

trees were shrill with the cricket's cry, and the stars were swarming in the sky—got the family around him, and, taking the old Bible from the table, called them to their knees, the little baby hiding in the folds of its mother's dress, while he closed the record of that simple day by calling down God's benediction on that family and on that home. And while I gazed, the vision of that marble Capitol faded. Forgotten were its treasures and its majesty, and I said, "Oh, surely here in the homes of the people are lodged at last the strength and the responsibility of this government, the hope and the promise of this republic."

IN DEFENSE OF THE RIGHTS OF
ANGELA DAVIS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. HAWKINS. Mr. Speaker, the Angela Davis case in California has attracted worldwide attention. Too often the publicity has disclosed the facts in a way to prejudice the public against the defendant and to ignore the basic constitutional issues involved.

Understandably, Miss Davis, given the nature of our society as it is, had two strikes on her before the game began. She was black, and a Communist. Being either was tough; being both is serious.

In addition, Miss Davis is a woman and a person who has sought to espouse causes not exactly popular in certain quarters. Thus, being what she is by birth, a black woman, was tough; becoming what she is by choice, a person with strong political and outspoken views, added immeasurably to her personal problems.

In many ways, however, all of us are involved in the Angela Davis case and cannot escape its implications of threats to individual freedom and the suppression of those rights and opportunities guaranteed by our Constitution.

The issues are clearly stated in a recent article by Dean Paul E. Miller, of Howard University Law School, for a group of 12 black law professors from 11 colleges. Not only is this an unprecedented defense, it is an extraordinary example of courage by an able band of professionals in behalf of their fellow Americans, both black and white.

The article from the February 14, 1971, issue of the Washington Sunday Star follows:

IN DEFENSE OF THE RIGHTS OF ANGELA DAVIS
(By Paul E. Miller)

A great number of persons and some organizations, including the news media, have asked why 12 black law professors from 11 different law schools have joined together to provide advice and counsel to Angela Davis through her attorney. Some of those who inquired have expressed amazement and open displeasure at the idea of prominent black legal scholars banding together to aid an avowed Communist. Others have discerned in this joint effort a sinister plot to foster the forces of revolution and subversion against the established order. Still others have unhappily suggested that a kind of taint or guilt by association is sure to follow as retribution for this unwise decision to act in such a political trial. All have unwittingly revealed that they either know little

or care little about the legal imperatives of the Bill of Rights to our Constitution.

Implicit in the statements of these critics is an unfavorable judgment of Miss Davis' political views and a suggestion that only those who share her beliefs in a certain ideology would come to her defense. It is startling in this era to find people who still seriously believe that a lawyer defending a person's right to a fair trial is automatically defending that person's ideology or opinions. It is plain that when the political powers—that be decide that someone or some group of people is engaged in activities inconsistent with what those powers admit as proper conduct, the offenders must be punished or forced to abandon that impermissible conduct.

If it takes suspension or repression of constitutional rights and guarantees to achieve this punishment, then it is done with the rationalization that it is necessary to protect the interest of the "whole society" or the "silent majority" or whatever against the interests of individual offenders.

To set the record straight, we have not joined together to champion ideology. This has not been a consideration at all. I neither know nor care what political views other members of our panel hold. To me, and, I hope, to each of the individual panel members, what Miss Davis espouses, what political "bag" she is in, and what and who her associates are, are irrelevant. What is relevant and important is our deep belief in the soundness and sanctity of the principle that any American citizen, irrespective of color, political belief, race, class or economic station, is entitled to all the privileges, rights and immunities incident to that citizenship. We are determined to live by that principle and in the practice of law to honor it.

Very recently we have observed the Department of Justice, the White House and the Congress sponsor various pieces of legislation which seriously threatened individual freedom. We have watched helplessly while the Department of Justice and the White House sponsored and the Congress passed the Organized Crime Control Act (with provisions which will apply to practically all but organized crime), the Comprehensive Drug Abuse Prevention and Control Act, and the District of Columbia Court Reform and Criminal Procedure Act, all of which carry provisions that are sinister threats to rights guaranteed individuals by our Constitution.

We have heard arguments supporting the need for a bill to create or establish preventive detention. We have heard asserted needs for legislation empowering state and federal agents to tap wires for a number of purposes. We have heard the asserted need to invade the individual's privacy through "no knock laws." We have witnessed the horrible overreaction of police and legislators to civil disturbances, to peace demonstrations, and to such other legitimate protest efforts as Resurrection City.

In each instance justification for this individual suppression is made on the basis of protecting the interest of the "majority," as though the majority were not composed of individuals often as different from each other as is possible in custom and belief. Individual rights and the individual dignity constitutionally protected are thus sacrificed in the name of protecting some asserted competing interest of the "masses" or "majority" unknown to our Bill of Rights.

Dignity is every man's right and the United States Constitution was fashioned to insure the dignity of the man, and his ideas, as well as to insure his concomitant right to disagree with the majority or a minority. Yet we see a trend developing, aided by highly placed officials in the state, to sacrifice the individual's rights on the false altar of majority or societal rights, as defined by the powers that be.

