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RESIST

*a call to resist
illegitimate authority*

18 June 1970 - 763 Massachusetts Avenue, #4, Cambridge, Massachusetts 02139 - Newsletter #43

AMERICAN JUSTICE TRIUMPHS AGAIN

"There must have been six or seven of them firing. If 200 shots were fired it was nothing."--Sgt. Daniel Groth, leader of the December 4 attack on the Black Panther Party in Chicago, at a news conference shortly afterwards.

"Only one bullet hole, one shell and one projectile--all associated with the blast through the living room door--can be identified ballistically as having been fired by the occupants."--from the grand jury report on its investigation of the police raid.

Charges Dropped. On May 8, one week before the federal grand jury issued its report, Illinois State's Attorney Edward V. Hanrahan dropped all charges (intent to murder, armed violence, aggravated battery, theft, and unlawful possession and use of weapons--a total of 25 indictments) against the seven survivors of that December 4 police assault. Judge Epton, who granted the motion for dismissal of the charges, commended the state's action: "This is an answer to the president of Yale University, who made a sad comment when he said the Black Panthers could not get a fair trial in any courtroom. And here we have the state's attorney coming in and asking that this case be dismissed. Congratulations (to him) for taking a step toward cooling it."

Bullshit! Hanrahan was trapped. According to The New York Times (May 16) Kermit Coleman, an ACLU lawyer who had helped with the defense of the accused Panthers, stated on May 14 that "he believed a 'deal' had been made in which the grand jury had declined to return any indictments against the police in exchange for the dropping of attempted murder charges against the seven Panthers who survived the raid."

In any case, while his assistant was in court blaming the Chicago Police Crime Laboratory for making prosecution impossible by its faulty processing of the evidence, the grand jury was drafting a report stating that, although they could not determine who fired the first shot, the evidence they received showed that the

Cont'd on p. 4

THE DILEMMAS OF CANADA

Between 75,000 and 90,000 Americans, including 15,000 women, have emigrated to Canada since the beginning of the war in Southeast Asia. If gathered around the Washington Monument they would comprise a large demonstration, and that fact accounts for some of the hostility with which part of the American Movement has viewed those leaving the country. The Movement has also said that those who go to Canada are non-political and useless to the struggle. As the number of people who choose Canada over the military or prison rises daily, traditional prejudices must be reexamined. Who are the people who leave the U.S.? What does this step mean to them and to the Movement? Should people be encouraged to go to Canada?

These questions were debated at the Pan-Canada Deserter/Resister Conference held in Montreal May 28-June 1. Because the implications of mass emigration are far-reaching, no easy answers were found.

Radicals agree that Canada is yet another "channel", differing only in that it is not described in the infamous Selective Service memo. Access to Canada alleviates a potentially chaotic situation in the Armed Forces and removes dissident draft dodgers from the American scene. In Canada, however, the immigrants still contribute to the capitalist U.S. economy by providing labor for a satellite country and by buying U.S. products.

We have assumed, incorrectly, that those who flee from the military are apolitical. Although it is true that many people who go to Canada only want the opportunity to live a peaceful life, crossing an international border is a political act and very often leads to questions about the economic and political system which forced the action. Sudden frustration is felt when emigrants cannot find a political outlet for their new radical ideas.

Traditionally, fears of deportation and of precipitating a border closing have precluded participation in radical politics in Canada. Also, Americans tend to be nationalistic about

Cont'd on p. 2

CANADA cont'd. . .

their protests; they grew up with civil rights and Vietnam and want to carry these causes to their new homes. A "Stateside mentality" emotionally ties exiles to Chicago, New Haven, and Kent State, and sometimes results in an inability to relate to the international battle against imperialism. Other exiles feel they are a part of Canadian struggles but are deterred from action by claims from a few Parliament members that activity would result in a closed border.

Many Canadians think this threat is a red herring. However, since far-sighted American radicals insist that the border must remain open at any cost, no drastic changes in tactics should be made without considering that danger. In addition to participation in Canadian politics, such as the Quebec separatist movement, a substantial increase in the number of Americans emigrating might prompt the Parliament, probably under pressure from the U.S. government, to close the border.

For the individual, then, Canada may be a sanctuary but it is hardly a paradise. Unemployment is rising, and even in border cities alienation is inevitable. If one is facing years in prison, immigration may be the only real choice; in Canada one is no more removed from political activity than he or she would be in prison, and for many people prison is a psychologically destructive experience.

The challenge to the exile is to find productive political work which will not unnecessarily endanger oneself or the open border. One possibility is to build toward a post-revolutionary society in which sexism and ego-tripping are eliminated, where work and resources are shared. But it is also important to petition and pressure for a more open border so that humanitarian or political asylum can be granted to all political prisoners rather than just to deserters and Selective Service violators.

Draft resistance has not yet managed to disrupt the functioning of the U.S. military forces; massive desertions would be more difficult to cope with and might force the U.S. to reconsider its commitment in Southeast Asia. The American Movement must weigh this possibility against the need to have people remain in the States. It must also help people stay above-ground and active in the U.S. for as long as possible, discuss whether immigration should be encouraged, and maintain brotherhood and sisterhood with those who must find ways to make their exile politically valid.

