

Trinity College

Trinity College Digital Repository

Resist Newsletters

Resist Collection

2-2-1971

Resist Newsletter, Feb. 2, 1971

Resist

Follow this and additional works at: <https://digitalrepository.trincoll.edu/resistnewsletter>

Recommended Citation

Resist, "Resist Newsletter, Feb. 2, 1971" (1971). *Resist Newsletters*. 25.
<https://digitalrepository.trincoll.edu/resistnewsletter/25>

RESIST

*a call to resist
illegitimate authority*

2 February 1971 - 763 Massachusetts Avenue, #4, Cambridge, Mass. 02139 - Newsletter #50

GOVERNMENT CONSPIRES TO IMMOBILIZE MOVEMENT

"If at first you don't succeed, try and try again" might well be the motto of the government's many attempts, during the past several years, to suppress the Movement by forcing it to respond to conspiracy indictments and the resulting long, expensive, and energy-draining trials. Though unsuccessful in obtaining convictions in most cases, and certainly unsuccessful in stopping Movement organizing and activity, the government is trying again with the recent indictments of the Washington's Birthday Conspiracy.

Old Method - New Victims -- Although this time the charges hit a different segment of the Movement - radical Catholics and scholars - the method is an old one, very similar to that used against the Panther 21 in New York City nearly two years ago. In the Panther 21 case, the evidence for the indictments was provided by informers who were plainclothes police agents. Evidence for the Washington's Birthday Conspiracy indictments came mostly from a convict informer (now an ex-convict) and from someone who, in the opinion of her psychiatrist, was mentally unable to testify. In both cases, the actions planned by the alleged conspiracies were totally incompatible with their political philosophies and previous actions. The Panthers were accused of plotting to bomb department stores in the Black community, thereby killing many of the people with whom they lived and worked. The Washington's Birthday conspirators are accused of plotting to bomb and kidnap, actions totally contrary to their philosophy of non-violence and their refusal to engage in actions that in any way endanger lives.

There is already, however, one significant difference between the case of the Panther 21 and that of the Washington's Birthday Conspiracy. For most of the Panther 21, bail was set at \$100,000; nearly two years after they were arrested, many of them are still in jail because they cannot raise this bail. When a group recently raised the money for one of the 21, they were informed that his status had been changed to "no bail". In contrast, bail for the recent indictees was set at \$50,000-\$60,000 each, in spite of the fact that their charges (which include conspiracy to kidnap) are more serious; this money was raised quickly and all defendants were free within a week of their arrests.

Discredit and Divert? -- What is the government trying to accomplish by these newest indictments? Most of the indictees and co-conspirators have previously taken responsibility for the destruction of draft files; all have

Cont'd on pg. 4. . . .

A NEW AND BETTER TOOL FOR "LEGAL" REPRESSION

The trials of Movement organizers, to which we are becoming so accustomed, are the result of deliberate "legal" maneuvering by the Congress and the Johnson/Nixon administrations. During the waning years of the Sixties, conspiracy and anti-riot laws became the chief weapons of repression. Unable to obtain convictions - the convictions of the Boston Four were overturned on appeal; the Oakland Seven and the Chicago Seven were found not guilty of conspiracy - the government has used contempt citations - as in the cases of the Chicago Seven and the Seattle Liberation Front - to send the defendants to jail irregardless of the outcomes of their trials. To provide more reliable means for repressing the Movement, the Congress passed the Organized Crime Act of October, 1970.

A careful reading of The Congressional Record of October 7, 1970 discloses, amidst House rhetoric on "cracking down on the Mafia", the real intention of the Act. During Congressional debate, Rep. Emmanuel Celler of New York said the bill would increase "politically minded juries"; Rep. Eckhardt of Texas said that "the crime bill is a fraud upon the public as time will prove, it is a monster"; another Congressman said that it shows "serious disregard for constitutional and procedural safeguards which form the cornerstone of our system of justice". Irregardless, not only did the White House put pressure on Congress but the Justice Department - and particularly the FBI - also lobbied strenuously for its passage.

The Organized Crime Act of 1970 greatly expands the investigative power of grand juries: The

Cont'd on pg. 3. . . .

