

## *BLACK LAW JOURNAL INTERVIEWS:*

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# HOWARD MOORE: PEOPLE'S LAWYER

*Preface and Commentary* by JOHN A. FLOYD\*

AS A DEFENSE LAWYER for Angela Y. Davis, Howard Moore has emerged as the archetype of the Black man "up front." Because the case of the brilliant young Black UCLA philosophy professor has become the most widely-publicized political trial in decades — and perhaps the most notorious prosecution of a prominent Black ever — Howard Moore has ignited the imagination of countless young Blacks in all walks of life. By his unswerving fidelity to the cause of Angela Y. Davis and the liberation of political prisoners of which she is a symbol, Howard Moore has demonstrated once again the critical necessity for aggressive Black leadership — determined, uncompromising and fearless. He has proven that the highest standards of legal craftsmanship can be fused with audacity and courage in the bold defense of the rights of a beleaguered Black America.

Though the struggle for Angela has catapulted Howard Moore to national prominence, he has long been trusted in the Black community as an intrepid lawyer of consummate skill who has time and again placed the interests of clients well above personal need and ambition. A list of just some of his clients in and of itself attests to his unique place before the American Bar and reads like a roll call of the greats of the Black liberation struggle: Martin Luther King, Jr., Stokely Carmichael, James Foreman, Cleveland Sellers, H. Rap Brown, Hosea Williams, Ralph David Abernathy, and Julian Bond.

Howard Moore, 39 years old and a husband and father, was born and lived much of his life in Atlanta, Georgia. After his graduation from Morehouse College where he majored in Political Science and Economics, he attended Boston University's law school. After graduation from law school, he was admitted to practice in Georgia and Massachusetts, and ultimately to the Bar of the United States Supreme Court where he prepared and argued the landmark case in which the high court ordered the Georgia legislature to seat Julian Bond.

This interview with Attorney Moore hardly does justice to the incomparable sweep of his political and legal vision, and could not possibly render the acuity, depth and originality of his insight. The conversations with Howard Moore were in every respect a challenge, for he is truly a legend in his own time. Thus an effort was made to direct Mr. Moore's attention to critical areas of his personal and professional concern without attempting in any manner to produce exhaustive and definitive statements on the subjects discussed.

\*Mr. Floyd, a third-year law student, was assisted in the preparation and presentation of this interview by his wife, Cheryl Floyd and Norman R. Jones. The author gratefully acknowledges the invaluable assistance of BLACK LAW JOURNAL editors, Henry McGee, Warner Smith and Michele Washington.

The interview commences with a discussion of his youth and the events and considerations that propelled him to a legal career. Elsewhere in the interview he speaks of the important support of his wife and the legacy of pride and self-respect handed down by his mother. Eloquently he relates to and defines political prisoners, discussing the relationship between Black lawyers to their brothers behind bars. In Mr. Moore's view, all Black people who confront the American legal Juggernaut are political prisoners. Attorney Moore expresses practical "do's" and "don'ts" for fledgling Black lawyers, and counsels against dissipation, profligacy, excessive indebtedness and mindless submission to authority. The interview discusses the Civil Rights struggle of the sixties, the racist character of the American judicial system, prisons, the definition and meaning of "fair trials," and the welfare system. After provocative comments on President Nixon and Chief Justice Warren Burger, Attorney Moore closes the interview with some "nits and grits" aspects of the defense of Angela Davis.

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BLACK LAW JOURNAL: *Mr. Moore, how do you view your role as the most celebrated Black trial lawyer — with the possible exception of Thurgood Marshall — in the country?*

HOWARD MOORE: Well, I don't like to think of myself as being celebrated. I don't like to think of myself as being well-known, and the reason for that is that you become known because of somebody else's misery, somebody else's troubles. People know me today, tomorrow, or yesterday because I'm presently representing Angela Davis who has been in jail for well over a year on the basis of trumped up, politically motivated charges. Angela has suffered tremendous deprivation, and damage to her eyesight and dental health. She certainly has withstood the tremendous psychological and emotional blows of being in prison day after day. I'm known because of brother H. Rap Brown, because of his heroic stand on behalf of our people, because Rap is laying in a hospital today, last night and perhaps tomorrow, all shot up. In a way, I look upon lawyers as being scavengers, or parasites, because what makes them important is other peoples' troubles.

