The Carter Justice Ministry: Law In A Zero-Growth Society

The following report was prepared by the staff of the Labor Organizers Defense Fund. The LODF was constituted in 1974 to protect the political right to organize and to educate the American people on questions of political and economic policy and their expression in law.

The formation of the LODF was necessitated by the abdication of responsibility on the part of traditional civil rights groups led by the American Civil Liberties Union. By the late 1950s these groups had begun to throw overboard any commitment to the defense of political rights under the Constitution, substituting instead litigation on behalf of the "right to self-determination" of a variety of synthetic "interest groups." This process led directly to the establishment of the "Nader lobby," and the so-called public interest law which is being used as a battering ram against American industry and labor today.

The Carter Administration, with the complicity of the Supreme Court, is now engaged in a blitzkrieg campaign to subvert the American judiciary in order to rewrite the Constitution to conform to the zero-growth economic policies of the Rockefeller interests. Public remarks and press statements by Attorney General Griffin Bell and Chief Justice Warren Burger before the American Bar Association in Seattle during the first week in February allow no other conclusion.

The Carter modus operandi for transformation of the judicial system, as laid out at the ABA and elsewhere, is to excise the notions of "justice" and "truth" from legal minds, and substitute in their place a technocratic ideal of "crisis management" — eliminating such basic American judicial practices as adversary proceedings along the way.

The policy orientation of the Burger-Bell assault is best reflected by the fact that 45 federal judges recently completed a six-week course in Nazi economics under the tutelage of monetarist quacks Milton Friedman and Paul Samuelson, disciples of Hitler's Finance Minister Hjalmar Schacht. The purported reason for this class was the orientation of judges to "complex anti-trust litigation." The Feb. 25 Supreme Court 8-0 decision in *Dupont v. Train*, a carte-blanche for the Environmental Protection Agency to shut down U.S. chemical capacities, is planned to be only the beginning in the coming display of the Court's Malthusian credentials.

The Seattle Proposals

In Seattle, Chief Justice Burger and Attorney General Bell made combined proposals for the elimination of the courts as a constitutionally empowered independent branch of government. Combined with aspects of the same proposals emanating from the ABA Committee on Judicial Administration, the American Judicature Society, the American Bar Foundation and the Committee on a National Institute for Justice, the Burger-Bell program includes the following essentials:

— Judges must rid themselves of the concept, the illusion, that they are the "arbiters of truth." This outdated concept, spelled out in the Constitution, was appropriate to an 19th century agrarian society. But today, judges must locate their roles "realistically"; courts are to be seen as "conflict resolution centers."

— Once this idea is accepted, management becomes the key determinant of the judicial process. The courts are overcrowded by a society gone mad with litigation. Therefore, effective justice is redefined to mean "satisfied consumers" in the judicial system.

— To assure effective management, various court processes created under the "truth-finding" criterion can be done away with. Slated for extinction are the adversary system, discovery processes by which attorneys examine witnesses before trial, discretionary sentencing, and state and federal court overlap in criminal proceedings — all of these are too costly and time consuming for effective "crisis resolution." The courts should desist from legislating morality. "Victimless crime," such as drug-use, clogs court calendars and should be decriminalized.

— Effective crisis resolution means that judges may not be the best operatives in all legal cases. In order to save time, magistrates appointed by the court rather than confirmed by the Senate would be empowered to hear all "less serious" cases, including "less serious" felonies. Social and behavioral scientists and other specialists should be brought into the court system for specific problem-solving missions and education of judges in their techniques.

— A National Institute of Justice should be established for effective integration of the state court system into "crisis resolution" pilot programs already running in the

federal courts. A Brookings Institution-type policy control center for the courts would make further studies of the court crisis and make further proposals to streamline the courts into an effective social control weapon. The Justice Department should set up Neighborhood Justice Centers, a mechanism for bringing the Justice Department into the "pores" of American society, in order to handle "disputes" before they reach the courts.

— Implementation of these proposals is now underway. Bell has created a Special Assistant Attorney Generalship in the Justice Department, for the "Office for Improvements in the Administration of Justice," and assigned the LEAA to "court management." Senator Ted Kennedy of the Senate Judiciary Committee is already smoothing the way for the programs in the Congress.

The Carter Administration is also engaged in a court-packing plan which relegates Franklin D. Roosevelt's to the status of a misdemeanor against the Constitution. The Chief Justice called in his Seattle speech for the creation of 132 new federal judgeships, *nearly one-quarter of the present federal bench*. Carter will appoint the judges after enabling legislation is rushed through Congress to solve the "court crisis." According to Bell, Carter will bypass traditional Senatorial privilege in the appointment process, instead appointing a special national advisory committee to screen potential nominees. Senators "can make suggestions" to this Carter committee.

