

Vol. 1, No. 9
Sept. 10-Sept 23
Honolulu Hawaii

THE ROACH

15¢

Box 352 Haliwa

COURT DROPS CHARGES!

On May 21, 153 people were arrested at Bachman (Liberation) Hall at the University of Hawaii for intruding, loitering, loafing, or idling. Throughout the summer there have been a number of postponements while counsel was arranged.

Finally, a motion to dismiss charges was made by chief defense attorney, Benjamin Sigal. The prosecutor was given time to study this motion and at 1:30 on Sept. 4th, presiding judge Robert Chang opened a hearing on that motion.

The prosecutor, an agreeable young man named Dennis Ing, called Robert Hiatt, Acting President of UH as his first and only witness. Present too for the administration was the man who called the police, Charles James. The dialogue reported below is condensed and paraphrased and is not to be taken as verbatim.

Prosecutor: Were you in charge of the University on May 21 of this year?

Hiatt: Yes.

Prosecutor: Do you recall the arrests being made at the University?

Hiatt: Yes.

Prosecutor: What time was it then?

Hiatt: Around 7:00-7:30 PM.

Prosecutor: Prior to the arrests, where were you?

Hiatt: I was in my office around 5:00 PM when the building is normally closed. I asked Mr. James to close the building and to announce that it was going to be done. We had made some prearrangements with the police,

having anticipated resistance to evacuation on the part of the students who were then in the building. The police were alerted around 6:00 PM. Chief _____ (I didn't get the name.) arrived on campus and asked what I should do. I told him to wait. However, after further talks with the students proved to be unfruitful, and about 7:00 PM when Mr. James asked if the police should be called, I told him yes.

Prosecutor: Then Mr. James was acting under your authority as the person in charge of the University?

Hiatt: That is correct.

Prosecutor: Please explain to the court why Mr. James happened to be the one who contacted the police.

Hiatt: We had had a meeting on May 31 (emphasis added) in the office of the attorney general, at which the Chairman of the Board of Regents, Mr. Lau, Mr. James, a police official, and myself considered what steps were to be taken in case future events required the calling of police. We specifically dealt with the question of who would be the liaison with the police. It was agreed that Mr. James, as security officer for the University, would have that responsibility.

Prosecutor: Who decided that?

Hiatt: I did.

Prosecutor: Did you have any other meetings with the police prior to May 21?

Hiatt: No, that was the only one.

CHARGES DROPPED

Sigal: Where were you around 7:00?

Hiatt: Near Dean Bitner's office.

Sigal: You were not in the same room where consultations had been taking place?

Hiatt: Yes, that's right.

Sigal: Did Mr. James tell the police under which statute the students and faculty members were to be charged?

Hiatt: No.

HART'S CROSS-EXAMINATION

Hart: What is your official title?

Hiatt: Acting President of the University of Hawaii.

Hart: Have you ever been called "principal" in your role there?

Hiatt: No.

Hart: Are you a trustee?

Hiatt: No.

At this point the prosecutor objected on the grounds of relevance. Mr. Hart responded that the questioning was relevant to the point of determining who had the proper authority to call the police. The objection was sustained.

SIGAL ARGUES FOR DEFENSE OF MOTION

The grounds for dismissal of charges rests on three considerations:

I. UNCONSTITUTIONALITY

The statute's section "Any person intruding, or loitering, or loafing, or idling, without proper authority upon the premises of any school, public or private...may be arrested by any police officer, without any warrant, and on the complaint of the principal or other person in charge of the school, or of any trustee of the same..." is too vague with reference to what kinds of acts are punishable.

Further, it does not distinguish between acts which cause harm or are potentially dangerous and those which in themselves are harmless. Evidence for this position was drawn from a case "Territory v. Anduha," 31 Haw. 439, in which case it was decided by the Supreme Court of Hawaii that the statute making it a misdemeanor to habitually loaf, loiter, or idle upon any public street or highway was unconstitutional.

LAW BEGAN WITH KALAKAUA

The law under consideration (267-24) originated in 1882 under King Kalakaua for the protection of boarders in girls' schools and applied to intruders, that is, to those not in attendance at the school.

No significant changes were made in the law until 1957, when the phrase "loitering, loafing, or idling on school premises" was inserted without any definition. But a

dictionary definition of the terms does not include reference to harm. In the Anduha case the State Supreme Court says of these terms: "These words have no sinister meaning and imply no wrongdoing or misconduct..."

II. STATUTE DOES NOT APPLY TO UH

The second argument was that even if it were granted that the law is constitutional, it does not apply to the University of Hawaii.

The University is not considered a "public school" much less "private school" in the common understanding of this term, for the accepted definition is "an elementary or secondary school in the United States providing free education for the children of residents of a specified area."

The Constitution of Hawaii draws the distinction clearly; "The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable..."

Not only are public schools and the university controlled and administered differently; one is free of fees and the other is not. Such distinction between the two is generally practiced throughout the United States.

III. ARRESTS ILLEGAL

Even if the law is constitutional and it does apply to the University of Hawaii, the procedures followed (i.e., due process) were not in accordance with the law and hence were illegal. The issue of delegated authority is not specified or discussed in the statute.

If Mr. James called the police and made the official complaint, yet he was not "in charge" of the University, the arrests were not made "under proper authority." Besides, is it conceivable that students are expected to request permission from that authority whenever they wish to idle on campus?

BROOK HART'S CASE

Upon the request of Judge Chang, Attorney Hart kept his comments to a minimum in order not to duplicate the efforts of Mr. Sigal. His first point stressed the lack of injury on the part of those arrested, having damaged neither persons nor property, except for an accidentally broken window.

