

WHO IS A POLITICAL PRISONER?

By RON RIDENOUR

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INTRODUCTION

WHEN MOST AMERICANS think of the term "political prisoner" they envision the gallows of medieval times when Galileo lingered, or the concentration camps of fascist Europe, or perhaps the dungeons of Mexico where the world renowned painter Siguieros dwelled for "social disillusionment."

It would be "un-American" for most of us to conceive of Americans incarcerated because they differed with the current government's thought or the contemporary popular opinion. We would think so because this is one country which was conceived in freedom where men die to assure the perpetuation of the Bill of Rights at home and, for that matter, die to institute "freedom" in foreign lands, whether or not those countries request it or appreciate such "aid."

However, United States history as well as today's reality belie this belief, this ardent faith.

This government holds people behind steel bars because of political opposition to the system. In substantiating this contention, we will define the term "political prisoner," determine who he or she is, ascertain where he or she comes from and why he or she develops, and discover what happens to him or her and why it

does. In addition, we will look into the phenomenon of racism as applied to political prisoners, and what should be done to eliminate the institution of political prisoners.

WHO IS A POLITICAL PRISONER?

DURING 1969 there were 7,500,000 arrests, excluding traffic violations, according to the *Uniform Crime Reports for the United States* by J. Edgar Hoover.¹ Of those 40 persons arrested per 1,000 population, 4,989,700 were for major felony offenses reported to law enforcement agencies. The government keeps no public figures on the millions of misdemeanor crimes and arrests.

Who are these people arrested? Where do they come from? What reasons are there for these crimes and arrests?

Of those arrested for felonies, 28% were black and 69% were white. However, the government includes Puerto Ricans and Chicanos as white. In California, of the 28,462 persons (15% of the nation's prisoners) in state prisons, 26.4% are black and 13.4 are Chicanos.²

¹ Hoover, J. Edgar, "Uniform Crime Report for the United States," *United States Government Printing Office*, 1970.

² "California Prisoners 1968," *Human Relations Agency, Department of Corrections*, (Sacramento, California, 1969).

It is estimated that those minorities constitute 15% of the nation's population while comprising 43% of those arrested and imprisoned.

Most "criminals" are poor people, white and non-white. They are usually jobless, or underemployed, semi-skilled, "cheap labor," escapees into dope, innocent victims of racist policemen or a white society, and some are political people.

Only eight per cent of the "criminals" were arrested for crimes against persons. Most "crimes" are against property or values: 20% were for crimes against property, 49% were against "public decency and order," 11% were against "morals," and 12% were "all other."³

Thus the vast majority, 60% or more, are persons arrested for alleged crimes against morals, decency and order. These are charges of prostitution, homosexuality, disturbing the peace (used extensively against political people), illegal assembly (remember the ghetto and barrio rebellions and Sproul Hall, etc., etc.), trespassing (People's Park), drug charges, and the like.

(Of the millions arrested, only a fraction become prisoners in state or federal institutions, and these are only felony cases. The latest available figures [December 31, 1967] indicate that there were 176,000 state prisoners and 19,579 federal prisoners for a national total of 195,679. This represents only one in 37 arrests.)⁴

Most crimes, then, can be considered "political" or cultural. That is, crimes where no one is harmed but where concepts clash. Thus, trespassing is an act against private property, of large land holdings and of industry, usually. It's not a question of invading the use of one's personal property such as a home but deals with the question of ownership of the means of production. For example, should people in Tucson, Arizona be allowed to use the vast lands of the university there for congregating, for relaxing, for living? Should anyone be able to walk on the beach, or anywhere, or should big businessmen and military and church

institutions be allowed to own and control vast areas for their own uses, which may not be either in the interests of the public or even related to its concerns? Should some people be able to own products produced by masses of workers and sell them at a profit for their private uses? If the collectively produced wealth were spread around where few people (owners of 76 corporations, for example, which control 60% of this economy which in turn represents 60% of the world's wealth)⁵ could not own so much, then robbery, burglary, mugging and related crimes would not be necessary and, *in short order*, would vanish.