JOURNAL: *With that in mind, what made you decide on law as a career?*

MOORE: As a kid, I never thought of being a lawyer myself. I knew of four lawyers. One of the lawyers my parents used to talk about quite a lot was a man from Arkansas by the name of Scipio Jones, who was very well known because of the *Moore vs. Dempsey* mob violence case down in Arkansas. The other lawyer was a man by the name of Benjamin Davis who defended Alonzo Herndon, a Communist who had come South to organize the Black Belt. Ben Davis waged a very militant defense, raising for the very first time in Fulton County (Atlanta), Georgia, the question of intentional discrimination in jury selection. He also challenged the jury's racial prejudice. It's strange that people think that Charles Garry is the first and only lawyer who has ever done that, but Benjamin Davis did it in the *Herndon* case, and friends of mine, such as Don Hollowell, C. B. King, myself and other Black lawyers do it all the time.

William Patterson, who was prominent in the *Scottsboro* defense through the International Defense League, was another lawyer who may have influenced me early in life. The *Scottsboro* cases led to tremendous reforms, including such cases as *Morris vs. Alabama* and *Powell vs. Alabama*. *Morris* created the doctrine of the prima facie case of jury discrimination; *Powell*

the right to counsel in capital cases. The kind of reform that those cases initiated is only now beginning to peter out in a very visible way in the Supreme Court of the United States. Another lawyer of whom I heard a great deal was, of course, our local town lawyer, Colonel A. T. Walden. Colonel Walden was a graduate of the University of Michigan. When he was first admitted to practice law they wouldn't let him into the courtroom. The clerk of the court would leave him in the hallway and go there to receive his pleadings and papers. Often the clerk would be illiterate or semi-literate, and Colonel Walden would have to read the papers to him before the clerk could file the papers.

What finally prompted me to decide on the law, however, was that in 1951-'52, Thurgood Marshall, of whom I heard a great deal as a teenager and a young man, spoke in Atlanta at the NAACP Convention. I thought he was very impressive. He sounded so reasonable and informed, and yet at the same time he sounded so ordinary, so down to earth. Because of that I felt he was someone with whom I could identify, and that the law probably would be a good profession for me.

I was thinking in terms of a career also. If I had chosen some other profession, or some other career, who would hire me as a Black kid living in Atlanta, Georgia from 1950-54? As a lawyer, I would be self-employed. I would be a professional person, and not dependent on others to employ me. I thought more of the law. I realized it was one profession where your skills are reading, writing, thinking and talking. I sort of like that, so I find the law interesting.

*JOURNAL: How has being a lawyer affected your personal life? Specifically, how does your wife relate to your having to travel across the country and across the world?*

MOORE: Well, my wife is basically ambivalent. She likes me to be involved and be challenged and be moving, and she wants me to be home sometimes. She criticizes me severely for finding time to travel and go around the world and not be home, but she supports me one hundred percent in the struggle. She's committed to the struggle. She was involved with the Student Non-Violent Coordinating Committee (SNCC) as one of their first workers. She's here in California now, manifesting her solidarity with me and with Angela and other political prisoners.

I remember very clearly when we had Julian Bond's case in the Supreme Court. We spent almost a year working on the case and the election. The primary election was a very close affair. Julian literally won by the skin of his teeth. That disturbed me very greatly because of the implications for the upcoming general election. My wife Jane, who is also Julian's sister, saw what the situation was and knew that I'd be utterly crushed if my brother-in-law ultimately lost. She also knew what the campaign meant to her brother Julian, so she took over the management and organization of his campaign and he won by a landslide. He must have won by a three to one vote, and the election was the night before we argued the case in the Supreme Court. It was her support and effort which was really unforgettable. It was Herculean.

*JOURNAL: It's obvious that these cases don't generate a lot of fees. Why is it that you have chosen service to the people rather than opting to make a lot of money?*

MOORE: People shouldn't knock money; money is necessary. We live in a capitalist society, and without money you virtually have no life at all. But you should understand that money is merely a means of acquiring things and that one cannot devote his life to mere means; that one has to devote his life to an end. The end clearly has to be the liberation of Black people. You have to put money in its proper perspective and you don't sell your people's freedom and your own freedom for a couple of dollars — which is about all one gets out of the jobs, out of compromising people's claims, and out of Tomming in court like a lot of lawyers do. One has to always think of ultimate goals and serving the people.