He cited the statute used in the Kalia Rd. sit-in as being more specific, going beyond loitering, etc. and specifying effects such as impeding traffic, causing breach of the peace, etc. The point was that there may have been other statutes which might have covered the activities of those in Bachman Hall, but that the statute used was

PFP STATEMENT OF QUALIFICATION

The following statement consists of excerpts taken from a document submitted by the Peace and Freedom Party stating its qualifications for inclusion on the Hawaii State ballot:

A political party arises when a large group of people agree on the proposition that there is no solution for the basic social, political, and economic problems of their society through the machinery of those political parties hitherto in existence.

The Peace and Freedom Party in many parts of the United States, including Hawaii, is composed of a large group of people who are convinced that precisely such inabilities have existed in America for some time.

The Peace and Freedom Party in the United States originated in California one year ago. The success of the California Party in obtaining 105,000 Peace and Freedom voting registrations in a span of four months in order to qualify for the ballot inspired the formation of the Peace and Freedom Party in many other States.

HAWAII'S PFP EFFORT

In Hawaii a similar group of disaffected voters made contact with the Peace and Freedom Party of California in December, 1967, for the purpose of coordinating efforts so as to create an active, viable, and permanent Peace and Freedom Party in Hawaii.

As a result of all these activities (specified in the whole document) within and between the Counties, a functioning organization was established in each County. These County organizations have held meetings, press conferences and interviews, recruited membership, issued literature, raised funds, and in many other ways have attempted with varying degrees of success to influence voters in their Counties to join and support the PFP.

NEW PARTIES IN U.S. HISTORY

The PFP is following a tradition nearly as old as the Republic itself, to wit, a tradition begun by Thomas Jefferson who organized a group of dissident politicians and voters, the Anti-Federalists, in opposition to the only existing political party, the Federalist Party, because they felt that the existing party system was unresponsive to the political objectives of a large portion of the electorate.

Subsequent major examples of new political parties arising under similar conditions include the Democratic-Republican Party, the Democratic Party, the Whig Party, the Republican Party, the Greenback Party, the Populist Party, the Bull Moose Party, the Progressive Party, the American Independent Party, and the PFP. Among these, the most notable ex-

amples of spectacular success, to date, have been the Democratic and the Republican Parties, both resulting from groundswells of popular opposition to the previously existing two major political parties. The rapidity of the rise of the Republican Party, from its first electoral effort in 1856 to the winning of the U. S. Presidency in 1860, is singularly impressive, and demonstrates the enormous potentialities of a new political party under circumstances of social, economic, and political fluidity.

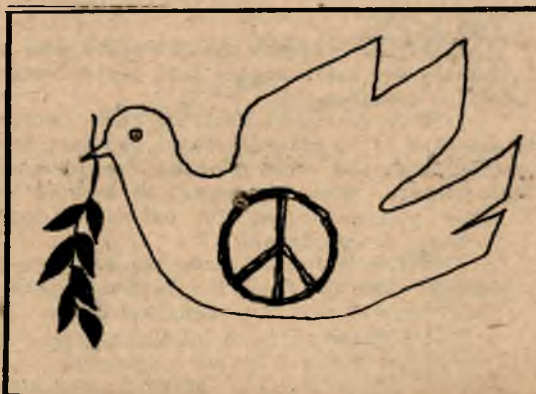
The PFP, including the PFPH, represents just such a grassroots movement of hitherto unchannelled opposition to the thrust of American military and economic imperialism abroad, economic malfunctioning and exploitation as well as racial discrimination and oppression at home.

CURRENT EVILS INHERENT

We are convinced that these ills are inherent in the basic nature of the existing social system in America and can never be cured by political parties which are an integral part of that system, in spite of our realization that numerous minor reforms are possible and have been accomplished over the years. We regard these reforms to be superficial.

In the past several months, we of the PFPH have achieved much, and have also met with some reverses. Being convinced that there is a vital need in Hawaii of a new, independent political party with an orientation such as ours, we are determined to surmount the existing and future obstacles and to further extend the development of our organizational structure on every level -- State, County, District, and Precinct. In fact such efforts are mandatory if we are to achieve the electoral successes that we seek.

In closing, we are confident that the people of the great State of Hawaii will welcome the formal addition of this new political party which can only be viewed as a significant contribution to the health, the vitality, and the fulfillment of the democratic process in America.



LEE CASE IN SUMMARY

The sit-in last spring took place because of unfair treatment given Prof. Oliver Lee. The purpose was to insist that the Board of Regents realize that injustice had been done and that they accept the verdict of the Faculty Senate Hearing Committee that the administration had been wrong.

The chronology of events leading up to the denial of tenure and the basic issues and violations of due process are presented here in the interest of refreshing memories and educating newcomers about the controversy.

CHRONOLOGY

May 29, 1967

2:00 PM: Professor Oliver Lee receives letter of intent to grant tenure from Dean Furniss.

4:30 PM: Dr. Lee advises Student Partisan Alliance on their statement: I don't agree with two key passages. You're taking some risks of prosecution but are basically in the clear under the U.S. Constitution as interpreted by the Supreme Court.

May 31, 1967

Star-Bulletin publishes S.P.A. statement. Some indignant phone calls to administration. S.P.A. retracts statement. Hamilton says the statement appears to be illegal.

June 1, 1967

President Hamilton orders investigation pledging that judgment will be based on analysis of a complete set of facts.

11:15 AM: Dean Furniss tells Political Science Department Chairman Friedman (out-going) and Dr. Goldstein (incoming Chairman) that there is no question of a reconsideration of Lee's tenure, since that decision had already been made in his favor.

11:45 AM: Furniss asks Lee for his view of the proper role of faculty advisor.

June 2, 1967

Lee submits written reply: "non-paternalistic, non-authoritarian role."

June 5, 1967

11:30 AM: Friedman and Goldstein meet with Furniss who again states that Lee's tenure is not in question.

5:30 PM President Hamilton calls Goldstein and asks if he has additional comments on earlier interview with Furniss. Hamilton makes no mention that a reversal of Furniss' previous recommendation for tenure has been or is being contemplated.