Even J. Edgar Hoover, in analyzing the reasons for crime increases, recognizes the role that the social structure plays in determining crime. In his 1969 report, he gave as reasons for the increases: "economic status . . . attitude of the public toward law enforcement problems . . ."⁶

THE MAJORITY of "crimes" in this society are results of elitist relationships between people. A profit oriented economy, by its very nature, must be exploitative—some must profit from the majority's labor. Most of us cannot be owners of production, for then there would be no one to produce the profit. This economy also demands rule by a minority. Therefore, the state must assure that laws are created and enforced which favor the rulers. Most crimes are committed by the ruled who are acting against the special interests of the few, out of the need to survive. The bulk of crimes are therefore forced upon the actor due to the design of the capitalist system, which demands that most of the people produce luxury for the few while denying adequate material and spiritual needs for the many. Unemployment becomes necessary to create and maintain, in order to threaten

³ Hoover, *op. cit.*

⁴ *Ibid.*

⁵ Lundberg, Ferdinand, *The Rich and the Super-Rich*, (New York, Bantam Books, 1968). Also see *Fortune Magazine* annual description of who owns what in the Summer editions.

⁶ Hoover, *op. cit.*

the work force's potential power to erode the owner's profit. Racism is created and used to divide the united might of the poor, thereby maximizing the power of the financiers and industrialists. Subjugating women and forcing them to be servile also enhances the profits.

Thus, the materially hungry must steal to survive, and the spiritually hungry commit anti-social acts because their human needs cannot be met in a property oriented state.

While it is impossible to determine how many people are arrested or imprisoned because of the reasons outlined, it is a fair estimate that somewhere around 90% of the "crimes" committed would not be either considered crimes or would not occur in a people oriented society (see section entitled, "What is Needed?").

We have essentially categorized almost all persons considered criminals in our society as victims of the elitist socio-economic-political system of racism and capitalism. Let us focus in on the political prisoner, that person harassed because of his political and social attitudes. There are two kinds of "crimes" in this arena: 1) exercising certain beliefs and 2) violating a specific law suppressing the basic rights of free expression, i.e., assembly, petition, etc.

The first type of political crime is not on the books; it is not considered possible in our society. But when pacifist members of the clergy are accused (some while already in jail) and arrested for allegedly conspiring to commit acts of violence against persons — kidnapping a government official — it would be difficult to convince most rational people that these peace activists are not being persecuted for their views against the U.S government's war policies. The government seems to be saying, "hands off our war."

GRANTED that the Black Panther Party is an activist organization, most of its actions are "serving the people" programs like feeding, clothing, and transporting people. When J. Edgar Hoover sees the BPP as "enemy number one,"⁷ and police

chiefs across the country openly state that they wish to "eliminate" the party,⁸ it is not difficult to understand the Panthers' cry of "political genocide." Hoover coordinates federal and local raids against their headquarters throughout the land, usually looking for weapons. Sometimes they find weapons, the same kind that millions of Americans proudly hang in their living rooms and dens. Their right to bear arms (second amendment to the Constitution) is a right denied opponents of government policy. In the past two years, more than 30 Panthers have been killed by police warfare. More than 400 are imprisoned. Clearly the case can be made that Panthers are not only political prisoners but prisoners of war. The government is conducting another one of its undeclared wars or police actions.

Bobby Seale and Ericka Huggins are on trial because they are dangerous thinkers, because they influence people to believe differently from the government. They are charged with instructing people to commit a crime, with conspiracy to murder. But the confessed murderer, George Sams, is a mental patient and is viewed as a police agent (or informer) by millions of people including such diverse political figures as Huey Newton and Stokely Carmichael. And now the murderer of a Panther in good standing, Alex Rackley, is the prosecutions' star witness.

In short, we are saying that the multi-farious police agencies (whose main role in society is to serve and protect the big propertied interests) conspire to eliminate some voices that get too strong, that become too effective. Eldridge is in exile, Malcolm, Evers, King and Salazar are conveniently silenced and thousands more lie quietly in morgues or rot in prisons for crimes not quite clear. Some, like Deadwyler and the Sanchez cousins (Mexicans in East Los Angeles), die for getting in the way of "officers in hot

⁷ Hoover, J. Edgar report to the 1970 Congress.