Professionals who don't really submerge themselves in a life of service to the people wind up on sort of a dead-end street, sort of trivial preoccupations. I should say relatively trivial preoccupations. You find an inordinate amount of drinking and gambling and promiscuity, even among married men, who are not deeply involved in the professional life as a life of service. I think that only when you give your life over to the struggle and give it over as a commitment do you feel creative and young. I never feel old, I always feel attuned with people who are 18 or 19 and I'm 39 years old. I can understand and relate with them because I feel that I am involved with their struggle. I'm their servant, their worker, their instrument for challenging and protecting what they'd like to accomplish, what they would like to prevent being accomplished by the power structure.

JOURNAL: *Why is it that there aren't more Black lawyers defending political prisoners and people?*

MOORE: You have to decide who are political prisoners. I believe that most all Blacks are political prisoners, because it's the political decision of this system that Blacks should get the short end of the stick. Anytime a lawyer, a Black lawyer, walks into court with a Black client, it's a political case. It can be a personal injury case, but usually the reason the cases go into court is because it's a Black claimant who is involved with a white insurance company, who may be involved with a white motorist who has run into him or something. They know that the Black plaintiff doesn't stand as good a chance of a substantial recovery as a white man, that he's going to be confronted with an all white jury, and so his chances are not as good. That's a political case, and Black lawyers throughout America take that kind of case, but we don't look at them as being political cases.

Black lawyers throughout America make tremendous sacrifices in terms of their clientele, and in terms of representing them, but the thing that's missing is a sense of consciousness. Black lawyers have to understand that we feed upon the Black workers, because the Black middle class basically doesn't employ the Black professional, because employing a Black professional is not a status symbol for the Black middle class. There are exceptions here and there, but by and large, you find the Black middle class employing lawyers of other minority groups, or the kind of lawyers who can't get substantial white business so they take on Black business. One reason Black lawyers don't get the celebrated, attention-getting political cases is because they're usually sought after by white lawyers. Another reason Black lawyers don't get into these cases is that white lawyers have methods of financing themselves, or are being supported when they're engaged in such activities. Black lawyers take on a financial and professional sacrifice for themselves,

their firms, and their families when they take a celebrated case. The white lawyers take a celebrated case because of the fact that they are celebrated.

JOURNAL: *What should the role of the white lawyer be when defending Black clients?*

MOORE: He should be devoted to the Black client. White lawyers have an obligation to represent Black clients to the utmost of their ability because this is a white system and it's their responsibility to see that the system works well. This is not a Black man's system at all. It's not my responsibility to see that the system works well. My responsibility is to defend against the worst consequences of this system.

JOURNAL: *What is your definition of a good lawyer?*

MOORE: I think that a good lawyer is one dedicated to his client, who is energetic in the defense of his client, who is well prepared, and reasonably well learned in the law.

JOURNAL: *Apart from individuals that you've named, what else in your personal background led to your overwhelming concern for humanity?*

MOORE: Well, that's a very difficult question. I guess that there are a number of factors that lead one to be concerned about social justice, and I suppose it's the way that you're brought up. My mother brought me up to love people and to work hard, to learn, and to render service, and to be independent and proud of my people. I am of myself and of my family. I suppose that that's what makes one have a love for social justice. Once you have a love for social justice, it's very easy to identify with other people and particularly your own people throughout the world.

JOURNAL: *You alluded to the fact that your mother brought you up to be proud of yourself. How was she able to propagate that belief in Atlanta, Georgia, offsetting the world and her own ideological beliefs?*

MOORE: My mother was strongly influenced by Marcus Garvey and by Muhammad and the Nation of Islam. She was pretty close to Mr. Muhammad's outlook. She was a very religious woman. Though she was never in the Nation of Islam, she always read the paper and she always thought that Mr. Muhammad had the truth.

My Mama used to tell me that no man was better than me, and that I had to rely on myself. She told me not to beg for anything, and that I didn't have to take anything from anybody, that I didn't have to take any abuse from anybody, that I was a man and that I had to stand up and be a man. She told me not to let anybody rub my nose in the ground regardless of what color he was. I've always believed her advice and acted accordingly.

