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Ethnic Groups: All or Multiple

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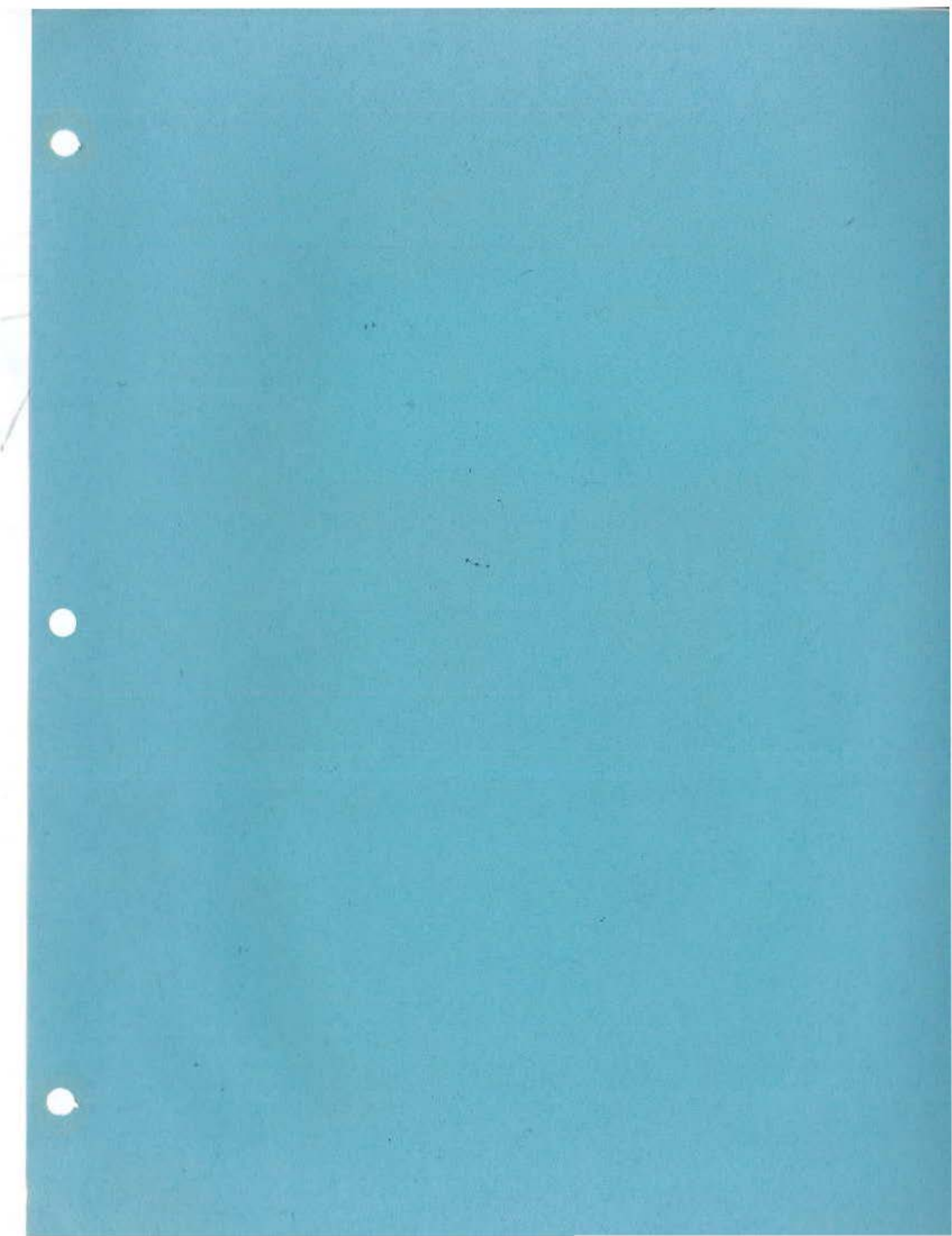
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ETHNIC GROUPS:

ALL OR MULTIPLE



7.1

BLACK
AMERICAN

Community Advocates: Balm for Aggrieved in Harlem

By CHARLAYNE HUNTER

When Harlem's new, innovative Small Claims Court opened last December, court officials expected to get about six to eight complainants a day.

Instead, they have been averaging more than 12 a day, with cases in January alone netting complainants, most of whom came from Harlem, a total of \$10,875.73.

Part of the reason for that kind of success—particularly in this area where redress, historically, has been scant—are people like Narcissus Copeland, one of a team of four people known as community advocates.

Mrs. Copeland is in charge of the group, which also includes Mrs. Vontelle Hansley, Steven Pikes and Leonard Quarless.

"If it wasn't for the community advocates," said the hearty young grandmother, "there would be no Small Claims Court in Harlem."

Although there are branches of Small Claims Court in each of the city's five boroughs, Harlem's court, at 170 East 121st Street, between Lexington and Third Avenues, is the only one with community advocates. The court is open to anyone in the area.

From December, 1970, un-

til the court opened a year later, Mrs. Copeland and three other local residents went through special training sessions with lawyers and consumer affairs specialists. They also sat in on actual sessions of various courts in preparation for what they do now.

"We're the next thing to a lawyer," explained Mrs. Copeland, who is a high school graduate with two years of college. She is employed by the Department of Consumer Affairs through a program financed by the Harlem-East Harlem Model Cities program.

A complainant, Mrs. Cope-

land explained, may elect to go before one of the judges, who sit on a rotating basis, or before one of the arbitrators, private lawyers who volunteer their services. The advantage of going before an arbitrator is that decisions are made more quickly.

Decisions by judges may be appealed, but an arbitrator's decision is final. The advocates are not allowed to represent people before judges, but they can do so before an arbitrator.

The arbitrators are used to cut down the number of cases the judge must hear in one session — the court meets only on Thursday evenings—presumably to allow justice to be dispensed more swiftly.

Fear Dispelled

"So many people have been cheated out of four and five dollars and are afraid to say anything," said Mrs. Copeland at the end of a long day in her third-floor office, which is on the same floor as the court.

In response to the community advocates' lectures before and flyers to more than 300 community organizations, people from the neighborhood—mostly black and Spanish-speaking—have brought their problems to the advocates.

Their office, which has an interpreter, is open Monday through Wednesday from 9:30 to 5:30 P.M., and Thursdays until 10 P.M. It is closed on Fridays.

"Sometimes our people are

a little shy," said Mrs. Copeland, who lives in Harlem. "They may have all of their material—receipts, and so on — and don't know how to present the case.

And sue they have—for automobile accidents, mainly; against merchants they say gouged them, for inability to recover security payments from a landlord, and in personal cases, such as one where, according to Mrs. Copeland, "a friend made a loan to another friend, but they aren't friends anymore."

"We've even had white doctors here collecting from patients," Mrs. Copeland said.

The Small Claims Court accepts cases involving amounts up to \$500, and the judgments are valid for 20 years. Mrs. Copeland recalled a recent case, how-who had, over several months, overcharged a tenant and then lied to the judge about how it had happened.

"The judge made him pay triple damages — \$865.25," she said. She explained that where such multiple damages were involved, the maximum may be \$1,500.

When asked what she thought about the legal profession as a possible new career for herself, she answered quickly, without hesitation.

"You know," she said, "I've been thinking about that a lot lately."

FRIDAY, MARCH 3, 1972



Narcissus Copeland, head of a team of community advocates in Harlem's new Small Claims Court, commenting on her activities at court yesterday

The New York Times/John Sol

A DISPUTE CENTER OPENS IN HARLEM

Designed to Resolve Minor
Conflicts and Free Police
for the Serious Crimes

By CHARLAYNE HUNTER

A community-based mediation center for minor disputes that is designed to free policemen "for more serious crimes" and help unclog the courts was opened yesterday in Harlem.

The center, which is under the auspices of the Institute for Mediation and Conflict Resolution, is the first of its kind in the country, according to Basil A. Paterson, the institute's resident.

Situated at 402 West 145th Street, the center will employ community residents who have undergone four months of training in arbitration and mediation to handle cases such as harassment, domestic disputes and other "lesser crimes between friends, relatives and neighbors," Mr. Paterson said.

The cases—which involve about 1,000 people a year, according to police estimates—will be referred to the center by police officers either directly from the scene or from the station house if the disputants agree on such a course of action.

A three-person panel will hear the case and if the parties themselves cannot agree on a resolution, the panel will impose one.

"A lot of these cases just get bogged down in the courts now," said Eda Harris, a social worker and one of 24 persons so far trained by the institute. "They really don't belong in the court system. These people are going back to the community, they'll see each other. They need a resolution they can live with."

Judged by Communion

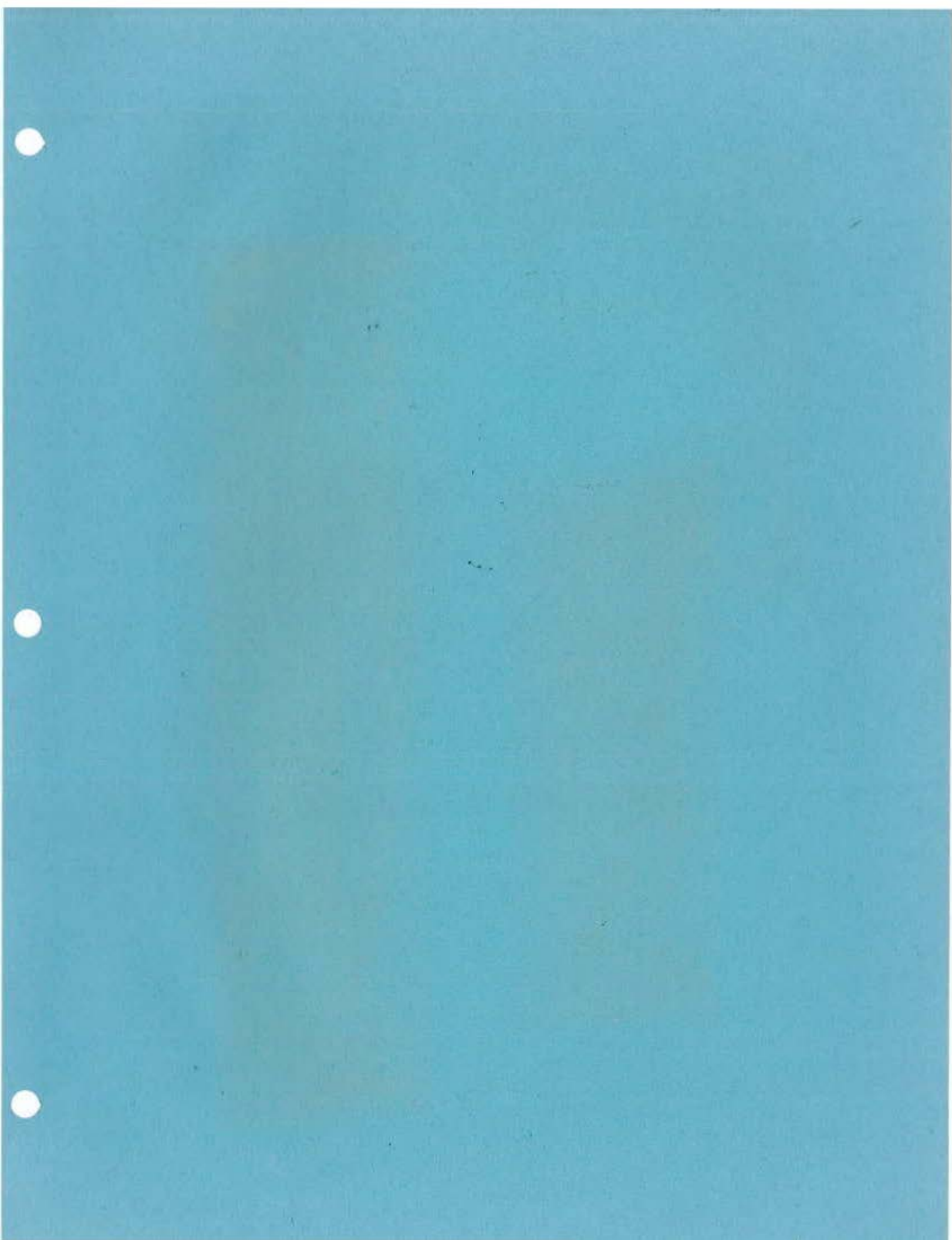
A major incentive for going to arbitration or mediation is that the disputants are judged by people from their own community, Mr. Paterson said, they also avoid establishing a criminal record.

In praising the new center, Police Commissioner Michael J. Codd said that it made "very little sense" to handle disputes in courts and "keep our valuable police power tied up rather than being in the streets attending to more serious crimes."

District Attorney Robert M. Morgenthau, who promised "100 per cent cooperation" in the new venture, criticized criminal law as "an imperfect way of solving criminal problems, but particularly imperfect when it is called in to family and community disputes."

The center, which received a \$306,000 Federal grant from the Law Enforcement Assistance Administration, through the Criminal Justice Coordinating Council, will initially serve the areas covered by the 30th and 34th Precincts—all of Manhattan north of 141st Street.

State Supreme Court Justice Edward R. Dudley, who described the center as "a deterrent at its source," encouraged the community to work with the police.



7.2

ORIENTAL-
AMERICAN

Mike Royko

A Chinese Bandit In Chicago? Odds All Against It

The Chicago Daily News
4 October 1965

"I don't believe it," said Harry Tom, when the detective told him about the crime. "I just don't believe it."

"The man says it's true," the detective insisted. "So we'd appreciate your help."

"Of course, I'll do everything I can to help," said Mr. Tom. "But I don't believe it."

When the detective left, Mr. Tom picked up the telephone and called his son, Eddie, to let him know what happened.

The son listened then said: "I don't believe it, but I'll start checking."



MIKE ROYKO

This is what the father and son did not believe:

A taxi driver had just been robbed a few blocks from their homes. When the cabbie ran from the cab, one of the two stickupmen shot at him, wounding him in the leg.

The driver said the men had entered his cab in the Loop and asked to be driven to Chinatown. He said both of the gunmen were Chinese.

Harry Tom, a restaurant owner, is Chinese. He is, in fact, the elected "mayor" of Chicago's Chinatown and a very real leader of the 4,000 or so Chinese-Americans who live in the colorful neighborhood around 22d and Wentworth Av.

He was disturbed because he had never heard of a Chinese stickupman. Nor had the detectives at the robbery detail. They didn't have pictures of known Chinese criminals to show the cab driver because there is no such thing in Chicago as a "known" Chinese stickupman.

CHINESE DO A LITTLE gambling now and then, but street crimes, juvenile delinquency, and other commonplace city law violations are unknown to them.

By Friday afternoon (the robbery was Thursday night), the neighborhood was in a mild uproar. Everyone had heard about the case.

And by Friday afternoon, Eddie Tom had finished checking around, gathering information, talking to people.

He slid into a booth in a Chinese restaurant on Wentworth Av., a smile on his face, and ordered coffee instead of tea. "Chinese, huh? Chinese my foot."

"They weren't Chinese?"

He shook his head. "I found witnesses. Some people saw them running and got a good look. They weren't even Orientals."

"You're sure?"

"Positive. We'll get the information to the police, I knew it all along. You could round up everyone who lives around here and search them; you wouldn't find one person carrying a gun."

THE CONVERSATION TURNED to what might have happened had the gunmen been Chinese.

"We'd know about it by now and who they were," Eddie said. "The families would have to tell us. Or they would lose face. Face is very important to us."

"What would have happened?"

"They'd probably be turned over to the police. But maybe it could be handled right here. That's happened in the past. The community handles many things itself."

"A trial?"

"Sure, I'll show you where they are held." Eddie led the way across Wentworth to the On Leong Building known as "Chinese City Hall."

Inside are the offices of the Merchant's Assn., made up of nearly all of the city's Chinese laundries, restaurants, food companies, souvenir shops.

On the second floor, next to the rooms of Chinese art work, is the meeting room-courtroom. Despite the Chinese decor, it is much like a city council chamber or a courtroom.

"TRIALS ARE HELD HERE. The room is closed off. No non-Chinese are allowed. There are no lawyers. The officers sit up here and ask the witnesses questions. They make the decisions, decide the punishment, dispense justice.

"Most of the trials involve civil matters, things like unpaid loans, real estate and business disputes, fights over an inheritance.

"If a person doesn't want to accept the community's justice? Simple, they don't have to. They can walk right out.

"But then no Chinese will hire them. And if they are in business no Chinese will work for them. Nobody will do business with them. They will be cut off from everyone and everything.

"The last criminal case we had here was a young man accused of raping a young girl. He was tried right here and sentenced to be beaten by his father in front of all of his relatives.

"Had the father not beaten him hard enough with the bamboo, the father would have been beaten.

"BEFORE THAT CASE, I recall a case of embezzlement. The man had embezzled a great deal of money from his company. He was tried and found guilty. He just walked out of here and was found sometime later in the river. Nobody had touched him.

"As I said, face is very important. And we don't have much crime because of it. Chinese stickupmen? Huh. That's a good one."

200 Strong, Tom's Family Is In Session In Chinatown

By Art Petacque

Two hundred members of a single family which has its own Medicare, head-start and anti-poverty program opened its convention in Chicago Saturday.

It was not only a convention but also a reunion of Tom family and it drew relatives from as far away as Hong Kong.

The delegates began gathering Friday for their three-day meeting at the Chinese Community Center, 250 W. 22d Pl. On the agenda is the budget which is expected to run as high as \$200,000 this year.

Harry Tom, 63, owner of the Chinatown Gardens Restaurant, 2130 S. Wentworth, an unofficial "Mayor of Chinatown," greeted the delegates, who included Mr. and Mrs. Tom Love Chiu, of Hong Kong; M. P. Lee, postmaster of San Francisco, and others of the Tom family from New York, Los Angeles, Washington and Detroit.

"It's really a convention of the Tom family association," Harry Tom said. "We have family associations throughout the world. They are based on seven key families.

"Our own Tom family association represents I don't know how many people. After all, there are 600,000,000 people in China itself and they in-



HARRY TOM

Mayor of Chinatown

children to help them learn English," Harry Tom declared.

As for Medicare, the family associations maintain a treasury that is used for the aged, the ill, widows and orphans.

The family association delegates are expected to pass a \$200,000 budget that will be used for scholarships for needy Tom children, sick and burial benefits and general welfare purposes.

"It's the Chinese way," Harry Tom said. "We like to take care of our own."

At noon Sunday the delegates will shoot off 30,000 firecrackers at the community center.

clude many, many Toms, you can be sure."

He said the Chinese in this country had their own welfare program years before the government heard of the words "urban opportunity, head-start and Medicare."

He dated it back to the 1920s and said it was started here in Chicago's Chinatown. There was a sudden influx of hundreds of Chinese to Chicago, he said.

"We took care of the poor ourselves and we had head-start classes — although we didn't call them that — for the

7.2

CHINATOWN FEARS RENEWED VIOLENCE

Two Recent Slayings Could Start Youth Gang Warfare Again— Area Outwardly Calm

By NATHANIEL SHEPPARD Jr.

On the surface, yesterday was just another day in Chinatown. Tourists and residents moved briskly along the narrow sidewalks, a small and noisy parade extolled the virtues of President Ford.

But beneath the surface was an undercurrent of fear that two recent slayings, along with other incidents the last two months, might signal a resumption of public violence by rival youth gangs who in August pledged to keep a truce.

Efforts to elicit comment on the slayings or on activity by the youth gangs were fruitless. Merchants suddenly could not speak English or nervously moved away, saying they knew nothing. Young people on the street also refused to talk and said it would be hard to find anyone who would talk about the gangs.

15-Year-Old Youth Slain

One of the slayings took place in front of 88 Elizabeth Street near Grand shortly after midnight yesterday. Peter Lee, 15 years old, who lived in the building was shot once and died on an operating table at St. Vincent's Hospital.

Two youths, Ernest Lee, 20 (no relation) of 425 Bradley Avenue, Staten Island, and Joseph Lam, 21 of 47 St. James Place, were charged with the murder. Both are believed by police to belong to the White Eagles gang. A third gang member is being sought.

In the second incident, an unidentified man about 19 years old was shot to death in the men's room of the Sun Sing Chinese theater at 75 East Broadway at Market Street.

According to the police, the assailants walked into the rest room and opened fire, killing the victim and injuring two patrons near the back of the theatre.

On Sept. 9, five persons were wounded in a gunbattle at Bayard and Elizabeth Streets at about 11:30 P.M. The police believe that was a incident of a flareup between two rival gangs—the Ghost Shadows and the White Eagles.

Pledged to Halt Violence

month earlier pledged to give up violence and look for jobs and get language training.

And on March 31, one person was killed and six others wounded when two suspected members of a neighborhood youth gang walked into the crowded Co-Luck Restaurant at 42 Bowery near Canal Street and began shooting without warning.

The police have said there are about 200 gang members who terrorize Chinatown Streets and who specialize in shaking down merchants in exchange for protection.

At restaurants and shops along Bayard, Mott and Elizabeth Streets yesterday, no one seemed to know about such activities.

And on Elizabeth Street near Grand, a

NYT
18 Oct 76
p. 53

few yards from where one of the week-end killings took place, one of two youths standing in a doorway said "to get information you will have to go directly to the group on Mott Street, but you would just be wasting your time because they won't talkin to you."

17.2

NYT 25 Oct. 1976

p. 22

NYT 25 Oct 76 p. 22

**Codd Links Gun Slaying
In Chinatown to Struggle
Between 2 Rival Groups**

Police Commissioner Michael J. Codd said yesterday that a "struggle between two different groups" was involved in a rash of violence in Chinatown that led to the fatal shooting of an alleged youth gang member in a Chinese movie theater Saturday night.

Following a number of other shooting incidents in Chinatown in recent weeks, 19-year-old David Wong was felled by a gunman who walked into the lobby of the Pagoda Theater at 9-11 East Broadway and opened fire, apparently without warning. Two other men were wounded and listed in "fair" condition yesterday at Beekman Downtown Hospital, where young Wong died on the operating table early in the morning.

The shooting came exactly one week after two men entered the men's room of the nearby Sung Sin Chinese Theater at 75 East Broadway and fatally shot another 19-year-old, identified as Bing Quinn Lee of 137 Montgomery Street. Two other men seated in the rear of the theater were wounded in that incident.

The police said yesterday that they were still unsure whether there was a connection between the two theater slayings. But they indicated that the most recent one stemmed from a rivalry between two Chinese youth gangs, the Ghost Shadows and the Flying Dragons.

David Wong, the police said, was a member of the Ghost Shadows, as was Peter Chin, 19, one of the two wounded. The other wounded person, Jose Santiago, 22, was a security guard at the theater. Young Wong died from a stomach wound, while young Chin was shot in the leg and Mr. Santiago in the buttocks, according to the police.

The theater lobby was crowded at the time, and the police said that a number of witnesses had supplied with the name of the suspect who was being sought yesterday. The Fifth Police Precinct reported last evening that an arrest seemed "imminent."

NYT 1 Dec 76 P. B-1

Festive Chinatown Is a Place of Terror To the Merchants Who Cross Gangs

They said, "One of our brothers is in jail. Would you like to make a donation towards his bail?" I gave them \$25.

Did they show a weapon?
No.

Did they put a hand in the till? If one of them touched the till, maybe we got larceny.

No. I handed over the money.

Damn! How are we going to tell a judge that's extortion? How are we even going to translate it for him?

The shopkeeper who had shown the rare courage to come forward as a witness against the Chinatown gangs went home bewildered. The police detective who reported this conversation was disheartened—the case, hardly begun, would have to be closed. The shopkeeper's grocery, too, would continue to close at 7:30 instead of 11 each night.

Chinatown is safe for whites, but fighting among the 200 gang members has killed 14 persons in the last two years, and shopkeepers do not want themselves or their customers to be shot, even if inadvertently. Nor is there much point in staying open when a large piece of their profits is lost in protection payments, spot "donations" and unpaid-for meals.

5 Wounded in Shootout

In the last year, 140 arrests have been made in gang incidents. The police estimate that 30 people have been shot. David Dong, 19 years old, was killed in the lobby of the Pagoda Theater Oct. 23. Peter Lee was killed in front of his house Oct. 17. Five Chinese were wounded in a shootout at Bayard and Elizabeth Streets Sept. 8.

These gangs, the Ghost Shadows, Flying Dragons and White and Black Eagles, are not like South

Bronx or Bedford-Stuyvesant gangs any more than their territory resembles other ghettos. Millions of tourist dollars do not flow into the restaurants of Harlem.

The Chinatown gangs do not wear colors, taunt the police, mug outsiders or break apart when their members finish school. Their crimes are sophisticated. Extortion payoffs run, according to police detectives, as high as "\$1,000 a week if you're a tough guy, and \$70 for the peons—the juveniles they hire to carry the guns."

Reasons for Joining

Asked for the reasons, other than money, young Chinese had for joining gangs, one member standing by a gambling house doorway replied, "Language problems. No job. Family problems," and

Continued on Page B14

over

Gang Members Live Well

For the time they are in the gangs, a Chinese ex-detective said, the youths have expensive cars, good clothes and eat in fancier restaurants, places like the Hawaii Kai, the Edison Hotel, which Chinese women patronize. They are mobile in their extortion targets, ranging as far as West Milford, N. J., and Massapequa, L. I.

Some live in apartments the gang rents and carry guns the gang bought. Some are heavy gamblers in the houses they protect. Some leave restaurants without paying, signing "Dragons" or "Eagles" to the check.

Some are polite, even in robbery, asking for the loan of a wristwatch rather than being blunt. Loyalty to the gang is necessarily fierce, because the gang is the leaders' livelihood. A few have left affluent families in the boroughs. Most have dropped out of school.

One member said, "Get an education? What for? I finished high school. I work in a restaurant. If I went to C.C.N.Y., so what?"

"I used to work for my cousin in Connecticut. She has an M.A. Her husband, too. Know what they did? They opened a restaurant."

He expressed some disgust at the gambling house whose doorway he would not admit guarding. "The police ought to do something. But they never close them."

The police public morals squad says it has given gambling violations low priority because of the manpower shortage.

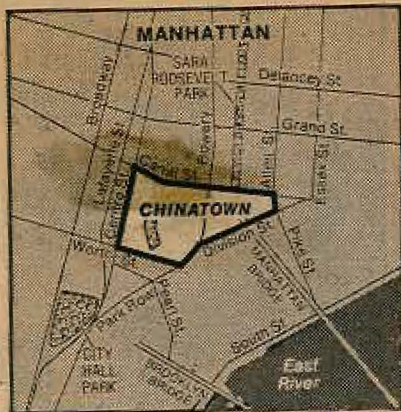
The Gangs' View of Police

The police say the gangs regard them as a necessarily evil and luckily restricted by rules of evidence and suspects' rights that are foreign to Hong Kong. There is only one Chinese-American police officer in Lower Manhattan. "The gangs assume that even officers with Chinese faces think like Irishmen," an ex-detective said.

The gangs are most feared by storekeepers and the elderly. According to some shopkeepers, stories of the shootings have cut business 40 percent. Young Chinese say they go out for

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The New York Times/Dec. 1, 1976

noodles late at night confident that members have no interest in them. They do fear, however, being caught in an erratic gang crossfire.

"Sometimes, a kid kills another," said Richard Wong of the state Human Rights Appeals Board. "and it's the first time he's fired the gun. Maybe he's sneaked off a couple of shots down by the river to see if it works, but target practice? Where could he get that? So bystanders sometimes get killed. But I'd be extremely surprised if a cop or a white or anybody not in a gang was shot at."

Stores have been robbed at gunpoint, however. One storekeeper said she was held up by two youths who contended that they customarily got \$100 or started shooting. She said they left with customers' cash and the take of a "family mah-jong parlor" upstairs.

Resistance is unlikely. Almost no Chinese storeowners have guns. They

see them as an invitation to their own murder, and few were brought up knowing how to shoot.

The origins of the gangs are in several sources: American-born gangs, notably the Continentals, formed as far back as 1961 in fights with Puerto Ricans in Junior High School 65 and Italian-Americans from Little Italy. According to a City College professor, the gangs were students who committed infrequent petit crimes and felt they were protecting Chinatown.

Then, in 1965, immigration laws began to allow 15,000 Chinese a year (rather than 102) into the country. The immigrants, some of whom had been in street gangs in Hong Kong, found themselves threatened by both outsiders and the American-borns, whom they quickly outnumbered. They also become aware of the huge sums of money in gambling houses, smuggling and illegal aliens that could be taken without fear that the victims would call the police.

The Tongs and the Gangs

Most residents say the On Leong and Hip Sing, the two tongs that own real estate, collect dues from businesses, adjudicate labor disputes and run the gambling houses, started the gangs. One social service director said an On Leong member losing status hired the White Eagles as lookouts, dues collectors, and bagmen in the heroin trade of the late 1960's to bolster his position.

An ex-detective said the houses, fearing robbery by Hong Kong youths, formed "youth fraternal societies" with a martial arts club and meeting place to get them off the streets. Ex-gang members say 1969 fights between the already-extant Eagles and Quon

Ying ("Other Than Eagles" who became Shadows and Dragons) hurt the tourist trade, so the tongs paid them off in jobs and cash to keep the peace.

Control of Mott Street—tantamount to control of Chinatown—was wrested from the Eagles by the Ghost Shadows in November 1974 in two weeks ended by the arrest of five Eagles for shooting up a sedan full of Shadows. (One was hit—in the finger.) According to Chinatown newspapermen, the two biggest gambling parlors are on Mott between Canal and Bayard; several basements also run games of pi gow, fan tan, 13-card and 7-card poker. As much as \$69,000 in house cash has been collected in a single raid; with a 5 percent house "take" (police estimate), paychecks are rich. The Eagles have since confined their activities to Elizabeth Street, the Dragons to Pell, Division and Bowery.

The Power Struggle

Several sources said the tongs sanctioned the move by cutting off payments and weapons to the Eagles because they were mugging departing winners and drawing bad publicity over gang fights. Meanwhile, the Ghost Shadows were proving themselves a daring and vicious gang—pulling a robbery with submachine guns at an American Legion Post in Eagle territory and resisting attempts by San Francisco's Wah Ching gang to first unite the factions here, then split and kill Ghost Shadows' leaders.

Since then, community leaders say, the gangs have become stronger than the tongs and, because of the reluctance of victims to testify, are nearly immune to police charges more serious than weapons violations. In a Nov.

3 meeting on the security of Chinatown, some of these community leaders discussed proposals to get a Federal crime task force with Chinese agents to pursue gang members; to force parents to pay bail in order to shame them into reforming their sons; to obtain Internal Revenue Service investigations of anyone who makes high bail (to expose the gambling houses, which they said, had gang members and sometimes compensate patrons arrested in raids for time spent in jail). No action was decided at the forum.

StopGap Measures

Right now the police are putting their hopes in other stopgap measures—social services trying to keep 12- and 13-year-olds from being recruited, and job and language schooling for Hong Kong-borns, in which the gangs said they were interested during a short-lived August truce.

Lucas Liang, publisher of The China Post, has proposed the formation of block associations (not in competition with tong affiliations of the stores) that would prompt storekeepers to go to the police as a group, hire private security and, perhaps, give them enough of a sense of power to resist gang demands for money and draw the parlors into that resistance.

Otherwise, the end to membership for many and the assurance that the youth will not mature along Mafia lines will continue to be matrimony. "The young men don't want their wives hurt," Richard Wong said. "Chinese women are a tremendous stabilizing influence. Perhaps deferential in public, but behind closed doors, they often call the shots."

Police Investigate Security Patrol In Chinatown for Youth-Gang Ties

WMT

6 Oct 77

p.1 Col. 4

Three police agencies are investigating reports that a private security company retained to protect Chinatown merchants against youth gangs has used gang members themselves to intimidate shopkeepers into signing contracts with it.

The investigation into the agency, the John C. Mandel Security Bureau Inc. of 1 World Trade Center, which has signed at least 30 Chinatown stores for patrol or alarm services, is being conducted jointly by the Intelligence Division, the Public Morals Division and detectives from the Fifth Precinct.

Spokesmen for these branches of the Police Department and for the Manhattan District Attorney's office said that the investigation had started last July after the police heard charges by Chinese shopkeepers that members of the gangs had carried the Mandel company's letters of intent into their stores and "suggested" that they sign.

The police said they were disturbed by

the presence in Chinatown of a security agency because they feel it might produce a further barrier between them and the shopkeepers, who are already very reluctant to press charges when arrests are made, and because of a "potential for extortion or cooperation" that exists when gangs and private policemen work in the same area.

Gang shootings have become more frequent in Chinatown recently, and members of some security agencies said they would never put men there, fearing they would be killed.

After several years of street warfare between rival gangs of Hong Kong-born youths, the Ghost Shadows, who number more than 100 by police estimates, have gained, the police say, sole control of Chinatown's streets—that is, the power

Continued on Page 47, Column 1

Continued From Page A1

to extort money from shopowners on those blocks and to be paid to protect the many gambling houses.

The manager of the Mandel agency's Chinatown office, Richard Yuan, has denied the charges of intimidation, insisting that his guards have even thrown gang members out of a store from which they were stealing merchandise. He also said gangs had threatened his landlord to force him to move the Mandel office and that he has been told he has "a price on his head."

John C. Mandel, the head of the agency, is a former detective and former coach of the United States Olympic wrestling team who has built his company into one

of the city's largest in the 14 years since he retired from the New York City Police Department with 11 citations in 1963.

He denied any involvement with the gangs, calling them "punks" and referring to his Chinatown contracts as "peanuts" contrasted with the amount of business he does with the World Trade Center and others.

Last Tuesday, it was reported that a joint study team within the Port Authority of New York and New Jersey had criticized the renewals of Mr. Mandel's contract to guard the World Trade Center, which expired last Friday. The contract will be reopened for bidding, largely because the report cited inadequate guard appearance, attitude and performance of routine security assignments by Mandel personnel.

First Line of Defense

The Mandel agency, which provides security services for office buildings and housing projects in several states, began soliciting contracts from Chinese stores after a June 8 speech by Konsin Shah, the consul general of Taiwan, suggesting that private security guards be hired in Chinatown.

Mr. Shah said later, in an interview, that he had encouraged Mr. Mandel to seek Chinatown, contracts but that he had not used his influence to get the Mandel agency hired.

To manage the Chinatown operation, Mr. Mandel hired Mr. Yuan, the son of a former publisher of a Taiwanese Government newspaper. Mr. Yuan has written in a newspaper article that he regards the Mandel private police force as a first line of defense against the possible Communist infiltration of Chinese businesses.

According to the police, storeowners pay the Mandel agency up to \$140 a month for protection. Only two guards, both non-Chinese, are on patrol in Chinatown at any one time, Mr. Mandel says. Police officials have said that they feel shopkeepers are paying extravagantly for a false sense of security.

Police interest in the agency was kindled when the Wah Sun Coffee House, at 56 Mott Street, became one of the first stores to display a "Protected by John C. Mandel Security" sticker in its window. Detectives describe the shop as "the street headquarters of the Ghost Shadows," and gang members still patronize it.

Police Cite Incidents

The following incidents, which occurred since the Mandel agency opened its branch office at 45 Bayard Street in June, have furthered police investigation into the case:

¶Capt. Allan Hoehl of the Fifth Precinct said two storeowners called on him and said they had been told by "some youths" to sign Mandel contracts. They expressed fear for themselves and their businesses if they did not sign, Captain Hoehl said. He refused to say that the youths were gang members, but another detective in the precinct said their dress-reminiscent of 1950's "tough guys"—and manner of approach suggested gang membership.

7.2
¶A prominent restaurateur, who asked that his name not be used because he said he feared for his life, reported in July that his restaurant had been offered a Mandel contract by members of the Ghost Shadows. The next day he denied he had ever made the statement.

¶According to Captain Hoehl, a store

on Mott Street, which other persons later identified as the Wing Fat Grocery, was robbed of merchandise by members of the Ghost Shadows two Sundays in a row. A week later, the owner signed up with the Mandel agency for \$120 a month, Captain Hoehl said, and, although the agency's foot patrols are infrequent and alarm systems incomplete, the store has not been bothered by gang members again. Asked about this later, the owner said he had never had any trouble, but signed with the Mandel agency as "double protection."

¶The 60-year-old president of the East Block Association, Ignace Cheng, who is negotiating with Mr. Yuan over a fee for security for more than 50 stores on the block, had his skull fractured on Sept. 9 by three youths who burst into his second-floor travel agency and beat him without saying a word or stealing any merchandise. His block association had rejected a \$6,500-a-month proposal from Mr. Yuan and was scheduled to meet later to discuss a \$5,400 price.

The next morning, Sept. 10, according to Captain Hoehl, Mr. Cheng told detectives from the Fifth Precinct he thought the beating "might have something to do with the gangs."

On Sunday afternoon, Sept. 11, his wife said in an interview that it was "still an open question" whether he had been beaten because his association was negotiating a Mandel contract. But Mr. Cheng himself told a reporter from his hospital bed that this was impossible, that the beating had nothing to do with the gangs or Mr. Mandel.

He said that he had never been threatened, that he had no enemies and could think of no motive. On Monday evening he insisted to detectives from the Public Morals Division that he had been beaten by friends of two young women to whom he had refused to give refunds on a tour he had arranged.

'The Girls Are Clean'

Detective Thomas Armet of the Fifth Precinct said two weeks later that the police had investigated the charge and he added, "The girls are clean—nobody's boyfriends did it."

Mr. Cheng was shown pictures of all of Chinatown's known gang members and made no identification. Detectives would not say whom they suspected other than gang members.

The opportunity for a security company to enter Chinatown was opened up three years ago by the Chinese Consolidated Benevolent Association, the umbrella group of family, fraternal, political and mercantile associations that unofficially governs Chinatown, according to M.B. Lee, a former president of the association. Bids were sought from various security agencies, he said.

Some of the agencies pulled out of the bidding, citing the danger to their men and feeling the gangs were a police matter, according to the directors of several agencies interviewed. Others balked when

they discovered the Benevolent Association did not plan to pay or guarantee the agency's fees, but to let it solicit individual contracts from small storeowners.

Mr. Mandel made a bid three years ago to guard all of Chinatown's merchants for \$325,000 a year, Mr. Lee said. This offer was rejected as too expensive. A second Mandel offer of \$285,000 was similarly turned down, both because of its cost and the opposition of Capt. Edward W. McCabe, head of the fifth Precinct at the time, Mr. Lee said.

Met At Kung-Fu Club

No security agency patrolled Chinatown during the three year period. Then on June 8 of this year, Mr. Shah, the consul general, appeared before the Retired Detectives Association of the Police Department, of which Mr. Mandel is president, and suggested that a private security agency might be able to help the police in Chinatown cope with the gangs. (Mr. Mandel says he became a friend of Mr. Shah's after meeting him at the Benevolent Association and a kung-fu club, of which they are both members. Mr. Shah was invited to speak before the detectives' association because he was a friend of some of the members, who had fought

with him in the Far East during World War II, Mr. Mandel said.)

In addition, Mr. Yuan also wrote several articles for The China Tribune, for which he is still a part-time reporter, calling for the hiring of a security agency and, later, but before he was hired as Mandel's branch manager, specifically praising the Mandel company.

On June 3, shortly before Mr. Shah's speech, Mr. Mandel announced the opening of the Chinatown office and the hiring of Mr. Yuan. He also put armed guards in blue police-style uniforms and white hats on the streets to advertise for the patrol service.

Mr. Yuan wrote articles saying the agency would hire as many as 20 Chinese guards. This prospect made some shopkeepers nervous. One Mott Street importer recalled a joint Citibank-New York City experiment several years before that had provided a gypsy-cab service with police-band radios to report crimes. The new drivers the cab company hired, he said, were all Ghost Shadows.

Conversation Overheard

The Mandel agency began soliciting its own contracts, but it was unclear until recently how much the Benevolent Association or other community leaders were backing its sudden success in Chinatown.

On Tuesday afternoon, Sept. 13, a New York Times reporter, having a snack at the Wah Sun Coffee Shop, accidentally overheard a conversation at the next table between Mr. Mandel, Mr. Yuan and Yut Kan Yee the president of the Benevolent Association and present unofficial "mayor of Chinatown."

Mr. Mandel, unaware that he was being overheard, told Mr. Yee, through an interpreter, that he wanted them to meet that night with Consul General Shah to discuss the security contracts "because I'm tired of taking all the blame for this thing in this newspapers."

And when Mr. Yuan joked that he could not afford to dress himself properly and

an interpreter said Mr. Yuan was "ninting for a raise," Mr. Mandel replied, "Tell him to ask the KMT."

The KMT, Or Kuomintang, is the ruling party of Taiwan, which Mr. Shah represents.

In a later interview, Mr. Mandel explained the meeting as follows: His desire to take Mr. Yee to see Mr. Shah, he said, referred to a Wednesday night dinner—one night later—at which he planned to present Mr. Shah with a trophy for the Taiwanese Little League team, the current world champions.

He denied he could have made the remark about the KMT, saying, "KMT, IRT, BMT—they're all subways to me."

Asked what he meant about "taking the blame in the papers," he explained he had run into Mr. Yee that afternoon while visiting Mr. Cheng—the block association president who was beaten—in Beekman-Downtown Hospital.

There Mr. Cheng had told them a reporter had asked whether he could have been beaten to scare his association into signing a contract. Mr. Mandel said he immediately had ordered Mr. Yuan to stop soliciting contracts, "until this thing is cleared up."

When asked about the charges of strong-arm tactics and gang involvement, Mr. Mandel said:

"There is no way I would let any of these punks [gang members] into my organization. I got 2,000 guys working for me. I got the World Trade Center and places in Jersey and Florida. This is my little finger. Why should I risk my reputation and a \$2 million business for peanuts in Chinatown?"

He also said that, when he first heard in July of the charges, he sent one of his own men, Richard Kovarick, a six-foot, five-inch former detective, around with Mr. Yuan to ask owners of the 10 stores he had then signed to sign new contracts. None refused, he said, and this convinced him that none had originally signed under duress.

"There must be some kind of power behind this—someone trying to keep us out of Chinatown," Mr. Mandel said. He suggested that it might be a rival security company spreading rumors about him.