⁸ National Police Association Convention, Summer 1970. See various media accounts, newspapers (Los Angeles Times) and television.

pursuit." But no officers ever get tried, convicted, or sentenced. Marge Buckley, 1970 Peace and Freedom candidate for attorney general, in an interview with the *Los Angeles Free Press*, October 30, 1970, said: "There are 55 known police killings in Watts since Deadwyler (murdered by police in 1966) and not one police officer has been prosecuted for them."

THE SECOND major kind of "crime" that social changers may commit which will land them in jail concerns conscious or unconscious violations of political laws. Some of the more recent ones are the anti-conspiracy law, the renewed Smith Act, the Rap Brown law, inciting to riot laws, laws against workers exercising muscle — Taft-Hartley, Wagner and others — the Walter McCarran immigration law and many more. These are the laws which allow the government to deport millions of "undesirable" citizens (Mexicans and southern Europeans, political activists as well as the unpolitical), jail students for illegally assembling or trespassing on public grounds, try movement people in Chicago and Seattle for conducting embarrassing demonstrations exposing corruption and lack of democracy in our country, prosecute opponents for being Communists or "criminal syndicalists," and jail and file workers for "illegal" strikes or for demanding "too much" of the profit.

Now that we know who we're speaking about in general when we talk of political prisoners, let us look at some individuals and find out why they are prisoners.

George Jackson and Angela Davis are two prime examples of contemporary victims of an unjust system of law. Each comes to this status through different paths.

George Jackson was sentenced to one year to life for the petty crime of being an accessory to a \$70 robbery of a gas station. He was 17 years old and black. His public defender attorney advised him to plead guilty and get a "light sen-

tence." It was Jackson's first "adult crime." Ten and one-half years later he is still in Soledad prison. He remains there because he became interested in the plight of his fellow man. He tried to force the issue for integrating the T.V. room which many white inmates and guards resented. Jackson committed no violent or criminal act while in jail yet he has always been passed over by the parole board.⁹

The parole board personnel are appointed by the Governor and are usually the upper strata of society, wealthy men who view "criminals" as threats to their own power. They decide who should and should not go free, making the rules as they go. Because Jackson did not conform to the racist prison system, he was singled out as one of the three scapegoats for the death of a prison guard.

Jackson's early life is typical of millions of "disadvantaged" (oppressed, colonized) youths. He was engaged in petty theft out of hunger and frustration, he was given racist advice by an incompetent attorney, and sentenced to the cruel and usual penalty of an indeterminate life sentence. In prison his mind turned from lamenting about his own situation, and he began adopting an overview of life and a determination to change the lot of his brothers and sisters. This idealism might have been triggered when he went to watch television. It was not at Howard Johnsons, mind you, that he was chased away because he wore black skin, but it was the most unimaginable occurrence, that the "wretched of the earth" refused him this simple diversion. The absurdity, the stupidity of this insignificant racist denial might have been just enough to illuminate for him the absolute necessity of destroying this system and starting anew.

TODAY, those politically conscious prisoners, or those immediately open for consciousness, include far more than con-

⁹ Information on George Jackson was mainly collected from the literature produced by the *Soledad Brothers Defense Committee*, P. O. Box 31306, San Francisco, California 94131.

victed activists or movement leaders.

Non-white people, regardless of their material or status success, are still considered "niggers" and are always subject to the most inhumane treatment. The fact that any cop on the beat can assault a senator and get away with it (State Senator Merv Dymally was beaten by a cop when thousands demonstrated against the attempted massacre of Panthers by police December 8, 1969) should attest to that singular fact. And more and more of the Black Bourgeoisie and brown middle-class realize that.

Material comfort and a title cannot be equated with freedom, dignity and self-pride. The fact that most of the major leaders of social change movements and political prisoners are the more privileged in society, the more educated, illustrates that "success" is not the measure of the person, nor is it adequate for a meaningful life. The story of Angela Davis personifies this point.

