from Toronto. Operation Rescue is planning to target clinics in Buffalo in the spring with actions similar to those held in Wichita, Kansas, last fall. The Ontario Coalition for Abortion Clinics is planning to coordinate mobilizations with pro-choice forces in Buffalo to respond to attacks.

2,000 in Boston defend clinics

BY ANDREA MORELL

BOSTON — Two thousand demonstrators crammed the pews and spilled into aisles and onto window ledges at St. Paul's Episcopal Cathedral here January 22. They were attending a pro-choice rally after a candlelight march in support of abortion rights. Fewer than a dozen antiabortion protesters clustered outside the church.

Gathering one day after the Supreme Court announced it will rule on a Pennsylvania case that severely restricts abortion rights, the overwhelmingly youthful crowd filled the church with chants of "Our bodies, our lives, our right to decide!" and "Hey, hey, Ho, ho, *Roe v. Wade* is not gonna go!" *Roe v. Wade* is the 1973 Supreme Court decision that legalized abortion.

The march and rally were sponsored by the Coalition for Choice, which includes Planned Parenthood, Religious Coalition for Abortion Rights, Mass Choice, Black Women for Policy Action, the National Organization for Women, and the Civil Liberties Union of Massachusetts. The activities were billed as a Lobby Day and Rally commemorating the 19th anniversary of *Roe v. Wade*.

The stance of most of the organizers was that *Roe v. Wade* is as good as overturned right now and that activists should focus on other goals: federal and state legislation and "punishing" President George Bush for his anti-abortion rights stands, presumably by electing his Democratic opponent in November — whomever that might be.

Participants heard assurances from Massachusetts governor William Weld that if the Supreme Court guts abortion rights, none-

Pro-choice rally in Salt Lake City



Militant/Barbara Greenway

January 25 pro-choice demonstration in Salt Lake City, Utah. Three thousand demonstrators, including students and professors from Brigham Young University and members of the United Steelworkers of America, participated. This action, along with others reported on this page, shows potential for building the April 5 March for Women's Lives in Washington, D.C., in defense of the right to abortion, called by the National Organization for Women.

theless legal abortion and contraception will be safeguarded in this state.

Demonstrators gave their most enthusiastic applause to NOW state president Ellen Convasser. Convasser was one of the central leaders of the defense of Boston area abortion clinics last November, when 2,500 pro-choice activists successfully deterred an assault by Operation Rescue.

Twin Cities debate on abortion rights

BY SETH GALINSKY

City Pages, a weekly newspaper in the Twin Cities — Minneapolis and St. Paul, Minnesota — recently published a letter to the editor from three members of the Young Socialist Alliance (YSA) on the fight for abortion rights.

Elizabeth Swenson, Kate Button, and Marea Himelgrin wrote the letter in response to "Life Without *Roe v. Wade*," a story in the January 8 edition of the paper.

The article, by Monika Bauerlein, asserted, "There's no longer much question that the *Roe v. Wade* guarantee will be overturned or severely chopped up sometime within the next two years" by the U.S. Supreme Court.

Bauerlein quotes Planned Parenthood leader Connie Perpich, a supporter of a woman's right to choose, on what strategy is needed to defend abortion rights. Pro-choice supporters need to reconsider opposition to all restrictions on the right to choose, Perpich said.

"We know that the majority of Americans say they want some kind of compromise," Perpich stated. "What you're going to see in the next couple of years is both sides trying to position themselves as the moderates, and paint the other side as the extremists."

We write "as participants in the fight to defend abortion rights," said the three YSA members in their response to the article.

"We went to Wichita this summer to counter-mobilize against Operation Rescue and have struggled in our high schools, col-

"We need to look at how we won *Roe v. Wade*," she declared. "It was not because the Supreme Court justices in their wisdom decided to do it. We made that happen. We have to do it again!"

Convasser urged everyone to join in building the March for Women's Lives in Washington, D.C., April 5, called by the National Organization for Women.

lege campuses and unions to build protests, rallies, educational events, and marches for abortion rights."

"Underpinning the *Roe v. Wade* decision," they noted, "is the constitutional right to privacy: the right of every person not to have his or her personal life and associations subject to government scrutiny or control. The courts have been forced to recognize this right through the struggles of working people, including the massive civil rights movement and the fight for women's rights."

Abortion rights need to be defended, the three stated. But "relying on Congress, the courts, or so-called 'pro-choice' Republican or Democratic legislators to defend fundamental rights is a road to disaster."

"Contrary to the line of the *City Pages* article," the young socialists wrote, "the right to have an abortion has not been lost and it is possible today to build the kind of mobilizations needed to counter government and right-wing assaults on women's rights. Recent polls show majority support for abortion rights."

"The next twenty years won't be like the last twenty," the three socialists concluded. "The future is one of war and depression."

"Given these conditions, championing every fight to defend or extend political and democratic rights — from the right to abortion, to ballot rights, to the right to walk down the street without getting your head beat in by a racist cop — needs to be a central task of the labor movement and its allies."

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Signed articles by contributors do not necessarily represent the *Militant's* views. These are expressed in editorials.

Los Angeles cops spied on leftist group

BY HARRY RING

LOS ANGELES — The city has dropped its prosecution of the Pico-Union 21, a group of leftists, rather than permit court disclosure that the group was the target of illegal surveillance by the Anti-Terrorist Division of the police department.

Charges were dismissed in municipal court last month against 20 of 21 defendants. Associated with a grouping called the Revolutionary Communist Party (RCP), the 21 had been arrested in a series of street demonstrations protesting victimization of immigrants and the use of a police antinarcotics drive to curb democratic rights.

The police claimed the demonstrators had thrown rocks and bottles at them. The protesters responded they had been clubbed by the cops.

The 21 were charged with rioting and resisting arrest. One was charged with assaulting an officer, a felony charge that has not been dropped.

In the trial, it was established that the Anti-Terrorist Division (ATD) was involved in dealing with the protest. With this, the defense issued subpoenas for further specific information about the role of the ATD in the case.

The presiding judge ordered the city to comply with the subpoenas. At that point, the prosecutor's office asked the judge to dismiss the charges.

ATD is the current name of the police "red" squad, which over the decades and under various names has kept secret dossiers on "subversives," as well as infiltrating political organizations with spies and provocateurs.

Prior to 1984 the ATD was known as the Public Disorder and Intelligence Division (PDID).

In the early 1980s, the PDID was hit with disclosures of its spying and infiltration activities. Its dossiers included files on Mayor Thomas Bradley, at least one member of the city council, and members of the civilian police commission that is supposed to oversee the cops.

A lawsuit to curb the PDID was filed by the American Civil Liberties Union and other organizations.

The outcome was a 1984 consent decree replacing the PDID with the ATD, which is supposed to restrict its activity exclusively to coping with "terrorists." Targeting individuals or groups — like the RCP — because of their dissident political views is supposed to be banned.

Police supervision

The consent decree provided that the ATD was to operate under the watchful eye of the police commission, which is supposed to authorize each undercover operation and to make an annual audit of the squad.

Last June it was disclosed that for several years the commission has not made the mandatory annual review.

Now, the president of the commission, Stanley Sheinbaum, has refused to say if the commission had authorized or knew about the ATD targeting of the RCP.

Appointed to the commission by Mayor Bradley, Sheinbaum was chairman of the ACLU Foundation at the time of the suit against the police.

The current disclosure of illegal ATD activity is not a first. Last spring, a jury ordered the city to pay \$3.84 million to civil rights activist Michael Zinzun for damage done to him by Asst. Police Chief Robert Vernon.

Vernon had taken material from an ATD

dossier on Zinzun and made it available to Zinzun's opponents during his 1989 bid for a seat on the Pasadena city council.

Vernon had selected a sheaf of newspaper clippings from the ATD files, which were then used to indicate that Zinzun had been under police surveillance as a "terrorist." The city is currently appealing the award won by Zinzun.

The city's refusal to disclose ATD activity in the Pico-Union 21 case was assailed by Eli Green, Socialist Workers candidate for the county board of supervisors in the second district.

Green welcomed the dropping of charges against the 20 defendants, but insisted on full disclosure of the work of the spy agency.

Noting that the head of the ATD is Capt. Steven Gates, brother of Chief Daryl Gates, Green declared, "The chief may not be his brother's keeper, but we can be sure he knows what his brother and the ATD has been up to. It fits in completely with the brutal, repressive character of the LAPD."

"We are living in a time of deepening economic and social crisis" the socialist nominee warned. "That means that if they are left



Militant/Holbrook Mahn

Eli Green, Socialist Workers candidate for Los Angeles County Board of Supervisors. The city's Anti-Terrorist Division (ATD) illegally targeted a group of leftists for surveillance. The city dropped charges against the group to prevent further disclosure of its spying. "The ATD is a threat to the rights of all working people," said Green. "Its illegal, anti-democratic activity demands the strongest protest."

unchecked, we will see more cop violence, more repression. The ATD is a threat to the rights of all working people. Its illegal, anti-democratic activity demands the strongest protest."

Florida protests lead to firing of cops who killed hitchhiker

BY ANDY TOWBIN

WEST PALM BEACH, Florida — Police Chief Billy Riggs announced January 31 the firing of two cops who beat hitchhiker Bobby Jewett to death. After the cops were acquitted in a 1991 jury trial, angry protests took place.

Riggs said that officers Stephen Lee Rollins and Glen Thurlow used "poor police procedure" that included failing to give Jewett first aid when he began to turn blue. Riggs said he took into account an incident two weeks before the Jewett killing, when the same two officers kidnapped a man and ordered him to "walk the plank" into a canal.

Riggs also ordered the suspension of Assistant Chief Michael McClure and four other police officials for botching the investigation into Jewett's Nov. 24, 1990, death. The investigation was widely viewed as a cover-up.

"No, it isn't justice," said Louise Jewett, the victim's mother, as she watched Riggs' announcement on television. "But let's say it's a corner of justice. By rights, they murdered Bobby and they should be in jail. If you beat a dog to death you'd be put in jail."

Jewett supporters at the press conference cheered when Riggs announced the firings.

"I don't think police will be celebrating with pizza and cokes today," said Tom Faferko, referring to a victory party the cops held after the 1991 trial.

"They got fired, so what?" said David

Tuscani, a friend of Bobby Jewett. "I don't think it's enough."

Jewett died of a choke hold and massive chest injuries, doctors testified at the 1991 trial. But Riggs, an Internal Affairs panel, and a police consultant hired by the city all said that they lacked evidence that excessive force was used against Jewett.

The president of the city Police Benevolent Association said the organization would appeal the firings to binding arbitration.

"If they are reinstated [by an arbitrator] they'll never go on the street again," vowed West Palm Beach mayor Nancy Graham. "It better be a beginning, the beginning of a turnaround [in the police department], or we're in trouble."

Riggs said that public disapproval and protests, including a march of 800 people to police headquarters, have demoralized the department.

"The case has gone on so long that officers feel that the general public's against them. The officer feels as though he's been beaten down," he complained.

Said one cop prior to the announcement, "My job is hard enough. I have people come up to me and say, 'Why did they beat that man in handcuffs?'"

Expressing a fear shared by many, City Commissioner David Smith told the press, "I tend to think we're far from preventing this from happening again."

[A letter to the *Militant* from Louise Jewett appears on page 19 of this issue.]

Hundreds mourn police victim

BY JO O'BRIEN

SHEFFIELD, England — The funeral of Ian Bennett, shot by police in Rastrick, West Yorkshire, was attended by 400 members of the local community.

The cops had laid siege to Bennett's house January 1, where he was carrying an imitation gun. After 90 minutes they gunned him down. Bennett's family repeatedly told the police that Bennett had no weapons before he was killed.

A January 11 Militant Labour Forum here on "Police brutality, frame-ups, and racist attacks: the challenge for working people," discussed Bennett's killing.

Tim Spaul, a National Union of Mine-workers member, reminded the meeting of the role played by cops in the intimidation of striking miners in the 1984-85 coal strike: fabricating evidence against miners, brutalizing them on the picket lines, and making large areas of the country "no-go" areas for striking miners and those who supported them.

The Bennett family sent a message to the forum. Ian Bennett's mother, Jean, had been scheduled to attend but was advised by her solicitor not to speak publicly because of a possible official inquiry into the killing.

Shellia Kennedy, a supporter of the *Militant* newspaper, described visiting Rastrick twice within 10 days of the shooting by the

cops. Young people on the housing estate where Ian Bennett lived described to her the constant harassment they get from the police.

Supporters of the *Militant* who visited Rastrick on the morning of January 11, found many people still shocked and eager to express their anger at Bennett's death, said Kennedy. Seven *Militants* were sold on a door-to-door sale there in less than one hour.

Rose Knight, a supporter of the international campaign to defend framed-up unionist and political activist Mark Curtis said, "Like Jean Bennett, Mark Curtis won't accept what he is told and he aims to continue fighting. He won't be broken. It is only through a defense campaign that working people have a chance of getting justice."

Ray Varnes, a member of the Doncaster branch of the Rail, Maritime and Transport workers union and of the Communist League, also spoke.

Varnes pointed to the defense campaigns that successfully exposed the frame-ups of the Guilford 4, Birmingham 6, and Tottenham 3. "The lesson is that, if you fight and reach out to other working people, frame-ups can be broken," she said.

Jo O'Brien is a member of the Sheffield and District Branch of the Rail, Maritime and Transport Workers Union.

Anti-immigrant attacks in Sweden

BY INGE HINNEMO

STOCKHOLM, Sweden — A 42-year-old Palestinian shopkeeper has become the 11th victim of racist shootings here in recent months. A masked man entered his small shop and fired several bullets into his head. Nothing was stolen.

The same thing happened to an Assyrian owner of a small street grill two days earlier. Both victims were seriously wounded but survived. The week before that, four other immigrants were shot at by a masked man.

These shootings follow a series of similar incidents last fall, when a so-called "laser

man" gunned down five immigrants, killing one of them. The police have made no progress toward finding the gunman or gunmen.

As with the killing of Jimmy Ranjbar by the "laser man" in November, many people, especially youth, have responded to these attacks with solidarity actions. Demonstrations took place in the neighborhoods where the shootings occurred, following the attacks.

The organization Stop Racism has called a demonstration to protest the attacks on immigrants, for February 8 in Stockholm city.

PERSPECTIVA MUNDIAL

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Solidarity messages celebrate victory won by Mark Curtis against cops

The messages below are among those received by the Mark Curtis Defense Committee following federal Judge Charles Wolle's January 31 decision finding two Des Moines cops violated Mark Curtis's constitutional rights when they beat him while in custody March 4, 1988. Most of the messages have been excerpted in order to present the widest possible selection to readers of the *Militant*.

I'm sending you this greeting from Sweden to congratulate you on your recent success in the fight for justice for Mark Curtis. Your victory is a very important one since police violence can no longer go on without protest and resistance. This is only the first step of a long process that I'm convinced will end with freedom for Mark Curtis and justice for him and all men and women who fight for human rights.

I wish you good luck in your struggle.
Annika Ahnberg
Member, Swedish Parliament

The CGT union in the Renault factory at Choisy-le-roi in France congratulates Mark Curtis and the Mark Curtis Defense Committee for their important victory [because it] will help to strengthen the democratic rights of workers and all those who struggle for justice everywhere in the world. We also wish to condemn the brutal beating of Larry Milton by the police. This shows that such beatings at the hands of the Des Moines police are not exceptions. We wish to extend to Larry Milton



Jock Barnes, veteran New Zealand trade union leader, sent message to Curtis.

and his family our deepest solidarity.

Our union has followed and supported Mark's struggle for some time. We know that this victory will help lead to Mark's total liberation and the recognition that he is an innocent victim of a frame-up for his trade union and political activities. No excuse! Justice for Mark Curtis and Larry Milton!
General Confederation of Workers Union at the Renault plant at Choisy-le-roi

It's so great to learn that Mark won a step toward victory, in obtaining the condemnation of the policemen who beat him so savagely when he was arrested and jailed on false allegations. It gives us courage and hope in the continuing action of the defense committee and of all the friends and supporters of Mark all over the world.

Mark is not fighting only for his own freedom, he is also fighting for us all; for his and our dignity; for his and our rights; for a better life and better conditions for all human beings.

Daniel Retureau
Permanent Representative
World Federation of Trade Unions to the
International Labor Organization and the
UN Office and agencies in Geneva

There are pitfalls and rewards in all the battles we fight. Mark Curtis and the defense committee will use this win to refuel and move the machinery forward, realigning their sights on the release of Mark Curtis.

This win proves that with patience, guidance, and a diligent mind, the injustices done to Mark Curtis can be and will be reversed. This victory against police brutality puts us in a stronger position to win Mark's release.

We cannot allow this system to eat us up and spit us out. When we continue to fight back, all the injustices will become victories for all workers.

Denis Stephano
President
Oil, Chemical and Atomic Workers
Union Local 8-234

I wish I could be there to join in celebration of this important legal victory. This case will set an important precedent in the Larry Milton case and send an important message to the Des Moines police and other police departments that their actions will be scrutinized and judgements will be rendered against them.

We must remember our work is not over until Mark Curtis is out of prison.

Adrien Wing
Professor of Law
University of Iowa, Iowa City

I know what Mark has been through because I have experienced a similar situation as he has. Mine was with the Davenport police. I know how difficult it is. We need to continue putting up a fight the way Mark and



Johnny Imani Harris in prison in 1989. 'It takes unity, solidarity, and sacrifices to achieve and gain what is rightfully yours,' wrote Harris who was paroled last year.

I did so this type of brutality will come to an end. I'm very happy for the victory in Mark's case. It's sad the beating happened to begin with.

Rex Giebeck
Won \$29,000 judgement against
Davenport police for brutality, knew Mark
at the John Bennett Correctional Facility

Violence by the police will not be tolerated. The courts see that violence existed in this case. I support Mark's fight and the victory in his case and I'm very happy with the results. I have experienced police brutality in West Des Moines personally — at the strike at the Delevan company in the 1980s — so I'm all too familiar with it.

Ross Woodrick
International Association of Machinists
District 134

Not addressing Mr. Curtis's guilt or innocence, the point that needs addressing is whether or not the police used excessive force?

To this point the facts say "yes." Also with the Milton case the facts say "yes." Because these gentlemen are not one of the affluent few the police figure no one will care. The recent court decision sends a clear message to the city of Des Moines that this type of behavior will not be tolerated. Congratulations.

Ross Boyer
President UFCW Local 50-N
Marshalltown, Iowa

Congratulations on a great victory. Now

let us expose the frame-up.

Tim Anderson
Political activist twice wrongly convicted
and imprisoned, and twice exonerated.
Australia

Mark, I congratulate you on this significant victory. May there be many more — until you are exonerated and the travesty of your arrest and conviction are revealed to all.

The women's movement in Birmingham knows that you could not have done what you have been jailed for. You worked too hard and long for our rights to have been a traitor to our principles.

Congratulations also to all of your supporters who have worked so diligently on your behalf and on the side of justice.

Michele Wilson
Action Vice-president
Alabama National Organization for Women

Congratulations on this first victory. In my opinion this is an encouragement to continue the campaign for the unconditional liberation of Mark.

Robert Verdier
Honorary President
League of the Rights of Man in France

I'm glad and pleased that Mark's story about the police beating him up has been authenticated.

Mark should be immediately released to play a full and active role in society.

Peter Heathfield
General Secretary,
National Union of Mineworkers, Britain

— CALENDAR —

MISSOURI

St. Louis
Peace for Cuba: End the Blockade, No U.S. Intervention. Lift the Travel Ban. Panel discussion. Sun., Feb. 16, 2:30 p.m. University City Library, 6701 Delmar. Sponsors include: People's Weekly World, Latin American Solidarity Committee, Coalition of Black Trade Unionists, Communist Party, Socialist Workers Party, Young Socialist Alliance. For more information: (314) 664-3119.

NEW YORK

Manhattan
National Conference in Support of the African National Congress and a Democratic South Africa. March 20-22. For more information: (212) 673-5120.

WASHINGTON, D.C.

We Won't Go Back... March for Women's Lives. National march on Washington, D.C. Sun., April 5. For more information call: National Organization for Women, (202) 331-0066

BRITAIN

London
March to Remember Rolan Adams. Called by Rolan Adams Family Campaign on 1st anniversary of his racist murder. Sat., Feb. 22, 12 noon. Assemble: St. Nicholas Church, Plumstead High Street.

'Looking forward to next step — parole Mark Curtis'

BY ARGIRIS MALAPANIS

"Pleased to hear the result of the Iowa District Court... Now looking forward to the next step — parole for Mark Curtis," said Kevin Hussey of the Transport and General Workers Union from London in a message sent to the Mark Curtis Defense Committee.

"Let's not forget that the ultimate victory normally follows small victories," wrote Jean-Claude Parrot, president of the Canadian Union of Postal Workers in another message.

Hussey and Parrot were among the dozens of trade unionists, women's rights activists, religious figures, politicians, and others who sent messages celebrating the victory won by Curtis in his civil suit against two Des Moines police officers. By the time of the February 8 rally in Des Moines to celebrate this victory, 65 such messages had been received by the Mark Curtis Defense committee.

Among the trade union leaders who sent messages were Yves Richard, general secretary of the General Confederation of Workers in Haiti; Jock Barnes, a veteran trade union leader from New Zealand; Phil White, chair of the Tower Lodge National Union of Mineworkers from South Wales; James Gibbs, president, United Mine Workers of America local 2490; and Bill Schenk, retired

representative, International Association of Machinists, North Carolina.

"This victory sends a clear 'ray of sunshine' to the hundreds of others who have been victimized by police brutality across our nation," wrote Sammie Roberts, former state president of the Alabama National Organization for Women (NOW). "This is not an isolated victory. Recently in south Alabama a Black police chief fired one officer and put several others on probation for beating a suspect."

Jackie Osborne, former president of the Greensboro, North Carolina, NOW chapter was among the women's rights fighters who sent messages.

Many letters of support came from other fighters against police brutality and frame-ups. "Mark Curtis has continued to show his strength and integrity to endure in a fight to the finish," wrote Venus Hannah. "We must take advantage of the victory." Hannah's son, Santana, was killed while in police custody in Plainfield, New Jersey.

Thelma Clark, mother of Eddie Hatcher, also sent a message. Hatcher is a Native American activist who was given an 18-year sentence in 1988 for attempting to expose police corruption and violence in Robeson

county, North Carolina.

Other letters came from Anne Braden, co-chair Southern Organizing Committee for Economic and Social Justice; Rafael Anglada Lopez, fighter for Puerto Rican independence; the Auckland, New Zealand, Council for Civil Liberties; Tony Benn, a member of the British parliament; Dafydd Tryetan, youth chair of the Welsh Language Society; and W.W. Finlator, southern Baptist minister and former American Civil Liberties Union vice-president.

