

CAMPAIGN WORKERS TRAINING NOTEBOOK

A ROUGH ROUGH DRAFT

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(Note: The following sections are incomplete; they are simply written transcriptions of what was on the tapes which might assist our recall in further discussion.)

### VII. POLITICAL PERSPECTIVES

- A. Why we're participating in electoral process (p.31-32)
1. What can we gain from it
  2. What are dangers and limitations
  3. Where do we go from November
  4. Are there differences in the way we'd deal with questions coming from "radicals" concerning elections, and questions coming from folks who regularly vote
- B. Questions to be discussed in future
1. What are the dialectics of the issues of "crime," "law 'n order," "justice"
  2. What functions does racism play in these issues

### VIII. RAPPING ABOUT THE ISSUES AND THE CAMPAIGN

- A. What are the interrelationships (problems, possibilities) between political education, legal information and development of human relationships? Between women and men? Blacks and whites?
1. Between training staff and campaign workers
  2. Between full time and part time campaign staff
  3. Among campaign workers
  4. Between campaign workers and folks in communities
- B. How does political education around the campaign translate into political action? How does political action translate into long term commitment?
1. Among campaign workers
  2. With folks in the communities

Or, summarized: What are the elements of building a PEOPLE'S POLITICAL MACHINE?

ROUGH DRAFT OUTLINE FOR CAMPAIGN WORKERS  
NOTEBOOK

I. WHAT ARE THE FUNCTIONS OF THE LEGAL SYSTEM IN A CAPITALIST SOCIETY

A. ~~FUNCTIONS~~ DEFINITION

1. The legal system is the totality of institutions that legitimatizes and preserves property and power relationships in a society.
2. In the U.S. the legal system includes: local, state and federal legislatures that enact laws; to some extent quasi-administrative bodies that implement policies in order to carry out laws (Boards of Education, Welfare Commissions, Federal Trade Commissions, NLRB, etc); the police and national/local militia; prosecutors for the governments; judiciary; lawyers (and to some extent the schools that train them); the bureaucracy of the courts; jails and prisons.

B. FUNCTIONS

1. The legal system legitimatizes and protects already established property and power relationships -- the economic system; and class relationships; *decides who can rob legally (labor theory of value) who, when robbing to earn, is a criminal*
2. The legal system regulates and arbitrates disputes between institutions within the *same class, and members of the same class;* *examples: trade regulations, anti-trust laws*
3. The legal system preserves and legitimatizes the state's monopoly on violence: only judges have the power to ~~in~~erisib imprison or execute or, along with quasi-judges, the power to levy fines as punishment; only local, state and national militia have the power to kill by law;
4. The legal system is the final ~~the~~ mechanism of control of the cultural/ideological superstructure -- i.e., it establishes legal norms and punishments for people who violate social prohibitions established by the ruling class  
a. examples: narcotics laws, abortion laws, laws against gay people, obscenity laws,
5. The legal system channels potential revolutionary conflicts between classes into controllable frameworks of capitalist institutions  
a. examples: the Bill of Rights channels avenues of dissent into physical non-threatening forms of speech, writing, assembly; right to vote laws channels dissident power blocs into the electoral process; labor laws channels class conflicts into capitalist-controlled negotiation frameworks; jury system - *only loophole for people in legal system - when we use it to chip away at their power, they take away the "powers" of the jury*

6. The legal system preserves and perpetuates contradictions among the people; divorce laws, contract laws, protective legislation; child custody and protection laws -- its function here is clearly dialectic: it protects against undue oppression while at the same time antagonizing conflicts with people who have a bit more power or privilege
7. The legal system reinforces mass reverence for legitimate but destructive authority. Elements in it are:
  - a. conscious miseducation -- we're taught that this is a society of laws above men that governs all our lives, when in fact a certain group of men -- white, wealthy make the laws that govern us. We're taught that these laws are impartial arbiters of disputes between equals, when in fact they support power in unequal power conflicts; were taught that "Rights" are "power" when in fact they're ruling class concessions that can be withdrawn
  - b. mystification -- the language and external trappings of the legal system are designed to confuse people and make them feel inadequate, stupid and powerless
  - c. religious awe -- the pageantry of the courtroom, the elements of the legal process: confession, inquisition, guilt(y), atonement thru punishment -- are designed to make people believe that the process is immutable and unchangeable, worthy of unquestioning respect
  - d. fear -- fear of getting caught, fear of imprisonment, fear of being trapped in impersonal machine
  - e. isolation -- system concentrates massive amount of power against each person -- in confrontation with police, in courts, in jail cells, thru parole system
  - f. alienation -- system isolates one aspect of person's behavior for scrutiny within pre-defined rules -- has no concern for totality of person's life or social/political/economic context out of which person comes which in part determines concrete behavior. Deliberately prevents discussion or solution of root causes and problems
8. Legal system, through all above processes, is final mechanism for social control when all other institutional and informal mechanisms break down: power to imprison and power to kill

only real  
"right" is to  
cop a plea, i.e.  
give up your  
"rights"