6:00 PM: Hamilton announces to press that Furniss has revoked the letter of intent to grant tenure. Hamilton says he concurs.

6:05 PM: Lee is informed by reporters that Furniss has revoked letter of intent.

8:30 PM Lee receives letter to that effect from Furniss stating no reasons for revoca-

tion of letter of intent.

Dr. Lee promptly appealed his case to the Faculty Senate which set up a Hearing Committee. The issues were: 1. Did the administration have sufficient grounds for reversing its decision to grant tenure? and 2. Was due process followed, by which Prof. Lee would have adequate opportunity to defend himself?

After months of deliberation, the Faculty Senate Hearing Committee concluded that the administration did not have sufficient cause to reverse the decision and that many violations of due process had occurred. To put it bluntly, the verdict was that Lee had been screwed by the administration.

VIOLATIONS

One of the main violations of due process was that hearings ought to have been held before the administration's verdict. As it happened, the administration under Hamilton pronounced Lee guilty, and when Lee complained, a trial was held.

The following are violations of due process BY THE ADMINISTRATION under procedures set forth in the U.H. handbook for Faculty and Staff/1964 Appendix C, "Procedures on Suspension and Dismissal."

1. Dean Furniss failed to consult the Political Science Department (which had already voted to recommend tenure for Lee) about his reconsideration of the tenure question.

2. Furniss misled the Political Science Department when stating and reiterating that Lee's tenure was not in question.

3. Furniss failed to consult the Personnel Committee of the College of Arts and Sciences about his reconsideration of the tenure question.

4. Dean Furniss did not discuss the matter with Dr. Lee in personal conference in order to reach a mutually satisfactory solution (as provided for in Section 1).

5. The matter having been referred to President Hamilton, the latter did not consult with either the Academic Freedom Committee.

6. Hamilton did not send to Lee a statement of charges against him (as provided for in Section 2).

7. Hamilton did not resort to hearings by the Hearing Committee (again Section 2) prior to the decision to revoke tenure.

Other significant issues of the case are the right of students or anyone else to be held responsible for their own words, the obsolescent role of faculty advisor, the secrecy with which the hearings were carried out (despite Lee's wish that they be open), and the refusal on the part of the administration

See page 11

Travel Tips

by Bill Boyd

A regular Roach column for military personnel who may wish to take extended vacations from their units, and for civilians who find this country politically uncomfortable.

The information contained herein does not necessarily reflect any views of either The Roach or the writer, and any responsibility for content will attach to the writer and not to The Roach. The writer cannot guarantee the accuracy of the information; the information is derived from reliable sources, which will not normally be identified in this column.

If your travel plans call for your immediate departure, leave a message at The Roach by mail or by phone (634-052)

Our Travel Tips writer, Bill Boyd, is still on the mainland, so this column will be somewhat different. We shall reprint a letter published in ACT, the newsletter of Resistance Inside the Army (RITA) from Pvt. E-2 RA 17751604 Lawrence W. Crehore. Then we shall list a number of foreign organizations with their addresses for the benefit of potential or actual servicemen who might be wanting to take extended vacations.

A few months ago I was in my barracks when a friend asked me if I would like to accompany him to Frankfurt to hear a talk given by the German SDS German-American Committee for peace in Vietnam. Prior to this time I had ideas of my own about this cruel war, but I had not yet decided to act.

The people I found there are the TRULY FREE PEOPLE. They believe as I do in that you must live and let live, love and be loved. The Golden Rule would be the best policy if people would just practice it and live by it. Would you like it if a foreign power were to come to America and to do to you and your family what is being done to the Vietnamese people?...no, of course not.

In the Constitution, you are given certain rights which CANNOT be taken from you. Yet, the same government who gave you these rights, says, "Son, for three years of your life, you must become our tool of destruction and for three years you have no rights!" Thus people believe them and submit to inhuman acts.

The Ten Commandments say "Thou shalt not kill" and yet our government says you must. Is this right? Answer this question in your heart.

The United States says it represents the "free world." Maybe to some people it does, but take a good long look at the American past and the American present. To me it says only one thing, race prejudice.

The American government can continue its

senseless war only as long as it has mindless people to do its dirty work. If you don't believe in the war then find others with your ideas and join together in RITA--Resistance Inside the Armed Forces. I myself left the Army on the 16th of February and until they realize the mistake they are making I shall not return. Only when they stop this useless killing will I return to my unit.

Lawrence W. Crehore

USEFUL ADDRESSES

Canada: Vancouver Committee to Aid War Objectors, Box 4231, Montreal: Nardo Castillo, Tel: (519) 931-3007.

Germany: Frankfurt: SDS, German-American Committee for peace in Vietnam, Wilhelm-Hauffstrasse 5, Tel: 77 64 22.

Berlin: Free University ASTA (Student Government) Berlin-Dahlen, Garystrasses 21, Tel: 76 90 22 45. SDS, Berlin-Wilmersdorf, Kurfurstendam 140, Tel: 886 14 49.

Holland: Amsterdam, SJ, Dutch-American Committee for Peace in Vietnam, 73 Haarlemmerhooftuinen, Tel: 2472 35.

France: Paris Quaker Center, 114 bis rue de Vaugirard, Paris 6, Tel: 222 35 006

Great Britain: War Resisters' International, 3 Caledonian Road, London North 1, Tel: 837 3860. Committee of 100, 13 Goodwin Street, London N. 4.

STOP IT, 59 Fleet St. London EC4, Tel: Fle 57 35.

The Roach is published biweekly on Tuesdays. It lives in Box 352, Haleiwa, Hawaii, 96712. Funds come from subscriptions, sale of copies, and ads. Our first issue appeared on May 13, 1968. Telephone 634-052.