"It takes unity, solidarity, and sacrifices to achieve and gain what is rightfully yours," wrote Johnny Imani Harris.

Harris was framed up by the police and spent 20 years in prison, 14 of those on death row. His frame-up began in 1970 when his family moved into a previously all-white neighborhood in Birmingham, Alabama. After months of racist harassment by the Ku Klux Klan and the cops, he was stopped one day on his way to work and subsequently charged with four robberies and the rape of a white woman. He was granted parole last year after a long fight.

"You just have to stand up and fight like Mark did, stand up and fight like I did... like Nelson Mandela," said Harris.

New effort for Curtis parole

Continued from front page

him in the Des Moines city jail.

He explained that "the court also finds not credible the officers' testimony that plaintiff was trying to bite and kick them and kicked Wolfe in the head while barefoot and lying handcuffed on his back." The cops knowingly violated Curtis's Fourth and Fourteenth Amendment rights, Wolfe wrote in his decision, finding that any "reasonable officers confronting the situation Wolfe and Dusenberry faced would not have believed that it was necessary to strike plaintiff in the face and groin — and pummel him bloody —" in order to remove his clothes.

Curtis was awarded \$11,000 for the pain and suffering he endured as a result of the beating, plus reasonable attorney's fees. He is represented by William Kutmus and George Eichhorn of Des Moines.

John Studer, chairperson of the Mark Curtis Defense Committee, welcomed everyone to the rally, stating, "This victory would not have been possible without the current fight taking place to win justice for Larry Milton." Milton's beating sparked outrage among broad layers in the Black community and working people in general. More than 1,000 people attended a mass meeting January 2 and hundreds have attended subsequent meetings in the Black community and at the Des Moines City Council to discuss the fight for justice.

Radio station KUCB opened its airwaves to a community-wide call-in for the first few days after the beating. The victory in Mark Curtis's lawsuit comes in the context of this ongoing fight.

The victory rally capped a week of broad debate and discussion in Des Moines about the impact of this ruling on the fight against police brutality. The views of Curtis's supporters were aired on several radio and television stations. Cleve Andrew Pulley, a member of United Food and Commercial Workers Local 1149 and of the Socialist Workers Party, was invited on a talk show at radio station KUCB the day after the ruling. A local network TV station interviewed John Studer immediately after the ruling, as did the *Des Moines Register*.

On the job, Curtis's victory was widely discussed. Priscilla Schenk, a United Auto Workers Union member and supporter of Curtis, reports that many coworkers came up to congratulate her on the victory. Natalie Bombaro said her coworkers were now more interested in the case and some wanted to view the video, *The Frame-up of Mark Curtis*. These and other Curtis supporters say the most-asked question they get from their coworkers is, "Does this mean Mark will be released from prison?"

Curtis, a former packinghouse worker at the Swift processing plant, was framed up by the Des Moines police on false charges of rape and burglary. Just prior to his March

1988 arrest and beating, Curtis had been part of a fight to win union support in defense of 17 immigrant coworkers. The 17 were threatened with deportation after a raid at the plant by the Immigration and Naturalization Service.

After his arrest, Curtis was taken to the main police station and severely beaten when he refused to confess to a crime he did not commit. As they beat Curtis, the cops called him a "Mexican lover, just like you love those coloreds."

Curtis's lawsuit against the City of Des Moines and the police officers who beat him was filed in May 1989. The trial against the cops was held last November 25 and 26.

Ruling-class worries

Curtis's fight has also broken into the *Des Moines Register*, a paper not noted for its stand in defense of victims of police brutality. The *Register* has run several articles and editorials that reflect the worries in a wing of ruling circles here over the exposure of widespread cop violence and the falling reputation of the police department.

A front page *Register* article the day after Wolfe's ruling noted, the judge's decision "comes as Des Moines is embroiled in a public debate on the issue of police brutality, sparked by allegations that resident Larry Milton was unnecessarily beaten by officers in a recent arrest."

"Because of the Milton controversy, [Police Chief] Moulder called the timing of the ruling 'quite unfortunate.' He said there were some similarities in the cases, in that both Curtis and Milton suffered head injuries."

"Moulder said that because head injuries are distasteful," the article continued, "police need to find alternatives or to demonstrate in courtrooms and to the public that officers are in difficult circumstances when someone starts a fight with them."

In an editorial several days later, the *Register* said that "the police department's internal affairs unit investigated Curtis's allegations at the time and found no wrongdoing by the officers, suggesting that they were operating in accordance with departmental policy. If that's the case, that policy needs revision."

"Police Chief William Moulder, who quickly wrote off allegations against the three officers in the Milton case, has said the officers in the Curtis incident also acted appropriately. The department does not plan to discipline them."

"That's its prerogative. But Moulder would do well to heed the warning signs and pay closer attention to departmental policies on the use of force. Failure to do so will further weaken the already shaken public confidence in the department." [See page 6 for the full text of this editorial.]

Another example of the debate, discussion, and polarization in the city around the

issue of police brutality was heard on KUCB the morning of the Curtis victory rally. Eddie Carthan, former mayor of Tchula, Mississippi, who was part of the speakers' platform at the event, was invited to speak on the radio show. When he arrived he found the host, Dr. Mayank Kothari, had also invited Keith Morris and his attorney, Stuart Pepper, to participate. Morris is the father of the alleged victim in the Curtis frame-up.

What followed was a debate on the character of the police and police frame-ups. Kothari has been hired in the past by Pepper as an "expert medical witness" in court cases.

Among those who called the talk show were both those who support Curtis's fight against his frame-up conviction and those with reservations about the validity of his fight.

The big majority of callers said they viewed Judge Wolfe's decision as a victory for all opponents of police brutality.

At the rally itself, both the local attendance and the speakers' platform, reflected the depth of the current fight against police brutality.

The first to be heard was M.C. Little, an 11-year-old rap singer. He performed his song, "No Excuse," which has been popular at Des Moines anti-police-brutality events.

Sonja Palmer, founder of Mothers and Wives Against Police Brutality, spoke of her commitment to fighting racism. Palmer was the main organizer of the 75-person, February 1 march against police beatings. "I want to stop racism in our community. It may take a while, but I've got time," she told the audience.

Imam Ako Abdul Samad, a member of the board of directors of KUCB, said in his speech that, "Violence, wherever it comes from, is injustice, whether it comes from the police department, the FBI, or any other agency. If it happens to Mark Curtis or to Larry Milton — one struggling in the community, the other a common man — that means tomorrow it could happen to you."

Dudley Allison, a well-known activist in the fight against police brutality, led the rally in a spirited chant of "No Excuse! Jail the Guilty Cops!" He stated, "I'm very ecstatically happy for the victory for Mark Curtis. What this does, in my opinion, is open the door for the prosecution of the officers who commit these types of crimes."

Greg McCartan, speaking for the National Committee of the Socialist Workers Party, said, "This first big victory in Mark's fight gets right back to the heart of this frame-up trial. The fact that a federal judge ruled that the cops lied when they beat Mark casts a pall over the trial. Mark was convicted by the testimony of one cop, Joseph Gonzalez."

"Mark was barred from introducing testimony that Gonzalez had framed-up and brutalized another person. He was also not al-



Militant/Chris Remple

M.C. Little performed his rap song 'No Excuse' at rally celebrating Curtis victory.

lowed to present evidence of the beating the cops gave him or what they yelled at him as they bloodied his face. In this light, thousands more will be convinced, whether they think Mark is innocent or guilty, that his trial was a frame-up. They too will join in the call for Mark's parole."

Other speakers included Cleve Andrew Pulley; Carroll Narmeyer, representing the Iowa American Agriculture Movement; Eddie Carthan; Derek Bracey, from the Young Socialist Alliance National Executive Committee; and Kate Kaku, a leader in the fight for justice for Mark Curtis and Curtis's wife.

On behalf of Curtis and herself Kaku thanked all those who supported the fight for Curtis's freedom, noting that without their work the victory in the cop brutality suit would not have been possible. She outlined three immediate tasks to build on the victory.

First, support groups will be sent camera-ready literature summarizing the judge's ruling. She encouraged them to reproduce this and other materials, send them to other supporters, and distribute the materials at work and political events.

Secondly, in order to "strike while the iron is hot," Kaku said that new messages of support for parole for Curtis can be won from a broader range of prominent individuals, union members, student activists, and other defenders of democratic rights. Kaku announced that the defense committee was launching a "Mark Curtis Parole Now! Fund." A copy of the fund appeal, which appears on the front page, will be sent to groups of supporters to be reproduced and mailed out broadly in each area. More than \$5,000 was pledged toward the fund at the rally.

An appeal from Mark Curtis and Kate Kaku

Continued from front page

the cops lied about beating me casts a pall over the testimony of police officer Joseph Gonzalez, who was the central witness against me at the trial. It raises anew the denial of my rights when the judge refused to allow the jury to know that Gonzalez had been suspended for lying and brutality in a previous case. It reminds us that the judge refused to let the jury even be told that I had been beaten by police officers after my arrest — let alone the brutal and unprovoked character of the beating as attested by the Federal District Judge this month. Many people we know, including my fellow prisoners, ask, "Does this mean Mark will be getting out of jail?" We think that day has been brought closer and it will be helped by what we do now with this latest victory.

The third and biggest challenge is raising the funds needed to cover the legal expenses involved in this victory and to prepare for the next stage of the fight. The Mark Curtis Defense Committee has just launched a Mark Curtis Parole Now! fund drive. Kate and I urge you to contribute rapidly and extra-generously to this campaign. The drive is slated to last through March 31. The funds are needed for the next steps in my case.

• William Kutmus, who has led the legal work on my case from the beginning, will build upon this victory by filing a new motion

in federal court to overturn my frame-up conviction. He has also agreed to serve as my general counsel and to aid at every step in the fight to win my release on parole.

To pay for these new initiatives, and for outstanding legal fees from winning this victory, will cost at least \$45,000.

My attorneys, William Kutmus and George Eichhorn, have done a superb job in representing me. Their top-notch research, legal briefs, and courtroom presentations have been crucial in pressing forward the fight against the beating and the frame-up. They deserve a well-earned thank you!

• We need to prepare new informational leaflets and brochures that update the fight and outline the campaign to press for release on parole. Paying for these projects, as well as the modest operating expenses of the defense committee in Des Moines and paying off several long-standing debts totals \$30,000.

Raising the funds needed to get us to where we are today would not have been possible without the help of the Political Rights Defense Fund, Inc. They recognized my case as an important democratic and civil rights issue and have made it possible for your contributions to the work of my defense committee to be tax-deductible.

Kate has kept me informed of the response she has received as she traveled around the

world over the past three-and-one-half years. She has told me how all of you — unionists, farmers, artists, students, prominent human rights activists, those beaten and framed-up by the police, leaders of liberation struggles, and others fighting for their rights — have set aside your time to learn about and become a part of this fight. You are helping to bring to life the slogan "An injury to one is an injury to all," thereby sending a message to the police and the government that they will not win this struggle and will face deepening opposition to similar attacks in the future.

In Des Moines, Belfast, London, Newark, Los Angeles, and elsewhere, partisans of the fight against police brutality and frame-ups

are pressing demands for justice. I extend to each my solidarity and support.

I would like to thank you in advance for your continued support and your contribution. Kate is taking several weeks off her job in Chicago in order to personally speak to as many of you as possible about the victory, the next stage in the fight, and the financial needs of the defense effort in the coming months.

As always, stay strong!

In solidarity,

Mark Curtis
Kate Kaku

MARK CURTIS PAROLE NOW! FUND APPEAL

Enclosed is my contribution of \$_____

Name _____ Address _____

City _____ State _____ Zip _____ Country _____

Phone _____ Organization _____

(for identification only)

Make checks payable to Mark Curtis Defense Committee, or, if you would like your contribution to be tax deductible, make your check payable to the Political Rights Defense Fund, Inc. Mail to MCDC, Box 1048, Des Moines, IA 50311

City of Des Moines forced to hold police brutality hearings

BY SARA LOBMAN

DES MOINES, Iowa — As a result of successful mobilizations by working people, primarily from the Black community, four Des Moines City Council-sponsored public hearings on police conduct are being held February 11-14.

Speaking at a rally to celebrate the recent victory of Mark Curtis in his civil lawsuit against the police, Dudley Allison pointed to the importance of mobilizing the largest number of opponents of cop brutality to attend these nightly hearings. Allison is a member of the Direct Action Committee of the Community Support Force and a prominent participant in the fight against police brutality.

"What we need to do, since we've already protested at the City Council meeting and downtown, is to get as many people as we can possibly organize to go to these hearings and hold signs and speak against police brutality," he told the meeting.

Allison said that picket lines to protest police brutality will be held outside the hearings. So far, the Coalition for Justice, which organized two large rallies at a church in the Black community, has not announced plans to organize participation in the city council hearings.

The council changed its mind three times about whether or not to hold the public events. Under pressure from widespread outrage over the December 28 cop beating of Larry Milton, and weekly protests calling for action in curbing cop violence against work-

ing people, the council finally agreed to hold the hearings.

But they stipulated that no one will be able to speak about any particular instance of brutality. Only "general comments" will be allowed.

Showing the tactical divisions that have grown up within the city's ruling elite as a result of the protests, the *Des Moines Register* has run two editorials warning the council to "forget the backroom."

"If the council wants to avoid the appearance that it is merely paying lip service to the demand for a public airing of the issues, its first order of business at the hearings should be to do away with the back room and allow people to speak fully," a February 8 editorial stated. The *Register* disagreed with the city's position that letting people explain incidents of cop violence could affect "real or potential litigation."

A lead editorial in the February 1 issue warned the city that the hearings will be "perceived as a sham" if people are not allowed to speak their mind.

"The council should place a higher value on the potential return of the police department to a state of grace in this community than on containing potential lawsuits," states the *Register*.

Cop countercampaign

In the midst of this discussion, the police continue their countercampaign against the antibrutality forces. On January 28 the police department reported that three bullets with

'Des Moines Register': Excessive force by police

The following editorial appeared, under the heading, "Excessive force by police," in the February 5 *Des Moines Register*.

Already reeling from Larry Milton's police-brutality allegations, the Des Moines Police Department got a black eye it could ill-afford last week. A federal court ruled against two officers in a civil case brought by a convicted child abuser because of a beating he received from them while in their custody in 1988. The officers were ordered to pay the man, Mark Curtis, \$11,000.

In its ruling, the court cited officers Charles R. Wolf and Daniel Dusenberry for repeatedly kneeling and kicking Curtis, leaving him semi-conscious and in need of 15 stitches, and disabled for several months afterward. Assistant Police Chief Kayne Robinson says the ruling will likely result in a closer review by the police department of its procedures for handling people in

custody. It should.

Judge Charles R. Wolle said the "battery" was not necessary to accomplish police department objectives and was in violation of Curtis' constitutional rights.

The police department's internal affairs unit investigated Curtis' allegations at the time and found no wrongdoing by the officers, suggesting that they were operating in accordance with departmental policy. If that's the case, that policy is badly in need of revision.

Police Chief William Moulder, who quickly wrote off allegations against the three officers in the Milton case, has said the officers in the Curtis incident also acted appropriately. The department does not plan to discipline them.

That's its prerogative. But Moulder would do well to heed the warning signs and pay closer attention to departmental policies on the use of force. Failure to do so will further weaken the already shaken public confidence in the department.

the names of the officers who beat Larry Milton were sent to Joanne Pollack, one of the officers. The police department has produced a composite photo of a "light complexioned black man" whom they claim sent the bullets.

On February 5 the *Des Moines Register* reported that a friend of Officer Pollack was shot in the leg with a BB gun. The assailant allegedly said, "Tell the woman officer, your friend, that the next one is for her."

Leaders of the fight against police brutality have pointed to the possibility that the police

themselves are responsible for these actions. Cleve Andrew Pulley, a leader of the Socialist Workers Party and of the fight against police brutality, stated, "This smacks of the police and FBI disruption efforts that we saw against the civil rights and anti-Vietnam War movements. While it is possible that an individual frustrated by cop brutality is responsible for this act, the fact is that it is the police who benefit from this story."

Sara Lobman is a member of UFCW Local 431 and works at the Monfort packinghouse in Des Moines.

Protesters demand asylum for Haitian refugees

Continued from front page
Hampshire February 15.

Meanwhile the U.S. government is proceeding with the forced repatriation of Haitian refugees. Under an agreement reached with Haitian authorities, Washington will space out its dropping off of boatloads of refugees over the next seven weeks.

While some Haitians are being returned, many others continue to flee the country. During the first week in February, the U.S. government repatriated 2,000 Haitian refugees, while seizing 961 new refugees on the high seas and holding them at the U.S. Naval base at Guantánamo Bay, Cuba.

"They told me they were sending us all home and that if we didn't go willingly they would handcuff us and take us back forcibly," stated seventeen-year-old Marlene Teramin, who was on one of the first boatloads returned to Haiti.

"I left because I had nothing. Now I have less," stated Roger Louis, 28, a fisherman who fled Haiti two weeks after the September 30 coup.

'Many who return will die'

Paul Latortue, a Haitian economist active in refugee affairs, explained, "Many of those who return will die. There will be no fuss over the boat people when they get off the boat. But when they get home, there will be no follow-up to see what happens to them."

Meanwhile, Washington is holding firm to its stance that returning Haitian refugees have nothing to fear. "If you look at the history of repatriation from Haiti, which has gone on for 11 years," says State Department spokesperson Margaret Tutwiler, "there is no evidence... — not a single case in which a Haitian who was repatriated was targeted for persecution by the regime."

Samuel Firmen, one of the Haitians permitted to reach Miami to pursue his claim for political asylum, described the ordeal he went through before deciding to flee. "If it had been because of hunger, I would not have left Haiti. ... It's just the fear on the streets," he said, describing how soldiers "were stopping each young man that walked past. They made us roll on the ground, bark like dogs and bang our heads together. ... We kept wondering when we would be shot."



Militant/Marc Lichtman

New York rally, February 3. 'Many of those who return will die... there will be no follow-up to see what happens,' said Haitian economist Paul Latortue.

In early January a network of some 20,000 armed rural deputies supervised by 565 army-controlled sheriffs, who terrorized the population under the Duvalier dictatorship, were reinstated to their old positions.

Despite strong statements of condemnation by some in Congress, little has been done to counter Bush's repatriation moves. According to the *New York Times*, efforts to grant "temporary protected status" to Haitian refugees were "running into serious problems in both the House and the Senate." Meanwhile Senator Edward Kennedy announced plans to introduce a bill to suspend forced returns for two weeks.

Editorials in a number of the major capitalist dailies have condemned the forced re-

turns. "George Bush's mighty forces have won a stunning, setpiece battle against their unarmed quarry in Operation Racist Shield," wrote the *Miami Herald*.

The *New York Times* in an editorial entitled "Humanity for Haitians" called for providing the refugees with temporary sanctuary but cautioned against too much loosening of the U.S. government's strict immigration laws. "Allowing in all who want to come would be unfair to the thousands of people from other impoverished, more distant countries who patiently wait their turn for legal admission," argued the *Times*.

Washington weakens embargo

On February 4, the Bush administration announced plans to lift the embargo on U.S.-

owned assembly plants in Haiti, which produce items such as baseballs and handbags. State Department spokesperson Tutwiler described this move as "fine-tuning" the embargo, which Washington had imposed on Haiti November 5.

This move comes in response to an intense campaign against the embargo waged by U.S. companies who coordinated their efforts through Caribbean, Latin American Action (CLAA). One of the central figures leading this group is former assistant secretary of state Elliot Abrams, a member of CLAA's board of directors.

Last October Abrams pleaded guilty to withholding information from Congress about his role in covertly aiding the Nicaraguan contras in the 1980s.

Abrams claims weakening the embargo is absolutely necessary because "American workers are losing their jobs."

This contrasts sharply to the position of many Haitian toilers who strongly support the embargo even after having lost their jobs. "The embargo is our only chance for a solution" explained unemployed garment worker Ronald Maurice from Port-Au-Prince.

From exile in Venezuela, Aristide called for tightening the embargo. He urged his supporters to "radicalize" their positions in response to Washington's plans to loosen it.

Haiti's military rulers reacted with glee to Washington's new policies. The day after Washington announced its plans for easing the embargo, coup leader Raoul Cedras was promoted to the rank of lieutenant general.

"They never thought we could stick it out for two months, and here we are four months later," commented Col. Joseph Florestant, a member of the Haitian High Command. "Now the O.A.S. finds itself in a pigsty, and they are the ones who don't know what to do."

Colonel Florestant, one of General Cedras's closest advisors, stated that Rene Theodore's candidacy for prime minister "has been consigned to oblivion." In January Theodore's nomination, which had won backing from both Aristide and some members of the Haitian legislature, had been publicized as a solution that would pave the way for Aristide's return.

Canada court to review frame-up case

BY CHERYL PRUITT

VANCOUVER — The Supreme Court of Canada has begun to review the case of David Milgaard, one of the country's longest-serving prisoners. Since 1969, when he was arrested at the age of 16, Milgaard has always maintained that he is innocent of the rape and murder of a young nurse's aide in Saskatoon, Saskatchewan.

Years of persistent investigation and pressure by Milgaard's family and friends have brought a glare of publicity to this case. The court review, which began January 21, comes at a time of revelations of racist bias, abuses of democratic rights, police brutality, and injustice in Canada's justice system.

In January 1969 Gail Miller was raped and stabbed to death. No suspects were found and a few days later police announced a \$2,000 reward for any information leading to a conviction.

Among the people questioned in the following weeks were three teenagers who were adventuring around the Prairies in an old car: Ron Wilson, Nichol John, and David Milgaard. They also questioned Albert Cadrain, a friend the three had visited. Each gave the same general account of their activities in Saskatoon on the morning of the murder, denying involvement in the murder. Their statements were confirmed by several eyewitnesses.

A few weeks later Cadrain went to Saskatoon police with a new story. He said that when the three arrived at his house Milgaard's clothes had been stained with blood and all three seemed to be in a hurry to leave town. It has now been revealed that Cadrain applied for, but was not awarded, the \$2,000 offered by the police department.

The police brought Milgaard in for ques-

tioning, strip-searched him, and went with him to the motel room where he was staying. No evidence of any kind, on his body or in his room, was found.

In the following weeks, John and Wilson were repeatedly questioned by Saskatoon, Regina, and federal police. At no time was a lawyer present. Wilson was led to believe that he himself would be charged with murder. Both were told they could be facing numerous other charges, for vagrancy, drugs, or theft, if they did not cooperate.

The interrogations lasted up to six hours at a time. Wilson told the Supreme Court in its newly opened review, "My mind was exhausted and I was mentally scrambled. I remember it now being like brainwashing. Finally, I began to implicate Milgaard in the murder, telling police the things they wanted to hear."