JOURNAL: *Attorney Moore, what pitfalls should a neophyte lawyer be aware of in the legal profession?*

MOORE: There are several pitfalls that a young attorney should avoid. One is the pitfall of organization and association. The worst thing a young attorney can do is to get in with the wrong group of lawyers — a group of lawyers whose orientation is toward vulturistic exploitation of the people. A group that doesn't have a high sense of professional integrity; who do no work at all and shoot entirely from the hip. Lawyers who aren't first rate and make no effort or pretensions of being first rate.

Developing bad attitudes toward work in general is the second pitfall. A lawyer's work is extremely exacting and demanding. The young lawyer should develop good working habits if he is to meet the demands of his profession. Good working habits isn't coming in at 9:00 and leaving at 6:00, but rather, doing a thorough job.

The third pitfall is not having respect for your adversary. Young lawyers generally have the feeling that they're invariably superior to their opposition. Yet we should have respect for the experience of older lawyers and not get deceived into sleeping on the job just because the opponent doesn't seem to be doing any work.

The fourth and probably the most important pitfall is choosing the right spouse. A lawyer's marriage, family and personal stability can help him or hold him back. It would be difficult to be effective if your spouse has social, professional or personal goals in direct or indirect opposition to yours.

Economic overextension is another personal pitfall. It's easy to get credit immediately after graduating from law school; and it's easy to get into debt, but it's hell getting out. Overextension forces you into a mold of exploitation and makes you take on unpleasant tasks. A young lawyer should stay one month ahead of his rent and automobile payments, and six months to a year ahead of office expenses.

Submissiveness to great authority can be a dangerous pitfall, involving judges, prosecutors and others who wield authority around the legal scene. Always listen to judges critically and remember that the judge is a man just like you are and can make mistakes. Don't rely upon judges and prosecutors to protect your client. Protecting your client is a responsibility you must undertake yourself. You must rely upon yourself or people you control to discharge that obligation to your client.

Last but not least of the legal pitfalls is talking too much! Community lawyers particularly should be mindful of the confidential relationship between lawyer and client. You cannot build a practice if you're known to be a loudmouth about people's business. Talking too much is more than just gossiping — you also must not tell the opposition what you're going to do until you're prepared to do it. Talking doesn't prove that you're brilliant or prepared.

*JOURNAL: What is your assessment of the 1960's Civil Rights Movement?*

MOORE: The Civil Rights Movement of the 1960's was an epic movement in the United States. The movement was spearheaded by young Black students who were relatively autonomous. The Student Non-Violent Coordinating Committee was the vanguard element in the movement. The movement represented a nation of people moving. Three generations of Black people became involved in the 1960's Civil Rights Movement.

Overt forms of racism against Black people support a system of exploitation, and before Black people can participate in the system these overt racist policies must be ended. The 1960's dealt with these overt racist policies. The 1960's movement gave Black people the consciousness to reject white nationalism as a goal for minority people.

*JOURNAL: How did you get involved with the Student Non-Violent Coordinating Committee and their efforts during the 1960's?*

MOORE: SNCC was in Atlanta and I agreed with what they were doing. So, for one dollar a case I agreed to represent them. There would usually be one hundred cases a day, with people getting arrested in restaurants, and other sit-ins. It wasn't very much work because we had a *modus operandi* whereby these people would be immediately released as there was no real desire to prosecute them. Close to a thousand cases were dismissed in Atlanta.

JOURNAL: *What was the role of the law during the 1960's Civil Rights Movement, and was the legal apparatus functional?*

MOORE: The legal apparatus of the movement was built on the basis of the 1930 to 1954 decisions on education, as the legal institutions responded to the American crisis of that time by relaxing racist practices. There are few people that understand the way conflict is controlled and channeled through the legal system, so that there is in reality no real change, only a change in form, not in essence.

JOURNAL: *If you could change the American legal system what changes would you make?*

MOORE: As long as America is capitalist and racist it needs the kind of legal system that it has now. Therefore, before you can begin to change the legal system you must change the social and economic system.

JOURNAL: *What is your analysis of prisons in the United States?*

MOORE: Prisons ought to be abolished. Prisons are only an instrument of racism and oppression. Their function is breaking the spirits of men, forcing them to become submissive. After changing the racist oppressive system of capitalism I would abolish the prison system completely.

JOURNAL: *What is your analysis of the system of criminal justice?*

MOORE: Criminal justice, again, is an instrument of a capitalist, racist society. It feeds upon oppressed people. One man goes to jail and the other goes free for the same crime depending on who the judge or jury is. The system of criminal justice is a validating system. It validates arbitrary and inconsistent decisions.