Subscriptions: \$3.00 per year beginning on the date of payment, unless specified otherwise, e.g., those who wish earlier issues. Make check payable to The Roach.

Rates for ads (personal, classified, lost and found, or business):

Per line (45 characters and spaces): 35¢

Per page: \$45.00, and correspondingly for fractions thereof.

Multiple ads in consecutive issues are granted discounts depending on number.

THE ROACH

Everything is Possible

EDITOR Jon Olsen

STAFF

Bill Boyd
Dennis Jones
Renee Kajikawa
Eric Kawaka
Nolan Kim

Lynne Kobayashi
Raymond Maeda
Steve Nugent
Craig Quick
Eric Story

ROACH CLIPS



A regular Roach feature containing articles and material from other underground publications.

FREAK YOUR NARK

(The author of the following helpful hints is an attorney employed by the federal government of the United States of America in Washington, D.C. Obviously, he prefers to remain underground in our interest and his own. —eds)

BY A FEDERAL ATTORNEY

One. Take photographs of undercover narks, as it destroys their psychological stability. These pictures may then be either published in the underground press (preferably nationally, as narks in federal service get transferred). Additionally or alternatively, posters could be made up in "Wanted" style. These could be simply satirical: ("Wanted by the Free Community") or made up as federal wanted posters, but if the latter, don't get caught with them, since that is a violation of some federal statutes as well as libel laws.

Two. Anyone holding should make a point of always having some grass on himself, suitably wrapped. When someone you don't know well tries to make a purchase, refer to "grass" and sell him that at regular pot prices. This does not even violate fraud laws, and puts the nark in a bad spot as he must either make up the cost out of his own pocket or explain to his superiors how he came to pay \$10.00 for an ounce of crabgrass.

Three. Pit agencies against one another. Create conflict between county (or city) state and federal authorities. Particularly useful if you have spotted two narks working for different agencies to tip each off that the other is a big dealer. With a little lucky fast-talk you can have them all running in circles. In line with this - see Four.

Four. Use counterblackmail. A nark is likely to break a couple of laws in the course of working his way into the underground, laws which cannot be easily explained away as required by his job. If he is a federal nark and the law broken is on the state level so much the better. A fine recent example is of a county nark who slept with an underage girl - a state offense.

What an insult -- we are the people who have taken the risks, who have been beaten and jailed and arrested, who have saved the American people from total disaster.

Five. Growing pot on your own property is an offense, and the owner is presumed guilty. Therefore get some seeds and plant the stuff in the yards of cops, narks, judges and legislators. Make a particular effort to do this to judges who regularly try narcotics cases and then bring it up at a trial. The judge will, at the least, have to disqualify himself. And having it found in his own lawn might just go a ways toward liberalizing the views of some legislators. Since most people see pot just like another weed growing, they won't even know about it until some outraged citizen tips off the newspapers.

Six. Tail known or suspected narks. This can be done in an obvious and obtrusive manner or covertly, depending on circumstances. Those with access to such things, could attach beepers to their cars. Even if not used when the nark finds the beeper on his car it will blow his mind. Those who are in remote locations such as colleges in the countryside could stake out access roads. Caltraps are also effective for breaking up raids. These are little objects resembling a child's jacks but having sharp pointed ends, highly effective in stopping patrol cars, paddy wagons, etc.

seven. If a phone tap is known or suspected, discuss a big acid buy or big pot buy on the phone, giving the time and place (don't be too obvious, even narks can guess you are suspicious and faking). Then show up with a nice supply of sulphuric acid, Burpee seed, etc. If the police show also you have a nice suit for false arrest (highly profitable and easy way to make money) and can possibly bring criminal charges for an illegal wiretap.

Eight. Try to pay the federal tax on pot: \$1 per ounce for licensed dealers, \$100 for those lacking a license. There really is no way to pay it. Then if you are busted by feds at some future date a decent lawyer can use this to get you off. (The usual federal charge is possession of untaxed marijuana.) 5th Estate (UPS)

Cleangene has the nerve, the audacity, to tell us to get a haircut and work within the system for change. Gene is just part of the elite and his job is to cool out the rebellion in the streets. In give us

paid
6np

NEWTON TRIAL BACK TO NITTY GRITTY -- RACISM

by James A. Schreiber

Huey Newton is on the witness stand as BARB goes to press Thursday. He told the court firmly that he did not shoot Oakland police officer John Frey.

After the testimony which preceded Newton's this week, there seems little reason for him to speak in his own defense -- except that he wants to. No rational, honest jury could convict him.

The next phase in the case will be the jury placing itself on trial; or perhaps the testing of Judge Monroe Friedman if the defense asks for a dismissal of the charges.

When Allen McKinney, the man who says he was with Newton at the time of the shooting, took the stand, the last shred fell from the shoddy fabric of the prosecution's case. McKinney refused to answer on grounds of possible self-incrimination, when defense attorney Charles Garry asked him if he shot Officer Frey.

McKinney said he could not remember what he was wearing that early morning of October 28, 1967. Then, when Judge Friedman directed him to answer a question about when he met Newton that day, McKinney again refused to answer.

Judge Friedman found him in contempt of court and sent him straight to jail.

If anything was left of the prosecution's case before McKinney testified, his court appearance demolished its last scrap.

All Newton's defense has to do is establish "reasonable doubt" of his guilt. Now, in addition to previous conflicting, inconclusive testimony by prosecution witnesses, it has been established that another person was at the scene, a person whose actions are unaccounted for.

What the flimsy case made against Huey Newton really shows is the extremes to which the white establishment of Oakland will go in order to "get" a Black Panther Party leader. The D.A.'s office has made the best case that the trial is political.

Much of the testimony earlier this week brought back the overt theme of white racism, which occupied the court during the trial's opening days. A series of witnesses indicated that the slain

Oakland policeman was aggressively racist.