Nichol John has publicly explained that she was using LSD, an hallucinogenic drug, for most of 1969. She had been taken by police from Regina to Saskatoon, shown the site where Gail Miller's body was discovered, and forced to view the knife found near the body and Miller's slashed and bloodied clothing. Then she was locked up over night in an empty cellblock of the Saskatoon police station. The following day, the process was repeated. In the end, 16-year-old John signed a 10-page statement in which she said she had seen Milgaard stab Miller in the alley and drop Miller's purse in a nearby garbage can.

Milgaard was brought to Saskatoon for trial. Legal Aid appointed a lawyer as neither he nor his family had enough money to pay for his defense. The lawyer decided that Milgaard should not tell his own story in the court.

Dozens of witnesses were brought into the court to testify against Milgaard. The prosecution presented as evidence two small yellowish lumps of snow collected by a Saskatoon policeman four days after the murder, in the area where the body was found. The jury was told that this could possibly be semen from Milgaard. In two separate investigations since, prominent forensic pathologists have stated that there is no link to Milgaard at all, and that the yellowish lumps of snow are probably not human semen at all, but dog urine.

Milgaard's lawyer decided to call no



David Milgaard, whose case puts spotlight on abuse of democratic rights in Canada.

witnesses in the trial, and in January 1970, David Milgaard was found guilty and sentenced to life in prison. Two later appeals were denied.

For 22 years, Milgaard and his family, and friends have tried to overturn the conviction. Joyce Milgaard, David's mother, has put all of her time and the family's savings into tracking down the real story and publicizing the case.

The prosecution's case, under this pressure, has completely fallen apart. All of the circumstantial evidence presented by the police has been disputed. Both John and Wilson have returned to their original statements that show that David Milgaard had nothing to do with the Miller murder and they have both revealed the extent of police intimidation and abuse of their democratic rights.

Other people, whose testimonies were either not taken or disregarded by police at the time, have stepped forward to say that they remember meeting the young people on the morning of the murder, providing an effective alibi for Milgaard.

It has also come to light that once the police

had decided that Milgaard was guilty, they simply stopped pursuing other leads.

Denial of Parole

Among the many abuses and violations of democratic rights in this case, has been the price Milgaard has been made to pay for insisting he is innocent. Every application for prison transfer and every application for early release or day parole has hit the same obstacle: his refusal to "take responsibility for his crime."

Milgaard has successfully completed vocational training and eight university courses. While at Stony Mountain prison, he co-founded the Justice Group, a prisoners' rights organization. He has met all possible conditions for favorable parole board decisions.

Milgaard's mother, and his sisters Susan and Maureen have appeared at press conferences and on talk shows to explain the injustice and ask for support and aid.

Supporters printed up bumper stickers and window placards, set up information booths around Winnipeg, Manitoba and organized door-to-door leafletting in neighborhoods around Winnipeg. Gail Miller's family released a statement in 1991 saying that they were now convinced that a reasonable doubt existed of Milgaard's guilt.

It is this pressure and publicity that won the Supreme Court review of the case.

The Supreme Court will resume its review of the case February 17. One of its first decisions will be whether to treat the case as a retrial, in which the burden of proof rests with the police, or a judicial review, in which it will be up to Milgaard and his supporters to show that an injustice has been done to an innocent man.

The John Howard Society of Manitoba, an organization that works with prisoners and ex-prisoners, has set up a support fund for donations.

Messages of support, donations, and letters to David Milgaard should be sent to: Justice Support Group, c/o John Howard Society of Manitoba, 583 Ellice Ave., Winnipeg, Manitoba R3B 1Z7. Phone (204) 775-1514.

Cheryl Pruitt is a member of the International Ladies' Garment Workers' Union Local 287 in Vancouver.

U.S. gov't fails to issue visas for Cuban unionists

BY STEVE CRAINE

DETROIT — Forty-five people turned out February 2 at United Auto Workers (UAW) Local 600 here for a meeting that was scheduled as the opening public event of a 16-city U.S. speaking tour of three Cuban trade union leaders.

The Cubans, representing the Central Organization of Cuban Trade Unions (CTC), were not able to attend, however, because the U.S. government failed to issue them visas in time for the trip.

Tour organizer Ignacio Meneses of the U.S.-Cuba Labor Exchange explained to the audience that U.S. government officials had implied the visas might still be granted. He circulated copies of a letter to the State Department protesting the delay and urged all present to sign and return the letters.

In addition to Meneses, two local activists who had visited Cuba in the past year spoke briefly about their experiences in Cuba. A fourth speaker was Alan Benchich, vice-president of UAW Local 909, who spoke about the visit by two Cuban unionists to his local in May 1991. The four panelists fielded questions from the audience, most of whom knew beforehand that the Cubans would not be present.

The previous night, a reception for the CTC representatives was held at the home of Maryann Mahaffey, president of the Detroit City Council. Many people attending that event were surprised to learn the guests of honor were not able to be present. The Cubans had been scheduled to arrive in the United States earlier that day.

Mahaffey, who had visited Cuba in late December as a guest of the mayor of Havana, spoke about her experiences in Cuba. Copies of the protest letter were circulated, and a collection taken.

Planning for the tour, which was to have run from February 1 to March 15, began when a delegation from the United States visited Cuba in November 1991 under the auspices of the U.S.-Cuba Labor Exchange.

If visas are issued, the organizers plan to retain as much of the original tour schedule as possible. They report they will try to add stops at the end of the tour in Detroit and other cities that were at the beginning in the original itinerary.

'Militant' — 'that's a good name for a paper'

BY BRIAN WILLIAMS

Caterpillar workers at a United Auto Workers Local 786 meeting in York, Pennsylvania, bought 76 single copies of the *Militant* and one subscription February 2. The meeting was attended by more than 1,400 workers.

One worker who had previously bought the paper told Kathy Mickells, a member of the Oil, Chemical and Atomic Workers union from Philadelphia, that the *Militant* ran excellent articles on the Caterpillar strike. "He asked me if I minded if he continued to make copies of the articles in the *Militant* to distribute in the plant," said Mickells.

Militant supporters in the Baltimore area had previously sold 28 papers through community sales and two plant-gate teams at the giant Caterpillar complex in York.

"*Militant* — that's a good name for a paper. Who puts this out?" said one Caterpillar worker. "The Socialist Workers Party," responded the salesperson. "Good," said the unionist. Impressed with the *Militant*'s full range of coverage, he decided to buy one.

In Alabama, Betsy Farley, a member of United Steelworkers of America (USWA) Local 2122 at the USX Fairfield Works, reports, "Workers are happy to see a newspaper that tells the truth about USX's request to reopen the contract." Supporters sold 11 *Militants* in the plant during the past week.

From Chicago, Johanna Ryan reports that Steelworkers sold 5 *Militants* and 1 copy of *Perspectiva Mundial* to coworkers. Another 6 *Militants* were sold at a special USWA Local 65 meeting called to discuss the closing of the South Works plant.

"We got off to a rollicking start with 8 single *Militants* and 1 sub renewal sold by two supporters in packinghouses on the first day of sales of the new issue," reports meat-packer Mitchel Rosenberg from Des Moines, Iowa.

This week's "Sales to Industrial Unionists" scoreboard is based on reports received from 20 cities in the United States. Single issue *Militant* sales remain substantially behind the goals adopted by socialists in the industrial unions listed below. However, sales for issue No. 5 are up by 51 copies from the previous week. Unionists in the United States sold 39 percent of their goal, compared to 23 percent the week before. Canadian unionists reached 67 percent of their overall sales goal.

A suggestion to those faxing in sales results. When reporting figures for subscription

renewals and *How Far We Slaves Have Come!*, please indicate the amount sold for the past week rather than simply listing the totals sold in the drive.

The subscription renewal figure will also include new subscriptions sold to coworkers during the course of the campaign.

Finally, please remember that the deadline for reporting to the *Militant* business office weekly sales results for the scoreboard is Friday, 9:00 a.m. EST.

Jeff Powers from Baltimore contributed to this article.

Sales to industrial unionists, Jan. 18-March 15							
Union	Weekly sales goal	No. sold Militant #5*	Percentage sold of weekly goal	Subscription renewal goal	No. of renewals sold	'How Far We Slaves Have Come!' book goal	No. of books sold
U.S.							
ACTWU	20	7	35	12	5	25	4
IAM	60	29	48	30	5	55	13
ILGWU	14	4	29	3	1	15	1
OCAW	40	16	40	19	7	50	14
UAW	40	20	50	20	3	40	32
UFCW	50	10	20	20	4	25	7
UMWA	8	3	38	7	2	17	12
USWA	45	24	53	30	4	30	10
UTU	45	11	24	35	8	30	5
U.S. Totals	322	124	39	176	39	287	98
Canada							
ACTWU	3	1	33				
CAW	4	2	50				
IAM	5	9	180				
ILGWU	5	1	20				
USWA	4	1	25				
Canada Totals	21	14	67				

* Includes copies of *Perspectiva Mundial* sold this week.

Venezuela government crushes attempted coup by army units

Troops loyal to the Venezuelan government repulsed a February 4 attack by army units and tanks on the presidential palace, crushing an attempt to topple the regime of president Carlos Andrés Pérez.

The newspaper *El Nacional* reported that 70 people were killed during the attack. Government forces arrested 300 rebel soldiers. Lt. Col. Francisco Arias, a coup leader, said the rebels sought to "rescue the Venezuelan people from politicians, from demagoguery, and bureaucracy."

The coup attempt followed a period of frequent protests by workers and students against the growing impoverishment of broad sections of the working class. Pérez's regime admitted that just 57 percent of the population of nearly 20 million can afford more than one meal a day. According to a public opinion poll, released the week before the coup, 81 percent of Venezuelans had little or no confidence in the government.

Following the coup, the government banned public demonstrations, broadened police arrest powers, and suspended several constitutional civil rights guarantees for at least 10 days.

Settlements still obstacle to Israeli request for U.S. loan guarantees

The U.S. government has told Tel Aviv that it will consider its request for \$10 billion in loan guarantees only if Israel agrees to halt any new housing starts for settlers in the West Bank and Gaza.

The offer would permit Israel to complete the roughly 9,000 new units for settlers that are now under construction. But none of the U.S.-guaranteed money could be used for the completion of these units. In addition Washington would deduct from each year's loan guarantees an amount equal to that spent by Israel the year before on roads, infrastructure, and housing in the occupied territories.

Thousands protest attacks on immigrants in France

About 100,000 people marched in Paris January 25 to protest anti-immigrant attacks. Thousands of banners at the demonstration denounced Jean-Marie Le Pen's rightist National Front.

The Front has published a 50-point program calling for official discrimination against immigrant workers in jobs and social security. Families of immigrant workers would no longer have the right to automatically enter the country and children of immigrants born in France would not be entitled to citizenship.

Many placards at the protest focused their fire on the ruling Socialist Party (SP). "Tell me, pretty Socialist Party, why do you have such big teeth for immigrants?" said one. Others protested the French prime minister's suggestion that special planes be chartered to repatriate immigrants.

An SP contingent had to wait until last to enter the square where the demonstration began. By that time most participants had set off on the march, and most SP members, deciding it was not worth following, went home.

Algeria's military regime arrests opponents, fires on protesters

Abdelkader Hachani, the acting president of the Islamic Salvation Front, was arrested by Algerian security officials January 22 for allegedly organizing an army mutiny.

The Salvation Front won the first round of parliamentary elections in December and was expected to win an absolute majority of seats in the January 15 runoffs. The army, with the support of some former officials of the National Front-led government, assumed power on January 14 and cancelled the elections.

Algerian police fired at a crowd of people protesting military rule in Algiers January 29 killing one, and injuring eleven.

Correction

In this column the February 7 issue of the *Militant* stated that the number of British troops occupying Northern Ireland is 7,500. The correct number is 17,500.

Meeting discusses health crisis

BY MACEO DIXON

ATLANTA — The Georgia Baptist Hospital auditorium was jammed with 300 people January 14. They came to a town meeting to discuss solutions to the crisis in health care.

The meeting was hosted by Democratic Congressman John Lewis. It was one of 285 such meetings held throughout the country by Democratic Party Congressmen.

Thousands turned out at these events. There truly is a crisis in medical care in the United States. Medical care is rapidly deteriorating, and its cost is skyrocketing.

It is estimated that 37 million people in the U.S. have no medical coverage. One-half that number have full time jobs. 25 percent of women of reproductive age are not covered by any prenatal medical insurance. In addition millions of workers are locked into dead-end jobs, because changing jobs could mean losing their medical coverage for themselves or family members.

At the Atlanta meeting solutions put forward to the crisis included shutting down hospitals that are not profitable, rationing health-care services, and remodeling the medical industry on the lines of the Canadian system.

The health-care industry is big business. In 1960 \$70 billion was spent on health care, and in 1991 the figure was \$700 billion. It is estimated that, by the year 2000, \$1,400 billion will be spent annually.

According to Lewis, health care for the average person in the U.S. in 1960 cost less than \$300, but in 1990 it cost more than \$2,400. These rising costs have pushed many to seek governmental help for medical treatment. In 1967 19 million people were on Medicare, a figure that mushroomed to 34 million by 1991.

Poor people in the United States are supposed to get Medicaid coverage for illnesses. But less than 50 percent of those who are poor are covered by Medicaid. Both Medicare and Medicaid come with many restrictions and barriers for eligibility. At the Atlanta meeting Nancy Moulton gave a moving testimony of her plight. Moulton is blind. She

also had a kidney transplant. It costs \$1,500 a month just to cover her prescription medicines — more than she can afford. But in order to get Medicaid coverage, Moulton explained, she "would have to earn nothing and my husband cannot make over \$600 a month."

More is spent per capita on health care in the United States than any other country. Yet among the advanced industrial countries only South Africa ranks lower in the proportion of its citizens without medical coverage.



Cost of medical attention has skyrocketed. Socialist Workers Party spokesperson Marla Puziss told Atlanta town meeting that health-care crisis 'reflects deepening impoverishment of whole sections of the working class.' Health care should be a human right, she added.

Youth conference backs Korean reunification

BY ESTELLE DeBATES

MADRID — Delegates from youth organizations in 30 countries gathered here for the Second International Youth conference to support the Independent and Peaceful Reunification of Korea.

The Korean peninsula has been divided for more than 40 years. The United States and its allies waged a brutal war in Korea from 1950-53. The U.S.-led forces occupied the north until being driven back south of the 38th parallel by North Korean forces, aided by Chinese troops. Two million Koreans were killed during the war.

The Korean peninsula has remained divided ever since, with the U.S.-backed South Korean government maintaining a policy of a total ban on travel and communication with the North. The fight for reunification gained momentum in December, 1991, with the

signing of an agreement between the governments of North and South Korea outlining steps to begin the process of opening up travel, communications, and trade.

Representing primarily youth organizations affiliated with Communist Parties, the 70 conference participants discussed three documents.

The first document projects support for the proposal put forward by the North Korean government on reunifying the country — the founding of a Democratic Confederal Republic of Korea (DCRK), which would be one state incorporating and respecting the autonomy of the two separate economic and social systems of North and South Korea.

The second proposal projects an international youth campaign to demand the unconditional release of Rim Su Gyong, who is imprisoned in South Korea. Rim participated

Congress is beginning to debate three different approaches to dealing with the cost of health care. One plan is called "pay-or-play." This would require employers to be primary providers of medical insurance.

Another is called "single-payer." The government would be the only "payer" for health-care services, even though these services would remain in the hands of private industry.

A third program is called a tax systems option. Federal and state tax laws would be modified to assist individuals in purchasing private insurance.

Also speaking at the town meeting was Marla Puziss, a health-care worker at Grady Hospital. Puziss is a member of AFSCME Local 1644 and a member of the Socialist Workers Party. She said, "The growing crisis of health care in the United States is a reflection of the deepening impoverishment of whole sections of the working class. Infant mortality is rising. There's an alarming increase in TB. There's an increase in death from measles. Life expectancy for Blacks is dropping. This is the result of the decades-long Democratic and Republican parties' attacks on the wages, working conditions, and standards of living of working people."

To applause, Puziss said, "Health care is a big business in the U.S. today. We need to take the business out of health care. Our starting point must be that health care is a human right, not a service provided for profit. We need a health-care system which provides free, universal health care from the cradle to the grave, without regard to income or employment."

"To do this," Puziss declared, "we need a new type of government. The present government can't solve it. This government got us in this mess in the first place. We need to fight for a workers' and farmers' government to implement such a policy for human needs, and not for profits."

Maceo Dixon is an aircraft cleaner at Northwest Airlines and a member of IAM Local 2665.



Rim Su Gyong, imprisoned by South Korean government for attending 13th World Youth Festival in North Korea. There are 1,690 political prisoners in South Korea.

in the 13th World Festival of Youth and Students held in North Korea's capital, Pyongyang, in 1988. She was imprisoned under South Korea's National Security Law, which makes travel to North Korea a crime for South Korean citizens.

The third document proposes a campaign demanding Washington withdraw its troops and weapons from South Korea. The United States government stations 40,000 troops there.

Coalition demands South Korea free political prisoners

BY ARGIRIS MALAPANIS

The National Democratic Front of South Korea has issued an international appeal on behalf of political prisoners in that country.

There are at present 1,690 political prisoners in South Korea. The appeal calls particular attention to the situation of 51 of these prisoners who are serving life sentences in Dezon jail.

Reporting on the appeal, the Organization of Solidarity of the Peoples of Africa, Asia, and Latin America (OSPAAAL), based in Havana, Cuba, points out that many of these prisoners suffer an "inhuman extension" of their incarceration. All have been in jail for over 30 years; three have been more than 40 years behind bars.

These prisoners were incarcerated for their opposition to the U.S.-backed regime in South Korea and their support for reunification with the North. Many fought against the U.S. invasion and occupation of the Korean peninsula.

Ten of the 51 prisoners at Dezon are more than 70 years old; another 22 are over 60. Their health has deteriorated. The report points to Zo Yong Sul who died in Dezon at 64 after suffering partial paralysis for 25 years. He spent his last 38 years in jail.

These prisoners have not been broken by the South Korean regime, which has tried to coerce them to renounce their political beliefs.

International Socialist Review

Supplement to the Militant

February 1992

Origins of the myth of race

The following is the text of a talk given at a December 28-29 regional socialist educational conference in St. Paul, Minnesota. The gathering, which drew participants from cities in Minnesota, Illinois, Missouri, Iowa, and Nebraska, also discussed topics ranging from the political situation in the United States to the origins of women's oppression and why working people should defend immigrants' rights.

BY DOUG JENNESS

In Dubuque, Iowa, during the last six months there have been 14 incidents of cross burnings with 20 crosses burned. Right-wing racist forces on a national scale have decided to put a spotlight on integration plans in Dubuque and have called for a march January 18 in support of what they call "white rights."

For the last several weeks newspapers in Dubuque have given regular, matter-of-fact coverage to this proposed action. A headline from a recent issue of Dubuque's *Telegraph Herald* reads, "White Rights Group Plans January March." No quote marks are placed around "white rights." This tends to legitimize the notion that there is such a thing as "white rights" that this white supremacist organization is championing. The National Association for the Advancement of White People, another racist outfit, has announced its support for the January 18 march. Some civil rights supporters are calling for protests against the actions by the ultra-rightists.

Here in the Twin Cities we have a small formation called the White Student Union. Its members are attempting to start an organization at the University of Minnesota. The group has attempted to draw in reactionary fascist skinheads from East St. Paul to conduct thug attacks on antiracist fighters. This has generated protests by students and others, not only at the University of Minnesota, but at other campuses in the area as well.

I'd like to describe what this organization sees as its purpose. A flier distributed by the group says:

"What's the purpose of the White Student Union? To protest affirmative action and quotas and to promote white culture. What is white culture? Each race is naturally predisposed to its own set of values. White values are reflected in such time-tested cultural expressions as classical music, canonized literature, a representative form of government, a free market economic system, Western medicine, romantic love, and the nuclear family. Whites tend to value a specific kind of analytical thinking based on logic rather than intuition, 'knowledge,' or dogmatic adherence to preset rationales.

Continuing, the White Student Union states, "Western white thinking consists of analytical observation, detailed intellectual exploration, effectively explicit social discourse, and inner gratification arising from increased understanding about life. Whites structure their lives as if time is objectively real and ultimately linear, setting high goals and aspiring to accomplish them through tenacious hard work: In a free market system, where they can set their own goals, whites value their personal ambitions deeply, and thus find great

satisfaction in striving towards excellence with every resource they can tap..." The leaflet goes on in that strain.

"Isn't everybody equal? Equal according to what values? Would you judge a raccoon as if it were a canary? Everyone is different. If people were all the same, it would never matter whether one talked to one person rather than another. It is preferable to be free to aspire to achieve one's full cultural potential in a community which reflects one's own natural cultural values."

Then the flier, referring to quotas and affirmative action, asks, "What characteristics does the White Student Union hope to find and foster in its members? Primarily the White Student Union welcomes people who are pro-white. We protest racism against whites, and adhere to white values in our lives. We work with a strong will, consciously avoiding such defeatist attitudes as cynicism and despair."

"We are heterosexual, and happy about it. We strive to promote white culture, to observe honestly what directions it is taking, and to preserve the ideals we value most within it."

In an earlier article, White Student Union leader Tom David describes who he considers to be part of the "white race," making it explicit that Jews are not part of it. He didn't explain what "race" they are part of.

Is there a 'white race'?

These two recent examples from Dubuque and the Twin Cities reflect an increasing ideological offensive by right-wing and fascist-type organizations that utilize reactionary demagoguery. They pose important questions that working people and youth must answer: Is there such a thing as a "white race" with distinct "white rights?" Is there a white culture? Does affirmative action for Blacks and other oppressed nationalities harm workers with white skins? Is there a Black race with rights? Are there races at all? If so how are they determined, by what criteria? How many are there?

To pose these questions is to implicitly ask if there are parts of the human population that can be identified as belonging to distinct and inferior races.

Is the question of whether or not the White Student Union should be officially recognized as a campus organization the same as whether or not a Black student union should be recognized?

What about antihate laws? Is the hatred of oppressed Blacks against their oppression the same as the hatred expressed by Tom David, David Duke, Patrick Buchanan, and so on?

These questions can't be pooh-poohed, dismissed, or just answered superficially. Clear, scientific answers are needed to counter the demagoguery of the ultra-right and fascist elements — not to convince the cadre elements of fascist organizations, but because these ideas have confused thousands of workers, farmers, students, and others. The question of race, of nation, of country have been the stock and trade of fascist demagoguery for decades. Right-wing demagogues also charge defenders of a woman's right to choose abortion with tearing apart the family. What answer should class-conscious workers give to that? Should the family be torn apart? Should it be allowed to disintegrate? To answer this you have to go deeper than defending abortion rights as just a matter of democratic rights.