JOURNAL: *Can a Black person get a fair trial in the American courts?*

MOORE: What is a fair trial? I believe that the trial begins at the moment of arrest and ends when the jury brings back a verdict and the judge pronounces a sentence.

The New York Twenty-one, for example, were denied bail by every court. Every pre-trial motion filed was denied. After four and a half to eight months of trial the jury brought back — in ninety minutes — a verdict of not guilty on 126 charges. The question is at what point was the trial fair. Certainly the four and a half to eight months they spent in jail was unjust.

Bobby Seale and Erika Huggins spent over a year in jail, when the judge should have dismissed charges from the beginning.

Angela Davis has been in jail over a year. Is she receiving a fair trial? If you take the process from initial accusation to the final decision my answer would be: No! A Black person cannot receive a fair trial in this country.

JOURNAL: *What is your analysis of the welfare system?*

MOORE: Basically it is a capitalist subsidy. It's grudgingly given and grudgingly received. Welfare recipients take the crumbs from the capitalist table. Welfare represents a method of maintaining people so that they don't endanger the profits of the super exploiters in this society.

JOURNAL: *How would you change the welfare system?*

MOORE: You cannot begin to change the welfare system without changing the oppressive, racist, capitalistic system that welfare supports. Welfare supports capitalism by maintaining a dehumanized, unemployed class of people as an example and a threat to the working class. Poor workers with bad working conditions and low pay remain on their exploitative jobs because they don't want to join the welfare rolls.

Racist critics of welfare usually talk about unwed mothers, broken homes, and aid to dependent children. No mention is made of aid to the aged and disabled — the largest segment of welfare and predominantly white.

JOURNAL: *Earlier we asked about the Black lawyer's role. What is the role of the organized Black Bar, the National Bar Association and the National Conference of Black Lawyers?*

MOORE: Last year, under the leadership of Derrick Bell, the National Bar Association rose to a new level of commitment when it passed a resolution pertaining to Angela's case and made a \$2,500 donation toward her defense, promising at the same time to give more. It also pledged that two members would come to California and aid in her defense. It continues to lead the fight to get more Blacks appointed to the bench. Although stopping short of radicalism, the N.B.A. will become more liberal. It will primarily focus upon the law's effects on Blacks.

The National Conference of Black Lawyers has sent teams of lawyers from throughout the country to aid in Angela's defense. If such work typifies the quality of its interests, it is an extremely well meaning bar association. It has also been aggressive. Its representatives went to the American Bar Association Convention in New York and demanded that the A.B.A. aid Black law students and Black attorneys. The National Conference of Black Lawyers, unfortunately, is small and will probably remain so for some time. By recruiting more young Black lawyers and by financing itself from their contributions, rather than from foundation grants, it can become more effective. I believe any young Black lawyer committed to the Black struggle can contribute \$100 annually to the N.C.B.L.

JOURNAL: *Do you think Blacks need two bar associations?*

MOORE: Yes, I do.

JOURNAL: *Why?*

MOORE: Well, because some people have different views of the world. I think it's healthy for the Black legal community.

JOURNAL: *You, along with William Kunstler of New York, have been H. Rap Brown's legal counsel. What is your estimation of the law's treatment of Mr. Brown?*

MOORE: H. Rap Brown has been treated as public enemy number one. For example, the New Orleans gun charge. The verdict was ridiculous, and the

legal process was tainted. The District Judge refused to let us inspect most of the wire tap exhibits. It is almost a public fact that in Maryland the prosecutor had no case. Nor did the prosecutor in New York. The law has nothing on him other than the fact that he is H. Rap Brown.

*JOURNAL: At the risk of sounding naive, I ask the following: What are Rap Brown's chances of getting a fair trial?*

MOORE: None! He may be acquitted in New York, but he will have spent a long time in jail anyway.

*JOURNAL: Mr. Moore, as you indicated earlier, you represented your brother-in-law Julian Bond in his fight to gain his seat in the Georgia Legislature, which denied his right to represent those who elected him by saying his opposition to the Vietnam war was un-American. Will you speak about that case and its conclusion in a landmark U.S. Supreme Court decision?*

MOORE: The Julian Bond case was a perfect free speech case. We began by defending Julian before the Georgia House of Representatives where we lost. We initiated a suit before a three-judge federal court, and, as we expected, we lost two to one. We appealed directly to the U.S. Supreme Court where we won nine to nothing. The case has two significant aspects. First, the Court assumed jurisdiction over a controversy seemingly within the legislature's exclusive jurisdiction. Secondly, the Court strengthened a public official's right to speak out on matters of public importance. Politically, the decision encouraged anti-war and anti-draft forces.

