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**THE WAR AGAINST
"CHILD MOLESTERS"**

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DISCLAIMER

The purpose of this publication is NOT to instruct people in ways of deceiving or alluding the laws —

The purpose of this book is to EDUCATE citizens about their rights, and how the legal system actually operates in our country today.

Democracy is founded on an educated, informed, and aware citizenry.

Oppression is based on keeping citizens ignorant of their rights, depriving citizens of their rights whenever possible, intimidating those whose rights are infringed so they will not warn or educate their neighbors, and instilling a fear of the police and the State.

Publications such as this one are FUNDAMENTAL to the preservation of Democracy, because they help citizens to protect those Constitutional rights upon which a Democracy is founded.

Those who would object to publications such as these are the ones we must fear the most, because it is they who WANT us to remain ignorant of our Constitutional protections, and means by which we can fight to preserve them.

INTRODUCTION

Current ATTITUDES of government leaders encourages these Witchhunts ...

"We need stricter laws against 'the criminals that prey on our young people.'"

— Ronald Reagan, April 5, 1984

There is growing media coverage of FALSE ACCUSATIONS of child abuse, cases of youth being coerced by police, and cases where the youth is out to "get" the adult —

Several organizations have been formed recently, in direct response to such abusive use of State power — V.O.C.A.L.¹, C.U.A.², and Project TRUTH/Free Will are a few of the groups.

Current trends in Supreme Court rulings, State upper-court rulings, and judicial rulings in general are all leading to a reduced burden on the law enforcement agencies, making it easier to arrest, indict and convict — especially in areas of sex and pornography.

"Boylove" (labeled as "child abuse") became the "Topic of the Year" during 1984 and 1985. It is now the bandwagon that media and career builders jump onto, capitalizing on the fear that parents have and the openness of organizations urging rationality and change in the present religion-based laws.

¹ Victims Of Child Abuse Laws

² Coalition for the Unjustly Accused

WARNING !!

If your address is given in the media after an arrest, which it usually will be, be prepared for threatening phone calls and nasty letters. If they persist, consider seriously reporting them to the local police — consult your attorney first.

Although you find it hard to trust the police after you have been arrested, they are often quite tolerant and professional.

It may be important later on to have it on record that you reported such threats, if something more serious develops. If nothing else, it might help when filing an insurance claim for damages done, etc. (Another aspect is that when such threats go unreported, the System often says there is no such problem because there are no reports on file).

Consider having either an unlisted telephone number (which will cost you extra), OR have your phone listed with only your first initial, last name, and town. (The phone company will do this for no additional charge).

Be prepared to be fired from your job! Few employers will be willing to withstand the pressure of other employees against having a "child molester" on the staff. If they don't dismiss you immediately, life will not be easy at work for quite a while.

Being fired may not be all bad!

It will give you time to work on putting facts and information together for your attorney, while you collect unemployment ...

It will get you away from possible harassment and hurt feelings at work, allow you to recover from the shock and embarrassment of the arrest, and give you time to regain your self-esteem ...

Eventually, it may even lead you to a new or better paying career !!

SEARCHES & SEIZURES

Warrant for search of home is pretty easy to get, especially in these cases.

Judges do not have time to check the truth of statements made in the warrant application.

Often, police don't care if the warrant is legal or not! What they are interested in is GETTING ACCESS to things from the search — such as lists of names, photographs, notes, etc.

Once a Search Warrant is authorized by a local judge, it becomes VERY HARD to overturn it, unless you can PROVE intentional deception on the part of the police, or blatant prejudice on the part of the judge.³ Case precedents from appeal courts place strong emphasis on "the judgment exercised by the issuing magistrate."

Even if the warrant is overturned later, and the seized material cannot be used in COURT, it has still provided the police and the prosecutor with a lot of useful information — much of which they will have either removed and not returned, or made copies for themselves.

³ If you find it necessary to challenge the Search Warrant in court, prior to trial, be absolutely sure that your attorney words his Motion Brief strongly enough that he accuses the police officer of intentional deception (using those words), and clearly points out the specific deceptions and the proof that the officer knew they were wrong and used them anyway. (We know of at least one case where the Motion to Suppress the search warrant was denied merely because the brief did not actually claim that the police officer "LIED" in his application for the warrant. The attorney in this particular case had been asked by the client to include that word, and he actually refused because he didn't want to mar his own reputation before the court by accusing the police of being liars!).

In most cases, materials seized will never be returned to the defendant — especially if he is ultimately found guilty, or pleads guilty.⁴

When conducting a search, they will look for, and take, all personal papers, books, magazines, photographs, diaries, address books, video and audio cassette tapes, answering machine tapes, and (especially these days) personal computer — disks, tapes, and probably the whole setup. [They argue that these items, normally protected by "First Amendment rights," are necessary to seize so they can be used to show to the jury the "state of mind" of the defendant at the time of the search]

It is not unusual for them to go on a "rampage" of destroying furniture, or even the house itself, apparently justifying it as "getting even with this ugly person on behalf of society." Knowing that few people have a complete inventory of everything in their house, it is not unusual for things like chain saws, tools, appliances to disappear on the same day.