Another theme rightists hammer away at is that of "country." We're citizens of this country, of the "American nation," we're told. Our government, they say, has a responsibility to defend the rights of our citizens to jobs ahead of those rights for immigrant workers from other countries. How do we answer that?

These themes that fascists and right-wingers raise require deeper explanations, — scientific explanations. They pose questions that can't just be set aside. It is not enough to simply say "we're for immigrant rights, Black rights, abortion rights," and so on in order to effectively arm others to



Militant/Eric Simpson

Rally against the Klan, October 1987. 'It usually comes as a surprise to people,' said socialist Doug Jenness, 'to learn that race is a social construct.'

see the dangers in and be able to effectively counter the rightist and fascist arguments.

In this presentation I'll take up the question of race. This afternoon there will be a class on immigrant rights and tomorrow the questions of the origin of women's oppression and the family will be discussed.

Origins of the concept of race

Because racial prejudice is so deeply embedded in our society, it usually comes as a surprise to many people to learn that the concept of races is a social construct, and a recent one in human history. It did not emerge until the early days of capitalism, when the institution of chattel slavery was introduced.

The myth of a Black race that is inferior was developed to rationalize the institution of enslavement of Blacks from Africa.

The merchant capitalists of the 15th, 16th, and 17th centuries needed massive quantities of labor power in the New World — more than they could get from just utilizing white indentured servants or from the indigenous populations of the Americas — of whom millions were wiped out in just a few years from diseases brought from Europe.

In *Capital*, Karl Marx explained what steps the early capitalists took to gather the necessary capital together to get their system off the ground, a process called primitive accumulation. In Europe they drove peasants off the land and into factories in the newly emerging cities. This was done at a forced pace and with a great deal of human misery. Another central aspect of the primitive accumulation of capital was the introduction of the slave labor system: utilizing a form of labor from an earlier epoch of human society — that reached its most developed form in ancient Greece and Rome. They introduced it into the capitalist system where the slaves produced commodities for a capitalist market.

First the Indians and then Blacks were enslaved. They justified this slave system on the basis that Blacks and Indians weren't Christians, that they were infidels. One of the big tasks of the Christian world was to convert non-Christian peoples to Christianity, thereby integrating them into and making them part of the western Christian world.

This ideological rationalization didn't stand the test of time because as Indians and Blacks became Christians, it could no longer justify keeping them in bondage.

In its place a more insidious and long-lasting edifice was built: the concept of race. Blacks were identified as a biologically inferior race — one naturally suited to slave labor. A whole different set of behavioral patterns were

Continued on next page



Militant/George Chalmers

Demonstration for 'white rights' in Dubuque, Iowa. Racists oppose city integration plan.

Continued from previous page

assigned to Blacks, such as temperament or ability to withstand hard work and heat, that suited them to slave labor.

Black skin branded

The emerging capitalist class needed a rationalization that made Blacks not only temporarily inferior but one with which they would remain inferior generation after generation. The concept of race supplied that. Skin color was the physical characteristic singled out to brand an entire part of the human race. Like ranchers would put a brand on cattle. It made it hard for Blacks to escape the slaveholder. Everyone in society knew that if you had black skin you were a slave, or could be enslaved. White indentured servants could escape and go off into the woods somewhere in the spacious unsettled lands of the Americas. For Blacks it was nearly impossible. A brand was placed on this sector of society by the British, the French, the Belgian, the Dutch, the Spanish, the Portuguese, and later the U.S. merchant and planting capitalists.

All the capitalist politicians, the preachers, and the academicians rallied their efforts behind this justification. After Charles Darwin presented the theory of natural selection for the evolution of species in 1859 — a gigantic conquest



Malcolm X pointed out that the terms **Caucasoid**, **Mongoloid**, and **Negroid** were used by anthropologists seeking to justify the European domination of Africans and Asians.

in scientific thinking — a raft of so-called scientists were brought in to give the notion of racial inferiority a "scientific" veneer. This spurious effort attempted to prove that it was through natural selection and evolution that Blacks were closer to the apes in the evolutionary chain.

Enormous battles have been waged by working people in the United States over the past 150 years, struggles that put an end to chattel slavery and brought down the system of legalized segregation that arose in its place. But the myth of race, constructed to justify an inhuman social system, still gets an echo today, as can be seen from the literature of the White Student Union and others.

The myth of race, and the superiority of one race over another, has not only been used to justify slavery in the United States. It is the cornerstone of the apartheid system in South Africa, where the wealthy capitalist ruling class constructed a state of the "white race." Nelson Mandela accurately characterized this system as a "crime against humanity." After decades of brutal suppression of the struggle to bring down the hated system, the Pretoria regime has also been pushed into an historic retreat. In its place a new nation is being forged, one made up of all Blacks and whites who want to live in a democratic republic. As the African National Congress explains, they are fighting for a "democratic, nonracial, nonsexist South Africa."

But some of you may be asking: wasn't there prejudice based on race or a concept of race in earlier periods of human history, especially where slavery existed? In ancient Greece, slavery was the main mode of production. The Greeks sent their armies to capture slaves far and wide. The people who weren't Greek were considered barbarians. But barbarians weren't a race. They came in many colors, cultures, backgrounds, and varying geographical areas.

In the later stage of the Greek empire, under the reign of Alexander the Great, the Greeks aimed to make the peoples they conquered part of Greek culture. At the same time they sought to merge major features of other cultures with theirs and urged the intermarriage of people of different cultures and backgrounds.

In Rome, another society in which slavery was the main mode of production, slavery was not based on the color of a person's skin either. There was no real conception of race at that time. Slaves in Rome came from the British Isles, Ethiopia, Persia, Greece, and elsewhere. They ranged from being artisans and poets to mine workers and field workers.

Those from Britain were of more dubious value because they were more culturally backward. Cicero explained, for example, that they didn't know much about art or music and weren't really good as slaves.

It's worth reading Julius Caesar's account of his first invasion of Britain and his description of what he saw as the cultural level of the Britons. He says they were a strange people — they were terrifying — but they were odd. The men shaved all their hair off, except that on their head which was kept long. They went into battle virtually naked, with blue tattoos on their bodies. Caesar describes it as a terrifying sight.

Medieval society was similarly not divided on the basis of race. It was divided between Christians and infidels, Christians and Jews, and Christians and Muslims.

Radical Reconstruction in the U.S.

Coming back to the United States and the struggle against slavery, it is worthwhile to point out that even many abolitionists assumed that Blacks were inferior. They reasoned, though, that even an inferior people should not be enslaved and treated like livestock. The abolition of slavery was a result of the Second American Revolution, which was without question the most important revolution of the 19th century anywhere in the world. But it didn't bring an end to anti-Black racism and prejudice.

There was a possibility that a major fight along this course could have been waged. After the defeat of the Confederacy in 1865, and under Radical Reconstruction, revolutionary popular governments were established in many of the former slave states. The most advanced ones were based on an alliance of poor whites and former Black slaves. Many Blacks participated in these governments and held leading elected offices as senators, congressmen, and state representatives — positions that even today they do not hold in some states.

During Radical Reconstruction, the potential power of working people began to be felt. Blacks won self-confidence, broke down erroneous conceptions of what Blacks were capable of doing, and smashed racist barriers. Strides forward in areas such as public education were made.

But Radical Reconstruction was smashed by the industrial capitalists. Blacks were never granted their central demand of 40 acres and a mule. At the same time tens of thousands of white settlers were getting tracts of land through the Homestead Act adopted in 1862. This denial of land to Blacks and the smashing of Reconstruction governments were major setbacks for the struggle against the oppression of Blacks and for the fight of all working people against exploitation.

The capitalist class halted and then reversed Radical Reconstruction through a bloody reign of terror. They feared the convergence of these revolutionary governments with

“
The myth of a Black race that is inferior was developed to rationalize slavery . . .
”

the rise in the labor movement and the massive protests of working farmers in the South and in the Midwest that were beginning to take place in the 1870s.

Jim Crow segregation

After a period of several decades of reaction a system of legal segregation was imposed in the 1890s and the early years of the 1900s in the former slave states throughout the South. It took some time between the smashing of Radical Reconstruction in the late 1870s and early 1880s, and the codification of what became the Jim Crow system of legal segregation, a system backed by state and extralegal terror.

Establishing this system went hand in hand with the emergence of imperialism at the turn of the century. The depth and scope of the imposition of the segregation laws was part and parcel of, and drew sustenance and strength from, the development of imperialist domination of other countries by the U.S. ruling families.

It went hand in hand with the need of the ruling class to use racism to justify imperialist oppression and conquest and the horrible atrocities that went along with it. The period was marked by imperialist wars, invasions, and subjugation of the Philippines, Cuba, Puerto Rico, Hawaii, and other lands. The "white race" was presented as having the burden of helping to civilize the "inferior peoples." This was extended to all people of color.

Pseudo-scientific arguments were developed to justify this oppression. These tried to show that there is a genetically superior white race. This ideology and so-called science were not only used to justify imperialist aggression, conquest, and oppression but was also retained inside the imperialist countries. The concept of race that had developed

with the origin of slavery was kept in place as an instrument of class exploitation inside the United States. It became deeply enmeshed in capitalist exploitation, primarily as a measure to divide working people. The intended effect was not just to squeeze proportionally more profits from the labor of workers with black skins, but to squeeze more from the working class as a whole.

Do human features determine race?

But the question of the existence of races isn't disproved by simply describing the origin and development of anti-Black prejudice and the institutionalization by capitalists of racial division. We have to step back and take a closer look at the structure of the ideology that has been set up. For instance, someone could argue that there is a biological basis to race. If there is, doesn't that affect behavior patterns and aren't there really some very distinct races with distinct biological foundations and distinct social behavior? It's important to get at the biological arguments because they are the foundations on which the sociological conceptions of race are built.

The attempt to define biological races of human beings has almost always been done to show that some genetic basis exists for differences in human behavior. The reason that a larger percentage of Blacks than whites are poor and live on welfare, the argument goes, is due to character traits that are determined by their biological and genetic make-up. This view, in some form or fashion, is not uncommon. According to Tom David, people who aren't part of "white culture" aren't capable of understanding classical music. There are different levels of intelligence and capacity for culture. Blacks just aren't biologically quite up to it.

The White Student Union says in its leaflet that people from each race have their own culture and they should stick to that culture. We should keep them separate, David says; it's natural. He states "each is separate" and he doesn't try to say that one is better than the other. But this is all malarkey. We know this in this country that "separate but equal" is the most transparent cover for maintaining the superiority of whites over Blacks and other people of color.

The problem with trying to establish a biological criterion is that biologists and physical anthropologists have a difficult time coming up with any kind of objective criteria for defining races. What set of physical features can be used that would have any kind of genuine social meaning? Should it be eye color, color-blindness, skin color, hair color or texture, average height, average weight, length of the limbs, shape of the nose, brain size, or toe size? Those kinds of measurements have been taken as part of this pseudo-science. And applying them is not just a theoretical matter. For the past several decades the South African government has used such characteristics to define each and every new-born baby by "race," be it white, Indian, Colored, or African.

With one or more of these characteristics they've come up with anywhere from three to scores of different races in the world. It's hard to get a handle on it when you have so many different races. When I was in school, I think I was taught that there were five races. It was common for a long time for people to say that there were three: Caucasian, Negroid, and the Mongoloid. But of course if you have three main races where does that leave all the other people? What about Puerto Ricans? There are a lot of indigenous peoples in Mexico, a lot of immigrants from Europe, and a large number of people — probably the majority — who are a mixture of European and Indian. What race would Mexicans be? Negroid? Caucasian? Mongoloid? Mongrel?

Are pygmies in Africa Negroid? Are Bushman in Africa?



A 1963 protest. Jim Crow system of legal segregation was imposed in the 1890s in former slave states in the South.

Are Aborigines in Australia? What race do the Sami people, who we know as Laplanders in northern Norway, Sweden, Finland, and Russia come from?

Well, that's why people started getting long lists of races. Melanesian, Polynesian, Arabs, and the list goes on. The fact is that variation is very great in the human species. Moreover it is not static. What might have been considered races 5,000 years ago are different from the way the same person would construct them today. There have been migrations, intermarriage, and colonial settlements for thousands of years. And these have intensified in the last few centuries. So the complexion of the human race is going to keep changing.

Scientific conclusions

In the mid-19th century, even one of the most accomplished scientists, Louis Agassiz, argued that Blacks and whites are separate species. Other scientists argued that different races are sub-species of the human species. But in recent years an increasing number of biologists and physical anthropologists have rejected the notion that there is any meaningful definition of race.

One of the most prominent is the anthropologist Ashley Montagu. In 1964 he edited a book called *The Concept of Race*, which contained a series of articles by anthropologists and biologists rejecting the concept of race.

The same year he gave a series of lectures published in a book, *The Idea of Race*. In this volume he noted:

"All human beings and all human groups differ from one another in one or more genes. That is a fact; and it is also a fact that when such individuals or groups are classed into arbitrary subdivisions called 'races' no matter what the criteria for such subdivisions may be, these classifications are arbitrary and correspond to nothing in reality. What is more important, such arbitrary subdivisions cannot be regarded as units of evolution either in space or in time. In the particular case of man, the 'races' that have been arbitrarily recognized are from a few to scores. What is obscured by such arbitrary definitions of 'race' are the facts. First, that the very idea of 'race' exists only in the mind of the definer, that it is an abstraction; second, that it in fact corresponds to nothing in reality; and third, that it obscures the real meaning of population variability. In short the biological concept of 'race' is an obfuscating one."

In the mid-1970s biologist and paleontologist Stephen Jay Gould wrote an article entitled, "Why we should not name human races — a biological view." It is included in his book, *Ever Since Darwin*. In rejecting the concept of race he noted that more sophisticated techniques of measuring variability in a species "show a continuous pattern of variation."

In his book on *Afro-American History* Malcolm X said, "And actually Caucasoid, Mongoloid, and Negroid — there's no such thing. These are so-called anthropological terms that were put together by anthropologists who were nothing but agents of the colonial powers, and they were purposely given that status, they were purposely given such scientific positions, in order that they could come up with definitions that would justify the European domination over the Africans and the Asians."

Even Adolf Hitler, who wrote and spoke extensively about the virtues of the "Aryan race" and the inferior nature of other races admitted in 1930: "I know perfectly well that in the scientific sense there is no such thing as race. But a farmer can't get his breeding right without the concept of race. And I as a politician, need a conception which enables the order that has hitherto existed on a historical basis to be abolished, and an entirely new and antihistoric order enforced and given an intellectual basis, and for this purpose the conception of race serves me well."

This underlines the cynical character of much of fascist demagoguery.

We might face a totally different situation if it could be scientifically established that persons with particular physical characteristics were mentally or physically more limited than other humans. But this has never been established. All the measurements of brain size, IQ, and so on have not shown this. An excellent book by Stephen Jay Gould, *The Mismeasure of Man*, effectively debunks the notion that there is any relationship between brain size and intelligence, and IQ tests and intelligence, in human beings or that there is some pattern of brain size that proves Blacks are inferior.

Racial differentiation only serves the purpose of justifying oppression and superexploitation. It is a fiction, a form of mystification.

What's real and what isn't a mystification is that humanity with a Black skin and all people of color have been branded by capitalism as subject to oppression. This common oppression of Blacks in the United States has led to a common consciousness as a people facing the same struggles. The crushing of Radical Reconstruction and the subsequent struggle by Blacks against their oppression laid the basis for the forging of a nationality.

Nationality is a political characterization. It describes a people who are fighting for political equality up to and including self-determination, a people struggling for full equality in relation to the state and society, and for rights such as equal opportunities for jobs, education, and housing.

The fight for Black rights is progressive and the gains that have been won have aided all working people.

There is no oppression of human beings based on white skin color. Most whites are workers or farmers and are exploited, but not because they are white. There is no oppressed white nationality and no fight for "white rights" that can be progressive. A struggle for white rights can only be a fight to preserve oppression of Blacks and other people of color.

That's why there is no parallel between a Black student union and a white student union. One is fighting to extend equality, the other to maintain inequality. One should be given campus recognition the other should not. We reject the idea that the campus is not part of the world or a part of the class struggle. Campus resources, such as those given to recognized student organizations, should be used to advance working-class interests, not to oppose those interests.

Now, does affirmative action take away the rights of workers who are white; does it come at their expense? This is an important question because if it did we would have to oppose it. Affirmative action is the recognition that special steps are necessary to win equal opportunities for Blacks.

“Nationality is a political characterization. It describes a people fighting for equality . . .”

A vigorous fight for this will benefit all workers — Blacks, whites, and Latinos — because it draws them closer together and it is the road to unity in political struggle. That's why the question of affirmative action is ultimately a class question, not a race question.

Karl Marx, in the first volume of *Capital*, wrote, "In the United States of America, every independent workers' movement was paralyzed as long as slavery disfigured a part of the republic. Labor in a white skin can't emancipate itself where it is branded in a black skin."

He was talking about the period just after slavery had been abolished and was hopeful that the branding of labor in a Black skin was going to be ended. But as I have explained, it hasn't and Marx's statement still rings true today. Notice that Marx starts with labor, with the working class. He talks about labor that has been branded, not about race.

Now finally I'd like to conclude with a word on the antihate ordinances. Here in St. Paul, we have an antihate

ordinance and it's being tested right now before the U.S. Supreme Court. It was adopted back in 1982. There are similar laws in other cities and some states.

Their alleged aim is to generally outlaw expressions of hate. Some, like the one here, have amendments outlawing certain actions such as cross burning. In general, though, the measures are against hate. Hatred by whom, against whom, is left open.

And that's a problem. Because there are different kinds of hate. I hate the capitalist ruling class. If you really start to think about what they've done in the world in the last century, the people they've slaughtered, you can really work yourself into a hate.

It's important to do that from time to time because it helps give you some revolutionary energy. Malcolm X and others expressed a real hatred of this racist system.

Such expressions by our class are considered "hate" under this law. The law doesn't have any class content. An equal sign is put between the hatred by Blacks of racism and the hatred expressed by white racists when they burn crosses on people's front yards. That's one problem.

The second, related problem is that it outlaws expression and ideas. It not only addresses actions, but speech. You don't need an antihate law to outlaw cross burning. To terrorize somebody by burning a cross on their yard is against the law right now. You don't need some special antihate law to make it illegal. It's against civil rights laws, it's against trespass laws, and it should be outlawed. You shouldn't be able to go burn crosses on somebody's yard to scare the hell out of them and drive them out of the neighborhood.

Any kind of racist intimidation, should be against the law. A gang of racist hooligans shouldn't be able to circle a couple of Blacks on the street and start yelling at them. That's not freedom of speech but threatening behavior, violent behavior. But expressions of "hatred" in newspapers or public meetings are prohibited under the antihate ordinances as well. I could probably be indicted for what I've just said about the ruling class, if the authorities were to choose to do so.

As with all kinds of laws like this that restrict freedom of speech and expression, the authorities may use them to go after some racists or antilabor hooligans. But that's all cover for going after the real targets: militant unionists, Black rights fighters, communists, and other fighters for social justice.

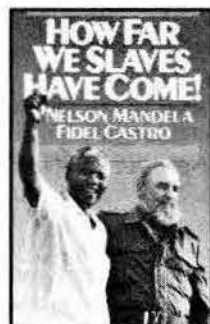
Chris Nisan, a leader of the Young Socialist Alliance here in the Twin Cities, has been doing some work on these laws

Continued on next page

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Washington's war on Puerto Rican independence fight

BY MARTIN KOPPEL

An internal White House memorandum acknowledging the extent of the FBI's illegal harassment and disruption of the Puerto Rican independence movement is among the pieces of evidence that surfaced at the recent hearings of the Puerto Rico Senate Judiciary Committee. The hearings are investigating the 1978 police assassination of two young independence supporters and its subsequent cover-up by authorities.

The 1978 memorandum was made public during the testimony of Juan García Passalacqua, who at the time of the killings was advisor on Latin America and Puerto Rican affairs to U.S. president James Carter.

The document reinforces one of the central revelations emerging from these hearings: the complicity of the U.S. government's political police in the Cerro Maravilla murders, as the case is known. This involvement is part of Washington's systematic policy of attacking the rights of the Puerto Rican people to help maintain its colonial rule over that Caribbean nation.

The memorandum was written by a U.S. official identified only by the initials Y.F.C. and was directed to the third-ranking official in the Carter administration's National Security Council, Al Stern. This document, intended as advice to the White House for damage-control purposes, described the FBI's notorious Counterintelligence Program (Cointelpro) that targeted organizations and individuals advocating independence for Puerto Rico. Based on a review of more than a dozen volumes of FBI files covering the 1960s, the government memorandum admits, "Here is a record of a decade of hanky-panky" by the FBI.

Targeted PSP and PIP

"The PSP [Puerto Rican Socialist Party] antecedent organization was the main target of the FBI," the memo explains. It adds, "the PIP [Puerto Rican Independence Party] was a collateral target during one period when it appeared that the two parties might agree to boycott the political status plebiscite of July, 1967."

The U.S. official, nervous about the widespread international exposure of the crimes committed by Washington's secret cop agencies, advised the White House not to publicly portray the 1967 plebiscite as an example of the Puerto Rican people exercising the right to self-determination because it might open up the U.S. government to criticism at the United Nations about Washington's denial of this right.

Through its Cointelpro operations in the United States, the FBI and other political police agencies spied on and disrupted the peaceful, legal activities of millions of people. Their main targets were the civil rights movement, organizations protesting the U.S. war in Vietnam, women's rights groups, the Communist Party, the Socialist Workers Party, and the Young Socialist Alliance, among others.

FBI director J. Edgar Hoover wrote a memo in November 1960 to the FBI office in San Juan, instructing: "I want you to be advised that a more positive effort must be made not only to curtail but to actively disrupt the activities of Puerto Rican nationalists." He suggested that "the following tactics be employed: The use of informants to disrupt the movement and create dissension within the groups. . . the use of handwritten letters to plant the seeds of suspicion between various factions. . . the use of anonymous mailings."

The Puerto Rico operation was one of the FBI's largest Cointelpro campaigns, with at least 37 separate disruption programs, as U.S. attorney general Edward Levi publicly admitted in 1975. In one scheme, he revealed, "Three thousand copies of an article published in a Cuban youth publication were mailed to students in Puerto Rico. The article indicated friendship between the Cuban communist movement and a Puerto Rican independence group. The aim of the mailing was to discourage noncommunist students from supporting the independence group." The student group was the Pro-Independence University Student Federation (FUPI).

