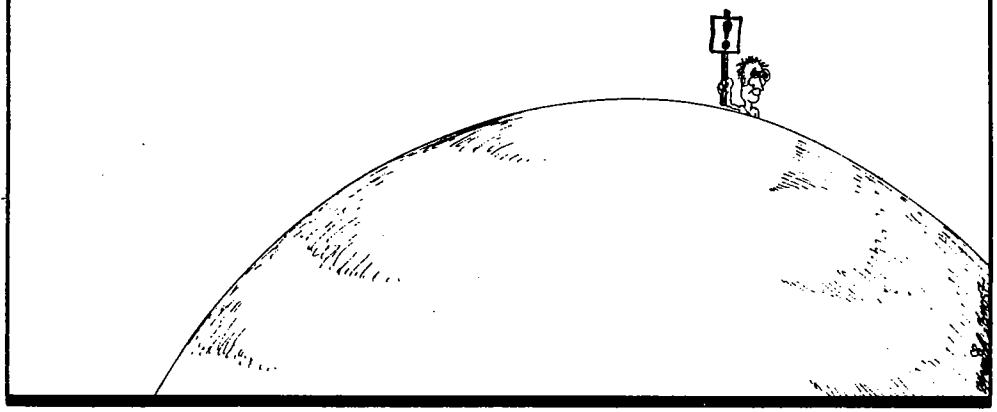


People Soup

social actions



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# Obstructing the Sidewalk

(The Adventures of 3 Draft Protesters) By Fred Peck

"Okay, get out of the car. Let's see some identification."

This was the beginning of our first dialogue with the San Diego Police.

Friday, August first, 1980--it was a beautiful, warm day in southern California. The sun made us wish that there were no problems in the world, and that there was nothing more important to do than sit on the beach and melt into the sand. This day was to be different.

It was the last day of Selective Service registration. The three of us, Mitch, Ahura, and myself, had come up with the plan of dedicating the whole day to informing the public of the dangers of registering for a draft.

We were in Mitch's convertible, which we had covered with leaflets and signs and had labeled "The Anti-Draft Mobile". We were representing San Diego Students for Peace (primarily consisting of students from the University of California and San Diego State University)--the most active anti-draft group in the area.

This was the last day of our two week campaign to get people to consider the alternatives to the other two week campaign that was going on. On the first Friday we had staged an act of civil disobedience by blocking the entrance to the downtown San Diego Post Office. This had attracted considerable attention without violence or threat of arrest.

In contrast, on the second Friday, our plan was to have a demonstration/celebration in honor of the end of registration and the low compliance rates in San Diego County (compliance rates were between forty and sixty percent). On this last Friday we were planning to travel through the downtown area and the low income sections of the city; leafletting about the draft and militarism and also advertising our celebration. After being almost ignored in the previous demonstration, the last thing we expected was police harassment.

We first saw the flashing lights downtown at sixth and Broadway. This brings me back to my introduction...Two police cars pulled us over and we were confronted by officers Parga and Borojquez. As Mitch was told he was guilty of eight simultaneous violations, Ahura was recording badge numbers and the dialogue which followed. I made the best of an ideal situation. I had a pile of leaflets and was surrounded by a curious crowd. I passed out papers, discussing and arguing until I was out of the literature I was carrying. Then I was able to listen in on the rest of the conversation between Mitch and the two policemen.

Apparently Mitch was guilty of horrendous crimes such as "Excessive use of the horn; Harboring unlawfully riding passengers; Having a partially concealed license plate" and "driving without a left rear view mirror" among other things. Needless to say, Mitch was a bit skeptical of these accusations, and hinted that the officer might be selectively enforcing the law because he didn't particularly like what we were doing. Mitch was asked to give his address, which happened to be a box number. The officer asked what his real address was. Mitch told him that that was his only address. He was then accused of being a contortionist! Through the infinite justice of the U.S. law enforcement system, we got off the hook with a ticket for three violations, because the officers couldn't find the other five in their book.

