

to look at a person's thoughts and ideas, and I think that does chill people.

EIR: Your brief says there would never have been any anti-discrimination laws if some people could not have held the disfavored opinion that segregation was wrong?

Adelman: That's true. We think these "hate crime" laws are really harmful to minorities, because what really helps minorities is the First Amendment. The First Amendment protects unpopular thought and views, and who is going to be most likely to have thoughts and views that are not popular?—minority groups, who may be interested in changing the status quo. In fact, if you look at a lot of the great First Amendment cases, many of them involved minorities, the National Association for the Advancement of Colored People [NAACP] in the '60s. Minorities are helped by a broad, full, rich reading of the First Amendment, not by a cramped reading. If this law is upheld, it's a big setback for minorities.

EIR: Have minorities been disproportionately prosecuted under the "hate crime" laws? Thirty percent of those prosecuted are minorities, while blacks make up only 12% of the U.S. population.

Adelman: That's what happens when you start punishing beliefs. If you want to protect vulnerable victims, you ought to write a statute that addresses that. But if you start talking about beliefs, whose beliefs will be punished? It's the people who are out of power.

EIR: These laws have not benefitted minorities, yet some minority organizations have filed "friend of the court" briefs in their favor. Who are the *amici* on both sides?

Adelman: On our side, it's the Criminal Defense Bar, the Ohio chapter of the American Civil Liberties Union, and some groups that are very interested in individual freedoms. On the other side, it's mostly groups that are interested in combatting various prejudices: Ethnic groups, the ADL, the ACLU national office, the NAACP Legal Defense Fund [distinct from the NAACP]. And the U.S. Solicitor General will argue to uphold these laws.

EIR: You've taken a case very unpopular with certain organizations. Have you been threatened or ostracized?

Adelman: Oh, no. The truth is, I think the average American, to the extent that these laws are explained, would think these laws are pretty dumb. There are certain groups who maybe think these laws do something, but I don't think that my side of this is particularly unpopular, except maybe in certain circles.

Here are laws that are supposed to be used to protect minorities. Well, who is the defendant, who is Todd Mitchell? He's a young, black male from Kenosha, Wisconsin—a minority.

Pike case: Masonic judge asked to recuse himself

The two political leaders who will go on trial April 19 for "statue-climbing" in Washington, D.C. have filed a motion in the U.S. District Court for the District of Columbia asking Judge Royce Lamberth to recuse himself in the case "on the basis of potential or actual bias, or the appearance of such partiality."

Defendants Anton Chaitkin and Rev. James Bevel were arrested last December at a rally to have the statue of Albert Pike, a Confederate general and Ku Klux Klan founder, removed from Judiciary Square. Chaitkin is a historian and author, and Bevel is a Baptist minister who was a former close associate of Dr. Martin Luther King and ran for the U.S. vice-presidency in 1992 as the running-mate of Lyndon LaRouche.

The recusal motion cites three principal grounds for Lamberth's recusal—all drawing upon statements the judge submitted to the Senate Judiciary Committee in 1987, when he was nominated to the court:

First, Lamberth is a member of the Masonic Order. His membership began with his induction into the Albert Pike Chapter, Order of De Molay in San Antonio, Texas, a youth organization of the Scottish Rite of Freemasonry. As the motion says, "There has been active opposition to the campaign to pull down the Pike statue by the Supreme Council, Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction of the U.S.A."—the organization of which Pike was Sovereign Grand Commander for several decades!

Second, Lamberth has officially served as an attorney for the National Park Service and Park Service Police, in attempts to stop demonstrators from exerting their First Amendment rights. In their recusal motion, Bevel and Chaitkin point out that it was the same National Park Service which selectively singled out the two defendants for arrest and for an improper purpose.

Third, Lamberth played a critical role in the cover-up of the My Lai Massacre in Vietnam and other war crimes. From 1969 to 1974, Lamberth served as a member of the U.S. Army defending soldiers in Vietnam from charges of war crimes, and then handled all litigation objecting to Gen. William Westmoreland's administrative review of the My Lai affair. This makes it unlikely that Lamberth could be unbiased toward Bevel and Chaitkin. Bevel was a leading figure in the Mobilization to End the War in Vietnam, and Chaitkin was also an outspoken opponent of the war. Chaitkin and Bevel are arguing the case *pro se*.