⁴ In some states, material seized (if not used as evidence in the trial) is supposed to be held in safe storage until the convicted person is released from prison — at which time it is returned to him, if he goes through the proper procedures of requesting its return (this usually ends up requiring a lawyer, and his fee).

ENTRAPMENT

LETTERS —

Do NOT respond to "solicitation" letters. Ignore them, throw them away, or pass the info to the Bulletin for possible publication.

Solicitation letters are ones that come to you from someone you do not know, often saying a "mutual friend" has given your name to them.

If the "mutual friend" is passing your name around, he is no friend of yours!

If the "mutual friend" won't let this writer say his name, or doesn't tell you ahead of time that he has shared your name, he is no friend and might, in fact, be the enemy ...

These letters will usually ask what sort of things you are "in to" — photos, etc. and will suggest some sort of swap or exchange. SEND NOTHING in the mail, and make NO appointments to meet anyone until you are very sure who and what they are. The problem is that even if you are NOT into collecting questionable things, if they are after you they will find a way to "set you up" — otherwise, they are not going to waste their time working on you.

Remember —

It is not a crime for a Postal Inspector to LIE to you ...

It is not a crime for any investigator to LIE to you ...

It IS A CRIME for you to lie to them !!!

It is not a crime for a government agent to print false ads, to "entice" you to answer.

It is not a crime for a government agent to sell illegal material to you ...

It IS A CRIME for you to sell to (or buy from) him.

VIOLATION OF YOUTH'S RIGHTS

Police rely on several factors which enable them to use illegal, un-Constitutional and unethical tactics —

Defendants are usually unaware of their own rights — are scared — are reluctant to "aggravate" the authorities any further, for fear of retaliation — are afraid of publicity, etc.

Defendants have little "credibility" when accusing police of wrongful tactics, since it is "sour grapes" ...

Youths are generally afraid of being "exposed as faggots," etc.

Youths, and their parents, are afraid of police retaliation if they do not cooperate — including the fear of the State taking away their children (or brothers & sisters), or putting the youth in a shelter or detention hall.

Police will always have a "witness" who will testify that they never violated any procedures — and "even if they did, it was an unusual and unintentional accident." Few judges will convict or penalize an officer for "making a simple mistake" ...

CONSTITUTIONALITY

Any law or tactic is "constitutional" in the eyes of police or authorities, until it has been challenged in the Court system (up to the Supreme Court) and specifically ruled un-Constitutional.

If a tactic is used which you feel is un-Constitutional, and you do not challenge it right from the start, you will lose your right to challenge it later on

Therefore, it is absolutely important that you watch what your lawyer does very carefully.

Remember, when he loses the case it is YOU who goes to jail — not him! He has nothing to lose whether he wins your case or not. Besides, you have a personal interest in your case — and you probably have more time to think about and study it than he does (unless you are is only client!).

AMERICAN HEROES

In and Out of School

By Nat Hentoff

Diane Doe, thirteen years old, is strip-searched during a schoolwide check for drugs. Chuck Reineke writes articles for the school newspaper that are censored by the principal. Susan Shapiro, a high school senior, refuses to stand up for the pledge of allegiance in her school and is censured by her teacher. The struggles, the difficult losses and satisfying victories encountered by these young people and by such famous freedom fighters as Adah Maurer and Joan Baez and librarians Kathy Russell and Jeanne Layton are depicted with insight and conviction by writer Nat Hentoff. Hentoff, a former member of the national ACLU Board of Directors, sees the brave individuals in this book as true American heroes who help keep the Bill of Rights alive. Written for ages 12 and up. Published by Delacorte Press. 118 pages. Reg. price \$14.95, ACLU price \$12.50.

HOW TO PROTECT THE BOY'S RIGHTS

Experience shows that police try very hard to GET THE BOY ALONE for questioning. In such an arrangement, anything they say to threaten, coerce or scare the boy can be denied by them and it is the boy against at least TWO police officers or investigators.

The way to handle this involves several steps —

Youths who do not want to create a case against their adult friend should be aware that, unless they are UNDER ARREST, they do NOT have to go with a police officer for questioning.

They should politely but FIRMLY state that they have NOTHING TO SAY, and unless they are placed under arrest they do not want to voluntarily go with the police:

If the police, at that time, place the youth under arrest for some reason — they MUST read him his "rights" and inform him that he does not have to answer any questions.

If such an arrest has no basis (no "probable cause" that the youth actually committed a crime), there are good grounds for civil suits (for MONEY!) against the police for damage to reputation, for trauma and mental fear and anguish caused by the arrest, and for violation of Constitutionally protected rights.