BETTINA APTHEKER ON ANGELA DAVIS

The article by Paul Lauter (December 2, 1970), "A Perspective on Revolutionary Actions", contained many useful and valid observations. However, its assumption of Angela Davis' guilt is astonishing. Without disagreeing with the thrust of Lauter's comments about the attempted escape from the Marin County courthouse last August, including of course the fact that the authorities initiated the violence (see, for example, my views on the events in the Guardian, November 7, 1970), Angela Davis is not guilty. She herself stated her innocence before the Court on January 5: ". . . I now declare publicly before this court and before the people of this country that I am innocent of all charges which have been leveled against me. . . I am innocent;

Cont'd on pg. 2. . . .

therefore I maintain that my presence in this courtroom today is unrelated to any criminal act. I stand before the court as the target of a political frame-up which, far from pointing to my culpability, implicates the State of California as an agent of political repression. . ."

I would like to express a few further thoughts on the Davis case as it has developed to this point. The strategic cornerstone for the government in prosecuting any revolutionary must be the depoliticalization of the case. The government seeks to present itself as a politically neutral agency interested solely in the attainment of justice -- justice being defined in terms of the proscribed punishment for the alleged criminal offense. The government's success in prosecuting the revolutionary depends primarily upon the extent to which it succeeds in demonstrating criminal intent and thereby succeeds in discrediting the political thrust of the defense. It is for this reason that the mass political defense of the revolutionary among the people is so critical and why the legal drama unfolding in the courtroom is intensely political, though at times hidden behind a facade of legal technicality.

The prosecution of Angela Davis is, of course, a political trial. Still, a few days after her arrest The New York Times editorialized against the attempts of her defenders to "politicize her case". And the President, signing his new crime bill into law October 15, 1970 took the occasion to congratulate Hoover for his capture of Angela Davis; "one of those," the President said, "who engages in terrorist acts."

Placing Angela Davis on the FBI's Ten Most Wanted List and characterizing her as "armed and dangerous" was not only dangerously provocative. It also served a calculated political function, namely to further imply criminal action.

Similarly, the hysterical barrage following the abortive escape from the Marin County courthouse last August was specifically designed to emphasize, in sensational and gory detail, the criminal element. In point of fact, however, the escape attempt by Black prisoners was insurrectionary and therefore decisively political. While to some it may appear less obvious, the trial of Ruchell Magee, the sole surviving prisoner of the escape attempt, is also a political trial. Magee's recent affidavits charging that his court-appointed attorney offered him an immunity-from-prosecution deal and even parole if he would "lie on Angela" further demonstrates the political essence of the entire affair.

Angela's innocence does not make her prosecution any less political, and Magee's involvement in the escape attempt doesn't make him any less innocent. Both are political trials; each in a particular way.

The defense of Angela Davis has reached its first and critical watershed. Barely two months into the campaign the defense has successfully

At the January meeting, RESIST made the following grants:

The Next Step, Frankfurt: for their organizing work with GIs in Germany

Genesee Street Co-op, Rochester, N.Y.: help with an overdue phone bill for this group into several local projects

Chicago Area Military Project (CAMP), Chicago: toward office and other expenses for this military counselling and resource group

The Potemkin Bookstore, Newport, R. I.: toward program expenses for this GI bookstore and activities center

The Draft Counselling Center, Santa Rosa, Calif.: one month's rent to tide them over while they try to raise funds elsewhere

and irrevocably established that Angela Davis is a political prisoner facing a political prosecution. This fact was immediately understood in the Black community; and the defense has translated the consciousness of that community into a practical political reality in the United States and throughout the world. The moment of achievement was realized by Angela Davis herself when she succeeded in presenting a political statement to the court proclaiming her innocence, over the desperate objections of the prosecution.

The U.S. government has long prided itself for the presumed absence of political prisoners within this country. The Davis case has shattered that illusion in a totally new way, and the apprehension in official circles is now evident. Thus, various columnists have proposed that the trial be moved from Marin county to satisfy world opinion that Angela Davis receive a "fair trial". On the international level Le Monde, in an editorial comment, proposed that the Americans invite judges, prosecutors, and lawyers from foreign countries to observe the trial.

The support for Angela Davis (and its spontaneous element) is without precedent for a political prisoner in the U.S. in recent history. It has surpassed even the very impressive and important support accorded the Panthers - in particular Huey Newton and Bobby Seale - a factor which, no doubt, contributed toward the early and overwhelming support for Angela. In the Davis case, the impact of U.S. and world opinion is already evident and demonstrates the potential of its practical political power. There can be no doubt as to the intentions of the U.S. government. It does not want to free Angela Davis or Ruchell Magee. The point is not what the government wants to do but what the revolutionary and anti-imperialist movements will force it to do.