--Claudette Piper

ON MAY 19 IN PENNSYLVANIA.

Records and files at draft boards in Philadelphia and Lansdowne were destroyed. In Philadelphia, Local Boards 144, 145, and 146, all located at 3701 North Broad Street, were hit. Eight hundred 1-A files, ledger books of recent years, minutes of recent meetings, and some 60,000 cross-reference cards from Local Boards were all destroyed. At Local Board #58 in Lansdowne, all 1-A files, 30,000 cross-reference cards, and all recent ledger books were mutilated. Local Board #58 had the largest number of registrants of any board in Pennsylvania.

The men whose 1-A files were destroyed in these two actions received individual letters telling them of their rights and opportunities.

WE, THE PEOPLE, twelve persons most of whom are from Philadelphia, stated publicly that they were among those responsible and that others would also soon identify themselves. At their surfacing in Philadelphia on Memorial Day, a taped message of encouragement from Father Daniel Berrigan (presently underground after failing to turn himself in to serve his jail sentence for destroying draft files in Catonsville, Maryland in 1968) was played to the several hundred people present.

The text of Berrigan's statement and the brochure prepared by WE, THE PEOPLE to explain their action are available from the Defense Committee, 661 East 219th Street, The Bronx, New York 10467 (contributions are welcomed).

AND ON JUNE 15 IN PROVIDENCE.

Employees arriving at state Selective Service headquarters discovered that someone had entered their building and ruined the files of Local Boards 7, 8, 9, and 10 and of the state headquarters. Files were strewn about; some had been shredded, others were doused with black paint. A pile of registration cards and a can of gasoline were also discovered.

An anonymous caller told the Journal-Bulletin in Providence and the Associated Press in Boston that all 1-A and 1-Y files for the Local Boards and duplicate records at the state headquarters had been destroyed and that those responsible for the action would reveal their identities at some later time.

The state Selective Service director, Brigadier General Wilson, claims that the records can be reconstructed and that "no man will miss an opportunity to serve his country".

CHICAGO FIFTEEN TRIAL ENDS

Ten of the Chicago Fifteen have been sentenced to jail terms for raiding a southside Chicago draft board complex on May 25, 1969, and burning its records. Three of the defendants who dropped from sight during the last week of the trial - Charlie Muse, Linda Quint, and Nicholas J. Riddell, O.C.D. - were each given two consecutive five-year sentences. Seven others - Joseph Mulligan, S.J., William Durkin, Edward Gargan, Fred Chase, Bill Sweeney, Margaret Katroscik, and Chuck Fullenkamp - were each given two concurrent five-year sentences. All ten were also given ten years' probation. One defendant, Ed Hoffmans, changed his plea from not guilty to insanity a few days before the end of the trial and was ruled unfit to stand trial and committed to a mental hospital for up to six months. Four of the Fifteen - John Pietra, Thomas Smit, John Loll, and John Phillips - failed to appear for the trial.

Five of the eleven who were tried - Quint, Hoffmans, Durkin, Gargan, and Riddell - claimed "cultural insanity" as their defense, arguing that they suffered from the delusion that American institutions were being perverted. For example, they believed that the most important event on November 15, 1969 was the anti-war march and rally in Washington, D.C. while, according to their lawyer, "we sane and unde-luded people know that the most important thing was the Purdue-Ohio State game".

A GIFT FROM THE AUTHOR

W. S. Merwin has given RESIST copies of his 15-page pamphlet, A New Right Arm, with the request that all proceeds from their sale be used to further draft resistance. The booklet, attractively printed by the Road Runner Press, is a chilling satire of the Selective Service System. It is available from RESIST for 75¢.

BEAVER 55 GUILTY

On May 28 a Federal court jury in Indianapolis found the Beaver 55 guilty of destroying Selective Service records from 44 local boards during a raid on Indianapolis Selective Service offices last October 31. The Beavers - Paul Mack, Tom Trost, John Donner, Robert McNamara, Connie McNamara, James Williams, Jane Kennedy, and Jo Ann Mulert - face maximum prison sentences of 23 years each; they plan to appeal.

Several days later, on June 2, six of the Beavers - Donner, Trost, Bob McNamara, Williams, Kennedy, and Mack - pleaded guilty in Midland, Michigan to charges of conspiracy to willfully and maliciously damage property of the Dow Chemical Company. They are presently free on bonds of \$50,000 each.

