

TAKE THE BLINDFOLD OFF THE LADY
(D. C. CRIME BILL)

By the Reverend David H. Eaton
All Souls Church, Unitarian
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High in the Alps of Austria there is a flower that blooms in the most difficult places to reach, deep in crevices, on lofty peaks, and under tricky rock formations. The flower I speak of is the edelweiss.

The people of Austria, during the Nazi oppression, sang about this flower and the music and words about this flower became one source of renewed faith and spiritual comfort. The members of the Austrian resistance movement sang the song in their hearts; the melody, as you have heard, is moving and hardy.

A few days ago I read the proposed legislation passed by the House of Representatives, commonly called the D. C. Crime Bill. Its better name would have been the D. C. Ominous Oppression Bill. While reading this proposed legislation, it dawned on me that I was reading one of the most oppressive pieces of proposed legislation devised by man. Its only comparison in the 20th Century would be the legislation passed under the tenure of Adolph Hitler in Germany and Benito Mussolini in Italy.

I thought of the song "Edelweiss" and knew that unless the people of America began to develop a more realistic perception of what is occurring in our country today, then we would find our freedom and liberty only in words and music put to song.

The oppression that we continue in Vietnam and have initiated in Cambodia is only a symptom of the type of totalitarian oppressive mentality we seem to be nurturing in this country today. Unless more persons in positions similar to Kingman Brewster, President of Yale University, act as well as speak, unless more clergymen begin to spell out what operative morality is, we too may very well find ourselves under the heel of totalitarian oppression.

Not in the too distant past, a speech was given by a famous politician. The following are excerpts from the speech:

"The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists

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are seeking to destroy our country. Russia is threatening us with her might and the Republic is in danger. Yes, danger from within and without.

"We need law and order. Without law and order our nation cannot survive. Elect us and we shall restore law and order."

This speech was not made by who you may think. It was not made by the Vice President of the United States nor the Attorney General, in those words. The speech was made by Adolph Hitler in Hamburg, Germany, 1932.

Tyranny and oppression often disguise themselves under banners of loyalty, patriotism, law and order.

Some of you may remember three years ago I rejected any concept of law and order that does not first deal with the concept of justice. Where there is no justice there can never be real law and order. No order of the spirit. No law of reciprocal decency.

In terms of outward manifestation, Nazi Germany was the most law-abiding and orderly country in recorded history. No juvenile delinquency, few robberies. People could walk the streets at night in safety. However, because justice was seldom considered, the price paid was totalitarian oppression. The government of Germany even exterminated over 6½ million human beings according to law and it was performed with a minimum of disorder.

When one examines the D. C. Crime Bill one must think of Nazi Germany. One also thinks of the great speeches of Winston Churchill, Franklin D. Roosevelt, the Freedom Fighters of Algiers, Holland, France and throughout the Western World. Great men have said to us, and we believe them, "One must resist oppression at all cost and don't wait until it's too late."

I hope all of us soon come to understand that this country is going through the embryonic stages of a growing oppression. To be more explicit, the majority group in America is in the process of losing many of its basic freedoms -- freedom of assembly, freedom of protest, freedom of speech.

According to a recent poll taken by one of the leading television networks, over 50% of Americans disagree with many points found in the Bill of Rights and the Declaration of Independence.

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This morning many of you are concerned and disturbed over the U. S. troops in Cambodia. I am also concerned; however, for me Cambodia is only symptomatic of what I have experienced most of my life -- oppression. Did you notice, the President of the United States not only ordered American troops into Cambodia, he also ordered South Vietnamese troops into Cambodia. Did you miss that? Is this not an example of imperialism? Oppression? If not, then I guess it's called Vietnamization. The same evening of the day our troops crossed the Cambodian border (officially), the Ambassador from Cambodia to the United States stated on network television that his country had given no permission for the United States troops to cross Cambodian borders. His Prime Minister was quite concerned and was not cooperating with American search and destroy missions. And to top it all, we still have not found the North Vietnamese stronghold. If we have not found it within a week we will begin to invent one.

Does this remind you of the Dominican Republic, where under the banner of liberty and freedom, the President of the United States interfered with the internal elections of a sovereign state at bayonet point? We first went under the guise of removing American civilians; we stayed under the pretense that Communists were running the election (this we could not tolerate) and in the end after we had been completely disruptive, we found six supposed communists on the entire island.

Dominican Republic, Vietnam, Cambodia -- certainly, I am concerned, but these are only the military type policies that millions of Americans have been experiencing at home for years -- escalated oppression.

Do you know that not one man in this country has ever been executed for any of the thousands of lynchings that have taken place in this country? Not one man has ever been brought to the bar of justice and found guilty.