--Bettina Aptheker

government can restrict disclosure of the source of evidence obtained illegally (e.g., by wire-tapping) and protect the identity of police agents during pre-trial proceedings. A "Special Offender Provision" allows a judge to sentence anyone convicted of two previous offenses to 25 years in prison, in addition to the sentence for the third offense, without consulting the jury for advice. Immunity granted under Title II of the Organized Crime Act is really no immunity at all: If someone else can be found to give the same testimony given by a witness who has been granted immunity, that testimony can then be used to prosecute the person who had "immunity". Those who invoke the Fifth Amendment, are granted immunity, and refuse it can be sent to prison (for up to 18 months for each refusal to testify) until they agree to surrender their rights by testifying.

The recent actions of several grand juries, particularly the one sitting in Harrisburg, Pa., show us how threatening and dangerous the Organized Crime Act is. Traditionally, grand juries have been empanelled to decide whether evidence presented by a Federal District Attorney is of possible criminal nature and warrants prosecution. In Harrisburg, the grand jury met in complete secrecy for more than four weeks to hear evidence from FBI agents concerning a plot to bomb underground power facilities in Washington and to kidnap Presidential advisor Henry Kissinger. Indictments were then issued against six individuals long associated with the non-violent peace movement; they were arrested, not shown either the warrants or the indictments, not allowed to make a phone call until long after their arrests. Shackled together, the three Baltimore defendants were moved nine times between Maryland and Pennsylvania within four days.

In the past, a grand jury's work has been finished when indictments are issued. However, since the passing of the Organized Crime Act grand juries are "legally" authorized to go on "fishing expeditions". In Harrisburg, the FBI immediately began another investigation into an entirely different area: the non-violent destruction of draft files for which some of the accused have taken responsibility. (Since July, 1969, draft boards have been raided in close to 15 cities on the East Coast, seriously disabling the functioning of the Selective Service System. Except when draft board raiders have been caught at the scene, the Justice Department has not prosecuted the men and women who took public responsibility for the destruction.) Questions have been asked about people who were not mentioned in the indictment. Photographs have been shown, and witnesses asked to identify the subjects and tell how long and in what respect they had known them.

When asked such questions, Sister Joques Egan invoked the Fifth Amendment on the grounds that the grand jury became illegitimate as it pursued this line of questioning. When granted immunity, she refused it on the advice of her lawyers since she could later be prosecuted. The judge then

declared her in contempt, placing her in jail for possibly up to 18 months. Several days later she was released on personal recognizance pending an appeal hearing on the contempt charge.

The same tactic has been used in two other indictments: In New York City Joanne Kinoy was jailed for refusing to testify about allegedly harboring fugitive Weatherpeople. The judge hearing her appeal declared the immunity section of the law unconstitutional; the government will almost certainly appeal this ruling to the Supreme Court. In Tucson, Arizona, a grand jury supposedly investigating the purchase of dynamite to be transported across state lines to California subpoenaed five radicals from Venice, California. After asking only a few questions about the dynamite incident, they asked a lot of questions concerning their activities and associations during the past two years. When the five invoked the Fifth and refused to accept immunity, the judge sent them to jail. They are now out on bail pending appeal.

Despite objections from liberal Congressmen and local organizations, the Organized Crime Act was passed by an overwhelming majority of 341-26 (with 63 not voting) in the House. One exchange from the floor succinctly exposes the repressive nature of the Act:

Yates (Ill.): "I should like to ask the chairman of the committee on the Judiciary whether there is anywhere in this bill a definition of organized crime?"

Cellar (N.Y.): "No; that particular matter was left flexible so that there would be no difficulty in enabling the Attorney General to attack this very horrendous evil that besets our nation."

The use of the Organized Crime Act to date makes it clear that the "very horrendous evil that besets (their) nation" in the minds of the Federal Government is more the Movement than the Mafia. Struggling for social justice = organized crime.

