

CIVIL DISOBEDIENCE - AN ANCIENT AND HONORED RIGHT OF SELF-HELP

[Richard M. Bowers, author of this article, is an attorney who lives in Delancey, NY.]

For thousands of years, the fundamental ethical concept, Thou shalt not kill, has been not only well known but quite universally accepted. Yet, continuing into the present time, deliberate killings of and preparations to kill human beings goes on. As to preparations - worse now than ever before. All-out killings are resorted to by too many in times of crises. Events we know as wars then result.

Although wars are the most massive killing activities, many other deliberate killings continue such as terrorist bombings, capital punishment, police shootings, etc. What pacifist actions will help bring about an end to military preparations - so that we will have a military budget of zero? The preparations, themselves, are often a major (probably an essential) cause of large scale killings of people. Unorganized terrorists who are not state-supported hardly ever kill more than a dozen, at most. Military people kill thousands. With nukes, they may "do in" everyone.

Probably the best and perhaps essential technique to achieve a military budget of zero in our lifetimes in the U.S. is for pacifists to engage in, or at least actively support, planned and carefully carried out acts of nonviolent civil disobedience (CD). Do not rule out activities such as electoral politics or fasting. The 1983 Fast for Life was important. But herein only CD is discussed.

Well before Jesus disobeyed the "law", and continuing through our own Boston Tea Party, Gandhi, sit-down strikes in the 1930's, lunch counter sit-ins of the 1950's, etc., etc., fundamental social improvements happened only because of, or at least have been helped along, by individual and collective acts of CD. People have refused to abide by "legal" laws or rules. They have decided resistance or refusal to comply was moral and better. It chills me to read comments, correctly made, in peace or anti-war literature, that when nuclear war destruction happens (which might be total) such will have been considered by most judges, etc., to be "legal". But at

(Continued page -4-)

FRANCIS HEISLER (1895-1984)

Francis Heisler, an attorney who for many decades specialized in labor union, civil liberties, and conscientious objector cases, died July 5th, after a long illness, in Carmel, California. Born in Kiskorus, Hungary, Heisler received a degree in electrical engineering from the Institute of Technology, Zurich, Switzerland. After emigrating to the United States in 1924, he worked for General Electric, and Chicago transit magnate Samuel Insull, before entering John Marshall Law School in Chicago. He began representing labor unions and civil liberties plaintiffs in the early 1930s, and conscientious objectors when the World War II draft was imposed. Probably his most famous case was in the late 1940s on behalf of the United Mail Order Workers, who had demanded wage increases from Montgomery Ward. Heisler obtained an order from the War Labor Board for the wage increases to be granted, and when Sewell Avery, Montgomery Ward's crusty chairman of the board, refused to honor the directive, also a federal court injunction that resulted in Avery being carried bodily by U.S. military personnel from the Chicago Montgomery Ward headquarters. A photograph of this incident is one of the most famous news pictures of the era. He also helped organize the "fallout suits" of 1958 against atomic weapons testing, representing a group of Nobel Laureates before the U.S. Supreme Court.

Heisler's interest in civil liberties led him to write a penetrating and critical booklet-length study of the Stalinist Moscow trials of the "Old Bolsheviks".

Francis Heisler is survived by his wife Friedy, whom he met and married in Zurich, and by several grandchildren. Friedy Heisler is a practicing psychiatrist in the Carmel area.

I was personally acquainted with Francis Heisler largely through his representation of me when I was indicted about 1955 for noncompliance with the Selective Service law, and later when he defended a number of pacifists, including myself and A.J. Muste, after we had committed civil disobedience by trespassing in protest on an Atlas missile base being constructed near Omaha, Nebraska, in 1959. I, and many

(Continued page -4-)