Miss Davis came from a middle-class family and received the best education white society had to offer. She even traveled to Europe for some of her formal education. But she never was allowed to forget that she came from a subjugated people. Her humanity would also not allow her to deny that the four girls murdered in the bombing of a church in her home town (Birmingham, Alabama) were of her own. No matter that she could climb the heights of the tallest mountain, she would always be eligible for assault, false imprisonment, murder or unemployment by any white authority. Any stray bullet meant for any of her people could pierce her black skin.¹⁰

It was Miss Davis' comprehension of this cold reality which led her to study the causes of racism, of exploitation, of oppression. Through acting and book learning she saw the socio-economic system of capitalism as the main cause of the basic evils.

Most blacks and many brown and white people considered the struggle for Angela Davis to teach to be part of the fight for Black Liberation. The Che Lumumba Club of the Communist Party

U.S.A. (to which she belongs) in the October 27, 1970 issue of *Nommo* (UCLA black weekly) said:

It was a fight which understood that Angela, as a black woman involved in her people's struggle for liberation — as a Communist — could not be tolerated by the corporate-racist power structure and must be pushed down from the heights she had attained . . .

Angela Davis' life is at stake. J. Edgar Hoover himself thought about arresting Angela. Nixon virtually convicted her in one sentence. On October 15, when signing the Organized Crime Control Act of 1970, he said that the seizure of black militant "Angela Davis by the FBI should be a warning to those who engage in these acts that they eventually are going to be apprehended."¹¹

NOT ALL political prisoners are reactors to the evils of our society, some are reactors to those seeking social change. James Earl Ray is a case in point. Ray's act of murdering Martin Luther King was a political act. He did not murder simply for money, or, at least, his employers did not. They murdered for socio-economic-political reasons.

Rev. King represented something reprehensible to his murderers because he fought against racism. Presuming his killers wanted to continue the system of racism, of separation of peoples, they did so in order to profit from this division. While their act was political, it was also racist, exploitative, and oppressive. The terrorism of facism is political but we certainly cannot view an oppressor's political acts of terror, genocide, and repression as we do the struggles — in self-defense or otherwise — of those attempting to overthrow an oppressor. The master has no rights the slave is bound to respect.

Thus we would include the conscious or unconscious puppets (tools) of repression in the category of political pris-

¹⁰ Information on Angela Davis was largely gathered from literature produced by the *National Committee to Free Angela Davis*, 3450 West 43rd St., Los Angeles, California 90008; also the *Los Angeles Times*.

¹¹ *Los Angeles Times*, October 15, 1970.

oner, if they are arrested, not in the sense of someone denied his rights, however, but in the sense of someone who commits an anti-social (inhuman) crime for political reasons.

Most U.S. political prisoners are fighters for the right to live, and are denied the rights guaranteed them under the Constitution. They are not committing acts *against* humanity but, on the contrary, *for* humanity. Minutemen, KKK-ers, Nazis and their like are overanxious in their support of the imperialist system. Some of the more trigger happy must be jailed, *currently*, to perpetuate necessary illusions of a pluralistic society, one which tolerates no violence, except official violence.

Nazis, racists and other reactionaries have almost never been prosecuted, however, Militant workers, minorities, radicals, communists and progressives are always the target.

HOW DOES A POLITICAL PRISONER EMERGE?

FORTUNE MAGAZINE, as long ago as 1956, estimated that 20,000,000 Americans (one in seven) are subject to federal security investigation. The figure today must be much greater. This phenomenon develops from repression against rebellion over economic inequality and political powerlessness by the mass of people. It becomes a crime to advocate economic equality, political parity, and social cooperation since capitalism demands the opposite.

The attempted outlawing of the Communist party coinciding with United States' cold war with the Soviet Union brought about more repression in the 1950's. There have been similar periods in American history. The Alien and Sedition laws had Jefferson supporters jailed. In the 19th century, millions of slaves and abolitionists were imprisoned. Slavery was a \$3 billion enterprise. Protestors of the Mexican war were jailed. The Palmer raids grabbed thousands of political opponents. Millions of Mexicans

have been deported from the land they once owned, Southwest U.S.A.

Contemporary disparagers or fighters for radical change should remember their history. We should all recall the words of the trade union press, the *New York Union*, which said, in 1836, when 25 tailor unionists were brought to trial on charges of "conspiracy to injure trade, riot, assault, battery:"

If an American judge will tell an American jury that these barriers (referring to unions) which the poor have put up to protect themselves from the gnawing avarice of the rich are unlawful, then are the mechanics justified as our fathers were justified in the days of the revolution, arming for self-defense.