Action in a Grocery

Mr. Yuan also said he would never countenance the use of gang members to sell contracts. He said his men had thrown gang members out of the Kam Kuo Grocery at 7 Mott Street when they were planning to make off with three carts full of food. A manager of the store confirmed this.

Captain Hoehl and Detective Phil Agosta of the fifth Precinct's gang squad said it was the first time they had heard of any action taken by the Mandel guards against the gangs.

Mr. Yuan also said gang members had threatened his landlord into forcing him out of the Bayard Street offices, and that an Italian man he did not recognize had warned him that there was "a price on his head."

His landlord later said in an interview that he wanted the office space for his own use, but admitted that "rumors concerning gangs"—he would not be more specific—had been a factor in his asking Mr. Yuan to move.

Mr. Yuan's response to the allegations of strong-arm tactics were that they were "rumors started by leftists," particularly rival "newspapermen sympathetic to mainland China."

In an Aug. 12 article in The China Tribune explaining his role in the Mandel company, Mr. Yuan, who is known for his frequent editorial attacks on what he believes to be Communists undermining the strong Taiwan sympathies of American Chinatowns, said, "when the Communists come [to Chinatown] to force the shopkeepers to run up their five-star red flag, the Mandel agency will be there to stop them."

Pressed to explain why he had hired Mr. Yuan, Mr. Mandel said he could not remember where he had met him. He said he had hired him because he spoke Chinese and because he said he was the manager of a newspaper and secretary of a press club.

Mr. Yuan, the son of the former publisher of The Taiwan Central Daily News the Kuomintang party paper, has been a reporter for two newspapers and made a short-lived attempt to found a Chinese newspaper-workers' union before he left Sing Tao Newspaper after an argument with the editor.


He said he could not remember how he had met Mr. Mandel or who had introduced them.

7.2

Chicago™

The dark side of

Chinatown



The Ghost Shadows are not the only gangsters working Wentworth and Argyle. The others are respectable businessmen. But the streets are safe for tourists: All the victims are Chinese.

by John Conroy

Photography by Richard Stromberg

Argyle, east of Broadway: By day it is a relatively peaceful street of down-and-outs from nearby transient hotels, Chinese from the sluggish New Chinatown businesses, Appalachians, blacks, and some Vietnamese. At night, though, anything can happen. On the night of February 28, 1977, during the Year of the Snake celebration, some high-stakes gambling took place above the Chinese grocery at 1121, in the headquarters of the Hip Sing Association.

At 1:30 a.m., about 60 people remained at the gaming tables. A male Oriental poked his head in the door, surveyed the room, and disappeared. He returned one minute later with seven other Cantonese-speaking teenagers. Two wore ski masks; all carried handguns. They apparently forced Joseph Leung, then secretary of the Hip Sing, to open a safe; while the Hip Sing would be the last to admit it, for fear of an IRS investigation, police believe that a sizable sum in gambling receipts was taken.

The male gamblers were ordered to remove their pants and throw them into a pile, and several of the robbers went through their pockets and then searched the purses of the women. That done, the youths told the men to remove their underwear, in case valuables were concealed there. Two elderly men were caught trying to hide watches in their sleeves and were pistol-whipped.

The robbery took 40 minutes. Estimates of the bandits' take, in both jewelry and cash, are as high as \$100,000. By the time police arrived, most of the guests had fled for fear they'd be arrested for gambling, and some cops speculate that the police would not have been called at all had it not been for the beatings. After dodging questions for a while, Leung and Jimmy Wong, the Chicago restaurant magnate and a Hip Sing official, admitted that some card playing had been going on. When pressed further, they added that the group had been held up by the same punks a few months before.

The 17 guests who remained were interviewed by police and listed their losses. Wong and Leung pledged their cooperation in the investigation. Nine days later, police from the Area Six robbery unit went out to mug shots to the robbery victims. Seven suspects seemed to have amazingly short memories; none could make an identification. Others could not be found—the addresses they'd supplied on the night of the



robbery were burned-out buildings, places they had moved from months before, or buildings where they had never lived at all. Investigators also tried to contact Jimmy Wong, but messages left at his home and restaurant went unanswered.

At the time of the holdup, the Chinese punks had been on scattered police blotters for almost four months. It was known that they called themselves the Ghost Shadows, that they were affiliated with the Ghost Shadows in New York's Chinatown, and that they'd held up Chinese restaurants in Rolling Meadows, Wilmette, Arlington Heights, Evanston, and Chicago as well as in Cleveland and Lyndhurst, Ohio. In Chicago's Chinatown, a member of the powerful Moy family had been robbed of \$50,000 in jewelry, businessmen had been extorted, restaurant checks had been signed "Ghost Shadows" with no offer of payment, and the owner of the Jade East Restaurant on Cermak Road had been wounded by a stray bullet.

The Ghost Shadows are a group of 50 to 75 Hong Kong-born youths, aged 15 to 25, operating in Toronto, Boston, New York, and Chicago. Of the five gangs in Manhattan's Chinatown last year, the Ghost Shadows were dominant, but they also had the highest attrition rate—because of killings by rival gangs, shootings by police, and incarceration for serious crimes. They continue to attract members for that very reason—they are the toughest and most daring of the young Chinese, the wild bunch of Mott Street. One gang member told Chicago police that the Ghost Shadows are highly democratic: While other gangs are controlled by their leaders, Ghost Shadow members have some say in the gang's activities. They're led by 23-year-old Nicky Louie, a brazen little punk if ever there was one, who has been arrested for robbery, extortion, murder, and rape, has never been

convicted, and has survived at least one assassination attempt.

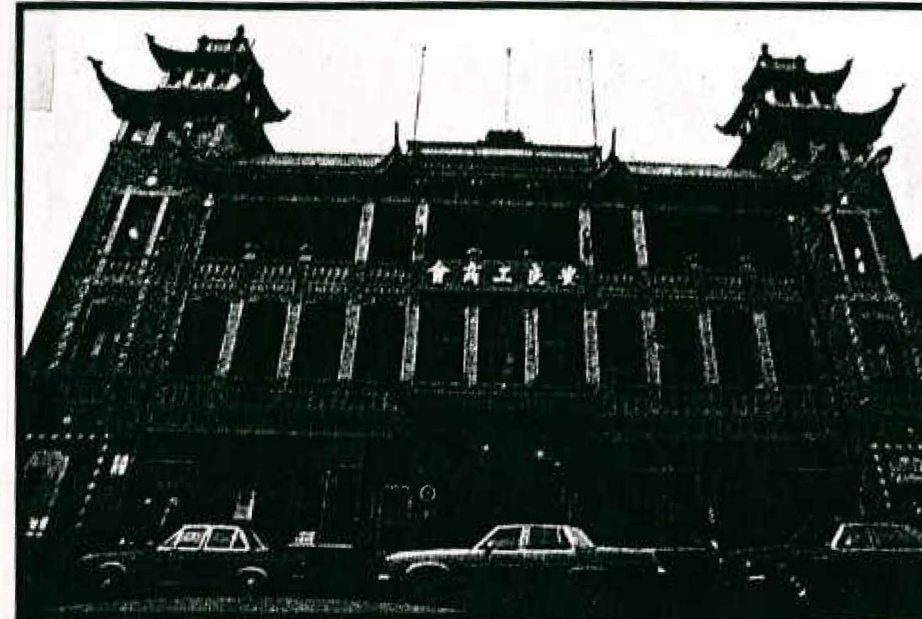
Their chief source of income is the money provided weekly by members of the On Leong Association, a group of Chinese merchants for whom the Ghost Shadows provide protection. According to Detective Neil Mauriello, the New York cop who knows the most about the gangs and their sponsors, each gambling house operating under On Leong auspices pays \$600 a week to the gang and may employ younger gang members as go-fers, older members as dealers, and others as lookouts. When all the gambling houses are operating, the Ghost Shadows' weekly take, according to Mauriello, can be \$5,000 to \$6,000.

The On Leong dominates the Chinese underworld in New York. The Hip Sing is a secondary power there; it employs its own gang and has its own games and turf. The merchant associations (also called tongs) and their gangs are suspected by Federal authorities of being behind the transportation of narcotics from Toronto to New York. One Chicago merchant is suspected of working the Toronto-to-New York racket by bringing the dope first to Chicago, then shipping it back east.

In Chicago's Chinatown, where recreation for Chinese youths consists of nine pool tables, where there is no full-sized gym, no Y.M.C.A., and no movie house, the question is not "Why have the Ghost Shadows appeared in Chicago?" but rather "What took them so long?"

After the holdup, crime among the Chinese was said by the newspapers to be a new development, and references were made to the tong wars of 50 years ago. In fact, crime is rampant in Chicago's Chinatown and has been for years. No one hears about it because the crimes are not holdups, rapes, or murders. Tourists need not worry (and the businessmen of Chinatown will breathe a collective sigh of relief when they read that statement); crime seems not to touch the foreigner. No, the crime in Chinatown is corruption, payoffs, neglect, exploitation of immigrants, fraud, and landlord crime. The criminals are respectable businessmen.

David Chin speaks very little English. Six years ago he swam from China to Hong Kong, arriving with nothing but a pair



Yon Lum



G.H. Wang



Jimmy Wong



Wayne Sit



of pants. He has lived in Chicago for six months, and he works as a cook at a South Side Chinese restaurant for \$1.80 an hour, 12 hours a day, six days a week. He has no health insurance. If he misses a day, he knows he might be fired, and so when he got sick recently he reported to work anyway, his pockets stuffed with aspirin. He can't complain to the owner—who once a month gives him a check for two thirds of the minimum wage and no overtime—because he's afraid he'll lose his job.

David Chin* is far from alone. Waiters in many Chinese restaurants are paid \$40 to \$45 for a 60-hour week, and somehow tips are always lower in a Chinese joint. Dishwashers, many of whom are over 60, are at the bottom of the economic ladder. Those in large restaurants work six days, 60 to 72 hours a week, for as little as \$300 a month. Those in small places make less: One 62-year-old woman works a 60-hour week in a coffee shop at 22nd and Wentworth for a dollar an hour. These people work in Chinese places because they speak little or no English and have difficulty finding jobs elsewhere.

Susan Chung,* 35 and the mother of four, is a little better off. Her English, she is the first to admit, is not so good, but she speaks it well enough to get by in a job in an electrical-parts plant on the North Side. She and the women who work in the candy, shoe, and gar-

*David Chin and Susan Chung are not their real names.

Above, headquarters of On Leong on Wentworth. Right, the only recreation.

ment factories are the lucky ones: They get union scale, medical benefits, paid holidays, and paid vacations. "Working for Chinese," Chung says, "is a last resort. But women my age, only three out of a hundred can read. It's hard for them to find a job in a factory."

Chung leaves her apartment in Chinatown at six o'clock on weekday mornings and returns at five p.m. Her husband works as a cook in a Chinatown restaurant from four p.m. until one or two in the morning, until three on weekends. The two alternate taking care of their children, who go to St. Therese Catholic School, a mission run by Maryknoll sisters.

According to Nona Barrientos, the principal of St. Therese, in most families in Chinatown both husband and wife work. One third of the students entering first grade speak no English. The school is so crowded that students are being turned away. There is no gym; children get their physical education from the "Roomnastics" program on the Catholic Television Network, and in good weather they play in the street. Two thirds of the students are not Catholic. They are sent to St. Therese for two reasons: Their parents believe that the quality of education at the school, which has an average class size of 38, is higher than at Haines, the local public school; and, according to several Chinatown

school administrators, Chinese do not particularly like blacks, and Haines School is full of them.

Haines is two-thirds black, one-third Chinese, and poor. The blacks are from the projects, and the Chinese are from the poorest families in Chinatown, the ones that cannot afford the tuition at St. Therese. Haines is a pit of a school, built in 1886, where children eat lunch in what looks like a converted boiler room. "I've been here for ten years," says principal Ed Walsh, "and for the ten year before that there had been talk that we needed a new school." The school is now undergoing a slow renovation, one room at a time and when that is finished Haines will still be a pit of a school, but it will be freshly painted with clean tile and new ceilings.

The children at Haines, unlike those at St. Therese, have a gym. A small, square room on the fourth floor, it was built five years before the game of basketball was invented

*It's a landlord's market. People live in cubicles.
Basements are subdivided. There is even a story about a
woman who borrows water from a neighbor. The
landlords are Chinese.*

was intended, Walsh says, for physical education in the German method, a program of marching and exercises. It sits above a classroom and was not intended for bouncing balls; physical education classes can be heard throughout the building.

Chinese students from both schools avoid Phillips, the local high school, where enrollment is almost entirely black. They give the address of a relative or of the restaurant where a parent works in order to go to a North Side school, or they go to a private school, a magnet school, or a trade school such as Lane or Lindblom.

Education for those who are too old to go to grammar school is needed, but unavailable. According to the 1970 census, one out of ten residents of Chinatown over the age of 25 has never been to school; one out of three has never made it past the seventh grade. A group of young social workers, all Chinese, who live in other parts of the city, has found it a constant struggle to find classroom space to teach English to the adults of Chinatown. Funds for textbooks and teachers are available from the City Colleges of Chicago, but space must be provided by the community, and the social workers have been refused access to many classrooms, halls, and meeting places by officials who simply don't want to be bothered with opening their establishments at night.

Old people have it worst of all. "Many of them have never been to downtown Chicago," says Dr. William Wan, a dentist and M.D. who opened an office in Chinatown last September. "They're afraid to leave Chinatown. They're afraid they'll get lost. Many have not been to a dentist in 20, 30 years. Cavities are rampant. Pyorrhea is more of a rule than an exception—I would say nine out of ten have it."

"No one has time to take care of the older people," says a 26-year-old resident. "Everyone is too busy working."

One out of four over 65 lives below the poverty level. The lucky ones stay with their children. Many live alone in rooming houses, dependent on their \$178-a-month Supplemental Security Income (SSI) checks. If they find work, it is usually as dishwashers at wages that would shame most teenage baby sitters.

The rooming houses are cubicle housing. A landlord fills what was once a full-sized

apartment with ten-by-seven-foot cabinets and stuffs people into them. One such establishment on Cermak Road is divided into ten cubicles with wooden walls one inch thick. It has one toilet, two refrigerators, one stove, one table, and two space heaters. Each occupant pays \$50 a month for the privilege of sharing a common ceiling and the noises and smells of his neighbors.

Outside the rooming houses, things aren't much better. It's a landlord's market; if tenants don't like it, they are told they can leave. Repairs are the tenants' responsibility. They tape newspaper over holes in the walls, paint over it, and pretend that it looks all right. Sheets of plastic are big sellers; residents need them to seal their windows against the winter winds. People live above garages. Basements are subdivided. There is even a story about a woman who borrows water from a neighbor.

The landlords are Chinese.

Society in Chinatown is neatly divided. At the bottom are the immigrants who have come here by the thousands since 1965. The other residents inherited and, in varying degrees, respect a social structure formed by the first Chinese immigrants in response to hostile whites and an alien culture.

When the Chinese began arriving in San Francisco in large numbers around 1860, they organized family or clan associations made up of immigrants with the same surname. In China there are only a few hundred surnames, and so the family associations can grow quite large. The largest in the United States are the Wong Family Association and the Lee Family Association. In Chicago, the Moys are the most numerous and the most powerful.

Immigrants also grouped into district associations, based on the region they came from in China, and in 1880 the largest district associations combined to form a united front known formally as the Chinese Consolidated Benevolent Association, known informally in San Francisco as the Six Companies, and known to Chinese as the Chung Wah. The CCBA became the recognized spokesman for the Chinese community in San Francisco and now has offices in all the Chinatowns throughout the United States, with representatives from all the family associations and small organizations in the Chinese community on its board.

Padlocked playground at Chinese Community Center



In the 19th century, those who did not have large family associations, or who were not from one of the large districts that made up the CCBA, formed their own fraternal organizations, called tongs. The tongs' growth in power paralleled the growth of dissatisfaction with the CCBA for its failure to change repressive immigration laws and anti-Chinese legislation. In time, the tongs came to control vice in Chinatowns across the country, and conflicts over territory and control of the gambling, narcotics, and prostitution rackets resulted in the tong wars that erupted sporadically until the mid-1930s.

Seeking protection for their businesses, the merchants who dominated the CCBA eventually found their way into the tongs, in some ways co-opted them, and eventually controlled them. The word "tong" was dropped in favor of "merchant association," and relative peace prevailed in Chinatowns from the mid-thirties until a few years after immigration laws were changed in 1965. The new law raised the quota of Chinese allowed into the country; since then, there has been a steady flow of Chinese to the United States from Taiwan, Hong Kong, and Southeast Asia, along with a few from the Mainland.

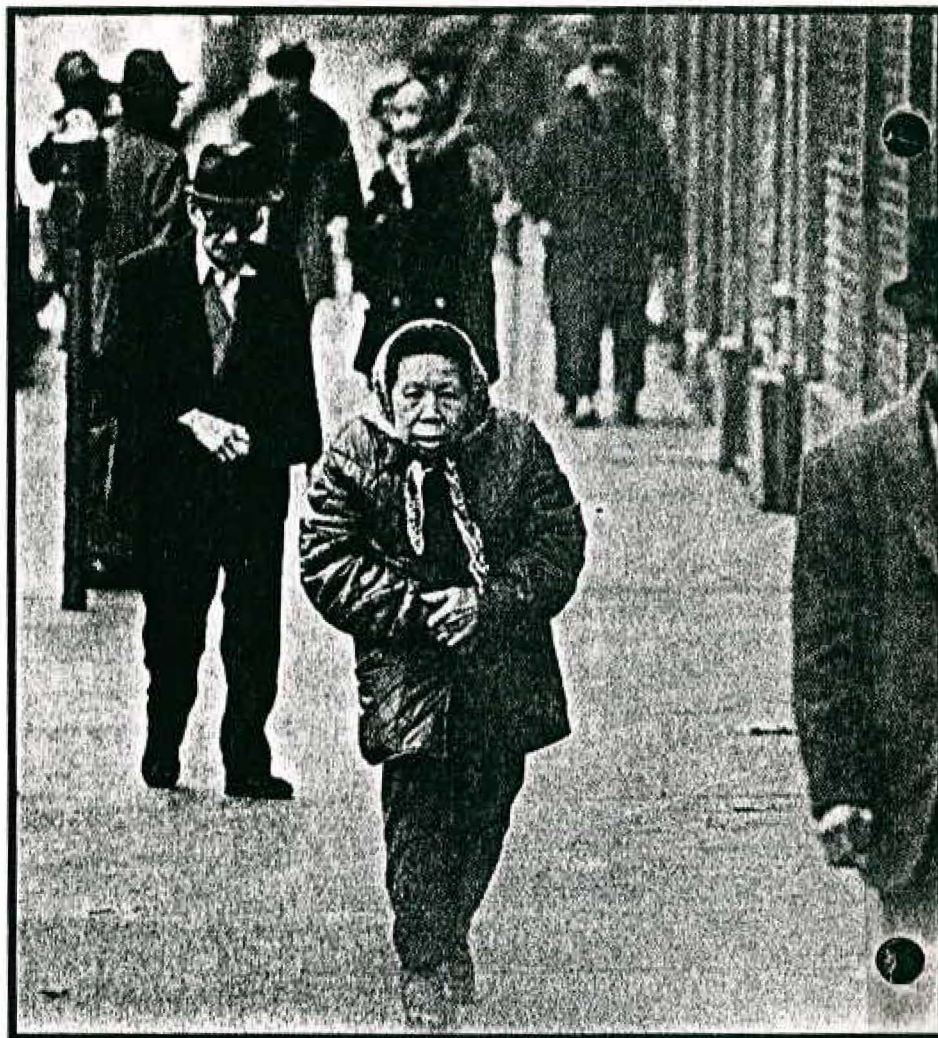
Many immigrants who had been successful businessmen in Hong Kong came with their families to Chinatown to find that the only jobs available were as waiters, cooks, dishwashers, or laundrymen, at very low wages. In school, their sons were placed

years behind their age groups because they spoke no English. Many young Chinese took a look at their future, dropped out, and began hanging out in gangs. In New York and San Francisco, the tongs employed the gangs to protect their gambling operations, and sometimes the gangs did a little freelance extortion. The longer they hung around, the bigger a piece of the pie they wanted, and the more violent they became. Between 1969 and 1977, there were 44 gang-related murders in San Francisco. In 1976, New York police made 27 arrests for murder or attempted murder involving Chinese gangs.

Chicago escaped all that for several reasons. Chinatown here is small, is contained by expressways and railroad tracks, and is not a solid Chinese ghetto—even today it houses a good-sized but proportionately declining Italian population. The Chinese population in Chinatown here grew 130 percent between 1960 and 1970 (while the city population declined 5.2 percent) and will probably have doubled again by the time the 1980 census is taken. Current estimates place the Chinese population of Chinatown between 5,000 and 7,000. By contrast, New York's Chinatown houses an estimated 60,000 Chinese, and 100,000 live in San Francisco's. In San Francisco, there are five active tongs; in New York and Chicago, there are only two.

There are fewer new immigrants here, fewer jobs, and fewer available apartments. Another reason for the shortage of gangs is that the rackets here are comparatively small. Competition between the tongs is not as fierce. Gambling operations exist, but they aren't as big as those in New York and San Francisco, and they don't seem to need as much protection.

The On Leong tong is the largest here, and its territory is the Wentworth Avenue Chinatown. It claims 1,200 members and is dominated by members of the Moy family. It is the richest Chinese organization in the city, with income from gambling, membership dues paid by stores and individuals, and rents from several buildings that it owns. Its pagoda-roofed headquarters at 22nd and Wentworth contains a rooming house for old Chinese men and a courtroom, used decades ago to try cases arising from disputes among members and generally as an alternative to



When the senior citizens have left after lunch, there is little activity in the community center.

American justice, Chicago-style. According to some long-time residents, there was a time when the On Leong and the CCBA held such sway in the Wentworth Avenue Chinatown that they could force a man to leave the city if he did not conform to their standards, but that day is long gone. Now the members of the On Leong are a fading old guard, mostly merchants, and mostly over 50.

The Hip Sing Association, whose New Year's party was broken up by the Ghost Shadows, is Chicago's weaker tong, and it has never played a large role in the Chinatown on Wentworth. Hip Sing officials claim, however, that nationally their tong has more members, more chapters, and more money than the On Leong. Jimmy Wong, 63, owner of two restaurants bearing his name as well as buildings on Argyle and in the Loop, is Midwest chairman of the Hip Sing and the real power in the Chicago chapter. At one time his restaurant on Wabash was a sort of celebrity hangout that was mentioned regularly in the gossip-and-hype columns. The decline of the Loop has cut into that trade, and, for the past two years, a hip injury has slowed Wong's pace.

Until 1970, when the Federal government decided to buy the tract of land on which the

Hip Sing headquarters stood, the Hip Sing was firmly planted in the Clark-Van Buren area, where Chicago's first Chinese settled. One Hip Sing official claims that in the late sixties the group was doing well, taking in \$40,000 a week from its gambling operation.

With the \$288,000 payment from the Federal government, a \$50,000 donation from the national organization, and a large investment by Jimmy Wong, the local chapter here set out, largely at Wong's urging, to build its own Chinatown on Argyle Street. In 1974, Wong unveiled his plans, and they were lavish. Pagodas, malls, fountains, and many Chinese businesses were going to attract as many tourists as did the other guys' neighborhood on Wentworth. Today, Wong admits that he was too optimistic. Sammy Luk, executive director of New Chinatown Development, Inc., claims that Hip Sing members own 11 buildings on Argyle between Broadway and Sheridan, and that Wong owns five and is losing money on four of them. He is losing money, Luk says, because the Hip Sing is trying to be seen about whom it rents to, hoping to slow drive the grifters, the down-and-outs, and welfare recipients from the area.

The Hip Sing gambling operation

The only ones who seem to get much use out of the Chinese Community Center are those with the keys to get in. Even the miniature playground on the lot is usually locked.

also fallen on hard times since the Argyle move. It was raided by police three times in 1976, robbed at least twice in two years, and was shut down for lack of interest and funds in late 1977, though it has since been revived.

Some Chinese doubt that Wong *et al.* will ever see their dreams realized on Argyle, saying that although the Hip Sing is a wealthy organization nationwide, you can't make a community with a 200-member organization. And with Benny Ong, national chairman of the Hip Sing, doing an eight-year term in Lewisburg for trying to bribe immigration officials who found illegal aliens working in his Manhattan gambling joint, various factions have been vying for power and the national organization has deteriorated.

"They can't seem to get a forceful criminal figure to take over," says the NYPD's Mauriello. The association plays a smaller role in the Chinese underworld than it did a few years ago, and, according to sources here in New York, many Hip Sing members are sitting back, waiting for the big boss's parole, which they expect in 1979.

At one time, the supreme group among Chicago's Chinese was the CCBA, an organization that included and dominated both the On Leong and the Hip Sing as well as some 25 other Chinese groups in the city. Outsiders still recognize it as a representative spokesman for the 15,000 Chinese of the Chicago area. Actually, it is a financially ailing group with an unchanging leadership trying to cope with a dinosaur of a building, with immigrants who pay it no mind, and with a sagging reputation everywhere. It depends on the On Leong as its main source of financial support. One hundred twenty people voted in its last election. G. H. Wang, a housing expert and retired Model Cities official, says the average age of the CCBA's board of trustees is 70. "When they're in their fifties," he says, we call them kids."

Wayne Sit, 60, owner of the South Pacific restaurant on Randolph near Dearborn, is saddled with the thankless job of the CCBA presidency, which pays \$60 a month. This year he reluctantly accepted a third one-year term. Sit is a pleasant, frank, and wealthy man who arrived in Chicago in 1939, worked as a waiter while he attended school, and over the next 30 years became a successful restaurateur. "I'm just a chop-suey man," he says,

meaning that he knows nothing about funding proposals or bureaucracies, that the only way he knows how to deal with government is to bat his head against doors until he walks away bloody or gets what he is after. He is personally responsible for Chinatown's senior-citizens' lunch program, which took ten months of negotiating; for the free food-service sanitation classes in Cantonese, so all Chinese restaurateurs can comply with the new city health ordinance; and for the free flu shots given in Chinatown during two of the past three winters. Sit's activity, however, is matched by few of his comrades; the CCBA today is pretty much one man's show and one man's headache.

The CCBA constitution still reflects its days of glory, requiring, for example, that all transfers of business in Chinatown be registered with the CCBA "to be legal." "Those who fail to comply will be penalized," the document states. Sit says that during the war between China and Japan, the CCBA directors taxed all Chinese in the city \$30 a month to help Chiang Kai-shek's Nationalists buy planes, ambulances, and military hardware. According to Paul Siu, a doctoral candidate in history at the University of Chicago in the thirties who wrote extensively on Chinatown, many Chinese left the city rather than make the steep payments, and census figures do show a decline in the city's Chinese population between 1930 and 1940. When the war ended in 1945, Sit says, the CCBA was holding \$80,000 that it had not yet sent to Chiang; a zealous campaigner for CCBA office proposed that the funds be used to build a Chinese community center, and so they were. The On Leong donated some land, and Chinese throughout the Midwest helped finance the half-million-dollar project with donations ranging from ten dollars to \$35,000.

But the CCBA's Chinese Community Center at 250 West 22nd Place has stretched both the CCBA's finances and its reputation. While the family associations, the tongs, and even the Kuomintang (KMT, the ruling party of Taiwan) own buildings on Wentworth or Cermak from which they collect a steady income on rents from stores and residents, the Community Center was built in a dead area and so has no source of income from rents. And compounding the problem of the CCBA's small income is its suddenly huge tax bill.

Sit says that when Mayor Daley was

alive, the CCBA was treated lightly by the assessor's office, paying only ten percent of its \$6,000 assessed valuation each year. With the old man's death, County Assessor Tom Tully raised the assessment to \$9,000. The outgoing president of the CCBA filed the bill away, the date for protest passed, and someone bought the building for the taxes. When Sit discovered the error, he says, he marched over to see Tully. "Hey, Mr. Tully, when you run for assessor we even give you a party. Jesus, how can you do this to us?" Sit asked.

He says that Tully explained that nothing could be done, and that, in any case, since the CCBA was not a nonprofit corporation it did not qualify for the ten-percent tax rate it had in the Daley years. (Tully says he has no recollection of the meeting.) Sit discovered that, indeed, no one had ever applied for nonprofit status, and that the bookkeeping was incomprehensible. He later reincorporated the CCBA as the Chinese Consolidated Benevolent Foundation to get the nonprofit status, but had to pay almost \$10,000 to buy the Community Center back and pay the tax bill and the penalty—a sum that represented more than half the CCBA treasury.

The CCBA simply has no clout—not in city politics, not even in Chinatown. Sit has a hard time finding volunteers and must go begging door to door down Wentworth whenever there is a parade or special banquet to be given. He can't get people to pay the five-dollar yearly dues, and some of the family associations not only don't attend meetings, but also won't pay their ten-dollar fees. "We don't have any power," the president moans. "Somebody says, 'I'm not going to pay you dues, what are you gonna do about it?' Only thing we can do is say, 'When you die you won't be buried in the Chinese cemetery.' So what? He can be buried anyplace else."

Other than the senior-citizens' lunch program, there is little activity in the Center. Residents criticize the CCBA leaders for using it as their personal country club, because the only ones who seem to get much use out of it are those with the keys to get in. Even the miniature playground on the lot is usually locked. And so the building sits, its paint peeling, a costly monument to better days.

None of the suspects questioned about crimes committed by the Ghost Shadows between November and the February

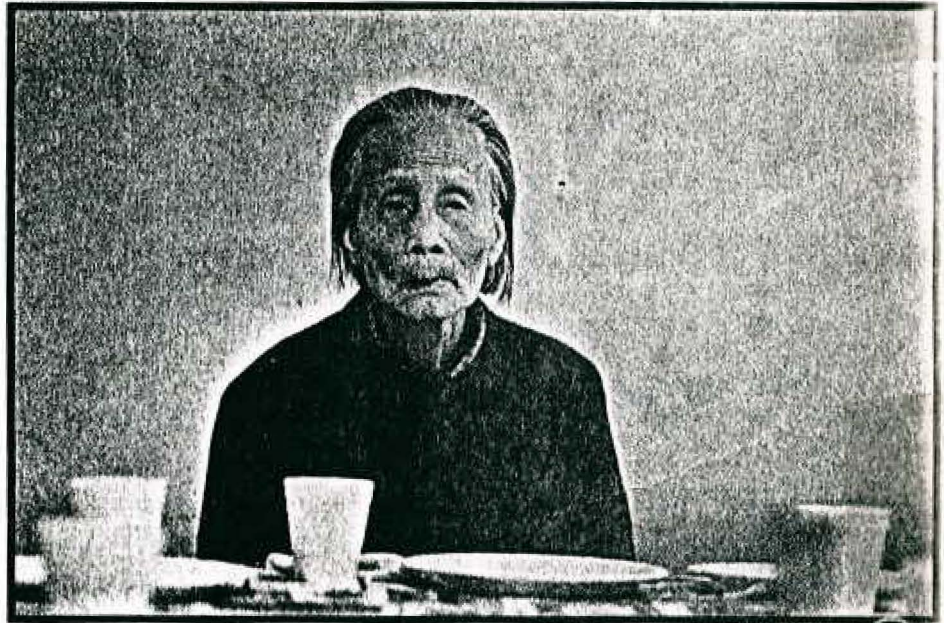
The merchants had no intention of prosecuting. The Hip Sing robberies went unavenged. No one was punished or ostracized. So much for the myth about the Chinese being able to take care of their own.

28th Hip Sing robbery was willing to talk much. But with police from Evanston, Schaumburg, Arlington Heights, and Chicago's Area Six and Gang Crimes Units North and South, and agents from the Immigration and Naturalization Service and, peripherally, the FBI and the Federal Drug Enforcement Agency in on the investigation, a good bit of information was picked up on the street, and quite a few theories about the gang and its origin were batted around. Everywhere there was one common thread—a man named Andrew Lee.

Andrew Lee is a bald man of 47, medium build, about six feet tall. He owns a laundry on South Cottage Grove and lives on North Lake Shore Drive. He has twice been president of the On Leong here and is an up-and-comer in the national organization. One Chinese merchant describes him as a smooth public-relations man and a good orator. On the streets of New York he is called Kojak. Local police call him "The Laundryman." He has no arrest record, except for traffic violations, but has a mean reputation deriving from his father, who (according to one On Leong member) was once accused by other members of the Lee clan of embezzlement while serving as a trustee of the Lee Family Association.

Lee's precise tie to the Ghost Shadows is not clear. He has been seen in the company of Ghost Shadow members and thus has established himself as a man not to be crossed. According to Joe Carone, a policeman with Gang Crimes South, Lee once took a known Ghost Shadow with him to a meeting of businessmen in Chinatown. Lee's sometime driver, Carone says, was a Ghost Shadow in New York and has a record for attempted murder in New York and for weapons charges in Boston. Carone also says that New York police once met Lee coming out of a gambling house as they were going in; inside they arrested 25 men, nine of them members of the Ghost Shadows.

During the investigation of the Ghost Shadows' activity in the Chicago area, some law-enforcement officials speculated that Lee brought the gang here from New York and that some Chicago talent swelled its ranks. But the Ghost Shadows have robbed not only Hip Sing members, but also members of the On Leong. If Lee were behind the gang's operation, surely he would not have them attack his own. And the Hip Sing robbery, with the



Above, the senior-citizens' lunch. Right, restaurateur S.K. Kong poses in mandarin robes with his Rolls-Royce.

tremendous loss of face for the gamblers who had to drop their shorts in front of the women present, seems too much for Lee to have ordered. The conclusion would appear to be that the gang, which is subsidized by the On Leong in New York, has established a special relationship with Andrew Lee but operates on its own here.

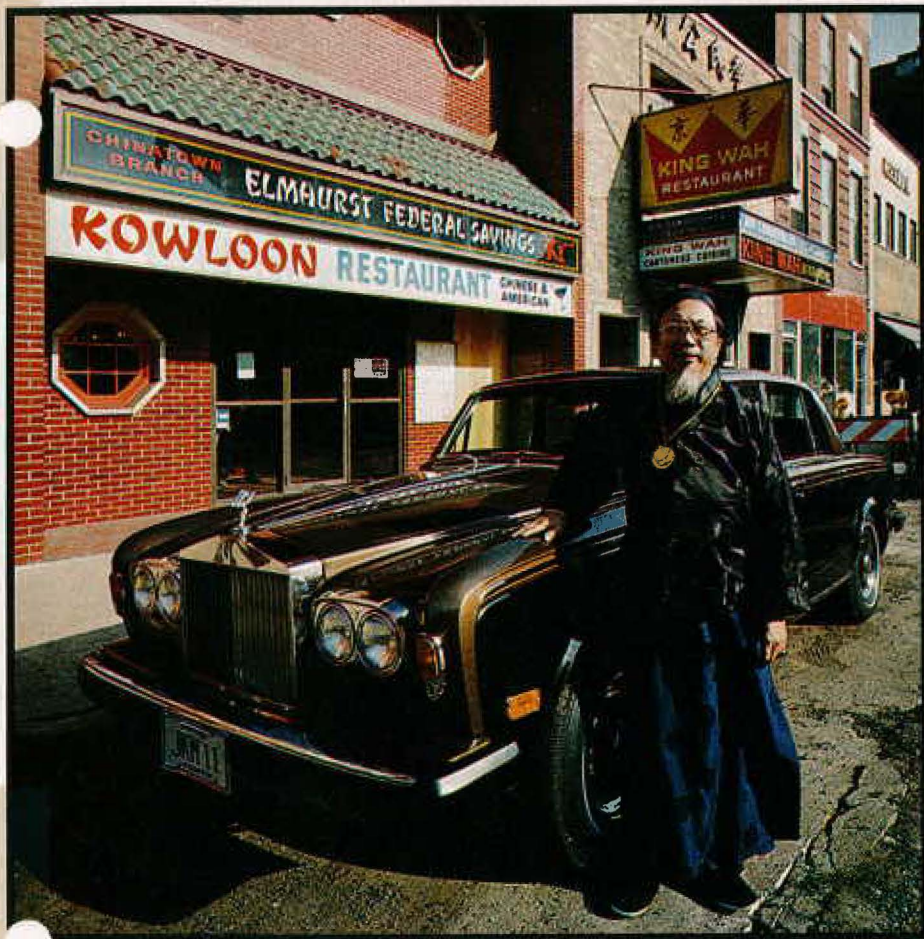
Last year, while Lee's name was popping up all over, police from the Area Six robbery unit, led by Investigator Joseph FitzSimmons, were watching Argyle Street. At the same time, they were getting steady reports (from the intelligence division of the New York police and from Detective Mauriello) about the movements of Chicago boys suspected in the Hip Sing robbery who had surfaced in Manhattan's Chinatown. On March 11th, a member of one of the Ghost Shadows' rival gangs was killed; the suspect was one of the Chicago punks. The next day, six Ghost Shadows held up a Chinese restaurant in Stratford, New Jersey. One of the customers, an off-duty Philadelphia policeman, wounded four gang members, and two got away. Chicagoans George Chiu and David Chou were among those caught; the former is now a paraplegic as a result of his wound, and Chou is doing time in a New Jersey jail.

A few days later, two Ghost Shadows from the Chicago faction were caught fleeing the scene of a robbery at a gambling house in Manhattan.

At the end of March, Area Six officers noted the arrival in Chicago of cars bearing out-of-state license plates. The Hip Sing, deciding to import some muscle of its own, had turned to its Washington, D.C., chapter. According to one Hip Sing member, the Washington boys included former members of a New York street gang and remnants of the Ju Kwang, a small army of Taiwan-born youths recruited by the KMT to act as crusaders in the war against Communism.

In 1976, eight members of the Ju Kwang arrested for fighting with students at Columbia University, had been released to the custody of the Taiwanese deputy consul general. Since then, the Ju Kwang has faded. Some of its members took over the Hip Sing Washington chapter. In the past three years the Hip Sing has been busted three times for gambling by the D.C. police, and Larry K. Chin, one of the boys who showed up here, now faces charges of attempted bribe of a Washington policeman.

The Washington muscle was housed at the Morlond Hotel on Sheridan Road, just off Argyle; the bill was paid by the Hip S



Police believe that the group was trained in the martial arts and armed with heavy automatic weapons. "Nobody was powerful enough to control them," says one Hip Sing official. "They came here looking for opportunities. We gave them a chance to run the gambling, but we stopped short of letting them handle the money because we didn't want a force of corruption in the community. We figured out it cost more than we could afford." There was no confrontation between the Hip Sing's muscle and the Ghost Shadows, and after two months the group was persuaded to move on.

In the meantime, Chicago police thought they'd solved the Hip Sing case despite the lack of cooperation. FitzSimmons put together a line-up and called in the robbery victims. No one came. He managed to "strongly persuade" Joseph Leung, the Hip Sing secretary, to come in, and Leung made an identification, threatening revenge on two of the punks in the line-up. But he told FitzSimmons that, for the record, he knew no one. Confident that Area Six had done all it could, FitzSimmons closed the case.

"I have the feeling that they [the Chinese merchants] used us," one South Side cop says. By associating themselves with the police, the officer explains, they were telling the Ghost Shadows that they had some heavies on their side, but at the same time the merchants had no intention of prosecuting. The

Hip Sing robberies, the extortions, the restaurant holdups went unavenged. No money was ever returned. No one was punished or ostracized.

So much for the myth about the Chinese being able to take care of their own.

That myth has been perpetuated by the leadership in Chinatown, the group of self-made men at the top of the organizations who are the ready sources for the press when it's time to do the Chinese New Year stories. Most of the leaders are restaurateurs who pay their employees illegally low wages, provide no health insurance, no holidays, no vacations. They are the few who have time for community activities, the ones who have no boss to ask for permission to attend a meeting. They have never agitated for a new public school, though a few parents with children at Haines have. They have given little support to the Chinatown Dragons, the neighborhood sports program run by 29-year-old Gene Lee, which is the only recreation provided in the area other than the poolroom. The same leaders control the facilities in Chinatown where English classes could be held but aren't. They are the ones who have the time and could provide space for naturalization classes or voter-registration drives, neither of which now exist.

The leadership of the community has

risen to great heights only in organizing parades, which are fine for tourists but just another workday for restaurant laborers, and in providing the immigrant a place where he can lose his money.

Gambling in Chinatowns dates back to the 19th century; it has its roots in the racism that kept the Chinese confined to ghettos and in the restrictive immigration laws that forbade the immigration of women unless they were merchants' wives. Chinatowns were bachelor societies until the end of World War Two, and, with no women and nowhere to go, the men gambled. According to historian Ch'eng-Hsin Chao, there were 65 full- and part-time gambling houses in Chicago's Chinatown in the early 1930s. The Depression, however, hit the community hard, and by 1938 Paul Siu, another contemporary historian, found only eight establishments.

"Where else can a Chinese go?" asks one 26-year-old resident. "He can't speak English. He can't drive a car. He can't take a bus for fear of getting lost on the other end. Where can he go on his day off? The gift shops? The coffee shops? You can't drink coffee all day. People who run gambling dens take advantage of this situation."

According to information from Chinatown residents and Federal investigators, there are at least four back-of-the-store establishments where small games take place and

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"Some give it in red envelopes," says the head of the city's Human Services outpost, pulling out a small stack of them. "A dollar or two will be inside. It's a Chinese way of saying 'Good luck'."

-184-

two full-time, big-money houses—the On Leong's operation, at 2218 Wentworth, and a house on Cermak Road operated by a member of the Moy family. The On Leong house, called Ming Sing (meaning "bright star"), is in the basement of the tong's building, a large area with several rooms and exits on three sides. It is reportedly a round-the-clock operation. Shares in the house are sold like stock certificates, and a select few Chinese are permitted to own them. Dividends are usually paid twice a year. One skeptical shareholder says that he paid "two or three hundred" for his shares and that he gets \$100 dividends, one usually coming just before election time in the On Leong Association. Another Chinatown resident reports that there are both common and preferred stock certificates. The preferred stock is sold to "the big shots and the members of the Moy family," and dividends are bigger. If you don't fall in that category, she says, you get smaller dividends and are limited in the number of shares you can buy.

