

Part IV

DECISION-MAKING INSTITUTIONS

Chapter Five	Prosecutorial Discretion
Chapter Six	The Grand Jury
Chapter Seven	The Political Trial
Chapter Eight	The Jury
Chapter Nine	Legislative Investigations
Chapter Ten	Penal Institutions: Political Prisoners

Part V

POLITICS AND THE LEGAL PROFESSION

Chapter Eleven	The Duty to Defend Unpopular Clients
Chapter Twelve	Defense of Political Clients
	1. Counseling Disobedience to Law
	2. Counseling Disruption
	3. Limits of Advocacy
	4. Silence Orders and Criticism of the Courts
	5. The <u>Pro se</u> Defense
Chapter Thirteen	Costs of Political Advocacy
	Section One - Exclusion from the Bar
	Section Two - Contempt
	Section Three - Expulsion from the Bar

Part VI

THE LAW IN EXTREMIS

Chapter Fourteen	External War
	Section One - Emergency Powers of the President
	Section Two - Civil Liberties in War Time
Chapter Fifteen	Internal War
	Section One - Permit Systems
	Section Two - Martial Law and Riot Control
	Section Three - Curfews
	Section Four - Mass Arrest and Mass Trials: The Mayday Experience

# THE POLITICS OF JUSTICE

## Part I

### INTRODUCTION

#### Chapter One Law and Politics

This chapter will explore the neutrality of law and the efficacy of politics as they interrelate. In these introductory materials the main themes and premises will be developed --

- a) Nature of a Constitutional democracy (Meiklejohn):  
government of delegated powers
- b) Right of government to exist v. right of dissent,  
revolution, etc. Can government take any steps  
necessary to preserve its existence?
- c) Citizen v. state: civil disobedience

## Part II

### CRIMINAL LAWS TO PROTECT THE SOVEREIGN

#### Chapter Two Political Crimes

Section One - Definition: Extradition Statutes  
Section Two - Pure Political Offenses

- a) Treason
- b) Sedition
- c) Espionage
- d) Protest Against Symbols: Draft Cards and Flags

Section Three - Relative Political Offenses

#### Chapter Three Political Laws

Conspiracy  
Associational Crimes

## Part III

### POLITICAL EXERCISE OF LAW ENFORCEMENT DISCRETION

#### Chapter Four Privacy and the Police State

Section one - The Invisible Police

- a) Electronic Surveillance & Dossiers
- b) Informers, Stool Pigeons, Spies, Infiltrators,  
and Agents Provocateur

Section two - The Visible Police

- a) Police Harassment
- b) Unequal Protection of the Laws