Background to the Seattle Proposals

The background to these proposals reveals one of the more hideous subterfuges in American history. Almost everything proposed by Burger and Bell at Seattle was authored by the Law Enforcement Assistance Administration during Democrat Ramsey Clark's tenure as Attorney General nearly eight years ago. The original Clark proposals, including pre-trial diversion for slave labor, encountered massive resistance in the judiciary. Conservative southern judges opposed the plans on a "states' rights" basis. Other Constitution-respecting judges decried the plans' neglect of fundamental rights and their metamorphosis of the judiciary into an administrative arm of the executive,

With the failure of their social engineering project and the coming to power of the Nixon Administration, the Democratic Party court reform forces turned to a private war on the judiciary, creating the conditions for support of these proposals.

Their program had three major components. In the years 1970-71 the LEAA directly infiltrated the American Bar Association, the professional organization of the nation's judiciary. Here a series of court reform proposals were prepared in stages which included judges in their design and advocacy. The Institute for Policy Studies and the Ralph Nader crew were turned loose in the press to ballyhoo studies of the inefficiency of the courts and the patronage connections of state and federal judges. This process was helped along by the participation of these same agents in the Watergate subversion, turning loose a plague of "official accountability" proposals. The "public interest bar" flooded the courts with litigation based on dubious constitutional assumptions and programmed for the creation of maximum social tensions.

Secondly, beginning in 1971, Chief Justice Warren Burger began preaching court reform with the evangelistic zeal of a Nader's raider. Aside from the Burger Court's wholesale destruction of the Bill of Rights and its barbaric death penalty decision, its outstanding "accomplishments" *have been procedural* — limiting access to the federal courts and thereby opening the door for the non-litigation, conflict-resolution approaches.

Democratic Fabians in Congress provided the third component. In 1974, using an argument of discrimination against blacks and other minorities, Congress passed the Speedy Trial Act. Following exactly the original Clark-LEAA criminal procedure proposals, the act calls for the disposition of criminal cases before the scheduling of any other litigation. Under the act a lawyer who files a civil rights case today may find his case held back interminably by a robbery which occurs in some other part of the jurisdiction five weeks from now. The act is an administrative nightmare and exacerbated whatever breakdowns existed in the courts. Burger used this fact in Seattle to demand that Congress file a *judicial impact statement* before passing *any* piece of legislation. Implementation of such a proposal would paralyze both the courts and the Congress.

Although the activation of private intelligence networks and the operations on Congress and the Supreme Court played a key role, the critical battles were fought in the American Bar Association.

The National Institute for Justice Project

In 1969 with the creation of the Federal Judicial Center, the LEAA infiltration of the ABA began. The LEAA as then constituted was a nest of former CIA agents fired from the agency in order to facilitate their deployment into domestic counterinsurgency programs. According to unimpeachable Washington sources, as the LEAA began to be dismembered by the Nixon Administration, several of its secondary leaders were deployed directly to the Institute, the American Bar Association Foundation and to the staffs of various Bar Committees. These same sources note that the programs under which these agents worked were "not being funded by the ABA."

Although the complete story of this deployment will not be known without the full resources of Congressional investigation, its key personnel appear to be Edward Levi, then Dean of the University of Chicago law school and ideological mentor to the various bar institutes situated on his campus; Donald E. Santarelli, an LEAA administrator whose name appears in every subsequent court reform proposal; Daniel J. Meador, the author of the original LEAA proposals; and Senator Ted Kennedy, who from the Senate Judiciary Committee sponsored parallel pieces of legislation.

The deployment had two purposes. Resistance to the original LEAA proposals, located primarily in the judiciary's rightful suspicion of Justice Department and government programs directed at the running of their courts, was to be overcome by a "stages" approach involving the concept of a National Institute for Justice, a joint government and private project "providing support services for the courts."

Discussion of this proposal facilitated mass brainwashing of the few independent judges left in the ABA and reeducation of the rest. The inability of judges to deal with modern court management techniques argued that they faced other difficulties in coping with a "complex urban society." By 1972 states' rightists had been coopted into creating the National Center for State Courts, supposedly to provide support services to state court systems cheated of federal funding.