With that testimony, the Newton trial completed a full circle, leading back to the jurors, who have been largely ignored by the press since they were seated despite defense arguments that they are incapable of giving a black man a fair trial.

Now the trial of the judge and the jurors begins.

The question is no longer one of evidence. The question is whether those few people will be able to see clearly into their own minds, molded from birth in a white racist society.

The question now is whether those few people, heavily guarded by Oakland police, can see their way to the truth, or will see only what they want to believe about a black man, militantly dedicated to the liberation of his people.

COAIRMAN QUICKENS QUAKERS

They came to the sanctuary to take Mark away on Tuesday night.

Mark had phoned the military police an hour before and said that he was tired of fighting the military. He has been in the U.S. Air Force for 15 months and has applied for a conscientious objector discharge twice. One was denied. The other is on the desk of General Horshy.

Mark was at the Friends Meeting House in Berkeley when the cops came to get him. As we sat worshipping in silence, we heard the boots of the military police.

They came to the door and asked for the Airman. Robert Schutz, head of the Friends Draft Resisters, stood and said, "Would you like to join us in worship?"

The stunned military police accompanied by a Berkeley cop declined and went out to talk over tactics. As they reentered the church, Mr. Schutz asked them to please leave your guns at the door. They declined. And they took Mark away to the stockade.

THE WAR: U.S. RAPIDLY LOSING CONTROL

By Wilfred Burchett
Guardian staff correspondent

Phnom Penh

If nothing has changed in three months of "official conversations" in Paris between the U.S. and the Democratic Republic of Vietnam (DRV), plenty has changed in South Vietnam since the talks started.

From Washington and Saigon, there are nervous predictions every few days of imminent National Liberation Front (NLF) offensives. The new U.S. commander, Gen. Creighton Abrams, has inherited a deteriorating situation in which his predecessor, Gen. William Westmoreland, completely lost control—a trend which Abrams cannot reverse.

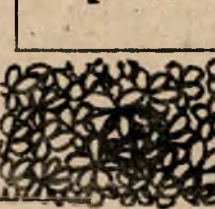
There is the starkest contrast between the military and political realities in South Vietnam and the dreamy unreality of the U.S. negotiators' stalling tactics in Paris. Even from the viewpoint of the U.S. self-interest, every day lost in Paris through the U.S. refusal to halt the bombing and start real talks aimed at ending the war causes irreparable losses because of the fast-deteriorating military situation. The latter has reached the point where it can be confidently stated that even an immediate doubling of U.S. forces—a physical impossibility—would not make a perceptible difference. Such a move would not even put the U.S. armed presence in the countryside at the same relative level of strength which existed before the Tet offensive.

Local blacks from three communities united this week to put the squeeze on "unhygienic" merchants in the East Bay. Boycotting blacks from Richmond, Oakland, and Berkeley have joined together under the name First Area Blacks United. Their first joint action will come tomorrow, Saturday August 17, on Black Unity Day.

Spokesmen for the organization urge all people who are sympathetic to the boycotts to avoid downtown shopping areas Saturday. "The purpose of Black Unity Day," Alfonso Galloway, a spokesman for the new organization told BARB, "is to show that black people are getting together. We urge people not to go downtown for any purpose." Boycotts began in Oakland and Richmond because of separate police incidents in the black community of two cities. Berkeley blacks were the third community to join the boycott ranks after a similar police incident. A recent meeting between Mayor Wallace Johnson and Berkeley merchants at which a city for "law and order" was issued, prompted Berkeley boycott action. Bobby Thompson of the Berkeley Boycott Committee said, "We felt the whole meeting was called in order to rally forces which are oppressing the black community because of our stand at the city council over the Hart Smith case." Bobby told BARB, "The Berkeley Boycott Committee, consisting of 500 members of the black community, is preparing to talk to merchants individually and explain its demands. Those who won't endorse the demands will be boycotted in the coming weeks. 'We're going to let them know,' Bobby said, 'that if they have more concern for law and order than they do for justice, we'll find other places to spend our money.'

THE GI TOLL: 195,282
These U.S. casualty figures are based on government statistics. They are lower than casualties claimed by the NLF. The first figure covers the war from January 1, 1961, to July 20, 1968. The figures in parentheses show increases from July 13 to July 20, 1968.

Killed	"Non-combat" deaths	Wounded	Missing, captured
26,463 (1961)	4,222	163,412 (4,189)	1,187



BLACK BOYCOTT
SPREADS FAST;
BERKELEY NEXT

HUEY NEWTON SPEAKS

Following is the third part of Guardian correspondent Karen Wald's interview with the imprisoned minister of defense of the Black Panther party, Huey P. Newton. Newton is on trial in Oakland, Calif., charged with the murder of a policeman (see story, page 4).

On issues such as the war in Vietnam and racism in America, blacks and whites have so far been working toward similar goals, but separately. Do you think that eventually blacks and whites will be fighting together on actions such as these?

Yes, but I think the whites until now have perhaps placed the emphasis in the wrong place. Of course, blacks support the National Liberation Front and the Vietnamese people in their just fight against imperialism. But you notice that the Vietnamese have not put great emphasis on withdrawing American troops from the Dominican Republic. They're engaged in a fight within their colonized land. One of the reasons that blacks have placed second emphasis on the war is because we're fighting a battle in our colony. We realize that the greatest aid we can be to the Vietnamese is to resist the military and the police in this country, since this will be diverting the troops. They aid us by resisting and we share in the fight of the colonized people around the world by fighting on this front.

'A war going on'

The Black Panther party doesn't advocate anything, really; we only interpret what the people seem to want. What we want to do is put it in some systematic structure and try to implement it. The people don't claim to be administrators, they just know what they want.

What white revolutionaries have to realize is that they live in America and they have an obligation to understand that this power structure, this political apparatus, is oppressing people here in the homeland. There's a war going on inside America. The colony is attempting to free itself. White revolutionaries should place first emphasis on liberating the colony and then leave home to straighten things out abroad.