The Constitution never knew such a bal-

ancing of rights. The state was conceived of as an instrument, among other things, to protect the individual in his rights against the state. The political, social and environmental ills that plague our nation today are monumental. But in our efforts to deal effectively with the onslaught of these problems, we cannot sell cheap the individual's dignity that lies at the heart of our constitutional theory; we should not create a false dichotomy of individual vs. societal interests so as to beguile us into believing that it is constitutionally sound to balance these interests one against the other. If we do so, we will find ourselves in a police state, where only the "people's" or "society's" interests will be protected and "society's" interest will be defined by the powers that be, and will be protected by the police as agents of the powers that be. Then our democracy as it was conceived will be over. Minority groups will be especially subjected to this kind of police power, as will be all non-conforming individuals.

We cannot allow capricious and arbitrary acts by governmental officials to deprive any individual of his dignity—and as long as one human being, be it Angela Davis or anyone else, is deprived of the social justice that is guaranteed under our Constitution, no citizen is safe. The time is gone forever when middle class blacks who have a certain expertise will sit back and allow their leadership to be destroyed by those who believe that a contrary opinion is a dangerous force.

Jack Johnson, the first black heavyweight champion of the world and W. E. B. DuBois one of the greatest scholars the world has ever known and Paul Robeson, one of the greatest singers of all times, who because of his political beliefs was driven from the stage—these black leaders were all effectively silenced—and thus the black community was deprived of dignity and heroes. No longer will we stand by and allow our community to be deprived of the best of our brains or our political dissenters.

A feeble start was made in the case of Muhammad Ali where blacks, from all academic disciplines, realized for the first time that if the powers that be in this country can, with impunity, clamp down on a black person of high achievement, they could more easily repress us all. We are saying no, never again, will a black man be persecuted simply because he disagrees with a majority political belief or engages in activities which are not in conformity with majority values.

The sum total of our lives, individually and collectively, is determined by the kind of laws that we have and the manner in which they are administered. The law can bring equality to one's life. It can assure life, liberty and the pursuit of happiness, but the kind of laws being passed today do not aid equality or assure life, liberty or pursuit of happiness.

The blacks of today as well as the youth, Chicanos and brown Americans are, indeed, making certain demands of government. They are in fact demanding power to deal with the various political and legislative forces that repress them. They are demanding respect not at the expense of another individual's dignity but respect as human beings. They are demanding enlightenment so as to achieve freedom of thought, liberty of association and liberty to believe in one political ideology over another. They are demanding the right to participate fully in the wealth of this nation, to share this nation's destiny. They are demanding the right to acquire certain meaningful skills so that they do not or will not have to remain on the welfare rolls.

Finally, in my opinion, they are demanding the freedom to participate in the formulation and application of standards of responsibility. These groups have been dictated to for centuries, and their identities have been defined for them. And for centuries

American lawyers have sat by and refused to champion them in these demands for improvement. A lawyer has a responsibility to see that citizens are treated fairly, equally and with justice. We hope by forming this panel we can demonstrate to others this aspect of the lawyers' role to assure us that no citizen will go unprotected or will go without the guarantees that all citizens and humans in our government should have.

Finally, there is the important role of the government to assure that laws are equally and justly applied. Rules and regulations are meant to guide human conduct within our society to the end of achievement of freedom, liberty and justice for all. These are not meaningless terms as I see them in the context of Miss Angela Davis' case. These are guarantees which we as lawyers and law professors must assure to Miss Davis, and other Americans similarly situated.

I think lawyers and law professors would be indeed derelict if they lifted no finger, expended no energy to assure citizens that they will receive at least the guarantees of our Constitution. We have formed this panel and with these aims we intend to actively participate in Angela Davis' defense. I will guarantee that, in the end, win or lose, we will feel proud of our role in assuring Miss Davis she has had the full benefit of the protective vehicles set up by the law for assuring to all Americans the guarantees of due process.

WASHINGTON STATE PARKS RECEIVE FIRST ANNUAL GOLD MEDAL AWARD

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. PELLY. Mr. Speaker, the National Gold Medal Award has been presented to the Washington State Parks and Recreation Commission by the Sports Foundation, Inc. of Chicago. This is particularly significant because Washington was selected to receive this annual award the first time it was presented.

To those of us who are so vitally concerned about preserving areas of our environment for parks and recreation, the award takes on another dimension. A full description of the award and the work that led to Washington being chosen its first recipient, a news release follows:

STATE PARKS CHIEF ACCEPTS NATIONAL AWARD
Agency teamwork and inter-agency cooperation won the National Gold Medal Award for Washington State Parks, according to State Parks Director Charles H. Odegaard, who accepted the award from the Sports Foundation, Inc., in Chicago today.

"Washington was selected from among other state park agencies throughout the United States to be the first state so honored in the Foundation's Annual Awards Program," Odegaard said.

"With a 20.4 percent increase in park usage and a broad diversification of emerging recreation demands placing an unprecedented burden on the State Parks Commission and staff in 1970," he said, "it took teamwork, loyalty and dedication to earn this honor for our agency."