While under arrest, the youth MUST then give his name, address and a few basic bits of identification information — but that is ALL. Any further questions should be answered simply with —

**"I HAVE NOTHING TO SAY WITHOUT A
LAWYER AND MY PARENTS HERE."**

This will frustrate the police immensely, and they may become very abusive; but they have no legal grounds for further questioning. In addition, most states have a strict procedure which must be followed when juveniles are *arrested* for any reason — including restrictions on where and how they can be detained (jailed), how soon their parents must be notified, and usually some notification to a Juvenile Court judge who then becomes responsible for the youth.

It should be noted here that if a youth is **NOT** arrested, but is "taken into custody" for questioning and harassment, *there are NO procedures or guidelines* which must be followed. A youth is better protected from the "authorities" if he is accused of a crime and arrested than he is if he is a "victim" and supposedly being "protected."

If the youth decides to speak with police (to get them off his back, to satisfy demands of parents, etc.), there are some effective steps to use —

If the family has a family lawyer, they should arrange for the lawyer **AND** at least one parent to go with the boy when he speaks with the police. Even if the parents are hostile to the situation, they should make this arrangement for the sake of protecting their son.

If the family cannot afford a lawyer, they should contact **LEGAL AID** and inform them that the boy has been called (unwillingly) by the police for an interview — but **NOT** accused of a crime — and ask for a Legal Aid Lawyer to go with them.

In cases where the youth has arrived at such an interview with either a parent and/or a lawyer, the police have often changed their mind about "talking" with the boy!

One police officer, in New York, was overheard to remark in such a situation — "We can't work like this ..."

If police continue to harass the youth or his family, or threaten him, etc. then the boy should **FIRMLY** but politely inform them that they are violating his civil rights, and that he "will file a **FEDERAL** lawsuit against them under 'Title 42 USC 1983'." They will know what that means!!

WAIVERS OF RIGHTS

If you open your door and allow police officers to enter your home without demanding that they have a valid Search Warrant, you have **WAIVED YOUR RIGHT OF PRIVACY** and your protection against search and seizure. (Apparently there is no minimum "age of consent" for this consent, as police have successfully entered on the "consent" of 13-year olds and younger.)

If you begin to answer questions asked by police after you have been arrested, then you have **WAIVED YOUR RIGHT TO REMAIN SILENT**.

If you begin to answer questions without your lawyer present, you have **WAIVED YOUR RIGHT TO AN ATTORNEY** prior to questioning.

ANYTHING you say to police or authorities **WILL** be used against you, especially if you say it after your "Miranda warning" has been read to you. (These days, courts are less ready to dismiss cases because Miranda was not read... in fact, there have been efforts lately to get rid of it!)

All of these points emphasize our caution that you have **ONLY ONE** reply to any question other than basic identification —

**"I HAVE NOTHING TO SAY
WITHOUT MY ATTORNEY PRESENT."**

SURVEILLANCE

TELEPHONES

PHONE TAPS *technically* require a warrant or Court order. However, this is only important to the police if they want to use the tapped conversation as evidence in Court. Otherwise, how do you know your phone is being tapped anyway? The information they gather in this way helps them in their investigation, and it is usually impossible to prove your phone has been tapped.⁵

Current tapping technology allows dial-up taps at any time, of any phone number — even computer recognition of certain spoken words, to start tape recorders — and is essentially IMPOSSIBLE to control by warrant.

As a boylover, you should consider that your phone is ALWAYS tapped, and conduct your conversations as if you were talking with a government agent.

⁵ Some states have a law which says you can recover several hundred dollars for each DAY your phone is tapped without a warrant — but there is almost no way to prove it was tapped, unless some police officer hates his supervisor and testifies that he did it!

TOLL RECORDS are usually gotten from the phone company for several months back, as part of an investigation (before or after arrest), in order to acquire as many NAMES as possible for further investigations. (In NJ, the Bell Tel. Co. policy is that the customer MUST be notified by the phone company that these records were requested, but the investigators can request — and usually receive — several 3-month delays on this notification. So you might not be notified by the phone company until nearly a year later! This is a telephone company policy, and NOT a legal requirement — so it could change, and there is no legal recourse if it is not followed.

U. S. MAIL

You should consider that your incoming mail is "covered"; that is, *return addresses on all envelopes are recorded by Postal Inspectors* — without opening the mail. (No court order or warrant is needed for this procedure). The purpose of a mail cover is to acquire more names for investigation.

If you a a boylover these days, it is wise to never put your return address on any mail you send!

If you are writing to a friend, the address should be OK. If the address is not OK and the mail has to be returned to you, without a return address it will go to the "Dead Letter office" — which technically is the only office in the postal system that is allowed to open mail without a warrant. If you did not put your address inside the mail either, the letter will simply be shredded or burned. (This procedure is NOT recommended because any laws are being broken — it is recommended only because the agents of our "Land of the Free" are now assuming that any person who writes letters to somebody being investigated must also be a person who should be investigated).

