U.S. Supreme Court Justice Burger Proposes: Back To The Caves!

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WIESBADEN, West Germany, July 4 (NSIPS) — The recent U.S. Supreme Court majority decision restoring death penalty rituals is lacking only one feature — ceremonial acts of cannibalism concerning the victim's corpse — to take the USA a full deep plunge back into the bowels of cave-man culture.

Let us plainly name the game. The game is known as "ritual human sacrifice," nauseating barbaric vestige which the USA thought it had at last done with. Now, the Supreme Court majority, at the behest of Attorney General Edward Levi, has brought this symbolic rite of cannibalism back into official practice.

Let it be emphasized: I would not endorse the death penalty even for such extreme cases as those of Marcus Raskin and Lester Brown. The issue is not that of keeping unassimilable semi-humanoids such as Raskin and Brown alive. The fact is, unfortunately, they were born and have been formally certified as juridically human! Once society has certified biological entities as "human" we face a certain moral problem — as Anatole France emphasizes in his novel, "Penguin Island." Once society has pronounced biological entities such as even a Raskin or Brown to be juridically human, what we do to them is something that we do morally to the human race. We do not treat any person as so much meat.

Our Bestial Past

The principle of **wergeld** in Celtic and Germanic barbaric traditions (among others) is a reflection of those dark past ages when men lived close to the moral and intellectual condition of lower forms of animal life. They were not lower animals, of course; in their own way, they were very much human — otherwise, we should not exist today. The problem was that they frequently confused human and lower-animal life through their backwardness and stupidity.

Hanging and other forms of ritual murder which passed from Anglo-Saxon barbarism into modern English-speaking justice were not originally practiced as a "remedy" for crimes as such. Hanging and other forms of symbolic cannibalism were frequently practiced against tribal leaders — as a way of making a great gesture of sacrificial respect toward the "gods." If the rains do not fall, if the game is scarce — something must be done to please the "gods"; make a truly impressive sacrifice, such as the ritual murder of a chieftain or great warrior! That will impress the "gods"; the rains will come and the game will be abundant once more.

This barbaric symbolic cannibalism and the old practice of wergeld "payment" were fused into the common practice of "capital punishment." The connection into later feudal and mercantilist forms of justice was not direct, of course. It was metaphorical. Offenses against the feudal authority and order, interpreted as acts of **lese majeste**, became offenses to the senses of the "gods" — obviously, according to barbaric traditions, a ritual act of cannibalism must be performed to propitiate the "gods" — lest the rain not fall, and so forth.

In modern practice, the carry-forward of the institution of ritual cannibalism was openly justified as a policy of **law by terrorism.** "Capital punishment" was carried forward from barbaric and feudal traditions as a means of reminding the population — through periodic rituals of official human sacrifices — of the hideous consequences of offending the rulers.

"The Fear of God"

The "civilized" or human principle of criminal law was formerly expressed by denouncing the criminal as a person who lacked "the fear of God before his eyes." In that religious guise, a great truth was metaphorically set forth.

Psychologically, the principle of "the fear of God's wrath" may be objectified as fear of the penalties of the afterlife. The active principle involved is very much in this life. The individual's self (the sense of the personal "soul"), his sense of social identity is the active principle involved. Immediately, the individual wishes to avoid becoming an "unperson," an "outlaw" in the opinion of his immediate peers. That immediate concern is significant, but is only the superficial aspect of the matter! The great modern religious movements of the 14th century onward include a record of martyrdom before all sorts of inquisitions on account of a strength of conscience greater than peer-group opinion. The "fear of God's wrath" is the compulsion to have a human identity at all risks; in the great consensus of society taken as a whole, the individual must know that his existence is justified.

It is the lack of that moral force which constitutes what is properly construed as the criminal mind.

Vietnam is an expression of the same principle in another frame of reference.