The government in 1835 tried those fighters with the same "crime" as it is doing today against the Black Panther Party, SDS, Brown Berets, thousands of students, communists, homosexuals, radicals, Puerto Ricans, Chicanos, native Americans, and militant trade unionists.

Hitler began his "legal" career by outlawing communists in 1933, six weeks later he found liberals (social democrats) illegal and then he launched his all-out protracted attack on Jews, trade unionists and Catholics. Any out-of-tune voice became a "communist."

A POLICE STATE forces people to become informers against strangers, acquaintances, friends and relatives. It employs techniques now in play in our society.

Netting political prisoners includes methods of police infiltration into the ranks of peoples' organizations. Frequently these infiltrators "suggest" that the group undertake illegal activity such as arson, bombing police stations, botanical gardens, department stores or whatever. There are increasing numbers of such "legal" agent provocateurs.

Recently a "Weatherman" FBI infiltrator spilled his guts in the Seattle 7 conspiracy trial. The spy, 33-year-old Horace L. Parker, testified that he acted under the FBI's instructions when he bought

five pounds of potassium chlorate and gave it to the Weathermen, offered to supply dynamite and bought two cases of it with FBI money (taxes), provided the leader of the small group with an illegal tear gas gun, conducted firearms and sniping instructions, contributed a .22-caliber automatic rifle and tear gas to them and, in general, acted to provoke illegal and violent acts. He also took drugs and distributed them widely to his radical "friends." He even became hooked on drugs. He went so far as to recruit for the Weathermen group.¹²

It was after this testimony, pried out by defendant Charles C. Marshall who was defending himself, that the judge declared a mistrial.

The last thing Parker told the court was that he would go "to any lengths" to "get" the defendants, including lying. Why is this agent so anxious to "get" these young people? Do traditional American rights of privacy no longer apply to those seeking change in our society?

The anti-conspiracy law is another method used to silence dissenters. It allows enormous flexibility to charge an alleged conspirator; it functions as a legal catch-all. The law reads that even in the absence of evidence that can tie the "conspirator" physically to the scene of the "crime" he is guilty. Also guilty is the person who does not even know the other "conspirators" nor do they need to have spoken with one another in any manner. All that must be proven is that they intended to, in some way, break some law, no matter how miniscule. The Chicago conspiracy trial proved that.

RACISM not only keeps people divided and down but results in creating a special type of political prisoner. Many individual victims have already been mentioned. But this human deformity functions in broader ways such as maintaining the belief among whites that what police do to black and brown people in their communities will never be done to whites. It keeps a conscious separation between

whites and non-whites on a color basis while the state's structure and laws are based on class divisions.

In the black community, there is increasing cognizance that the laws are not meant to serve the people. In fact, there is a contradiction between protecting the laws and protecting the people. Daily confrontations with police in non-white communities is a strong indication that the victims are no longer tolerating their suppression.¹³

Repression becomes more desperate as the people awaken and rebel. Many whites are becoming aware of the contradictions between the laws and the people, between the governors and the governed, between unity of people and racism. In Gary, Indiana, 1,000 delegates representing 140 community organizations formed a congress of groups seeking social reform recently. The local Democratic party leader said about it, "It is a radical group representing a force comprised of alien persons with backgrounds of highly questionable natures who form the embryonic stages of a revolutionary movement."¹⁴ What really upset him, and the local establishment, was not that they were "aliens" but that they were the backbone of the nation, blue-collar white workers.

The general brutality and deliberate racist provocation by prison officials enacted to maintain hatred between whites and non-whites is a constant fact. In city, county, state, and federal jails police beatings, murder, medical neglect, and contamination of food are as bad as anywhere in the world. In 1969 there were six Chicano "suicides" while incarcerated in the East Los Angeles County jail. Two Young Lords supposedly committed suicide in New York jails last year also.

Marge Buckley in the same *L.A. Free Press* article, mentioned earlier, re-

12 Cooper, Richard T., "Information Tells of Supplying Explosives to Revolutionaries," *Los Angeles Times*, Dec. 20, 1970, p. 1.