The 1972 launching of the National Institute for Justice program was accomplished by no less a card carrying "conservative" than Warren Burger at the American Law Institute. In 1972 Burger was extremely conscious of resistance in the judiciary, opening his second speech on the concept that year to the ABA convention with the following:

"HAS THE TIME COME?

for consideration of such a national facility for support of the courts. My answer then was essentially the same as it is today:

I THINK IT HAS."

With Burger giving *the same speech* to the Bar Association every year from 1972 to the 1977 Seattle convention, the NIJ concept assimilation program was gradually broadened to "outside participants" including trade unions, environmentalists, and welfare rights advocates, at several Committee of 100 symposia. Leading participants in these conferences included such Carter Administration contributors as Mark Green, Juanita Kreps, Griffin Bell, Dean Rusk, Charles S. Rhyne, Warren M. Christopher and Ralph Nader. By 1974 the Burger speech and the expanding ABA list of institutes (the American Judicature Soviety, Institute for Judicial Administration, Advisory Panel on Appellate Justice, etc.) had resulted in pilot court management projects across the country, conducted primarily under the auspices of the Federal Judicial Administration Center, with large private foundation grants. The stages process is announced by the summation for the 1972 National Institute for Justice conference:

> it was generally agreed that the National Institute should "creep before it walked"...initial steps would be limited and *with progressively bolder steps* taken only after the Institute had established the basis for public support and confidence. (emphasis added)

The brainwashing program accompanying these proposals, what court reformers call "the socialization of the American judiciary," has now reached the incredible proportions demonstrated by the December 1976 six-week intensive economics seminars in Florida under the tutelage of Nazi economists Friedman and Samuelson.

The Seattle conference has brought this process full circle. Under the Burger-Bell proposal, the LEAA will once again handle court reform proposals. The National Institute for Justice will provide support services to the courts with LEAA funding. The man who wrote the original LEAA court reform proposals under Ramsey Clark, Daniel Meador, has been appointed by Griffin Bell as Assistant Attorney General for the "Office of Improvements in the Administration of Justice."

Impact: The Orwellian Nightmare of the Second Circuit

Since the Franklin Roosevelt Administration, the monetarist faction of the Democratic Party and the Rockefellers have been concerned with subverting the judiciary in order to avoid interference from the Constitution with their monetarist programs. The problem has generally been approached from a utopian social engineering methodology. Typical methods include rigorous psychological profiling of potential court appointees and shifting of implementation of economic and social programs to administrative agencies which bypass courts with their own judicial proceedings. Out of the Roosevelt experience a whole school of legal theorists was created, including such anti-constitutionalists as Thurman Arnold, Jerome Frank and Kurt Llewellyn. The stars of the "legal realist" movement concluded that all law rested ultimately on judges and all successful manipulation of law rested in the psychologica control of judges. Thurman Arnold, founder of the Institute for Policy Studies, and head of the law firm Arnold, Porter and Fortas expressed the constitutional philosophy of the realists in his book, *The Folklore of Capitalism:*

> **"The language of the Constitution is immaterial since it represents current myths and folklore rather than rules."**
> **— Thurman Arnold**

The legal realists worked their assault through the introduction of "social science" as the key to legal thinking. This thin veneer for the real operation is stripped away by the comments of the school's latter day saint Edward Levi, commenting on an early article by his mentor, Arnold: "in matters of law...it is preferable that judges are not all that bright."

The last Democratic Administration to get a shot at massive implementation of these concepts was John F. Kennedy's. Kennedy appointed almost one-sixth of the present federal bench. Nowhere is the result of the Kennedy court-selection process coupled with the "judicial administration revolution" more ominous than in the Second Circuit of New York, home of a current pilot program and residence for a high proportion of Kennedy judges.

According to a former official of the New York Trial Lawyers' Association, the result is a "high productivity" nightmare in the federal court system. Judges are competing with each other for the disposal of their calendars. Chief Judge Irving Kaufman of the Second Circuit Court of Appeals has held up his case disposal record for the "rest of the country to beat." Lawyers report receiving calls telling them to be ready to go to trial without any prior notice or face dismissal for delaying court processes. This is resulting in a selective screening of cases. Only cases brought by Wall Street

law firms, intimately linked to the 1976 vote fraud theft of the Presidency through the Lawers for Carter organization and through Cyrus Vance to the New York Bar Association (Vance was President of the NYBA before becoming Secretary of State) are receiving full trial attention. Attorneys are reporting a high incidence of mental and physical breakdown in the legal profession as a result of these practices.

In addition, a full psychological profiling operation, run by the Fund for the Modern Courts, is now underway against New York City's state court bench. John J. McCloy, the American High Commissioner of Occupied Germany, chairs this project.