Another tactic to consider is that if you receive mail from a person who is being investigated for possibly sending illegal material in the mail (pornography, for instance), it is not unusual for a Postal Inspector or investigator to hang around your

P.O. Box or home until you arrive to get your mail. After you have opened the mail (or at least received it), they will swoop in and "get you" with the item in hand.

We feel this is a rather shaky tactic, since a person receiving mail never knows WHAT he received until he opens it up — and even then it might be something he never ordered or asked for. What an opportunity for a "set up"!

PHYSICAL SURVEILLANCE

The tactics of the "spy movies" are still used, along with those already described. An indication that you may be under current investigation is the tell-tale car sitting across the street every time you leave the house; especially if it follows you! They probably suspect you are going to your boyfriends house ... or to the mall to "cruise" for kids ... or whatever.

If things get to this point, we strongly suggest you immediately find a friendly lawyer — even if you can't think of a single thing you have done that might be illegal. If you are being watched and followed, somebody thinks you're worth investigating.

PREVENTIVE MEDICINE

If you talk with your boyfriend about the laws, his rights, or police tactics — they will try to use this against you during the trial ...

They will suggest to the jury that IF you were not having "illegal sex," WHY would you want to talk to the boy about these things?

They will say that you were trying to make the boy afraid of the police, so that he would protect you if trouble came.

IT IS, however, beneficial to discuss these things right from the beginning.

Youth are NOT taught in school what their rights are in regard to police questioning, arrest, seizure as a "witness," waiver of rights under certain circumstances, etc. Police and prosecutors DON'T WANT our youths to know these matters because it makes their jobs that much harder. Any teacher who does teach the students about these matters will most likely be accused to "teaching them how to be criminals."

The boys should know ahead of time that they DO NOT HAVE TO TESTIFY at a trial (or they can take a cue from the "chief law enforcer" in Washington, DC and simply "not remember" any details!) —

They can REFUSE to testify — but they should also be aware that this embarrasses the prosecutor, and prosecutors will use EVERY POSSIBLE TACTIC to get them to testify — including putting them in a juvenile center (as a "Juvenile In Need of Supervision", or such) or threatening them with arrest, jail, exposure as a "faggot" to friends or schoolmates, etc.

ARREST TACTICS

Used by the POLICE —

Arrest is often made at your place of employment. With lots of uniformed cops. It makes a big scene, with lots of commotion and rumors. It helps to destroy the arrested person — mentally and socially. It helps guarantee that the arrested person will be fired from the job, and with no income it will be that much harder to pay for legal assistance and bail.

Often the arrest will be made on a FRIDAY, to make it more difficult for you to make bail — weekend, banks closed, administrative departments closed, lawyers unavailable, etc.

The media will usually be alerted, with full details ("it's public knowledge, you know...") — especially if it is a "boylove" arrest.

Often, they will raid and search your home during the time you are being processed after arrest. This way, no one knows where you are and you cannot notify anyone to protect your property, etc.

While you are being interrogated or "booked," they will take and photocopy everything in your pockets — in the hope of getting more names and/or phone numbers to investigate. (They CAN take this material temporarily, but they must return it to you there).

Their game is to CHARGE you with AS MANY CHARGES as possible! Any law that in any way could have been violated by what they said you did, you will probably be charged with violating. It may escalate into the hundreds!! This makes them look better (they captured this horrible criminal, who did all these evil deeds), and it makes for juicy media coverage — the more charges, the bigger the headlines. It also gives the prosecutor leverage later on for plea bargaining — she

(he)⁶ will offer to drop all but a few of the charges, many of which are duplicates or "included" charges anyway. It also lets them settle for "lesser" charges at trial, if things don't go very convincingly — they'll just tell the jury that if they can't find you guilty of the worst charges "beyond a reasonable doubt," then don't forget all the lesser charges. Surely they can find one that fits!

⁶ Have you noticed how many of the prosecutors specializing in sex-crimes cases are female these days? Are they assigned to these special cases because they are women? Or do they volunteer for this particular assignment for "personal reasons"?

Tactics for YOU if Arrested —

Have the name and 24-hour number of your lawyer with you at all times!

Have other phone numbers, of relatives or friends on whom you can count for help on the outside — you will need someone outside to check your home or apartment to be sure it's locked and safe; to locate funds and arrange for bail; to pressure the lawyer to follow-up on bail reduction and other motions that need to be filed right away, etc.

DO NOT SAY ANYTHING TO ANYONE!!!