Despite the efficiency with which they run their gambling operations, the old-line leadership falls down on the job in performing social services. Since 1971, the City of Chicago has maintained an outpost of the Human Services program (née Model Cities) in the Chinese Community Center. Its staff of four is supposed to provide basic social services to the community. The senior official in the outpost is 72-year-old Yon Lum, who was nominated for the job by the CCBA despite the fact that he has no experience in social work, is not in the best of health, is hard of hearing, and does not need employment. (Wayne Sit, a wealthy man, says that if he had Yon Lum's money, he would throw his away.) Lum's main qualification seems to be that he once owned the Bamboo Inn, a Loop restaurant that he sold when he retired 11 years ago and that is now defunct.

"I am in charge of the office and have the privilege to come and go when I feel like it," Lum says. When he is in the office—which, according to Sit and many others, is not often—Lum's manner with those who come for help is unsympathetic, abusive, and brusque. Two Chinese charge that Lum has refused to help Chinese who don't live in Chinatown, though they may have nowhere else to turn to find someone who speaks their



Two patrons of the senior-citizens' lunch program

language; that he refused to take a woman to a Legal Aid office, recommending instead lawyers who work in Chinatown and are friends of his; that one woman well over 65 who had no teeth waited weeks for someone from Lum's office to take her to apply for Medicaid (the appointment was never kept).

In an interview in January, Lum praised the industriousness of Chinese workers, saying that he has received requests from corporations for Chinese employees. But he admitted that he doesn't bother to post notices of the jobs available. During the interview, an elderly Chinese came into the office and handed Lum a five-dollar bill, which Lum put in a drawer of his desk. Later he explained that he'd helped the man with his Social Security problem. "I had to go to a lot of trouble to reinstate the check," Lum said. "So instead of buying me a box of cigars, or instead of buying me lunch—he doesn't have time, I don't have time—he'll say, 'Here, go buy yourself a cigar,' and he'll give me a couple of dollars. We don't turn them down. If you turn them down you give them the feeling that they're not giving you enough, so we accept it so not to insult them.

"Some give it in red envelopes," he said, pulling out a small stack of miniature red envelopes from his drawer. "A dollar or two will be inside. That's a more respectable way. It's a Chinese way of saying 'Good luck'."

Two sources, however, report that such gifts are encouraged, and Wayne Sit acknowledges that he has raised the matter with one of Lum's superiors. Many in the community are skeptical of the attendance record of the outpost's Gang of Four, two of whom hold down other full-time jobs. "It's cost the city \$60,000 to \$70,000 a year," Sit says, "but I know we're not getting \$60,000 to \$70,000 worth of service. But if we make a petition to fire him, the people down in City

"Day care is a Communist kind of scheme," says Sit. "We got rid of that."

-186-

Hall are gonna say, 'What the hell are you fighting for? You suggested him.'"

Yon Lum, however, is not the only stumbling block on the social-service front. A game of Taiwanese politics is also being played, and the hardworking Wayne Sit is one of the main players. A few years ago, he allowed a group of Chinese college students access to the Community Center, where they held English classes for any Chinese who wanted to come. "Before long, they were showing Chairman Mao's picture upstairs," Sit says. The group was asked to leave. "We are very careful now. We don't want them to poison the community."

Last winter, a group of Chinese social workers led by Bernie Wong, director of social services at the East Chicago Heights Community Center, asked Sit if they could use the center to help senior citizens fill forms for tax refunds. Sit, disgusted with Lum's outpost, which could have been providing the service, agreed. "I'm sticking my neck out," he said. "They could be from the other side." He picked a line out of a letter from Wong: "There are many other individuals interested in helping when the time comes," she had written. "Who are these many others?" Sit wanted to know. He asked Taiwanese Consul-General Hugh O'Young to check out the group, but O'Young reported that he didn't know them either.

The students who showed Mao's picture in the Community Center (where a photograph of Chiang Kai-shek appears in every office) moved to a storefront on Cermak, called it the Chinatown Youth Center, and proposed that a day-care center be established in the Community Center. Sit says that the students were close to getting the funding for the program when the CCBA put a stop to it. "That's a Communist kind of scheme," he says. "They want women to be away from home. We got rid of that."

Membership in the CCBA was once open to any Chinese, but two years ago, in response to what was seen as a threat posed by young leftists, the CCBA decided to limit its membership. If any aggressive organization had wanted to take over, Sit says, it would only have had to enlist one hundred Chinese and pay \$500 in dues. So now, to join the CCBA, a Chinese must go to his family association and ask the president and one

past president to sponsor him. For a dying organization to discourage membership applications from the fastest-growing group of Chinese—the immigrants, who look on family associations as nothing more than sponsors of annual picnics—the fear of the leftists must be considerable.

The hand of Taiwanese politics reaches even further. In May 1976, Taiwanese students at the University of Chicago complained that they were being spied on by Kuomintang agents, saying that they'd received threatening phone calls and anonymous letters warning them to stop participating in pro-China activities. Some confessed that they were afraid to go to the university library's Far Eastern Collection to read magazines from the Mainland. Their complaints were echoed by students at MIT, the University of California, Cornell, the University of Minnesota, and the University of Florida.

The Chicago chapter of the U.S.-China People's Friendship Association was refused permission by the Mayor's Office of Special Events to participate in the folk fair at Navy Pier in 1976. Last year, with the help of a lawyer, it gained entry after giving the city a chance to preview its materials. And according to George Lee, president of the association, one bookstore in Chinatown that carries magazines and books from the Mainland and displays pro-China posters has had its windows broken more times than could be attributed to simple vandalism.

Taiwan cements the loyalties of Chinatown leaders in the U.S. by providing free trips to the island for the mandarins and their families, and by appointing them to KMT committees. Members of both the On Leong and the Hip Sing here have taken such trips. Yet, for all its money and influence, the KMT has done nothing to win the hearts and minds of the common people of Chinatown. There is a KMT headquarters on Wentworth, but it holds few meetings, and even Consul-General O'Young admits that it is not very active. Wayne Sit is overwhelmed by the activities of the young leftists: "We don't have no microphone, no tape recorder," he says, as if those items were rare and costly.

Chicago has given New York far more problems than New York has given Chicago," says Detective Mauriello. "Chicago has just exported its problems."

While many in Chicago's Chinatown would like to believe that they've exported all their problems, the police here know different. Six Ghost Shadows threatened a Chinese mechanic in an extortion attempt last July, and two of them were arrested in August when they returned to the garage for another collection and received marked money. As might have been predicted, the victim decided not to prosecute.

About the same time, Joe Carone, the

"Jimmy Wong always put up dummies for office, and the young guys don't like dummies."

Chicago Gang Crimes South investigator, and his partner Robert O'Neill arrested two Chinese, aged 26 and 27, who were manufacturing silencers. "A silencer is used for only one thing," Carone says. "To kill—nothing else." Last January, Carone and O'Neill made four narcotics busts over the course of two weeks for possession of PCP (an animal tranquilizer).

In the meantime, the Hip Sing and the On Leong were both going through upheavals. For years, Jimmy Wong, Midwest chairman of the Hip Sing, had controlled the Chicago chapter, installing his own man as president. "Jimmy always put up dummies," one Hip Sing member says, "and the young guys, they don't like dummies." In last December's election, an insurgent group backed Ken Wong, one of the owners of the China Doll restaurant, for the presidency. According to a Chinese businessman, on election day Ken Wong had some of his own muscle standing around the voting area, armed with handguns, just in case the older generation tried to steal the election. The vote ended in a tie and was challenged by the insurgents, who maintained that one voter was ineligible. The national president of the Hip Sing ruled in Ken Wong's favor. The China Doll owner, now first president of the Chicago Hip Sing, promises a more aggressive organization. Soon after he took office, an advertisement for \$50 shares in the Hip Sing's revived gambling house was posted on the association's front door.

Meanwhile, Andrew Lee, hardly slowed at all by the Ghost Shadow investigation, has pulled off something of a coup himself in the On Leong. One member of the merchants' association reports that Lee's candidates won the top two offices in an upset election last winter, and that Lee is now jockeying for national position.

Though none of the immigrant class wants to go on the record with complaints about those in power in Chinatown, many paint a much bleaker portrait than what you'll read in the papers. They say that restaurant owners' sons get the summer the city allocates for disadvantaged kids. One businessman is said to have charged a woman \$300 to get her on Social Security. Another is accused of taking \$100 from a widow's survivor's check for helping her collect

on her husband's life insurance.

Complaints about housing are legion. The most common gripe concerns the townhouses built on land bordering the Stevenson-Ryan Expressway interchange by Neighborhood Redevelopment Assistance, Inc. (NRA), a group of Chinese businessmen who trumpeted the project as one that would provide modern housing for middle-income families jammed into cramped quarters in the back streets of Chinatown. According to G. H. Wang, president of NRA, the project was financed without government help, and the houses were sold at cost, about \$10,000 below the fair-market price. There were 200 applicants for 50 houses, and a blue-ribbon screening committee was established. The pastor of St. Therese resigned from the committee when he saw which way the decisions were going.

In a newsletter published soon after the winners were announced, the activists at the Youth Center charged that the new homeowners included one couple who didn't live in the United States and several "families" without children. The winners, they said, had clout with the board and "extra money to drop in the right directions."

G. H. Wang, who refinanced his own house to get a construction loan for the project, denies that there were absentee owners. He admits that restaurant owners and leading merchants did get homes but says that that was done to stabilize the neighborhood, keep leaders from moving to the suburbs, and to reward restaurateurs who had scrimped and saved for years as cooks or waiters before they had the capital to open places of their own. But Chinatown's overall housing problem is so desperate that Wang was in a no-win position, and by providing housing, he made many enemies and few friends.

The immigrant class views the townhouse contest as part of a pattern—those at the top feeding themselves. They cite the CCBA petition to install parking meters in the neighborhood as an example: Merchants, many of whom live outside of Chinatown, wanted the spaces for customers, but no one consulted local residents, for whom the meters are a nagging inconvenience. The businessmen of Chinatown formed a Lions Club in 1961 to provide services to the community; a few years ago it was disbanded—the members weren't interested any more. The leaders of the community can muster \$60,000 from foundations, personal contributions, and the city to build the Chinatown Gateway, a tourist attraction, while the Haines School rots, old people live in cabinets, and kids' basketball teams scramble to pay tournament fees. The immigrants look at their leaders and see that they're too busy working to do much else, that business comes first, Taiwan comes second, and the welfare of the community runs a poor third. Ironically, those at the top often got there by surviving years of low-paying, 60-hour weeks as

*Business comes first,
Taiwan comes next, and
the welfare of the com-
munity runs a poor third.*

cooks and waiters, working so hard that they had no chance to spend their slowly accumulating wealth.

If no one revolts, it's because many think that the On Leong and the CCBA have more power than they really do—a power that keeps housing inspectors out of Chinatown, that keeps minimum-wage laws from being enforced, that has kept the On Leong gambling house safe from police disruption since 1972. But that too is just another myth. Chinatown is untouched by American law simply out of neglect—like any other slum. The CCBA has no clout at all. Chinese merchants seem to believe that political power grows out of a barrel of money, and they rely on making campaign contributions to secure favors from downtown. When they want something, such as parking meters, the community's leaders can go to City Hall and beg for it, but there's no way they can demand. As a result, they get very little. Sit had to fight for nearly a year to get his senior-citizens' lunch program. When people talk about the contributions of politicians to the community, they are talking about the street signs in Chinese and the free parking lot.

And so it's every man for himself. The Chinese bid against one another for houses as they move farther and farther south into North Bridgeport. G. H. Wang's Neighborhood Redevelopment Assistance organization is building a senior-citizens' housing project, and Wang fears that once it opens, his prospective tenants will double-cross him: Since they are accustomed to living in one-room places, he says, they may try subdividing their brand new four-room apartments for some extra income.

Even the Ghost Shadows operate on the every-man-for-himself principle. They're not like the white gangs that fight over sweaters and turfs, or the black gangs of the past that went in for community organizing and breakfast programs for kids. The Ghost Shadows are entrepreneurs, capitalists without a political slogan in their heads. They work for the highest bidder and have no qualms about extorting money from the Chicago cousins of their New York employers. "They shit where they eat," one merchant says. They're in it for the money, and, like their elders, they aren't into exploiting white or black folks. They do it to their own. ■

California's Asian Communities Are Seething With Crime

By Joel Kotkin

Special to The Washington Post

LOS ANGELES—From the faded stucco neighborhoods of the central city here to the ghetto streets of San Francisco, California's Asian community, long stereotyped as meek and law-abiding, has become an unwitting haven for organized crime.

Evidence of an upsurge in criminal activity among Asian-Americans, the state's fastest growing minority is not hard to find. Bitter street warfare between rival youth gangs of Asian descent, the success of well organized fraud and extortion rings and the sophistication of Asian-dominated drug smuggling syndicates have convinced law enforcement authorities that they are up against something new and formidable.

"There's a real difficulty now with organized crime groups coming to the West Coast from the Orient," said Ike Sterrett, head of the U.S. Department of Justice's Organized Crime Strike Force in San Francisco. "There's a real geographic and sociological function here. Some of these people are coming in just to establish organized crime operations."

Law enforcement agencies such as the strike forces, the Immigration and Naturalization Service (INS), the Drug Enforcement Administration (DEA) and the San Francisco and Los Angeles police departments have all in recent years formed special groups to deal with the mushrooming Asian crime problems.

"People laughed at us when we started our Asian task force," said Los Angeles police Sgt. Shiro Tomita whose nine-member unit, made up of Asian officers, was established in 1975.

"People used to say Asians never caused any problems."

California's Asian community, the nation's largest, grew dramatically in the decade following the 1968 removal from the U.S. Code of immigration statutes discriminating against immigrants from the Orient. Between 1970 and 1976 the state's Asian population increased by more than 65 percent (to 800,000), a growth rate twice that of Hispanics and more than 12 times that of white Californians.

The Filipino group more than doubled in size between 1970 and 1975. In addition, as many as 100,000 of the 247,000 Indochinese admitted into the

country since the collapse of the South Vietnamese regime in 1975 have settled in California, according to local officials. Koreans, who numbered barely 40,000 in the 1976 census estimate, now boast nearly five times that number in the Los Angeles area alone, according to Tomita.

Behind these soaring statistics lie countless stories of families under severe social dislocation, economic hardship and culture shock as American influences undermine traditional values.

"Our kids have had to organize themselves to defend against blacks and Mexicans. They have to show the other groups they are macho," said Jane Kim, director of the Korean Youth Center in Los Angeles. Kim says some gangs of young Koreans have helped adult mobsters extort money from local shopkeepers in the sprawling Koreatown west of downtown.

"The Korean community tends to be pretty silent about this," she said. "Asians have this stereotype that we are quiet, that there is no problem. But look inside and you will see a lot

of trouble. The kids are taking drugs and selling them. This is happening more than ever before."

The reluctance of Koreans and other Asians to report criminal activities to the authorities has hamstrung police efforts to control the kidnappings, rapes, heroin smuggling and extortion now widely whispered about in Koreatown, according to Tomita. "They look at crime as a way of life," he said. "That's the way it is back in Korea."

Similar behavior is found in Indochinese communities throughout southern California. Groups of unemployed and underemployed former Vietnamese servicemen, joining with teen-age toughs, have organized themselves into gangs with such martial-sounding names as "The Pink Knights," "The Paratroopers" and "The Frogmen."

Operating out of Orange and Los Angeles counties, where most of California's Indochinese have settled, some of the gangs extort money from local Vietnamese businessmen, claims Det. Joe Bryan of the Anaheim police department.

"It's the same pressure as you have in organized crime anywhere in the country," Bryan said. "If a Vietnamese

person has a business, they demand a tax. If it is a restaurant, five or 10 boys come in and expect to eat for nothing. People tell us these things but the problem is no one files formal complaints."

Vietnamese community leaders are reluctant to discuss their home-grown crime problem. They consider the gangs proof of the failure of some of their younger compatriots to adjust to the American way of life.

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An even more serious crime explosion may be developing in Cali-

fornia's Filipino community, the largest Asian group in the state with as many as 300,000 members. Since the imposition of martial law by President Ferdinand Marcos in 1972, entire organized crime operations have moved across the Pacific to the West Coast, including the Manila-based Oxo gang, the Sigi-sigi, Bahala Na and Tres Cantos, according to one confidential state Department of Justice report.

Police learned recently that one adult criminal organization known as "The Syndicate" has operated a multi-million-dollar car smuggling ring out of San Francisco. Over 50 Filipinos have been convicted for their part in the scheme which involved purchase of cars on false credit, stealing them, pocketing insurance claim money and then smuggling the vehicles, usually luxury cars, tax-free to the Philippines.

At the center of it all, according to immigration officials, was Jose Noli Sugay, a member of a politically prominent Filipino family. Dubbed by some "The Filipino Godfather," Sugay, 33, was recently convicted of embezzlement and faces further charges on other activities.

One Filipino close to the Sugay organization claims organized crime groups can forge U.S. passport facsimiles of a high quality for as little as \$2,000.

America, the source says, is now seen by many criminal elements in the Philippines and throughout Asia as the land of greatest opportunity. "Let's put it this way," he said over a beer. "If you have a big house there's more for me to steal than in a small house. The United States is a much bigger house than the Philippines."

Of all of California's major Asian groups, the Japanese are generally

considered by law enforcement to be the least troublesome and best integrated into the American mainstream.

There are, however, growing concerns about the infiltration of Japan-based organizations of *yakuza*, fierce gangsters known for their tattooed bodies, Samurai-style authoritarian codes of behavior and their grisly penchant for cutting off their own fingers if found wanting by their superiors.

Within the last few years some suspected *yakuza* have been convicted for smuggling guns, drugs and currency between Japan and Hawaii, according to U.S. Attorney Walter Heen. Law enforcement sources in California—including LAPD, DEA and the Organized Crime Strike Force—confirm the presence of some *yakuza* gangs, notably the worldwide Yamaguchi-gumi organization, on the West Coast but have so far made no arrests of suspected *yakuza* on the mainland.

No such statement, however, can be made for the numerous Thai-based criminal organizations which have moved to California, concentrating largely in the rundown section of Hollywood. Over the last two years the DEA claims to have made over 60 arrests and convictions of Thais on charges of smuggling high-quality Asian "white heroin" to the West Coast.

Using opium connections fine-tuned back home, Thai businessmen have smuggled over \$100 million worth of heroin annually into the country in the housings of teakwood clocks, through pliable employes of Asian air carriers, as well as Thai religious and fraternal organizations, DEA officials claim.

"The Thai community here is our biggest problem," said Jerry Jenson, DEA's western regional director. "They have a very organized operation, they have the supplies. They are trying to get together with American organized crime. If they do, it would be

the biggest thing since the French Connection."

These newcomers to the California demi-monde have overshadowed the long standing criminal presence within California's oldest Asian group, the Chinese. Over the last decade alone, there have been more than 50 gang-related homicides in San Francisco's Chinese neighborhoods, according to Sgt. John McKenna, chief of the San Francisco police department special task force on gangs.

National attention on San Francisco's Chinese gangs was widespread following the September 1977 "Golden Dragon Labor Day Massacre," an attempted gangland assassination that ended in the deaths of five innocent people and the wounding of 11 more at a Chinatown restaurant. Nine members of the "Joe Fong Gang" have been convicted for their part in the murders.

Since the Golden Dragon incident, however, Chinese youth gangs seem to have drifted away from such pronounced violence, preferring to work with adult criminals on more profitable activities like extortion, drug smuggling and gambling.

Like other criminal organizations here, Chinese groups thrive on new immigrants, many from poverty-stricken Hong Kong. Thousands of the British colony's young enter California every year, legally and illegally.

Some law enforcement officials, particularly in federal agencies, argue that only through intensified surveillance and mass deportation of Asian criminal elements can they keep the West Coast from becoming an even easier target for ever bolder organized crime operations. Others, such as Tomita, say the hiring of more Asian-American officers, better police communication with immigrants and greater understanding by police of Oriental cultures constitute the best hope of stemming the growth of crime in the Asian community.

New Money, People and Ideas Alter Chinatown of Tradition

By EDWARD A. GARGAN

It is New York's oldest enduring ethnic community, seemingly unchanging and insulated from the world around it. But Chinatown is being transformed. Suffused by the politics of Asia and the press of new immigrants, the Chinatown of tradition is losing ground to a Chinatown of new institutions and broadening expectations.

Less than two decades ago, contained by boundaries set at the turn of the cen-

The New Chinatown: Community in Change

First of two articles.

tury, Chinatown was filled with an almost homogeneous population from two counties in Guangdong Province. Today Chinatown bursts with the linguistic and cultural variegation of China's 21 provinces, as well as that of Chinese peoples scattered over all of east and Southeast Asia.

Chinatown has become a place where the ascendancy of China and the waning of Taiwan are graphically real; where the reading scores of children are at the bottom half of the city's scores; where tuberculosis rates soar far beyond those

of the city around it; where immigrants pay \$5,000 in "key money" to get an apartment, and where overseas Chinese have begun investing millions of dollars in Chinatown real estate.

The neighborhood has burst its traditional boundaries, spreading over southeastern Manhattan, moving into neighborhoods once solidly Jewish and Puerto Rican and all but smothering Little Italy, which is now but a two-block relic amid a jumble of Chinese dry-goods stores, vegetable stands and tea shops.

On Seward Park, the building that once housed The Jewish Daily Forward, the oldest Yiddish newspaper in New York, is now Chinese-owned. The four-story walk-ups on Henry Street, two years ago predominantly Jewish, are now filled with Chinese immigrant families. And above Canal Street, plastic signboards dense with Chinese ideograms dot storefronts to Houston Street and beyond.

Satellite Chinatowns have sprouted in the Flushing section of Queens and in Brooklyn's Flatbush area, spurred by the failure of Chinatown to expand fast enough.

Perhaps 100,000 people — no one is

Continued on Page B8, Column 1

Continued From Page A1

quite sure how many — live in Chinatown. Its residents live in some of the oldest housing in the city and work at low-skilled, low-paying jobs. And, echoing the experience of many immigrants, their children grow up and leave the neighborhood.

Yet Chinatown covets its cloistered inwardness, its preoccupation with concerns that carry no meaning elsewhere in New York. "It is the third world in New York," as one of Chinatown's older

men of power, Man Bun Lee, put it.

Economy of Its Own

Chinatown has developed an economy of its own. Restaurants and garment factories long ago displaced the once-ubiquitous hand laundries as its pillars.

Throughout Chinatown there are about 500 garment factories employing nearly 20,000 people; 95 percent are women, and virtually all are Chinese immigrants. Chinatown's streets, not only through the traditional core, but down East Broadway into the Lower East Side, up Elizabeth Street to Houston, are lined with more than 150 restaurants that offer an eclectic display of cuisines from China's provinces, together with such exotic amalgams as Sino-Burmese cooking. While the women work mostly in the garment factories, it is mostly the men who work in the restaurants.

Although the garment industry is almost entirely unionized, only slowly have restaurant workers sought relief



The New York Times / Marilyn K. Yee
Youngsters in a Chinese school at the Chinese Consolidated Benevolent Association at 62 Mott Street in lower Manhattan's Chinatown.

from miserable working conditions and low salaries through unionization.

There are, down its crooked streets, two Chinatowns — one a Chinatown of long working hours, English lessons and unionization; the other a Chinatown of enduring family ties, unspoken loyalties and traditional institutions.

Focus of Political Life

The first permanent Chinese resident of New York City, Quimpo Appo, a tea merchant who came in the late 1840's or early 1850's, was trailed quickly by others, including in 1869, Chu Fung Wing, one of the founders of the Chinese Consolidated Benevolent Association, an organization of 60 family and district associations that proceeded to dominate Chinatown for a century. The association determined who could do what business where, it settled disputes between merchants and it orchestrated the political life of Chinatown's residents. It also served as the principal contact point between Chinatown and City Hall.

On the fifth floor of the Lee Family Association at 41 Mott Street, Mr. Lee, a former president of the Benevolent Association, sat against a wall lined with orange slips stained with vertical black rows of Chinese script. The slips record contributions to the Lee Family Association, totaling tens of thousands of dollars a year, by members and friends who wish to mark such auspicious occasions as the marriage of a daughter or the birthday of a parent.

"Our role has changed a lot," reflected Mr. Lee. "Yes, it's true, our influence has diminished." The admission does not come easily from the dean of one of the oldest and largest of Chinatown's 20 family associations, which once held sway over business in its quarter of Chinatown by controlling the purse strings of credit.

"Immigrants once used to come here to get a job, to get housing," he said. "These new immigrants are much better educated than older Chinese. They don't rely too much on the family associations."

Mix of Savings and Gambling

Below a sixth-floor shrine to the ancient Chinese philosopher Lao-tse, the association still operates a mutual-aid club of the sort that was common in many parts of rural southern China during the 19th century. A functional mixture of savings and gambling, the club, called the San Yi Hui, operates alongside a federally chartered credit union and relies on the faith of its members in the permanence of tradition rather than the guarantees of the law.

While the members of the credit union tend to be of the younger generation, the older members of the Lee Association belong to the San Yi Hui. While saving \$30 each week, participants can also win \$1,800 in the complicated weekly Sunday-afternoon bidding.

That the family associations still carry financial weight in Chinatown, and sometimes occasion violent attempts for their control, is apparent from the fading scars on Mr. Lee's left hand. In 1977, he fought off a knife-

wielding attacker who, Mr. Lee said, was acting at the behest of someone who sought control of the association.

At the Chinese Consolidated Benevolent Association, Thomas Wong utters what is now a public litany. "We represent the whole Chinese community," he said in his second-floor office. "The organization is not that modernized, but it still has good influence."

Talk of Past Glories

For Mr. Wong and the association, though, past glories rather than present accomplishments dominate discussion. He speaks of closing garment factories and marching thousands of people to City Hall six years ago to protest the planned closing of the Fifth Precinct on Elizabeth Street or of a march several years ago to denounce police brutality.

"The C.C.B.A. only takes care of big issues," Mr. Wong said.

Now, he says, the association's main activity is running a school to teach the area's children to read and write Chinese. "Three thousand children," Mr. Wong insisted, but the association has given the local Chinese papers the figure of 1,500. The children, who span the first to the twelfth grades, come in the afternoon after their regular schooling.

The school, on the third and fourth floors of the association's blockish pagoda-roofed building at 62 Mott Street, teaches reading and calligraphy with the traditional ink brush. But down halls dominated by imposing busts of Chiang Kai-shek, the former leader of Taiwan and the political inspiration of the association, the school also seeks to inculcate the children with the virtues of Confucian morality.

"We tell them manners, how to respect the old, how to love the youngest," said Linda Wu, who has been at the school since 1942 and is now its princi-

pal. In the classrooms, the ideograms so painstakingly traced by first graders are those used in Taiwan, not in mainland China.

Animosities Between 2 Chinas

Today Chinatown is no longer the exclusive domain of the traditional associations. "Their control began to break down with the expulsion of Taiwan from the United Nations" in 1971, explained Peter Kwong, an economist who teaches at the State University Center at Old Westbury, L.I., and has written extensively about Chinatown. "A lot of people said that the future is China. Business people started shifting their commercial ties from Taiwan to China. And since 1978 or 1979, you have a lot of Chinese coming to Chinatown who were born on the mainland — in Shanghai, Peking."

The animosity between mainland China and Taiwan, the undertow in Chinatown's political life, has been played out for the past two years in the Hakka Association, a fraternal organization for ethnic Hakka Chinese, who come from southern China. This year the flag of mainland China was hoisted

outside the association's offices at 1 Division Street to mark the election of an American President with sympathies for China — a symbol of the cracks in the old Chinatown order.

Ultimately, however, it is the inability of the traditional associations to cope with the flood of new immigrants that has altered Chinatown. The repeal of restrictive immigration laws in 1965, and subsequent amendments in 1978 and 1979, brought hundreds of thousands of Chinese to the United States. At least one-third of them have chosen to settle in New York City.

Newer institutions that sprang up during the flush years of Federal antipov-erty financing now offer job training, health care and English language courses and provide the substantive assistance to immigrants that were not previously available in Chinatown.

'Atmosphere Has Changed'

The most prominent of these agencies, the Chinatown Planning Council, operates entirely on city money and handles about 4,000 new clients each year. "Basically we're a social service organization," said Harold Lui, who grew up in Chinatown and works for the council. "We offer day care, senior-citizen centers and manpower training."

"From 1965 the Chinatown atmosphere has changed, linguistically, culturally. Immigrants used to come from rural areas, now they're from urban areas. Since 1965, the whole situation has become more complex. With the large number of immigrants you have here you need a professional staff. The old associations can't do this, and they resent what our funding meant."

"In the past they could control because they were the only linkage between Chinatown and the outside," explained Charles Pei Wang, the managing director of the council. "They are not the only sources of contact anymore."

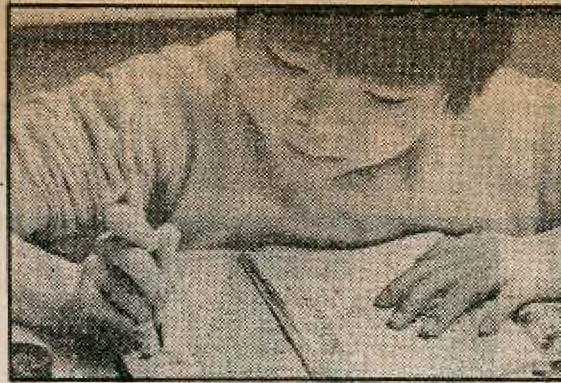
In a new red-brick building on Baxter Street, the Chinatown Health Clinic, supported by Federal funds, is another of the social service agencies that have cropped up in the past decade.

High Tuberculosis Rate

"This is a community in trouble," said Dr. Arthur Chin, the 28-year-old executive director of the clinic. One area of immediate concern to Dr. Chin is Chinatown's tuberculosis rate. On the basis of the clinic's patient population, he estimates that the rate in Chinatown may run as high as 100 times the national average. "It is a dangerous problem," he said. "TB is contagious, and many Chinatown residents live in very crowded housing. In densities like Chinatown, TB is easily communicated."

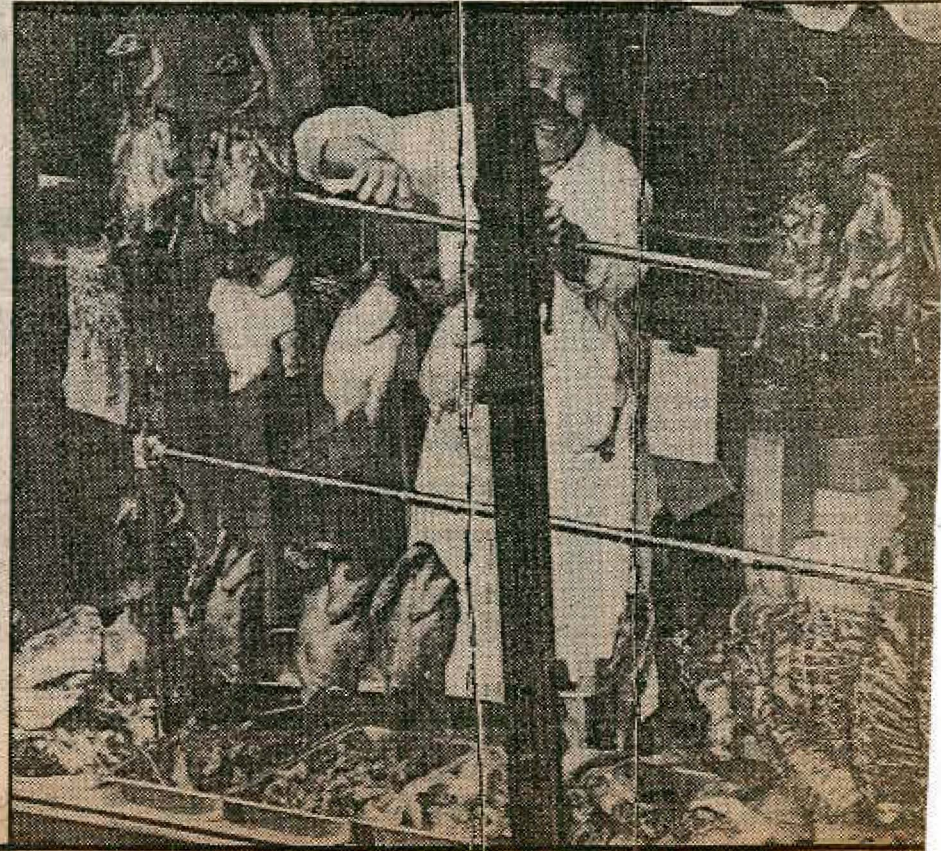
"There is limited access to health care. There are cultural barriers, language problems."

Chinatown's insulation has not shielded it from crime. Much of the crime, though, is sparked by the activities of Chinese youth gangs and has a quality not unlike the organized extor-



The New York Times/Marilyn K. Yee

At a center for the elderly on Mulberry Street, left, mah-jongg is a favorite pastime. A youngster, above, practices calligraphy at a Chinese school, and readers examine a Chinese-language newspaper at the Lee Family Association. At right, a store window decked out with ducks, chickens and meats.



tion that fed on early Italian immigrant merchants at the turn of the century. But it is a subject shunned by the normally outspoken, one for which hushed whispers are reserved even by those less discreet in Chinatown.

Their heritage recorded only in a murky oral history, the gangs were founded earlier in this century as the muscle for Chinatown's tongs, originally adaptations of the 19th century secret societies in Guangdong Province and now nominally associations of businessmen.

The two principal tongs, the An Liang Shang Tsung Hul and the Hip Sing T'ang, are widely known by residents and the police to control Chinatown's active gambling parlors. But the gangs, which often serve as protection for the parlors, have sought to escape the restrictive reins of the tongs. They have become more independent and have divided Chinatown into their own territories. Two gangs, the Ghost Shadows and the Flying Dragons, have parceled most of Chinatown between them.

'Paying Off'

"There is not a merchant on Mott Street who is not paying off," said a reporter for Pei Mei Jih Pao, a Chinese daily. Paying off is shorthand for the gangs' extortion of weekly protection money from the merchants.

"It's a fact of life, it's not a big deal," added the reporter.

Mott Street in Chinatown's core, a two-block stretch between Canal Street and Chatham Square, is controlled by the Ghost Shadows. Pell Street, which slices through Chinatown from east to west, is run by the Flying Dragons. "There is real territoriality," said an assistant district attorney closely involved in gang cases, who requested anonymity as a condition of discussing the gangs. "The Dragons don't go on Mott, and the Shadows don't go on Pell."

Gang violence stems almost always from disputes over territory and money. Sometimes, it is passers-by who are gunned down by the wild shots of warring gang members. When 23-year-old Alvin Chin, a student at Baruch College and a soldier in the now disbanded Black Eagles, was ordered last year to kill Yuk Wah Yung, a member of a rival gang, a bullet tore instead through the heart of Chin Lee Mei as her husband and two children stood nearby.

She was one of seven people killed in gang violence last year. This year, eight more people have been slain by gangs in Chinatown.

Between extortion from merchants and protection payments by gambling parlors, each gang is thought to take in between \$5,000 and \$10,000 a week. Although each gang has no more than 30 to 40 hard-core members, there may be 150 young men with loose ties to a gang who perform services at the request of gang leaders.

Big Business of Gambling

Gambling is big business in Chinatown. Ernest Eng should know. For two years, the 27-year-old undercover police officer has been setting up raids of gam-

bling parlors throughout Chinatown. After nearly 50 raids, however, he has come to believe that there is a Sisyphean quality to his work.

"We've seen cases where we bust a place in the early afternoon, and by evening people would be preparing to open it again," he said.

All of the 11 known gambling dens hidden away in Chinatown's basements, behind solid doors punctured only by peepholes, are blessed by the tongs, said Neil Mauriello, a detective assigned to the Chinatown gang task force in the District Attorney's office.

"To have a gambling house you need the sanction of the tongs," the detective said. By being the sole source of loans to open a parlor, the tongs retain effective control of gambling activity, said Officer Eng.

The most common game played in Chinatown's gambling parlors is fan-tan, in which a cupful of small stones are spilled onto the table and counted off in fours after the players have bet on how many will remain. Other games in-

clude variations of poker as well as mah-jongg.

The illegal gambling houses have not sated Chinatown's passion for gambling. On a Wednesday last month, each of the eight Off-Track Betting windows at 18 Bowery averaged \$5,152, compared with an average of \$3,892 at Pennsylvania Station, the parlor that daily handles the greatest number of bettors in the city.

Lawyer's Father Owned Laundry

In another part of the new Chinatown are people like Chester Wong, who now practices law in a small office on Division Street. He grew up in the Elizabeth

Street tenements. His father owned a laundry and later gave that up to work as a cook in a Chinese restaurant. His mother still works in a garment factory.

"I have five brothers, and we were packed into a small room with bunk beds," he said. "It was cold in the wintertime, because there wasn't any heat. The bathroom was in the hall. You know, I'm surprised I didn't turn to crime."

"My parents worked hard for us to get an education." Mr. Wong graduated from Brooklyn Law School and came back to Chinatown to practice.

"Since I had grown up in the com-

munity and had been active in the community, I had something to contribute," he said. But, he noted, "a lot of my friends moved out and went to work for big corporations. I don't argue against that. That's their choice."

But Mr. Wong no longer lives in Chinatown. "I live in Riverdale. I've had enough of poverty."

Next: Chinatown's economy, from real estate to garment factories, has become a lively battleground for Asian investors.

Asian Investors Battle for Footholds in Chinatown

By EDWARD A. GARGAN

Behind its vegetable stands, restaurants and sooty facades, Chinatown has become a battleground for investors from Hong Kong, Taiwan and southeastern Asia.

The surge in Asian foreign investment, beginning three years ago, has pushed Chinatown far beyond its traditional boundaries — into the Lower East Side and far north to Houston Street — and has turned its once placid business climate fiercely competitive.

Foreign Chinese investors, who have scoured Los Angeles, are now looking to New York City — Chinatown in particu-

lar — for business and real-estate opportunities.

"Property values are really high," said Ben Louie, the manager of Chemical Bank's Chinatown office on Canal Street. "People from Hong Kong and Taiwan have a lot of money to throw into the market. The food business is booming, too."

At the Commerce Department in

The New Chinatown: Community in Change

Second of two articles.

Washington, where economists who measure foreign investment are more accustomed to charting billions than millions, Chinatown is simply too small to appear in their statistics. But Gregory Fouch, a department analyst, said there appeared "to be a lot of small investment" from Asia.

The difficulty in accurately measuring it, he said, is that a single major investment can overwhelm a single year's data. Gigantic corporate acquisitions — such as last year's takeover of the Marine Midland Bank by the Hongkong and Shanghai Banking Corporation — tend

Continued on Page B4, Column 1

Continued From Page 1

to get the headlines, but the smaller investors are behind the land rush in Chinatown.

Distant in language and culture from the city around it, Chinatown has developed an economy of its own that depends on two key industries: restaurants and

garment manufacturing. Both are sources of investment and employment.

And Chinatown has also fashioned an underground economy of real-estate deals that relies on "understandings" and the payment of unrecorded cash to avoid taxes. Both of these economies have vigorously resisted outsiders' efforts to penetrate them.

The new investors are wealthy Chinese throughout Asia, and particularly in Hong Kong and Taiwan, some of whom fear potential instability in their part of the world.

"A lot happening here reflects the political situation in Asia," said Ying Chan, a reporter for Pei Mei Jih Pao, one of Chinatown's seven daily newspapers. "The British lease on Hong Kong expires in 1997, and there is concern about the future of Taiwan."

Why have they focused on Chinatown? "Human nature," explained Thomas Wong, a spokesman for the Chinese Consolidated Benevolent Association, which represents Chinatown's traditional political and business interests. "You come to your own group. Who's going to rebuild your area unless they make a buck?"

Only hesitantly will the Chinese participants in this accelerating scramble

for real estate and quick profits describe their activities. Most discuss them only on condition that their names not be used.

"One of the results of money coming

from Hong Kong and Taiwan is property values are shooting up," a real-estate lawyer said. "There is no relation to the income a building can produce."

Irving R. Raber, a longtime participant in the Chinatown real-estate business who is now generally content to manage buildings for Chinese owners, said that most buyers were from Hong Kong.

"There just seems to be a larger number of prosperous Chinese in Hong Kong than in New York," he said. "Most of the large cash sales are from Hong Kong."

A rubble-strewn block of Henry Street is one of the more visible signs of this investment fever and power. Over growing opposition from community groups, the block's developer hopes to build a 143-unit luxury condominium project called East West Tower.

"This is being done by Hong Kong and Kuwait investors," said Thomas Lee of the Overseas Chinese Development Corporation. But the apartments, which will cost up to \$129,000 each, are designed for Hong Kong residents who need apartments in New York.

"In Hong Kong you buy a condominium for \$300 to \$500 a square foot;

here it is \$100 to \$150," Mr. Lee explained. "They consider it cheap."

Most real-estate investment is going into commercial properties. "If anything is available, they buy it one, two, three," Mr. Lee said. "People are usually interested in existing buildings. The best investment is buying property."

Evasion of Taxes Common

Intrinsic to many Chinese commercial transactions, according to many lawyers who handle real-estate matters, is the passing of money to the seller off the books.

"I'd say in half of all commercial real-estate deals money goes under the table," said a Chinatown lawyer who represents many Chinese investors, both foreign and American-born. "It is widely accepted. They're accommodating the seller."

For many purchasers, the lawyer said, the use of cash is a way of evading taxes to the Internal Revenue Service.

"I did a deal recently in which a client bought a building for \$580,000," the lawyer said. "The actual price of the building was \$900,000. It was all in cash. The seller wants to lessen his capital-gains tax, so the price he cites will be much less than the actual purchase price."