The Fund is sending "community monitors" into the state courts to assess whether or not judges are good administrators, whether or not they keep court decorum, whether or not they show the "obvious" effects of political patronage, and their treatment of the "consumers of justice," the defendant, the victim, and the attorneys representing both. This operation is accompanied by a state court reform scheme in New York, generated by the Institute for the State Courts, to centralize the court system and place it under control of the Emergency Financial Control Board because of the need for "economics."

The Bell Justice Department

Griffin Bell's policy statements since his emergence from the Coca-Cola and Atlanta Mafia law firm of King and Spaulding reflect the incorporation of the personnel and policies of the Democratic Party Bar operation into the Justice Department. Bell, the Chairman of the 1960 Kennedy campaign in Georgia and a Kennedy judicial appointee, characterizes himself as a "court reform expert" through service on the ABA Committee on Judicial Administration and related synthetic institutions. In discussing his plans for the department, Bell utilizes the "creeping" metaphor from the National Institute for Justice project:

> "You can't run a military government, you just work things out by talking." — Griffin Bell

The groundwork for Bell's Justice Department policies against industrial capitalism was laid by Attorney General Edward Levi. Everything emphasized by Bell — white collar crime, environmental litigation, criminal antitrust enforcement, court reform and civil rights — found their first policy and administrative emphasis in the renegade Levi Justice Department. But Bell's tenure and appointments mean that the constraints furnished by the Republican administration have vanished, and the personnel and operations to which Levi "reacted" are now employed in the Department of Justice.

With the American judiciary *drugged* by the ABA court reform operations, Bell has announced that he wants to put antitrust violators in jail rather than impose civil fines, that he will watergate resisting industrialists through extensive white collar crime enforcement, and that a new round of social agitation, demanding "equality," i.e., redistribution of shrinking wealth, will be fomented by an "activist" civil rights division.

This litigation strategy, a longer term perspective on the complete erosion of the Constitution, is complemented by administrative agency reorganization and plans for "rule by decree." Carter is already moving to watergate and stack administrative agencies regulating major aspects of the economy. His reorganization plan provides the enforcement "hands and feet" for manufactured social crises such as the recent energy and espionage hoaxes. This explains the puzzled reports of a "mixed bag" of Bell appointees in the nation's press: these are predominantly social control experts with a scattering of hard-core thugs for employment of terrorist networks. It also explains why the "open" Carter Administration is collaborating with "liberal" Sen. Edward Kennedy to push a revitalized S-1 Nazi crime bill through the Congress.

The backgrounds of the Bell appointees illustrate what is afoot.

Patricia M. Walt: Assistant Attorney General for Legislative Affairs (liaison with Congress). Wald is a former partner in Arnold, Porter and Fortas, ideologues of the "legal realist" movement and founders of the Institute for Policy Studies terrorism network. She is also a Trustee of the Ford Foundation, funders of the war on the judiciary among other notable projects. Under Ford Foundation auspices Wald helped write the benchmark book "Dealing with Drug Abuse," which opened the doors to Peter Bourne and the Atlanta "drug the population" movement. Wald's credentials also include membership in the Center for La
leading private intelligence network deindus
the U.S. under the auspices of the "environment."

Daniel J. Meador: Assistant Attorney General for the Office for Improvements in the Administration of Justice. Meador's critical role as an LEAA agent in the subversion of the judiciary has already been outlined. The creation of his special office in the Justice Department means the institutionalization and completion of the process begun in the ABA. Meador will have responsibility for "procedures in civil and criminal cases in the court" *"organization and jurisdiction of courts and their personnel"* and "effectiveness and fairness in crime control and criminal justice administration."

Wade Hampton McCree: Solicitor General of the United States. The Solicitor General controls all litigation coming to the U.S. Supreme Court and decides which cases the government will prosecute. McCree began as a Kennedy judge in Detroit, with close relationships to Leonard Woodcock, Walter Reuther and other social fascists of the Joe Rauh variety. From there he was appointed to the Sixth Circuit Court of Appeals, where his legal orientation was displayed in his most recent decision, a ruling which holds up construction of the 80 percent completed Tellico Dam Project because of interference with the "snail darter," a biologically useless species of fish. McCree did heavy service in the ABA project, listing himself on the Committee for the Federal Judicial Center, the Institute for Judicial Administration, and the Committee on Private Philanthropy and

Public Needs, the committee which conduited the funding for court reform and other projects.