We paused to get a snapshot of our two new friends, and then headed for a gas station. We refueled, made renovations (including revealing the rest of the front license plate and securing the rear view mirror) and set out again.

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### PROTESTERS cont.

We had a discussion over the phone with the lawyers we were working in conjunction with (The National Lawyers Guild—a national association centered in Boston. They have a Military Law Panel, which is committed to advising citizens on the ins and outs of law concerning the military. Members of the Military Law Panel, working in San Diego, had been advising us with respect to blockading post offices, as well as leafletting, discussing, and arguing within them). The charges sounded pretty silly to them too, and they just advised us to be cautious.

So we went cautiously about our business. We took a drive out to a poor black section of the city where we had found leafletting to be rewarding earlier in the week. After about a ten minute drive we were surprised to see more flashing lights (in the newly installed rear view mirror). One of the violations they had been unable to find was the one concerning "unlawful riding". Our lawyer had never heard of this charge either. So we continued to sit on the back seats on top of the seat backs, so we could look out above the convertible. Apparently, this officer thought it was a violation. Actually, we saw him coming and sat down before he was near, but the lights came on again anyway.

The officer had us get out of the car again. Mitch dealt with the police. Ahura took down badges, names, and the dialogue. I proceeded to distribute the leaflets I had left. To our wonder, officer Borojquez (our new friend) showed up within minutes. The situation heated up; words were exchanged. I crossed the street to call our lawyers.

Mitch refused to sign the ticket until they showed him the violations that he was being accused of (driving with the knowledge of having an unlawful rider, and driving with an obstructed view).

As I relayed the sequence of events to our lawyer, I saw Mitch forced against the police car and then shoved inside. Soon Ahura was next to me with steam coming from her ears. She said that he was under arrest and they hadn't told what the charges were, or read him his rights. Our lawyer said "Be calm. They are just a couple of uninformed street cops who don't understand that the force probably doesn't want to make an issue of the anti-draft movement. Tell Mitch to cooperate and they will probably release him."

I ran across the street and tried to talk to Mitch through the police car window. I was told to get away. Mitch told me to get a picture. As I took a shot of him in the car, officer Borojquez told me that he was going to confiscate my camera and film and that he had the right to do so under the civil disobedience act.

This sounded pretty ridiculous to me, but I quickly concealed the camera in the car to avoid losing my film. I then asked the officers what the charges were against Mitch. They replied "There are none." Well, I was a bit curious as to why he was a free man but was locked up in a police car. I was soon informed that he was being detained "for fear of inciting a riot."

Well, there we were, three white kids surrounded by blacks in one of the poorest and most dangerous sections of San Diego. Somehow I could not see the danger that the three of us were imposing on this crowd.

Mitch got ahold of the ticket, signed it and was finally released. In this time we had not only drawn quite a crowd of the locals, but had half of the San Diego Police Force staring at us. There were eight squad cars, including the chief of police, a paddy wagon, and several motorcycles. As the police walked to their cars, Officer Borojquez walked straight up to Ahura, looked her straight in the eye, and said "Get out of the way. You are obstructing the sidewalk!" She held her ground and he walked around, but by this time we were a bit tired of the whole scene.

The chief of police was in front of us, so we decided his route was as good as any, and began to follow him downtown. Before we knew it the paddy wagon was right on our bumper. We smiled and flashed him the peace sign. He smiled and flashed us another sign—more flashing lights!

We pulled over and watched the chief of police stop and back up to us, bumper to bumper. He wanted to be sure we weren't going anywhere. The driver of the paddy wagon was also interested in our identification and said we were driving with an obstructed view (the sign reading "Anti-Draft Mobile" on the passenger side was taped to the window halfway up). Instead of arguing we corrected it immediately by

rolling the window down a few inches. We asked him how it looked. In his infinite generosity the officer said that it was acceptable, after inspecting it closely. Actually, he was relatively pleasant, and even directed traffic to let us out of the "squeeze" that the chief of police had put us in.