The dominance of cash in Chinatown economic life was noted in a statement on the license application of a new Chinatown bank, the United Orient Bank:

"Chinese as a group tend to be heavily oriented towards cash, especially with respect to savings, which are rarely deposited in interest-bearing accounts but are secreted somewhere in the home or place of business."

Some of the investment comes from owners of Chinatown garment factories who have accumulated enough cash to join the real-estate scramble.

"Every garment factory owner keeps two sets of books," one lawyer said. "One set shows him just breaking even; in the other he is putting money away."

One young Chinatown lawyer described an average client in a real-estate deal. "He lives in New Jersey. He comes from China and went first to Hong Kong and then to New York City. He owns a garment factory in Chinatown. He's in his 40's, has a wife and two kids. His wife works in the factory as the boss, and he has a lot of money from the factory he wants to invest. He'll buy a building, hold it for two or three years and then turn it over."

Along Canal Street and up Centre and Elizabeth Streets, where squat, six-story loft buildings are strung together, more than 500 garment factories are crammed on floor after floor, the largest concentration of such shops in the city. Here work some 20,000 women — more than 75 percent of the employed Chinese women in the area.

Labeled sweatshops by the United

States Department of Labor, these factories spring up and change hands with a frequency akin to speculative trading in soybean futures. Almost one-third of the factories are sold to new owners each year.

"The garment industry doesn't require too much capital," said John Wang, who is conducting a study of the industry for the International Ladies Garment Workers Union. "You only need \$20,000 to \$30,000 in capital to start up a factory. In the mid- to late 70's a lot of money came from Southeast Asia and was put into the garment business. Some of it is individual ownership, some of it is partnerships."

The work flow of the garment factories in Chinatown is governed by the needs of the Seventh Avenue manufac-

turers who design the garments, cut and deliver the fabric and collect the finished product for distribution to retail stores. With 500 factories competing for contracts to stitch the fabric into dresses, pants and blouses, the manufacturers pit one factory owner against another and keep their sewing costs low.

"It is very rough, very competitive," said Mary Wong, a spokesman for the Chinese Garment Manufacturers Association, which represents many of the garment factory owners.

Concealed Profits Charged

While many owners insist they barely break even — and so justify the low wages to their workers — union agents, garment workers and many lawyers

who handle the disputes of garment workers insist that the owners keep two sets of books.

"Twenty-five to 30 percent of them are making a steady profit," asserted Anthony Sciuto, assistant manager for Local 23-25 of the I.L.G.W.U., which has unionized virtually every shop in Chinatown. "An owner takes home about \$400 a week, with another \$40,000 to \$50,000 at year's end."

Yoshi Enterprise, on the third floor of 241 Centre Street, employs about 30 women sewing precut fabric into dresses and blouses.

"I get 4 cents for this," said one worker, pointing to a newly finished sleeve seam in blue polyester. "And 4 for this edge and 2 cents for the collar."

The woman has been a garment worker for eight years. She said she spent 8 to 10 hours a day bent over a Mero machine, a device that lockstitches the edges of garments and binds seams together. She said she could earn \$40 a day. Although a union contract calls for an hourly wage, no worker at Yoshi punches a time clock.

Two other women worked nearby on the Mero machines, and 15 others sat at two long benches working Singer sewing machines. Sunlight strained through the factory's grimy windows, where paint flaked off the ceiling into aisles jammed with boxes of half-finished dresses. A brown mouse sprinted across the floor. Some of the women, scarcely glancing up from their work, sat hunched over their machines under fluorescent lights on chairs with no back rests.

Union Contracts Not Enforced

Although nearly all the garment shops in Chinatown are unionized, compliance with contracts by shop owners is not strict, according to Mr. Wang, who is studying the industry.

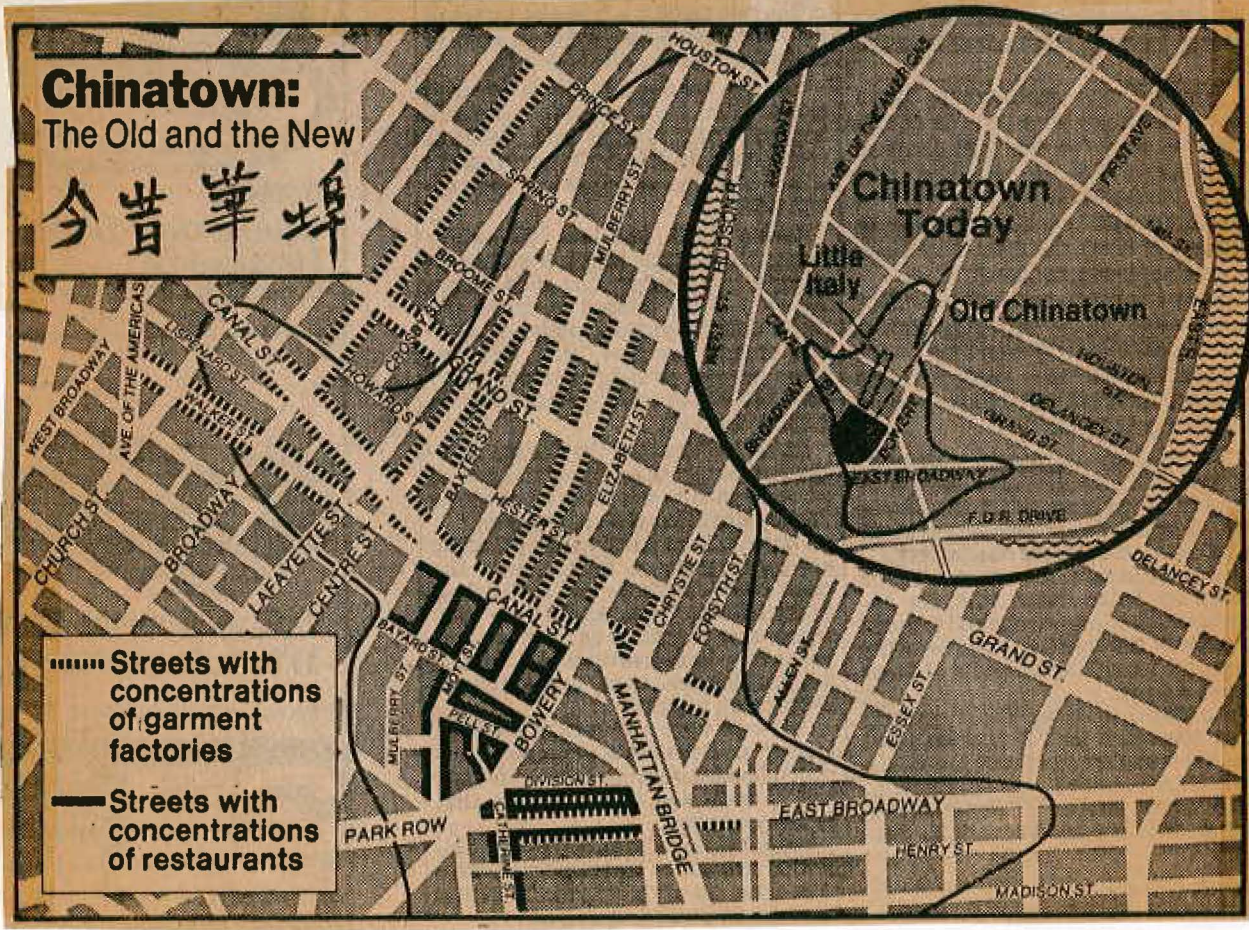
"You don't want the shops to leave, so that means sometimes the union doesn't enforce the contract as rigidly as it should," he said.

A visit to eight shops along Broadway and Centre Street found no time cards punched, though the contract with the union called for time cards. Instead the shops in Chinatown pay strictly on a piece-rate basis. The union demands that piece-rate wages equal the minimum hourly wage in the contract, but in many shops workers are paid far less.

Unlike other garment factories around the city, union officials contend, illegal Chinese immigrants are much rarer in the workforce than other nation-

alities. Indeed, in Chinatown illegal immigration is much less prevalent than in, say, Latin American sections of the city.

Last March, in a blaze of television camera lights, Labor Secretary Raymond Donovan led a raid on two garment factories at 125 Canal Street. In Walons Sportswear he found a 90-year-old woman, Kim Song Eng, who was earning \$1 an hour for cutting threads off finished garments. It was, he said at the time, typical of Chinatown sweat-



shops.

After Mr. Donovan and the television cameras had left, Mrs. Eng lost her job.

"She was forced to quit," said Jay Mazur, a vice president of the I.L.G.W.U. "She was humiliated. She brought shame on the employer.

"She didn't want to stay home. She worked picking thread. She got \$42 a week. I don't consider our shops sweat-shops. I think Chinatown is being picked on."

Restaurants Are Investments

Despite the low wages, most women continue to work in the garment factories because of family health benefits provided under union contracts, a benefit their husbands almost never have if they work in Chinatown's restaurants.

Equally competitive, and under siege from incipient local unions, the area's more than 150 restaurants offer a cornucopia of cuisine prepared by chefs from Manchuria to Fukien. While employing fully half of the men in Chinatown, the restaurants are also investment opportunities for affluent Chinese from abroad.

Where once restaurants were primarily family affairs, many of the larger ones — Silver Palace on the Bowery, for example — are now owned by privately held corporations, often with strong ties to investors from Hong Kong or Taiwan. Unlike garment factories, restaurants require a much greater capital investment that is usually beyond the reach of most local residents.

When the credit institutions of the traditional family associations or local banks lend money for a restaurant, it is usually for tiny Chinese fast-food storefronts elsewhere in Manhattan, Brooklyn or Queens.

Often larger restaurants are owned by corporations that mask the identity of their actual owners, several lawyers said.

Largely because of an intensive unionization effort by restaurant workers — two Chinatown restaurants have been unionized in the past 16 months — restaurant owners are reluctant to discuss any aspect of their financial matters. Man Bun Lee, owner of the Kao Wah Restaurant at 44 Mott Street, wrings his hands at the mention of the union.

"Unionization is hurting the business," he said. "If everybody unionizes, a lot of restaurants would close."

Low wages are rampant in Chinatown's restaurants. A waiter usually earns between \$200 and \$250 a month, excluding tips, for a 12-hour, six-day week. Tips in smaller restaurants frequented primarily by Chinatown residents average about \$10 a day, waiters say. In larger restaurants, especially

those celebrated by news media food critics and drawing patrons from around the city, tips can run as high as \$70 a day.

Dennis Lo is a waiter at Szechuan Taste on Chatham Square, one of two unionized restaurants in Chinatown.

"I made \$200 a month," he said of the preunion days at the restaurant. "We pooled the tips."

Sometimes the tips ran to \$50 a day, he said. Last April the waiters, unhappy over their wages and lack of job security and inspired by the successful unionization of the Silver Palace restaurant on the Bowery, formed an independent union at the restaurant.

"You cannot imagine how important these unions are in Chinatown," said Lam Wing, a waiter and a member of the Chinese Staff and Workers Association, an informal social organization in Chinatown. "These unions are the first time workers organized on their own in Chinatown. Every restaurant worker knows about these unions."

Fighting for a piece of the Chinatown economic pie are 16 commercial and four savings banks and at least six credit unions. Of the four Chinatown banks that are Chinese-owned, all but one were started by Hong Kong or Taiwan investors.

The newest of these banks, the nine-month-old United Orient Bank on Chatham Square, in the heart of Chinatown, was formed to accommodate the increased investment in Chinatown and to help local businesses expand, said Albert Y. Liu, a vice president of the bank.

"Chinese in Southeast Asia, Indonesia and Malaysia have economic power but do not feel it is safe," explained Mr. Liu. "In Hong Kong and Taiwan there is similar concern about the political future. The British lease on Hong Kong expires in 1997, and no one knows if the Chinese are going to take over the colony. The Chinese Communists always claim that Taiwan is part of China, and the people don't want to be part of Communist China."

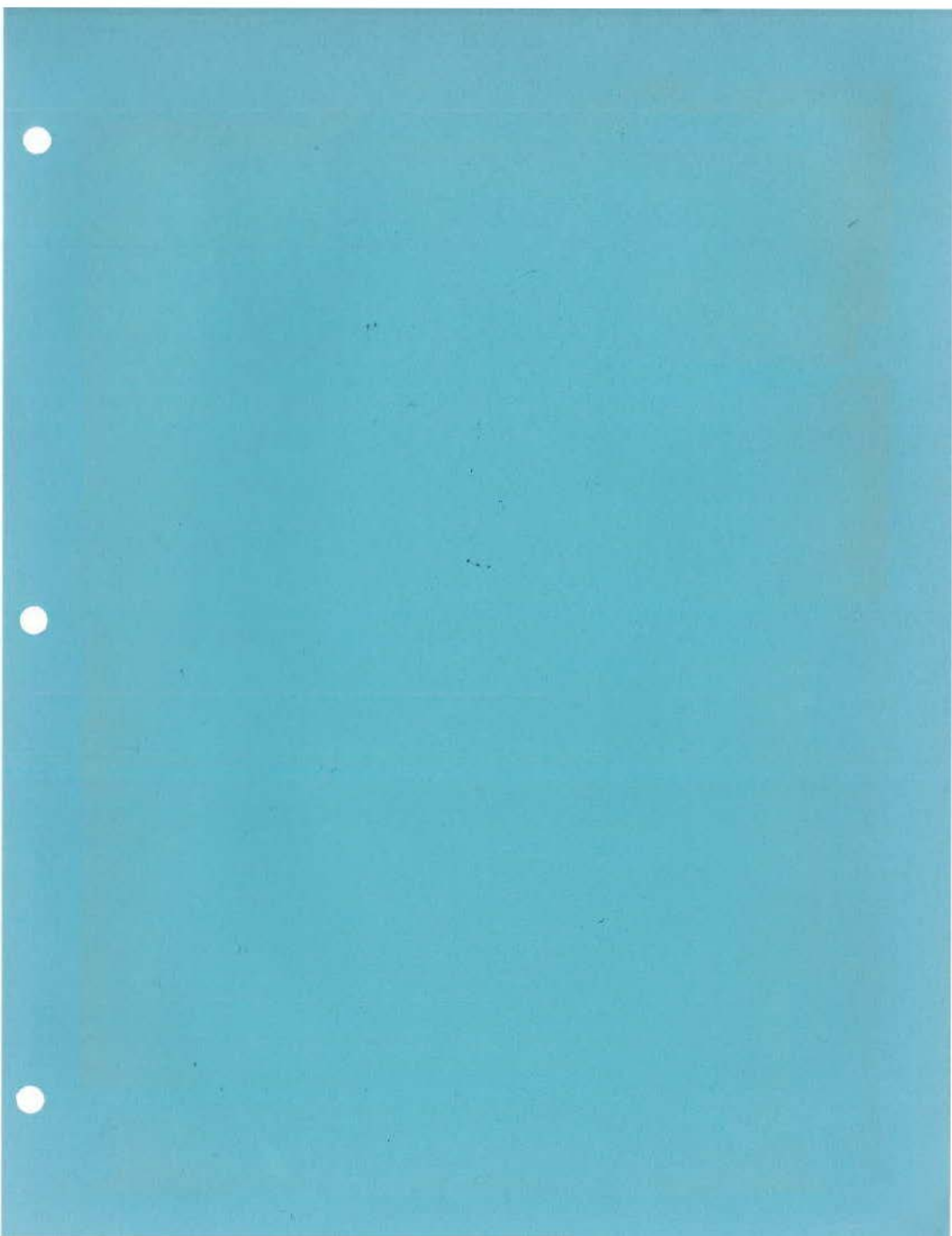
More Banks Expected

"Our capital is from local businessmen," Mr. Liu insisted, but he acknowledged that the strong investment climate would lead to the establishment by foreign investors of more banks in Chinatown. Two banks — the 14-year-old Chinese American Bank and the four-year-old Golden Pacific Bank — already have strong financial ties to Taiwan. The Hongkong and Shanghai Bank also has a branch in Chinatown.

Nonetheless Chinatown banking is

small compared with Chinese-controlled banking in Los Angeles. In the past seven months, United Orient in Chinatown has had \$17 million in deposits; over a similar period the General Bank of Commerce in Los Angeles has recorded \$100 million in deposits. But Mr. Liu feels that the investment opportunities on the East Coast, including those in New York, are attracting more attention from Asia.

"I believe people will find property on the East Coast ultimately cheaper than the West and will move capital here," he said. And Chinatown, he added, will be the first to receive it.



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NYT 14 MAR 71

University Is Helping Remote Indian Tribes in Southwest to Adopt Regulations of American Courts

By ANTHONY RIPLEY
 Special to The New York Times

ALBUQUERQUE, N. M., March 12 — For a few remote and small Indian tribes of the Southwest, this nation's courts are mysterious places, full of strange customs and nonsense, and almost completely at odds with their ancient traditions.

But these tribes have been ordered by Congress to adopt the rules and regulations of these strange courts, and the University of New Mexico is trying to ease the cultural shock.

With a \$35,000 research sub-contract from the Law Enforcement Assistance Administration of the Department of Justice, the American Indian Law Cen-

ter at the university's law school is drawing up a manual of criminal procedures for use by Indian tribal courts. The original grant of \$66,000 was made to Arrow Incorporated, a nonprofit Indian group in Washington.

It is only a minor problem for the larger, more populous Indian tribes across the country because they have already adopted most of the rules of standard American court practice. But for a dozen remote theocratic Indian pueblos near the upper Rio Grande Valley in New Mexico, religion, law and ancient tribal custom are closely entwined.

Lawyers and graduate stu-

to preserve such ancient traditions while bringing their tribal courts into line with standard American legal practice.

Aiding in the work are the University of South Dakota and Arizona State University. It began last September and is to be completed in July.

Indian tribal courts handle criminal misdemeanors and almost all civil matters, including divorces. More serious criminal offenses go to Federal Courts. Reservation Indians are not controlled by the laws of the 50 states because of their treaty rights.

Traditional United States constitutional law is not the Indian way, according to Robert

L. Bennett, director of the Indian Law Center and Commissioner of Indian Affairs under President Johnson. He is an Oneida Indian, born on the tribe's Wisconsin reservation.

Most Indians, he said, plead guilty when taken to court. They have a clear sense of right and wrong, and when they break a law, they are expected to admit it and to accept the consequences.

Mr. Bennett said an Indian would never be expected to plead innocent if he had actually committed a crime.

"There is never a question of proving that he did wrong," he said.

He said Indians also consider that a crime is an act against

another person, not against society as a whole or against the state or tribe.

Though such themes cut through all Indian life in the nation, he said, many have made adjustments. Indians in the Northern states, coast to coast, largely follow standard American court practices.

Another scattered group of tribes, including the Navajo and some of the Sioux, he said, follow American legal procedures until time for sentencing a guilty man. Then the families of the defendant and the victim get together and set the penalty.

Since crimes are considered personal, Mr. Bennett said, a man who has beaten another

and sent him to the hospital may be sentenced to care for the beaten man's family until he recovers.

But among another group—a dozen small pueblos in the Southwest — most American court practice is quietly ignored. Among those tribes are the Taos, Acoma, San Felipe, San Juan and Jemez pueblo Indians.

Although the United States Constitution bans cruel and unusual punishment and involuntary servitude, occasional public whippings are still held and men are required to work without pay on reservation projects, Mr. Bennett said.

Change has not yet come to some of those remote pueblos,

Mr. Bennett said, but it is clearly on the way. It was brought on by the passage of the 1968 Indian Civil Rights Act, which he said was approved by the Congress without public hearings.

Some of the smaller pueblo tribes went to Washington to protest against the act because they felt it would undermine their tribal laws and way of life, which are organized around their native religion. They insisted the act was in conflict with rights granted them under the Treaty of Guadalupe Hidalgo, which ended the Mexican War in 1848. But the act still stands.

"In some areas of Indian law there will have to be changes

made, but we believe most of these will be more procedural than substantive," Mr. Bennett said. "The biggest impact will be in the psychological area."

Old Indian tribal law is a reflection of Indian values and a way of life that are quite different from those of the rest of American culture, he said.

Indians, he said, see themselves as living in balance and harmony with nature while whites try to master it and turn it to their own ends and so are in conflict with nature.

Indian economy is aimed at consumption, not production and profits, and the Indian lives for the present while whites work and plan for the future, Mr. Bennett said.

Utes Sue to Extend Tribal Law to Some Non-Indians

SALT LAKE CITY, Oct. 17 has filed suit in Federal court in an attempt to apply its tribal laws to non-Indian towns lying within reservation boundaries. The suit, filed Wednesday in United States District Court by the 1,600-member tribe, named the State of Utah and the Towns of Duchesne and Roose-

velt as defendants. State and local officials contend that the Utes have no jurisdiction in communities that were carved out of the Uintah and Ouray Reservation years ago under Homestead and Townsite Acts. The Indians were paid for the land. The Utes said that if state

officials could prosecute Indians who violate state laws off the reservation, the Utes could prosecute non-Indians who violate Ute laws on or affecting the reservation. "We will no longer stand idly by and watch our resources ruined, our people humiliated and our competency

questioned," the tribal chairman, Lester Champoos, told a news conference. A tribal attorney, Steve Boyden, said that the Utes were one of the first Indian tribes to codify their ordinances. The new code, approved by the Interior Department, became effective Sept. 15. For the first time, it seeks to apply to non-Indians.

Mr. Champoos and Mr. Boyden said that the local authorities had failed to enforce the law properly. He said they had allowed Indian minors to be served alcohol and had failed to prosecute hunters who poached on Indian lands.

Mr. Boyden also said that local officials had failed to enforce traffic laws against tanker trucks that carry crude oil from the Uintah Basin oil fields. He said that the tankers go "careening down the highway" and have caused the deaths of about 10 tribal members.

"If we find people on our reservation who willfully disobey the law, we will arrest and prosecute them in our courts, just as Indian people are arrested and prosecuted in state courts off the reservation," Mr. Champoos said.

Gov. Calvin L. Rampton said Tuesday that he would ask the Utah Attorney General to file suit challenging the tribe's enforcement of its code outside reservation property. But after the Ute's suit was filed Wednesday, Mr. Rampton said that the state would not have to file suit since the Indian suit would serve as a court test.

For years Indians have had their own courts to handle Indian cases on Indian lands, but Federal law limits the maximum penalties Indian courts impose to six months in jail and \$500 fine.

The Uintah and Ouray Reservation lies on a valley just south of the Uintah Mountains in eastern Utah. Reservation boundaries are jagged but run about 50 miles from east to west and about 50 miles from north to south.

NYT. 18 Oct 75

10
9
8
7
6
5
4
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By FRANCIS X. CLINES

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We have all heard something of the city's American Indian community: Iroquois ironworkers' sure-footed above the white man on the skeletal frames of new skyscrapers. And so forth and so on toward another of the peculiar legends that whites seem to prefer for reds.

Now, however, many of the iron-working Indians, left jobless by the city's great construction depression, have gone back to Canadian reservations or to places more promising in jobs. And many of the remaining American Indians are even more interesting than soaring ironworkers.

They are the Indians who were born here in the first place and who have had a special sort of half-life troubled not only by racial bias but also by isolation from tribal roots and places and by a search for identity that can flare up suddenly on the mean streets, often to their own amazement.

Such a moment came in the life of Barbara Nehemias, Bronx-born of a Mohican mother, during her junior year at Aquinas Hall High School when she decided to challenge conventional parochial school history on the early Catholic missionaries who worked and died trying to convert Indians.

She had begun reading books offering Indian-oriented history. That, plus her mother's care to make sure she spent part of each summer back at the reservation in St. Regis in upstate New York, and her childhood frustrations at hearing herself and her brother called silly names like "Powwow," plus countless other sparks led her to write a book review that "stunned the nuns," as she recalled.

A Different Viewpoint

"I said Isaac Jogues had no right to Christianize the Indians, and that when the stories of his torture were examined there should be little surprise that he was abused, in turn, for meddling with another culture."

Strong medicine, as Indians say in the movies. And from there Miss Nehemias became "active and vocal," first as a SEEK student at City College, then as a dropout who went back to the St. Regis reservation for two years to think about things, and eventually to get bored with the ruralness of things.

She traveled back from birthright to birthplace and works now at the task of trying to reach the 10,000 Indians scattered through the city in her job as a communications specialist at the American Indian Community House on East 38th Street.

Sometimes this job means putting down invitations to tawdry promotion schemes. "A television news crew wanted to get us involved in a Thanksgiving dinner thing, and I had to explain that, to me, Thanksgiving was the Last Supper."

Knowledge of Heritage

City-born Indians generally get knowledge of the family reservation only through a relative's tales, with life otherwise being a non-Indian experience.

In his childhood in Flushing and Brooklyn, Harvey Wallace heard from an uncle about ties to the Shinnecock reservation tucked away in Long

Island's fashionable Hamptons. He does not say so, but Mr. Wallace's commitment to Indian culture as job program director at the Community House, seems rooted not in any campfire carping but in the most exotic sort of experience. This was in being singled out through the accident on his heritage for special minority program eligibility at Dartmouth College (Class of '75) where, he said, he came to know what sorts of ostracism the world can offer.

"Dartmouth became a tool to serve the Indian community, nothing more," he said. Mr. Wallace did not elaborate, but he left the suggestion that he had found a bit of Wounded Knee at Hanover.

On DeGraw Street in South Brooklyn, Muriel Miguel, an actress with the handsome dark beauty of her Rappahannock and Cuna tribal backgrounds, lives in the plain frame house her grandmother knew seven decades ago when she was a midwife fresh from the Virginia reservation. Miss Miguel's life seems a telescopic race from childhood prejudice and poverty through several great militancies of our time, particularly feminism and the American Indian Movement.

Now she is off on her own somewhat as the director of the Spiderwoman Theatre Workshop, a freewheeling acting group of six women who attempt rather scathing indictments of male abuse of females and females' abuse of one another, even in the unlikely setting of the feminist movement.

"Spiderwoman is the spirit who gave the gift of weaving to the Hopi," Miss Miguel explained. "She taught them to leave a flaw in the weave in order to let the spirit escape. On stage, we weave our personal stories into a tapestry about women and the kinds of violence they experience."

Male Indians a Target

The group's arrows seem to spare no one, even some of the males of the AIM movement who, Miss Miguel recalls, would plan great egalitarian protests yet always seem to put a woman to making the coffee.

"A lot of women at Wounded Knee participated just as heavily as the men," she said. "But when you're used as recreation and not as a person, that's no revolution. It's the same old thing."

Her sister and Spiderwoman colleague, Gloria Mojica, agrees and tells of the roundabout ways an Indian woman can attempt to pass cultural muster. In her case, her pure Indian features attracted taunts in her childhood from what she called "Mafia neighbors" on President Street, and eventually she became the wife of a white professor at Oberlin. This marriage failed as did her sister's marriage to a white.

"The whole faculty wife trip," she said, smiling at the thoroughness of her attempt. "We were freaks as children," she said. "And we ran away from the hurt as soon as we could."

The sisters made no dramatic assertions to prevail now that they have readjusted to their city roots. But they bore witness to the fact that there is much more than ironworking to the life of the city's own Indians.

NYT
11 Nov 76
P. 38

P. 32 12 Dec 76

NYT

INDIANS RUSH TO JOIN LEGAL FIGHT FOR LAND

Tribal Leaders in Massachusetts and Maine Say That Many Want to Take Part in Two Suits

OLD TOWN, Maine, Dec. 8 (AP)—Thousands of Indians across the nation are clamoring to join New England tribes who have begun separate legal fights to regain lost tribal land.

Indians leaders say the motivation of many outsiders appears to be greed or a rediscovered pride in their ancestral heritage.

The New England tribes bringing suit are the Passamaquoddy and Penobscots of northern Maine and the Wampanoags of Mashpee, Mass., and Martha's Vinyard, Mass. All are involved in land claims that, if successful, might bring land and cash settlements worth billions of dollars.

Nicholas Sapiel, tribal governor of the Penobscots, said, "We're being swamped with applicants. They're coming out of the woodwork and are really fighting to get in. I'm getting the feeling," he said, "that everyone in America suddenly remembered that their grandfather or grandmother was a pure-blooded Penobscot."

Charge Land Improperly Taken

The Indians are asserting that millions of acres in the two states were improperly taken from them. Under the Indian Non-Intercourse Act of 1790, land was not supposed to be taken from Indians without Congressional approval. The tribes charge in the suits that their land was taken without such approval.

The effect of the suits has even been felt in Washington. Harry A. Rainbolt of the Bureau of Indian Affairs, said, "B.I.A. is getting deluged with letters from all over the country and they all ask how they can get on tribal rolls. Even the State Department has received some inquiries from overseas."

Mr. Rainbolt said that he was not surprised at the response. "Just publicize a good-size land claim or talk about the money almost being in hand and there's a resurrection of those who might not have previously been members of a tribe," he said.

Most tribal leaders do not seem upset that potential wealth is the primary attraction for many new members.

Looking for a 'Windfall'

Russell Peters, president of Mashpee's Wampanoag tribal council, said, "I admit that quite a few applicants are looking at the possibility of getting a windfall, but it really doesn't matter."

"Whatever their motivation," Mr. Peters added, "We're glad to see people identify themselves as Indians and stand up and be counted."

"It wasn't always popular or easy to be an Indian. Many of our people, those who could do it, hid behind someone else's race. All over this country Indians who looked white enough, said they were white and disavowed their Indian blood," Mr. Peters said.

Mr. Peters said that the publicity had created a new awareness and broken down longtime stigmas of being an Indian.

Mr. Sapiel said that the change was similar in Maine. Indians who used to look away as he passed are now seeking him out, according to Mr. Sapiel, who said, "Now that they know that land and money are on the horizon they want to turn back into the old Indian again."

Tribal Members Only

Although tribal leaders are elated at the resurgence of pride, they cautioned that this applied to tribal members only.

Hazel Oakley, who heads the membership screening board for the Wampanoags, said that her tribe was not looking for "come-latelys."

Mr. Sapiel said that the Penobscots were throwing out most of the inquiries they were receiving. "Most are phony claims. They're from members of other tribes who want to get in on our action, ride our gravy train and grab what they can," he said.

"There's no way we're going to let them in. We've got our claim and our Indians and we don't need outsiders sharing our goodies."

The Penobscots are using a genealogist to trace the family origins of all tribesmen.

NYT 10 Oct 76 P. E-6

Trying to Decide Who Is an Indian

Who is an Indian in the United States, and how is an Indian defined? That question was raised last week in a suit filed in Michigan on behalf of an Ottawa Indian who was denied Indian status for preferential hiring practices of the Bureau of Indian Affairs because he is not a member of a federally recognized tribe.

According to the Bureau of the Census, there are about 800,000 Indians in the United States. But the Census accepts every individual's ethnic self-identification.

By contrast, the Bureau of Indian Affairs, a branch of the Department of the Interior, deals only with recognized tribes, under treaties between those tribes and the Federal Government. According to Bureau figures, there are about 500,000 Indians, living on or near reservations, who are members of organized tribes. But in all such cases, a person is recognized as an Indian if the tribe in question so considers him; the Government has no direct say.

Of the remaining 300,000 self-styled Indians, many may be members of recognized tribes who have moved away from the reservations, but many others may not. The Bureau of Indian Affairs has no figures to cover such persons.

In any case, Dean Shomin, as an Ottawa, could not qualify under present Bureau rules for preferential employment because the Ottawas, most of whom live in Canada, are not recognized as a tribe by the United States. His suit, filed in United States District Court in Grand Rapids, alleges that in being treated as a non-Indian he is being denied due process of law, and also that a 19th-century Federal statute qualifies him as an Indian for preferential hiring purposes.

In the near future, the Secretaries of the Interior and of Health, Education and Welfare plan to publish a new set of criteria governing preferential hiring of Indians. Under the new guidelines, Indians will be defined as (1) members of any recognized tribe now under Federal jurisdiction; (2) descendants of such members who were, on June 1, 1934, residing within the present boundaries of any Indian reservation, (3) persons of one-half or more Indian blood and (4) Eskimos and other aboriginal peoples of Alaska. If Mr. Shomin's case is not settled before the guidelines are published, they would seem to entitle him to preferential employment under the third criterion, whether or not the Ottawas are a federally recognized tribe.

More Indian Tribes Set Up Own Courts In U.S. Reservations

* * *

They Say Language Barriers,
Other Woes Are Eased;
Hot Issue: Whites' Status

By ROBERT L. SIMISON

Staff Reporter of THE WALL STREET JOURNAL

DULCE, N.M.—"All rise," sounds the bailiff, and three tousled, puffy-eyed defendants wince and haul themselves up. Enter the judge: A jean-clad, potbellied figure with the rounded features and adobe complexion of a full-blooded Apache Indian.

Thus, David L. Vicenti, a 52-year-old former mechanic, opens daily arraignment in the Jicarilla Apache court. For 2,000 Indians on this remote, mountainous reservation of 750,000 acres, the court is the only source of justice (except for cases of major crime, which are handled in federal court). Mixing English and Apache, the tribe's chief judge quickly orders the three offenders, each of whom pleads guilty to drunkenness, to come up with \$15 each by sundown or face three days in jail.

While Judge Vicenti's wood-paneled courtroom doesn't evoke images of smoke-filled lodges with Solomon-like sachems (warrior-chieftains) sitting in judgment, it does represent a significant trend: More tribes are setting up their own courts to administer their own laws. In the past six years, the number of Indian courts has grown 40% to 122, according to the Bureau of Indian Affairs. The National American Indian Court Judges Association is training some 200 Indian judges, few of whom have any prior legal education. Many serve part-time while continuing other occupations.

Rendering sometimes-offbeat decisions in cases involving everything from bouts with firewater to complex land claims, Indian courts vary widely in form. For example, black-robed Judge Tom B. Becenti presides over a well-appointed Navajo courtroom that would put to shame the quarters of many paleface magistrates. Meanwhile, the Isleta Pueblo tribe's part-time panel of two farmer-ranchers and a machinist holds court in a cramped, unheated cubicle.

A Definite Trend

Tribal differences aside, reservation justice is clearly being given back to the Indians. While most reservations have always had some kind of court system, it hasn't always been their own. Now, states that had assumed jurisdiction are returning it. Moreover, Indian courts are growing at a key point: Most of the 267 organized tribes in the 48 contiguous states are pushing to establish sovereignty over Indian lands, where some 543,000 Indians live.

"You can't have sovereignty without a strong court system of your own," says Robert Bennett, an Oneida Indian who is a former Indian Affairs commissioner and former law professor at the University of New Mexico.

Most Indians consider another point significant: Indian judges claim links with ancient tribal customs and traditions that white judges don't have. On many reservations, the most important link with the past is the use of Indian languages. "A white man's court wouldn't give our people a fair hearing," contends Lorenzo Jojola, chief judge of the Isleta Pueblo tribe near Albuquerque. "Here, people can talk in their own language and understand everything." Accordingly, a hearing before the Pueblo's three judges proceeds in the monotonous rhythm of the Isleta dialect, occasionally disrupted by a cacophonous discord of Isletic, Spanish and English words as the half-dozen parties to the dispute join in.

Indian judges believe, moreover, that they can better understand more than just their people's languages. They know more, for example, about the impact of white men's firewater, the old nemesis of reservation Indians. "Most of our crimes start with liquor," acknowledges a Zuni Indian who's a policeman for the Bureau of Indian Affairs. While "an Indian judge won't excuse that, he's more likely to understand it than a white judge," says Charles Wilkinson, a University of Oregon law professor.

Unlikely Supporters

On the Jicarilla reservation, Judge Vicenti's use of no-liquor probation sentences and rehabilitation programs has gained the respect of even chronic patrons of the Apache Haven, Dulce's main saloon. "The court does try to help you stay away from liquor," admits Pablo DeJesus, a grizzled, 58-year-old Apache in jail for disorderly conduct. "They put you on probation, and it helps. But," he adds with a toothless grin, "it's hard to stay away from a party where there's beer."

Of special concern are juveniles. With the breakdown on many reservations of clan structures that traditionally dealt with the young, Indian youths increasingly land in court because of drug abuse, alcoholism, truancy and the like. Indian judges may be best equipped to help them, Prof. Wilkinson suggests. "Indian kids are different from white kids in a million ways," he says. So Frank Jojola, an Isleta judge, spent a recent day personally trying to find a temporary home on the reservation for an abandoned Indian girl rather than submit the case to white juvenile authorities. "We don't want to send our kids to a detention home, so we sort of take them under our own care," he says.

In criminal cases, ages-old custom sometimes mandates a punishment that seems to fit the crime. In one recent case on the Port Madison Reservation near Seattle, the Su-

Please Turn to Page 8, Column 1

Continued From First Page

quamish tribal court ordered a 24-year-old burglar to repair the store he tried to break into and to perform some odd jobs for the tribe.

Many New Mexico pueblos, moreover, still rely on elected tribal officials to dispense justice in traditional fashion, applying unwritten custom laws. One such tribe is the

Santo Domingo Pueblo, north of Albuquerque. A spokesman declines even to describe tribal justice. And Delfin J. Lovato, chairman of the 19-tribe All-Indian Pueblo Council, says, "All we have is a man's honesty and the rules of fairness and decency."

But most Indian judges are abandoning the old ways of settling disputes. As they take on such trappings of white man's courts as casebooks, bar examinations, trained lawyers, probation officers and clerical staffs, Indian judges rely less on custom. "We haven't used it in my tenure," says Judge Vicenti, who has been on the Jicarilla bench nearly five years. Navajo courts seldom issue custom-based rulings, except in land disputes and wills, even though the tribal code provides for the traditional restitution to victims of crimes by the perpetrators.

Behind the Changes

In part, these changes reflect a different breed of Indian on the reservation—one who

is younger and less steeped in Indian lore. "We're becoming more and more similar to our white neighbors and must conform to their ways of doing things," says Ernest Jaramillo, an Isleta judge.

Another impetus for conformity is the 1968 Indian Civil Rights Act, which requires Indian courts to afford constitutional due-process guarantees to defendants. While the same law permits no appeal outside a tribal court system except on constitutional grounds, it also limits Indian courts' criminal jurisdiction to misdemeanors by forbidding penalties in excess of \$500 in fines and six months imprisonment.

As Indians have modernized their courts, they also have tended to expand their jurisdiction. For example, the Pima and Maricopa Indians of Arizona's Gila River Reservation in 1972 empowered tribal courts to punish whites caught stealing, poaching and committing traffic violations on the reservation. "The non-Indian courts our policemen were sending them to just gave them a hand-slapping and sent them back to do it again," complains William Roy Rhodes, chief judge of the reservation. "Since we expanded our jurisdiction, people are aware we won't put up with these things." He concludes: "You're as sovereign as you act."

Well, maybe not quite. Indian courts' jurisdiction over non-Indians is being contested in a case currently under appeal to the Supreme Court. "The U.S. Congress throughout the history of the United States has exercised the jurisdiction of the United States over crimes of non-Indians in 'Indian country,'" argues Philip P. Malone, a Seattle lawyer, in his appeal of a ruling by the Ninth Circuit Appeals Court. That court held otherwise in ruling the Suquamish tribal court could try Mr. Malone's white client, Mark Oliphant, on charges of resisting arrest and assaulting an Indian policeman in 1973. A similar case, involving another white man, has been incorporated in the appeal.

Feds Criticized

Some tribes want jurisdiction over felonies committed in Indian country. In such cases, federal officials are responsible for stepping in but often don't, tribal officials contend. "We don't get any satisfaction from the U.S. attorney's office," complains Judge Rhodes of the Gila River Reservation. In Navajo land, some 480 alleged felonies a year are submitted for prosecution to the Phoenix U.S. attorney's office, but about 80% are rejected, tribal officials say.

In one such recent case, a man accused of rape was convicted in tribal court on misdemeanor counts of assault and battery, abduction and indecent assault, and he was sentenced to pay a maximum \$500 fine and compensate his victim with \$380. Raymond Tso, tribal prosecutor, says federal officials had claimed there was insufficient evidence and declined the case.

For his part, Mike Scott, chief of criminal prosecution in the Phoenix U.S. attorney's office, says: "We don't have felons going unprosecuted." He says his office considers such factors as the evidence on hand, seriousness of the offense and the hardship

that distance and language barriers would impose on investigators and witnesses in deciding whether to prosecute in Phoenix federal court or to defer to tribal courts.

Although many tribal courts are subject to reversal or dismissal by tribal chairmen or tribal councils, a few are establishing themselves as independent powers to be reckoned with. Navajo officers acquiesced in 1974 when the tribal appeals court ruled they had improperly granted a right-of-way across an Indian's property.

"The court has established itself as an independent branch of government," says Peter MacDonald, tribal chairman, who occasionally has been on the losing side of such rulings. "We think our courts are as good as any other court in the country."

Indians' Tribal Courts Prepare to Take Over Child Custody Cases

By MOLLY IVINS

Special to The New York Times

DENVER, Dec. 23 — For years, Indian children have been taken from their families and placed in foster care or put up for adoption in such great numbers that Indian leaders, church groups and child welfare experts have been putting increasing pressure on the Federal Government for change.

Congress took a step in that direction last session by passing, over the opposition of government agencies, an Indian Child Welfare Act that will let tribal courts decide custody cases.

Many Indians think the situation will now improve. Thelma Stiffarm, a lawyer with the Native American Rights Fund, said: "If anybody is worried about whether tribal judges can handle such cases, their fear is unfounded. I've worked with tribal courts and Indian judges and I find them better trained than many Anglo judges. The National American Indian Court Judges Association has held seminars and training sessions on all aspects of juvenile and family law."

Publications of the American Academy

Continued on Page 14, Column 3

Continued From Page 1

of Child Psychiatry have reported that, proportionately, 20 times as many Indian children as non-Indian children are placed away from their families, families whose only failing in many cases is poverty. And a survey by the Association on American Indian Affairs found that, at any given time, 25 to 35 percent of Indian children are in foster care, adoptive homes or institutions.

Minnesota Rates Climbing

In some states, the problem is getting worse. In Minnesota, one in eight Indian children under 18 years old is adopted, but for Indian children under a year old the figure is almost one in four, the surveyors said.

