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."