*JOURNAL: How do you think the Nixon-Burger court would have decided the Julian Bond case?*

MOORE: Answering that question is difficult. I suspect, by way of speculation, that the Nixon-Burger court probably would have sustained the asserted right of Georgia's House of Representatives to exclude Julian Bond. Just recently, Justices Burger, Blackmun, and Harlan voted to enjoin the New York Times from publishing the Pentagon Papers. Their votes indicate the kind of censorship they willingly tolerate.

Nixon has a long history of seeing justice in a political context. His response to the Calley affair is one example. His meddling in the Alger Hiss case in the 1950's is another. A third is his public statements about Manson's guilt while the trial was in progress. Of course, there's the Angela Davis fiasco, where, on national television, he assumed guilt until innocence is proved by congratulating the F.B.I. and John Mitchell on capturing "terrorists" such as Angela Davis. Nixon is an old hand at intervening in judicial affairs.

*JOURNAL: I hope this next question does not seem redundant, but how should a lawyer prepare for a political trial?*

MOORE: One prepares for different cases in different ways, but certain elements are common. You find out everything you possibly can. You interview every witness of whom you know, check out every lead, study the law, study your opposition, identify your case's weak points and strengthen them, and identify weaknesses in your opponent's case and dramatize them.

JOURNAL: *How are you preparing for the case of the People of the State of California versus Angela Yvonne Davis?*

MOORE: We have three files full of information from various sources, including the prosecution. I've gone through all of the material once and most of it twice. Before the trial, I will sift through all of the material once again. I am carefully reading and studying the law. The time is not appropriate for me to start speaking of the case. I would rather not discuss some aspects of it.

JOURNAL: *What other aspects of the case would you care to mention?*

MOORE: The case is basically a political prosecution. The defense's strategy turns upon several transformations. First, we must transform the political into the legal. Such a transformation is necessary to avoid the exclusion of the political elements. The next transformation is from the legal to the human since the legal is, generally, obtuse and does not usually grip a jury.

Articulating the political, legal and human elements is critical to defending all political prisoners, especially Angela. Any narrower defense would only be partial. One must deal with the case as a whole because the defense is of a whole person. Angela is not merely under attack as an alleged criminal. She's not an ordinary person accused of an ordinary crime, if such exists.

JOURNAL: *As Chief counsel, how do you orchestrate the efforts of the host of lawyers helping to defend Angela?*

MOORE: I don't think, necessarily, of "orchestrating." At first, it was somewhat unwieldy. Now that we are down to a few, the group is less cumbersome and we work as a team. We see each other frequently. Each lawyer has an assignment: a certain problem, a certain motion, or a certain line of attack at a given time. One lawyer works exclusively on what we call the "affirmative" defense. Another works on the "defensive" defense, that is, the defense of the state's case. Another works on various motions for the trial. Finally, another young lady lawyer acts as a rotating accounting board by working for all of us. When the trial begins, we will parcel our time to certain witnesses who will be directly or indirectly cross-examined by defense counsel. Of course, the techniques of examination will depend upon the purposes for which we examine. Some witnesses don't need to be examined. The cross examiner must extract a complex of information from the witness. He must continually ask himself how particular questions further any angle or underscore a position taken in the case. One asks such questions as: How do you use the witness to transform the political to the legal? How do you use the testimony, documentary or physical evidence? You can't do much about the physical evidence — a gun is a gun — but you find out what people think about the gun. How is the gun presented to have an impact you prefer rather than the impact the prosecution prefers? Remember the verdict depends on what the jury believes, and it believes whatever it wishes.

JOURNAL: *Do you think Angela can get a fair trial in California?*

MOORE: As I asked earlier, what is a fair trial? Angela's acquittal will require a superhuman effort. I don't see how she can be treated fairly in California since she has already been in jail for over a year under the strain of capital charges. I do believe that with enough time and effort, we can select twelve people capable of objectively dealing with their feelings, listening to all of the evidence, and returning a verdict demanded by decency and common sense. I am confident Angela will be acquitted.