13 Castro, Susan, "Racism's Political Prisoners," *Daily World*, Oct. 31, 1970.

14 "Blue Collar Workers Seek Power as Group," *Los Angeles Times*, Dec. 10, 1970, p. 12.

counted a talk she had with a local judge which further reveals the racist and brutal mentality of those who judge us and send us to jail.

I was talking to a judge, and he said to me, "You had better stop their (dissenters', rioters') violence or they're all going to be wiped out," and I said, "Well, your honor, there's a slight problem there; I can't stop *their* violence. *You* can stop it by realizing that the problems have to be dealt with, and until they are dealt with, the violence will occur." So he said, "Well, then, we'll wipe them out," and I said, "I think you'll find when you go in to wipe them out, you'll find that they've decided that if they're going to die, they're going to take some of their oppressors down with them. The next time they burn, they're not going to burn in Watts, or in East L.A., they're going to burn in Brentwood, Beverly Hills and in Bel Air."

These people also remember the words of Judge Taney in the Dredd Scott case when he ruled that a black man was a slave because he was black regardless of what state he lived in. The Black Panther newspaper quoted him recently, "A black man has no rights a white man is bound to respect!" Coming from the mouth of an official representative of the government appointed to dispense "justice" in a court of "law," those words expressed the basic ideological tenet of racism.¹⁵

THE VERY COURT system which passes judgement on the millions of arrestees has deviated from the prescribed system adopted by our nation's founders.

The United States Constitution is based on the Magna Carta of 1215 which was drawn to protect landed property interests of nobles in conflict with the king, but eventually became used by the people as a statement of mass rights over the power of the king. English common law traditions were key to the U.S. Constitution in recognizing the need to follow precedents in similar cases. Since this concept easily became rigid, the "equitable" system was incorporated into the common law. This concept acknowledges the need to have justice done, and

to avoid the harsh result which flows from a rigid application of the rules of law. The Anglo-Saxon law is designed to protect established classes but gives the people some rights above the king, or, in our case, above the property owners and the state (namely the Bill of Rights).¹⁶

One of the instruments instituted to assure more protection for people was the grand jury. It was established by the community to block arbitrary use of state power. An accused would be judged by his peers rather than by the bureaucracy. A collection of local citizens would gather to hear evidence against the accused and decide if the state's complaint was substantial enough to warrant a trial. If the peer group thought there was reason to try the accused then a trial by jury could be called. Common law practice assured a peer group jury. This concept also came from the Magna Carta but applied to nobles. Average citizens were all supposed to be tried by their kind when the system was transferred to America. But since the new society postulated that all were free and equal, a jury of peers came to mean any citizen. The state did not face the contradictions of inequality for those other than white male Anglo-Saxons.

The majority of our society has always, in practice and frequently by law, been unequal or treated as other than human. Native Americans, blacks, women, browns Asians, Latins, dark Europeans, homosexuals, and youths have never been "free and equal" yet the utopian definition of "peer" remains law.

This is one of the basic reasons why increasing numbers of Americans contend that a fair trial is impossible in our country for the majority of the people.

IN MODERN TIMES the very purpose of the grand jury system has been corrupted. Now, grand juries are convened by the

¹⁵ Cleaver, Kathleen, "Who Respects The Black Man's Rights?" *Black Panther Party Newspaper*, June 13, 1970.

¹⁶ Buckley, Marge, attorney and Peace and Freedom candidate for California State Attorney General 1970, in an exclusive interview.

state for the purpose of wielding power and censorship *against* citizens. One of the most common uses of the grand jury in these times of political, social and economic turmoil is to thwart dissent against the state's handling of society's problems. No longer are grand jury members representative of even the white population. There are few workers that get selected, as either judges or sheriffs make the selections. Today, the local Bull Connor selects his friends to judge the actions of Rap Brown. And all of the proceedings are held in secret and without the right to have an attorney for the defendant present.