If they don't have an ARREST WARRANT, then you should NOT go anywhere with them or talk to them in any way. Tell them to go away and leave you alone! They won't like that, but if they do not have the papers and you have not committed a crime right there on the spot then you should not be arrested. (*This can be a somewhat touchy area of response, however, as they can then arrest you for "resisting arrest!"*). If in doubt, it is generally considered wiser to accept being arrested and if it turns out that they had no papers and no reasonable grounds, you can spend the next few years suing them in Federal Court!

If they DO have an arrest warrant, of course you will have no alternative but to go with them ...

Do not talk with arresting officers. *Don't talk with anyone.* What might seem like the most trivial comment will give them information — even about your nervousness or your personality. Let them work for whatever they get!

When they ask you questions about the "case," *your safest and most legal reply is —*

**"I HAVE NOTHING TO SAY
WITHOUT MY LAWYER."**

This leaves them with nothing they can do legally, although they WILL continue to bombard you with questions — and watch your body language responses. *Just keep repeating this phrase every time they ask you a question about the charges.*

Don't get nasty or obnoxious — this just gives them excuses to treat you badly, and maybe even charge you with "resisting arrest" or "assault on a police officer."

Refuse to make or sign any statement without your lawyer, except the most basic "booking" paperwork — and even then, give only your name and address if possible. (They will want employer info, family info, etc.). You must be very careful here — and as tactful as possible — because if you don't give employer and family info they will use that to get bail denied (on the grounds that you don't have "gainful employment" and you don't have "ties to the community.") Also, **if you are seen as uncooperative they will begin treating you abusively** — and you will have no recourse. You're on their turf, and they have complete control!

DO NOT SIGN ANYTHING unless you READ IT and UNDERSTAND exactly what it says, and WHY you must sign it. If you sign something — waiving your rights, or allowing certain procedures — it is binding unless you can PROVE some time later that you were not mentally competent at the time.

The most serious legal damage to defense in these cases is usually done at the time of arrest — usually from your ignorance of law and procedures, and from your fear and disorientation at the time.

Be prepared to hear and see all sorts of outrageous distortions of your case in the media ... they get their information from the prosecutors, who use the media to build their own fame and prestige in many cases.

Be prepared to hear and see all sorts of outrageous distortions of your case among the prisoners in the jail ... they get their information from the guards, from the "trustee" prisoners who have access to many internal workings of the jail, and later from the media. It is quite usual for the jail guards to pass the word that you are a "baby fucker" — even if you were arrested for an affair with a 6'2", 250 pound 15-year old!!! And once the rumor starts, it never stops — it only gets worse! Our strong suggestion is: do NOT discuss your case with anyone in jail.

And if your lawyer comes to the jail to discuss your case, remember that there is NO PRIVACY anywhere in any jail. You must assume that every conversation you have with any person is monitored (and perhaps recorded). *So be careful at all times what you say — even to your own lawyer.*

POLICE TACTICS

Remember, the courts have ruled that it is not necessary to read a suspect his "Miranda rights" when the police officer "is concerned with public safety ..." This leaves it wide open for police interpretation — it would not be surprising for them to try this excuse when making an arrest of a "child molester", whether he was actually **attacking** kids or not.

If your case involves nothing but mutual respect and care between you and your younger friend, and the cops try this tactic, **STILL DO NOT ANSWER ANY QUESTIONS** and **politely** remind them that "Miranda says" you do not have to answer the questions. It is not considered wise to push them into actually reading the set of formal statements, because if they don't it leaves your attorney open to move for dismissal because of it. [This, and search warrants, are two of the places where cops seem to feel they are above the law — and *they* don't have to follow legal procedures].

Police mentality seems to be "control of the entire population," and to "incarcerate as many people as possible."

Another goal important to the police is to acquire as many **NAMES** as possible. This provides investigative work for years! It also lets them inflate statistics, by claiming that each of the names they acquire by raiding a home IS actually a child molester.

Arrest is viewed by police as punishment, and punishment which **THEY** are administering with the support of the public — whether or not the accused person is actually found *not guilty* later.

The police and prosecutors are well aware that it takes a defendant thousands of dollars to defend himself, and that the public (and most juries) subconsciously feel that an arrested person is guilty until he can prove that he is not. (After all, the

"top law enforcer in the country" in 1988 — Mr. Ed Meese — says: "If he wasn't guilty, he wouldn't have been arrested.")

Prosecutors are also aware that, in most cases, an accused who has a public defender will either plead guilty or will be convicted at a trial.

Lt. William Thorne, of the Bergen County Prosecutor's Office Sex Squad, stated it quite clearly one day:

"If they get off on the first arrest, we'll just find a way to arrest them again and eventually they will run out of money for lawyers. We have more money behind us than any of them have."

That pretty much wraps up the philosophy in a nutshell.

Police seem to feel that it is their duty to stretch the current interpretation of laws to the MOST RESTRICTIVE interpretations possible, by making arrests and setting "case precedent" with those convictions obtained. (If a case is overturned, or found "not guilty," it has still provided media coverage and more work for the police and prosecutors — who then look like they "have been doing their job.")