Some of the FBI's crimes were exposed in December 1974 when a former secretary for the bureau's San Juan office explained at a news conference that the FBI maintained 160 agents in Puerto Rico whose sole assignment was to persecute the independence move-

ment. Gloria Caldas described some of the FBI's methods, such as sending informers into proindependence groups, illegally inspecting bank records of these groups, and mail tampering. "On various occasions I saw agents of the FBI bring in correspondence addressed to proindependence leaders and militants," she said. "I was told that this correspondence had been obtained directly from the general post office in Hato Rey through an FBI contact there."

The recently revealed 1978 White House memorandum adds, "The tactics employed were of the 'dirty tricks' variety: enlisting 'informant disrupters,' circulating rumors, fliers, pamphlets, and anonymous letters; planting stories and cartoons in newspapers; possibly buying off a newspaper columnist; and conducting what were referred to as 'aggressive interviews' of suspects."

The memorandum mentions that the federal cop agency interfered not only in the 1967 plebiscite but in the 1968 Puerto Rican elections by trying to sow divisions among pro-independence groups and prevent their ideas from getting a wider hearing. It also attempted to undermine efforts by the independence movement to present the colonial status of Puerto Rico before the United Nations. FBI director Hoover bragged that such disruption tactics had been able "to confuse the independentista leaders, exploit group rivalries and jealousies, inflame personality conflicts . . . and thwart any prospect of unity."

No tactic was too sleazy for Washington. A 1961 memo from FBI headquarters instructed its finks in San Juan: "In order to appraise the caliber of leadership in the Puerto Rican independence movement, particularly as it pertains to our efforts to disrupt their activities and compromise their effectiveness, we should have an intimate knowledge of the more influential leaders as individuals. . . concerning their weaknesses, morals, criminal records, spouses, children, family life, educational qualifications and personal activities other than independence activities."

A special target of the FBI has been Juan Mari Bras, who was a founder of the PSP and for many years its central leader. The FBI compiled 75 volumes and thousands of pages of secret files on Mari Bras, who was able to obtain heavily censored copies of 38 of these volumes going back to 1943—when he had been elected president of a proindependence group at his high school at the age of 15.

Among other things, FBI agents sent a letter to a Nationalist Party member accusing Mari Bras of being romantically involved with the party member's wife. They circulated a letter, supposedly from an MPI member, claiming Mari Bras had received money from the U.S. Communist Party and diverted it for his own benefit.

In 1969 the socialist leader's car was blown up in an explosion; a right-wing group called Cuban Power claimed responsibility. The FBI proposed sending a letter to the press in the name of the group threatening to launch a violent campaign against socialists in Puerto Rico.

In another case the FBI put a "snitch jacket" on one of Mari Bras's colleagues, planting what appeared to be an informer's report in the PSP leader's car, supposedly signed by his colleague.

FBI disruption continues

The U.S. government claims it ended Cointelpro in 1971. But events in Puerto Rico since then demonstrate the FBI has not let up in its illegal campaign of spying and disruption.

At a PSP rally in January 1975 Mari Bras described the government's campaign of harassment. PSP members, he said, were being followed openly by police and the party's headquarters was under surveillance. In the city of Ponce, FBI agents had broken down the door of Delfin Ramos's home and framed him up on charges of possessing explosives. Narcotics police had been harassing PSP members. Right before the rally itself a bomb exploded in a nearby restaurant, killing a party sympathizer and injuring a reporter for *Claridad*, the PSP's newspaper. The "Cuban Anti-Communist Liberation Front" had phoned the police warning they would carry out such an attack; the police did nothing and no one was arrested for that crime.



Militant/Pat Wright

FBI and other political police activities against Puerto Rican people have come to light at recent hearings.

This was not an isolated incident. Between 1973 and 1975, for example, there were 160 right-wing terrorist attacks against independence supporters; again the FBI and police pretended they did not know who was responsible. In March 1976 Mari Bras's eldest son was murdered. FBI files record how federal agents noted with satisfaction that, as a result of his son's death, Mari Bras had been forced to limit his electoral campaign as the PSP's candidate for governor of Puerto Rico.

The FBI was not alone; the CIA, U.S. Navy, Army, State Department, Secret Service, and other government agencies have admitted spying against proindependence forces.

Many other aspects of Washington's dirty war on democratic rights were exposed during an important lawsuit filed in 1973 by the Socialist Workers Party and the Young Socialist Alliance against the FBI, CIA, and other political police agencies. This suit ended in a historic victory in 1986. The federal court ruled that the FBI's spying, use of informers, and other aspects of Cointelpro were "patently unconstitutional and violated the SWP's First Amendment rights of free speech and assembly." He issued a permanent injunction against the FBI's use of its illegally obtained spy files against the SWP and YSA and ordered the government to pay damages to the socialists.

This victory is even more important in light of continuing revelations of FBI crimes. This includes the exposure of FBI complicity in the 1978 Cerro Maravilla assassinations and cover-up, as well as the ongoing frame-up trials in Hartford, Connecticut, against Puerto Rican activists. The growing knowledge and outrage among working people about this illegal government persecution is what has forced the Puerto Rico Senate to hold the hearings, which are due to resume in February.

Myth of Race

Continued from previous page

for a *Militant* article. One study he found showed that the majority of the people who have been found guilty of violating antihate codes adopted on many college campuses over the last several years have been Blacks. This was usually for opposing Zionism. By opposing the Zionist capitalist government in Israel, you can be charged with being anti-Semitic.

These are things working people should oppose. Moreover, it gets off the crucial foundation of who is responsible for oppression. Is it some individual who is expressing some hateful ideas? Is that the problem we face in the United States? It gets away from the fact that there is a political and economic system that is responsible for racism, brought it into the world, and benefits from it. That is what must be opposed and fought against.

Clarity on all these questions and explaining them as clearly as we can, helps to give us more confidence that racial prejudice is not some innate part of human nature. Instead, it has a clear historical origin and is rooted in a specific social system. It benefits a distinct class, the billionaire ruling families. Looking at this crucial issue historically and scientifically helps us see the solid basis that exists for uniting working people of all backgrounds to overturn capitalist rule and thereby lay the basis for ending the scourge of racism once and for all.

Right of political participation at stake in court battle over write-in vote ban

Socialist Workers Party brief in support of petitioner to Supreme Court

BY GREG McCARTAN

Can a state government prohibit or restrict the practice of write-in voting? Is it unconstitutional for states to limit the choice of candidates a person can vote for to those printed on the ballot? What stake do working people and youth have in defending the write-in vote?

These are the issues posed in a case now before the Supreme Court. A resident of the state of Hawaii, Alan Burdick, filed suit against the state in 1986 after learning that he could not write the name of the candidate of his choice on the ballot. A federal court agreed with Burdick's contention that the ban violated the constitution, but the Court of Appeals for the Ninth Circuit overturned the ruling, siding instead with Hawaii. Burdick is appealing that court's decision, which is expected to be heard in March.

Reprinted below is the full text of the brief filed by the Socialist Workers Party in support of Burdick's fight to end Hawaii's ban on write-in voting. Edward Copeland, the SWP's general counsel, filed the court brief. He is of the noted constitutional rights firm Rabinowitz, Boudin, Standard, Krinsky and Lieberman.

American Civil Liberties Union attorney Arthur Eisenberg is handling the appeal by Burdick, portions of which appear on page 15 of this *Militant*.

The SWP brief is an important addition to the fight for two reasons. First, the party has engaged in numerous legal battles to strike down restrictions on write-in voting and onerous requirements for candidates or a party achieving ballot status.

Second, as the brief states, the party has a long history of running election campaigns. To prevent open access to the ballot, states have erected undemocratic requirements that in most cases prevent working-class parties and candidates from achieving ballot status. Socialist Workers Party candidates have therefore run, in their big majority, write-in campaigns.

Not only do state restrictions severely limit ballot access, but 32 states currently limit write-in voting in some form or other. Four ban it altogether: Hawaii, Indiana, Oklahoma, and Nevada.

The Hawaiian state government defends its practice, saying that banning write-in candidates discourages "sore losers" in the primaries from running in the general elections. The state says the ban keeps "frivolous candidates" from running and encourages stability in the elections.

Federal district court Judge Harold Fong struck down the Hawaii write-in ban, ruling that a write-in vote was a form of political expression protected by the U.S. Constitution.

"If even one voter wished to dissent from the voice of the majority by writing in the name of a candidate not available on the printed ballot, this court believes that is his right," Fong wrote in his decision.

But the appeals court said that while there is a fundamental right to vote, that right does not extend to "an unlimited right to vote for any particular candidate."

In an ominous attack on democratic rights, the judges unanimously ruled that the "fact that a voter may want to say no candidate is acceptable does not mean that he has a fundamental right to say that on the ballot. . . . He has no guarantee that he can voice any particular opinion through the ballot box."

Spreading the word about, and explaining the issues in the Supreme Court case will be an important activity of defenders of democratic rights in the months ahead, said James Warren, Socialist Workers candidate for U.S. president in 1988.

"The wealthy rulers of this country and the parties that serve them — the Democrats and Republicans — aim to limit democratic rights as the economy worsens. Working people have plenty of reasons to want to exercise their rights, whether it be organizing a union, holding a demonstration, or voting for the candidate of their choice.

"Many sense that even when an economic upturn comes, the depression-like conditions millions are experiencing won't go away," he said. "As with the attack on the United Auto Workers union at Caterpillar, the employers will continue to push and probe against the labor movement. The institutions of the state

— the courts, cops, and legislatures — will attempt to take back hard-won rights. Defending the right to cast a write-in ballot is fundamental to all our democratic liberties."

Financial contributions are needed for the \$10,000 in expenses for filing and publicizing the SWP brief. The Political Rights Defense Fund, Inc. has taken the case on as an important constitutional rights issue. Tax deductible contributions can be made to PRDF. Fill out the coupon on page 14.

IN THE SUPREME COURT OF THE UNITED STATES OCTOBER TERM, 1991

ALAN B. BURDICK, Petitioner, v. MORRIS TAKUSHI, Director of Elections, State of Hawaii; JOHN WAIHEE, Lieutenant Governor of Hawaii; BENJAMIN CAYETANO, in his capacity as Lieutenant Governor of the State of Hawaii, Respondents.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

BRIEF FOR AMICUS CURIAE SOCIALIST WORKERS PARTY IN SUPPORT OF PETITIONER

INTEREST OF AMICUS CURIAE

The Socialist Workers Party presents this brief as Amicus Curiae in support of Petitioner, and respectfully requests this Court to reverse the decision of the Court of Appeals for the Ninth Circuit. That court held constitutional Hawaii's blanket prohibition on write-in voting in all general and primary elections finding that the ban did not constitute a substantial burden on petitioner Alan B. Burdick's right to vote or his right of political expression.

Amicus Socialist Workers Party is an unincorporated association with headquarters in New York City and branches in cities throughout the country. The Socialist Workers Party seeks "to achieve social change through the political process, and its members regularly run for public office." *Brown v. Socialist Workers '74 Campaign Committee (Ohio)*, 459 U.S. 87, 88 (1982). The Socialist Workers Party (SWP) has consistently supported and run candidates for elective office throughout the country for municipal, county, state and federal offices since 1938 and has participated in every presidential election since 1948. Although the Socialist Workers Party has consistently fielded candidates for office, no Socialist Workers Party candidate has been elected in a partisan election and the votes recorded for such candidates remain small.

The vast majority of individuals supported by the Socialist Workers Party and its members have run as write-in candidates. For example, between 1988 and 1990 alone, approximately 210 individuals supported by the Socialist Workers Party ran for office as write-in candidates. One of the principal activities of the members and supporters of the Socialist Workers Party is comprised of participation in such campaigns. The campaigns take the form of distribution of literature, speaking tours for candidates, media interviews, extending solidarity to others fighting social and economic injustices, and other election activity. The campaigns are a major opportunity for those who support the platforms and goals of the Socialist Workers Party to discuss and participate in the political process. Candidates and their supporters present basic socialist ideas and engage in discussion with thousands of workers and youth, focusing on a working-class alternative to the foreign and domestic policies of the predominant parties in the country. The opportunity for voters to express support for the Socialist Workers Party candidates by write-in voting, and to thereby participate fully in the electoral process, is of the utmost importance both to the supporters of the

candidates and to those who participate in electoral activity. It is a means of associating together in a public, yet anonymous way, and "a means of disseminating ideas as well as attaining political office." *Illinois State Board of Elections v. Socialist Workers Party*, 440 U.S. 173, 186 (1979).

The Socialist Workers Party has from its inception been opposed to restrictions on the franchise. It has both engaged in litigation and broader political action along with others to expand voting rights of all individuals in our society and to make meaningful the right to vote. Such freedoms are essential for all to be able to present their views and have those views heard and felt by the public at large. Candidates affiliated with the Socialist Workers Party were plaintiffs in *Dixon v. Maryland State Administrative Board of Election Laws*, 878 F.2d 776 (4th Cir. 1989). That ruling held unconstitutional a Maryland requirement that imposed a \$150 filing fee upon candidates wishing to have ballots in their favor tallied and reported. The court below acknowledged that its decision was inconsistent with the Fourth Circuit decision in *Dixon*. (Pet. App. 14a.)¹

The Socialist Workers Party therefore has a strong interest in assuring that unconstitutional prohibitions on write-in voting do not smother the rights of individuals to vote and to thus participate fully in the electoral process. Prohibiting the casting of write-in ballots stifles a mode of associating with other like-minded individuals in support of a candidate or the ideas he or she presents.

SUMMARY OF ARGUMENT

The broad prohibition against write-in voting in general and primary elections in Hawaii directly and substantially restricts the rights of voters to participate fully in the electoral process. The prohibition bars the voter from expressing his or her support for a candidate and for the goals of a candidate if the candidate is not listed on the preprinted ballot. It restricts the voter from expressing his or her rejection of the candidates listed, and restricts the voter from associating with other like-minded individuals in a uniquely public, yet anonymous, manner. The franchise is undermined without the right to cast a ballot for the candidate of choice, whether or not the candidate's name appears on the ballot.

These rights of political participation are fundamental and have repeatedly been recognized as protected by the First and Fourteenth Amendments. In the context of write-in voting, these rights are particularly important to those of minority and dissenting views, for whom elections are not only the means of electing those who govern, but are also a means of associating together in the electoral arena and to show support for dissenting ideas and programs.

The broad and unyielding prohibition is not justified by the various interests asserted by the State of Hawaii. None of these justi-

fications, even if legitimate, show that the complete ban is necessary to fulfill a compelling state interest. Nor is the broad prohibition somehow ameliorated by the lower court's view that parties and candidate have easy access to the Hawaii ballot. Even if it were true, that focus ignores the independent and fundamental rights of voters which lie at the heart of this case.

ARGUMENT

I

HAWAII'S BLANKET PROHIBITION AGAINST WRITE-IN VOTING IN ALL GENERAL AND PRIMARY ELECTIONS SUBSTANTIALLY AND UNJUSTIFIABLY INTERFERES WITH THE RIGHT OF VOTERS TO EXPRESS THEIR SUPPORT FOR CANDIDATES OF THEIR OWN CHOOSING AND TO PARTICIPATE FULLY AND FREELY IN THE ELECTORAL PROCESS

This Court has long recognized the fundamental interests at stake when a state regulates voting, for "[n]o right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory, if the right to vote is undermined." *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964). See also *Board of Estimate v. Morris*, 489 U.S. 688, 693 (1989); *Reynolds v. Sims*, 377 U.S. 533, 554-555, 565 (1964).

Elections, and the critical act of voting, serve a number of interrelated functions. Participation in elections and the act of voting are not only the means by which voters express their preferences for individuals to fill an office, but are also a means by which voters freely associate "because an election campaign is an effective platform for the expression of views on the issues of the day, and a candidate serves as a rallying point for like minded citizens." *Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983) (footnote omitted). As has been oft recognized "an election campaign is a means of disseminating ideas as well as attaining political office", *Illinois Election Board v. Socialist Workers Party*, 440 U.S. 173, 186 (1979), and through participation in the electoral process, voters associate with other voters, candidates and parties "for the common advancement of political beliefs and ideas. . . ." *Kusper v. Pontikes*, 414 U.S. 51, 56 (1973).

As a manner of expressing opinion, and of associating together to advance particular political beliefs, voting is a means of expressing political opinions within the protection of the First and Fourteenth Amendments. See *Williams v. Rhodes*, 393 U.S. 23, 30-31 (1968). Thus, in *Anderson v. Celebrezze*, 460 U.S. 780 (1983), the Court focused upon the impact of candidate eligibility require-

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Kathy Mickells, 1988 SWP candidate for U.S. vice president, at Atlanta protest.

1. Citations preceded by Pet. App. refer to the petition for certiorari.

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ments on the rights of voters not only to choose the candidate to fill an office, but also "to associate in the electoral arena to enhance their political effectiveness as a group", *Anderson v. Celebrezze*, 460 U.S. at 794. Such association thereby promotes "diversity and competition in the marketplace of ideas," and introduces new ideas and programs into the political life of our nation. *Id.* See also *Illinois Election Board v. Socialist Workers Party*, 440 U.S. at 185-186.

As the courts below recognized, the framework set forth in *Anderson v. Celebrezze*, 460 U.S. at 789, provides the appropriate means for the Court to analyze restrictions on participation in elections:

It must first consider the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate. It then must identify and evaluate the precise interests put forward by the State as justifications for the burden imposed by its rule. In passing judgment, the Court must not only determine the legitimacy and strength of each of those interests, it also must consider the extent to which those interests make it necessary to burden the plaintiff's rights. Only after weighing all these factors is the reviewing court in a position to decide whether the challenged provision is unconstitutional.

See also *Norman v. Reed*, ___ U.S. ___, 60 U.S.L.W. 4075, 4077 (Jan. 14, 1992). *Norman* reaffirms that within the *Anderson* analysis "any severe restriction" must be "narrowly drawn to advance a state interest of compelling importance." ___ U.S. at ___, 60 U.S.L.W. at 4077. See also, *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214 (1986) and *Tashjian v. Republican Party of Connecticut*, 479 U.S. 208 (1986).

The Hawaii statutory scheme directly restricts the rights of the voters by flatly prohibiting a voter from casting a write-in vote in all circumstances. Under the Hawaii scheme, whenever a voter decides that the choice of candidates on the pre-printed ballot does not present an individual or platform that he or she can or desires to support, that voter must either choose one of the candidates on the pre-printed ballot or accept denial of the right to vote. Whether the voter's reason is based upon a late-developing issue, new information concerning an issue or candidate, disgruntlement with the choices offered on the pre-printed ballot or any other concern that affects how an individual votes, under Hawaii's restrictions a vote cannot be cast for anyone other than the candidates listed by the state on the pre-printed ballot.

The prohibition on write-in voting in all circumstances imposes a direct restriction on the right of voters not only to vote for the candidate of their choice when that candidate is not one of the listed candidates, but also on the voter's right to associate with other like-minded individuals and to express support for a candidate and for the goals that the candidate represents. Indeed, the prohibition forces a voter who desires to cast a vote, to vote for a candidate listed or to forego voting: a voter who seeks to vote as a means of expressing rejection of the candidates on the ballot is prohibited from doing so.

It is because the fundamental right to vote is restricted, and the right of voters to engage in political expression and association is restricted, that a number of courts have found the injury to these rights protected by the First and Fourteenth Amendments to be "substantial," *Canaan v. Abdelnour*, 40 Cal.3d 703, 221 Cal.Rptr. 468, 477 (1985) and "of great magnitude," *Dixon, supra*, 478 F.2d at 782.

Write-in voting may well be a less likely route to achieve election for a candidate than listing on the pre-printed ballot. The practical difficulties associated with write-in voting turn upon a recognition that "realities of the electoral process" require that a write-in voter not only remember the name of the candidate but also require him or her to "take the affirmative step of writing it on the ballot." *Anderson v. Celebrezze*, 460 U.S. at 799 n. 26, quoting *Lubin v. Panish*, 415 U.S. 709, 719 n.5 (1974). See also *Williams v. Rhodes*, 393 U.S. at 37 (Douglas, J. concurring) ("[E]ven where operative, the write-ins are no substitute for a place on the ballot"). Nonetheless the option of the write-in ballot

has been recognized by this Court. *Storer v. Brown*, 415 U.S. 724, 736 n.7 (1974) (In holding constitutional a requirement that an independent candidate had not been affiliated with a political party for one year before primary, noting that the write-in alternative remained open.); *Jenness v. Fortson*, 403 U.S. 431, 438 (1971).

But the opportunity to cast a write-in vote is not of diminished importance to the voter's ability to participate in the electoral process because a candidate receiving such votes may not have a great likelihood of success. As the district court observed in *Socialist Labor Party v. Rhodes*, 290 F.Supp. 983, 987 (S.D. Ohio), *aff'd in part, mod. in part sub nom., Williams v. Rhodes*, 393 U.S. 23 (1968) "[a] write-in ballot permits a voter to effectively exercise his individual constitutionally protected franchise. The use of write-in ballots does not and should not be dependent on the candidate's chance of success." See also *Dixon v. Maryland State Administrative Board of Election Laws*, 878 F.2d at 781. Indeed, when understood to require an affirmative act and commitment, casting a write-in vote reflects an element of political participation, and an expression of political message, that sometimes exceeds the simple act of voting.

Nor is that right to participate in the electoral process by write-in voting a right of limited practical importance. First, as a general matter, while write-in voting may infrequently result in the actual election of such a candidate, individuals are elected as write-in candidates. For example, in November 1991 an individual was elected to the Albany County Legislature in New York, *N.Y. Times*, Nov. 10, 1991, § 1 at 42, col. 1, in 1990 an individual was elected to the Prince Georges County Council in Maryland, *The Washington Post*, Nov. 11, 1990, at C1, and according to one report, 40 write-in candidates were elected in Indiana in 1990. 21 Election Ad. Rep. Jan. 21, 1991, No. 2, at 3. Similarly, four write-in candidates have been elected to Congress in the last 40 years; Strom Thurmond to the Senate in 1954, Dale Alford to the House of Representatives in 1958, Joe Skeen to the House of Representatives in 1980 and Ron Packard to the House of Representatives in 1982. 12 Election Ad. Rep., Nov. 22, 1982, No. 22, at 1-2; 38 Cong. Q. Weekly Report 3319 (Nov. 8, 1980). Indeed, in 1964, the Republican primary in New Hampshire "was won with write-in votes by a man who hadn't announced [his candidacy] at all, Henry Cabot Lodge." 2 W. Manchester, *The Glory And The Dream, A Narrative History of America 1932-1972*, 1256 (1973).