Agencies that keep such statistics do not record whether the family is willing or unwilling to give the child up. But Indian, church and child welfare groups that have struggled to change the situation say that an inordinately high number of placements are the result of undue pressure on the parents.

"Indians do not give up their children," said LaDonna Harris, a Comanche associated with Americans for Indian Opportunity in Albuquerque. "Their children are taken away from them."

Indians and their supporters do not assert that all Indians are good parents, but they do say there is no evidence of more bad parents among Indians than any other race.

Law Addresses the Causes

The Indian Child Welfare Act, which was passed in the waning moments of the 95th Congress, through extraordinary lobbying efforts, and was signed by President Carter Nov. 8, attempts to stop the persistent breaking up of Indian families by addressing some of the causes, which are not simple.

One cause has been the regulations and attitudes of courts and social workers. Under regulations passed to help the courts decide which families, of any race, can best care for a child, the conditions of poverty are often cited as an indication of parental neglect. Indians are the poorest ethnic group in America.

So, in case after case, Indians have been declared unfit to care for their children or their relations' children because their homes did not have 14,000 square feet of space, or running water or indoor plumbing, or even, in some states, a prescribed number of windows.

In a recent California case, a Rosebud Sioux mother asked her sister to take her 3-year-old daughter, Blossom Lavone, from South Dakota to California. When the mother followed, a week later, Blossom had already been placed in a pre-adoptive home by social workers.

Reservation Termed 'Unsuitable'

The social workers said that, although they had no evidence the mother was unfit, they believed an Indian reservation was an unsuitable environment for a child. The pre-adoptive parents were financially able to give the child a home and a way of life superior to that which the mother could provide, they argued.

In this case, a lawyer was able to get Blossom returned to her mother.

But in a Texas case, Brokenleg v. Butts, two courts found that it would be "detrimental" for 9-year-old Tiffany Butts to grow up on a reservation, even though there was no evidence that her mother, Bernadine Brokenleg, was unfit. The case is being appealed to the United States Supreme Court.

Another part of the problem, Indians believe, is that many social workers fail to understand their cultural patterns. The extended family, now much admired by critics of the prevalent nuclear family structure, still exists among Indians. Because an Indian child spends a great deal of time in the homes of aunts, grandmothers, sisters and clan sisters, the child is often not at home, and some social workers take this for neglect.

'A Lot of Children Would Have Died'

Few question that such attitudes are intended to be benign. Mary Anderson, now a child placement specialist with the Social Services Bureau of Arizona, was with the Indian Health Service for 19 years and worked on many adoption cases. In the 1950's and 60's, she noted, there was little knowledge of adoptive children's needs.

"In those days, there were no resources

for children," she said. "If someone said, 'I can't take care of this child,' well, it meant just that. Really, a lot of these children would have died.

"We were so fortunate to have any plan at all for the children, even if it wasn't the best one," she said. "The Bureau of Indian Affairs had contracts with adoption agencies, and the adoptive homes were studied and a lot of work went into it. You have to think of what's accessible and available — it takes resources to adopt."

In addition, Indian children are, quite simply, "marketable." There are long waiting lists of whites who want to adopt and, with white children in short supply, most of them prefer a brown-skinned child with straight, silky hair to a black-skinned child with kinky hair, adoption officials say.

Pressure Put on Indian Parents

As a result, according to Congressional testimony, pressure is often put on Indian parents to give up their children for the children's good. The parents know their children are likely to go to a home in which they will enjoy material advantages, and some have actually been persuaded that Indian culture is inferior and that it would be better for their children if they were raised in a white home.

Psychologists and other experts emphasize that no comprehensive studies have been done to prove or disprove such a belief.

"We don't have the kind of empirical data that we could submit for publication," said Marlene Echohawk, a clinical psychologist in Oklahoma City. "What I do see is my practice is the psychological damage to a person who obviously physically resembles an Indian but who is psychologically an Anglo."

"Society," Dr. Echohawk said, "reacts to him as an Indian, but he doesn't know what is expected of him, I see them when the conflict has gotten so intense that they start acting it out. There are so many horror stories."

Dr. Robert Bergman, professor of psychology at the University of New Mexico, said, "Based on my experience, I believe Indian kids are better off with Indian families — if it is not possible to place them with their own tribe, then with another."

Later Effects Are 'Devastating'

Dr. Martin Topper, an anthropologist and psychiatrist now working in Window Rock, Ariz., with the mental health program on the Navajo reservation, began a study 10 years ago of Navajo children who had been placed with Mormon families after age 6, with early rearing as Indians. They are now young adults.

"There were severe psychological effects at the time, and devastating effects later in life," said Dr. Topper. "Most have developed alcohol problems, all

have basic identity conflicts. None has yet suicided, but I am worried about some. None are now practicing Mormons, although many loved their foster parents.

"We must take the child's cultural background into account," he said. "When we have a poor Indian family and a rich Anglo family, we say, 'Gee, put him with the rich Anglo family so he'll have all the opportunities.' What he usually has is the opportunity to get confused."

Some adoptive parents of Indian children make a special effort to see that their Indian children learn about their tribal history and culture. In New York, Joseph Villagomez of the American Indian Community House has started such a program at adoptive parents' request.

And successful programs to find Indian homes for foster care and adoption have been developed in recent years by some private agencies and tribes. The Jewish Family and Children's Service of Phoenix, Ariz., has handled the adoptions of more than 75 Indian children in the last few years, all by Indians. Of the children placed in foster care, 75 percent went to Indian families, and most were returned to their own families within weeks.

Difficulties With Poor Families

The trouble arises, Indians and their supporters say, when the courts are asked to place an Indian child with a poor Indian family. When a situation calls for foster care — say, the father has gone off or taken to drink and the mother cannot find a job — there are grandmothers and aunts and clan sisters who will care for a child. But judges often rule that three kids in one big bed at Grandma's is not as suitable as an unshared bedroom in a white family's home.

The Indian Child Welfare Act has a history like the Perils of Pauline. It was lobbied for by a coalition of Indian groups, church groups and child psychiatry groups, but the chief credit belongs to the Association on American Indian Affairs of New York City. The A.I.A.A. has sponsored conferences, published pamphlets and done research on the destruction of the Indian family. William Byler, executive director of the A.I.A.A. and Bertram Hirsch, lawyer for the association, drew up the initial legislation.

Senator James Abourezk of North Dakota, who has long befriended the Indian cause, sponsored the bill in the Senate. Senator Abourezk's hearings produced, as hearings on Indian problems so often do, terrible stories, stories of Indian mothers who were not told what they were signing, or what it meant, of Indian parents without legal counsel. The Senate passed the bill early in the session.

But the Bureau of Indian Affairs did not like the bill. The Department of Health, Education and Welfare did not like the bill. The Office of Management and Budget was not crazy about it. As the session came to a close, the bill could not be gotten on the House calendar. Bertram Hirsch lobbied frantically.

Then Representative Morris Udall of Arizona took the bill under his legislative wing, made an impassioned speech on the floor during the closing hours and got it through. No one was sure whether President Carter would sign it in the face of opposition from his own branch of government, but during his presidential campaign Mr. Carter had discussed the issue with Indian leaders and he did indeed sign the bill.

At a recent conference on the Indian child in Phoenix, Indian social workers, lawyers, judges and tribal leaders crowded into seminars on how the bills will work. They seemed almost to circle it, poking here, testing there, seeing how this provision and that would operate.

Indians, as a group, do not have the image of a demonstrative people. But as they listened and talked, it was plain to see that they were deeply excited.

Celestial

Tuscaroras Trying to Evict Couple From Reservation Land

Buffalo Courier-Express

19 JAN 82

P. A3

By Carolyn Raeke,
COURIER-EXPRESS STAFF WRITER

LEWISTON — The Tuscarora Indian Nation is trying to evict a man and woman it claims are "intruders" because they are building a permanent living structure on reservation land here.

David Jay of Buffalo, attorney for the Tuscaroras, said Marla and James Laughing began building a permanent residence on the reservation in Niagara County about three to four weeks ago, contrary to rules and regulations adopted by the nation in 1952.

Those rules permit individuals to live on the reservation — "as a matter of custom and practice" — so long as they do not set up a permanent structure, said Jay.

"As long as they're not exercising dominion over the land, the Tuscaroras don't mind," explained Jay, who said the Tuscaroras brought suit in Niagara County Supreme Court "within a few days of learning of the fact they (the Laughings) were doing something" on the land.

The nation is seeking an injunction to stop further construction and wants the Laughings evicted from land that the couple's attorney, Mark Grossman of Niagara Falls, says Mrs. Laughing has lived on for about 40 years.

That injunction request is scheduled to be heard in Special Term in Buffalo this Friday.

"What I'm going to try to do is have the whole thing thrown out," said Grossman, who believes Mrs. Laughing's great grandmother was the subject of an unsuccessful eviction suit brought by the Tuscarora Nation about 1900. "I think the nation is barred (from this action) by prior case law."

Two major points of dispute are whether Mrs. Laughing is a Tuscarora, which would apparently give her some claim to living on the land, and whether the residence being built is a "permanent structure."

"We claim it's not a permanent structure and a house," said Grossman. "That's another thing that's in dispute. We claim it's a form of a mobile home."

Jay noted a residence need not be "temporary" to be permitted by the nation but it cannot be permanent. The distinction, he said, is "building a house as opposed to a trailer." It is the Tuscaroras' contention the Laughings are building a house.

"There's about 500 or 600 Tuscaroras left in the world, and they want to preserve what they have left," Jay said, explaining why they do not want outsiders building on the reservation.

"We are going to probably claim she is a Tuscarora because her mother was a Tuscarora," said Grossman.

Said Jay: "They claim Tuscarora lineage, but they are actually registered Mohawks and receive an annual stipend from the Mohawks."

(Courier-Express Staff Writer James E. Watson also contributed information for this story.)

A10

The Buffalo News/Saturday, January 23, 1982

Judge Halts Building In Tribal Land 'War'

By MATT GRYTA

In a dispute involving ancestral links to different tribes in the old Iroquois Confederation and legal definitions of permanent homes, a Buffalo judge Friday ordered a temporary halt in construction of a residence on the Tuscarora Reservation.

State Supreme Court Justice Samuel L. Green, hearing the Niagara County case under provisions of the state Indian Law, also scheduled an evidence-gathering hearing Tuesday in Buffalo concerning the home of James and Maria Laughing.

Attorneys for both sides could not reach agreement on whether the Laughings have ancestral ties to the Tuscaroras that would permit the construction work and whether the tribe can stop the work because of the nature of the Chew Road home.

It is the second tenant-owner dispute involving the Tuscarora land to flare up in the past week.

David G. Jay, the Tuscarora nation's attorney, told the judge that the Laughings' ancestors were Mohawk Indians and that they have no right to build a permanent home on Tuscarora land.

Mark Grossman, the Laughings' attorney, told the judge that Mrs. Laughing's ancestors were Tuscaroras, giving her land rights that her grandmother successfully defended in Niagara County court 82 years ago in a similar dispute.

The nation's council of chiefs began court action last week against Mr. Laughing, a laborer on the reservation, and his wife after construction work began on the site they have occupied for the past 11 years.

Mr. Jay contends the Laughings are illegally building a permanent modular home around the trailer home they have been occupying. Mr. Grossman said they are building a double-sized mobile home that easily can be removed from the Indian land.

Justice Green would not rule on the nation's bid for a permanent injunction on the construction work because he said there were "too many" disputed facts.

The opposing lawyers could not agree even on whether State Supreme Court even has jurisdiction to hear the dispute.

Mr. Grossman said a section of Indian Law requires that such disputes be handled in county court. Mr. Jay said another section of the law permits tribal chieftains to go into any court they want.

Mr. Jay told the judge that

Tuscarora tribal chiefs have ruled that the Laughings can continue to reside in the same manner they have lived on the reservation but that they lack rights to a permanent dwelling because they are Mohawk Indians.

The Tuscarora and Mohawk nations are two of the six tribes of the former Iroquois Confederation.

Mr. Jay said the Laughings are Mohawks because Mr. Laughing and their children are registered members of the St. Regis Mohawk Tribe headquartered on the American-Canadian border past Watertown.

Mr. Jay also said Edison Mount Pleasant, keeper of the rolls of the Tuscarora nation can prove Mrs. Laughing is not a Tuscarora.

Niagara County Sheriff Anthony Villella also is attempting to mediate a similar dispute between the Tuscarora Nation and Hubert and Lilly Rae Swanson, also of Chew Road.

The Tuscarora Nation, claiming the Swansons are Onondaga Indians — another tribe in the old Iroquois Confederacy wants to have them evicted.

The Justice Department's community relations service has agreed to a request of Sheriff Villella and is sending a mediator to confer with both sides next week.

Tracing Tribal Lineage At Issue in Eviction Try

By Ilene G. Reid

COURIER-EXPRESS NIAGARA FALLS BUREAU

LEWISTON — The landscape is sparsely settled and somewhat barren as farmlands lie fallow through the winter months. An assortment of small houses, farmhouses and various kinds of trailers supplemented by lean-tos appear in small clusters along the winding roadways that link the Tuscarora Nation of Indians Reservation with the world it is in many ways trying to separate itself from.

The character of that landscape is important lately because of the nation's recent attempts to evict two families it says are violating tribal housing codes.

According to the Tuscarora Council of Chiefs' Rules and Regulations, "those that are there at the invitation or sufferance of the nation cannot claim land or build a house on it." Those who can document Tuscarora lineage may construct permanent housing after securing the Council of Chiefs' permission.

The Council of Chiefs have secured an eviction notice against Hubert and Lillie Rae Swanson, of 5211 Chew Road, but an attempt by Niagara County sheriff's deputies to enforce it last month was rebuffed.

Court action is pending against Marla and James Laughing, of 5396 Chew. Niagara County Sheriff Anthony J. Villella has called in federal mediator Fletcher Graves of the U.S. Justice Department to find a workable and peaceable solution to both cases.

Wallace "Mad Bear" Anderson, the flamboyant reservation resident who orchestrated the resistance to the state power project in the 1950s and forced white settlers from trailer camps on the reservation in the early 1970s, believes such action will benefit more than just those two families.

Anderson said there are many on the reservation whose families have lived there for generations but who are not full Tuscaroras or who are not officially enrolled members of the nation in rolls compiled by the Federal Bureau of Indian Affairs.

Figures reflecting the tribal mix are not readily available. The official rolls of the reservation will not be released by the Council of Chiefs prior to consideration of the request at a council meeting. Federal officials do not have accurate census data, Anderson said, because many reservation residents will not respond to their surveys.

Still, the Census Bureau has compiled some — albeit incomplete — statistical profiles for the reservation. There are, a profile released in October states, 873 American Indians, 40 whites and eight unclassified people living on the 6,336-acre

reservation. They live in 288 single homes, 44 homes containing two to nine units and 54 mobile homes or trailers.

The dissension in the Laughings case came when the Laughings moved into a new, double-width trailer — which the Tuscaroras allege is actually a modular home — and placed that home on a foundation. The Laughings say they are not sure why this created a problem, citing possible "jealousy" of their improvement. But still, they say, double-width trailers are not that uncommon on the reservation.

The Tuscaroras also say they question the two families' lineage. Mrs. Swanson is an Onondaga. Her husband is white. Mrs. Laughing says she is a Tuscarora, but the chiefs say she is an Onondaga. Her husband is a Mohawk.

Anderson said that the Laughings' lineage

controversy is compounded by differing opinions on how to trace ancestry.

He insists that the Tuscarora tribe is a matrilineal society, tracing heritage through the female members. However, he said, the Council of Chiefs has occasionally adopted an Indian Act of Canada practice of following patrilineal lineage.

He said he is also confused by the dissension this creates among various members of the six-nation Iroquois Confederacy which includes the Tuscaroras, Onondagas and Mohawks.

While all parties and the federal mediator try to sort through the various causes of the current impasse, the two families continue to live in their controversial dwellings on the reservation.

The Laughings' lawyer, Mark Grossman of Niagara Falls, feels the Laughing family's history on the reservation will carry it through this complication.

He traces Mrs. Laughing's lineage back through her mother, Hazel Clause; her grandmother, Nancy Obidah Printup; and her great-grandmother, Katherine Obidah, to find a turn-of-the-century case which declared that members of her family were "not intruders or trespassers" and allowed Nancy Printup and her husband, Harvey, to remain on the reservation. He believes, he said, that the evidence provided in that case shows that the Laughings are Tuscaroras with a right to live on the reservation.

Grossman is preparing an answer to eviction papers filed in County Court by the Tuscarora Council and its attorney, David Jay of Buffalo.

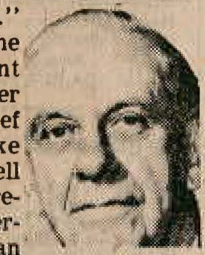
Still, Anderson said, he hopes a solution can be reached before that distant court date.

7.3

Lloyd Graham

Code by Iroquoian Teacher Has Words to Live by Today

Syracuse University Press recently performed a valuable public service when it published "Parker on the Iroquois." This includes the most important writing by Parker on the great Chief Handsome Lake and his code as well as the result of research and observation on Iroquoian use of corn and other food plants.



York-staters in general and especially men and women of the Niagara Frontier owe it to themselves not to forget their heritage in the unique culture of the Iroquois confederacy, one of the most advanced of all the groups of Indians in North America.

No person has contributed more to the understanding and preservation of that heritage than Arthur Caswell Parker (1881-1955). He himself was of distinguished Seneca ancestry on his father's side and his mother was of New England background. (American Civil War buffs will recall that his brother's grandson was Gen. Ely S. Parker, engineer and member of Gen. Grant's staff in the later days of the war.)

The Iroquois of Parker's time cooperated fully in his ethnological studies, hence his success. He was one of them. Among the Iroquois he was known as Gawasowaneh. Translated, this means "Big Snowsnake."

One of the most fascinating portions of the book has to do with Handsome Lake and the translation of his code. This evolved from the excesses he experienced with the white man's "fire water," his reformation, and his subsequent teaching

in all of the Iroquois groups visited by him except the St. Regis. He won many disciples and elements of his code are still to be found in Indian culture today.

Handsome Lake was unique as an Indian and as a man of culture. He was born in 1735 in a Seneca village on the Genesee River near the present community of Avon. A member of one of the leading Seneca families, he grew up a thin, unhealthy man, his physical condition worsened by encounters with alcohol.

He first gained tribal attention about 1800 when he reported on the first of several visions (revelations) and became a temperance advocate. But his fame was based upon his revelations rather than his temperance advocacy.

Handsome Lake preached his code as he wandered from one Iroquois village to another. For example, he is said to have spent four years on the Tonawanda Reservation during his time of teaching. But ill health pursued him, and he died in 1815 on the Onondaga Reservation.

Members of the Iroquois, who still cling to Indian thought, regard Handsome Lake almost as a prophet. The pre-Columbian Indian beliefs are no longer visible to any extent (at least to whites) and it is probably fair to say that American Indian religious thought today is somewhat divided between Christian thought and the code of Handsome Lake. This is the impression gained from Parker's writing.

Some 53 pages in the Parker book are devoted to quotations from Handsome Lake's code. We quote a few:

"Now another message to tell your people.

"The married often live well together for a while. Then a man becomes ugly in temper and abuses his wife. It seems to afford him pleasure. Now because of such things the Creator is very sad. So he bids us to tell you that such evils must stop. Neither man nor woman must strike each other. So they said.

"Now furthermore they said, 'We will tell you what people must do. It is the way he calls best. Love one another and do not strive for another's undoing. Even as you desire good treatment, so render it. Treat your wife well and she will treat you well.

"So they said."

More brief quotes from the code:

"When a woman sees an unfortunate girl who has neither parents nor settled home and calls her in and helps her repair her clothing, cleanse herself and comb her hair, she does right and the woman has favor in the sight of her Creator. He loves the poor and the woman does right before him. So we, the messengers, say that you must tell your people to continue to do this good thing."

Another: "This concerns education. It is concerning studying in English schools.

"Now let the Council appoint 12 people to study, two from each nation of the six. So many white people are about you that you must study to know their ways."

"... He (the Creator) ordained that men should help one another."

Thus Parker set down the role of Handsome Lake as a messenger from "the Creator." The "code" was a good influence.

It still is.



7.4

COUNTER-
CULTURE

Abbie Hoffman Accused Before a 'Court' of Peers

The New York Times
2 September 1971

By MICHAEL T. KAUFMAN

Did Abbie Hoffman steal some of the labors that went into the creation of "Steal This Book," his anti-Establishment best-seller that, among other things, instructs its readers on ways to thrive without working

That was the question yesterday before a three-man-panel of Mr. Hoffman's counter-cultural peers, who convened at the Washington Square Unite Methodist Church in an attempt to settle a dispute between the Yippie leader and Tom Forcade. The latter contends he edited the book and says he has not been paid.

"This is an experiment in justice," explained Dr. Howard Levy, the former Army captain who was court-martialed for his refusal to help train Green Berets. He was one of the three arbiters who had been agreed upon by both Mr. Hoffman and Mr. Forcade.

The others were Meyer Vishner, a young man active in the war-resistance movement, and Craig Karpell, an editor of Esquire magazine.

Judicial System Assailed

"What we're trying to do," Mr. Vishner said before the tribunal began hearing testimony, "is to go back to the roots of what legal systems were about at the start. Now they primarily serve the interests of the state, and they forget about the people they're dealing with. Everything is done to accommodate the judges and lawyers."

Said Dr. Levy: "A defendant is alienated even from his own defense, even if he has a good lawyer. There are so many people interposed between you and your case."

Rex Weiner, who is on the staff of The East Village Other newspaper, served as bailiff and arranged the hearing.

He said the idea originated four weeks ago shortly after Mr. Forcade filed suit in the courts, contending in that more conventional system that Mr. contract.

"A group of us got the idea that the whole thing could be settled outside of the conventional legal bureaucracy," Mr. Forcade said. "Both Abbie and Tom agreed."

The format, worked out by Mr. Weiner, called for both Mr. Forcade, a Washington-based correspondent for the Underground Press Service, and Mr. Hoffman to have two hours to present depositions and witnesses. There was no cross-

examination. A decision was expected late last night.

A slight procedural hurdle was posed when a newspaper reporter sought to cover the hearing. After consultation, the judges agreed that the trial would be closed, but both arbiters and the key adversaries were available for comments, made on the steps of the church on West Fourth Street.

In one of these recesses, Mr. Forcade, who looks like a slight and dark Buffalo Bill and dresses the part, gave his view of the dispute.

Of the book, which has chapters on stealing food, clothes, transportation and phone calls, as well as chapters on the preparation of bombs and the maintenance of weapons, Mr. Forcade said:

"I edited and made most of the arrangements for the publication of 'Steal this Book.' I had a contract, and I've never been paid."

\$8,000 Fee Sought

He said the contract called for him to receive 8 per cent of the retail price for the first 20,000 copies and 4 per cent for everything after that.

Mr. Forcade indicated that he thought \$8,000 would be just compensation and that if the tribunal awarded him an amount in this area he would abide by its decision. If not, he did not preclude a reinstatement of his conventional suit in the courts.

Mr. Hoffman summed up his side of the case this way: "There's no doubt that Tom participated in some of the editing. The only thing we're haggling about is price."

He said he had suggested to the judges that "under normal circumstances Tom would get \$1,500, if he were the only editor handling the book." But, he charged, Mr. Forcade had done an "inadequate job," and he had to get another editor, Bert Cohen, who is credited on the title page as "accessory after the fact."

One of Mr. Forcade's witnesses yesterday was Izak Haber, who also is threatening to sue Mr. Hoffman. Mr. Haber, a 22-year-old writer, who is listed in the book as "co-conspirator," contends that he compiled and wrote "Steal This Book" in exchange for 22 per cent of the royalties.

He, too, says that he has a contract. And he said yesterday that all he had received was \$1,000.

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Abbie Hoffman Accused Before a 'Court' of Peers

NYT

By MICHAEL T. KAUFMAN

2 SEP 71

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7.4

"Steal This Court"

by

Craig Karpel

Win, the Magazine of the War Resisters League,
1 November 1971

STEAL THIS COURT

I had a flash some time ago about which way the great medicine ball ought to be rolling. In just about every insurance policy there's something called the acts of God clause which says that notwithstanding anything this policy says it covers, should anything *really* catastrophic happen, like a flood or an earthquake or an incursion of internoospheric smegma whorplers, you're on your own. In other words, the American economy promises us this and that, but should God go into his act, the deal's off.

What a fantastic opening this gives the movement! I thought. We should concentrate on promising things that we make good on *only* when there are acts of God going down. What could be a more potent organizing tool than the promise that we'll be there when you need us and the only way this can work is if you become part of us?

The best of our projects—draft counseling is a good example—have had this quality of showing people who they can rely on in extremity and who they can't.

The best honky institutions have that quality, too: "Home is where when you have to go there, they have to take you in."

Now the "they" who have to take you in is supposed to be your family, and family is a word we hear a lot of these days as a model for how we're supposed to get on with each other. I was at a student living co-op conference in Austin last summer and a girl there was disappointed about how the kids in her co-op related to each other.

"How should they relate to each other?" I asked...

"Like . . . more like a family," she said.

I had the feeling that to her this meant every-

thing's copacetic here in our little family, dum de dum, everybody getting along just as nice as nice could be.

"You mean with bickering and jealousy and Oedipus numbers and Electra runs and crazy Uncle Harold messing all over himself in the attic and nobody talking at the dinner table and only staying together for the sake of the children?" I asked.

"Well . . . no. I mean like a . . . like a *real* family."

And I told her no, she didn't mean like a real family at all; she meant like a family that never was, a fantasy family. I told her that the co-op she was living in sounded to me just like a real family. And that we had a choice. We could either live in real families where we might not get along without anguish but where, when we had to go there, they'd have to take us in; or we could try to live in fantasy families where everybody got along copacetic only in the fine print you discover you're not covered in case of extremity.

I told her I thought love was not the absence of petty bickering but the acceptance and transcendence of petty bickering in the face of such acts of God as the soul-wrenching, unaccountable, entropic continued flowering of the universe. The world, I told her, is only staying together for the sake of the children.

The movement at its best is a home without walls, and right now movement people would do well to consider staying together for the sake of the kids. We've had our share, recently, of disagreements and disputes and mutual badmouthings.

There are two ways of looking at all this. One is that we're not acting like much of a family. The other is that we are.

And when I was asked to be one of the arbitrators

in the dispute between Abbie Hoffman and Tom Forcade over *Steal This Book*, I felt that I had been called in to help settle a disagreement between two members of a real family.

The movement has lately been paralyzed by its failure to develop ways of resolving its own disputes and its failure to come up with ways of legitimizing righteous authority.

We've come to use techniques of disruption invented out of necessity during the Sixties for scuffling on *their* turf, against *us*. And the only process of legitimizing authority, in a movement where both the bogus and righteous leaders are self-appointed, has been who has the biggest fan club.

The panel that Tom and Abbie convened to settle their *Steal This Book* dispute implicitly addressed itself to both these problems.

While it was deliberating, *Rolling Stone* was running a smear on Abbie written by one Izak Haber, who claims that, though he has a fulfilled contract with Abbie guaranteeing him 22½ per cent of the royalties on *Steal This Book*, Abbie is somehow ripping him off.

Tom, unlike Haber, realized that the time had come when we could deal with each other face to face without the mediation of Kinney National Service Corp.)

The dispute arose late last year when Abbie approached Tom with the manuscript of *Steal This Book*. Abbie had heard that Tom, who was then coordinator of the Underground Press Syndicate, was interested in publishing and distributing books through underground channels. *Steal* had been rejected by over thirty publishers, and Abbie desperately wanted to get the book out.

Tom told Abbie that no more than 20,000 copies of the book could be sold without recourse to a major distributor, but that he was prepared to copublish the book with Abbie—take the book all the way from manuscript to shipping finished copies. It was agreed that Tom would do this in return for a percentage of sales from the book, and that a contract for Tom would soon arrive from Abbie's lawyers.

A few days later Abbie had to do thirteen days in Chicago for having written *FUCK* on his forehead during the 1968 convention, so he left the manuscript for Tom to get to work on.)

Some time after Abbie got back from Chicago—just how long after was part of the dispute—he checked over the galleys of type that Tom had contracted for, and found too many mistakes in them to suit him.

What's more, though he thought he'd made it clear to Tom that the book would be a regular-size paperback, the type had been set to the dimensions of the larger "quality" paperback size. He told Tom he didn't want him to work on the book any more.

When Tom was asked how much he expected to be paid for the work, he said \$5,000. Abbie thought this was outrageous, and though he promptly paid everyone else who had worked on the book, he refused to pay Tom. Eventually, Abbie decided to publish the book himself through Pirate Editions, Inc., and arranged to have *Steal* distributed by Grove Press. A few months later, Tom filed a lawsuit against Abbie.

Last summer, Rex Wiener, a writer for the *East Village Other*, who was working for Pirate Editions, was in Washington and met Tom, who was then in the process of getting accredited as UPS's Congressional correspondent and was waiting for White House credentials. Tom had spoken about the possibility of settling the thing out of court and Rex offered to take it up with Abbie. Abbie agreed and Rex set about finding arbitrators.

He finally landed on Mayer Vishner, who had a good background in ripoff economics through his leadership of the Rock and Revolution class at Alternate U. Mayer, in turn, recommended me—I had written an article entitled "Das Hip Kapital" for a national magazine, later reprinted in *Creem*; I was writing a book on the economy of the counterculture; and I had invented the Countereconomy course for the Free University at Berkeley.

What's more, Mayer and I had discussed several times the possibility of setting up an alternative distribution apparatus for independent record companies, and there were parallels between the system we'd envisioned and the one Abbie was thinking about when he first approached Tom. Rex was ready to leave it at two arbitrators, but I suggested that for tie-breaking purposes, we had to have at least three. My wife, Alison, suggested Dr. Howard Levy. We thought he'd be good because there was no question that he'd paid his dues, and we'd had the opportunity of hearing him accept the Tom Paine award of the National Emergency Civil Liberties Committee and had been enormously impressed by him. Abbie and Tom approved the three of us and the date of the hearing was set.

A few days before the hearing, a story appeared in the *New York Post* which dealt with both Haber's claim and Tom's. I was struck by the way people who had heard of the case assumed that Hoffman was in the wrong. I reflected that when the government accuses somebody in the movement of doing something, movement people universally assume the accused is innocent; but perversely enough, when the accusation comes from *within* the movement, you're guilty until proven otherwise.

We met for the first time in the "Peace Church" in Greenwich Village. A reporter from the *New York Times* was outside, and the judges had to make their first decision—to exclude the press from the hearing. Tom and Abbie were edgy enough as it was—Abbie refused even to be in the room

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at the same time as Tom—and Mayer, Howard and I were not sure enough of our own roles to have somebody sitting there writing everything down.

The format of the hearing couldn't have been more informal. Abbie and then Tom appeared, each with all his witnesses in the room at once. Rex acted as bailiff and taped everything that went down so that we could refer back to the record if the need arose.

Abbie's position was simple. Tom hadn't done very much work on the book—some editing, arranging for typesetting which couldn't be used, hiring an artist who refused to do drawings of bombs. The result, according to Abbie, was that he had to pay for the typesetting twice and had to pay yet another artist for drawings. He said he was willing to pay Tom \$1,500—\$500 on the basis of Tom's work itself, plus another \$1,000 in recognition of the high degree of misunderstanding that had arisen.

Our first order of business was to argue Tom out of a provision in his "submission to arbitration": That he would refuse to accept our decision unless we each decided *independently*, without conferring. Tom explained that he was afraid that if we had a chance to hash it out among ourselves, one strong personality might pull the other two out of line. We told him we thought the issues of the case—and their implications for the movement—were too complex for us to decide without rapping it out among ourselves. Finally Tom agreed, and in retrospect it was lucky he did—each of us came out of the hearing with a divergent idea of what ought to be done; if we hadn't argued it out, there couldn't have been *any* decision.

Tom began by presenting a lengthy brief in which he offered his justification for asking \$8,500 from Abbie—the \$5,000 he'd asked for in the first place plus \$3,500 to compensate him for the hassles he'd had trying to collect the \$5,000—plus the legal fees he'd been charged in connection with his lawsuit. He accompanied his brief with copies of *Steal* marked to show the additions and changes. And to round out his presentation, he brought along Haber and a draft of Haber's hatchet job on Abbie—presented to us to "demythologize" Hoffman.

Reading Haber's piece was probably our first major departure from "legal" procedure—in any court of law, the article probably would have been considered immaterial, since it said nothing at all about Forcade's relationship with Hoffman. But we read it because we felt we wanted to know whether there was a pattern of behavior on Abbie's part of ripping off people who'd been involved in *Steal* and, frankly, because we were curious as to what Haber had to say about Abbie.

Tom's position, as supported by witnesses, was that he had put five weeks of work into editing the book and working with the typesetter and the artist. The mistakes on the galleys were inconsequential, and the real reason the type had to be reset was because Grove suddenly decided it wanted to handle the book in a smaller format.

What's more, his associate Michael Forman had introduced the book to Grove Press, so that Forcade was responsible for setting up the distribution plan

for *Steal*, plus scenarios for advertising it.

In justifying the size of his claim, Forcade said his price for working as a consultant to Madison Avenue firms was \$2,000 a week and that *Steal* was going to sell 500,000 copies, that Abbie would net over \$300,000, and that he was worth at least one thirtieth of what Abbie was worth. Throughout his presentation Tom constantly jibed—gratuitously much of the time—at Abbie and his "business managers," and pictured Hoffman as only in it for the money and Forcade as having a higher motive.

He reiterated that he was doubtful of getting a fair hearing from us, because of the backlog of favorable publicity about Hoffman we'd been exposed to.

We had expected to be out of the hearing room by dinnertime—but by the time Tom and Abbie had testified and examined their witnesses, it was midnight.

For this first hearing, we hadn't made any provisions for cross-examination of witnesses. Most particularly, since Abbie had refused to be in the hearing room when Tom was there, neither had a chance to cross-examine the other.

In the absence of the kind of probing that would have come out of cross-examination, Howard, Mayer and I found that the only way to get at the truth was to ask rather pointed questions—essentially, to play Tom when Abbie was testifying and to play Abbie when Tom was testifying. The result was that by the time we began to deliberate the following evening we had learned that each litigant believed that we had been hostile to him and sympathetic to the other, and each felt he had had an inadequate opportunity to present his case.

"We must be doing something right," said Mayer. "They both hate us!"

Another problem had arisen—Tom had been quoted in the *Times* to the effect that if he wasn't satisfied with our decision, he'd sue. Mayer spoke to the reporter, who admitted that Tom really hadn't said any such thing, that he'd fabricated the quote because he believed that was what was on Tom's mind. The reporter apologized, but the damage had been done—the next day the *Times* ran an editorial that said, "If Mr. Forcade is directed by his peers to take, say, a tenth of the \$8,500 he feels he is entitled to, he does not rule out the possibility of reinstating his conventional legal suit. . . . In short, an anti-establishment trial is all very well as long as one can appeal to a lower court—if necessary carrying his case all the way down to the Supreme Court of the United States!"

That being the case, we decided to get the two of them together at one time to sign the same arbitration agreement.

What's more, though Tom's original submission required that we stick to the question of whether he was owed money, we decided that we were going to be damned if we'd allow ourselves to be bulldozed into coming up with a purely monetary settlement. We felt that we had a duty to present an alternative to the court system not merely in the informality, simplicity and fairness of our proceedings but in the

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decision itself.

So by the end of our first session of deliberation, which lasted long into the night, we had decided to have a second hearing so that neither Abbie nor Tom could complain of having been slighted, preceded by their signing of a new submission containing a clause requiring that they accept not just whatever financial compensation we awarded, but also "such other forms of compensation as we might specify, and that in no event would any legal action be brought except to enforce our decision."

The second hearing was held the following week in the Blecker Street loft of the notorious Dylanologist, A.J. Weberman. This time, Abbie had a chance to examine the typesetter in an attempt to prove he'd fired Tom promptly, and Tom examined two more witnesses in an attempt to prove the opposite.

Again we didn't knock off until after midnight. We scheduled our final deliberation for the following week at Howard's apartment.

It was fascinating to watch our judicial personalities unfold during the deliberation. None of us had previously known each other well, and yet somehow the responsibility which we felt to Tom and Abbie and, if you will, history, acted like a soldering flux to leech off whatever personalistic scud might have kept us from making contact with each other.

Mayer was the moral ballast of the group, bringing the discussion back onto an even keel when Howard and I began to go overboard. Howard seemed to have one of those infallible shit detectors Hemingway used to talk about—neither Mayer nor I could say anything that was shit without Howard detecting it. My role was to propose alternate settlements, then argue against their weak points.

None of us felt that Tom had done as much work as he insisted he had done. We thought the size of his claim was excessive, based on an inflated idea of what his energy was worth and bizarre extrapolations of how much money Abbie would make on *Steal*. Here we were, convened as an alternative to the honk courts, being asked to judge the real value of Tom's labor in terms of what Madison Avenue corporations were supposedly willing to pay him to use his expertise as an underground businessman to help them exploit freaks!

We thought the strongest point in his favor was that there was reason to believe his associate Mike Forman had opened the door for *Steal* at Grove. Quite by accident—Abbie didn't think to mention it, though it would have helped his case; and Tom didn't opt to, though it would have strengthened his credibility—we discovered that Forman had been paid a modest sum by Abbie for having done so, and from there on we didn't take Tom's claim to have set up distribution very seriously.

In the end, based on our intuition of what was fair, and our knowledge of what people of similar talents were asking and getting for work on analogous projects, we set a value for the work that Tom had done: one fifth of what he had asked for, double what Abbie thought it was worth, and two thirds of what he had said he was prepared to pay.

We thought the strongest point in Tom's favor was that he had been promised a contract by Abbie, done his part of the bargain, and then discovered only after he had put weeks of work in that he was out in the cold. All of us felt Abbie's problems with Tom stemmed from the fact that at the time he didn't know his ass from his elbow about publishing, and had expected people to go around picking up after him on what amounted to a speculative basis. If Tom was trying to use his competence to hustle Abbie, Abbie was trying to use his incompetence to hustle Tom. We thought we should impress this fact upon Abbie in a way that made him aware of his carelessness.

On the other hand, though in effect we wanted to levy a fine on Abbie for a pattern of behavior that had included but not been limited to Tom, we saw no reason why Tom should be the sole beneficiary of it.

What's more, since Tom had spent so much time making self-serving statements about his own expertise as a movement businessman, we thought he should be afforded an opportunity to show his stuff.

At that point, the concept of alternative distribution that Mayer and I had been talking about suddenly arrived on the set—indeed, that was what had first brought Abbie to Tom. And since Tom had said he'd be capable of selling 20,000 copies of the book through underground channels, we decided that at this point, with the market for the book saturated, we'd have to cut that figure in half. At first we were thinking of having Abbie advance 10,000 copies of the book, at his cost, to Tom, with Tom to pay him at the end of six months. Ultimately we decided that this would force Abbie to lay out a lot of money and created the possibility that now Tom might rip *him* off. So we decided to have Abbie advance the book to Tom 2,000 copies at a time, with payment after 90 days.

Another factor that led us to write the alternative distribution scam into our decision was the fact that to protect himself from a lawsuit from Grove, which would feel that distribution of the book was being undercut by Tom, he'd have to renegotiate his contract with them to provide for alternative distribution.

We figured that if Abbie could rip Grove off at this point, we'd be setting a precedent for movement-oriented artistic creators to reserve "alternative rights" in their work—records, books, films—the right to arrange for distribution of their work through channels not being exploited by overground distributors. Artists reserve motion picture rights, Latin American rights, electro-video recording rights, why not alternative rights? That way, a movement author could arrange with, say, Tom, to distribute his book through bail funds, prisoner-operated bookstores, GI coffeehouses, food conspiracies, co-op stores, and non-profit stores like Berkeley's Leopold's complex and Champaign-Urbana's Earthworks.

We wrote up our decision, an explanation of it and a press statement, and we arranged a meeting between ourselves and Tom and Abbie so they would have a

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chance to see the decision before it was released to the press.

Tom and Abbie arrived at the Health Policy Advisory Center, where Howard is a staff member. We had put two copies of our decision in an envelope inside a larger envelope inside a still larger envelope inside an enormous envelope.

By the time they got to the innermost envelope they were giggling—which is precisely why we'd packaged the decision that way. We sat there, watched both men gravely read the material, and waited for the explosion.

Boom! "You cut the baby in half!" said Abbie.

Hoffman approved of the spirit in which the decision had been drafted, but he didn't think he could work out the details of the alternative distribution plan with Tom. "What happens if Tom turns around and tries to undercut Grove by dumping the books on one of Grove's accounts for less than Grove?"

In fact, we had originally included a clause that made Tom share the liability with Abbie if Grove should sue, but we'd taken it out on the assumption that Tom wouldn't dream of doing such a thing. Instead, his reaction to the decision was that he could do just that. He explained that although he had once thought alternative distribution was feasible on a limited basis, he no longer thought so and, in any event, was not interested in doing distribution now—only publishing. His implication was that just because he didn't want to get involved in distribution at this point, we should change our decision.

We insisted that our decision was not meant to be likeable, just fair. Abbie was so disturbed at Tom's attitude that he insisted we strike the alternative distribution provision, up the money figure and leave it at that.

What, we asked, if we put a clause in the decision that guaranteed Grove would get prior approval of any arrangements Tom made? In that case, Abbie said, he would accept the decision.

This angered Tom, who said Abbie was trying to embarrass him into accepting the decision. We kicked the two of them out of the room to try to cope with their objections.

Howard's initial reaction was that if they want a purely cash settlement, fuck 'em, Let 'em have it. Mayer, however, thought that if we allowed ourselves to be pressured into coming up with just a cash settlement, we were being used and the two *belonged* in a honk court. I felt that Tom was simply trying to get us to award him more money, and I was for simply leaving the money the same and chucking the alternative distribution.

But again we were able to converge on a place where we felt we all belonged—to put in a guarantee that Grove would have to approve of Tom's arrangements and ask both men to then accept our decision. We retyped the decision, called them back in, and watched gleefully as both signed and exchanged copies.