COURT DROPS BACHMAN SIT-IN CHARGES

from page 2

The judge then asked if there are any conceivable occasions in which the statute might apply to UH. Mr. Hart said yes, there might be. For example, if someone did injury to a person or property deliberately. (Mr. James began to rub a pair of coins together loudly with his left hand for several minutes to the distraction of nearly all.)

Mr. Sigal objected to even that case on the grounds that the law simply does not apply to UH at all (as shown by his presentation) and that some other law must be used.

Following this line, Mr. Hart posed the possibility of a dictatorial administrator using the loitering law at his whim against some students whose views he personally disliked.

Mr. Sigal pointed out that according to the statute, there is some loitering which is legal and some which is not, the criterion to be established by the opinion of the school administrator.

PROSECUTION

There is a distinction between the Anduha case regarding loitering on streets (which is what tourists come to do in Waikiki) and on school grounds. The statute need not specify each act which is illegal, but only which type. As for application, the statute applies to everyone as long as he does not have "proper authority."

A distinction can be drawn between "expressed" and "implied" authority. An example of "implied" authority is the case of a student or professor who comes to campus to attend class. It is not reasonable to expect him to obtain the permission of the head of the school in order to do this.

Any reasonable understanding of the word "school" would include UH, as being an institution of learning, and hence it is not necessary to specify UH in the statute. It should be pointed out too that the statute does not exclude UH from its jurisdiction.

The distinction between the primary and secondary school system and a university system made in Hawaii laws and its Constitution is meant for purposes of taxation, not for criminal offenses.

Laboratory schools controlled by the university count as public schools because they are on public land and are administered with public funds.

Finally, there are two purposes of the law: first, to protect the students themselves, as was the original intent with reference to girls' schools. Secondly, it is to protect academic sanctity, that is to prevent disruption of the school's function including its administrative functions. This is the spirit of the law and it applies to any school.

SIGAL'S REBUTTAL

In counter-argument, Mr. Sigal argued

that the prosecutor failed to find a single case where the term "public school" applied to the University of Hawaii. On the contrary, there is abundant evidence which specifically excludes academies and universities not only in Hawaii, but across the nation.

To apply the spirit of a law rather than its language or intent is not constitutional.

Mr. James was not acting merely on behalf of Acting President Hiatt, but as the one himself who made the request for the police to come.

THE JUDGE DECIDES

Prior to the 21st of May, the entire community knew that something was going on at UH, although those of us not directly involved in campus affairs did not know exactly what.

To digress on events that are taking place all over the country, the court realizes that young people are taking up causes and dissenting on many public issues. In so doing, they are awakening citizens to the significant issues of the day.

In the opinion of this court, none of the usual methods used to express dissent--demonstrating, picketing, or mass assembly--are in themselves illegal, and they must be protected under the First Amendment.

But like all rights, there are limitations. Those who dissent and demonstrate must be sure they do not go beyond the boundaries of the First Amendment.

With regard to the specific case at hand, the court does not find that the statute is unconstitutional. Its intent is preventive rather than punitive, for it seeks to prevent the possibility of injury.

There is a legitimate question, however, with regard to its applicability to the University. The statute makes reference to permission for parents or guardians to take custody of children, hence exempting them from the status of intruders. Apparently, the makers of the law had in mind its applicability to primary and secondary schools.

Furthermore, there is a question concerning times that a person may legitimately be on campus. Unlike primary and secondary schools, the functioning hours for students and faculty at a university are irregular.

Finally, if the legislature had intended for the University to be covered by this law, it would have been easy for them to make a simple amendment to that effect.

It is the opinion of this court that the law does not apply to the University and therefore it grants the motion to dismiss charges against all defendants in this case.

Dr. Hiatt and Mr. James did not appear unhappy with the decision. Quite the contrary, they appeared pleased and relieved.

FINAL REQUEST DENIED

Mr. Sigal then raised the question of the case of those who were outside the build-

See page 11

EDITORIAL COMMENTS...



STRAIT JACKETING STUDENTS

Implicit in the proposed student code is an overbearing paternalism, as bad as ever, but just more fully articulated. The impression one has in reading the statement of policy is that "The University Giveth, and the University Taketh Away." The role of the student is to be that of Uncle Tom. "Yes, Master, I'll do what you tell me, because you know what's best for me."

One would think that if the administration learned anything at all from the events of last May, they would have learned that it is intolerable to intelligent university students to be presented with a whole set of rules in which they had no part in formulating. The administration was so unsubtle they didn't even use lackeys recruited from the reactionary segment of the student body. They must have General Wastemoreland on their strategy staff.

It looks like another year of fun with the Mickey Mouse Club. I have a hunch the play will be "The Persecution of the Socially Conscious Student as performed by the Inmates and Custodians of the Manoa Asylum under the direction of the Marquis de Hiatt."

DAN TRIES TO CO-OPT DISSENTERS

"Of course the Vietnam War is immoral," said Dan Inouye in his keynote address. Here we have an excellent example of how establishment people co-opt radical slogans and ideas rather than adopt them. For what is adopted is only the form, not the content. We do not mean trivially, as he does, that the Vietnam War is immoral because all wars are immoral.

We mean that the US participation in the Vietnam War in particular is immoral because we are fighting against social justice against the people of Vietnam.

Inouye is trying to blur the radical separation between his position and ours. That is the purpose of co-optation. It must be recognized as such and denounced.