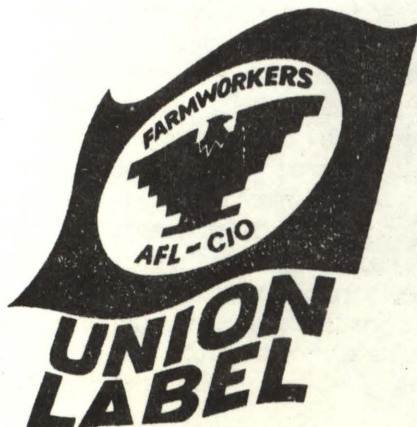
They were charged with ransacking offices and a computer research laboratory at the Dow Chemical Company headquarters in Midland on November 7, 1969. In the attack on Dow, Magnetic tapes, computer processing cards, and technical marketing research information related to Dow's work on nerve gases, napalm, defoilants, and other chemical weapons were destroyed. It has been estimated that it will cost Dow \$10 million to replace what was destroyed in this raid, and many observers consider it the most effective instance of "just destruction" yet to occur.

After the two actions the Beaver 55 surfaced at a press conference following the RESIST "Organizing after November" conference in Washington, D.C. on November 16.

COMING SOON.

The second edition of the RESIST High School Kit is almost ready for distribution. The table of contents will be given in the next newsletter.

CALIFORNIA GROWERS BEGIN TO SIGN UNION CONTRACTS



For the first time in history table grapes are now available under the union label. Several growers have finally signed union contracts with the United Farm Workers of California (U.F.W.O.C.), and 5,000 of the 90,000 acres of table grapes harvested each year are now picked by unionized laborers.

The boycott continues, though, against those growers who have not yet signed union contracts with the farmworkers. To make it succeed, it is critical that people buy only those grapes with the union label. Ask to see the boxes the grapes are shipped in and/or the sales receipt. (The growers who have signed contracts are David Freedman & Co., Charles Freedman, Wonder Palms Ranch, K. K. Larson, C. C. Larson, Ray Smeds & Sons, Bruno Dispoto, and Anthony Bianco.)

AMERIKAN JUSTICE TRIUMPHS cont'd. . .

police had fired 82-99 shots while only one shot could be traced to a Panther gun. (And the evidence of that shot was found not by the police but by a ballistics expert hired by the Panthers.) Indeed, the crime lab's methods were faulty, since it was following instructions to find only evidence that supported the police officers' account of the raid. Accordingly, investigators left behind most of the evidence they found when searching the Panther apartment and never test-fired any of the police weapons. They were then able to attribute the police shots to the Panthers. This "evidence" and testimony from the officers who conducted the raid were used to indict the survivors of the raid for attempted murder and the other crimes listed above.

"Justifiable Homicide". On January 21 a special coroner's jury ruled that the deaths of Hampton and Clark were "justifiable homicide" and that the raiding party had used its weapons in a manner "they reasonably believed to be necessary to prevent death or grave bodily harm". Hanrahan, who had directed the police assault, responded to the verdict by stating: "The verdict speaks for itself; it is recognition by an independent, objective agency, of the truthfulness of our police officers' account of the events of Dec. 4." The grand jury report released on May 15 stated: "The great variance between the physical evidence and the testimony of the officers raises the question as to whether the officers are falsifying their accounts. . . . Unquestionably, the raid was not professionally planned or properly executed. . . ."

Panthers at Fault. In its report the grand jury held the Panthers, who refused to testify before any investigative body not composed of their peers, responsible for its failure to issue any indictments against the police: "While there is a serious lack of corroboration of the officers' accounts, no one has appeared before the grand jury with a specific allegation of wrongdoing by them." A summary of the March 8 "Peoples' Inquest", at which the Panthers and community people testified, was included in the grand jury's report. However, the report noted that this material had no legal weight and said: "The question here is whether the facts establish probable cause to believe that the officers involved intentionally committed acts which deprived the occupants of federally protected rights, contrary to law. The grand jury is unable to reach that conclusion."

GROUPS RECENTLY FUNDED BY RESIST

In the past two months RESIST has funded the following groups:

We Got the Brass, Frankfort, Germany: for their GI organizing and support work

American Deserters Committee, Montreal: for program expenses

El Grito del Norte, Espanola, New Mexico: to help with the costs of publishing El Grito

Western P.I.S.S. (Prisoners Information and Support Service), Venice, California: for their newsletter

Black Coalition of Labor, Mobile, Alabama: toward the expenses of organizing against unfair labor practices, especially but not exclusively against blacks, particularly at Scott Paper Company

New Organizing Project, Mobile, Alabama: seed money for organizing Southern working class whites

Nashville Moratorium Committee, Nashville, Tennessee: toward the costs of their local organizing projects

The Peoples Community Information Center, Chicago: seed money

Chicago Fifteen Defense Committee, Chicago: help with the expenses of their trial

AMERIKAN JUSTICE TRIUMPHS cont'd. . .

While some of the law enforcement officials involved in the December 4 raid or in the subsequent police department investigation of it have been demoted or transferred (their "punishment", though officials deny it is, for participating in and/or helping to cover up the facts of a police assault which resulted in two persons dead and four seriously wounded), the only person still in danger of being indicted is Bobby Rush, Fred Hampton's successor as Deputy Chairman of the Black Panther Party in Illinois. In its report the grand jury recommended that another grand jury be convened to determine whether Rush had violated "Federal laws prohibiting obstruction of justice" by "formulating and announcing" the Panthers' refusal to testify.

--Arlene Siegel