Two days later we held a well-attended press conference at the Peace Church. We decided not to

read the press statement for the cameras, which turned out to be a mistake. Though our statement made it clear that neither party had "won" or "lost," Tom made a statement that since he could make \$19,000 by selling the books and he had asked for only \$8,500, "The judges have a weird sense of humor." Now, we knew there was no way Tom could make \$19,000 or we would have adjusted downward the number of copies he could buy at cost. But the electronic media had a field day, crowing that "Abbie Hoffman had been found guilty by a jury of his peers" and other similar nonsense. It wasn't until after the early news programs had appeared that we were able to make contact with the editors of the later editions and insist that they stick to the facts.

Abbie's attorneys had advised him to steer clear of movement arbitration for precisely this reason—that the media would project him as being on trial, and, since there was an absolute certainty that he would be asked to pay *something* (he had already indicated in the press that he thought Tom deserved \$1,500) the stories would make him out to be the loser.

I thought that since Abbie knew up front that he was sure to lose in the very media where he had previously operated with such success, the only justification for his participation in the proceeding was that a larger cause than Abbie Hoffman would be served—that we'd be able to get the concept of alternative distribution across to the people, that we'd be able to offer an alternative to the honko system of justice, where somebody has to win and somebody has to lose, just like in one of President Nixon's Sunday football games.

I was disappointed that Tom had used the press conference as a vehicle for winning a few feeble ego points at the expense of the proceeding.

But I don't think anything Tom said vitiated the substance of the proceeding, which both men approached in the best of faith and the consequences of which were accepted by both men, if not with the best of grace, at least with legible—and binding—signatures on the blank space on the decision labeled "acknowledged."

The fact is that the six of us have set a powerful precedent by proposing a way in which people who don't accept the legitimacy of honk institutions can begin to solve their problems with each other without recourse to those institutions.

A few days after we came in with our decision, we appeared on Alex Bennett's show on ABC radio in New York. He asked whether, if he had a dispute with an establishment type, he could avail himself of the services of a tribunal like ours.

I replied that this is precisely the next stage we envisioned—the day when we can use our collective power to induce people to stay away from the corrupt and debased judicial system and challenge them to create a better one themselves.

But we're not going to be ready to mete out justice to other people until we're capable of meting it out to each other.

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Afterword

Recently Alison and I took a trip that changed our lives—a real trip, for a change, geographical, across the map, the astral plane, via Deadwood, South Dakota. Somewhere along the line I had a calling—you know, a vocation, sorta like the Maid of Domremy only without the trumpets.

"Become a rabbi!" it said. That's all—didn't say how, didn't say where, didn't say when, just "Become a rabbi!" I was puzzled as to just what my calling meant—presumably it was not just the black robe and suburban prefab synagogue—and I put the idea on ice until I was paged again.

When the editorial about our case appeared in the *Times*, I decided to dig up some precedents for it. First I went to the American Arbitration Association and picked up some literature. Next thing I knew I was in the Jewish Room of the New York Public Library reading *The Jewish Court in the Middle Ages* by David Menahem Sholet. I read about how the *Kahal*, or Jewish community, had its own judicial system to deal with disputes among the Jews:

"The Jews of the Middle Ages, in so far as the civil authorities would permit, vested in their communal organizations all the powers and functions which among living nations would properly belong to the state. . . .

" . . . To resort to the civil courts would have undoubtedly disrupted their inner independence. If we add also the low standards of the medieval secular courts, the prejudice of the judges against Jews, the rampant corruption and bribes, the prohibition against resorting to non-Jewish courts becomes more justified.

"In practically every community there functioned a regularly constituted Court of Three. . . . Membership in the Court of Three was not limited to scholars, or

to commissioned judges. Even three plain men, possessing only rudimentary legal knowledge and common sense, had the Talmudic right to bring litigants before them and to pronounce judgment. . . .

The judges were not to be held responsible for errors if the parties had jointly agreed to be tried by them."

All of this sounded awfully familiar—I had no idea when I got involved in the Hoffman-Forcade case that I was acting so totally within the tradition of my forefathers. I even discovered that there was precedent in Jewish case law for some of the principles we were incorporating into our decision. For example, the notion that though Grove is a capitalistic outfit, we should be taking their contract with Abbie into account in making our award to Tom: "Though the Jewish authorities declared an oath forced upon a Jew by a feudal lord as not binding, yet it was considered valid in cases involving another Jew."

I read that the medieval Court of Three had its origins in the ancient Court of the Chosen Three, the *Beth Din Shel Borerim*, in which each party chose one judge, and the two judges the third.

Here I'd thought I was just another hippie, but now I discovered that I was authentic Twentieth Century *borer*! And the Court of the Chosen Three, Sholet noted, had functioned only in Palestine, "where Roman oppression was strongest." So here we were, piling precedent upon precedent. . . .

I came out of that session where Tom and Abbie signed our decision feeling sort of . . . sort of *rabbinical* for the first time in my life, and thinking that regardless of how anybody felt about our "Karma alignment," on a certain level it could be said to have been ordained.

I just got a beep on my paging receiver. Right now I'm holding it up to my ear waiting for the message.

I sure hope it ain't in Hebrew. —Craig Karpel

PEOPLE'S TRIBUNAL:

Steal This Court

By Craig Karpel

Recently I was one of three arbitrators who were presented with a dispute between Tom Forcade, formerly coordinator of the Underground Press Syndicate, and Abbie Hoffman. Forcade claimed that he had edited and arranged for the distribution of Hoffman's *Steal This Book* and sued in the courts for \$8,500. Rex Weiner, a writer for the *East Village Other*, convinced Tom and Abbie that it was incongruous for two men whose lives were dedicated to, among other things, a radical transformation of the judicial system, to go to the civil courts for relief in a personal matter. Tom agreed to drop his suit and submit his case to a panel comprising myself, Dr. Howard Levy of the Health Policy Advisory Center, and Mayer Vishner of the War Resisters League. Hoffman was willing to settle the matter for \$1,500, which Forcade refused to accept.

We held a series of informal hearings at which evidence and witnesses were presented. After a series of night-long deliberation sessions, we decided that Forcade had overstated his case and awarded him \$1,000. At the same time, we felt that Hoffman had been counter-revolutionarily sloppy in his dealings with Forcade, and that Tom should have additional compensation. What had brought the two men together in the first place was Tom's interest in setting up a system of alternative channels through which books could be distributed — using, for example, the distribution system of the underground press. So, in addition to the money settlement, we directed Abbie, who was publishing *Steal This Book* himself and distributing it through Grove Press, to sell 10,000 copies of the book at cost to an "alternative distribution" network administered by Tom. That way, we figured, Tom would have an opportunity to earn a sum of money equal to what he had originally demanded from Abbie.

Solution Failed

We figured wrong. First, we counted on Hoffman's ability to go to Grove and renegotiate his distribution contract with them, to get them to forgo some or all of their distribution commission so that the book could be made available to Tom at a low enough cost for alternative distribution to be able to pay its way. In fact, Grove was unwilling to give an inch in the matter—that is, it refused to allow itself to be ripped off *post facto*. At this writing the three arbitrators are deciding on the additional sum of money that Hoffman will have to pay Forcade in lieu of the "alternative distribution" ploy—somewhat more than the \$1,000 we have already required him to pay.

The three of us arbitrators were extremely pleased with the proceeding. There's nothing new about arbitration, of course, but what set this use of it apart and, we believe, qualified it as a "people's tribunal" of sorts, is the fact that unlike businessmen or union officials who go to binding arbitration, we did so as an explicit rejection of the authority and legitimacy of the courts that create Atticas, George Jacksons and Panther 21 cases. We think with the advent of the Rehnquist Star Chamber a lot of people are going to be re-assessing their assumption that the courts are inherently legitimate institutions. Any institution that can harbor the likes of a Mr. Justice Rehnquist is clearly a hoax and a lot of closet civil-libertarians are going to start coming out of the woodwork once Bill hits the fan. We think we pointed to a way of settling disputes within the movement by consensual procedure without resorting to official structures that will be reflected elsewhere in society.

Also, ironically enough, we discovered that our anti-court arbitration award—or, as we prefer to call it, our "karma alignment" for Tom and Abbie—is fully enforceable in the courts. We refer to this exercise in legal jiu-jitsu—using the strength of the opponent to defeat him—as "Steal This Court."

Cont'd

Results

But while we were happy with the proceeding itself, we were chagrined at the result. First, our "alternative distribution" idea sailed over the heads of the media, and though we were giving Forcade less even than Hoffman was willing to settle for, plus an opportunity to make some money by the hard work of selling many thousands of books, we kept seeing on television and reading in newspapers about "Abbie Hoffman Found Guilty by Jury of Peers." We had actually tried to go *Alice in Wonderland's* "sentence first, verdict afterwards" one step further: sentence first, verdict *never*. Looks like we were trying to be too idealistic in refusing to judge either party, to decide who "lost" and who "won" just like in football. For the record then: Abbie Hoffman won. Also, Tom Forcade won. But seriously, folks, Abbie lost. Not to mention Tom, who lost too. Like the old saw goes, it ain't whether you win or lose that counts, it's how you smashed the state.

Second, our alternative distribution scheme was too ambitious and came too late in the game, both in terms of Grove's (understandable) rigidity and the book's sales curve. Retrospectively we feel we were mistaken in having tried to cut the baby in half—not so much because we shouldn't have tried as because we didn't cut it expertly enough and now we Solo-

mons have two irate mommies on our hands each complaining the other's half is bigger. Consider our position: We wanted to set a precedent for settling civil disputes not only extrajudicially but extrafinancially, but we blew it. In point of fact we didn't have the power to impose extrafinancial conditions—that is, to require types of economic behavior that violate the normal way business is conducted in this sick (both by its parameters and our parameters) economy. Which is not altogether a bad thing, because when you're trying to make social change you must constantly be testing the limits of your power. Which is not altogether a good thing, cause you may end up knowing more than you'd ever want to know, but less than every one of us needs to know, about the economics of the communications media.

If you'd like to know more about this case, check out the November 1 issue of *WIN*, the magazine of the War Resisters League, 339 Lafayette St., New York City. Or, the next time you're sued or are thinking of suing, get together with your opposite, agree on a panel of people whose judgment you both trust, and have at it. What have you got to lose. Your appeal to the Supreme Court?

Craig Karpel is a journalist and critic and is contributing editor of Esquire.

See above.

Compare, Berman, "The Cuban Popular Tribunals," 69 *Columbia Law Review* 1317 (1969).

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The New York Times, 3 September 1971

Editorial

"Simplified Justice"

"In an 'experiment in justice' Abbie Hoffman is being sued before a counter-culture tribunal. The essence of this suit beyond the bourgeois looking glass is that the Yippie leader failed to pay Tom Forcade, an underground news man, for helping him turn out 'Steal This Book,' a best-seller that tells anti-Establishment types how to 'rip off' food, clothes, subway rides and telephone calls -- but not, it seems, literary labors.

"Aside from the piquant nature of the case, the court itself in Forcade v. Hoffman affords considerable interest. One of the peers sitting in judgement explains that in Establishment courts 'everything is done to accomodate the judges and lawyers,' with the defendant left 'alienated' by the sheer number of people interposed between him and his cause.

"There is something to this complaint, as everyone must know who has ever been caught up in the tangles of the law. Moreover, any any case that can be settled by these street-front arbitrators is one case less for the crowded calendars of the courts.

"But there is a hitch. Without rules or guarantees -- laws of evidence, cross examination, even open trials -- parties unhappy with a judgement are likely to miss such minutiae of justice as the right to appeal and the assurance of enforcement.

"If Mr. Forcade is directed by his peers to take, say, a tenth of the \$8,000 he feels he is entitled to, he does not rule out the possibility of reinstituting his conventional legal suit, 'alienation' and all. In short, an anti-Establishment trial is all very well as long as one can appeal to a lower court -- if necessary carrying his case all the way to the Supreme Court of the United States."



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OTHER ETHNIC
GROUPS

Albanian-Americans Find Better Life in Real Estate

By MICHAEL GOODWIN

Nikoll Vataj, a husky, powerfully built Albanian-American, leaned back in a chair in his office in the Bronx, puffed on a cigarette and talked about how he had become a landlord.

"I was working as a porter in a building on the East Side of Manhattan," Mr. Vataj said. "And I realized that if I work as a porter always, I will be poor my whole life."

From that start seven years ago, Mr. Vataj, who is 36 years old, said he did little but "work and sleep" as he rose from his porter's job to become a superintendent and finally owner of six buildings containing 550 apartments. His experience is typical of many of his countrymen who have found success in the New York City real-estate business.

In the last several years, Albanian-Americans have bought hundreds of apartment buildings throughout the city. Although there are no official figures, several estimates put the number of such buildings as high as 400 with the number of separate owners at 200 to 250. Virtually all of the buildings are in the northern and eastern sections of the Bronx.

About 10,000 in the Bronx

Rexhep Krasniqi, an elderly Albanian-American who has lived in the United States 20 years, estimated that there were about 20,000 people of Albanian descent in the metropolitan region, with half that number in the Bronx. He said the Free Albania Committee, of which he is chairman, had helped to bring 12,000 Albanians to New York, most of them political refugees from Albania, a Communist-bloc nation.

Mr. Krasniqi said that a number of the recent arrivals had fled into Yugoslavia in the late 1960's. Then, after living there or in Italy, Greece or Austria, they came to the United States, seeking a better life.

Others, he said, came from an area in Yugoslavia that was annexed from Albania in 1913. However, residents of the area, known as Kosovo, have continued to consider themselves Albanians.

One area in which Albanian-American owners like Mr. Vataj have bought property is the Bronx neighborhood known as Pelham Parkway, which is

just off Pelham Parkway South, near White Plains Road.

Once almost entirely Jewish and middle class, and still predominantly so, the neighborhood has become home to a mix of races, nationalities, cul-

tures and economic groups. Besides the Albanian population, the residents include blacks, people of Hispanic and Oriental origin, and Russians.

The Albanians living in the Pelham Parkway area probably number no more than a thousand or so. Some own family-run businesses, such as pizza parlors and Italian restaurants. However, real estate, especially apartment buildings, is the business that many Albanian-Americans say they prefer.

Several Albanian-Americans said they had chosen careers in real estate because their first jobs in the United States had been as porters or handymen, and, like Mr. Vataj, they had gradually worked their way up.

"It's the only thing I know in this country," said another man, Toma Gjelaj, who owns portions of 12 Bronx buildings.

Efforts of Family and Friends

Usually, the apartment buildings are run as small businesses, with family and friends pooling their money and efforts to raise the purchase price and to operate and maintain the buildings.

Most of the buildings are six-story, brick, elevator-equipped buildings constructed in the 1920's and 1930's. After years of being owned by the same family or company, many have changed hands in recent years, a situation that usually indicates that owners are pulling out their investments.

Another indication of so-called disinvestment by traditional landlords is the fact that many of the buildings were sold for as little as \$60,000 or \$70,000 in cash but with large mortgages. Often the mortgages were held by the former owners, thus circumventing the need for bank involvement. Such arrangements are made when an owner wants to sell quickly.

Mr. Vataj and other Albanian-Americans say they have worked "night and day" to put their buildings in good condition. He said, for example, that his property at 2131-37 Wallace Avenue in the Bronx, which has 172 apartments and 12 commercial spaces with yearly rents totaling \$400,000, would fall into

disrepair quickly because no traditional owner would spend the amount of money needed to maintain the buildings adequately. But by doing most of the repairs and managing the building himself, Mr. Vataj said that he was able to make a living and provide tenants with decent housing.

A Complaint About Mice

The property, like many others in the area, consists of four attached buildings in a semicircle around a courtyard that contains grass and trees.

But, as in many landlord-tenant relationships, there are problems. Although many tenants said Mr. Vataj provided heat and hot water last winter and despite evidence of repair work such as painting and roofing work, some tenants complained about the way the building was operated.

"I have mice," said one woman who, like many other tenants, did not want her name used. Another woman said she had been trying for months to get a leak in her ceiling repaired. An elderly

man said that although overall "services are not bad, the place could be cleaner."

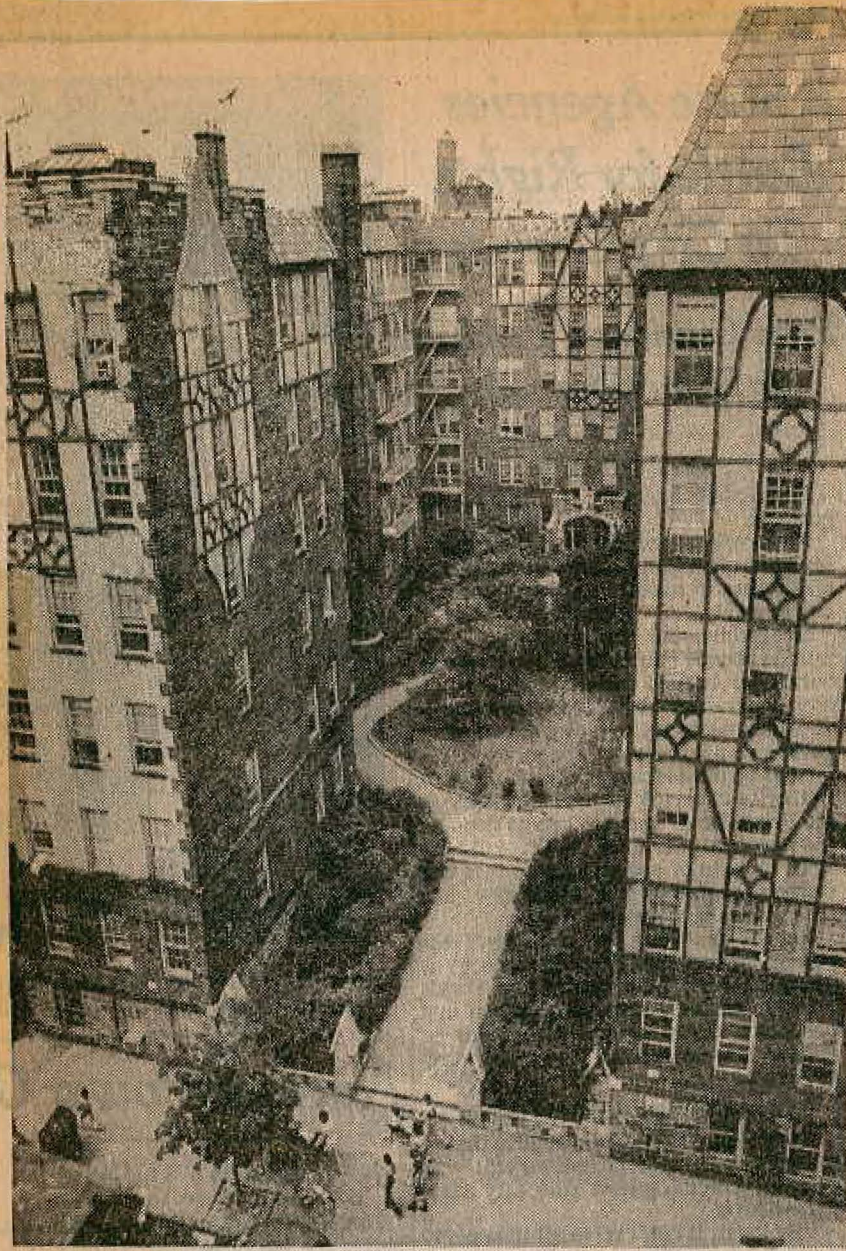
Sophie Schissler, an aide to City Councilman Stephen B. Kaufman, said she had recently received "hundreds" of complaints from many residents of buildings owned by Albanian-Americans. She said many such complaints came from elderly people who believed that the Albanians wanted them to leave so the apartments could be rented for more money.

Years of Neglect Cited

"It's a thin line between not providing services and harassment," said Mrs. Schissler.

The Albanian-American landlords deny such allegations. They say they took over the buildings after years of neglect by previous owners and assert that they are working hard and spending considerable amounts to put the buildings back into shape.

"Every Albanian who bought a building bought it when it was completely



destroyed," Mr. Vataj said. "One of my buildings had a rent strike when I got it, and in another, about 80 apartments had had the rent reduced because of bad services. Now these buildings are in good shape."

Ali Celaj, an Albanian-American who is a real-estate broker on Lydig Avenue in the Bronx, attributed frictions between Albanian-American landlords and their tenants primarily to differences in language and culture. He said: "Albanians are nice guys, but they don't handle these things professionally or smoothly. They have no experi-

ence in tenant relations. They don't know how to be diplomatic."

Mr. Vataj's cousin, Tony Vataj, who is a superintendent in several Bronx buildings that Nikoll Vataj owns on Barnes Avenue, said each building had 400 violations of the city's building code when the family bought them. Correcting the violations, he said, has been expensive and difficult.

And Mr. Gjelaj said he had recently spent \$45,000 installing new plumbing in one of his buildings. He said the previous owners had done no major repair work in many years.

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Buffalo News 28 Aug 81

Ethnic Feud Linked ^{P. A8} To Detroit Bombings

DETROIT (AP) — The bombings of three businesses owned by immigrants from Yugoslavia are linked to feuding among rival Yugoslavian groups, police say.

No injuries were reported in Thursday's bombings, which happened within 15 minutes of one another at travel agencies in Detroit and Hamtramck, Mich., and a bakery and import firm in Center Line, Mich.

Federal agents said they are exploring the possibility that the bombings stemmed from a local political dispute between Yugoslavs of Serbian descent and of Albanian descent.

Among Albanians, Murderous Heritage Lives On

By GREGORY KATZ

Independent News Alliance

The vendetta started with what seemed like an ordinary killing on a quiet afternoon in New York City. It was Nov. 2, 1969, the Sunday before Election Day, and the only real action on the streets was the frantic, last minute flesh-pressing by the city's three mayoral candidates. The broad lanes of Park Avenue were virtually empty; the air clean and still.

But the calm was shattered when an argument erupted between two Albanian immigrants working in the basement of a Park Avenue Citibank branch. The fight was abruptly settled when Pashko Vaulaj drew a Baretta from his jacket and pumped three bullets into the chest of Din Gjonbalaj. By the time the police arrived, Gjonbalaj was dead.

His 27-year-old widow, Hanife, a plump woman with a long hooked nose and dark brooding eyes, was left with four kids to feed. She found a job mopping floors on the eerie midnight shift at the World Trade Center in lower Manhattan, commuting nightly from her run-down Bronx apartment to earn \$150 a week. It was barely enough to get by. Vaulaj was convicted of manslaughter and sentenced to 10 years in prison. The entire affair was forgotten, it seemed, for nearly a decade.

It resurfaced on July 2, 1979, when a pair of beat cops told their boss that two Albanians — Hanife Gjonbalaj and her brother, Mike Baldimaj — were making the rounds of seedy Bronx bars offering \$10,000 for the services of a contract killer willing to stalk and eliminate Pashko Vaulaj. By then, Vaulaj had been released from jail and moved far from the Bronx, guessing correctly that a return to the old neighborhood would be short but definitely not sweet.

THE BRONX district attorney, believing that a bona fide hit man would be glad to collect the bounty, sent an undercover cop wired for sound to negotiate with Baldimaj. Baldimaj told the cop that he want-

ed to kill Vaulaj to cleanse the stain on his family's honor.

It was several months before a deal was struck. On Sept. 14, Baldimaj and Mrs. Gjonbalaj gave the undercover cop a \$2,500 down-payment. Eleven days later, after the bogus hit man produced Vaulaj's driver's license as "proof" that the ex-con had been rubbed out, the two scheming Albanians came up with the rest of the cash.

An agent working on the case said the two seemed "very, very pleased," but their joy did not last long. A few hours later, the police slapped cuffs on Baldimaj and Mrs. Gjonbalaj near her bleak Clayflin Avenue apartment house in the Bronx. The charge was conspiracy to murder and solicitation to kill.

Prosecutors say that Mrs. Gjonbalaj was baffled by her arrest because she believed she was following the law, not violating it. Her actions were justified — even called for — by the ancient honor code called Kanuni that ordered the lives of her ancestors in Albania's remote mountain villages centuries ago.

Bad blood: It's a fact of life for Albanians. And it's one big headache for police sergeants in the Bronx, Brooklyn, Boston, Detroit, Chicago and other cities where Albanians have moved in the last 80 years. As one cigar-chomping Bronx homicide detective puts it, "A vendetta among Albanians lasts 18 million years. If you call their wife a slut, they'll kill you, or they kill your grandson in 40 years."

This murderous heritage can be traced back to the highlands that cover 70 percent of Albania, a small European nation on the Adriatic Sea. For centuries, the country was repeatedly invaded and conquered by distant rulers who established firm control over the country's crucial coastal highway but neglected the tiny mountain villages, which had no strategic value. The mountain people were left alone, cut off from the flow of history, and free to develop their own system of justice.

It became every man's right and

responsibility to enforce the law. The tribesmen developed the complex ethical code called Kanuni, which defined everything from the protocol dictating who should be served the first cup of thick, black coffee after dinner to the penalties for robbery and murder.

The code left little to chance. It even included a section called "The Law of the Dog" that spelled out under what conditions a homeowner could kill a man for attacking the family's guard dog. It also permitted a husband to shoot his wife, and her unfortunate lover, if she should commit adultery. To show their approval, the wife's kin were required to give the jealous husband a bullet. The code was supposed to keep the peace in the absence of a centralized system with state-dispensed justice, but it often failed. Twelve men once died in a protracted blood feud over a single canine. By 1920,

vendettas led to the murder of one in every four Albanian males.

THIS ASTOUNDING slaughter has slowed under the fanatic rule of Enver Hoxha, the Communist strongman who has run Albania since World War II. Hoxha has created what may be the most closed society on earth, barring all forms of religion, along with "hippies and hoodlums," Western newspapers, birth control devices and private cars. He has even ordered countrymen with "inappropriate" names to change them at once and issued a list of state approved names for the newborn. It's no wonder that thousands have fled his rule, bringing their hopes and bloodstained legacy to America.

One of their strongholds in New York City is the Arthur Avenue section of the Bronx. The avenue is lined with Italian butcher shops, fish markets with racks of dried salted codfish, and bakeries that serve rich, creamy cannolis. The air is pungent with the aroma of pizza, espresso and anisette. Even Albanian restaurateurs serve Italian cuisine.

"No one wants Albanian food,"

complains an Albanian who runs a successful Italian emporium.

The neighborhood looks like part of Little Italy, but it's not. The Albanian presence here is so understated that a first-time visitor would miss it completely. As a rule, Albanians don't gather together in public, except in church sanctuaries. It's just too dangerous.

A few years ago, a businessman bucked this trend and opened an Albanian tavern. He was soon shot down, reportedly because his grandfather had stolen a cow in the old country. The new owner serves veal parmigiana and chicken cacciatore.

Bronx District Attorney Mario Merola, who has watched his borough deteriorate as its well-to-do residents have fled to the suburbs, views Albanians as "a part of the melting pot that hasn't melted yet" because of their fatal taste for violence.

His records indicate that virtually every Albanian charged by his office in recent years was carrying an unlicensed pistol. Merola's men say that Albanians are less troublesome than some groups in the Bronx — like the Rastafarian drug dealers who sometimes kill six people at a clip when a million-dollar deal goes sour — but are much harder to predict and monitor since there is a quirky, incomprehensible quality to their killings.

The case of Ramo Bolic is typi-

cal. He was shot in the chest in his Barnes Avenue apartment on Dec. 10, 1978, after he paid an Albanian neighbor \$52 to clear up a debt for some house paint.

The neighbor was apparently expecting more money. Insulted, he ripped up the bills, dropped them to the floor and punctuated his dissatisfaction by shooting Bolic and then firing at the dying man's wife. He missed her, and was then wounded by Bolic's son, who had managed to wrestle the pistol from the neighbor while his father bled to death on the floor.

LAST YEAR, a man was killed after a brawl erupted at an Arthur Avenue social club frequented by Albanians and Yugoslavs. It started after someone, perhaps intentionally, pulled the plug on the jukebox while an Albanian tune was playing. All hell broke loose, and the fighting spilled onto the street. It ended when Zeke Kolenovic, a 31-year-old Albanian, allegedly shot and killed a Yugoslav who was trying to calm things down. The police say the two did not know each other.

The social club, a drab affair with lurid green, red and blue lights above the bar and a porcelain giraffe in its window, was sold after the incident. The former owner fled the country, fearing repercussions.

When Baldimaj and Mrs. Gjonbalaj were finally brought to trial for their attempt to kill her husband's murderer, prosecutors suspected that a jury would find the widow — a poor immigrant raising four children on her own — a sympathetic figure. They offered her a deal — 80 days in jail in return for a plea of guilty to criminal solicitation. She's back at work now.

Her brother was more argumentative. Baldimaj's lawyer called the vendetta motive absurd and argued that his client had been entrapped by overzealous cops who got him drunk in order to agree to the deal and then wouldn't let him back out when he got cold feet.

The first trial ended with a hung jury. Before a second one began, Baldimaj pleaded guilty to a lesser charge and was sentenced to a maximum of four years in prison. He'll be out soon.

And Vaulaj? His whereabouts are a closely guarded secret. Detectives say he still looks over his shoulder constantly, fearing, perhaps with good reason, that every day may be his last.



ALBANIAN STRONGHOLD — Paul Shkreli, 19, works at a fish market in a Bronx neighborhood that has become a home to many Albanians. He wears a T-shirt with the "Sons of the Eagle" emblem, a symbol of Albania's fight against the Fascists.

7.88

THE NEW YORK TIMES, THURSDAY, MARCH 25, 1982

C13

Dowries Survive In Louisiana Town

PORT ALLEN, La., March 24 (UPI) — The wish of the late Julien de Lalande Poydras that no woman in West Baton Rouge Parish face marriage without a dowry is being honored.

The parish pioneer, a peddler who became a millionaire plantation owner, was thwarted by French tradition from marrying his sweetheart because her father could offer no dowry.

Mr. Poydras, who died in 1824 at the age of 78, left a trust fund for future brides of the parish. Each year, women apply for dowries that range from \$50 to \$70.

A committee of parish officials, including the clerk of court and the sheriff, will review applications next month from 51 women. They expect to divide the interest from a \$70,000 dowry fund among all the applicants.

The dowry checks will be made out to the husbands, a stipulation of the Poydras will.

Although the fund once offered dowries only to brides "in pitiable circumstances," Mary Anita Tullier, the parish secretary, said that the requirement now is that women live in the parish for five years to qualify. The poverty requirement was dropped in the early 1950's, but it was too late for Mrs. Tullier, a bride in 1948.

"At the time, my father had a little land," she said and, talking about the money qualification, she added, "They were kind of peculiar and I just missed out."

But three of Mrs. Tullier's daughters received a Poydras dowry, two in 1973 and another in 1978.

"And I still have another daughter,

so I'll get my money's worth," she said.

Applying for the Poydras dowry is as much a tradition for brides in West Baton Rouge Parish as attending showers and choosing wedding gowns.

The dowries do little more today than pay for wedding flowers, or the rental fee on formal wear. But in the late 1760's, the money could have saved Mr. Poydras from a little misery. He was in love with a woman in his native France, but the lack of a dowry from her family halted matters.

He moved to Louisiana in the late 1760's and worked as a peddler. He later owned six plantations in West Baton Rouge and Pointe Coupee Parishes, and became one of the wealthiest men in the state.

"I don't think he ever did marry," Mrs. Tullier said. "But he said never again will a girl from West Baton Rouge Parish be without a dowry to give her husband."

Mr. Poydras left about \$30,000 for the fund and the parish has added \$40,000 from the royalties from oil sales and other income.

"What the girls get is the interest on that \$70,000," Mrs. Tullier said. "Usually, the dowry is between \$65 and \$75. It depends on how many brides get married that year. Last year we had 68 or 69 brides and they got \$58 or \$59. This year there are not quite as many — at last count 51."



7.99

ETHNIC GROUPS:
FOREIGN EXAMPLES

7.99

Burma's Courts Get A Community Flavor

By JOSEPH LELYVELD

Special to The New York Times

RANGOON, Burma—They may have pedaled bicycle rickshas for a living, planted rice or served as clerks in Government offices. Whatever they did, so long as they were never lawyers, they are qualified to serve as "people's judges" in a revamped judicial system that is charged with dispensing "socialist justice" in Burma.

"The new judicial system belongs to the people," an official pamphlet called the People's Court Manual declares. "It is no longer the monopoly of legal experts."

The People's Courts, whose present form was defined by a Constitution adopted in Burma at the start of the year, have not entirely done away with lawyers or the legal codes inherited from what is now regularly derided as the "archaic" or "colonial" judicial system the British left behind when the country regained its independence in 1947.

Judges Become Advisers

But the law and the lawyers have both been downgraded. The old judges—the maligned "experts" who sat on the bench until the system was transformed—now serve their successors as "legal advisers." Their advice, however, is not binding and the new judges listen to it only when it suits them.

Similarly, prosecutors and defense lawyers can decide whether it suits them to base their case on a point of law that the judges may or may not find interesting.

"If the law is not good for

my client, I abuse the law," said one attorney who had tested the possibilities of the new system. "I say the colonialists invented that law to exploit the working people."

"If the law is favorable, then I say, 'Our enemies say this socialist country has no rule of law. We socialists respect the law?'"

At its best, "socialist justice" as it is practiced in Burma seems to be synonymous with village folk wisdom. Adherents of the system say that it has brought justice closer to the people, allowing the community to mediate its own disputes without expensive, divisive litigation.

Building Gets New Role

In the physical sense at least, there is something to the claim that it has come down to the people. Here in Rangoon, the imposing criminal court building that the British left behind has been converted into the headquarters of the one legal political party, the Burmese Socialist Program party; the building has a heavy military guard and nonmembers are turned away.

The displaced courts can be found, by contrast, in storefronts or simple frame structures on the order of majesty of an army barracks. At the Kyaukteda People's Court in downtown Rangoon, hawkers were selling cheroots and betel nut in the doorway, and spectators strolled in and out from the sidewalk as if browsing in a bazaar.

The judges sat on one side of a small conference table; across from them sat the

prosecutor, his witnesses and the defendants. Occasionally, but not always, whoever was testifying stood to speak. The tenor of the proceedings was entirely conversational.

Teen-Age Girls Tried

At the Tamwe People's Court, in the eastern part of the city, a panel of three judges was hearing the case of two 16-year-old girls who had been accused of loitering for purposes of prostitution; the girls said they had gotten lost on their way home from the movies.

In this case, the people's judges turned to the legal adviser, a former judge named U Tin Lat. He observed that the girls were very young and had never been in trouble before. On his recommendation, they were freed on good behavior.

It was moot whether the result would have been any different in the "archaic" courts of the past.



The New York Times/Joseph Lelyveld

Three "people's judges," facing the camera, conducting a trial at a local court in Rangoon, Burma. Such judges are elected by local councils, which don't choose lawyers for the posts. Most are former Government workers and teachers. Many are peasants.

"The judges are gaining experience day by day," the former judge declared. "They have much more confidence now."

Still, because Burmese like to laugh, and laughter is about the only thing that is not in short supply in their shortage-ridden country, it is the misadventures of the People's Courts that tend to get repeated. There is, for example, the case of the lawyer who was sentenced to prison for six months along with his client after the court found him guilty of defending a criminal; or the case of the judge who sentenced a young man to a flogging for having made a pass at his niece, only to find that he had to carry out the sentence himself because the police said there was no such penalty on the books.

There is a story about a judge who told a prostitute that he knew better than anyone how guilty she was

because he used to pander for her; and a story about a comedian in Mandalay who went to jail for jokes about the People's Courts.

The judges are all elected by local people's councils, from their own membership; the councilors, in turn, were elected without opposition on a slate chosen by the governing party. In what are called "policy cases"—mostly those involving political opponents charged with the crime of "unlawful associations"—they reportedly follow party discipline faithfully.

Of course political parties in other countries also pass out judgeships as patronage and influence jurists so this does not seem a distinctive feature of the system. According to one survey, of 7,000 people's judges, 2,200 were peasants and 500 were workers; most of the others were Government employes and teachers, past or present.

"LAW WITHOUT LAWYERS: POPULAR TRIBUNALS IN CUBA"

BY

ROBERT CANTOR

4(2) Juris Doctor 24-27 (Feb. '74)

It's 8 p.m. as the regular session of the Popular Tribunal in the La Vibora district of Havana begins. The district, in which a few thousand people live, encompasses perhaps 10 square blocks. The courtroom, a groundfloor room in a two-story building, is simple: rows of wooden benches face a small table with three chairs. Pictures of Antonio Maceo, Ernesto "Che" Guevara, and other heroes of Cuba's 100-year fight for independence that ended with Castro's victory in 1959, adorn the walls.

La Vibora, like most others, is a working-class district. Only when work is over for the day does the courtroom fill with local residents who come to participate in the continuing process of learning the laws of the new Cuban society. While only cases equivalent to misdemeanors, which carry a maximum penalty of six months on a work farm, may be considered, the Popular Tribunals are prototypes that will soon become models for the rest of the Cuban courts.

An officer enters the crowded room and asks everyone to rise as the three judges, two of them women, take their seats. The judges, having finished a full day of work like everyone else, wear regular street clothes. To insure the "popular" nature of these local courts, judges are simply people selected by the community at a mass meeting for three-year terms. In addition to their regular jobs, the judges hold court sessions two or three nights a week, thereby maintaining their identity as common, working people whose perspective on anti-social behavior is nearly the same as that of their fellow citizens.

Robert Cantor, a New York lawyer on the staff of the National Lawyers Guild, spent three months in Cuba in the summer of 1973.

At 8:10 two women, one about 30 and the other about 50, approach the bench facing each other. Both are asked if they, for personal reasons, would like any of the judges to step down, since judges are also neighbors (each community has six or seven rotating judges). There are no objections, however, and the trial begins. Then each woman is asked if she wants to be represented by a lawyer or a lay person. Because the procedures of the Popular Tribunal seek to minimize legal formalities, the two women decide to speak for themselves.

The accuser alleges that her older neighbor has been verbally abusive and has permitted her 11 children to hit the accuser's child. The accused tells the judges, and her neighbors, that she is 51 years old, cares for 11 children and grandchildren, works hard, and has little time for the children. During pointed questioning by the judges, who continually refer to files compiled with the aid of local members of the national organization of block committees called Committees for the Defense of the Revolution (CDR), the accused reveals that she hits her children when she is angry, and also that her 15-year-old cannot go to school because she lost her ration card and so cannot get a decent pair of shoes. The woman is asked whether she is having financial difficulties raising such a large family. She says no, and then is confronted with an unpaid gas bill. She attributes this only to her annoyance with a gas leak in the house.

Testimony is elicited conversationally, and long torrents go unchecked by the kind of objections that American lawyers might make. At the same time, because Popular Tribunals are supposed to educate the community about the new society's laws and expected patterns of behavior,

ior, the judges interrupt frequently. Their comments are directed not only to the two women but to everyone in the room. Thus one judge, after hearing about the 15-year-old girl's absence from school, reminds everyone that the local Parents Committee can provide the needed shoes and will replace the lost ration card. A second judge, in further explaining a service provided by the government with which some people were not, perhaps, familiar, adds: "No child should be denied an education. We fought for exactly this right."

Suddenly a neighbor living in the same building as the two principals jumps to her feet and volunteers to testify. She complains that the accuser monopolizes their common sink. The judges accept this last bit of information and, after an hour and a half of testimony, they retire to deliberate. Twenty minutes later they return. The president—the three judges take turns serving in the post—announces the verdict: "We find the accused guilty . . . of mistreating *her own children*."

The woman receives a suspended sentence of 30 days' house confinement, as well as a public admonishment. "Compañera, we are trying to build a new society here, different from the one you and I grew up in," one of the judges explains. "We know it is difficult but you must learn to moderate your behavior. You hit your children. You show little respect for their needs as human beings. How can you help but expect that they will learn to treat others as you treat them—being aggressive and denying others the love and respect that you are now denying your children?"

"Compañera, this revolution was made for our children, that they might be better men and women and have a better life than we. But you must try to be an excellent example or your children will grow up to be just like you."

The fourth and last case ends shortly past midnight. Then the people leave, expressing their satisfaction with the judges' decisions, particularly that of the woman who mistreated her children. While the charges that the accuser's child was abused were never substantiated, the neighbors concluded that the defendant's mistreatment of her own children was certainly serious enough to warrant a public lecture before her peers.

One man comments on the thoroughness of the investigation by the Committee for the Defense of the Revolution in uncovering the unpaid gas bill. These committees, which cover districts comparable to those under the jurisdiction of the Popular Tribunals, are responsible for repairing local streets, helping with health treatment—all of Cuba was inoculated against polio in 24 hours—and protecting the neighborhood from crime and disorder. One elderly woman says the judges didn't go far enough; the accuser, she thinks, should have been lectured about her noncollective use of the common sink.

The creation of the Popular Tribunals can be traced to the spring of 1962, when Fidel Castro, himself a graduate of the University of Havana's *Escuela de Ciencias Jurídicas*, held a meeting with graduating law students and their professors to discuss how the society's new laws—

more than a thousand had been promulgated by the government since the revolution—might be implemented to begin redistributing the country's resources more equitably. The Agrarian Reform Laws of 1959 and 1963 sought to give land ownership to the people who worked it. They also set a maximum size for any individual or corporate holding.

In 1960, an Urban Reform Law limited rents, which had previously claimed one-third of a worker's paycheck, to 10 percent of one's salary. A year later, the Nationalization of Education Law guaranteed that Cuban schools would be accessible to all children.

The judicial system until the mid-1960s had been operating with the same basic laws, courts, and judges as before the revolution. Of these, the most offensive to the people was the Municipal Court created during the United States' administration of Cuba following the Cuban-Spanish-American War at the end of the nineteenth century. Replacing the powers of Spanish Police Court, the Municipal Court's Correctional Judge had jurisdiction over small civil and criminal cases in which the maximum sentence was six months or less.