Second, supporters of write-in candidates, including those supported by the SWP, utilize the write-in mechanism with some frequency not only as the means of voting for the candidate of their choice but as a means of associating together in a publicly expressive fashion.² For example, the Presidential candidate supported by the Socialist Workers Party in 1988 appeared on the ballot in 16 states; in the remaining states write-in voting, where available, was the only means of voting for the candidate.³ In the same year, the Socialist Workers Party supported 43 other candidates in 24 states and the District of Columbia of whom only 11 were listed on the ballot. In 1989, the Socialist Workers Party supported 18 candidates for local election in 9 states and the District of Columbia of whom 8 were listed on the ballot. In 1990 the Socialist Workers Party supported 175 candidates in 23 states including the District

2. The anonymity of the ballot as a means of expressing support for particular groups and ideas make the opportunity to cast a write-in vote particularly meaningful for supporters of groups that historically have suffered harassment because of their association with particular political viewpoints. See *Tashjian v. Republican Party of Connecticut*, 479 U.S. at 215 n.5. See also, *Brown v. Socialist Workers '74 Campaign Committee (Ohio)*, 459 U.S. 87 (1982).

3. The Socialist Workers Party has supported Presidential candidates in every Presidential election since 1948. The SWP's Presidential ticket was on the ballot in 9 states in 1964; 19 states in 1972; 28 states in 1976; 27 states in 1980; and 24 states in 1984. See, *The Militant*, Oct. 26, 1964, at 4; *id.*, Oct. 29, 1976, at 6; *id.*, Oct. 31, 1980, at 12; *id.*, Nov. 16, 1984, at 3. Write-in voting, where available, was the only means of voting for these candidates in the remaining states.

SOCIALIST WORKERS '88 CAMPAIGN

WARREN FOR PRESIDENT
SAYRE FOR PRESIDENT



James Warren, Socialist Workers 1988 presidential candidate (at podium). SWP has run candidates for municipal, county, state, and federal offices since 1938.

Militant/Tony Savino

of Columbia of whom 11 were listed on the ballot in 9 states. Of the remainder, 17 attained "official" write-in status under the applicable statutes. See *The Militant*, Nov. 4, 1988, at 3; *id.*, Nov. 10, 1989 at 14; *id.*, Nov. 9, 1990, at 13.

The frequency of use of the write-in candidacy, along with the occasional actual electoral success of such candidates, illuminates the importance of the write-in for electoral participation. The ability to cast a write-in vote is of essential importance to those of dissenting and minority views, and those who choose to reject the candidates on a particular ballot and the positions represented by them. The Hawaii ban frustrates the ability of these voters who would otherwise cast a write-in vote to participate in the electoral process.

That the Hawaii scheme does so in a manner which is both absolute and unyielding is obvious from the complete prohibition of Hawaii law. That it does so without any

est in preventing the practice").

The court below was of the view that Hawaii election laws "provide candidates with considerable ease of access to the ballot" and so if Burdick desires to vote for a particular candidate, that candidate need only qualify under the Hawaii procedures. (Pet. App. 11a.) Ease of access to the ballot for candidates, even if true⁴, does not ameliorate the frustration of the voter's rights involved here. While the rights of voters protected by the Constitution and the rights of candidates and political parties are intertwined in the

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Write-in voting has particular importance for those with minority or dissenting views.

sufficient justification is apparent if only because the broad prohibition on write-in voting imposes far too wide a restriction than is justified by the various interests and is not narrowly drawn to advance a state interest of compelling importance. For example, the asserted interest in protecting against so called "sore loser" candidacies could be served by a narrower and more focused regulation. The interest in preventing party raiding is not a concern in a general election and is not a serious concern in an open primary such as Hawaii's. It therefore is insufficient to justify the broad prohibition. See *Tashjian v. Republican Party of Connecticut*, 479 U.S. at 219 and n.9 (recognizing the "continuing difficulty of proving that raiding is possible" but expressing no opinion as to whether that difficulty "attenuates the asserted state inter-

4. Hawaii's ballot access requirements present considerable obstacles and do not provide the ease of access to the ballot seemingly contemplated by the court below. For example, Hawaii's provision for new political parties requires a petition signed by 1% of the number of registered voters as of the last general election to be submitted 150 days before the primary, Haw. Rev. Stat. § 11-62. In order to utilize the new party route, an individual who might cast a write-in vote would be required to so decide long before the primary, even longer before the general election, and long before the issues in a campaign become focused by the electorate. See *Anderson Celebrezze*, 460 U.S. 780. Moreover, the process of forming a new party involves a formal affiliation with that party. Such affiliation requires a considerably different type of commitment than the commitment of write-in voters, and that commitment is an act of public affiliation which may not reflect the interest of a write-in voter who wishes to cast a write-in vote for only one particular office. See *Tashjian*, 479 U.S. at 215 n.5; cf. *Developments in the Law-Elections*, 88 Harv. L. Rev. 1111, 1167 n.79 (1975) (individual voter may have one party of choice on the state level and a separate national or local party of choice.) Similarly, in order to qualify for the general election ballot as an independent candidate for an office other than president, a candidate must run in the independent primary and either poll 10% of the vote or out poll the primary winner in a partisan campaign. Haw. Rev. Stat. § 12-41(b). Compare *Munro v. Socialist Workers Party*, 479 U.S. 189 (1986) (upholding Washington requirement of 1% of vote in the primary). Indeed, in contrast to the Washington procedure in *Munro*, a voter may only vote in a particular primary in Hawaii. While perhaps not insurmountable, these provisions are nonetheless considerable obstacles.

Join in defending the write-in vote!

Yes! Here is a donation for the SWP's amicus brief

The Socialist Workers Party has filed an amicus brief with the Supreme Court in support of Alan Burdick's suit to overturn Hawaii's ban on write-in voting. \$10,000 is needed to cover the legal and publicity expenses. You can join this fight by helping to publicize the constitutional issues involved in the case and by making a donation to help defray the costs of the brief.

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Send to: Socialist Workers Party, 410 West St., New York, NY 10014. Tax-deductible contributions can be made out to the Political Rights Defense Fund, Inc., earmarked for the SWP Hawaii ballot fight. Send checks to: PRDF, P.O. Box 761, New York, N.Y. 10008

Write-in vote has long history, says ACLU

Printed below are excerpts from the brief presented to the U.S. Supreme Court on behalf of Alan Burdick, in his case opposing the State of Hawaii's ban on write-in voting. The brief was prepared by lawyers for the New York Civil Liberties Union and the American Civil Liberties Union.

The brief describes voting as "the critical act of participation in a democracy," and explains that while giving or withholding a vote to a particular candidate increases or decreases the likelihood of that candidate being elected, "this is just part of the meaning and significance of a vote." Through the ballot, it continues, "voters express their preferences to each other, to those presently holding public office, to present and prospective candidates for public office, and to the political parties which underwrite those candidacies. Voting is thus a complex act of political participation, consisting at once of expression, commitment and choice."

The brief sums up: "This case involves the most basic of constitutional rights — the right of citizens to vote for individuals of their choice . . . Hawaii officials deprive citizens of the right to express their dissatisfaction with the range of choices presented on the ballot and to vote, instead, for individuals of their own personal preference."

In the first section of its argument, printed here, the brief outlines the history of how the write-in ballot, once the form in which all votes were cast, was modified and tested in a series of court cases following the appearance of the first state-printed ballot papers.

* * *

1. HAWAII'S ABSOLUTE PROHIBITION AGAINST WRITE-IN VOTING SERIOUSLY BURDENS CONSTITUTIONAL RIGHTS OF ELECTORAL PARTICIPATION AND POLITICAL EXPRESSION

Write-in ballots did not become a matter of note or democratic consequence until late in the nineteenth century, when the system of state-prepared ballots, commonly described as the Australian Ballot system, was first introduced in this country.¹ The idea of a government-printed ballot was seen as a progressive reform designed to reduce a variety of fraudulent election practices. Its end was to make elections better express the actual, free choice of voters by increasing

1. The Australian Ballot was first introduced in this country, in 1888, in connection with local elections held in Louisville, Kentucky. Later that same year, Massachusetts enacted a state-wide law mandating a state-prepared ballot. By the presidential election of 1892, "thirty-eight states had passed Australian Ballot laws in one form or another." L. E. Fredman, *The Australian Ballot: The Story of an American Reform IX* (1968).

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electoral context and "do not lend themselves to neat separation", *Bullock v. Carter*, 405 U.S. 134, 143 (1972), the rights of a voter are not identical with that of a candidate or of a political party.

Moreover, whatever the ballot access requirements, whether a political party seeks to qualify its candidate for listing on the pre-printed ballot or a candidate seeks to do so depends upon a choice of that political party or candidate, rather than the decision of a voter desiring to cast a write-in vote. See, e.g., *Eu v. San Francisco County Democratic Central Committee*, 489 U.S. 214, 225-226, n.15 (1989) (In rejecting argument that participation in state-run primaries reflects the party's support for each regulation of the process, the Court recognized that "[a] decision to participate in state-run primaries more likely reflects a party's determination that ballot participation is more advantageous than the alternatives, that is, supporting independent candidates or conducting write-in campaigns.")

Whatever the reason for the choice which may be made by a political party or candidate, focus upon the course chosen by a political party or candidate "ignores the independent First Amendment rights" *id.*, of the voters. Indeed, the reason why a candidate might not run in an independent primary, or a new party might not be formed 150 days prior to the primary date are many and varied. The reasons may range from the emergence of new issues,

voter secrecy, reducing the corruption of party politics and protecting the integrity of the process. One hundred years later, instead of protecting voter choice, the state-prepared ballot in Hawaii has become an impediment to free choice.

Prior to the turn of the century, citizens were sovereign over their voting preferences as a matter of course. They were free to

prescribed by statute a paper upon which they signified their choice of officers. The ballots might be written, printed, partly written, partly printed, and any sort of combination of persons who were candidates might be printed or written upon a ballot.

State ex. rel. Lafollette v. Kohler, 228 N.W. 895, 906 (Wis. 1930).



Election petitioning for Socialist Workers candidates. Write-in ballot was universal voting method in United States until late 19th century.

prepare their own ballots, use preprinted tickets offered by one of the political parties, or alter the political parties' tickets to suit their personal preferences. In effect, all ballots were write-in ballots. The Wisconsin Supreme Court summarized these freewheeling ballot practices:

In the beginning the regulations were few and simple. Persons went to the voting places fixed by law and there delivered to officers whose duties were

The broad adoption of the Australian Ballot near the turn of the century reduced the disorder of the earlier system and blunted some of the abuses that came with that disorder. But, it was quickly and widely recognized that the Australian Ballot, if untempered by the opportunity for voters to write-in the candidates of their choice, would impose a narrow regimentation on the right to vote which was at sharp odds with the exercise of personal sovereignty contemplated by democracy. State court after state court heard the complaints of voters frustrated in their choices at the voting booth, and the vast majority responded by finding a right to cast a write-in vote somewhere in state law. State constitutions were occasionally the formal source of this right, and a simple but eloquent vision of free and equal political participation was often the explicit predicate of legal judgment in these cases.²

In upholding write-in voting, many of these courts spoke pointedly to the nature of the right to vote and to the disenfranchisement that would occur if citizens could not vote "according to their own free and unrestricted choice." *Barr v. Cardell*, 155 N.W. 312, 315 (Iowa 1915). For example, in upholding write-in voting the Supreme Court of Illinois observed:

It is claimed that section 14 prohibits the voter from writing on the ballot the name of a person who has not been nominated . . . and that it is the intention

CONCLUSION

For the reasons set forth above, it is respectfully requested that the decision of the Court of Appeals for the Ninth Circuit be reversed.

Respectfully submitted,

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2. The supreme Judicial Court of Massachusetts summarized this judicial development at the time.

In general, it may be said that the so-called 'Australian Ballot Acts, in the various forms in which they have been enacted in many of the states of this country, have been sustained by the courts, provided the acts permit the voter to vote for such persons as he please, by leaving blank spaces on the official ballot, in which he may write, or insert in any other proper manner, the names of such persons, and by giving him the means, and a reasonable opportunity, to insert or write in such names.

Cole v. Turner, 41 N.E. 681 (Mass. 1895). See also *Jackson v. Norris*, 195 A. 576, 585 (Md. 1937).

of the act that no vote should be cast for a person who was not nominated. . . . [I]f the construction contended for by appellee be the correct one, the voter is deprived of the constitutional right of suffrage; he is deprived of the right of exercising his own choice; and when this right is taken away there is nothing left worthy of the name of the right of suffrage — the boasted free ballot becomes a delusion.

Sanner v. Patton, 40 N.E. 290, 292-93 (Ill. 1895).³ Moreover, other state courts, during this period, assumed the right to cast a write-in ballot to be beyond dispute even as they addressed other election law issues. For example, the Supreme Court of Pennsylvania, in reviewing a challenge to the format of Philadelphia's printed ballot, accepted write-in voting as an inherent feature of a fair electoral process:

Unless there was such provision to enable the voter not satisfied to vote any ticket on the ballot, or for any names appearing on it, to make up an entire ticket of his own choice, the election as to him would not be equal, for he would not be able to express his own individual will in his own way.

Oughton v. Black, 61 A. 346, 348 (Pa. 1905). The California Supreme Court, in resolving an election controversy over certain disputed ballots, similarly noted in passing:

Under every form of ballot of which we have had any experience the voter has been allowed — and it seems to be agreed that he must be allowed — the privilege of casting his vote for any person for any office by writing his name in the proper place.

Patterson v. Hanley, 136 P. 821, 823 (Cal. 1902).

These opinions exemplified a broad recognition among the state courts that some write-in ballot opportunity is essential to free and fair political participation among citizens who have widely divergent political values and goals. More recent state court decisions have confirmed these earlier judgments. As the Supreme Court of Florida Court observed: "We believe the right of each elector [to vote] for a write-in candidate is as important now as it was in 1893." *Smith v. Smathers*, 372 So.2d 427, 429 (Fla. 1979).

This Court, while never considering directly the question of a federal constitutional right to a write-in ballot, has recognized the importance of the write-in ballot as a release from the constraints of ballot access requirements. *Storer v. Brown*, 415 U.S. 724, 736 n.7 (1974); *Jenness v. Fortson*, 403 U.S. 431, 438 (1971). And, as noted above, the Court of Appeals for the Fourth Circuit has recently found a federal constitutional right to cast a write-in vote inherent in this Court's jurisprudence. *Dixon*, 878 F.2d 776.

What unites this widely shared and durable understanding of the political process — and distinguishes it from the decision below by the Ninth Circuit — is a recognition that voting involves far more than the static choice among candidates listed on a ballot. Elections are a dynamic part of political discourse and growth within a democratic community; they are "a rallying point for like-minded citizens." *Anderson*, 460 U.S. at 788.

Voters associate with each other and with candidates "for the common advancement of political beliefs and ideas [in] a form of 'orderly group activity' protected by the First and Fourteenth Amendments [citations omitted]." *Kusper v. Pontikes*, 414 U.S. 51, 56-57 (1973). And, indeed, this Court has noted that this form of political association and expression is deserving of constitutional protection even if it is not likely to result in a successful electoral outcome. *Illinois Elections Bd. v. Socialist Workers Party*, 440 U.S. 173, 185-86 (1979). Participation in the process is as important as directly affecting the result because "an election campaign is a means of disseminating ideas as well as attaining political office." *Id.* at 186.

3. During the period shortly after the introduction of the Australian Ballot, numerous state courts upheld write-in voting either as matter of statutory interpretation or constitutional entitlement. See, e.g., *Barr v. Cardell*, 155 N.W. 312; *Snortum v. Homme*, 119 N.W. 59 (Minn. 1909); *Mayor of Jackson v. State*, 59 So. 873 (Miss. 1912); *Park v. Rives*, 119 P. 1034 (Utah 1911); *Littlejohn v. Desch*, 121 P. 159 (Colo. 1912).

CALIFORNIA

Los Angeles

Socialist Educational Conference. Feb. 15-16. Talks on the origins of women's oppression, eyewitness report from South Africa; the deepening crisis of world capitalism. All events at 2546 W Pico Blvd. For more information: (213) 380-9460.

MARYLAND

Baltimore

Malcolm X: The Man and His Ideas. Speaker: John Gaige, Socialist Workers Party National Committee, member of Amalgamated Clothing and Textile Workers Union. Sat. Feb. 22, 7:30 p.m. 2903 Greenmount Ave. Donation: \$3. Tel: (301) 235-0013.

MASSACHUSETTS

Boston

Malcolm X and the Fight for Justice Today. Video showing. Speaker: representative Socialist Workers Party. Sat., Feb. 15, 7:30 p.m. 605 Massachusetts Ave. Donation: \$3. Tel: (617) 247-6772.

MIAMI, FLORIDA

Cuba: Challenges Facing the Revolution in a Changing World.

Speaker: Mary-Alice Waters, just returned from Havana Book Fair, editor of *New Internationalist*. Sun., Feb. 16, 5 p.m. Dinner at 4 p.m. Donation: forum, \$3; dinner, \$3. 137 NE 54th St. Tel: (305) 756-1020.

MICHIGAN

Detroit

Grant Political Asylum to Haitian Refugees. Speaker: David Alvarez, Young Socialist Alliance. Sat., Feb. 15, 7:30 p.m. 5019 1/2 Woodward Ave. Donation: \$3. Tel: (313) 831-1177.

MINNESOTA

St. Paul

JFK: Myth Vs. Reality. The Truth About the Cuban Missile Crisis and the Vietnam War. Speaker: Joey Rothenberg, Socialist Workers Party, member United Transportation Union Local 1000. Sat., Feb. 15, 7:30 p.m. 508 N Snelling Ave. Donation: \$3. Tel: (612) 644-6325.

MISSOURI

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announced. 191 7th Ave. Donation: \$4. Tel: (212) 727-8421.

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Malcolm X and the Fight Against Racism. Sat., Feb. 22, 7:30 p.m. 2000-C South Elm-Eugene St. Donation: \$3. Tel: (919) 272-5996.

OHIO

Cleveland

Regional Socialist Educational Conference. Feb. 29-March 1. 1863 W 25th St. For more information: (216) 861-6150.

Cincinnati

Malcolm X: His Meaning for Today. Speaker: James Harris, Socialist Workers Party. Sun., Feb. 23, 5 p.m. Hirsch Community Center, 3630 Reading Rd. Donation: \$3. Tel: (513) 221-2691.

PENNSYLVANIA

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Malcolm X: His Revolutionary Legacy. A panel discussion. Sat., Feb. 15, 7:30 p.m. 1906 South St. Donation: \$3. Tel: (215) 546-8218. **South Africa: New Stage in the Struggle to End Apartheid.** An eyewitness report by Derek Bracey, National Organizational Secretary of the Young Socialist Alliance, attended African National Congress Youth League Conference in December. Sat., Feb. 22, 7:30 p.m. 1906 South St. Donation: \$5. Tel: (215) 546-8218.

TEXAS

Houston

Out of Control. Deteriorating Safety in the Petrochemical Industry. A video produced by the OCAW and Organizing Media Project. Sat.,

Feb. 15, 7:30 p.m. 4806 Alameda. Donation: \$3. Tel: (713) 522-8054.

Malcolm X: The Man and His Ideas. A video presentation. Sat., Feb. 22, 7:30 p.m. 4806 Alameda. Donation: \$3. Tel: (713) 522-8054.

UTAH

Salt Lake City

Police Brutality. What We Can Do To Fight Against Cop Violence. Sat., Feb. 22, 7:30 p.m. 147 E 900 S. Donation: \$3. Tel: (801) 355-1124.

WASHINGTON

Seattle

Socialist Educational Conference. The Depression, Crisis of Capitalism, and Prospects for Revolutionary Change. Feb. 15-16. Talks on the origins of women's oppression; the myth of race; eyewitness report from South Africa; the deepening crisis of world capitalism. All events at 1405 E. Madison. For more information: (206) 323-1755.

CANADA

Montreal

Malcolm X. A video presentation. Sat., Feb. 15, 7:30 p.m. 6566, boul. Saint-Laurent. Donation: \$4. Tel: (514) 273-2503.

SOCIALIST EDUCATIONAL CONFERENCE: The Depression, Crisis of Capitalism, and Prospects for Revolutionary Change. Sat. Feb. 29, and Sun., March 1. For more information: (514) 273-2503.

Toronto

Malcolm X In Today's World. Video and discussion. Sat., Feb. 15, 7:30 p.m. 410 Adelaide St. W., Suite 400. Donation: \$4. Tel: (416) 861-1399.

ICELAND

Reykjavik

Communist Manifesto. Class on part 2. Sat., Feb. 15, 12 noon Klappargstíg 26. 2nd floor. Donation: \$3. Tel: (91) 17513.

Korea: Struggle for Reunification. Speaker: Estelle DeBates, Young Socialist Alliance national cochairperson. Thurs., Feb. 20, 8 p.m. Klappargstíg 2b. 2nd floor. Donation: \$3. Tel: (91) 17513.

NEW ZEALAND

Auckland

One year After the Gulf War: No New World Order but a Global Depression. Speakers: Ruth Gray, Communist League candidate in Auckland Regional Council by-election; James Robb, Communist League candidate in Tamaki by-election. Sat., Feb. 15, 7 p.m. 203 Karangahape Rd. Donation: \$2. Tel: (9) 793-075.

Continuing Turmoil in Fiji. Speakers to be announced. Sat., Feb. 22, 7 p.m. 203 Karangahape Rd. Donation: \$2. Tel: (9) 793-075.

Christchurch

Malcolm X. Speaker: Stuart Needham, Communist League. Sat. Feb. 22, 7 p.m. 593a Colombo St. Tel: (3) 656-055.

Wellington

The Tamaki By-election: Deepening Divisions in New Zealand Capitalist Politics. Speakers: Communist League election candidates Ruth Gray and James Robb. Sat., Feb. 22, 7 p.m. 23 Majoribanks St., off Courtenay Pl. Donation: \$5 (includes supper). Tel: (4) 384-4205.

Japan-bashing gets mixed results

BY SETH GALINSKY

As economic rivalry between Japan and the United States has sharpened, the rulers of these two imperialist powers have stepped up their efforts to convince working people in each country to back the capitalist class in the country where they live.

But despite their efforts many U.S. workers are just not buying the "buy American" campaign.

During a debate in the Japanese Parliament February 3, Prime Minister Kiichi Miyazawa blamed the U.S. economic crisis on U.S. workers.

"I have thought for some time that they may lack a work ethic," Miyazawa stated. He suggested the workers in the United States had forgotten how "to live by the sweat of their brow."

Taking advantage of the Japanese prime minister's comments, White House spokesman Marlin Fitzwater sought to pose as a defender of working people in the United States.

"I would say that the American work force is second to none, that the American work ethic is legendary and has promoted the greatest prosperity in the world and throughout the world," Fitzwater said. Miyazawa's words should stir "the rages in all of us that want to compete and show we're the best work force there is."

Virtually every Democrat and Republican in the 1992 U.S. presidential contest has jumped on the anti-Japan bandwagon.