There are three premises upon which a warrior can fight. We cite first — to get it out of the way — the case of the psychotic warrior; his motivation is his insanity. The second premise is that of discipline in the larger sense! His immediate social environment controls his behavior! The third premise is the individual warrior's historic sense of the importance of his act. Before the dedicated person with a sense of historic purpose, the soldier acting out of discipline is ultimately helpless. He must become demoralized or continue to fight by fleeing into drug addictions or other forms of insanity. (Indeed, the proper "Green Beret" — and similar types — becomes a psychotic of not much durability for sustained assignments.)

The positive basis for criminal law is that: (1) The society itself must have an actually positive moral objective, which actually serves the interest of objective human progress in general; (2) In one way or the other, the law and customs must coincide with effecting overall technological and related cultural forms of human progress. In that context, the criminal mind and the psychotic are commonly distinguished by lack of a controlling commitment to being useful persons for those social objectives. That is the reality to which the "fear of God before one's eyes" properly corresponds.

The Baader-Meinhof Example

The notorious terrorists, the Baader-Meinhof gang, were composed of three principal elements. The first was Andreas Baader, whose career begins as that of a tunnel-digger for West Berlin-based anti-Communist intelligence agencies! The second element is the case of Ulrike Meinhof, a tortured — and possibly also blackmailed — individual whose socialist past was exploited to give the color of "left" credibility to the operations. The third element, on which we focus here, is the poor zombies who made up the rank-and-file of the gang, the recruits from the so-called Heidelberg Socialist (Mental) Patients Collective.

We cite that celebrated case to emphasize the way in which the criminal state of mind was deliberately induced among a group of paranoid-schizophrenics through agencies linked both to the London Tavistock Clinic and the Institute for Policy Studies.

We draw special attention to a booklet published in West Germany, "Dokumentation zum Socialistischen Patientenkollitiv Heidelberg." This booklet was issued by the Prolit-Buchvertieb of Giessen, West Germany, under the editorship of the Basisgruppe Medezin Giessen and the Fachschaft Medizin Giessen! The booklet is dated 1972. The most relevant of the included material is the argument, dated 29 September 1970, given by one Dr. Peter Brueckner, professor of psychology at the University of Hannover and a well-known protege (together with Oskar Megt, Martin Nikolaus and others) of SPD leader Peter Graf von Oertzen.

Brueckner's defense of the SPK is based principally on two seminal source works, that of R.D. Laing (of the Tavistock Clinic) and that, published in 1958, of one T.S. Szasz, a professor of psychiatry at the State University of New York. It should be emphasized that a similar line is characteristic of the activity of Professor Michel Foucault and other followers and co-thinkers of the Merleau-Ponty-linked circles of Althusser and Levi-Strauss in France! The same approach is key at the highly-contaminated Univeristy of Trento, Italy (where the Red Brigades terrorist group was centered), and is a recurring pattern around the networks of the Institute for Policy Studies, including the notorious Lincoln Hospital De-Tox Center (where the terrorist Black Liberation Army was created).

The gist of Szasz's argument — on which Bruechner principally relies — is that it is counter-productive (and oppressive) to define paranoid-schizophrenia as an anti-social disorder. The related arguments of Atlanticists' Laing, Cooper, Althusser, and Foucault are well known. From the standpoint of any competent psychiatry and law, Szasz's (and Brueckner's) argument is not only viciously incompetent **but downright criminal!**

The possiblity of inducing recovery in cases of mental disorders depends upon the victim's knowledge that his affliction is a disorder. Unless the victim knows that his fugues represent unreality and insane responses, recovery is impossible. It is the Szasz-Brueckner destruction of such essential distinctions between sanity and insanity, reality and unreality, upon which all forms of brainwashing (Primal Scream "therapy," "sensitivity" conditioning, etc.) and the transformation of poor lunatics into terrorist gangs depend.

It is necessary for society to protect itself against the criminal and the insane — and to protect the person **within** the lunatic and felon from being destroyed or placed beyond recovery by lunatic or criminal acts. The principle of "retributive punishment" is an odious approach to this problem — but, for the moment, the bad approach we are still temporarily left with in practice. Bad as our penal codes may be in practice, we can modify and temper them with work toward effecting a policy of moral and mental recovery, and making our probationary and other criminal justice practices flexible to such ends.