The secrecy surrounding the jury includes not informing witnesses about that which they are being asked to testify. The prosecutor can use the transcript of the grand jury proceedings later—at a trial—to contradict a defense witness. He can also trap a witness into lying to the grand jury and then—later at a trial get a conviction for perjury, even if he doesn't have enough evidence to try the person for anything substantive. The grand jury further has the power to give witnesses immunity from prosecution on their testimony and then have them held for contempt if they refuse to talk. They can be jailed for up to 18 months for refusing to divulge what could be incriminating information about themselves or friends.¹⁷

WHEN THE FOUNDING fathers conceived of the legal system they thought one could best judge another when they knew one another. As the population grew and as wealth became more concentrated into fewer hands, it became more advantageous for the powerful to have strangers judge one another. Strangers tend to be less concerned about the accused's welfare and guilt. And so, today, jurors are not only required to be unknown to the defendant but are most frequently not even from the same class or race.

Working people, the most numerous persons in our society, are discouraged from becoming jurors by the fact that

they must eke out a meager living. They cannot afford to be without their wages for an entire month (the normal duration of jury duty). They receive a pittance each day of jury duty which varies from state to state, usually \$3 to \$8. There are few employers who allow their workers to get paid while on jury duty and, in fact, many employers indicate disfavor with them accepting such "time off." However, many companies are pleased to have foremen, managers and owners become jurors and, frequently, their salaries are paid in full while on jury duty.

Of course, few black, brown, native American or young people are ever called. What few non-whites and young people who may get on panels are usually bumped by prosecutors. Many states continue the practice of precluding non-whites from sitting on juries even though the majority of defendants are non-white.

By the time a defendant faces a jury it is comprised of old people, retired workers with antiquated values, bosses, friends of law enforcement, or people, in general, identifying with "the establishment." Thus, most prisoners, regardless of their "crime" are victims of a political system which discriminates against the majority. Such is the situation we have today. Law and order becomes a weapon used against millions of practically disenfranchised persons.

IT IS PRECISELY because a fair trial is near impossible in this country for most Americans, especially black, brown and poor ones, that Ruchell Magee should be freed, unconditionally.

Magee is the only survivor of the insurrection led by Jonathon Jackson at the Marin County Courthouse in August of 1970. The rebellion was conducted in order to gain the freedom of three unjustly imprisoned black youths. It was aborted by trigger happy policemen who

¹⁷Facts on the history, purpose and use of the grand jury system can be obtained from the *Midnight Special* Bookstore, 1335½ Washington Blvd., Venice, California 90291.

had no concern for the lives of the prisoners nor the hostages they had taken.

Magee was originally imprisoned on a spurious charge of kidnapping as an outgrowth of driving a pusher somewhere in order to buy \$10 worth of marijuana. He was sentenced to one year to life imprisonment and, like Jackson, already has served eight years. Magee's appearance at 31 is that of an old man. He has been mercilessly beaten by police and prison guards numerous times.¹⁸

Magee joined in the escape attempt because he, and the others, knew they could not gain freedom through the courts. The American system of "justice" does not work for the underdog.

While the government certainly is anxious to put down insurrections and insurrectionists it is even more anxious to exploit the living symbol of Angela Davis. She stands for all that oppressed peoples are fighting for and against and her leadership is considered more dangerous than the events of August 7. Illuminating this fact is the affidavits Magee signed charging that his court-appointed attorney offered him immunity from prosecution, in agreement with the appropriate judges, if he would "lie on Angela," declaring that she gave the guns for the abortive uprising.

The United States government has tried to keep from the people the presence of political prisoners within this country. But the Marin County insurrection and the Angela Davis case have destroyed any pretensions on that account. Their fear of such massive national and international support for Davis is evident. It is forcing them to go to any extremes to "get her."

JURY OF PEERS AND WHO IS A JUDGE?

MEMBERS of the left community have postulated that juries of peers are nonexistent and furthermore, that their existence would assure fair trials.

Examining these contentions closely indicates some error and some problems. First, there are several areas where

peer groups do judge defendants; the military where officers judge fellow officers (class distinctions are also present in the military as, for example, officers also judge enlisted men); police departments have peer commissions "trying" their fellows when, infrequent that it is, one of them is presented for formal hearings on citizen complaints of misconduct—breaking the law; southern U.S. courts invariably contain a racist, reactionary white working class jury judging a fellow bigot, in most instances for crimes against blacks.