Remember the kids who were shot on the university campus in Orangeburg, South Carolina by the police? The coroner's report showed that all of them were shot in the back and on the soles of their feet. They were fleeing oppression; they were not the oppressors. What was it called? Justifiable homicide.

Now, in this city, we have oppression in proposed legislative form. From all indications the House version of the D. C. Crime Bill will pass and become law unless we do something radical. Our liberal "fair-minded" position up to this point has done nothing to slow down this proposed legislation. This legislation was passed in the House of Representatives and is now in what is called the House-Senate Conference Hearings. As of this date, no one from either the Senate or the House has attended the Conference sessions except the backers of this oppressive legislation.

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Let us look at some of the provisions in the proposed legislation. I'll dispose of the provision on wiretapping by simply saying that many Americans will have their telephones tapped and all of their conversations listened to under almost any pretense, trying to obtain data for police information. This I am sure they have been doing to my telephone for the past three years because of the persons that I know in and around the country.

The provision headed "Preventive Detention" simply means that if a judge thinks that a person may be dangerous in the community, he may be detained prior to his trial up to at least sixty days. When I read this provision, I ask myself, "I wonder how many men in other countries have been detained under a similar provision and never heard of again?"

The "Search and Seizure" provision of the House bill states that it will allow police officers to break into houses without knocking whenever there is "reasonable belief" as to the likelihood that evidence will be destroyed or an officer endangered. Once persons have entered the home, any evidence they find can be seized even if it is not listed on the warrant. Also officers can perform chemical, medical or scientific tests on any person on the premises. Needless to say, this provision drastically increases the power of the police to violate privacy and dignity of all citizens. Now hear this carefully. If this legislation is passed, I suggest to you and I instruct to myself, because of the oppressive nature of this proposed legislation, any time persons break into your home unannounced, shoot them.

We are reaching the point in this country where we no longer understand the type of anguish and pain that American forefathers underwent to free the colonies from the oppression of England. We have yet to understand the quality and quantity of suffering that many men and women are still undergoing in this country. The type of suffering the Black man has undergone and is still undergoing in this country would make the Boston tea party and the reasons for the American Revolution itself seem small and insignificant. Today we are systematically slaughtering thousands of people both at home and abroad under the guise and pretense of patriotism, law and order. Kingman Brewster at Yale University was correct when he said that the Black Panthers would find it extremely difficult to get a fair trial anywhere in America. Notwithstanding the Vice President's remark that Kingman Brewster should be fired, I would say that we need more men like Kingman Brewster. Men who are willing to jeopardize their lives and their careers and speak out and take honest positions that may in fact be the salvation of this country. Liberals, at appropriate points in history, must become radicals in order to stop oppression.

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Those of us who attempt to be compassionate, those of us who attempt at all times to see the equality in men and work towards brotherhood, this may be the time, regardless of our liberal or conservative stripes, to really take some action. I further recommend that if this legislation is passed, any government official in Congress or in the municipal government who attempts to implement this legislation or any policeman who attempts to implement this legislation should be socially ostracized by the community. I intend by these statements to make it clear that at least one man and I hope many more are willing to oppose oppression at any cost.

Someone may say, "Well, Mr. Eaton, how can you as a clergyman suggest that these things be done? How can you as a clergyman suggest that persons who batter down homes and enter unannounced be shot?" That is a legitimate question. I answer to you and myself, that in order to understand true morality, one must understand that oppression must be stopped at any cost. I hope some of these statements may prevent the passage of the D. C. Crime Bill. However, if they do not, I am prepared to implement my suggestions myself. I very well understand that at some point if you are not willing to die for something, then life may not be worth living. I am willing to die for freedom, equality, equity, liberty and justice. And any law -- any law -- that couches itself in such nebulous, pervasive terminology, a law that we have seen in practice used to intrude so upon the dignity of personality, must be resisted. Notwithstanding the positions of the persons who sign this law or the persons who implement this law, according to the Declaration of Independence and the Constitution of the United States as I understand them, citizens have not only the right but the duty to resist this type of oppression.

Oppression, oppression....Let us look at some of the more sophisticated parts of this legislation. One part strikes directly at the heart of rehabilitation as well as the Constitutional protections afforded to juveniles. Under the juvenile section, the House bill would permit the conviction of juveniles on a mere "preponderance of the evidence," instead of the Constitutionally guaranteed proof beyond a reasonable doubt. It would require the transfer of all 16- and 17-year olds, including first offenders, from juvenile to adult court for all serious offenses (even though, interestingly, the conviction rate in the adult court is actually lower). It would allow the transfer of 15-year olds to adult court on the say-so of the prosecutor and put the burden on the juvenile to show that the transfer was improper.