From there we proceeded to our lawyers office and gave him the story. He told us not to worry about the tickets. The court would probably drop out all but the most realistic charge. We were disappointed to hear that there was little chance of pressing charges for false arrest. Apparently the police do not have to tell you what the charges are or read you your rights. However, it would be hard to prove that Mitch had been officially arrested, because, in our lawyers words, "they had not been dumb enough to handcuff him."

A glimpse of the clock told us it was four o'clock. The demonstration/celebration was starting, and they needed our supplies and posters. We rushed over, and as we passed by the crowd gathered in front of the post office we stopped briefly to shout excerpts of the afternoons ordeal. We told them they would get the whole story as soon as we parked the car.

We were feeling a bit worn out from it all, but we were glad to be back in a familiar area where we had leafletted during the past few weeks and had sat-in the week before. As we parked the car, however, we were almost amused to see two policemen sprinting towards us. They weren't quite as amused to see us. They demanded our identification once again. Mitch, who was probably a bit more tired from everything than we were, cooperated...but reluctantly. I manned the pad and pencil this time, as Ahura took the supplies across to the rally.

Officer Wright was busy with Mitch's ticket for another mysteriously unknown



violation, while Officer Carlson strolled over to get a description of the "Anti-Draft Mobile" I was happy to accompany him, and I tried to explain our predicament. I told him that we were very tired after a long afternoon (as I'm sure he was aware) and expressed my amazement at the fact that no matter how many violations we were guilty of and then corrected, the hand of justice always found something else to pin on us. Of course, I expressed this to him a bit more eloquently and was encouraged to see that he seemed receptive. That is, until he began writing me a ticket!

I was beyond a need for explanation and quietly cooperated, expecting to voice myself later in court. Mitch, on the other hand, reacted differently; when he saw my I.D. in my hand he asked me why I had it out. I told him that I was also receiving a ticket. That was it! Mitch started yelling, "YOU CAN'T DO THIS TO HIM! YOU CAN'T DO THIS TO ME! HE HASN'T DONE ANYTHING WRONG! I HAVEN'T DONE ANYTHING WRONG! YOU HAVE TO JUSTIFY YOUR CHARGES!" As you can imagine, this attracted a bit of attention; particularly that of the people at the rally who had not been aware of our predicament. They were busy setting up and had not investigated our tardiness.

Our photographer and another lawyer from The National Lawyers Guild were there instantly. Reporters from the San Diego Union, the Tribune, and T.V. cameras from the two major news stations were there shortly.

Officer Carlson said quickly, "Arrest the guy." Mitch was shoved into a police car, but with a little more difficulty this time. At this point, Ahura, who had been across the street and unaware of the developments, showed up as Mitch yelled from inside the car, "Ahura, they're doing it



again." She was told to show identification. She stated, truthfully, "I'm sorry, but I don't have any here." She was then told to identify herself. She replied, "I will identify myself, but please tell me what the charges are."

Officer Wright, who was inside the car with Mitch, had been talking on the radio and then he shouted "Arrest the girl."

Well, here we go again! I saw the handcuffs come out. At the same time, I felt sorry for Ahura, but I could hear the lawyer saying, "if the police were dumb enough to handcuff someone, they would be in trouble..."

Mitch's angry frustration was expressed by a few sharp blows to the screen in front of him. The police took him out and threw Ahura in. The lawyer at the scene got in the car to counsel her, as she showed the handcuffs to our photographer, who was taking pictures through the window.

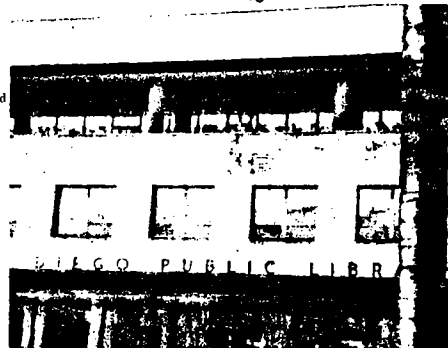
Mitch calmed down as he watched the completion of his ticket. Ahura was speaking to the lawyer and said that she was willing to be taken in if that is what the police had in mind. After some time and conversation over the radio, the police asked her her name again. She told them, and was permitted to leave, meaning that the only possible cause for her arrest was the "crime" of failing to identify herself, which she hadn't been given the chance to do in the first place.