A QUESTION OF LOYALTY

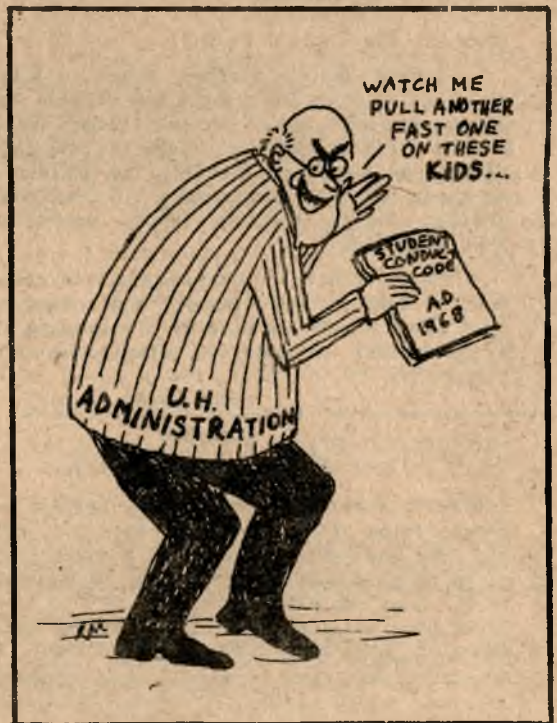
It is perfectly understandable that McCarthy supporters retain loyalty to men they respect and admire, such as McCarthy himself or the local version, Bud Lampard. Those of us in the Peace and Freedom Party are not essentially running against these men, but against the party which is their context.

So while the loyalty to the men makes sense in terms of character, what does not make much sense is the continued loyalty to the Democratic Party! It seems like licking the hand that beats you. The beating the McCarthy people took at Chicago was not merely figurative, either. To paraphrase Dylan, "How many times must a man be slapped down before he gives up on the system?"

CHAIRMAN MAO

Chairman Mao says, "Revolutions and revolutionary wars are inevitable in class society and without them, it is impossible to accomplish any leap in social development and to overthrow the reactionary ruling classes and therefore impossible for the people to win political power." (Quotations from Chairman Mao Tse-tung, p. 60.)

The Roach says, "Everything is Possible" although some things are far more probable than others. Inevitability does not apply to the sphere of human relations, but only to purely mechanical factors, if even then. From this premise we conclude that it is improbable but not impossible for Richard Nixon to command the Black Panthers for their intelligent and rational conduct in providing an effective defense for their people.



LETTERS TO THE EDITOR

Telegram to the editor (collect): Aug. 30

Barry Lundquist, Ann Luter, Geanne (sic., Jeanne) Luter jailed Wednesday night taking streets from the pigs.

Bill (Boyd)

Dear Jon,

Thanks for writing and sending The Roach (great) and a copy of our petition (Napalmed Ghettoes?)

My Book of Days is out (Random House). Find a copy. I think some pieces in it would be fine for The Roach and you have my permission to reprint anything you want.

Love and Freedom,
Malcolm Boyd

There are those, no doubt, who consider the editor of The Roach to be nothing more than a thorn in the side of human progress and everything that is right. It may interest them (and others) to learn that this view is not held by the Honolulu Chief of Police. The following letter was sent a few days after a serious automobile accident near the editor's residence in Haleiwa.

Dear Mr. Olson (sic. OlsEn),

I have been informed that on July 7, 1968, at Haleiwa Beach Road and Waialua Beach Road, you were one of three citizens who assisted Officer Robert Souza in setting up flares and diverting traffic. The officer was in great need of assistance in handling of traffic due to a motor vehicle accident at that location.

Your voluntary assistance at a time of need is deeply appreciated, and serves as a fine example of the kind of citizenship that is essential to good law enforcement in our community.

Very truly yours,

Dan Liu

Chief of Police

(Editor's note: And I thank you, sir, for your appreciation of my efforts to be a good citizen. You may rest assured that I shall continue to do my utmost to bring about a community of which we can all be proud.

PS Are you aware that I am running for US House of Representatives on the Peace and Freedom ticket? May I count on your support?)

Poems for Susan

Girl, we are strong as light
as heat in secret places
as your hand and wrist;
the arc of all things.

Let the work be life,
leave go the death

A mother cat
crosses the room
With tail erect

A buzzing draws her
out of doors.

Life moves in pinnacles of shale.
The woods are damp and black.

In the rush for newness
we have forsaken the search
for what is fresh.

The snow is late another year,
the tides to wash these marshes
passing for imagination
— this dog in the streets.

But
Look at the roots
of that tree
how they are!

Our hands have held
like that
The fingers interlocked

Old wood rots
tho the tree is firm enough
For me the way
the bark is rough
(we are near to that)
and extravagance of roots!



This poetry was received last spring about the time of the sit-in, and subsequently misplaced. It was recently re-discovered by the editor much to his pleasure, since it is fine, sensitive work. For the time being, it must go as anonymous, but would the poet please reveal his identity to The Roach so that due credit may be given?

With the dismissal of charges against the alleged "loiterers", bail money is available upon presentation of the bail receipt.

However, many of the 153 did not reimburse those friends who put up hundreds of dollars. Yet the bail money can be picked up by the persons arrested.

Bette Johnson asked me to strongly urge those who pick up money they never laid out to return it to her, so that the rightful owners will get it. You wouldn't steal from a friend would you?

Bette's address is 27 Wilikoki Place in Kailua, 96734.

ON DOING PRISON TIME FOR DRAFT REFUSAL

★ PART II

by Paul Salstrom

QUESTION: How are relations between C.O.'s and other convicts?

As anywhere else (with no more exceptions to placidity than the "free world" imposes). It is not difficult to make friends. The average convict seems to me as honest and straightforward as the average unconfined American. As even at American colleges, an intelligentsia or two is inevitably to be found within a given Federal prison: thus informed and civilized conversation isn't sacrificed by an act of draft refusal.

C.O.'s as well as other inmates tend to form one or two close bonds, eating and buddy-ing with the same fellow or fellows day after day, month by month. A phase of considerable adjustment sometimes results from the departure of such a buddy, but finally another relationship takes the place of the first. Imprisoned C.O.'s usually find themselves at a "correctional" institution. At an average adult or youth "correctional" institution (that is, a short term joint as opposed to a penitentiary) several or more inmates must be expected to arrive and others to depart almost every day.