SEATTLE CONSPIRACY DEFENDANTS OUT ON BAIL

The seven Seattle conspiracy defendants, recently given six-month and one-year contempt sentences after Tacoma Federal Judge George Boldt declared a mistrial on their 12th day in court, were released from jail on January 12 on \$25,000 bond each. The seven - Sue Stern, Mike Lerner, Chip Marshall, Joe Kelly, Jeff Dowd, Mike Abeles, and Roger Lippman - had been scattered in five different jails from Los Angeles to Seattle for a month before bail was set. An appeal hearing on the contempt sentences is scheduled for the middle of February. For more information or to contribute to the defense fund, write to the Seattle Conspiracy, P.O. Box 1984, Seattle, Washington 98111.

publicly and privately endorsed non-violent resistance. Several, especially the Berrigan brothers, are well-known leaders of the anti-war movement. (And one of the co-conspirators, Bill Davidon, is a member of the RESIST steering committee.) In themselves, the indictments are damaging and difficult to fight, for in the media and in the minds of many people a federal indictment is tantamount to conviction. Even if the case is never brought to trial, reputations and credibility have been impugned. If the evidence is ruled admissible and the case does come to trial, and whether the defendants are found guilty or innocent, the co-conspirators will never have a chance to defend themselves unless they, too, are indicted. However, their value as witnesses for the defense will be considerably decreased by the fact that they are also named in the indictment.

Besides attempting to discredit individuals and the movement for non-violent resistance, the indictments also inevitably drain energy and money away from organizing against the war and for radical social changes. Enormous energy is already being expended for the defense of Angela Davis and Ruchell Magee, for the Seattle Liberation Front and the White Panthers in Detroit, and for the Panthers on or coming to trial in New York, New Haven, New Orleans, and elsewhere. These latest indictments must be understood as yet another step in the government conspiracy to immobilize the Movement.

Many have said that the Justice Department would never be so foolish as to seek indictments if they couldn't prove their case in court. This isn't necessarily so. Next year is election year, and the Nixon administration could be planning to collect some votes by seeming to liberalize itself a bit. One way to do this could be to drop the case against the Washington's Birthday Conspiracy. In those circumstances, the only ones to pay will be the defendants and the Movement; the cost the time, energy, and resources that went into responding to the indictments.

The Best Defense: A Strong Offense -- These indictments, and all repression, must be fought; but they must be fought offensively. We should not play the government's game by focusing our discussions on the question of the guilt or innocence of the Washington's Birthday Conspiracy. Instead, we must speak, with them, of the issues which led them into conflict with the government and of the actions they have taken. The indictments came down two days after a coalition meeting in Chicago had agreed to organize coordinated, militant, local actions against the war, racism, and repression. We must continue our work on actions such as these as part of our defense of the accused conspirators. We must not let this work be hindered or stopped by fear of the continuing grand jury investigation, by government- and media-created doubts about the credibility of the accused and the correctness of their political analyses.

The Women's Rights Law Reporter, a new weapon for women and their lawyers, began publishing in January of this year. It will cover developments in areas of law which especially affect women as women. Such areas include education, employment, health care, child care, domestic relations, abortion, sexual freedoms, certain civil rights and liberties, the special problems of being female and poor or female and a member of some other disfavored group, criminal law, and constitutional law. The Reporter will appear every other month; the first issue is now available for \$1. For it and/or for subscriptions, write to the Women's Rights Law Reporter, 180 University Avenue, Newark, New Jersey 07102.

Also recently founded, the Women's History Research Center, Inc. (2325 Oak Street, Berkeley, California 94708) has all sorts of information on the role of women in history and in other countries. They publish articles on topics such as women's rights and the history of the suffragette movement in western Europe, and have a library of materials on all aspects of women's liberation.

The San Francisco Women's Media Group has made several tapes about women's experiences - their poetry, music, conversations, and concerns - for distribution to small groups, classes, radio stations (no editing permitted), and others. For a list of the tapes, write to them at 225 Corbett Street, San Francisco, California 94114.

Radio Free People has some of the tapes made by the San Francisco Women's Media Group, many others not specifically about women, and two of women's songs by Bev Grant (really fine!). For their catalogue, write to Radio Free People, 133 Mercer Street, New York City, New York 10012.

FREE TO TEACHERS

Random House will send free reading copies of Mitch Goodman's book, "The Movement Toward A New America", to college and high school teachers. To get yours, write to the College Department, Random House, 201 East 50th Street, New York City, New York 10002

We have seen time and again that people are indicted, jailed, and killed for the "crime" of effectively organizing opposition to the war and to the system which sustains and necessitates it. Only by building a stronger and stronger movement will we ever be able to effectively combat the government's attempts to stop us. The creation of the Washington's Birthday Conspiracy, if responded to offensively and creatively on our part, could become the greatest mistake the Nixon administration ever made.