The Municipal Court's decisions had not been appealable, and there was, consequently, almost universal corruption. Thus, the majority of the population, poor people whose experience with the courts was primarily with these lower tribunals, hated the judicial system.

It was to counter this popular resistance that Castro suggested the Popular Tribunal, where judges were elected by and held responsible to

Cont'd

their own neighbors. While fighting the guerrilla war for independence against Fulgencio Batista in the Sierra Maestra, the Rebel Army had developed a similar judicial system for the zones they controlled, under which soldiers selected judges from their own ranks. As a former lawyer, Castro might also have studied similar systems in other socialist countries, such as the People's Courts and the Comradely Courts in the Soviet Union, and the People's Courts and the People's Mediation Committees in China. While there were differences among these institutions, they had two ideas in common: the need for popular participation in the administration of justice and the use of the law for social reeducation.

In late 1962, volunteer law school graduates went to a small rural village in the Sierra Maestra and convened a large town meeting to discuss setting up a Popular Tribunal. By 1963 the first new court had been established there, and a year later there were 30 experimental Tribunals in rural and urban areas with varying social and economic characteristics.

The early courts began to tackle problems particular to their jurisdictions. In East Havana, for example, peasants who weren't accustomed to living in apartment buildings were moved into new buildings with running water and electricity. The peasants let their cows sleep in the bathrooms and the buildings began deteriorating at an alarming rate. The Popular Tribunal began to give constant lectures about the need to care for new housing. Community members were enlisted to help those who were having difficulty breaking old patterns. Within months the problem was eliminated.

In the Pilon Region of the Sierra Maestra, where public fiestas had to be canceled because of constant fighting, people who disrupted the events were brought before the Tribunal. Before the stern arbiters, the community, as well as the three judges, emphasized individual responsibility for public behavior. By the following summer, the fiestas were able to resume.

By December 1967 there were more than 300 Popular Tribunals. Law students and professors who had spent their vacations setting up town meetings volunteered to go to the rural regions for two years to give legal courses to the new judges and to establish tribunals. The Correctional

Judges had operated only in fairly large villages; remote regions thus had little prior experience with any court system. After several new tribunals were established in a region, a young lawyer remained as an *asesor* to continue training judges and to sit as an appeals judge.

Popular Tribunals have jurisdiction over civil cases involving small amounts of money and criminal cases that carry a maximum penalty of six months deprivation of liberty. The minimum penalty, public admonition, is usually accompanied by one of the following sanctions: relocation to another neighborhood or work place, deprivation of rights, house confinement while not at work or school, total house confinement, or mandatory progress in education. Judges often fashion a combination or variation of these, all viewed as rehabilitative in nature, to fit the penalty to the misbehavior. Because fines were seen as primarily punitive, they were eliminated in 1968.

Consider the sanction called "deprivation of rights." A constantly drunken and disorderly person might be prohibited from entering bars for one year. In addition, he or she would be helped by people from the local CDR. If misbehavior stems from a poor education and inability to perform useful work, the judges might order the person to return to school and complete his education through the 10th grade. This is "mandatory progress in education."

Popular Tribunals have authority only to sentence offenders to open work farms. Those convicted of crimes like murder, assault, and rape—and who are therefore considered to be dangerous—are kept in closed prisons, and then for as short a time as possible before transfer to a work farm. Inmates from different backgrounds are separated within each prison; multiple offenders, for example, are separated from first-time offenders.

Work farms, called "open" because there are no bars, cells, or fences, have a daily regimen of sports, education, and work. Schools and housing are built, food is harvested and distributed, and factories are staffed. Prisoners are paid the same wages as non-inmates with similar skills. Skilled people work with the inmates, both to train them and to evaluate their progress.

A new kind of court, created in the

past few years, deals with people who refuse to work or who work very poorly. Called Worker Councils, these courts parallel the structure of the Popular Tribunals and are found wherever a sizable number of workers live. The judges, elected by their fellow workers, maintain regular jobs and hold court during off-shift hours. They primarily handle cases in which workers are accused of poor attendance, lack of care with machinery, or other violations of the labor laws. Penalties include transfers or suspensions of vacation.

A 1971 Law Against Loafing, from which women are exempted because of a lack of nurseries, requires healthy men to work or attend school. As more nurseries are constructed, and as women (and men) are less bound by traditional roles, the statute will apply to both sexes equally. The Cuban attitude toward work is clear. Those who refuse to work without reason are labeled criminals. Those who work poorly are reprimanded by their worker peers.

Popular Tribunals, now more than 10 years old, seem to have grown into an accepted and legitimate instrument both for shaping social behavior and settling minor disputes. The 1973 Reorganization of the Judicial System Law incorporates many of the Popular Tribunal's methods into all the other levels of tribunals. Soon, in fact, two of the five judges on the Supreme Tribunal of Cuba will be people who didn't attend law school.

And while the Popular Tribunals continue to function as the judicial centers of local communities, the Committees for the Defense of the Revolution, whose official membership is listed as 4,200,000, have been brought into the process as forums for public debate on draft legislation. In 1973 laws dealing with penalties for corruption, rape, cattle thievery, homosexuality, and numerous other crimes were discussed nationwide prior to formal consideration. People's suggestions are sent to the relevant legislative body and are sometimes incorporated into the final law.

The main function of Popular Tribunals has been to place the administration of justice in the hands of the people. But the tribunals are more than courtrooms; they are also community classrooms where Cubans attempt to transform a colonial system into a real government of the people. □

In Ireland

Will murders split courts

By **JONATHAN HARSCH**
Christian Science
Monitor News Service

DUBLIN, Ireland — Sources close to the illegal provisional Irish Republican Army (IRA) give a very specific reason for the two recent terrorist killings in Northern Ireland.

The brutal murders of two Belfast judges is said to be part of an elaborate IRA plan to further discredit Northern Ireland's British-run legal system — and a plan worked out behind bars by the IRA men who escaped from a southern Irish prison a month ago.

The IRA hope that the murders and related tactics will force the north's Roman Catholic minority to turn instead to the IRA's unofficial network of Sinn Fein courts.

OVER THE past two months the IRA's political arm, Sinn Fein (meaning we ourselves), has sought to publicize its own local courts.

Sinn Fein organizers claim these illegal courts have dealt with over 1,000 cases this year in Northern Ireland's main Catholic districts such as Andersontown in Belfast and the Bogside in Londonderry.

Sinn Fein claims that Catholic residents increasingly come to Sinn Fein courts to settle disputes ranging from domestic fights to murder.

In running such local courts, Sinn Fein is reviving a tactic which proved highly successful 55 years ago and contributed to the Irish republic's splitting away from Great Britain.

The IRA's twin murders seem well planned to further divide the North's Protestant and Catholic communities, and designed to force each community to use separate courts.

AFTER THE murders, the provisional IRA issued a blunt statement saying its men carried out the "executions". The Catholic-based IRA killed the two judges because they were supposedly collaborating with the "British war machine" in Northern Ireland.

This so-called collaboration was particularly resented in the case of these two judges — precisely because both judges were widely respected throughout both communities in Northern Ireland, and south of the border as well.

The Irish Press, a Dublin newspaper which often appears to side with the IRA, described the two judges in an editorial as "two of the most conspicuously fair, humane and understanding of northern judges."

Both judges won respect for the often criticized and faulty Northern legal system. So they were obvious targets for the IRA campaign to undermine that system and set up alternative courts for Catholics.

THE IRA campaign to drive Catholics from the North's British-run courts is not confined to murdering judges who have successfully worked to bring impartial justice to Protestants and Catholics alike.

Other parts of the IRA plan are:

— To ensure that Britain's use of internment or detention without trial continues and continues to spark protest.

— To ensure the survival of those Northern Ireland judges who have a reputation for favoring Protestants and dealing severely with Catholics.

— To ensure that Northern Ireland's courts and anything to do with the British-run legal system are surrounded with sub-machine gun-armed troops and police.

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New Guinea Urged To End 'Vendettas' By Enlightened Law

APR 6, 1973

NYT
1 APR 73

PORT MORESBY, New Guinea (AP)—The murderer wielding the blood-stained axe, knife or spear in New Guinea is not always the only guilty person.

Sometimes the guilty killer has the solid backing of a clan of dozens of men, women and children or a tribe of hundreds.

That's the way things are in New Guinea in many areas despite 80 years of contact with Europeans.

A Professor of Law at the University of Papua, New Guinea, Robert S. O'Regan, said recently the Western system of law being introduced by Australia needed urgent overhaul to reduce New Guinea's tribal system of payback murder.

The Custom Now

Professor O'Regan said that often when a person was murdered, that person's clan or tribe demanded a payback victim from the tribe of the killer.

"It seems to me," he said, "that often the imprisonment of the individual offender does little or nothing to reduce the likelihood of a payback [murder] by the relatives. Their grievance is directed against all members of the offender's clan — not merely against the individual whom European law considers criminally responsible.

"Until the offense has been avenged or compensated, the sense of grievance is likely to continue. This, of course, is a regrettable state of affairs, but judicial homilies and exhortations 'not to take the law into your own hands' will not change it. The court and the legislature must recognize the problem and come to grips with it."

Compensation Is Urged

Professor O'Regan recommended urgent changes so that courts could authorize the payment of compensation to the victim of crimes of violence, or to his clan or tribe.

The aggrieved people might not always accept compensation, or negotiations might take a long time, but the gesture would almost certainly reduce, or wipe out, the high risk of payback killings, he said.

The police, patrol officers and court officials say dozens of payback murders are carried out every year and the aggrieved families or tribes regard it as legal according to their traditions.

Soviet Press Opens Campaign To Eliminate Public Rudeness

By THEODORE SHABAD
Special to The New York Times

MOSCOW, April 15—A campaign for politeness has been started in the Soviet press.

There have been demands for regular worker meetings on codes of behavior and for the indoctrination of "mechanical habits of politeness" in children, beginning in kindergarten.

There is evident public concern over rudeness in social relationships and the rare use of such words as "please" and "thank you."

Newcomers to Moscow are often struck by the speed with which tempers flare in stores, on buses, in restaurants or on the street. In crowds there is a good deal of unconscious pushing, elbowing and stepping on toes without the slightest expression of regret.

The discussion about politeness began two weeks ago with an article in the Newspaper Literaturnaya Gazeta by Nikolai P. Akimov, a noted Lenin-grad stage director.

Indifference Scored

Placing the problem on a philosophical plane, the 63-year-old director wrote:

"A country building a Communist society cannot look on with indifference while old, silly habits spoil peoples' moods, injure their dignity and perpetrate moves that are intolerable in our social system."

Recalling a formulation in the Communist party's program, he said:

"Big words about how in our society man should be friend, comrade and brother to his fellow man must be reflected in our every action, word and attitude."

Mr. Akimov is a People's Artist of the U. S. S. R., the highest honor bestowed for excellence in the performing arts. His appeal was brought down to earth by Ivan V. Yalagin, a distinguished construction worker from the town of Elektrostal, who is a hero of Socialist labor.

Writing in Literaturnaya Gazeta, Mr. Yalagin recalled how shocked he was by swearwords used by construction workers when he arrived from his native village on the Volga River at his first job.

Building trades were not mechanized, he said, and swearing was regarded as a stimulus in heavy manual labor.

He contended that there was no excuse for lack of courtesy now that construction work had become highly mechanized.

Mr. Yalagin said mutual respect should become the "second nature" of Soviet people and rudeness should be made the subject of public ridicule.

One letter-writer said that self-respecting citizens should not let a swearword in public go unheeded and that they should reprimand offenders on the spot.

Delving into the reasons for lack of politeness in Soviet attitudes, several writers have attributed it to the original revolutionary spirit rebelling against the polite manners of the hated Czarist ruling class.

Wars, economic destruction, shortages and mutual suspiciousness among the people under Stalin are said to have compounded that attitude.

Soviets mobilize young

By PAUL WOHL
Christian Science.

Monitor News Service

Soviet authorities have issued two decrees within the past three months mobilizing about 7 million young people as crime fighters and defenders of the public order.

Displaying bright red arm bands, these young people make up a sizable voluntary auxiliary police force in civilian clothes. They are called 'druzhinniki.'

The druzhinniki were established in 1959. Since then they have grown to 7 million. Lt. Gen. Shumilin recently told Red Star, the daily of the Soviet armed forces. But now the two decrees have called for an over-all tightening of discipline among the ranks of these young plainclothes volunteers.

The decrees also have vastly extended the druzhinniki's jurisdiction: they are to help the militia or police, the prosecutor and the court, assist the border troops, fight poachers, speculators and other violators of innumerable trade regulations, and prevent juvenile crime.

THEIR DUTIES include protection of state property and maintenance of order and quiet in dormitories.

They must swear to faithfully perform their many new duties and in turn will be rewarded with medals, orders and monetary awards.

Three considerations seem to have motivated this reactivation of the druzhinniki: an unprecedented crime wave, a slackening of the druzhinniki's discipline, and the desire to turn what used to be a loose voluntary organization into a disciplined auxiliary of the armed forces.

The first decree was issued on May 20 and reported in Izvestia on June 4. A second and more detailed decree by the Presidium of the Supreme Soviet, the Communist Party's Central Committee, and the Council of Ministers became known in August.

PRAVADA UKRAINY reports that in the city of Lvov alone (about 600,000 inhabitants) there are 25,000 druzhinniki of whom more than 400 are on duty every day.

According to this large Ukrainian party daily, the druzhinniki, in addition to all their other duties, also must see that workers and youth are properly educated in the spirit of Soviet legality and over the protection of nature.

The latest decree was hailed by Pravda Ukrainy as of "historical importance" and an example of "Soviet democratism."

The Georgian youth journal recently complained: "Our youth risks to be turned into a heap of worthless unprincipled people without dignity and honor." The druzhinniki, it is hoped, will effectively fight "speculation" which has wrought havoc in Georgia.

ACCORDING to the Armenian journal Kommunist, public order is deeply disturbed in the towns of this republic.

In line with the new decree, the city of Yerevan, the capital of Armenia, has ordered the druzhinniki to help control lewd and loud language in dormitories and other public places, to stop street fighting, the trampling of public gardens, and to combat drunkenness in the streets, in shops, in streetcars, buses and taxis.

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NY Times Oct 16, 1966

YUGOSLAVS' SPITE FILLS THE COURTS

Many Consider the Need to Feud a National Trait

16 OCT 66

Special to The New York Times

BELGRADE, Yugoslavia, Oct. 14 — Yugoslavs often complain of a personality characteristic in their neighbors that they call *inat*, which translates roughly as "spite."

It is a trait that some scholars view as unique to Yugoslavs, otherwise a people renowned for hospitality and heroism.

One finds countless examples of *inat* chronicled in the press.

Recently Milan Nikolic, a reporter for the weekly *Svet*, attempted to list some glaring cases.

He recounted the case of two neighbors in the village of Pomoravlje who had been suing each other for 80 years over insults began when one "gave a dirty look" to the other's pet dog.

Last year the second district court in Belgrade was presented with 9,000 suits over alleged slanders and insults. Mr. Nikolic said these cases consumed 5,200 working hours.

Often the cases involve tenants crowded in apartment buildings. In one building in the Street of the October Revolution tenants began 53 suits against each other.

Businesses Not Immune

Other causes of "spite" suits he listed included "a bent fence, a nasty look." Business enterprises are not immune and one court is handling a complaint of the Zastava Company of Knin over a debt of 10 dinars (less than 1 cent).

In the countryside spite also appears in such petty forms as the brother who sued his sister because she gathered fruit fallen from a tree he regarded as his own and the peasant who has not spoken to his wife for 20 years because one day he looked for a clean shirt and there was one.

More often rural spite assumes more violent forms such as the blood feud, still widely practiced in regions like Montenegro and the Sandzak. Even in the western regions such as Croatia spiteful violence erupts. Last year a peasant from near Osijek who had quarrelled with two neighbors 37 years before over some land suddenly felt a desire to avenge himself and killed both.

Ethnologist Gives Views

Dr. Mirko Barjaktarevic, professor of ethnology at Belgrade University, said in an interview he believed spite was a national trait.

He remarked that few languages had as many expressions for and about spite as Serbian and that at every turn one hears phrases like, "I'm going to teach him a lesson," and

Zanzibar Planning To Eliminate Courts For Minor Crimes

Special to The New York Times

DAR ES SALAAM, Tanzania, July 14—Zanzibar is to do away with courts of law for all crimes other than murder and robbery with violence.

The step was announced today by the President of Zanzibar, Sheik Abeid Amani Karume, who is First Vice President of Tanzania. He told a mass rally that the island's governing Revolutionary Council had investigated courts and prison systems and had hoped to eliminate prisons, but found that this was not immediately possible.

The investigation showed that the people's economic plight was primarily responsible for

crime, Sheik Karume said, adding that his Government would concentrate on raising living standards.

Minor offenders—and this presumably covers everything from those stealing cigarettes to perpetrators of fraud—will be sent for five years to a reform institution, where they will be taught trades. After this, Sheik Karume theorized, they will return to society as good citizens.

The interim Constitution for the United Republic of Tanzania provides for the extension of the high-court system operating on the mainland to Zanzibar, but the island, a former British protectorate, appears to be responsible for its own lower courts. An Acting Chief Justice from the mainland, Mark Kimacha, is on Zanzibar, and there are two qualified magistrates, also from the mainland.

About two years ago Sheik Karume tried to institute a secret court on the island, but

this was quashed after objections from Tanzania's President, Julius K. Nyerere.

No details were available concerning the sort of trial, if any, minor offenders would be given or whether they would be allowed defense counsel and the right of appeal.

It was believed that the Revolutionary Council might intend to establish its own judicial council, drawn from members of the governing Afro-Shirazi party.

'Crimes of Honor' Still the Pattern in Rural Greece

Special to The New York Times

ATHENS — A 50-year-old restaurant waiter stormed into his village coffee shop recently and, before a score of friends and relatives, shot and killed the man whom he had expected to become his son-in-law.

Turning himself over to police, the waiter, Dimitri Tsironis, said that he was not a murderer but a man who had done his duty as a father to protect the family honor and that he could now live with his conscience.

The "crime of honor" took place after the victim had abandoned Mr. Tsironis's

daughter shortly before their scheduled wedding on the ground that her dowry, a furnished apartment, was not adequate. The father's reaction was not uncommon in Greece, particularly the rural areas.

Traditional Concepts of Honor

Officials say that no fewer than two-thirds of the murders in a country that otherwise boasts a low crime rate are related to such traditional concepts of honor as protection of the family name from public humiliation. The courts sometimes show tolerance of such notions.

A retired professor of criminology, Constantine Gardikas, the author of several books on Greek crime patterns, said, "The crime of honor is not only Greek but a generally Mediterranean and Latin American phenomenon, the offended person even resorting to murder to avenge an insult against a sister, mother or daughter or to settle a dispute over property."

"The feeling of being insulted," he continued, "is compounded by the norms of a restricted society, where the prestige of the family is usually the key to public esteem and where the anonymity or broad-

mindedness of urban centers is lacking. Resort to murder is the last attempt to regain respect in the eyes of the local community by showing that the offended person would stop at nothing to prove his righteousness. Under these circumstances cold-blooded murder becomes an honor."

Professor Gardikas hastened to add that few Greeks today were convinced of the justification for such acts. "Such killings or attempts are in fact the product of outdated and distorted values, of narrow-mindedness and lack of education in mostly unexposed communities," he said. "The proof is the fact that the large majority of these crimes take place in the least developed parts of Greek rural society."

The murder rate in 1978 was 1.3 per 100,000, compared with 8.8 in the United States and 3.8 in Italy. Vasilis Skizas of the police statistics department said that 35 of the 117 attempted or committed murders were in urban centers. He said that though crimes of passion were not listed separately, perhaps two-thirds of the total could "quite easily" be so described.

Almost a Weekly Occurrence

Hardly a week passes without such cases; a few examples in a three-month period were these: a farmer ambushed and shot a taxi driver after discovering that the victim had attempted to seduce the farmer's sister; a carpenter killed his

son-in-law after learning that the victim was having affairs with other women; three brothers killed their uncle after he accused them of cheating him in dividing inherited property.

Though there is no legislation to deal specifically with crimes of passion, unwritten laws do seem to prevail in court. "Premeditated murder is murder and cannot justify different legislation, whatever provokes it," said Christos Dedes, general secretary of the Justice Ministry and an Athens University professor of civil law. "But in practice Greek courts unofficially often take such traditionally established sentiments into consideration and can be lenient if the culprit has been provoked to extremes."

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CRIMES OF HONOR PERSIST IN GREECE

Though Old Patterns Decline, Violence Can Still Follow Abandonment of Lovers

By STEVEN V. ROBERTS

Special to The New York Times

ATHENS, July 12—After Pagona Argyriou and Nicos Iliopoulos became engaged, they started sharing the same bed. When young Nicos, a bus driver here, broke off the engagement before the wedding, Pagona's mother marched into his apartment and stabbed him to death.

"In our part of the world life is not worth living when somebody disgraces you by rejecting your daughter," Spyroula Argyriou told the court that tried her for murder. "It is preferable to kill him or yourself."

The story of the vengeful mother, who received a life sentence, made big headlines here. Many writers treated her as an oddity, or a relic. But her case pointed up the powerful role still played by honor, and disgrace, in Greek life.

As this country of nine million moves toward modernization, traditional rules of behavior are breaking down, leaving many people lost and confused. A domestic worker from the island of Lesbos told a friend that her daughter had been abandoned by her fiance. "If I were back in my village I would know what to do, complained the mother, "but here in Athens, I don't know."

Crimes of Honor Drop

Crimes of honor are not nearly so common as they once were, noted Gregorios Zafiropoulos, a lawyer here for 24 years. "The changes started during the postwar period, when young people started getting good educations," he explained. "Now they believe they are in a position to control their own lives as they wish. The older people who see the things that are going on now just cannot believe their eyes."

Instead of using knives to salvage their honor, more Greeks are using the courts, and an Athens judge recently tried to place a price on a woman's reputation. As the magazine Tachydromos put it, "The case is so typical of Greek habits and mentality."

After four years, a man walked out on the woman he lived with, and the woman sued. Since the man had promised marriage, she explained, they had had sexual relations. "I may be poor but I have my sense of honor," the woman testified. "And I want compensation, as he has dishonored me."

The former lover said that the woman had not been a virgin at the time they met. "When I discovered this," he said, "I told her bluntly: 'You must know that I will not marry a second-hand woman, so don't expect marriage from me.'"

"The defendant," commented the court, "has admitted a common fact: that a 'second-hand woman' has difficulty in getting married." And since the defendant had contributed substantially to her soiled status, the court ruled, he would have to pay her almost \$3,000. The woman could then use the money as a dowry to attract a husband.

Motive Is Often Sex

In rural Greece, some people still take honor into their own hands, and the motive is often sex. A 45-year-old merchant, the press reported recently, "was shot dead by an unknown person while having sexual intercourse with a married woman in a deserted spot in northern Greece."

In Crete, two brothers tried to kill two other brothers after an engagement between the two families was broken off. In Xanthi, Vassilis Tonidis recently received a 15-year sentence for raping the wife of Constantine Petroglu. In defending himself, Mr. Tonidis charged that Mr. Petroglu had recently raped his daughter.

Another cause of violent reprisal involves disputes over property. Efstrafios Paschalis recently stabbed and killed his brother, Apostolos, on the island of Skiathos while their father was dividing up his farm between them. Two families from Crete—where the islanders are known for their sensitivity—fought a gun battle over an old land feud and left five persons seriously wounded.

It is not like the old days, when the residents of the remote Mani region lived in fortified tower houses and pursued vendettas for generations, but a minor affront can still turn into an affair of honor. A 22-year-old student was recently arrested for breaking the arm of a man who lingered over a telephone call in a public booth. A waiter in a nightclub in Egaleo was stabbed during a quarrel over a bill.

In one case 31-year-old Eleftherios Zahariou died of gunshot wounds inflicted by Antonios Velisariou. The two men rooted for different soccer teams, and after Mr. Zahariou's club had won a game between them, he started kidding his friend. Mr. Velisariou then grabbed a shotgun and fired four bullets into his tormentor. The murderer later explained that his "soccer honor" had been insulted.

Soviet Workers Tell of Hazards Of Complaining

NYT 2 Dec 77
By DAVID K. SHIPLER p.1
Special to The New York Times

MOSCOW, Dec. 1—What happens when a Soviet worker asks for a raise, or complains about safety violations on the job, or uncovers corruption among his employers?

The chances are he will be insulted, reprimanded, or dismissed and, if he persists, confined to a mental institution, according to a group of workers who say they have been persecuted for exercising what they call "the right of complaint."

Half a dozen of these workers gathered the other day in a small apartment on the southern edge of Moscow to tell their stories to American correspondents. It was a rare event in this country, for these were not dissidents seeking political freedom or Jews trying to emigrate to Israel.

They were ordinary workers—among them a waitress, a coal miner, a locksmith and a housing-maintenance man—who seemed basically loyal to the Soviet system and who had dutifully reported wrongdoing to every conceivable agency of the Government and the Communist Party before turning, as a last resort, to the Western press.

What they had to say revealed a pervasive contempt in Soviet society for workers' safety and interests, a widespread tolerance of embezzlement and corrup-

Continued on Page A12, Column 3

Continued From Page A1

tion and intense friction at times between employees and their bosses.

Their stories cannot be verified because of the Soviet Union's practice of refusing comment on criticism. But the workers insisted that their experiences were common, and that the places where they all first met each other—the reception rooms of the Central Committee of the Communist Party, the prosecutor's office and the Supreme Soviet, the nominal parliament—were filled every day with at least a hundred people who had come to Moscow in the faulty belief that higher authorities might listen to them sympathetically.

The leader of the growing group is Vladimir A. Klebanov a 45-year-old coal miner from the Donets Basin who found trouble when, as a shift foreman, he became concerned about the safety of his men.

Because of what he called his mine's "unrealistically high plan" of coal production, miners often had to work 12-hour days instead of the normal six

hours, he said. As a result, they became tired and careless, he said, and accidents took the lives of 12 to 15 people a year and injured 600 to 700 in his mine alone.

The authorities kept the deaths and injuries as secret as they could, he charged, and refused to investigate the causes. For his complaints, he said, he had been dismissed after 16 years in the mine and then had been sent to a psychiatric hospital for four and a half years.

Nadezhda V. Kurakina, worked for 25 years as a waitress in a Volgograd restaurant run by the local party organization.

"Fidel Castro was in our restaurant," she said. "Comrade Brezhnev, Kosygin—I served all of them."

Mrs. Kurakina said she had discovered that the restaurant administrators were stealing crockery by reporting it broken and then docking the salaries of waitresses they accused of breaking it. She said she had first written letters but had not gotten any response, so she had complained at an open meeting of restaurant workers.

She had been dismissed, she said, and her husband had also lost his job. The party secretary of the Volgograd region, whom she had served for 20 years, would not even see her, she said. Nor did higher officials in Moscow want to hear her complaints.

She lost her pension and was unable to find other jobs, she said. As in all these cases, her dismissal was noted in her "work booklet," a passport-like docu-

ment she must show wherever she applies for work. As a result, no agency, factory, office or retail outlet will employ her or anyone else who had been dismissed on such grounds.

Anatoly N. Poznyakov, a thin, bespectacled epileptic, worked as a locksmith for 75 rubles, about \$103, a month at Moscow's Institute of Biochemistry. When he asked for a raise, "they insulted me crudely," he said. When he appealed to the local party organization, he reported, he was told that he had apparently forgotten that his destiny in life was to eat from a pig's trough.

Angry, he continued his protests and was dismissed from his job. At the age of 39, he receives only about \$28 a month for his disability, and lives on his mother's small pension of about \$62 a month. It is not enough, but when he asked for help from the Academy of Sciences, which oversees the institute, an official told him: "If you can, live. If you can't, die."

Valentin T. Poplavsky, 44, worked for a factory in Klimovsk, near Moscow, as a supervisor of maintenance in workers' housing. He said that officials had used factory funds to finance drunken parties, and when a woman employee complained, he had been ordered to write a false criticism of her in her record.

When he refused, he said, the factory's party organization admonished him, the county prosecutor warned him that if his accusations could not be proved "we'll take the strongest possible measures against you" and he was finally dismissed from his job. Because of the entry in his work booklet, he said, he cannot find another position.

Shagen A. Oganesyanyan, a 37-year-old Armenian, was an engineer at an agency in Yerevan that repaired and renovated electrical plants. Elected to the People's

7.99
Control Commission to guard against corruption, he took his job a bit too seriously, checking to see that work paid for had actually been done.

He found that about half of it had not been, that the money had simply disappeared. His insistence in reporting the irregularities, he said, had caused rejection of his application to go to Poland on a job and his transfer to a lesser post. He had then quit in protest.

According to case histories compiled by the group, psychiatric hospitals are often used as a weapon by the authorities against stubborn complainers. Picked up by the police, workers are frequently subjected to "conversations" with psychiatrists and sometimes given jail sentences of 10 to 15 days for "hooliganism," they

said.

Sitting around the living room, they were fired with an outrage seldom seen in political dissidents, many of whom abandoned faith in the system long ago. By contrast, these are people who still seem startled by the emptiness of the rhetoric they have heard from the country's leaders.

"Our unions don't defend our rights," said Mr. Klebanov, the miner.

"Our unions aren't like Western unions," said Mr. Poznyakov, the locksmith.

"Our unions have no power," said Mrs. Kurakina, the waitress.

In all these voices there ran the sound of amazement.

In China, Tight Curbs Woven Into Social Fabric Limit Rights

By ROSS H. MUNRO
The Globe and Mail, Toronto

PEKING—Two or three times a year, a middle-aged Chinese man walks into a post office carrying a letter he has written to relatives who are living in Japan.

Nervously he hands the letter to the postal clerks and urges them to inspect it before the envelope is sealed. "Read it," he says, "please read it." Once the clerks have obliged and given him a nod of approval, he pastes the stamps on the envelope and departs.

No regulation in China requires this man to share his personal communications with the authorities. No one has ordered him to do this or directly applied any coercion. But for the past few years this man's life has been peaceful, he has been working in a good office job and he wants to keep it that way.

In the 1950's and again in the 1960's, he lost his job during political campaigns when he was accused of being insufficiently devoted to the revolutionary cause. Relatives of his, who live in China and who tell this story, say he is determined that it not happen a third time. He weighs every action and, among other things, seeks to insure that no one will ever accuse him of sending counter-revolutionary letters abroad.

For the most part, the day-to-day controls over people's lives in China are not visibly heavyhanded. On the streets, the Chinese often treat uniformed police men with disdain. Prisons, concentration camps and secret police all exist, but in the final analysis, their role is a comparatively modest one.

Concept of Conformity Is Strong

Yet China is in many ways the most tightly controlled nation on earth. Part of the explanation resides in the history of China, where the concept of individual freedom has always been weak and the concept of social and political conformity has been strong. Today, Communism has combined the conformist tradition of the Chinese past with the techniques and organization of modern totalitarianism to create a unique system for controlling people's lives.

In a real sense, Chinese society itself is organized as a security system as much as it is organized as an economic system or a social system. Every constituent organization shares responsibility for security and control.

China imposes controls over areas of life that are matters of free individual choice even in other authoritarian countries and police states. The freedom to choose—or quit—one's job; the freedom to start even the smallest of businesses, to choose where one wants to live, to travel, are rigidly limited and, practically speaking, largely nonexistent in China.



Associated Press

Street scene in a district of Peking. The Communist Party prefers people to live in the same area where they work, or—at least—near their workmates.

No Place for Privacy

A Communist Party official was recently discussing with a foreigner how Chinese society should ideally be organized. Everyone, he said, should live in the compound where he works. And if for some reason the place of work and the home must be in different locations, he said, then people should still live at the same place as their fellow workers.

The problem posed by the worker who commutes between home and job, the party member said, is that he can be two different persons. At the factory his political attitudes and his work habits can be known but the way he acts at home is not. It is a politically healthier situation if he is among his fellow workers 24 hours a day, the party official said.

A large proportion of the Chinese people in the cities and towns already live

in such settings—all-inclusive units that are concerned with every aspect of the welfare, and behavior, of the compound's residents. The compounds are quite literally surrounded by high walls, with a single guarded gate.

In a clothing factory compound near a city in Hopei Province, a notice posted on a workshop wall suggests how tightly life can be controlled. The notice declares that persons entering and leaving the factory compound must get off their bicycles at the gate and surrender all bags and packages to security workers for inspection. Except in special circumstances, the notice continues, individuals must be back in the factory compound by 11 P.M. It concludes with the warning that anyone caught climbing over the compound walls, in either direction, will be punished.

The compound is simply the most high-

ly developed from of the "unit" that is the basic building block of Chinese society. Except for the vagabonds, every one in China is affiliated with a unit. The unit is based on the work place; it can be a production team or brigade in a rural commune, a factory or an office. Those too young or old or ill to work are affiliated with a unit through others in their family who support them. The unit decides whether a person can have a bicycle and, in many cases, whether a woman can have a baby.

Officials in the No. 1 Cotton Factory in Shikhiachwang, south of Peking, recently tried to explain to a foreign visitor how workers there buy bicycles. Each year, they said, the state allots about 250 bicycles to be distributed among the 4,000 workers and their families.

"The workers in the workshops are living together and they know everything about everybody," the foreigner was assured. "They know which families need A BICYCLE. So they discuss it among themselves. The production group has everything at its fingertips. They know each other very well and they carry out family visits."

Self-Contained Communities

In the cities, at least, the authorities are trying to extend group decision-making to the matter of pregnancy. Foreign birth-control experts as well as ordinary visitors have recently reported that putting a limit on the number of babies that a work unit can collectively have in a given period of time. Apparently all the women in such units gather and decide whose turn it is to become pregnant.

Those units that are integrated living and working compounds are often almost self-contained communities. The inhabitants send their infants to the compound's nursery, their children to the compound's schools, their sick to the compound's clinic and their shopping lists to the compound's stores.

All units—as well as residential committees that supervise neighborhoods where unrelated workers live side by side—have a direct security function. The units and residential committees are a modern variation on the traditional Chinese system known as paochia. This was an extension of the local police force: households were grouped together and a representative was nominated to act as a go-between for the householders and the local authorities. The representative, and through him the entire group, was responsible for maintaining security and order within the group and in its immediate neighborhood.

This is remarkably similar to the way in which Chinese society is controlled today. The difference is that local Communist Party members, usually housewives, have the central role.

Views on how this system works vary widely. Some as benign social workers, solving minor problems, straightening out potential juvenile delinquents and patching up disputes between neighbors or husbands and wives. Refugees from China often describe these same party workers as nasty busybodies who relish the power their political and security tasks have given them to harass, spy and inform on their neighbors.

The theory and the Practice

One person with direct knowledge of how units and residential committees operate describes the functioning of the security system in more human terms.

"According to Mao's philosophy," he says, "you report on your friend or neighbor when he has done something wrong because it's good for him to be criticized and reformed. But usually in practice you do it because you don't like him and you want to get at him."

The grudges and conflicts between individuals and cliques within units, he adds, are more complicated and deep than Westerners can imagine. Conversely, he says, the value placed on friendship sometimes puts pressure on party officials to overlook transgressions by persons within their units that should be reported.

The methods used by local party officials to exert political control and enhance conformity have a cumulative effect. One method, viewed in isolation, may seem only mildly manipulative to a foreign observer.

Report-Card System

In one neighborhood in the center of Peking last summer, for instance, local party officials put up a huge chart listing every household and, beside it, what its members had done to help clean up after an earthquake. The chart was not an honor roll of those who had done a great deal so much as it was a "report card," with blank spaces for those judged not to have done enough.

Individuals are normally assigned to a work unit for life. Transfers are extremely difficult to obtain, but are sometimes granted on the condition that the departing worker find someone with comparable skills and experience who is willing to switch jobs with him.

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15 FEB 77

P 35

2 COURT OFFICERS FOIL VENGEFUL ALBANIAN

He Reportedly Planned to Murder Suspect in Slaying of His Sister

By MAX H. SEIGEL

A 27-year-old Albanian, apparently seeking revenge, had a front-row seat at the arraignment in Brooklyn Criminal Court yesterday of his brother-in-law. In the side pocket of his coat was a loaded .25-caliber automatic pistol, and the pocket had been cut so that the weapon could be fired without being removed.

But Himde Shird's alleged plan to exact old-world vengeance for the slaying of his sister Saturday night was frustrated by two alert court officers.

The officers were tipped off by Detective George Donovan of the 10th Homicide Zone that the life of Skender Kodra, 30, had been threatened because he had allegedly killed his wife, Hijje, with a .32-caliber revolver in their apartment at 40 Argyle Road in a dispute over money. So the officers decided to empty the courtroom at the arraignment yesterday.

The spectators began filing out shortly before 1 P.M., until only two men were left. One was Mr. Shird, seated in the first row. Near his was a second man described as a lawyer for Mr. Kodra.

"We approached the man whose pocket had a suspicious bulge," one of the officers, Vincent Legister, said, "and we told him he would have to submit to a search if he wanted to stay."

"So go ahead and search me," the man replied.

Officer Legister and another officer, Brian Wynne, then searched Mr. Shird and found the loaded pistol in his pocket. According to Mr. Legister, Mr. Shird appeared dazed.

The presiding judge, Nicholas Coffinas, then postponed Mr. Kodra's arraignment for several hours. Mr. Shird is scheduled to be arraigned today before the administrative judge, Richard A. Brown. He was charged yesterday afternoon with possession of a dangerous weapon.

"If it were not for the alertness of the two court officers," Judge Brown said later, "we might have had a murder in the courtroom today."

The judge said it had been reported that someone was now out to get Mr. Shird, because of the alleged murder attempt.

"That's the way they do things in Albania," one detective commented.

China, for Want of a Formal Legal Code,

WEDNESDAY, OCTOBER 12, 1977

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p. A3

Looks to Community to Re-educate Offenders

By ROSS H. MUNRO

The Globe and Mail, Toronto

PEKING—In the summer of 1973, a young man named Chang accompanied his girlfriend to an out-of-the-way place in their factory where they proceeded to make love. Some fellow workers happened upon them in the middle of their love-making.

The couple's activity not being publicly acceptable behavior, particularly not during working hours, the leadership of the Western Electrical Factory in Sian, where they worked, proceeded to take disciplinary action. The factory first decided that this was an internal matter, one that should not be taken to the outside authorities. Instead, the two young people would be subjected to criticism for their "bourgeois life style."

Unfortunately for young Chang, his girlfriend's father was an important official who came to Sian when he heard the news. Once there, he eventually put enough pressure on his dishonored daughter to change her story and charge her boyfriend with rape.

So the outside authorities took charge of the case and Chang appeared in court. Chang apparently was not too happy with this turn of events because the court officials declared that he had a "bad attitude" toward his crime. This bad attitude, the court declared, justified a 20-year sentence.

The court itself then raised questions

about the entire affair by sentencing the victim of the alleged rape to three years of education-through-labor in a detention center. She was convicted of having a bad life style. Many of Chang's co-workers were so appalled by what had happened that they took advantage of the fluid political situation in 1975 and 1976 to put up wall posters in Sian describing the incident and decrying the fate of their friend.

This might well be an extreme example of miscarriage of justice in China, but it casts light on the way China's legal system works. The initial inclination of the factory officials to keep the incident within the factory walls was typical. In nearly any work unit, at any particular time, there are people who are being criticized and kept under surveillance because they have committed crimes or misdeeds. They are not taken to the police or the courts and they continue to work. For instance, in two factories in Shihkiachwang, south of Peking, factory officials said some workers had been caught committing theft and others "sabotaging the family," the charge arising out of adultery.

"These people, besides being under close watch in the factory, can go back home after work," a factory official said. "Education meetings are held with them to criticize and educate them."

The official was describing the system of criticism and surveillance by the masses that is a fundamental part of the

legal system. As it is described in its ideal form, it strikes Westerners as better than anything their countries have developed to deal with minor and first offenders. And in practice, the Chinese system may often live up to the ideal of keeping the offender in his community, educating him and eliminating opportunities for him to repeat his offense.

But wall posters, court proclamations and discussions with Chinese reveal another side to the system. Often, the person supposedly being rehabilitated becomes the object of suspicion and hostility, ostracized by all and pounced upon for the slightest, even imagined, transgression. Court proclamations document many cases of persons put under surveillance for some trifling misdemeanor who end up in prison simply because their attitude is judged to be bad or they are heard to utter "reactionary" words.

At the other extreme, someone who has committed rather serious offense that might normally be reported to the outside authorities an sometimes get away with a token period of surveillance if his friends within his unit are powerful of numerous enough. There are indications that offenses committed by party members go before a unit's party organization that decides whether the police should be called in.

Two criminal cases that again are sexual in nature and have been outlined in court proclamations illustrate how uneven the treatment of offenders can

be. A man identified only as Hu taught at a primary school in a rural commune. In the mid-1960's, he was criticized and re-educated because he had "seduced and dishonored" some of his girl pupils.

He committed similar offenses on a number of occasions in subsequent years and "most disgustingly," to quote the Nanking court proclamation, "several times he had sexual contacts with two of his students at the same time." Finally, after more than a decade had passed since his first discovered offense, he was sentenced to 17 years in prison.

While it seem that someone was protecting Hu, a young man in Wuhan had no such luck. This person, unidentified once jostled people on a bus and insulted a woman in the process, then followed her off the bus and shouted insults after

her as she walked away. Some time later he insulted another woman on the street.

The court's proclamation ends with a vague description of this man and his friends "acting obscenely" — another translation is "behaving immodestly" — toward a girl. The court proclamation declares that he had been sentenced to death; there was no indication that he had first been subjected to surveillance, criticism or re-education.

So, as Chang discovered in Sian, the decision to take any alleged wrongdoer to the police and the courts can, at least on occasion, be arbitrary and politically colored. Once a criminal case reaches this point, police and court officials begin their formal investigation. In interviews with foreigners in recent years, legal officials have said they "go deep among the masses to carry out the investigation." This, combined with repeated references in court proclamations to "the anger of the masses" toward the accused, suggests that public opinion, emotion if you wish is a key element in deciding punishment.