Barbara Babcock: Assistant Attorney General for the Civil Division. This division litigates suits brought or initiated by the United States or government officials in their official capacities. Levi created a special section within the division, the Economic Litigation Section, which has been increasingly turned against U.S. corporations and has assumed a major workload in "product liability cases," the legal grounding for the consumer's law movement. Babcock was associated at Stanford University with the Anthony Amsterdam, National Lawyers Guild grouping, where she became an expert in "sex discrimination." Her earlier training includes work for the Wall Street special operations law firm of Williams, Connelly, and Califano.

Drew Saunders Days III: Assistant Attorney General, Civil Rights Division. Days is a former attorney with the NAACP Legal Defense Fund in New York and served on projects for the Rockefeller Foundation. He and Bell claimed to have discovered the existence of the nation's Hispanic population and will concentrate heavily on affirmative action in a new round of civil rights tensions, probably interfacing with Cesar Chavez's United Farmworkers slave labor union.

Benjamin R. Civilette: Assistant Attorney General, Criminal Division. Civilette, an expert in tax law and the Fifth Amendment, has been brought into the Justice Department primarily through a political deal with Congressman Paul Sarbanes of Baltimore. Civilette is a Sarbanes political protégé. His emphasis will be on white collar crime and watergating of U.S. corporations.

Michael J. Egan: Associate Attorney General. The Carter forces have split the former responsibilities of the Deputy Attorney General under the Justice Department reorganization plan provided by Rockefeller operative and former Attorney General Elliot Richardson. Egan will be chief advisor to Bell on Justice Department appointments, appointments of federal judges and U.S. Attorneys. Egan is part of the Atlanta Mafia, serving as a guest lecturer at Emory University, the nesting place of the Peter Bourne drug crew. He was formerly associated with the law firm of Sutherland, Asbill and Brennan, lawyers for the Institute for Policy Studies southern counterinsurgency project, the Institute for Southern Studies.

Bell has retained two Levi appointees, *Richard Thornburgh*, former head of the Criminal Division, and *Donald I. Baker*, head of the Antitrust division. Baker's usefulness has been proven. He has initiated more anti-trust suits against U.S. corporations than any head of the division since "trust-buster" Thurman Arnold. Bell is proposing court reform measures for "speedy criminal prosecution and jailings" of antitrust violators.

Thornburgh, who controlled terrorist network operations for the Justice Department throughout his association with Levi, has been promoted to a new special attorney general's post on espionage investigation. This role for the Justice Department's foremost thug forecasts the deployment of the Democratic Party's standard operating procedure in economic crisis: mobilize the population for war against an "external enemy."

Peter J. Flaherty: Deputy Attorney General. This is usually acknowledged as the most powerful post in the Justice Department. According to sources, Flaherty's appointment is the result of a Carter political deal with the former mayor of Pittsburgh. Flaherty worked closely with Thornburgh in Pittsburgh, when Thornburgh was U.S. Attorney and Flaherty was an Assistant Attorney General, to watergate that city's traditional political machine. He describes himself as an "efficiency expert" and was cited by the Rockefeller
foremost "austerity mayor" in the nation. According to sources, Flaherty has a curbing psychological effect on the rabid Thornburgh. Bell has specified that Flaherty will handle all "criminal justice" matters and the "streamlining of the Justice Department."

Courts Rule Snail Darter More Valuable Than U.S. Industry

In a series of rulings issued since the Carter Administration took office, the Supreme Court and various lower federal courts have declared themselves a rubber stamp for the Administration's de-industrialization programs. Rather than carrying out its designated role as the defender of the Constitution, the Supreme Court has placed its imprimatur on the Administration's insurrection against a republic based upon industrial development and technological progress.

The major court rulings, coinciding with Carter's own programs of energy "conservation" and cutbacks in nuclear energy development, are the following:

—The Feb. 23 ruling by the U.S. Supreme Court which gives the Environmental Protection Agency sweeping powers to impose industry-wide anti-pollution regulation, which could lead to a shutdown of an estimated 10 percent of the U.S. chemical industry over the next two years.

—The Feb. 16 ruling voiding $1.1 billion in offshore oil leases, made by Judge Jack Weinstein of the Eastern District Federal Court in New York.

—The 6th Circuit Court of Appeals ruling on Jan. 31, 1977, which ordered a halt to construction of the TVA's Tellico Dam and Reservoir Project because it endangered the habitat of a recently-discovered three-inch species of perch.

"Snail Darter"

The Court ruling in the Tellico Dam case* pitted "a $100 million project against a three-inch fish." En-

**Hill v TVA*, 76-2116, U.S. Court of Appeals for Sixth Circuit, Decided Jan. 31, 1977.