

While Waiting For The Jury

by Dave Kowalski, news editor

Many lawyers and legal philosophers can find little good in our system of justice, the jury system. Supposedly a group of peers, the jury usually tends to be composed of lower middle class, non-professional people. The best minds in any given community rarely, if ever, serve on a jury. As a consequence, the complex mass of evidence that must be sorted out, even in the simplest of trials, too often goes unexamined.

There is, however, an answer to these critics. One must not necessarily subject oneself to a jury trial. The court will try a case if the defendant so desires. In other words, the judge acts as a jury too. He determines the facts on the basis of evidence presented, and then applies his knowledge of the law to these facts.

There are always flaws in a system which puts the totality of power in one pair of hands. This was obvious enough to the framers of the United States Constitution that they allowed for a complex system of checks and balances in the government. That these checks and balances do not always work is not necessarily the fault of their creators, and is certainly not the concern here.

The shortcomings of trial by the court might be overcome by a three judge panel, which would take into account some of the complexities of a trial, bring to bear a consummate knowledge of the law, and minimize the individual functionary's power, upon which this country has always cast a jaundiced eye. The state however, will not brook the expense of a panel of judges presiding over a court, even if it be in the interests of an improved judicial process,

and a probable concomitant qualitative increase in justice.

It must be remembered that a concept of justice is dependent upon a clearly delineated truth. No system can defeat the perjured witness, who will not hesitate to report a situation the way he wishes he had seen it.

The thought that an oath administered to a witness before his testimony will cause him to tell the truth as he knows it to be is plainly naive, and as such, is an indictment of our entire court system. Even more naive is the belief that once the various principals concerned have given their testimony under oath, the truth must somehow emerge from the morass, as a gallant white charger victorious from the fray.

We are thus presented with the insoluble problem of establishing the truth. Assuming that people will continue to lie, in spite of exhortations to the contrary, we are left with the problem of determining wherein lies justice.

It seems apparent that our concept of justice, as being inexorably bound up in truth somehow, is useless. The reality of "justice" today is in no way connected with the truth, and any resemblance to the concept is purely coincidental.

It seems that if the Establishment wishes to maintain any semblance of respect for the legislative and judicial branches of government, it ought to strive to establish anew a code of real justice, which may be in line with the grade-school history book heritage of the country, a tradition fraught with lies, but still attractive in many aspects.

The Recognition Of North Vietnam

Within this past week Sweden became the first Western nation to recognize the government in North Vietnam. In doing so she has taken a major step in the realization that Communism is here today, and that the United States with all its military strength and attempted aggression against these nations will not dictate policies to its western allies. It is time for the world to grow up, or as the Broadway song urges, "to take its medicine." The Pueblo incidence of last year was a total diplomatic farce, with the United States not acknowledging the government in North Korea, and signing a statement that though we were in forbidden waters we really were not. Only through the recognition of all Communist nations, and the admittance of them to the United Nations can we ever hope to achieve a working relations that may, though not necessarily so, bring peace into our troubled times. Everything that Western man is taught to hold sacred in a Democratic form of government is deprived to the South Vietnamese by its government which we recognized. Several months ago a South Vietnamese newspaper published the United States reasons for the bombing halt in bolder type than their government's condemnation of it. The paper was immediately suspended for a period of time which would cause its ultimate death--yet we acknowledge this government, support it, and by its damned whims dying for it. If we can support this form of tyranny, then surely we can acknowledge the Communist nations in this world.

by Bill Clement

Democratic Manifesto

The people of the United States of America are living in an era of nihilism, the logical extension of which is the justification of murder and war; which carried to its limits produces the very negation of the freedom which it attempts to establish.

The gap between the people and the representatives of the people is becoming increasingly wider for as soon as a man gets to be the leader of an association he readily becomes lost as an instrument of that association. He views himself not as a mere delegate of the association he represents, but as a member of "an elite" composed of such men as himself. Thus - official decisions are justified as being the welfare of the public (when they actually are not).

Thomas Jefferson once said, we must strive for a "more perfect Democracy," but we are manifesting toward a "less perfect Democracy."

The stagnation of individual opinion is preventing the change needed to evolve from a Democratic Republic to a Democracy. The projection of individual opinion is needed if we intend to defeat the brutal force of conformity which is preventing man from being what he really is.

We are the victims of a conformist society; if we are to resist and break with our standardized mode of existence in order to pursue a more meaningful existence, a crisis in our lives would be inevitable. We have strong tendencies to avoid the issue and to take refuge in the comfort and assurance of our approved mode of existence.

"Every man is free, but most men fearing the consequences and responsibilities of freedom, refuse to acknowledge its presence in themselves and would deny it to others."

Every man is born in such a condition that he can become one, and only when he becomes one, can the conception of a true Democracy manifest itself into a reality.

by Nick Galluccio



obscenity is in the eye of the beholder

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SDS matching fund: for every \$1,000 the UH News loses, SDS promises to lose an additional \$1,000.