Senator Robert Kerrey, a Democratic contender, has used Japan-bashing in what *Time* magazine calls an "artfully contrived TV spot." In the ad, Kerrey is depicted guarding a hockey net while warning the Japanese that "if we can't sell in their market, they can't sell in ours."

Liberal Democrat Thomas Harkin warns Tokyo, "We're going to reduce our trade deficit with you, Japan, down to zero in five years. Two ways you can do it: buy more or sell us less."

William Clinton, the front runner in the Democratic race, makes sure to get his jabs in. "When the Japanese Prime Minister said that he felt sympathy for the U.S.," Clinton says, referring to earlier comments by Miyazawa, "it made me sick. If I'd been there with him I'd have thrown up too."

Right-wing Republican Patrick Buchanan has accused the George Bush campaign of looking "like a wholly-owned subsidiary of Japan Inc." and refers to the Japanese people as "Japs."

Many U.S. businesses are promoting a "Buy American" effort. Monsanto Chemical Corp. is offering each of its 12,000 employees \$1,000 to buy or lease a new "American" car.

Other companies are following suit. But none have agreement on what exactly is an "American car" in the first place.

Bonnie Bell Cosmetics of Cleveland has its own Buy American campaign but says that "a car made in the U.S. by a foreign-owned corporation doesn't qualify."

William Lippy, a surgeon from Warren, Ohio, who is offering \$600 to each of his 35 employees who buys an American car, disagrees. He includes Ohio-made Hondas in his offer, but not Kentucky-made Toyotas.

Detroit-based Franklin Bank allows Ford, GM, or Chrysler-made autos, even if they're made in Mexico. That's OK, a bank spokesperson says, because "the profits go to an American company."

A Toyota dealership recently placed an advertisement in the *New York Times*, offering "Toyotas built in America, for Americans, sold & serviced by Americans."

"A General Motors car can have more Japanese components than a Japanese car," noted one Rand Corporation analyst.

The *New York Times* interviewed longshoreman Ron Thornberry. The Seattle dock

worker told the paper that he worries that Japan-bashing could result in lost jobs. Japanese companies are the number one customer where Thornberry works and trade with Japan is key in the Pacific Northwest.

"I'm personally not that happy with what they've been saying about our workers in Japan," he says, "but I do know that if America were to have some sort of protectionism against them, it would kill us."

One sign of feelings toward Japan is the reaction to a proposal by the president of Nintendo, a Japanese video game company, to buy 60 percent of the Seattle Mariners baseball team.

Local opinion polls show strong support for the deal, which would allow the team to remain in Seattle, in spite of opposition to the proposal from many of the owners of other major league baseball teams.

If car sales are any indication, government-corporate Japan-bashing is not having much impact.

The most recent figures for January show that Japanese cars have continued to gain in their share of the U.S. market at the expense of the Big Three — General Motors, Ford, and Chrysler.

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SWEDEN

Stockholm: Vikingagatan 10. Postal code: S-113 42. Tel: (08) 31 69 33.

Not to hurry — In January, the government began bestowing citizenship on Filipinos who served in



Harry Ring

the U.S. armed forces in World War II. They were first promised citizenship at the time of the war, a half century ago.

Sharing the burden — TWA workers have been hit with give-backs to help save "their" bankrupt airline. Meanwhile, TWA's top dog,

Carl Icahn, is still sitting on his personal fortune of more than half a billion and will, of course, retain his 20-room French-style chateau — and the two neighboring houses he bought to ensure his privacy.

Free-market blues — To obtain hard currency, the former Soviet states are dumping platinum, gold and other key products on the world market, driving down prices at a bad time. Observed one analyst: "When your chief competitor goes out of business, that's supposed to be good news. . . . But when the Soviet Union died, a lot of commercial victors around the world caught a bad cold."

Next, Rasputin — Van Cleef

and Arpels, purveyors of jewelry and other collectibles, is offering a men's toilet water, Tsar — "classic, masculine, enduring" — a 100 ml. spray bottle, \$58.

That's the spirit — With half a billion still missing from the late Robert Maxwell's collapsed media empire, and assets frozen, his two sons seem up the creek. One hopes to sell his \$3 million London home. Declared his spouse: "Naturally I'm worried about the future. . . . My husband doesn't have a job." But, she firmly added, "We have four children who are all healthy, so you have to put everything in perspective."

You're sure? — According to a

carefully researched study published in the *New England Journal of Medicine*, the more money a magazine makes off cigarette ads, the less likely it is to write about the dangers of smoking.

Lethal weapon — According to the publication *Adbusters*, cocaine takes 2,000 U.S. lives a year, while tobacco claims 346,000. "The crack industry's methods," it says, "are well documented: violence, guns, terror and intimidation. And tobacco companies? They just advertise."

They turned down the heat? — Canadian taxpayers may be irritated that in the first nine months of 1991

it cost \$350,000 to maintain the official homes of Prime Minister Brian Mulroney and Opposition leader Jean Chrétien. But it's comforting that this is down from \$500,000 for the last six months of the previous year.

Waste not, want not — When you brush Fido, don't toss the hair. Send it to Hair Today, Yarn Tomorrow. They'll convert it into yarn and knit it into a sweater. \$200.

Also, He created the necktie — "God gave us bosses and they are supposed to lead us." — John Barbagelata, a San Francisco politico, arguing against the notion of legislation barring employers from imposing unreasonable dress codes.

New Zealand farmers fight processing monopolies

BY JAMES ROBB

AUCKLAND, New Zealand — Two disputes involving threats of legal action against farmers in this country have served to highlight the exploitation of working farmers by the processing monopolies that buy their product.

A Dec. 9, 1991, meeting of 60 sheep farmers at Hedgehope, Southland, voted to boycott South Island meat companies, withholding their stock from sale until the companies offered a schedule price comparable to what was paid at the same time the previous year. The schedule price is what the farmers receive when they sell their stock for slaughter.

The following day another meeting of 20 farmers at nearby Kaiwera voted to join the boycott. Altogether over a hundred farmers joined the action.

The schedule price for a 12 kilogram lamb in December was NZ\$19, compared with NZ\$30 a year earlier.

Gavin Evans, a spokesperson for the Hedgehope farmers, pointed out that the export prices for meat were comparable to what they had been a year earlier. The reduced schedule price "can't all be explained by market forces," he said. "It is the debt burden carried by the companies, which they are shifting onto farmers."

One company, the Alliance group, dominates meat processing in the South Island of New Zealand. In July 1991 the company closed two large meat works and cut back others,

laying off 1,400 meat workers. The resulting reduction in killing facilities further limited competition among the meat companies.

Owen Jennings, president of Federated Farmers, an organization dominated by capitalist farmers, opposed the boycott.

In late December, Gavin Evans received a visit from a representative of the Commerce Commission. The commission is a government body with statutory powers under the Commerce Act to investigate complaints of unfair trading and monopoly price fixing. The commission warned Evans that the boycott may be in breach of the Commerce Act. The boycott was called off January 8.

Meanwhile, in Northland, two sharemilkers and the owners of the farms on which they work have been brought before the courts on five separate occasions to face injunctions brought by the Northland Dairy Company (NDC).

Among New Zealand's 21,000 dairy farmers there are 3,000 sharemilkers. Sharemilkers own the cows but not the land, paying a fixed percentage of their milk to the farmer whose land they graze.

The dispute in Northland is between two capitalist processors. Fresh milk supplies for the local market are a lucrative part of the business for dairy processors, since the minimum retail price of milk is legally fixed at the artificially high level of NZ\$1.20 per liter. In the Northland-Auckland-Waikato region, which is the country's principal dairy region,

town milk supply is dominated by one company, the NZ Dairy Group.

Flavored milk is not subject to the same price controls. In December, the Woolworth's supermarket chain set up its own town milk supply, marketing at \$1 per liter a range of flavored milk products, including what they describe as "milk-flavored milk." They obtained their supplies from their own processing company, Fresha Valley Processors, which in turn was supplied by the two Northland dairy farms.

The Northland Dairy Company, a subsidiary of the NZ Dairy Group, which the two farms had previously been contracted to supply, responded with a series of legal and extra-legal moves.

One of the farms was blockaded by an NDC vehicle that physically prevented the Fresha Valley tanker from leaving the farm. At the other farm, the police were called when an NDC tanker took the milk out of the farm's storage tanks against the farmer's wishes. The milk was returned to the farm.

The NDC also repeatedly took out legal injunctions to prevent the farms from supplying Fresha Valley. On one occasion, when a successful injunction interrupted supply, 4,000 liters of milk had to be dumped. Sub-

sequently, the farms have been legally restructured to evade the injunctions, with the sharemilkers employed as wage laborers, and supplies to Fresha Valley have resumed. A further court hearing is set for February 5.

The dispute has drawn attention to the monopoly control of dairy processing which dairy farmers are locked into. Most of the dairy processing companies originated as small farmer-owned cooperatives, which at one time dotted the countryside. While many dairy farmers still have substantial shareholdings in them, the co-ops have evolved into large capitalist corporations.

Dairy farmers are obliged under dairy regulations to supply a particular processor for a whole season (August to May). Part of the price is paid to them on delivery of the milk, then at the end of the season the dairy companies "top up" the price with an additional payment based on the co-op's profits.

Following their latest court victory, the Woolworth's chain announced plans to expand their operations nationwide, saying they had plenty of farmers willing to supply them.

James Robb is a member of the Food and Textile Workers Union.

— 25 AND 50 YEARS AGO —

Denver police teargas anti-Klan rally



Kay Porterfield

Over 1,000 people, protesting a small Klan rally, were attacked by Denver police.

BY SETH GALINSKY

Denver police shot canisters of tear gas at anti-Ku Klux Klan protesters January 20. Scores of the 1,000 demonstrators were treated at the scene after being overcome by the gas. Some were beaten by the police.

The police attack began near the state capitol building. More than 10,000 people, who earlier in the day had marched through east Denver to commemorate Martin Luther King Day, had gathered near the capitol for a wrap-up rally. Just a block away 100 members of the Klan were holding a rally of their own.

The Klan leaflet promoting the event slandered King claiming he was "a member of 62 Communist Fronts. He openly incited violence under the banner of 'non-violence.'"

"Still a cowardly spineless Congress voted to make King's birthday a national holiday. This is the outrage of the century."

When the counterdemonstrators gathered near the Klan rally, the cops put the racists into a school bus. The police claim that the Klan opponents began pelting officers with snowballs and bottles.

"I think the police are really instigating it to some extent," spectator Dave Koko told the *Los Angeles Times*. "I was standing up on the hill and the police just started pushing people back and gassing people."

During the confrontation a police car was overturned. The cops arrested 21 protesters on misdemeanor charges.

THE MILITANT

Published in the Interest of the Working People

February 20, 1941

Price 10c

By Farrell Dobbs — Current thinking in Washington about stiffening the Kennedy-Landrum-Griffin Act has been summed up by A.H. Raskin, of the *New York Times* editorial staff, who is in a good position to get the facts. "The federal government, which passed a law less than a decade ago to insure more democracy in unions," he wrote on Jan. 8, "is beginning to worry now about too much democracy in unions."

It calls to mind the Socialist Workers Party's analysis of the law when it was passed in 1959. When capitalist politicians pretend concern about bureaucratic abuses of democracy within the unions, the SWP said the real aim is to raise false hopes that the rank and file can rely on the government to uphold their rights. It is a trick designed to get workers to accept government intervention in internal union affairs.

Although not a sponsor of record, John F. Kennedy was a principal architect of the measure. This law tightened the provisions of the Taft-Hartley Act and extended them. Communist Party members were barred from union office, as were people convicted of felony charges, which may well have resulted from capitalist frame-ups during class struggles. (Later on the U.S. Supreme Court voided that part of the law.) Provisions were made for government supervision over the election of union officers, stewards, etc. Dissident members were encouraged to sue the union and its officers in the capitalist courts.

The Secretary of Labor was given sweeping powers to investigate internal union affairs. The law was designed to regulate general union procedures, including strike authorization and contract ratification. Under

the Kennedy-Landrum-Griffin Act the government can put a political cop in any union hall, committee room or other working quarters. Such is the monstrous invasion of union autonomy that is palmed off as a "bill of rights" for rank and file workers.

According to Raskin's Jan. 8 article, "The Government's labor trouble-shooters estimate that about one-tenth of all their active cases now involve situations in which the union rank and file spurns agreements its leaders consider good enough to accept. . . . Already some experts are talking about the necessity for giving absolute authority to local and international union officers as insurance against the junking of agreements made in good faith."

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February 21, 1942

During World War I, the Bethlehem Steel Corporation made enormous profits on government shipbuilding contracts. After the war, the government instituted suit for restitution of some of these profits, on the grounds that they were extortionate and obtained under "duress."

In the midst of World War II, the U.S. Supreme Court on Feb. 17 finally handed down a decision in the 20-year-old case not only denying the government's claim, but granting Bethlehem an additional \$3,800,000 bonus claimed by the company in a counter-suit. The argument of the court majority was that if the government hadn't wanted Bethlehem to make such huge profits, it should not have issued the contracts.

The decision is a go-ahead signal for the war profiteers. The Supreme Court says that war profiteering is O.K. if the corporations can "get away with it," if they do it "openly" and with the full knowledge, consent and connivance of the government.

Parole now for Mark Curtis!

The scope of the victory in Mark Curtis's lawsuit against the Des Moines police department is underlined by what was said in the court ruling and in the *Des Moines Register's* February 5 editorial.

"The court concludes that plaintiff proved by a preponderance of the evidence that he is entitled to damages," ruled federal judge Charles Wolle. "Reasonable officers confronting the situation Wolf and Dusenberry faced would not have believed that it was necessary to strike a plaintiff in the face and groin — and pummel him bloody — in order to remove his pants."

"Judge Charles R. Wolle said the 'battery' was not necessary to accomplish police department objectives and was in violation of Curtis's constitutional rights," noted the *Des Moines Register* editorial. "The police department's internal affairs unit investigated Curtis' allegations at the time and found no wrongdoing by the officers, suggesting that they were operating in accordance with departmental policy. If that's the case, that policy is badly in need of revision."

These are powerful statements, and they throw completely into question the fairness of the trial that led to Curtis's conviction on rape and burglary charges in 1988.

A federal court has established — despite the denials by the cops involved, Police Chief William Moulder, and city officials — that Mark Curtis was brutally beaten by the two cops. As a result, "he sustained loss of some bodily functions for about three weeks," the judge said. "The pain, emotional distress, and disability caused by his injuries lasted until the wounds finally healed several months after the incident."

The cops who carried this out clearly exceeded their authority and on top lied about the whole affair. The same city authorities who maintained all along that the cops actions were quite in order helped ensure that Curtis was prevented from placing before the jury the facts about his beating.

Curtis has now been vindicated on the facts about the beating. Fewer people than ever will now believe the cops' claims that they remained silent, while they were laying into Curtis. This tale was their response to Curtis's charge that they told him he was a "Mexican lover, just like you love those coloreds," as they beat him up.

Curtis was convicted and sentenced to 25 years in jail on the word of a cop, Officer Joseph Gonzalez. Gonzalez had a proven record of lying, according to an official report of the Des Moines Police Department. He had been suspended and put on probation for a year for falsifying a police report and brutalizing a suspect.

But Curtis was prevented from presenting this vital evidence before the jury.

Who will now believe that the cops are not equally capable of lying to guarantee Curtis's conviction?

The challenge of unraveling the Curtis frame-up and getting him out of jail comes in the context of many other fights, and indeed some victories, against police violence and state terror the world over.

It is no accident that the ruling on Curtis's lawsuit came in the middle of deep outrage and ongoing protests against

the beating of Larry Milton by the Des Moines cops last December.

The trial of four Los Angeles city cops who were filmed beating Rodney King last summer is also getting under way. In New Jersey the families of several victims of police murders are continuing their fight for justice. The trial of Teaneck cop Gary Spath who in 1990 killed Philip Pannell, a Black teenager, is unfolding.

The two cops that beat hitchhiker Bobby Jewett to death in West Palm Beach, Florida, in 1990, were fired January 31. They had been acquitted by a jury trial last year. Angry demonstrations followed that verdict. The assistant police chief in West Palm Beach was also suspended for covering up the investigation of Jewett's death.

Last year the Birmingham six, a group of Irish men, were freed in Britain after it was proven that the evidence used for their conviction was false. They were jailed for life in 1975, based on forensic evidence the government said proved they had handled explosives. It was shown that the British government lied in that case. This victory followed the collapse of the frame-up of the Guilford Four in 1989. Convicted for allegedly carrying out bombings, the four were freed after it was shown the police had fabricated the evidence.

In El Salvador officers and soldiers of the Salvadoran army were arrested for the assassination of six Jesuit priests. Police and army involvement in murders and other human rights abuses there is well-known. Hundreds of political prisoners have been freed over the last several years.

Recent revelations in Puerto Rico about the existence of death squads, which the U.S. government helped to organize, are vindicating the claims by independence fighters that they were terrorized for their political beliefs. And the charges of state terror by the victims of successive Stalinist regimes in the former Soviet Union have also been proven true to millions around the world.

Working people who are victims of police brutality, frame-ups, and state terror are getting a wider hearing than ever in their fight for justice.

The key points in Judge Wolle's ruling and the *Register's* editorial should raise serious doubts about whether Mark Curtis received a fair trial in 1988. All those concerned about the pursuit of truth should be asking for a new trial, whether or not they are convinced about his innocence.

Mark Curtis deserves parole now. He has already been in jail more than a year over the average time served by Iowa prisoners on the third degree sexual abuse charge he was convicted of. Prison authorities concede that his conduct, job performance, and security reviews are excellent.

This is the time for all supporters of Curtis's fight for justice to rally around the campaign launched by the Mark Curtis Defense Committee to win his freedom. Circulate as broadly as possible the judge's ruling along with the articles and editorials in the *Des Moines Register*. Support the defense committee's efforts to raise funds to get out the truth and help finance Curtis's appeal of his conviction to the federal courts! Parole for Mark Curtis now!

This column is devoted to a discussion with our readers — printing remarks, questions, suggestions, and other comments sent to the *Militant*. Where possible we will take up issues raised in notes and letters as a way to help clarify and expand on the coverage in the paper.

* * *

Fred Feldman makes the point in today's letter section that large numbers of workers in the United States remain susceptible to the notion that "mysterious powers beyond our control" are the driving forces in the big events of history, whether these take the form of "conspiracies" or some other forces.

In this column we had stated, "Working people know... from experience: being on picket lines and in protest activity; random cop beatings and government spying; Washington's death squads in Puerto Rico and elsewhere — [that] the complete corruption, brutality, and violence that exists is inherent

DISCUSSION WITH OUR READERS

in capitalism itself." Many liberals, on the other hand, see such events as solely the result of "a right-wing conspiracy: a murder [in the case of the Kennedy shooting] hatched by a shadow government and sinister forces out of control."

Many forces in society — either connected with or directly representing the capitalist rulers — do indeed carry on their operations as secretly as they can get away with. But conspiracy theories become a substitute for recognizing that capitalism *through its everyday workings* generates all the exploitation, oppression, and violence that workers confront in their lives.

Oliver Stone's movie *JFK* portrayed Kennedy as a "good man" heading up capitalist politics, who could or would have avoided the Vietnam War and many of the evils that occurred following his assassination. The assassination itself is "explained" in the movie by ascribing it to a gigantic conspiracy of evil forces ranging from the Mafia to the owners of military industries and to the CIA. This coincides with the liberal view that the structure of this society is fundamentally sound, that it only needs the "right person" at the top to make it all work well for everybody, and that a liberal-minded administration, backed up by generous welfare measures, will end the poverty, war, and injustice that unfortunately persist.

Many ultrarightists cherish similar notions of "conspiracies" lying behind problems they see in society. Often they see these as being caused by one particular category of capitalists — usually those dealing with banking or finance. This is where the rightist theories about "Jewish conspiracies" fit.

Communists have to provide clear rebuttals of all such erroneous "conspiracy" theories, which only cloud workers' ability to see the problems of capitalism as a whole and the need and possibility to do away with it.

* * *

Stansfield Smith criticizes the *Militant's* discussion of Anita Hill's charges against Clarence Thomas and the Kennedy-Smith rape trial. He writes that, in cases where a man abuses a woman and there are no other witnesses, the woman is "defenseless," since in any trial or hearing it is her word against the man's. He complains that "the man is innocent until proven guilty."

The *Militant*, in its articles and columns, defends the presumption of innocence in every case where criminal charges are laid, and we see no reason to make an exception to this where the charge is that of sexual abuse.

The case of Mark Curtis is but one example of the importance of an objective weighing of every piece of evidence to guarantee a fair trial. In Curtis's case, no forensic evidence was found connecting him with the alleged victim. His height, clothing, and other such features did not match the description of her attacker given by the alleged victim from the time of Curtis's arrest to the trial itself. Crucial to his conviction was the testimony of a cop who had a record of lying — a record Curtis was prevented from presenting to the jury. Equally important was the fact that Curtis was prevented from informing the jury that he had been brutally beaten by the cops — a point on which, four years later, he has now been vindicated. Simply knowing these crucial facts would have led jurors to more seriously question the testimony of the cop on whose word Curtis was found guilty.

All these points are vital to the recognition that Curtis did not receive a fair trial.

But all this would be entirely beside the point if the presumption of innocent until *proven* guilty did not apply.

This presumption was a part of the democratic gains that accompanied revolutionary struggles over many centuries against feudal despotism. Prior to that, innocent people who displeased the authorities in any way were often charged with a trumped-up offence and assumed to be guilty until they achieved the often impossible feat of "proving" that they did *not* do it.

The right to be assumed innocent until proven guilty is a precious conquest of all the oppressed and exploited.

* * *

A correction: Due to a layout error in the last issue, seven words disappeared from the end of the page 5 article "U.S. begins forced repatriation of Haitians." The final sentence should read: "The true intent of the administration's policy toward Haitian refugees was made crystal clear only two days later when the Supreme Court cleared the way for Washington to begin forcing thousands of refugees back to Haiti."

Many immune to Japan-bashing

When Japanese prime minister Kiichi Miyazawa says that U.S. workers "lack a work ethic" and have forgotten how "to live by the sweat of their brow" he is simply saying out loud what the capitalist rulers both in Tokyo and Washington think about workers everywhere.

The *New York Times* remarked that Miyazawa's statements "echoed comments often heard in the United States. But they also reflected a widely held view here that fundamental problems in the American workplace, rather than just a cyclical downturn, have led to shoddy products and ultimately to national economic decline."

When the *Times* refers to a widely held view, it is referring to the U.S. capitalist rulers, who want their employees to work harder for less, and who have been driving to achieve just that for well over a decade now.