The crowds subsided and the demonstration went on without much difficulty. The only other incidents were when our photographer was inside the post office and was about to snap a shot of an official-looking gentleman. This gentleman's manners were not as smart as his dress, as he said something to the effect of, "Take my picture, punk, and I'll break your skull open!" Our cameraman rushed outside and returned with the lawyer, only to find that the man had vanished and his aide refused to identify himself or comment on the incident. The entire scene was also being filmed from the balcony of the library across the street. Our photographer also ventured up there to get a shot of the mysterious men in dark shades. He was told not to enter because there were federal agents present.

It had been interesting, and in a way, flattering, to see the concern of the federal agents over us. My interest turned to concern the first time I tried to use my phone. I got a dial tone until I tried to dial. And then the phone went dead.

After a heated call to Bell maintenance from the nearest pay phone, it was back in order. Mitch did not have such luck. His phone was definitely bugged. No one could get through on the first try and there were clickings and background noises regularly during conversations; so we would offer salutations to whoever the third party was.

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4

# If Senate Bill 1722 Becomes Law, Which of These Federal Crimes Could You be Charged With?

## Peaceable Assembly

### Opposition to War Registration, or the Draft

S. 1722 restates current law which could criminalize people who, during a war and with intent to oppose that war, "physically interfere" with recruitment or induction, or "incite others" to evade military service. Picketing at an induction center, urging young people to turn in or burn their draft cards, or counselling conscientious objectors not to register for the draft could be held illegal (Sec. 1115). Sentences/Fines: up to five years--\$250,000.

Likewise, any civilian writing or speaking against a war or conditions on a military installation, and whose actions could be interpreted by military and law enforcement authorities as "inciting" "subordination" can be threatened with severe sanctions, similar to those in current laws (Sec. 1116). Sentences/Fines: up to ten years--\$250,000 if committed in time of war (which is not defined in S.1722), otherwise up to five years--\$250,000.

### Obstructing a Government Function by Fraud

Engaging in "misrepresentation, chicanery, trickery, deceit, craft, overreaching, or other dishonest means" and thereby obstructing any government function, becomes a crime broader than similar statutes presently in effect. Giving misleading directions to a postman, using a trick to avoid surveillance by an FBI agent, making a misleading statement on a government questionnaire--all could raise a threat of federal prosecution (Sec. 1301). Sentences/Fines: five years--\$250,000.

### Obstructing a Government Function by Physical Interference

Physical interference with any government function involving the "performance of an official duty" by most public officials, including law enforcement officers, is prohibited. A demonstration which blocks a post office or federal building, refusal to open a door to a marshal serving a subpoena, holding a rally in violation of a court order, could all become federal crimes, as could such similar conduct that is not criminalized by current federal laws. (Sec. 1328). Sentences/Fines: one year--\$25,000.

### Demonstrating to Influence a Judicial Proceeding

Picketing, parading, displaying a sign, or otherwise demonstrating within 100 feet of a federal courthouse while any judicial

proceeding is in progress is prohibited as it is currently. S. 1722 reaffirms that demonstrations around political trials or controversial legal issues such as reproductive rights or affirmative action can be cause for federal prosecution, even though the present statute outlawing such demonstrations has never been used and may not even be needed for the protection of judicial proceedings from improper influences. (Sec. 1328). Sentences/Fines: six months--\$25,000.

### Obstructing a Proceeding by Disorderly Conduct

S. 1722 vastly expands current law by making impairment of any federal official proceeding by unreasonably noisy, violent or tumultuous conduct or "similar means" a federal crime. Political activity at any federal government function--a court hearing, Congressional activity, regulatory agency meeting, etc.--could be penalized (Sec. 1334). Sentences/Fines: 6 months--\$25,000.