Legitimizing a Decision

All the available information indicates suspect's fate is sealed before he actually is brought before the court. Court sessions are held only to ratify and legitimize a decision that has already been made by legal and police officials and, perhaps most important, party officials.

Court proclamations demonstrate that a few alleged wrongdoers refuse to confess and insist on their innocence. But this is invariably held against them as evidence of their bad attitude. There are several refugee accounts of persons confessing to crimes they did not commit only because confession was considered essential for any hope of leniency. A few of those convicted by lower courts make an appeal to a higher court, but not a single instance of a higher court reversing a lower court during the past decade can be found.

Up to this point, the word "law" has not been used, for good reason. The People's Republic of China doesn't have a written code of law. During the mid-1950's, China introduced a law code and, to a limited extent, even the concept of an independent judiciary. But both were swept aside in the antirightist campaign of 1957. This was fairly easy to accomplish because the idea of an independent judiciary and an impartial and objective code of law had never taken root in China. The legal system had always been part of the larger system of politics and the prevailing code of morality.

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Magnum/Marc Riboud

A court in Peking hears a civil case. Because China has no written code, the legal system is relatively arbitrary.

Party Decides What Is Permissible

Chinese communism has used this tradition to its advantage. Even a harsh legal code backhandedly offers people an implicit bill of rights. By telling people what is forbidden, a legal code implicitly tells people what is allowed. Without a code, people are all the more uncertain about what rights they can exercise.

Without a legal code to guide it, the party can decide what is and is not permissible behavior. And what it decides varies with the political winds. Yesterday's hero is today's criminal. As the Chinese themselves say, politics is in command of the legal process.

The flurry of court proclamations appearing last spring and announcing the execution of counterrevolutionaries suggests that local authorities were called on to drag a number of malefactors out of detention and shoot them. It was a political act; China's new leaders were asserting their authority and warning potential opponents what their fate could be.

An adequate listing of the different forms of imprisonment does not exist because the penal system is relatively arbitrary.

The press has published accounts about the radicals' holding opponents prisoner without party or government authorization. Now it is the turn of the radicals to be held prisoner.

At the center of the prison system is the network of labor-reform camps. Apparently no Westerner has been allowed to visit these camps. And only one man has been known to leave the camps and tell his story. Bao Ruo-wen, in his book, "Prisoner of Mao," says life in the camps

is made up of strenuous work, meager rations and ideological indoctrination.

Half-Corsican and half-Chinese, Mr. Bao was released as a gesture to France when it recognized China. His book, generally accepted as accurate by Sinologists, states that even those prisoners who finish serving a definite sentence of 20 to 30 years are persuaded to remain for the rest of their lives. Foreign analysts estimate that the population of the labor reform camps is several million.

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China Is Still Stigmatizing

THE NEW YORK TIMES, THURSDAY, OCTOBER 13, 1977

'Rich Peasants' of the 1940's

By ROSS H. MUNRO

The Globe and Mail, Toronto

PEKING—Fu Nung-ren has been a member of China's sub-class ever since the Red Army arrived in his village in 1947 when he was 26 years old.

It was Fu Nung-ren's misfortune to have been born into a family categorized by the Communists as "rich peasants," a label he wears to this day. He is only one of at least 30 million Chinese who are openly and systematically discriminated against because of their "bad class background."

Like other members of the sub-class in the Chinese countryside, he gets lower wages, he is barred from his commune's free medical service, he cannot participate in any political activities, he is targeted for verbal abuse and he has hardly any hope of improving his lot in life.

Families like Fu Nung-ren's were "rich" only in comparison with the masses of poor and landless peasants in the war-torn China of the 1930's and 1940's. The average rich peasant in the 1940's owned two to three acres of land, but as long as he rented some of it out, or hired even part-time labor to work on it, then he was "rich."

Chen Fu-ching, the leader of the Tung Ku Cheng production brigade where the former rich peasant works as a field laborer, described what happened to families like his when the Communists took over an area near the city of Shinkichwang, 160 miles southwest of Peking.

Punishment for Past 'Crimes'

"The poor and lower-middle peasants organized the Poor and Lower-Middle Peasants Association and brought the landlords and rich peasants together and settled accounts with their crimes in the past," he said.

As was not the case in many, and perhaps most, villages in China, no one there was executed or beaten to death, according to Mr. Chen. But "settling accounts" a Chinese Communist parlance suggests that some severe beatings took place.

Then, Mr. Chen said, the Communists confiscated the lands of the landlords and rich peasants as well as those possessions that were deemed "surplus to their personal use." The land and belongings were distributed to everyone in the village. From then on, Mr. Chen said, the landlords and rich peasants "were not permitted to do or speak evil things, and they were deprived of their political rights."

Although Mr. Chen did not reveal the man's real name—Fu Nung-ren is a pseudonym meaning rich peasant—he is quite frank in discussing his case. Fu Nung-ren is after all, just one of 11 members of the sub-class in the Tung Ku Cheng production brigade who 30 years ago lost their property but kept their class-enemy status.

Some members of China's sub-class have succeeded over many years in convincing Communist Party officials that the "caps" should be removed from their heads. To "put a cap on" a person in China means to attach a negative political label to him. When Mr. Chen is asked why Fu Nung-ren has not succeeded in shedding his sub-class status, the response is vague.

Behavior Is 'Not So Good'

"His behavior and manner are not good," he still has the cap on. The production team asks him to work honestly in the fields but he just doesn't work and he sometimes says nasty things and some nonsense."

Well, he was asked, how much work does this shirker actually do?"

"He works more than 300 days a year." He may find it necessary to. Like almost all members of the sub-class in rural

China, Fu Nung-ren receives 10 to 20 percent less in wages than others alongside him doing the same work.

Rural wages are based on the type of job and the skill involved, the effort that the worker is judged to be making and, finally, his political attitudes toward his work and the Communist system in general. These last two, rather subjective, factors each count for about 10 percent of a peasant's wages under this work-point system. And, as Mr. Chen pointed out, "these two things are linked together."

"If he doesn't like to work, then of course he can't work hard," the brigade leader said.

The former rich peasant pays another economic penalty besides having had his wealth confiscated and his income cut 20 percent below those of the average field worker. Mr. Chen said that Fu Nung-ren could not get free medical care from the local clinic as do other members of the brigade. How common this particular form of discrimination is remains uncertain; many brigades still charge all their members for medical care.

No Chance for Advancement

As long as he remains a member of the sub-class, Fu Nung-ren is barred from political meetings and from what Mr. Chen calls "selecting and being selected," that is, from having any voice in choosing the brigade's officers. In fact, Mr. Chen suggested at one point that Fu Nung-ren really was not considered a member of the brigade at all. Fu Nung-ren's chances of getting any job except the lowliest are, of course, nil.

Mr. Chen insisted that the children of former landlords and rich peasants "get the same treatment as others" in this particular production brigade. But this is not the general rule in China today. In many communes, children and even grandchildren of rich peasants and land-

lords automatically inherit their fathers' class standing and must work hard to have their "cap" removed. And anyone with a "bad class background" anywhere in China falls under a political cloud.

"If they are of landlord family origin," said a brigade leader in Shansi Province, "then they may be influenced by that. So they need more tempering and transformation." The brigade leader indicated that this meant they must prove their worth by doing more ordinary labor than others.

Educational Opportunity Limited

Children with the wrong class background have only a very slim chance of being selected to attend a school of higher learning even if they have proven their ability. Visits by this correspondent to Chinese colleges and universities during the last two years provided evidence that there was some sort of regulation that restricted the number of students with a "bad class background" to a maximum of 5 percent of the enrollment. It is also evident that the actual proportion is well below 5 percent.

The records revealing class background follow Chinese citizens everywhere. Sometimes the class background of someone who has moved away from a rural area is ignored for years and then suddenly becomes relevant again and the person in question suffers.

There was the case of two Chinese citizens, for instance, who were idealistic and patriotic teen-agers when they joined the Red Army before the Communist victory in 1949. Over the years both established excellent records in the army and were advancing at a good pace.

Then along came one of those periodic campaigns during which officials were urged to pay more attention to the class background of those serving under them. The two men suddenly found that roads to further advancement were blocked and they were being systematically discriminated against because their grandfather was a small-scale landlord.

In addition, they became objects of suspicion because some of their relatives had left China soon after 1949. Today they hold factory jobs that are quite satisfactory by Chinese standards, but they know

they have no hope of promotion and they worry that their children will have little chance of getting any advanced education because of the few acres of land their great-grandfather once owned.

Many Slain in Cultural Revolution

One of the most unpleasant aspects of being a member of China's sub-class is the social isolation that goes with it. Chinese children are taught from an early age that landlords and rich peasants are bad people. They are also told the identity

of their village's former landlords and rich peasants and their children.

It seems that every political convulsion in Communist China has been accompanied by attacks on members of the subclass, who provide the easiest if not the most appropriate targets.

Sometimes the attacks are more than verbal. Ten years ago, during the Cultural Revolution, peasants in one area in northern China killed all the former landlords and rich peasants, as well as their wives and children, in one day. According to the official Chinese source of this story, the incident involved 10 production brigades, suggesting that hundreds may have been killed.

Many outsiders initially find it strange that Chinese officials are still regularly denouncing landlords, rich peasants and "bourgeois elements" nearly three decades after the wealth and property of these groups was confiscated. A partial explanation for the denunciations is that there is a lingering fear among some Communists that these elements would somehow regain their elite status if the Communists lowered their vigilance.

But Richard Curt Kraus, a United States sociologist and expert on China, has offered a second explanation that seems to gain greater validity each year. He argues that members of China's "new class" of officials have discovered that it is very much in their interest to keep the pressure on the former landlords, rich peasants and old bourgeois elements.

By focusing attention on these groups, Professor Kraus reasons, Chinese officials divert attention from themselves, the new bourgeois, which Chairman Mao Tse-tung himself identified as posing the new and more dangerous class problem that China faces.

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In China, Trusted Friends Could Turn Out to Be Enemies

By Jay Mathews

Washington Post Foreign Service

PEKING—A Shanghai college student recently asked an American she knew casually to take a walk, and when they were out of earshot began to describe a long string of personal frustrations.

Somewhat taken aback, the American asked the Chinese why she didn't talk this over with her close friends. "That would not be wise," she said.

In the relatively relaxed atmosphere of China's post-Mao era, free markets and pleated skirts are making a comeback, but trusting friendships—traditionally taken very seriously in China—still seem missing to many Chinese. In an atmosphere of lingering distrust that Chinese youths say contributes to their widespread low morale, some people are confessing personal secrets only to foreign acquaintances because they know the authorities cannot force foreigners to repeat them.

"It is hard to say who my best friends are now," said an office worker in Nanjing. "Before the Cultural Revolution, many people had friends who were as close to them as brother and sister, but after the Cultural Revolution, many of us found that our friendships were not as valuable as we thought, so people are less willing to confide in other people now."

An Anhui journalist said, "A close friend now, who has passed the test and not betrayed you during the campaigns, that is someone who will be close to you always. You can talk to him without fear of what is in your heart. But such people are very rare."

It is 30 years since the word "comrade" became the proper term of address for all Chinese. It symbolized not only new speech patterns, but a planned revolution in personal relationships, in which Chinese would share innermost feelings with everyone, not just friends. The damage that resulted to ordinary, day-to-day

discourse is difficult to measure, but the Chinese say they feel it.

Routine meetings for people to make confessions and criticize school- or work-mates are less common now. But many Chinese say it is still difficult to be absolutely frank

with more than one or two persons in their lives, and even then they have qualms. The novelist Ding Ling said that in China, "When there are only two persons, they talk frankly. When there are three, they tell jokes, and when there are four, they speak falsehood."

The friendships that do occur here

place intolerable demands on a friend, such as taking care of their kids for long periods, and they best be prepared to reciprocate." An American diplomat said: "Chinese friendships are much deeper than ours"

The obsession with friendship is so strong that some observers believe it spills into China's official dealings with foreigners and foreign governments.

"You can see it," said one senior American diplomat who has dealt with the Chinese for more than a decade. "The second [Richard] Nixon trip in 1976 was a case in point. The Chinese had little to gain and risked some embarrassment from inviting back a recently disgraced president, but he was an old friend who had helped them, and so they did it anyway."

"When Deng Xiaoping went to Tokyo in 1978, he paid a visit to Tanaka [the similarly scandal-tainted former Japanese prime minister], the

diplomat said. It made the Japanese very uptight, but Deng went ahead anyway. You become a friend of China, and they make not only gestures, but back it up with money, lay out a welcome at no small expense. So you can see how much they yearn for this in their personal lives."

As much as it encourages an end to the political paranoia of the Maoist days, the Communist Party cannot

bring itself to endorse friendship even now. The People's Daily said recently: "Some people do not distinguish between right and wrong and cast aside principles in dealing with their relatives, fellow townsmen or with persons having an old relationship with them or regarded as their friends. When this type of person has shortcomings, makes mistakes or does evil things, they do not criticize and struggle against him but treat him leniently and even try to condone and protect him."

See FRIENDS, A18, Col. 2

appear to be so close that the risks of betrayal are that much greater. Traditionally, friendship was one of the five relationships sanctified by Confucius, and the only one that offered a refuge from the severe obligations to higher authority involved

in most of the Chinese moral code. Friendship to the Chinese minds grew to mean a deeply satisfying and serious commitment, a feeling which seems to have carried over into the modern era.

A long-time foreign resident of Peking, comparing habits in China and the West, said, "The Chinese

In China, Having Friends Can Be a Risky Business

FRIENDS, From A15

Friendship took a terrible beating in the Cultural Revolution of the late 1960s, when friends turned on each other to try to save their jobs during the mass purges.

A Peking office worker spoke once, hesitantly, about the aches and annoyances of working side-by-side now with the man whose denunciations sent him to a lonely and difficult farm assignment for several years. "I can forgive," the man said, "but I cannot forget.

B. Michael Frolic, a Canadian scholar and diplomat, interviewed a Hong Kong emigrant who took the story of the decline of friendship back to 1957. At that time, Mao encouraged intellectuals to criticize the Communist Party, then thought better of it when the criticism became too severe.

The emigrant was then a bright young economist in northeast China, and he wisely held his tongue when others jumped to criticize bureaucrats meddling in the technical work of his office. But he thought the criticisms were apt, and he told his girlfriend this. Not long after "I had to stand at attention and hear my girlfriend in a clear, confident voice tell the whole school how I had secretly opposed the party and tried to enlist her cooperation in this effort," he said. He was sent off to five years of farm labor. His former girlfriend married "a cadre with a safe class background," he said.

"I hope for his sake he keeps his

mouth shut when she's around," he said.

Harvard sociologist Ezra Vogel, in an analysis of the decline of friendship in China through the 1950s and early 1960s, said even the earliest campaigns of the 1950s took a terrible emotional toll because "most people were apparently completely unprepared psychologically for being denounced by their friends."

People compared some of the earliest campaigns against officials and businessmen in Shanghai "to the 1929 Wall Street crash, and the feeling at the time was that one must be careful in walking along the street to watch for the bodies falling from tall business buildings."

Based on talks with Hong Kong refugees recounting their high school days in the pre-Cultural Revolution period, California sociologist Susan Shirk suggests that China after Mao might return to the system of regular political confession meetings. But many Chinese youths here say they wonder if anyone is risking close friendships anymore, or in any case testing them with conversations about their innermost political feelings. "It is important to have friends, but we try not to discuss political things," said a student in Hefei. "Most Chinese do not care about politics anyway. They just care about themselves."

A Nanjing teacher said, "It is just too much of a risk, and people feel so uncomfortable with people who in some way betrayed them." The Chinese have a favorite saying to describe the situation: "Once a snake bites you, you are even frightened by a rope."

HOW THE CHINESE POLICE THEMSELVES

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By Fox Butterfield

It was a cold, overcast day in January 1980 when I arrived at the cavernous Shanghai railroad station for the overnight express train back to Peking. A blue-uniformed woman conductor was waiting beside the door to my car. I had purchased my ticket the day before in an office of the China Travel Service, the state-run tourist agency. The clerk at the counter had not shown any particular interest in me — I simply presented my green travel pass from the Public Security Bureau, China's police, and paid for my passage. I had chosen to make the trip by train, a 20-hour ride, rather than by plane, a mere two-hour flight, in hope of encountering some Chinese who, away from the prying eyes of neighbors or office mates, might be willing to ignore the official regulations against talking to a foreigner. It was a tactic other Westerners in China had sometimes used with success.

But when I approached the train, the conductor's broad face broke into an immense smile. "Welcome to our train," she said, almost too eagerly. "You are the American reporter, are you not?"

It was more a statement than a question. As I stood with my suitcase in my hand, I might as well have been naked. My hopes continued to fade as the conductor, a stocky woman in her late 20's, began walking down the car corridor. Through a crack in my compartment door, I could hear her stopping to announce to the other passengers in her booming voice: "We have a foreigner on board. He is an American journalist. He speaks Chinese. He speaks very good Chinese." That was the alert, I calculated.

Then she returned to minister to me. "Please let me know if there is anything I can do to serve you. My name is Ding." An appropriate appellation, for in Chinese *ding* means solid, like nails, and she struck me as a rare cross between a Marine drill

sergeant and a cheerful, overweight waitress.

Mustering the remains of my courage, I asked Ding how she was so well informed about me. "The responsible comrades notify us who the passengers are, so we can make preparations," she replied.

Ding's preparations included making sure that I had the compartment all to myself. (I was traveling "soft berth," in a private compartment for four people with lace curtains and thick mattresses, the section reserved for cadres and foreigners. The adjoining coach was "hard berth," for the masses, jammed with triple-decker hard wooden bunk beds lining an open, smoke-filled corridor.) Still, I thought, I might meet someone in the dining car. What time was lunch, I asked Ding.

"I will call you after the other passengers are finished," she answered. "It will be more convenient for you. It won't be so crowded."

Indeed, when she finally did summon me, there were only two other Chinese left in the dining car, and they were finishing their soup, the last course in a Chinese meal. When they saw me, they hastily gulped down the rest of their soup and left. I felt like the plague. As the train crossed the rice fields of the Yangtze River valley, the long trip appeared a mistake.

In its regimentation and singular lack of privacy, life in China is not much different from life in an army barracks. In fact, it is not an exaggeration to say that virtually every aspect of life is subject to constant public scrutiny.

Foreigners who have visited China, including some experienced in traveling elsewhere in the Communist world, often say they were able to walk wherever they wanted, poking down old lanes, looking into people's houses, without being followed. China really isn't a police state after all, they conclude. But an American who has lived in Peking since before 1949 (and who prefers anonymity) scoffed at their naïveté. The Government's control system operates the other way around, he explained, from the inside out, through such overlapping and mutually reinforcing components as the *danwei* (or workplace) and the street committee.

Every Chinese belongs to a *danwei* through his office, factory, school or

commune. The *danwei* is the basic building block of Chinese society, almost a second citizenship for most Chinese. A Chinese is more likely to be asked his *danwei* than his name when he goes someplace new. Although technically a person's place of work, the *danwei* often provides the housing where a Chinese lives, the school where his children get an education, the clinic where he receives medical care, and ration cards for his rice, cooking oil and soap. Before a Chinese can get married, he must get permission from the party secretary of his *danwei*; if a couple want to get divorced, the *danwei* must first approve.

In a sealed envelope in the personnel section of each *danwei* is a confidential dossier for every employee. It contains not only the usual elements of biography — a person's education and work record — but also any political charges made against him by informers in the past and the party's evaluation of him. In addition, the file lists the person's class background for three generations, whether his grandfather and father were landlords and capitalists or poor peasants and workers.

Before anyone can be transferred from one city to another, or from one job to another, he must have a letter from his *danwei* confirming that his dossier has already been forwarded to his new unit. His *danwei* also controls his right to travel. Before a Chinese can make a trip from his city or village that will take more than a day, he must get approval from the party secretary of his *danwei*. He must come up with a concrete reason for needing leave (a sick parent, for example), because the only regular vacation time in China is six national holidays a year. If a traveler wants to get a hotel room, he must first present a letter from his *danwei*. This is recorded and his name sent to the local police station.

□

If the *danwei* exercises control over Chinese in their workplace, the urban street committee provides the Government with a mechanism to watch them at home.

On home leave one day in the early 1970's, my friend Weidong — the star on the army's basketball team — and another soldier from his regiment first went out (Continued on Page 36)

Fox Butterfield, chief of The Times's Peking bureau from 1979 to 1981, now heads the Boston bureau. This article is excerpted from his book, "China: Alive in the Bitter Sea," to be published next month by Times Books.

drinking and then, at his friend's suggestion, visited a young female acquaintance by the name of Hong (I have altered the names and minor details of my Chinese friends' lives to protect them). When they arrived at her apartment, red in the face and smelling of liquor, she pushed them out. Intrigued by the attractive young woman, Weidong surreptitiously returned to her apartment later that evening.

But an elderly woman neighbor, who was a member of the building's street committee, had chanced to see Weidong sneaking in. She had immediately summoned the police and they arrived within minutes. The next day, Hong was taken away by the police. The daughter of intellectuals (both her parents were professors) with suspect "overseas relations," she was charged with trying to seduce a soldier and the son of a general. Weidong tried to use his father's connections to get her released. He even went to a Peking court and confessed he was to blame, but to no avail. Hong ended up spending a year in jail.

After her release, Weidong and Hong, over the objections of their families, dated each other and eventually married. Weidong had been warned by his parents that he would become "unreliable" in the party's eyes if he had any relationship with Hong, and when he continued to see her, his commanding officer told him his military career was finished and he was demobilized. He is now a low-level cadre in a foreign-trade corporation, while she is a translator.

In the five-story concrete building where they moved after their marriage, the representative to the local street committee was a rotund, graying, illiterate woman in her 50's named Ma. Mrs. Ma was not a party member, but she was energetic and shrewd. In action, Mrs. Ma was a building superintendent, police informant, social worker and union-hall hiring boss. The powers of the street committee are not codified in law — for members of such a committee are considered representatives of the masses rather than the police — but

that only gives them more authority, Weidong said.

"Their most terrifying power is that they can search your house whenever they want," Weidong related. "The police are supposed to have a warrant, but the street committee cadres can come in when they please." Usually three or four members of the street committee, middle-

aged women like Mrs. Ma, would just barge in without knocking after midnight when Hong and Weidong were asleep. "Their excuse is that they are here to inspect our *hu-kou*," the household registration certificate. The street committee was checking to see if there were any people from the countryside living illegally in Peking — relatives of the family, perhaps.

"If we have friends over, even for dinner, Mrs. Ma may walk in and ask who they are," Hong interjected. "It's very humiliating. If you don't cooperate, she can call the police and they will come over and ask the same questions."

The street-committee cadres are not paid a regular salary, but they can count on small gifts of meat, vegetables and rice from residents who want to keep on their good side. More important, their posts put them in a position to help their families and friends, for it is the street committee that passes on recommendations about job assignments to the city labor department for unemployed young people in the neighborhood. It is also the street committee that advises the municipal housing office about which families need new quarters.

In recent years, the street committee has gained a further and extraordinary power — the right to decide which couples in the neighborhood may have children. This prerogative is part of the Government's tough new birth-control campaign that aims to reduce China's rate of population increase to zero by the year 2000 by encouraging families to limit themselves to one child. Under the drive, each province and city has been awarded quotas for the number of babies allowed to be born per year, and the street committee then deter-

mines which families may use the quotas.

"We give first preference to couples without children," said Mrs. Tian, another energetic, middle-aged street-committee member I got to know. "If a family already has one child, we ask them to wait at least four years before having another, or better, not to have a second baby. If a couple already has two children or more, we tell them not to have any more."

Mrs. Tian was frank about how her street committee administered the program. "We assign a person to keep track of each woman's menstrual cycle. If someone misses her period and isn't scheduled to have a baby, we tell her to have an abortion. There isn't room for liberalism on such an issue."

The reason for this stringent program, the most ambitious family-limitation plan in history, is the dismal arithmetic of China's population figures. In A.D. 2, when China's first census was taken, there were 59.6 million people in the country; in 1840, 412 million, and in 1949, 540 million. In other words, it took about 4,000 years of recorded history for China to reach its first 500 million people. But in the past three decades, under Communist rule, the population has almost doubled to one billion, all in a country only slightly larger than the United States.

The control apparatus operates in less overt ways, too. Because Peking's leaders firmly believe that information is power — especially the power to shape people's minds — they are chary about disclosing anything, no matter how trivial. I had my first taste of the national mania for security and secrecy on my first day in residence.

Using the telephone in China, I found out, requires a special technique — not in dialing the number, but in eliciting a response from the person you are trying to reach. I had just arrived in Peking and was calling the personnel office of the Diplomatic Services Bureau to in-

quire about hiring a Chinese assistant for The New York Times. The conversation — in Chinese — went like this:

"Hello, is this the personnel office?"

"I'm not too clear," said a diffident voice.

"Is there anyone there who knows if this is the personnel office?" I tried again.

"They've just gone out," the voice answered. "What do you want?"

"I'm the new correspondent of The New York Times and want to hire an assistant. Whom do I contact?"

"I'm not too clear," the voice said, retreating once more.

"Can I make an appointment to come over and talk to someone in your office about an assistant?" I said, trying a new tack.

"Please give me your phone number."

"Will someone call me back later?" I asked, my hopes by this time fading.

"I'm not too clear." With that, the person hung up.

Rule No. 1 in making a telephone call, I learned soon enough, is never give out any information — it could be a state secret and get you in trouble. But the lengths to which people go to avoid identifying themselves or divulging facts on the phone often reach comical proportions.

When one Chinese calls another, the person answering the telephone always begins by saying, "Wei," the Chinese equivalent of "Hello." Even if you are calling an office, like the Information Department of the Foreign Ministry, the official Government spokesman, the clerk who picks up the phone never answers by saying, "This is the Information Department." It is up to the caller to guess whether he has dialed correctly.

But to add to the confusion, most times the person who initiated the call is also unwilling to identify himself. So neither party can be sure whom he is talking to until one finally relents and takes the daring step of giving out his organization or name.

The Government itself goes to extraordinary lengths to try to encase its workings in secrecy. In 1980, disturbed by a number of foreign press reports on developments inside

the Politburo, Peking pointedly republished a Draconian set of "Regulations on Guarding State Secrets," first issued in 1951. The law is a detailed document enumerating 15 categories of information that must not be revealed: anything touching on the armed forces, national defense, foreign affairs, the police, state economic planning, culture, public health, ethnic minorities, warehouses — even weather forecasts. The 16th article of the law covers "all state affairs which have not yet been decided upon, or which have been decided upon but have not yet been made public." For good measure, a 17th article specifies the law also includes "all other state affairs which should be kept secret."

This fetish for secrecy means that Chinese must do without some everyday information that Westerners take for granted. Whenever I arrive in a new city, one of the first things I do is purchase a map so I can learn my way around. In Peking, I bought a copy of the standard bus-route map that the Government publishes in Chinese. But my friends the Wangs — a middle-aged couple who frequently invited me to dinner — laughed at me. It is not really accurate, they confided. The angles and dimensions of the streets and the locations of some important buildings have been distorted to foil Western intelligence.

In keeping with the Chinese leaders' strict rule of discretion, the capital's important buildings are devoid of identifying marks. There is no sign in front of Zhongnanhai, the tall red-walled compound next to the Forbidden City where the top party and Gov-

with rifles. Everyone going in and out must show a special work pass from the paper. When I asked an editor of The People's Daily why they needed so much protection, he replied, "Because it is one of the most secret places in China. Much of the information we handle is secret."

A professor at one of Peking's universities laughed when I complained to him about the excessive precautions. He invited me for a walk down the Avenue of Eternal Tranquillity to the western wall of the Forbidden City. There, running for several hundred yards, was a three-story building that looked like part of the palace, with the same madder-rose walls and mustard-yellow tiled roof. But my companion urged me to look more closely. The windows on the west side of the building, which faced the party and Government headquarters in the Zhongnanhai compound across the street, were only painted to look like windows; the whole edifice was a facade.

In 1973, the professor related, when the new 17-story wing of the Peking Hotel was being completed, the Public Security Bureau discovered to its horror that a guest, looking west, could peer down across the Forbidden City and into the secret recesses of the Zhongnanhai — if he had very strong binoculars. Wang Dongxing, then head of Mao Zedong's Praetorian Guard, a special army division known only by its numerical designation — the 8341 unit — devised the idea of putting up the facade as a security measure. "It was outrageous," the professor lamented, "squandering millions of yuan on that hoax when satellites can take photos from the sky."

Even something as ordinary as a telephone directory presents a problem in China. When I first arrived in China, there was a Chinese telephone book, but it was supposed to be kept secret from foreigners. It was 190 pages long and was issued to offices by special subscription through the post office. An individual could not just walk in and buy one.

As a favor, a friend one day smuggled out her office's copy of the telephone book to show me. It had been published in 1975, four years before, and not updated since, I noticed. The telephone book contained odd lacunas. All the listings were for offices; there were none for individuals. Only a few privileged Chinese have phones in their homes, it is true, but the omission helped me understand why Chinese are always nervous about losing the little pocket-size personal phone-number booklets they carry with them.

In 1980, as part of its effort to become more open, the Government for the first time issued a 30-or-so-page public phone book. The first number in the book is that of the Standing Committee of the National People's Congress, followed by the Supreme People's Procurate, relatively powerless organizations. The Communist Party Central Committee, the nation's most puissant body, which controls the entire structure of Government ministries, is included under the heading "Partisan Organizations." But the directory gave only two numbers for it — one for the reception center for petitions from "the masses"; the other, the United Front Work Department.

Telephones are hard to get in Peking — there is an installation fee of 1,900 yuan (about \$3,500, or almost three years' salary for an average worker) and a year's waiting list. Only officials have telephones of their own, my friend Hong said, and all public phones are in shops, offices or apartments of people who work for the police. It is one of the most basic mechanisms of Government control. "They report to the police whenever there is a suspicious phone call, especially from foreigners like you," said Hong. Phone service is erratic and phones often emit strange buzzing and clicking noises, and it can take several minutes to get a dial tone — signs, most foreigners assume, that someone else is listening.

During the 1980 visit to China by the United States Secretary of Defense, Harold Brown, when he was being

feted at the Great Hall of the People, he ordered an American diplomat to send an urgent message back to Washington for him. The diplomat was uncertain as to how to proceed and asked a liaison officer from the People's Liberation Army for help. He was immediately taken to a central communications room inside the bowels of

(Continued on Page 50)

ernment leaders work. There is no plaque to identify the drab yellow-brick building in the western suburbs of Peking that houses the Central Party School.

In addition, most offices, factories, schools and even apartment buildings throughout China have walls around them and guards at the gates. Outside the new, white-washed, walled compound of The People's Daily in Peking, two sentries of the People's Liberation Army stand guard

the Great Hall that had a bank of red phones. When the American picked up the phone, he noticed the connection was marvelously clear, unlike

anything he had ever heard in China before.

The special telephones are only one aspect of the Government's careful control of access to information. Each party, Government and army unit distributes its own classified documents. Like most things in China, information can be acquired not with

money but through one's connections. The higher an official's rank, the better informed he can be. The principle is to keep the leaders well-informed without contaminating the minds of the masses.

Complementing the classified documents is a hierarchy of *neibu*, literally "internal," or restricted, publications that go far beyond what is available in the open media. There

are four layers of these internal bulletins, my Chinese friends told me — the narrower and more high-level the circulation, the more complete, candid and interesting the contents.

At the bottom is a four-page tabloid-size paper called Reference News, which reprints articles from the foreign press about international events and carries some dispatches by Western journalists in Peking about domestic Chinese developments. While foreigners in China may not legally buy or read Reference News, any Chinese can subscribe to it, and the paper's circulation of more than 10 million is nearly double that of the party newspaper, The People's Daily.

At the next level above Reference News is Reference Material, a much richer and more detailed digest of foreign news articles that is printed twice a day. It is available only to party members and cadres through their *danwei*, not to individuals, and is printed in large characters to help the fading eyesight of elderly officials.

At a still more rarefied level is a group of publications known as *neican*, "internal reference," which are distributed only to officials above grade 12 on the ladder of 24 ranks, equivalent to deputy cabinet ministers. Each ministry puts out its own compendium of unvarnished reports about its area of responsibility.

Finally, there is a special digest for members of the Central Committee and the commanders of the large military regions. Called Cable News,

it contains major Chinese and international news flashes, and is similar to the daily briefing the American President gets each morning from his national-security adviser.

Surprisingly, television has been allowed to drive a wedge into the Government's system of controlled access to information. China established its first television station only in 1958 and until 1979 there were fewer than five million television sets in the whole country of a billion people. But now suddenly the Chinese are becoming as addicted to television as Americans and Japanese, at least in urban areas, where the ownership of sets is concentrated.

In 1980, the Government took the liberal step of adding 10 minutes of international news — picked up by satellite from Visnews in Britain and UPI-TN and ABC in the United States — to its half-hour national news broadcast each evening. Before, the evening news had been largely a turpid rehash of stories from The People's Daily, plus some dreary home-made features on the latest improvement in machine-tool production. But now, in living color, without censorship, the Chinese could watch the Pope touring Africa, Ronald Reagan winning the American Presidential election, political terrorism in Italy, even stock-car races in North Carolina and surfing in Hawaii.

After 30 years of almost total isolation from the outside world, the Chinese were being fed a rich, confusing diet of exotic new images. Television, it seemed to me, was likely to have a

-52-

number of unintended side effects on China. For the Communists, it could be a useful new propaganda tool, but it also tended to break down the old stratified system of rationed information. It gave the Chinese a much better appreciation of how wide a political and economic gap separated them from the United States, Western Europe and Japan, and it bred a desire

for more consumer goods, particularly television sets.

If television threatens to break down the Government's control of access to information, China's libraries have preserved it in its pristine form. The library at Peking University, a modern concrete and glass structure, is one of the newest and most impressive buildings on its tree-shaded cam-

pus. Although the library houses three million volumes, the second largest collection of books in China (after the Peking National Library near the Forbidden City), there is no central card catalogue. Instead, I learned on a tour of the building, each

department has its own individual catalogue scattered among a labyrinth of corridors and small rooms,

most without identifying signs.

The division serves a purpose. A student may borrow books only in the field in which he or she is majoring. A math student cannot take out books from the English-language section, not even a volume of Shakespeare's plays or Mark Twain's stories; a history major is barred from the philosophy department, though he may need a book on Plato or Confucius.

After you have found the number of the book you want, you take it to the main charge-out counter in a clamorous room crowded with knots of students shouting to get the attention of the few clerks, who are dressed in long beige smocks to protect them from dust. The library stacks themselves are closed except to a few privileged professors and library-science majors, so students are totally dependent on the clerks, like suppliers.

"At least half the time they take your slip, walk into the stacks, go only a few steps, and without even leaving the main aisle check off 'We don't have it,'" a student studying library science related. One problem, she added, is that most of the clerks are former peasants or factory workers with only a primary-school education.

Censorship in China is both subtle and pervasive. It is designed to be so all-encompassing that it blots out facts of life that Deng Xiaoping and the Politburo do not want to exist. I was reminded of this when the Chinese press in 1980 suddenly discovered that the country's long-time model agricultural unit, Dazhai, was a fraud. Since Mao glorified Dazhai in 1963, proclaiming, "In agriculture, learn from Dazhai," millions of Chinese pilgrims had tramped to the small production brigade of 83 families on 250 acres of stony, arid land in Shanxi province, in the northwest.

But that had been Mao's version of Dazhai. Now Deng saw it differently. Hua Guofeng, his colorless but stubborn opponent for the party's leadership, had continued to extol the virtues of Dazhai. Further, one of Hua's few remaining supporters was the former party secretary of Dazhai, a peasant turned Politburo member, Chen Yonggui. So for Deng, Dazhai became a symbol of all that had been wrong with the Maoist way and a handy instrument with which to dishonor Hua.

The People's Daily confessed that Dazhai had not really relied on its own efforts to terrace its rocky hills and dig its irrigation ditches; actual-

ly, Dazhai had accepted millions of yuan in Government subsidies and help from battalions of army laborers. Dazhai's ever-increasing grain-production figures were fake, too, a lie by the local authorities; its output had actually gone down year by year. Not only that but, during the Cultural Revolution, Chen's persecution was responsible for the death of 141 people. Now all those millions of signs, "In agriculture, learn from Dazhai," would have to be painted over.

This kind of comprehensive cen-

-54-

sorship, of "turning black into white and white into black," to use a popular Communist slogan, is tireless work, requiring endless attention to detail. At a photographic exhibition on the life of Zhou Enlai in Peking's huge, Stalinesque, sandstone Museum of History, one of the pictures showed the party leadership attending his funeral in January 1976. In the solemn rank of mourners there were four blank spaces, gaps in the line. Once, I guessed, these had been the Gang of Four.

Courtesy of the visit by Defense Secretary Harold Brown to Peking, I managed to make it into the Military Museum, but only one of its two wings was open — that commemorating the Red Army before 1949. The other, covering the history of the People's Liberation Army after 1949 (its fighting in the Korean War and its border skirmishes with India and Vietnam), was off limits. Why the difference, I asked my guide.

"We have not yet come to a conclusion about certain things," she replied with a straight face. Translated, it meant that it was difficult to decide what to say about Lin Biao, the former Defense Minister and military hero who had been officially accused of trying to assassinate Mao in 1971.

What was striking about these incidents was that the party's monopoly of the means of communication makes it very difficult for the Chinese to know what to think about anything.

"We are a nation where the Government controls not only the present, but the past," said Bing, a friend of mine in her late 20's whose father had

been imprisoned during the Cultural Revolution for being a "capitalist roader." She had been given an essay of George Orwell's by one of her foreign teachers, "Looking Back on the Spanish War," and she quoted a passage she thought applied to China: "If the Leader says of such and such an event, 'It never happened' — well, it never happened. If he says that two and two are five — well, two and two are five. This prospect frightens me much more than bombs. . . ."

□

Despite the fact that a vast apparatus is in place to control the thoughts and behavior of the populace, every now and then quixotic acts break through the humdrum surface of daily life.

Once, on a cold winter af-

ternoon, driving back to the Peking Hotel, I noticed a young policeman on his elevated traffic box hail a woman cyclist who was trying to cross the intersection. He was shouting at her for some apparent violation, but she wouldn't stop. So the policeman dismounted from his stand, grabbed her bike by the luggage rack on the back, and threw her off balance to the pavement. The woman was incensed. She jumped up, whacked the policeman on the shoulder, punched him in the chest, and then for good measure yanked off his stiff blue-cotton cap and hurled it across the street. In turn, he took her by the arm and marched her over to a white-painted police sentry stand on the corner.

She was a poor woman, in her late 30's, with tired eyes and rough skin. I noticed she was wearing a worn corduroy jacket, baggy blue-cotton pants and thin cotton gloves, which had been crudely mended. Her cotton shoes were old and much too thin for that time of year. Several more police soon arrived and confiscated her bicycle, ordering her to report to a nearby police station to be questioned.

"But how can I get there if you lock up my bike?" she protested. By this time, a

crowd of several hundred bystanders had gathered. There are few movies and plays to go to in Peking, and tickets are hard to come by anyway, so a crowd will gather to watch almost anything, especially a fight with a policeman. A teen-age boy stepped up to the woman, ignoring the police, and said, "Here, ride my bike to the station."

Yet, despite such occasional acts of bravado, the ubiquity and intensity of the control apparatus have generated tremendous psychological pressures on the Chinese, creating mental strains that few Westerners can imagine. "People live under constant tension," remarked a dignified, taciturn engineer. "You always have to worry about someone you know betraying you," he explained, someone in your *danwei* or your street committee.

This pressure has been compounded by the years of political campaigns, the constant shifts in the official line, and the widespread political persecution, the engineer added. To try to minimize the dangers, he said, he follows one major precaution — he never talks about anything personal with people in his *danwei*. "For the next time a

-56-

campaign comes up, the party will order criticism meetings in your *danwei* and people will be compelled to say anything they know about you, whether they like you or not. So I make my friends with people outside my office."

The engineer and his wife both complained about suffering from what they called *shen-jing shuai-ro*, literally, "weakness of the nerves," or medically, neurasthenia, what Westerners identify as nervous tension, depression and anxiety. Over time, I found, many of my Chinese friends talked about having *shen-jing shuai-ro*.

David Eisenberg, a young American doctor from Harvard Medical School who was doing research at the Institute of Traditional Chinese

Medicine in Peking, spent a month observing how patients were treated in the acupuncture clinic of the hospital. He was the first American permitted actually to work in the hospital. More than a quarter of the 100 patients he saw complained about nervous tension.

While the Chinese doctors prescribed a course of treat-

ment with needles for the headaches, insomnia and fatigue, Dr. Eisenberg, as an experiment, inquired whether the patients had any emotional problems that might have triggered their symptoms.

"One young man said no, he didn't have any personal

problems, but a few days ago his fiancée had been stabbed to death by two guys," Dr. Eisenberg recalled. Among the other patients, some were depressed by conflicts with the cadres in their *danwei*, from whom they couldn't escape. Another man was catatonic. He couldn't speak or move

and seemed numb. When Dr. Eisenberg asked a companion who had brought him into the clinic about his history, it turned out he had just been released after spending nine years in solitary confinement in prison.

Psychology as a field of study was branded a "bogus

bourgeois science" by the Government in 1957 and banned. Most of China's small number of Western-trained psychologists were arrested and packed off to labor camps, a psychologist who earned his Ph.D. at Columbia University before 1949 told me.

Shortly before I left China, I met a woman psychologist in her late 50's who had been allowed to resume teaching her specialty again in 1978 after a 20-year hiatus. Her books had all been burned years before,

but her own spirit was still youthful, almost feisty, and she was deeply interested in the implications of psychology for China.

Had she noticed that many Chinese complained about nervous tension, I asked. Her dark eyes stared at me intently for a moment and I wondered if I had trespassed onto forbidden territory. But then she broke into a passionate discussion.

"After what we have gone through in the past 30 years, the whole country is depressed," she said, her eyes flashing. "Depression and anxiety are our psychological scars. I worry about this every day." ■