All these efforts to reduce the protection afforded juveniles accused of committing crimes are inconsistent with the model act for juvenile courts recommended by the Nixon administration for adoption by every jurisdiction in this country.

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Let me explain some of the provisions to you very briefly. If you read the juvenile section very closely you will see that if a juvenile is arrested and charged with committing a felony, he must be taken to an adult court. Regardless of what happens to him in that adult court -- he may be found innocent; his arrest may have been based on mistaken identity; whatever the reason -- he can never appear in juvenile court again. For any subsequent offense he must be handled as an adult. This means that if a 15-year-old is arrested mistakenly as a felon, taken to the adult court and found not guilty, two years later if that juvenile is arrested he must be brought before the adult court and cannot legally be processed by the juvenile authorities, whatever the nature of the charge. Is that oppressive? Don't be too liberal and say "yes" if you do not mean it. To mean it is to do something before the legislation is enacted; and if the legislation is enacted, it may mean to you, as it means to me, that it must be resisted by any means necessary. To me it is immoral not to resist oppression.

Some of you may wonder why I am issuing this challenge to a liberal congregation. It is because this is a liberal congregation that I am issuing this challenge. If the "liberal" does not wake up and take active notice of what is happening in this country, who will?

Again remember Germany. The people of Germany looked to their fair-minded system of jurisprudence for relief from growing oppression. Did they find it?

Here in Washington, D. C., many look for guidance to the Washington bar association. Will they find it? It seems that our "liberal" lawyers have failed us also. On February 27, 1970, the President of the Washington bar association, George E. Monk, sent a letter to the Honorable John N. McKellan, stating, "The Bar Association of the District of Columbia has just conducted a membership write-in referendum on criminal law and procedures as proposed in the pending court reorganization and legislation [D. C. Crime Bill] The results of our referendum will be of interest to you and your committee I am enclosing a copy of the referendum and its results"

Concerning the wiretapping provision of the bill, the members of the Washington bar association voted 746 in favor of the provision and 673 against the provision. The key reason -- the majority felt, and I quote, "It is essential to combat organized crime." "Essential to combat organized crime" today. What will it be used for tomorrow?

On the even more controversial search and seizure authorization, the Washington bar association voted 744 for the no-knock provision and 666 against the no-knock provision. The key statements of those voting against the no-knock provision are as follows:

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"The so-called codifications are couched in language which is too broad and sweeping and effects more than a mere codification. The enlargement of authority such as the 'no-knock' entry are all unreasonable invasions of privacy. Nighttime searches should never be authorized unless both the 'positivity' and 'necessity' tests are satisfied."

I would like to conclude this section by stating that I do not believe nighttime searches should be authorized at any time anywhere.

The oppression that you understand is taking place abroad is the same quality of oppression that I understand at home. What I have been saying I hope challenges the liberal. It is a challenge not only to what is called the ideological liberal but to all who profess more than cocktail-party humanism. Either we stand up and be counted and use whatever knowledge and education we have to prevent oppression at home, or we will find ourselves in a position similar to the liberal intellectuals in Nazi Germany. Remember how all the knowledgeable people in Germany discussed that "rascal," Hitler, at board meetings, at cocktail parties?

Today only groups like the Weathermen, the Patriots, and the Panthers are engaged in heightening the inconsistencies that all of us recognize in this country. We have not yet reached the time when the so-called reasonable men and women -- the doctors, the physicians, the chemists, the historians, the journalists, and the scholars -- come to understand that to be responsible oftentimes means being radical. Radical in terms of making opinions felt. The word "radical" for some reason or other has lost favor among those who call themselves liberals. Radical, however, simply means taking extreme measures. I feel that the time has come when the so-called "moderate" and the so-called "liberal" must take extreme measures to prevent oppression.

I would like to take this occasion to remind all of us of the historical personage Jesus of Nazareth. This man was, in most instances, not only unaggressive but moderate. May I suggest that he attempted to move unobtrusively, quietly, and systematically in most of his undertakings. When his righteous indignation was aroused, however, this mild-mannered man had to use force to throw the money-changers from the temple. Liberalism in this country has, for some reason, become mealy-mouthed -- so mealy-mouthed that a man can court objectivity in the proportion that his mind becomes a wind tunnel -- everything blows through and nothing sticks. Unless we get out of this intimidated position we will have failed ourselves and our nation. Those of you who know, really know, what oppression is must teach us, and we must be willing to learn.

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If you hear that this may polarize the country, so be it. Oppression and freedom have always been polarized.

In conclusion I would like Karl Halvorson to play the song "Edelweiss" again. Listen to the words and feel the music. Let the song inspire you to positive action and, I hope, commit you to oppose oppression. I say again, not to resist oppression is immoral. To resist oppression is the moral responsibility of man.