### Conspiracy and Attempt

The planning and discussion of certain activities could become criminal through the Conspiracy offense and a new general Attempt crime. While this may be necessary in cases of violent crimes, such preliminary action should not be criminalized when they apply to political rights protected by the First Amendment. Conspiracy, especially which, in S. 1722, is at least as broad as in current law, would make criminal the planning of a demonstration or rally that could become a disruption of a government function or a proceeding or could influence the judiciary, even if the demonstration or rally never occurs.



(Sec. 1001, 1002). Sentences/Fines are dependent upon the "crime" being planned.

### Anti-Nuclear Activities

S. 1722 targets anti-nuclear activists and utilities reformers for special investigation and prosecution. Any property damage that takes place at a nuclear facility or any energy-production or distribution facility could become a new federal crime. The facility need not even be completed or operational. The inchoate crimes of Conspiracy, Attempt, and Solicitation (which criminalizes "persuading" another to commit a crime) would apply to this offense. That means that the planning or organizing of anti-nuclear demonstrations which result in violence or damage to property become federal crimes (Sec. 1702). Sentences/Fines: up to five years--\$10,000.

### Freedom of the Press

#### Protecting News Sources

The confidentiality of news sources is vital to the free press. Under S.1722, as under current law, reporters could be accused of "hindering law enforcement" if they refuse to identify sources (Sec. 1311) or of "defrauding" the government" if they disclose government information secretly leaked to them and they had a purpose, in addition to or other than informing the public, such as revealing corruption or influencing government policies (Sec. 1301). Sentences/Fines: up to five years--\$250,000.

### National Defense or Classified Information

By reenacting the 1917 Espionage Act and the HUAC-written Mundt-Nixon Subversive Activities Control Act of 1950, S.1722 leaves intact laws which were the product of repressive periods of our history. It also may institute an "Official Secrets Act." These laws were used to prosecute Daniel Ellsberg for releasing the Pentagon Papers and have been interpreted by the Justice Department in the past, to cover communication, such as publication, of a broad spectrum of information relating to the national defense. This could lead to the same result as the more explicit "official Secrets Act" of the now discredited S.I.: a prohibition on the release of much information which the public needs to make in-

cont. on p.6



## feds urps & durns



blurbs and blabs...

**GWAF** (Greater Washington Area Federation): Absolutely nothing is going on in this dead fed right now--and probably, nothing will. Triangle...we regret to report... will not happen this year due to lack of funds and the Park Service screwing up.



FOOF!!!! anyone???

### SUNCO (Florida and such):

There will be a conference on or around Memorial Day. The location of said conference is as yet unknown. I am told that it is taking place because they just realized that it states in their bylaws that they must... SUNCO has also come up with an interesting fundraising idea: Delegate positions to Common Ground will be auctioned off to the highest bidders...proceeds shall go (or should go--ed.) to Continental LRY.

More stuff on SUNCO: A conference will be held in Miami on Nov. 28, 29,30.

Andrew says, "SUNCO os alive and well we (beep) wish to (bloop) communicate (buzz) with the (bang) Neroids."

### HVF/NSF (roughly the greater Midwest, excluding the CMF and Ohio)

Nothing is happening here! If you want to resurrect the Fed. with someone else who is interested, contact:

Colin MacDougal  
2220 Pleasant Ave. So.  
Minneapolis, MN 55404

### Starr-King (N. California, Hawaii, Nevada):

Starr-King says they are doing pretty well. They had a successful winter conference, and the district pre-assembly went incredibly well also. The spring conference will take place April 14-18 and they are hoping for a good turn out. Starr-King is also trying to set up some college age groups. Several brand new locals are developing... The federation board says: "Our position on Common Ground is liberal. Whatever happens, we want to be open, have no expectations, so that we can make the most of it."

(editors note: Only four people care enough to send in their fed's reports?! C'mon folks can't you do better than that? Or are you waiting for me to get really obnoxious about it? No I have to scream and rant to get you to do what you (always--so--wholeheartedly) promise to do when you get elected to your positions?! It's easy to see who really cares.

"Thanks!" to Janet, Andrew, Hillevi, and Colin...and to the rest of you  
"0#5Xc6\*6c5Z/6c6Z/6S#250#9592c6!!!!!!")