JOURNAL: *Do you think Angela could get a fair trial anywhere in America?*

MOORE: No.

JOURNAL: *What are the legal issues in the case?*

MOORE: The obvious legal question is, "Did she have knowledge that Jonathan Jackson had guns belonging to her?" Additionally, "Did she have knowledge of Jonathan's purpose and did she know his intent, whatever his intent was?" I suppose one more vexacious legal question is "whether or not purely legal conduct can be the basis of a criminal prosecution for conspiracy or for an accessory under Section 31 of the California Penal Code?" The indictment alleges that the first overt act of a conspiracy in which Angela participated was her attendance in a rally in front of the State office building in Los Angeles on behalf of the Soledad brothers. The state will attempt to show that Angela and George Jackson exchanged letters. The state will certainly try to show that Angela was in love with George Jackson as a man and as a revolutionary. Can love be the basis of a criminal prosecution? Those are some of the legal issues of the case.

JOURNAL: *What are some of the political issues and what seems more important — that she is Black and militant or that she is an avowed member of the Communist party U.S.A.?*

MOORE: I don't think you can separate the two. I think they combine to add to the hatred for Angela. I don't know of a comparable example of a Communist being hounded as she has been or being isolated and detained as she is now being detained. I think her ill-treatment is attributable to the fact that she is Black and a Communist. The power structure dares not have a person with high visibility espousing an alternative system. A weak Communist party of low visibility is tolerable. Until Angela, there was no reason for persecuting Communists because the establishment effectively derailed the party by oppressive harrassment during the late 40's and 50's.

The establishment began harassing Blacks who had programs of action. For example, the F.B.I. had Dr. Martin Luther King's phone tapped. What kind of menace did Dr. King pose to the United States? Dr. King did not advocate violence, he did not countenance violence, and no aspect of his program required resorting to violence. Dr. King's ideas were dangerous, especially the idea that the people themselves could rise up and live in the Promised Land. Because of his assassination, he didn't have a chance to show us the details of the Promised Land. So we are still fighting, searching, looking and longing for our Promised Land.

Another person under electronic surveillance is Mr. Elijah Muhammad. He does not advocate offensive violence. On the contrary, he teaches us to raise ourselves through unity and industry. He believes violence should only be used to defend ourselves when attacked. Such defense is a right of all human beings recognized by most societies.

Why is it necessary to tap the phones of men such as these? They don't pose any danger to the system. The director of the F.B.I. and white leadership see Black leaders advocating an alternative system opposed to the existing one. Blacks are like kindling wood, and the establishment is just waiting for a spark to consume the society which has only changed this country's form of slavery rather than its substance.

The establishment is after Angela because she has a brain and is committed; she is able to teach our people to think in a systematic way about an alternative philosophy of society. Many people, Black and white, don't agree with her. But most minority people agree that the society must be changed. The establishment cannot suppress everyone working for change without resorting to naked force and terror. So it selects a symbol. By destroying Angela it hopes to deter others from following her example.

JOURNAL: *Has the Black legal community's support for Angela had an effect on the establishment?*

MOORE: It has had some effect. It's made the court more sensitive to the situation and more careful in attempting to at least simulate fairness. How can they be fair, when they have not dismissed the indictment?

JOURNAL: *Some members of the community have maintained that Jonathan Jackson gained Angela's confidence, but never believed his brother, George, would be freed by the court. Would you care to comment on that?*

MOORE: I don't know what Jonathan believed because I never met him. From what I've learned about him, I know he had courage and commitment, and that he was a revolutionary. I'm not sure of his purpose on August 7, 1970. While it might seem plausible that his efforts on that date were for his brother George, it may well have been that he only wanted to free the people whom he actually took out of the Marin courtroom. But he is dead, and his silence is one of the things compounding Angela's difficulty; he is not here to exonerate her. His absence shows how death can seal more than one person's fate.

## *Our Apologies . . .*

Volume 1, Number 3 failed to note that portions of Ronald W. Brown's article (Busing as a Permissible Tool in Desegregation), previously appeared in a case comment, *5 Harv. Civ. Rights-Civ. Liberties Law Rev.* 488 (1970). Also, the last sentence in footnote 55 should have read, cf. Patterson, *Rethinking Black History*, 41 *Harv. Educ. Rev.* 297 (1971).

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