ANY law or tactic is "constitutional," in the eyes of police or authorities, until it has been challenged in the Court system (all the way up to the Supreme Court) and actually ruled un-Constitutional.

Be aware that if a tactic is used which you feel is un-Constitutional, and you do not challenge it right from the start, you will lose your right to challenge it later on this makes it extremely important to try to get an attorney who is willing to challenge what needs to be challenged, and is not there just to put hours on your case.

In recent years, police tactics seem to be to SWOOP in immediately, seize the boy, extract some kind of statement from him indicating that there was sexual contact (even if they have

to "crack the boy," as Lt. Thorne describe his work to a group of parents), and immediately arrest the adult — without any further investigation or confirmation. (Any innocent comment, from the boy, about "yeah, we did it — but I wanted to" is enough Probable Cause to get an arrest warrant).

The police almost always try to separate the boy from his parent(s), or even get access to the boy without the knowledge of the parent, because they know the parent will usually resist (and maybe even report) the tactics used.

Investigators will tell the boy lies of all kinds —

That they already have statements from other boys, and if his story doesn't match theirs then HE is in trouble for lying to the police;

That if he doesn't cooperate, he will be sent to juvenile detention — often with additional threats that he "will be fucked up the ass every night" or even beat up and possibly killed;

That the adult has killed or raped other boys, and they need this boy's help to "put him away";

That if the youth does not cooperate, his family will be charged with "child abuse" or other Family Court charges and he will be removed to detention or foster home. (In some cases, the parents will receive the same threats in an attempt to get them to pressure their son to cooperate — or in other cases these actions might even be DONE, if the boy and/or his family don't cooperate).

Other common tactics are to tell the youth —

We'll keep you here until you tell us

We'll tell all your friends at school what you've been doing with this man ...

We'll tell all your friends that you are a queer and a fag-got ...

You'll be in a lot of trouble for withholding information from us ...

[NOTE that most of these tactics described above HAVE actually been used in several noteworthy cases, and in one particular case the boys involved actually submitted to the Court statements describing the police and prosecutor abusive tactics — statements made under sworn oath.]

PLEA BARGAINING

Try to avoid plea bargaining if at all possible. Your lawyer MIGHT try to encourage you to "cop a plea," saying that it would be difficult to win the case before a jury. Only YOU can make the final decision, but remember a few things —

It is much easier on your lawyer if you plea bargain!

You know exactly what you are "bargaining" for, provided the Judge happens to agree when he sentences you (usually, he is not bound by the "bargain");

Your side of the story will never be heard, and will have no affect on the outcome of the case — or your time in jail — or your criminal record;

If you go to trial, it provides the prosecutor another opportunity to portray you as a vicious, scheming pervert ... but;

It provides you with an opportunity, if you and your lawyer take advantage of it, to show that this portrait is wrong (if it is!);

Whatever comes out in the trial might provide the basis for an appeal to a higher level court, which *might* be further away from the emotion of a local court (and jury);

There is always the "chance" that the jury will be reasonable, and give your case a fair hearing (often, defendants are quite surprised at how seriously their jury has tried to be fair and impartial).

Public attitude is generally that "innocent people just don't plead guilty"; if you do, you will be agreeing with the label of "pervert" and "child molester" which has been pinned on you — and this will affect the way you are treated while serving a prison term, also.

Your ultimate decision on whether to "plea bargain" or not must be a balance between possible reduction in charges (and/or prison time) offered by the prosecutor, and the possibility of winning a jury trial.

BEFORE-TRIAL TACTICS —

JURY TRIAL or JUDGE TRIAL??

You and your lawyer will have to decide, based on the case, whether you think it is better to go before a jury or to trust the case to a single judge to decide, based on the facts you present to him.

A jury can be very emotional on such cases, even when the judge and attorneys remind them to put their emotions and prejudices aside. You can be sure that the prosecutor will do her/his best to stir up the most emotion and prejudice possible, in order to get a conviction — *their promotions and "scorecard" depend on it!*

But a judge is human also, and in spite of their training and supposed fairness they DO tend to decide cases such as these based on their own biases and backgrounds. (Even the Appeals judges do this ...)

CONTACT WITH THE BOY(S) before trial —

Such contact is usually prohibited by the Court, as part of the bail restrictions. And violation of that Court restriction can result in "pulling bail" and sending you right into prison until the trial. This can make preparing your case *infinitely* more difficult for you and your attorney.

In addition, you could be charged with "tampering with a witness."

On the other hand, contact with the boy(s) can be very beneficial for them, to show your support of them in time of stress. It can help maintain the boy's positive feelings toward his manfriend — which, of course, is exactly why the prosecutor will do everything possible to get the court restriction.

Such contact can also provide information as to what is happening, what is being said to the boy and his family by the police, what coercive tactics are being used to get cooperation from the boy and his family, etc.