These are some of the glaring cases where peer group judging does exist in our system of "justice." The outcome of such "trials" is well known. Whites committing crimes against blacks is condoned, officers stepping out of line or mistreating enlisted men are given a slap on the wrist, and police brutality against most Americans is commended, or at the very least overlooked.

Once a society with fundamental inequality is thoroughly established, as it is here, slave mentalities are created among the most exploited and oppressed. Too much oppression can stamp out seeds of rebellion for a long time. Times are changing but relying on peer group juries today is no solution for most in America.

ANOTHER legal indication of discrimination against the masses of people is the personnel of the court. Who is a judge and how does he become one? There are very few judges who are common people. The common man is not allowed to judge his fellow man. Most judges come from the upper classes. They are often appointed and even when voted into office, they do not represent the masses of people. Few voters know them, much less their qualifications. On the rare occasions when a judge attempts to fulfill his duty to the people he is subject to attack and ridicule. Or, as in the case of Los Angeles County Superior Court Judge

¹⁸ Material on Ruchell Magee can be obtained from the National Committee to Free Angela Davis.

Alfred Gitelson, removed from office by a biased white majority of voters because he took a stand for justice. (Judge Gitelson ordered the Los Angeles City School Board to bus students to achieve integration).

Few citizens can afford to become lawyers or politicians or businessmen, which are frequently stepping stones to becoming judges. Many states do not even allow judges to be elected. And, of course, appellate justices are appointed by governors and presidents. To understand the court system one must understand the political system because judges uphold politicians' law. The state must be seen as an instrument of rule for the owners of industry whose basic purpose is continued profit making and control of the masses. Control is key. If too many of us get upset with our lot we may rebel, and if we rebel we may threaten the power and wealth of the few. Therefore, they must be constantly vigilant. The legal system is an important deterrent to rebellion.

Justice cannot be rendered under the current social structure where cultural mores are based on the economy of exploitation, the politic of elite power and, the sociology of racism. What is needed, then, is a complete transformation of society, a reordering of values.

*While there is a lower class I am in it,
while there is a criminal element I am of
it, and while there is a soul in prison I
am not free.* Eugene V. Debs

WHAT IS NEEDED?

INSTEAD of the legal system which now operates specifically for the interests of the few, what we need is a legal system which works to bring real dynamic justice for the whole population. We need peoples' courts in a peoples' land.

Most current legal conflicts are due to the commercial system of capitalism. Once we do away with such an anarchistic system we will have fewer crimes to be concerned with and can then spend

more time and resources in discovering true solutions. For example, there would be no arbitration over workmen's compensation since, under a humane system everyone injured would automatically be entitled to all benefits necessary to adequately live. Under the new system of law we would be seeking truth and not serving the ego winning concept of today.

Many current "crimes" will become medical problems or accepted acts. Alcohol, drug and sex problems will be treated as medical concerns. Most sex and drug "problems" are simply social differences and under a rational culture will be accepted as simply value choices. This would be the case with drug users who do not inflict real harm, such as marijuana users. Homosexuality should be the choice of any consenting person. In a free society, we won't feel the need to stop non-conformers.

All anti-labor and political laws will disappear (Walter-McCarran, Taft-Hartley, Alien Registration Act, Organized Crime Control Act, concentration camp laws, "riot" laws which only prohibit political acts, Rap Brown crossing-the-state-lines law, conspiracy laws, etc.).

Many of the current laws do not prohibit deeds but thoughts. It becomes illegal to teach, or in any way advocate the overthrow of the government or to advocate violence to do so. But, even more so, as in the case of Angela Davis, it is apparently illegal to teach if it is suspected that you will teach those things.

What constitutes violence is open to interpretation. If the state, or some representative thereof, attempts to kill someone, does that person have the right to protect himself? No, not under present laws. If the person organizes people to oppose the government or some law or some war, can that be construed as violence? Yes, today it can.

Eugene V. Debs' comment after a court conviction is appropriate here, "*Great issues are not decided in the courts, but by the people. The court of final resort is the people and that court will be heard in due time.*"