In addition to good friendships, there are plenty of illegal excitements available to individuals so inclined, ranging from delivery of cigarettes in large (contraband) quantities for gamblers (cigarette packs serve as money behind bars universally) to the smuggling of contraband papers and mistreatment reports to outside contacts, to the harboring of jack breweries, homosexual rendezvous points and marijuana stashes.

Permissible excitements are tame by comparison, but I enjoyed them also: Saturday night movies, weightlifting, art work (materials and construction free), ball games, Great Books and other classes, speaking engagements (on nonviolence, in my case), Red Cross blood-lettings, writing for the prisoners' monthlies, and exchanges of letters with semi-mysterious college girls (again being selective to shorten the list).

I was pleased with the social results behind bars caused by beginning both of my two stretches with a fast and noncooperation period of 15 days. Fasting automatically resulted in limitless respectful curiosity from other inmates about nonviolence and the anti-war position, and thus in good discussions almost every day for years. Physical attacks and threats directed against C.O.'s, usually by other inmates, are not rare during one or another waiting period in a county jail, but they are very rare in Federal prisons.

The taste of doing time in prison is apparently little different from the taste of such experience anywhere. But an advantage over doing Army time is the fact that civilian prisoners are relatively unbothered compared not only to military prisoners (I) but to ordinary G.I.'s. Civilian prisoners are relatively spared not only harassment but irra-

tional regulations. Compared with those doing time in mental institutions, on the other hand, civilian prisoners are aware of a definite maximum termination date (and only cons declared to be "psychotic" through certification by prison psychiatrists can be held until their actual maximum date).

Attendance at the "brig" is recommended to those who doubt that a non-military prison sentence is a good bargain compared with armed forces life for young men with pacifist inclinations. There are Marine battalions with as much as 18% of their personnel either AWOL or in the brig. (Most months the Marines take about 4,000 draftees, recently.) But don't adopt draft refusal because it happens to be a bargain. It often isn't compared with alternative service.

QUESTION: What's allowed in the way of visits and correspondence?

Usually correspondence is allowed to be limitless to and from an "approved list" of about 12 relatives and friends. It is only relatively limited between prisoners and non-approved correspondents (there's great variation in practices at different prisons). Visiting is likewise more or less limited to an "approved list," and the number of visiting hours allowed per month varies; I've known it to be as high as 8 hours and as low as 3.

LEE SUMMARY

from page 4

to let even the completed documents be made public.

Finally, there was the emotional obfuscation of the issues by the irresponsible resignation of President Hamilton when rational analysis of facts proved his administration unquestionably in the wrong.

Investigators from the American Association of University Professors have arrived to learn whether the Lee case warrants censure of our University. If we are censured, it will not be on account of the students (for our efforts last spring were guided to a large degree by our desire to prevent censure) but because of a bull-headed administration and an anachronistic Board of Regents. Who needs them, anyway?

CHARGES DROPPED

from page 8

ding at the time and asked to be arrested too but who were charged with interfering with the duties of a police officer instead of the loitering charge.

Mr. Sigal urged dismissal for these as well, since the arrests themselves did not hold up. The judge said the matter would have to be brought up at a later occasion.

ROACH INTROSPECT



HAVE YOU BEEN BUSTED LATELY? Do you know anyone who has? The Roach wants to know, so that the underground community can be alert and informed.

Do you or anyone you know want to contribute some art work to The Roach (psychedelic or other kinds)? We need variety of content, but when you have an aptitude for art of .0001 like the editor, it is necessary to rely on others. If the others don't come through, the editor will have to rely on his .0001, and then you'll be sorry!

An effort is being made to co-ordinate news from high schools (e.g., acts of oppression from any neo-fascist administrators who might be there, disguised as mild-mannered principals). High school organizations might (we hope) wish to advertise social events in The Roach. Deadline is the Friday prior to the Tuesday publication dates.

Sarah Nugent has agreed to act as high school editor. She goes to Punahou and lives at 2545 Ferdinand St. Her phone is 946-1084. Please contact her if you have any stories or ads for the Sept. 24th issue.

How about some questions for Doc? Doc

Box has been empty for the past 2 issues just because there have been no questions. Don't you have some question you might be embarrassed to ask your family doctor? Write to the Roach, Box 352, Haleiwa, 96712.

FIGHT COMMUNISM

MAKE CAPITALISM WORK
FOR YOU AND YOUR COUNTRY!

SELL THE ROACH!!

GUARANTEED PROFIT! You BUY
FROM US @ 10¢ — SELL FOR 15¢ AND
KEEP THE PROFIT — WE'LL BUY BACK
UNSOLD COPIES! (UNTHINKABLE AS THAT
MAY BE) NO REFERENCES REQUIRED!

NO LOYALTY OATHS, SECURITY CHECKS, ETC.
SEE CROSSROADS BOOK GALLERY OR
CALL 634-052

BLUE PHOENIX PRESENTS
DANCE • CONCERT

8 PM

FRI, SAT
SEPT 13, 14
OLD CIVIC
AUDITORIUM

STEPPENWOLF

PLUS

LITES by
STARCHILD,
FREEDOM GABLE
AND
NOAH'S ARK.

PULSE and
THEATER OF MADNESS

\$3 TICKETS NOW ON SALE

CIVIC AUDITORIUM • CROSSROADS • HOLIDAY MART.
MUSIC CORNER • MUSIC BOX • HOUSE OF MUSIC • TIGER RAE.
BIBLIOMANIA BOOKSTORE • ISLAND FEDERAL SAVINGS AND LOAN.
SPECIAL SUNN EQUIPMENT COURTESY OF THAYER'S MUSIC