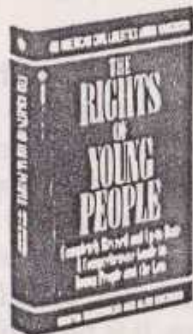
If contact with the boy is prohibited as part of bail conditions, such restrictions apply ONLY to the man who is accused and not to other persons (unless, of course, they are specifically mentioned in the bail ruling). However, it is important to remember that ANY contact with the boy or his family *by anyone connected* with you will be seen — and presented to the Court — by the prosecutor as an attempt to influence or "tamper with a witness." For that reason, it is probably best not to simply have a friend or family member contact the boy (unless there has been extremely good rapport with them previously). Best is to have a "private investigator" go and interview your boyfriend; this can be extremely valuable for a number of reasons.

The private investigator knows exactly what the laws are regarding contact with a witness, and will usually go with a tape recorder or another person as a witness.

Because he is trained and bonded, his word that nothing out of line was discussed certainly carries more weight than your word would!

And, as an expert in the trade, the investigator could be called as a witness during the trial — if information he discovered in the interview proved to be favorable to the case.

See chapter on "Preventive Medicine" about refusal to testify. This is a VERY dangerous area to deal with at this time, and you should be in counsel with your attorney before discussing the topic with the boy.



THE RIGHTS OF YOUNG PEOPLE

Martin Guggenheim and Alan Sussman

From infants to eighteen-year-olds, this timely guide surveys the complex, controversial, and rapidly changing laws affecting young people. "Belongs in most reference collections and warrants consideration as circulating material as well."—*Booklist*

\$4.95

CONTACT WITH BOY'S PARENTS —

If the boy's parents are friendly to you, maintaining contact with them can be very important.

Support them against the possible threats and coercion of the police.

"You let your kid hang around with that child molester, and you won't let him talk to us?"

Remind them of their rights, and the rights of their son.

Encourage them to file charges if the police violate their privacy, or the rights of themselves or their son.

A few good, healthy, well-documented civil suits against police and authorities for tactics used to get boys to cooperate could go a long ways in publicizing these tactics, and in forcing police to stop their own abuse of "victims."

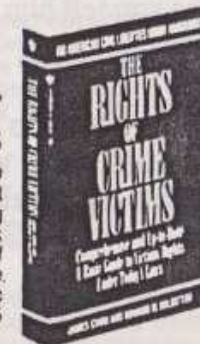
Federal sections 1983 and 1985 civil rights suits are quite suitable in these circumstances, and sometimes even the verbal announcement that you will file such a suit is enough to cause them to back off — feeling that you are well enough informed about your rights to even know the appropriate section numbers!

THE RIGHTS OF CRIME VICTIMS

James Stark and Howard Goldstein

Addressing one of today's most urgent needs, this guide surveys laws affecting crime victims throughout the country. "Stark and Goldstein cogently discuss the rights of crime victims within the criminal justice system... an essential addition to the public library collections."—*Booklist*

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TRIAL TACTICS

ATTORNEYS —

Work with your attorney think of areas and topics to use in cross-examination ...

Provide your attorney with as much background information on you, your boyfriend, and the case as you possibly can. *Remember, YOU know the whole story and both of the people in it.* He only knows what you tell him.

For effective trial work, your attorney needs to be able to probe into every corner of the case. He also needs to know what answers to expect, and what areas the State is likely to probe — and how to counter these probes.

DON'T RELY ONLY ON YOUR ATTORNEY you are just one of his cases, and he won't go to jail if he loses your case. **KEEP ON TOP** of your case, think for yourself, and be sure everything you can think of gets taken care of. **Try to understand everything that is happening.** Ask questions if you don't understand. (If your attorney won't answer your questions, you've got the wrong person for an attorney!).

If you feel that the police have lied, distorted or misrepresented anything **MAKE SURE IT IS CHALLENGED** right from the start. Insist that your attorney file a motion challenging it. Write up what you feel is wrong and give it to your attorney — don't expect him to remember everything you tell him verbally.

If you fail to challenge something at the lowest level, you will never again be able to challenge it on appeal.

When challenging these things, you **MUST** be sure the wording of the challenge not only points out the evil deed, but **SPECIFICALLY CHARGES** that it was done intentionally and with intent to gain some advantage or to deprive you of some right. **DON'T BE A NICE GUY** when you file papers against the State!!!

One last, and somewhat controversial, point. There is some question about whether it is wise to be "fully honest" with your attorney as far as what went on in your relationship with your boyfriend. This is a very touchy point, but many men have found that their attorney was less than zealous after hearing the full details ... if you have been able take careful precautions before any legal matters actually arise, you may have been able to find an understanding and supportive attorney. In that case, it is absolutely imperative that he know exactly what went on and make his strategies based on that background knowledge. On the other hand, if you had to find an attorney from the yellow pages at the booking desk in jail or if you have a court-assigned public defender you are probably better off not actually admitting anything to them. According to the letter of our law, you are "innocent until proven [by the State] guilty." In this case, your attorney's sole job is to make it as difficult as possible for the State to prove any guilt. How you help him do that is one of the difficult choices YOU must make at the time.