The central issue of criminal justice policy is that of inducing the "fear of God" **in the sense we have defined it here:** the individual must develop a sense of the positive role of his society in technologically and culturally advancing the world out of its present relative backwardness, and must situate himself as a person whose precious-to-himself importance is that of positively contributing to such achievements. At worst, until we have solved that problem, we must stick the worst lunatics and criminals out of harm's way under humane conditions appropriate to mental recovery.

We must not degrade ourselves by tolerating the practice of symbolically eating the dead bodies of the convict under the pretext of the death penality.

The Problem Before Us

The principal problem confronting criminal justice today is the toleration of criminal minds in positions of authority. While Henry Kissinger, Marcus Raskin, Edward Levi, Mark Rudd, Lester Brown, and such apostles of fascist genocidal "de-industrializing" policies are running loose, often enjoying great power — how can our society present to its young a moral standard of practice by which the maturing person can develop a fine sense of the distinction between moral and immoral acts? Without demanding — and enforcing — the rule that the principle of the Idea of Progress governs our nation and its foreign and domestic policies, what morality prevails?

Meanwhile, in respect to the hideous recent ruling of the reactionary U.S. Supreme Court majority, our temporary recourse is to appeal to legislators, judges, prosecutors and juries, to propose to them that they not put the persisting after-taste of the condemned person's corpse on their tongues!

Supreme Court Lays 4th Amendment To Rest

July 10 (NSIPS) — The U.S. Supreme Court ended its term July 7th with a series of four decisions which struck a final blow to the Fourth Amendment to the U.S. Constitution which protects individuals against illegal search and seizure. Scoring the majority's decisions — which capped off the Burger Court's record of assault against the Constitution this year — Justices White, Brennan and Marshall wrote in their dissent: "The Court, no longer content just to restrict forthrightly the constitutional rights of the citizenry, has embarked on a campaign to water down such constitutional rights as it purports to acknowledge."

The sum total of these and other recent Supreme Court decisions means that Federal Courts are now virtually powerless to intervene to halt kangaroo proceedings by state and local courts.

In the first case, **Stone v. Powell** and **Wolff v. Rice**, the Court put severe restrictions on Federal habeas corpus proceedings. Federal habeas corpus has been historically used by prisoners and State Court criminal defendants in order to force the federal courts to intervene in those instances where the prosecution has brought forward evidenciary material which was obtained illegally through search and seizure, i.e. in violation of the Fourth Amendment and exclusionary rule guarantees. Justice Powell, writing for the majority, attacked the basis for exclusionary rule —which bars illegally seized evidence from use in a trial — saying that it gave unfair advamage to criminals and discouraged society's necessary respect for police officers.

During the "Mountain lakes" trial and frameup of three of leading National Caucus of Labor Committees members for possession of weapons, the NCLC had based a key portion of their defense on the exclusionary rule, which would now be out of the question. The U.S. Labor Party had considered appealing to Federal courts for habeas corpus when local Virginia Courts illegally jailed USLP candidate for Senate Alan Ogden last winter.

The following three decisions handed down by the court further underline the assault against the constitutional guarantees of the U.S. population:

* **U.S. v. Martinez Fuerte, Sifuentes v. U.S.**: The Court ruled that it is legal for border guards to interrogate and investigate aliens without a warrant or reason for search and seizure. This is no doubt directed at the Mexican illegal aliens "problem" and will serve to inflame the situation further.

* **South Dakota v. Opperman**: The Court found it constitutional to use as evidence in a trial material gathered from a car glove compartment without a warrant when that car has been impounded by the police.

*U.S. v. Janis: Almost reversing its rationale in **Stone v. Powell** and **Wolff v. Rice**, the Court ruled that evidence which has been suppressed during a State criminal trial because it had been gathered illegally can still be used in a Federal Civil Court proceeding on the grounds that it is a civil and not a criminal case.

Finally the Court further "clarified its capital punishment ruling of last week by striking down state mandatory death sentence laws in Oklahoma, North Carolina and Louisiana. The Court acted to further inflame tensions by vacating the death sentences and remanding the cases back to lower courts for resentencing under the new Carter-inspired "guidelines."