Inter-agency cooperative programs to meet public needs, were also the programs to which the Foundation's judges attached the most weight in naming Washington the 1970 winner, he said.

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Examples were submitted to the Foundation in the form of a 20-minute slide presentation which is currently on display at the Sports Show at the Seattle Center, he said.

"The Parks-Highways cooperative program initiated last August," Odegaard said, "was designed to provide many additional benefits and services to the public at no increase in cost. These included development of the state's scenic and recreational highway system, provision of overnight camping and recreation facilities adjacent to certain highway safety rest areas, and services to winter sports enthusiasts using the Cascade mountain pass areas. All are covered by cooperative agreements sharing costs and responsibilities equitably between Parks and Highways to save taxpayers' dollars while increasing efficiency and service."

He pointed to a joint program with the State Superintendent of Public Instruction as another example of the type of cooperation which earned the national honor for Washington. Under the agreement signed by the two agencies last fall, Parks is providing and administering group camp facilities for year-around outdoor education, while Public Instruction is developing the curriculum and scheduling public school groups into the camps. If the facilities are not scheduled for school use, they will be available for use by youth groups.

"This will result in a 100 percent increase in group camp usage," Odegaard said, "to meet the need for effective Environmental Education."

He also cited assistance to communities and school districts in developing local programs modeled after the State Parks Youth Development and Conservation Corps, thus providing work-training opportunities for over 6,000 of the state's youth since 1961 and accomplishing necessary work in outdoor recreation areas at substantial savings.

Other examples include cooperation with federal agencies such as the U.S. Army Corps of Engineers and the Jobs Corps in development of such state parks as Horsethief Lake on the Columbia River and Potholes Reservoir near Moses Lake; local contributions of saltwater frontage for state parks such as the 100 acres of Westhaven State Park donated by the Port of Grays Harbor; and the Green River Gorge State Park Conservation area near Seattle, a natural area preserved in the midst of urban development through cooperation with other state, federal and local agencies.

"All such cooperative programs represent dedicated efforts by all levels of government to find new ways of meeting public needs," Odegaard said, "and a type of resourcefulness that is vital in a period of economic adjustment such as we currently face in Washington."

He added, "The Gold Medal Award is designed to focus national attention on outstanding park and recreation management. In presenting the award to Washington State Parks, I think the Foundation is also saluting the many dedicated public employees and their efforts to best serve the public at the least possible cost."

CHARLES McCORD MOSS

HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 17, 1971

Mr. FULTON of Tennessee. Mr. Speaker, yesterday morning I was very saddened to learn of the passing of Mr. Charles M. Moss, vice president and editorial director of the Nashville Banner. Mr. Moss succumbed to a prolonged ill-

ness at the age of 68. Forty-four of these years had been spent with the Nashville Banner.

Mr. Moss was, as are most men who rise to prominence in their field, a man of great intellect and ability. He was, in addition, a warm and human person, a loyal and faithful son of the true South, a gentleman, and a man whom I was privileged to call my friend.

During his years of service with and to the Nashville Banner he accumulated the usual honors and professional awards that are bestowed upon those individuals who excel. And well he deserved them for Charlie Moss was an outstanding journalist, a credit to his profession and a professional who sustained the finest traditions of journalism.

But Charles Moss was more than a man dedicated to his profession. He was an activist. He was involved, active, and involved in many many aspects of community life, projects, and programs designed to aid the community as a whole and man as an individual.

It was my privilege to become closely associated with Mr. Moss in one of his many fields of interest, conservation. About 5 years ago he and I hiked the northern terminus of the old Natchez Trace in what became a successful effort to persuade the Federal Government that that was the route Natchez Trace Parkway should follow instead of an historically inaccurate and economically more expensive route favored by the National Park Service. With the help of Mr. Moss and the Nashville Banner we won that battle.

At the time of his death Mr. Moss had asked me again to help with the Natchez Trace. This time to secure Federal funds for completion of the parkway. I told him I certainly would join with him in this effort. Mr. Speaker, I feel strongly that somehow, somewhere along the last miles of the Natchez Trace Parkway as it terminates in Middle Tennessee, Charles Moss' name should mark some appropriate spot or vista for he truly played a contributing role in the development and completion of the parkway. I intend to pursue this subject as an appropriate and deserved tribute and memorial to Charles Moss.

Mr. Speaker, one of the warmest tributes paid to the gentleman was written by one of his associates on the Banner and I insert this tribute, "My Friend, Charlie Moss" and the Banner editorial, "Charles McCord Moss" in the RECORD at this point:

MY FRIEND, CHARLIE MOSS

The telephone call was inevitable. Sooner or later it was bound to come and when it did, it caught me right in the throat and twisted my stomach into hard, throbbing knots.

"He's gone, Jack," said a subdued voice at the other end of the line. "I thought you'd want to know."

Gone!

For five minutes I stared at the floor. At the walls. At the ceiling. Then I pulled on a pair of old shoes and walked out the door, heading no where in particular, just out.

Walking alone is good for a man. It helps clean the cobwebs out of his mind. It helps breathing to come deep and fresh and steady. It jogs the memory.

Walking. Walking.

Remembering.