THE BILL OF YOUR RIGHTS Poster and Pamphlet

A special bicentennial poster in two colors attractively illustrated with a copy of the original Bill of Rights and the message: "The Bill of Your Rights. Celebrate it. Defend it. Use It." Cost: \$5.00 (plus postage). Each poster comes with a free Bill of Rights pamphlet that reprints the first Ten Amendments, as well as other amendments affecting civil liberties. The pamphlets are also available separately in batches of 10 for \$1.00 (plus postage). Order yours today and give the Bill of Rights to your friends.

GAY RIGHTS PROJECT MATERIALS AVAILABLE

The ACLU Lesbian and Gay Rights Project has begun distributing a variety of materials concerning issues of both lesbian and gay rights and AIDS. Any ACLU member who would like to receive information on ordering copies of those materials should send a note to that effect to Jonathan Katz, Lesbian & Gay Rights Project, 132 West 43rd Street, New York, NY 10018.

TO TESTIFY OR NOT??

Here you must balance what you can gain against what you can lose.

According to the the Fifth Amendment of the U.S. Constitution, you have the Constitutional right to not testify against yourself (or to "incriminate yourself," a phrase we know well from the McCarthy era). If you do not testify at your trial, the presiding judge **MUST** point out to the jury that you have this Fifth Amendment right and therefore they should not hold it against you that you did not testify. (Hah, Hah!!)

If you testify, you get to defend yourself. The State will most likely say all sorts of EVIL things about you, your motives, and your lifestyle. If you do not testify, your only recourse is for your lawyer to deny what the State says. Juries tend to be prejudiced against a defendant who is "afraid" to go on the stand and present his side of the story.

If you testify, you get to tell your side of the story. This can be very dangerous in a trial, however, because any little detail you talk about offers the prosecutor another opportunity to cross-examine you (and the boy) about that matter.

In addition, once you are on the witness stand the prosecutor has the opportunity to delve into all areas of your personal background and attitudes. One of the favorite attacks in these cases is to try to establish that your "state of mind" at the time was such that you wanted to, and would have, engaged in whatever crime you are charged with.

The prosecutor can bring in connections with other persons, groups, books or publications seized from your house, and all sorts of other matters that would not come up if you were not there to be questioned.

STATE OF MIND is the newest thrust of prosecution. Everything you have done or said, the books and magazines in your house (whether you have even read them or not), the people who call you on the phone, the people who write to you (whether their letters were found in your home, or if their addresses were simply copied off the envelopes before they were delivered), etc. will all be brought up to influence the jury. Even photos of boys *fully clothed* will be displayed to show your interest in boys. And if one of the boys should be wearing shorts, or have his shirt off, the picture will be described as **semi-nude!!!**

They cannot bring this material into the trial as "evidence," but it is allowed "to show state of mind and inclination toward the crime." The judge will caution the jury that "this material is not intended to show the defendant as a 'bad person,' but only to how his 'state of mind' as regards this type of crime." But then the jury gets to look over all the material, even if they don't actually get to take it into the jury room — which often they are allowed to do.

If you chose to testify, the prosecutor then has the opportunity to spend hours and hours producing each individual book or magazine or letter or whatever and asking you all sorts of outrageous questions about them — questions which are often way out of line and beyond what he is allowed to ask. Here, your attorney **MUST** be sharp and alert and **MUST** challenge each and every time the prosecutor get "out of line." Otherwise, the matter is allowed and you cannot challenge it later. Besides, one of the basic tricks of prosecutors is to bring such subjects up so the jury hears it and thinks about it and the seed is planted in their mind. Then, when your attorney objects it brings the subject up again in the juries mind, and gives them a chance to think about it and wonder why there should be an objection. Then, even if the objection is sustained by the judge, the seed has been planted and will continue to grow. At the end of the trial, the judge will remind the jury that they "are not supposed to consider the material that was brought up and overruled" — and this again reminds them of the matter and

sort of feeds the seed! So there is a lot to be gained for the prosecutor by stepping out of bounds as often has she/he can get away with it. (See also our other booklet on "Prosecutorial Misconduct" and you will learn just how hard it is to punish a prosecutor who continually violates the rules).

READING LIST

Lawyers: A Client's Manual. Joseph C. McGinn, Prentice Hall, Englewood Cliffs, NJ 07632 (ISBN 0-13-526806-0) \$5.95

Using a Law Library - A Citizens Legal Manual. HALT, Inc. - An Organization for Legal Reform, Suite 319, 201 Massachusetts Ave. NE, Washington, DC 20002

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