The White House immediately took advantage of Miyazawa's disparaging remarks. George Bush's White House spokesman Marlin Fitzwater made an appeal to U.S. workers, saying that the Japanese prime minister's words should stir "the rages in all of us that want to compete and show we're the best work force there is."

Information released by the U.S. Bureau of Labor Statistics February 5, confirms what many workers already know in the marrow of their bones: The United States has already entered a depression and it has nothing to do with Miyazawa.

- By the end of 1991 there were 11.3 million families with no members working. This is 425,000 families more than last year.

- Of the 32.2 million families with children under 18 years of age, 2.4 million had at least one unemployed parent, an increase of 330,000 in the last year.

- Unemployment — including those officially charac-

terized as "discouraged" workers — is now more than 10 percent nationally.

What these figures alone don't show is the cumulative effect on working people of years of tightening economic squeeze and bosses' attacks on our living standards. Workers and working farmers are being pushed into poverty in the United States by the drive for profits of the owners of capital. Massive layoffs, the closing of steel mills, pink slips to government employees, and demands for concession contracts as in the Caterpillar strike are a daily occurrence.

The absurdity of Japan-bashing is highlighted by the trouble one U.S. city had trying to decide on what model dirt excavator to buy. The town board in Greece, New York, had voted against buying a used Komatsu in favor of an "American-made" one.

The board later learned that the John Deere model under consideration had been made in Japan and the Komatsu vehicle was built in the United States.

While many working people are still taken in by Japan-bashing, others are becoming immune. Longshoremen in the Pacific Northwest know that trade and commerce is international and that joining in a campaign against Japan will not help dock workers find jobs. Striking auto workers at Caterpillar know from personal experience that it is not the Japanese bosses who are trying to force a concession contract down their throats, but the home-grown ones.

The capitalist owners want to whip up the workers in their respective countries to help defeat their imperialist rivals.

But as the crisis deepens, more and more working people will come to the realization that their allies are other workers around the world.

Texas garment workers celebrate strike victory

This column is devoted to reporting the resistance by working people to the employers' assault on their living standards, working conditions, and unions.

Working people around the world are involved in skirmishes over speedup, forced overtime,

strikers were mainly Mexicans living in El Paso or neighboring Ciudad Juárez, Mexico.

One sewing shop was occupied by strikers, and production at the others was reduced to a small fraction of normal. Food donations and other support from the area unions,

owed the former strikers is not yet resolved, the strikers' victory has spurred Texas state authorities to step up their interviews with individuals about how much money is owed each of them.

"This has opened the door to the union here, not just to garment workers," reported ILGWU staff member Isidoro Basurto. "This is the first victory coming out of a fight that people have seen here in over 20 years."

In a telephone interview, Carmen Domínguez, representative of La Mujer Obrera Project, said that, while she had not seen the contract negotiated, "if it were one in favor of the workers, it was a good start."

She added, "The fight for the contract did not end the struggle, but was just one phase, one step in the fight to better the lives of the garment workers."

Belgian auto workers discuss Cuba solidarity

Twenty-five members of the General Federation of Labor of Belgium who work at the Volkswagen auto assembly plant in Brussels met with Juan Antonio Blanco at the union's office January 13. Blanco is a professor at the University of Havana and a supporter of the Cuban Communist Party. He made a two-week tour of Belgium on the invitation of the Friends of Cuba organization.

Blanco spoke about the role of the working class during 32 years of the Cuban revolution and the place of the unions in managing the plants. He also discussed the role of the workers movement in inventing and

producing the spare parts necessary to keep production going.

After the meeting several workers agreed to form a group that will develop solidarity with the Cuban revolution in the factory.

Nearly 7,000 workers at the Brussels Volkswagen plant produce 1,000 cars daily, mainly for the German market. After the reunification of Germany, many former East Germans bought secondhand West German cars while many West Germans bought new cars. This temporary but steep increase in sales led to a demand for Saturday work by the boss. The company threatened to reduce production if Saturday work was refused.

After a financially attractive offer was provided in which workers would get one paid holiday plus a double-time wage for each Saturday worked, the proposal to work two Saturdays at the end of 1991 was accepted by a 55 percent majority. At the beginning of 1991 workers waged an unsuccessful four-day strike to reduce the workweek from 37 to 35 hours.

Cleveland health-care workers launch strike

Eighty members of Service Agencies Employees Union District 1199 in Cleveland struck January 23 in a dispute over wages, health care, and work rules.

The unionists work at the Murtis H. Taylor Multi-Service Center, which provides aid for the mentally ill, family health care, adult education, and other community services in the heart of Cleveland's Black community.

"With the closing of mental health hospitals many of those in need have been dumped back into this community," said Napoleon Harris, president of the striking local. "The management here has a callous and caustic attitude toward providing mental health services."

The union is asking for 5 percent pay raises for each of three years in the new contract, and wants the center to pay a fixed percentage of family health-care payments. "Right now I'm paying 60 percent of what it costs to maintain insurance coverage for my family," said striker Terri Golston.

"We hired you, not your families," the center's executive director told employees. Strikers explain that since the family coverage plan is so expensive — almost \$300 per month — only three of 80 people in the bargaining unit cover their family through the plan.

On the morning picket line, strikers carried signs stating, "Health care — so families can get care" and "Money is not an issue — it's a need."

The following people contributed to this week's column: Dan Dickeson, member of International Ladies' Garment Workers' Union (ILGWU) Local 44, and Barry Fatland, member of ILGWU Local 512 in Los Angeles; Ludo De Witte, member of the General Federation of Labor in Brussels, Belgium; Don Mackle, member of United Steelworkers of America (USWA) Local 1170, and Michael Italie, member of USWA Local 14919 in Cleveland.

ON THE PICKET LINE

layoffs, and attacks on health and safety benefits. Some unionists faced with sharp takeback demands, lockouts, and union-busting moves by the employers have gone on strike to force the bosses to back down.

We invite you to contribute short items to this column as a way for other fighting workers around the world to read about and learn from these important struggles. Jot down a few lines to let other *Militant* readers know about what is happening at your workplace or in your union. If there is an interesting political discussion going on at work, we would like to hear about that too.

Members of the International Ladies' Garment Workers' Union (ILGWU) El Paso, Texas have won a historic first contract after eight months on strike.

More than 150 workers went on strike last May at four shops producing jeans under contract for the Los Angeles-based DCB Apparel Group. Conditions in the shops were terrible, and the employers fell weeks behind in paying wages. The

churches, and community groups were organized with help from *La Mujer Obrera* (the Working Woman) Project in El Paso.

Strikers also traveled to Los Angeles and other cities to promote a consumer boycott. They eventually succeeded in getting DCB clothing off shelves at Macy's, J.C. Penney, and Sears stores. DCB finally agreed to negotiate with the union in December.

The new three-year contract provides for a 25-cent wage increase, health insurance, and a week of paid vacation each year. A key provision makes DCB responsible for payment of wages by its contractors.

Strikers and their supporters celebrated their victory January 18 at a rally held in the main plaza in downtown El Paso. Participants then marched a short distance to the main cathedral in El Paso where a mass was held in their honor.

Upon learning of this victory, nonunion garment workers, as well as workers from other industries, are approaching the ILGWU to help them out.

While the issue of the back pay

LETTERS

Stop police brutality

I have been a peace-loving school teacher for 34 years and have believed in liberty and justice for all! Now that I am retired, I find myself with a new mission in life. I must try to stop "Gestapo" police brutality. Brutality unchecked can spread and who will be next?

For years police have been beating Blacks, Spanish, Haitian, and Homeless people. *This is not right!*

My son, Bobby Jewett, was beaten to death on Nov. 24, 1990, hiking home from McDonald's in West Palm Beach. A four volume Internal Affairs Investigation admitted to violation of forty departmental rules. But they did not admit to use of excessive force by undercover policemen Rollins and Thurlow. Bobby had his larynx broken in three places and the hyoid bone in the neck broken in two places, plus nine broken ribs on left side, a torn heart, contusion to lower lobe of left lung, swollen eye, and crushed hemorrhaging testicles. How beat up or dead do you have to be to have had excessive force used?

Mark Curtis was beaten and arrested. He is serving a 25 year sentence on framed up charges. *This is not right!*

There is hope that Mark Curtis will be exonerated. My only peace of mind is my faith that "To be absent of body, is to be present with the Lord." I'm sure Bobby is in a better place.

My ancestor, Major Nicholas Broughton, fought with George Washington to help found this country. It was never meant to be a police state. We were founded to get away from tyranny. However, it seems that with the powers of the police and the laws that protect them, we are heading into tyranny again!

Hopefully, it is not too late. We need better educated police with more training and empathy. Policemen should not "stick up" for rogue cops as they give all police-

men a bad image!

I pray for justice for all!

Louise Jewett
West Palm Beach, Florida.

Capitalism, conspiracies

I enjoyed Seth Galinsky's January 24 response to the latest portrayal of John F. Kennedy as a peacemaker and fighter for human rights in the movie "JFK." Kennedy was a racist, sexist, imperialist exploiter with plenty of blood on his hands — a typical U.S. president.

But I think the January 31 column overshot the mark by asserting that "working people know... from experience" that capitalism, not any conspiracy, is the cause of our problems. If that were true, wouldn't Oliver Stone be making much less money from "JFK?" If union picket lines, beatings by cops, and participation in protests has immunized us against conspiracy theories, why debate the issue?

But as long as workers have not had the opportunity to achieve a broad, working-class political outlook I think that daily life under capitalism sends us mixed signals about the role of conspiracies.

The workings of capitalism spontaneously generate lots of conspiracies, from price-fixing by groups of capitalists to secret operations at the highest levels of government.

By its very nature, capitalist democracy functions in a way that can appear, to perfectly rational people, as a conspiracy against working people. Behind a facade of majority rule, a few dozen billionaire families set policies that are often vastly different from what their political servants seem to be advocating in public.

Most workers in the United States today have had little opportunity to learn from life that working people, not mysterious powers beyond our control, are the fundamental makers of history.

More class-struggle experiences and more discussions arising out of those experiences, will be needed

before it becomes evident to most workers that worsening conditions result from the capitalist system as a whole and not just aspects of the system or the incompetence, greed, or sinister intentions of the rulers.

Experience, discussion, and study will convince a widening vanguard layer of workers that what is needed is not a Second Coming of Kennedy or rooting out alleged conspirators but massive struggles to place the working class and exploited farmers in power.

Fred Feldman
Brooklyn, New York

Women's oppression

Your articles on the Kennedy Smith rape trial and the Thomas-Hill sexual harassment hearing have left me confused.

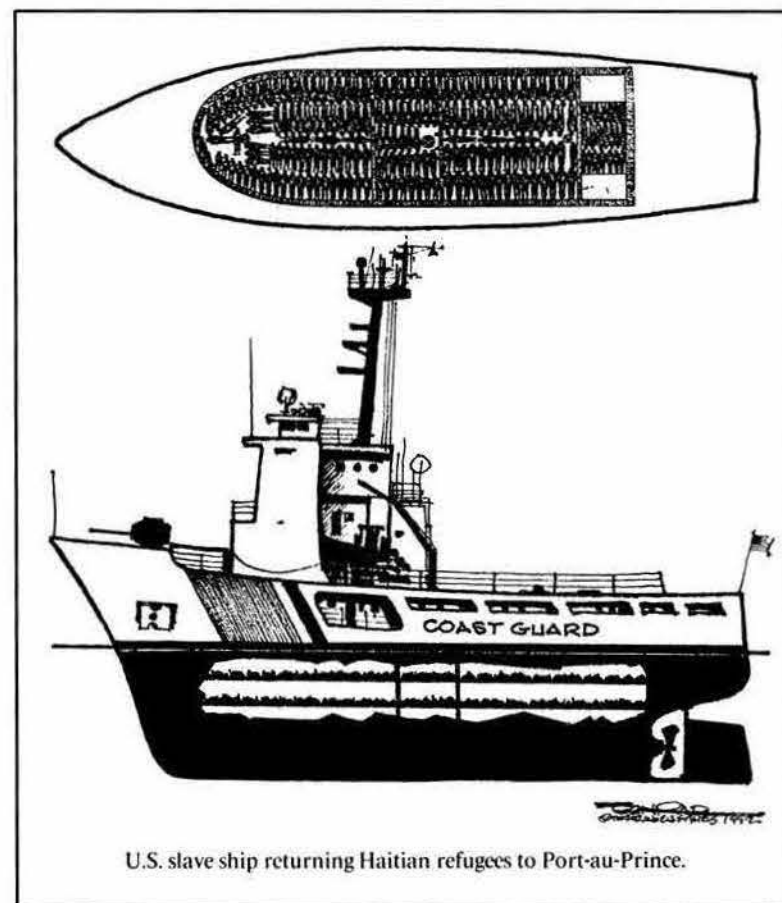
Prior to the hearings it was fair to say the Senate Judicial Committee did not care whether Thomas harassed Hill or not (and probably still doesn't). So, even though, as I heard, Hill followed all the procedures the EEOC (Equal Employment Opportunity Commission) outlined to fight sexual harassment, she was still victimized.

Before the Kennedy Smith rape trial it seemed fair to say the trial would only affirm that wealth buys innocence. And it seems it did.

The *Militant* wrote [11-15-91] "While it is definitely not out of the realm of possibility that Thomas did indeed abuse Hill in the manner described, her allegations were not directly corroborated by any witnesses to the events. Based on the 'evidence' presented it is impossible to determine who was telling the truth."

The *Militant* also wrote [12-27-91], "Smith did get a fair trial, one where his innocence was presumed. The burden of proof was kept squarely on the state and the evidence it could supply concerning the charges."

I did not watch the Smith trial, but I understand it was similar to the Thomas hearings in this respect: a woman's word claiming she was



sexually abused vs. a man's word that he didn't do it. There were no witnesses — in such cases the man is presumed innocent until proven guilty, and here guilt was not proven. The implication of your position is that if a man abuses a woman and no one sees it, the woman can have no expectation of ever being able to prosecute him. Legally then, in such situations, she is defenseless.

Stansfield Smith
Los Angeles, California

Suggestions

Excellent article on JFK movie. Again, excellent on coverage of police brutalization of Blacks and Latinos. Some suggestions: 1. Less rhetoric, more facts and figures. 2. You keep using "polarization" when you describe a swing to the right. There has been no sign of a leftward swing. 3. Spend some space on the home-

less and those unemployed and on welfare. 4. Calling for a "national" revolution in South Africa is strange. This is a modern, white-settler, imperialist country. You couldn't call for a national revolution in Canada because of their treatment of Indians, or in New Zealand or Australia because of their (mis)treatment of the indigenous people. 5. Where is your coverage of the most important trade union story in many years—the Teamsters.

R.D.
Canoga Park, California

The letters column is an open forum for all viewpoints on subjects of general interest to our readers. Please keep your letters brief. Where necessary they will be abridged. Please indicate if you prefer that your initials be used rather than your full name.

Caterpillar workers discuss strike

BY YVONNE HAYES
AND K.C. ELLIS

YORK, Pennsylvania — Some 1,300 workers at the Caterpillar plant here, members of United Auto Workers Local 786, held a membership meeting and rally February 2 to discuss the current stage of their fight for a contract. Also present were invited guests from York-area unions and some members of UAW locals at Caterpillar plants in Peoria and Decatur, Illinois.

Caterpillar, the world's largest producer of earth-moving equipment, is demanding massive concessions, including a two-tier wage structure, restrictions on seniority rights, and fees for medical benefits.

To pressure the company to negotiate, the union called a selective strike of 2,400 workers in East Peoria and Decatur in November. Caterpillar retaliated, locking out more than 6,000.

The 1,700 workers at the York facility, which has continued to operate, have been threatened with the permanent closure of the plant. Five hundred have been laid off since November.

The February 2 meeting, one of a series throughout the Caterpillar chain, was organized to report to the membership on the current stage of the fight and build support for the locals on strike. A majority of the Local 786 members have contributed financially to the strike. Many have pledged \$35 a week to "adopt a striker." The keynote speaker at the York event was Bill Casstevens, international secretary-treasurer of the UAW.

Coming out of the meeting, workers expressed their determination to see this fight through. "We're going to hang in," said one Local 786 member. "We don't have much choice."

"This is nothing new," said another. "Cat [Caterpillar] has always been hard to bargain with."

"Casstevens told them we had always been the most cooperative, that we had excelled in production here."



Militant/Yvonne Hayes
Caterpillar workers in York, Pennsylvania, meet and discuss current stage of fight. Caterpillar is 'part of a movement to destroy unionized labor,' said one worker.

"The workers were showing them ways to save money but the company destroyed ESP [Employee Satisfaction Process]," the unionist continued. "Now they're looking for a scapegoat."

"ESP — I call it Eliminate Shop Personnel," another worker said. "Cat is a rich company and they want to keep it that way. They're part of a movement to destroy unionized labor."

The threat to close the York plant "some-time in the next three years" has created an "overwhelming fear factor," said a UAW

member. "The company is trying to hang us on a fence and drive a wedge between us and the union."

Local members have been receiving mailings and phone calls from the company.

Puerto Rico hearings continue on murder of political activists

BY MARTÍN KOPPEL
AND SUSAN APSTEIN

SAN JUAN, Puerto Rico — Public attention here remains focused on the current Puerto Rico Senate hearings that are investigating the 1978 police murder of two young proindependence activists. The hearings, which resumed January 28 after a recess of several weeks, have put a spotlight on the role of U.S. and Puerto Rican government officials in planning, carrying out, and covering up the murders.

In the last week the Puerto Rico Senate Judiciary Committee has questioned former police superintendent Roberto Torres González and former deputy police superintendent Desiderio Cartagena about their involvement in the case. The two, who were the top police officials at the time of the killings, have contradicted their own and each other's testimony.

Carlos Soto Arriví, 18, and Arnaldo Darío Rosado, 24, were ambushed and killed after surrendering to as many as 20 cops at a remote mountaintop called Cerro Maravilla on July 25, 1978. They were lured there by undercover cop Alejandro González Malavé.

Following Senate hearings in 1983, ten police officers were convicted of perjury and two were convicted of second-degree murder. But the question remained unresolved: who ordered them to pull the trigger and who organized the cover-up?

At the current hearings the Senate investigator presented several reports sent by the undercover cop to the police department as early as July 5, 1978. The reports detailed plans for the entrapment of the youths.

Evidence at the hearings indicates that police officials Cartagena and Torres González briefed then governor Carlos Romero Barceló several times in June and July about the planned operation, including in a meeting with the governor the day before the murders. Romero has previously stated he was only "generally informed" of the police plan.

More facts about the FBI's involvement in the Cerro Maravilla case have also been

"Yeah, we've been getting SCUD attacks since February. I've got a stack of company propaganda this high," said one auto worker, spreading his fingers wide enough to hold a large telephone book.

A protest of about 75 people, mostly women sporting yellow ribbons was held outside the fairgrounds where the meeting took place. "UAW Wives Say Cass [Casstevens] Negotiate Now to Save Our Husbands' Jobs," read their banner. Workers said the participants were mostly Caterpillar office workers and their families.

Local 786 members report that the news media carry regular attacks on the UAW leadership, particularly Casstevens. A group of local business people has been formed called Catnip — Caterpillar Necessary in Pennsylvania.

Seventy-five workers from area unions gathered outside the meeting hall to show their support to the Caterpillar workers.

"If we lose this, it's going to be the whole way down the line," said a woman who belongs to United Steelworkers of America Local 7687. "Why should it always be the little guy who has to give? If the companies would give, we might see our way clear, too. But we've already paid more than our dues — joblessness, homelessness."

"It's like a stepping stone for all the unions," another worker said. "Somewhere along the line someone is going to have to stand up and fight."

K.C. Ellis is a member of UAW Local 1609 in Philadelphia. Yvonne Hayes is a member of United Transportation Union Local 454, currently on layoff from Conrail.

Thousands attend Havana's International Book Fair

BY MICHAEL BAUMANN
AND MARY-ALICE WATERS

HAVANA, Cuba — Tens of thousands visited the opening days of Havana's Fifth International Book Fair, which began here February 4.

Heavy rains and the worst flooding in recent memory in low-lying areas of the capital failed to dampen the enthusiasm with which Cuban students, working people, and professionals headed for the book fair. The fair provides an opportunity both to view works recently published around the world and to buy copies of works newly published in Cuba.

Paper, ink, and electricity to keep lights burning and presses running have been in increasingly short supply during the last year and a half as trade with the former Soviet bloc has virtually ground to a halt.

Many fewer books are published today than in the past. Those that are published are printed in smaller quantities and sold at higher prices. Although many of the new titles can be read at libraries, it is often difficult to obtain a personal copy of a popular book.

Publishers from some 25 countries are participating in the fair this year, roughly one-third fewer than at the previous fair in 1990. Mexico, Spain, and Cuba are providing the lion's share of exhibitors. Other exhibitions include books and publishers from Argentina, Brazil, Britain, Chile, Egypt, Finland, France, Greece, India, Japan, Libya, Nicaragua, Palestine, Peru, Uruguay, Venezuela, and a number of international organizations.

Also taking part are publishers from Rus-

sia, China, Hungary, Yugoslavia, the Democratic Republic of Korea, and Vietnam, although most have smaller booths than in previous years. The display sent by the Russian republic — consisting of children's books, novels, and books on art — encompassed about one-tenth the space exhibitors from the ex-Soviet Union required at the previous fair.

The fair this year is open to the general public. With the closing time extended to 8:00 p.m. it is possible for working people to stop by after work. The waiting lines to get in are always long.

One popular booth at the fair is that of Pathfinder Press, staffed by an international team of representatives from Australia, Canada, and Sweden.

Drawing crowds is a full-color reproduction of the Pathfinder Mural, a six-story-high piece of outdoor art painted on the side of the publisher's New York offices. The mural depicts the central authors Pathfinder publishes — ranging from Karl Marx to V.I. Lenin, Leon Trotsky, Ernesto Che Guevara, Fidel Castro, Malcolm X, and Nelson Mandela — and serves as a quick introduction to its work.

Many express disappointment upon learning the books are not available for sale in Cuba. This is particularly true in regard to two of Pathfinder's recent titles in Spanish, *La Revolución Traicionada* [The Revolution Betrayed] by Leon Trotsky, and *Nueva Internacional no. 2*, presenting an exchange of views on Che Guevara's writings on politics and economics in the transition to socialism. Many others eagerly ask for works by Malcolm X and Nelson Mandela in Spanish.

'Militant' reporters in Puerto Rico

Militant correspondents Martín Koppel and Susan Apstein traveled to San Juan, Puerto Rico, to report on the Puerto Rican Senate Judiciary committee hearings into the 1978 police assassination of two independence supporters. Donations to help cover the costs of this reporting trip are welcomed. Send your contribution to the Militant, 410 West St., New York, NY 10014.