FURTHER RESEARCH:

1. Radical Lawyers; Bantam
2. Law against the People; Vintage

### C. EXAMPLES OF LEGAL SYSTEM'S SUPPORT OF POWER IN DETROIT

#### 1. Wildcat strike at Hamtramck Assembly Plant (1969 or 70)

Chrysler lawyers called Judge James Cannon at home on Saturday night. (Our side rarely knows judge's home phones.) The lawyers got the judge to open up the court on Sat. night. There were no workers or workers' lawyers at the hearing because no one had told them about it. Chrysler lawyers got the judge to issue, on the spot an "ex parte injunction" (ex parte meaning that even though only one side is represented, judicial action is in order because there is a grave and immediate threat to the legal rights of the complaining party; injunction is a court order preventing an individual, group corporation or institution from doing something it is already doing). The injunction was served on the police department which immediately went to the site of the wildcat and told the workers to stop picketing at the gates because there was an injunction against them.

The workers, who knew nothing about any court hearing or injunction, refused. And police started beating heads and busting workers.

#### 2. Student strike at Mumford last spring

Students had taken over the school auditorium. The School Board went to the Wayne County Circuit Court, having given notice to lawyers for the students, to seek an injunction against the students. The injunction issued by the judge, instead of merely telling the students to get out of the Mumford auditorium, said in fact that no persons in the city of Detroit could conduct any demonstrations against any schools in the city! The judge, who probably had some knowledge of the law, knew that was a clear violation of first amendment rights, but he did it anyway. Immediately.

#### 3. Wayne County Jail Suit

On Jan 25, 1971 Ravitz and others brought suit against Wayne County Jail sheriff for deplorable conditions in the jail. (For details, see under 7 arms of legal justice system) By anyone's, except the judges' standards, the jail conditions constituted a threat to the legal rights of citizens; nevertheless, there was no hearing until March, and relief not granted until May. Relief granted was that prisoners in the hole (an 8'x10' cell, with a hole in the center for a toilet which when flushed every 3 minutes, splashes out on the floor; 24 hour dim lighting; a small trap door thru which food is placed on a paper plate with no utensils; no visiting, no exercise, no mail; people in hole up to 30 days) were entitled to have some water with which to wash!

Jail conditions still haven't changed in Wayne County, but judges quietly have reduced the prison population there by simply issuing more personal bonds so poor people don't have to stay there while awaiting trial. The concrete result of the suit has been an inmate population reduced by some 600-1200 people.

We should remember when talking about this suit that we're talking about people who have not yet stood trial: BY LAW THEY ARE STILL PRESUMED INNOCENT, but just don't have the money to make bail.

4. Suit against STRESS (1972)

STRESS cops had been killing people, a clear violation of people's legal rights -- they dont have any when theyre dead. A suit against STRESS, ~~filed~~ filed by Justin and others, was filed in April 1972. Hearings began late May. After several days of hearings, in which testimony proved conclusively that STRESS had murdered at least five people, the Court of Appeals stopped the trial. The legal argument on our side was that the judicial branch has a right to intervene when a part of the executive branch (mayor and police) have been killing people. The Court of Appeals decided that the legal issue was important: how does it effect the doctrine of separation of powers in the state. The method they cheose for their decision shows what their interests are: instead of letting the trial continue -- and the murders proved -- they stopped the trial to consider the legality of the proceedings. And incidentally put a stop of the bad publicity for STRESS.

Meanwhile, STRESS appears to have declared a temporary moratorium on murders.

*line*

II. SEVEN ARMS OF LEGAL SYSTEM IN DETROIT

A. DETROIT POLICE DEPARTMENT (estimated total of 5000 cops)

1. Administrative breakdown (from Police Report April 72)

a. Field Services Bureau (4413-cops-as-of-Dec.-71) ~~copy~~

- 1) Patrol Division (precincts)
- 2) Criminal Investigation Division  
includes armed robbery, courts, special investigation, homicide, division by sections off city
- 3) Special Operations Division:  
includes Community Oriented (scooter) Patrol, STRESS, Womens Section, Youth Section, Civic Center Section, Court sections
- 4) Traffic Division:  
includes accident prevention, motor traffic, public vehicle, traffic safety, stationary traffic, mounted police, harbormaster section
- 5) Aviation Unit (police helicopters)

b. Inspectional Services Bureau

- 1) Inspection Division
- 2) Intelligence Division
- 3) Internal Affairs (I)
  - a) citizens complaint section
  - b) internal affairs
- 4) Organized crime division
  - a) liquor license
  - b) narcotics
  - c) rackets
  - d) vice

c. Technical Services Bureau

- 1) Identification
- 2) Central photo
- 3) Scientific
- 4) Records
- 5) Technical
- 6) Operations

d. Administration Services Bureau

- 1) Business Administration (motor service, property)
- 2) Community relations
- 3) Legal Coordinator division
- 4) Labor relations specialist
- 5) Personnel Division: recruiting, medical
- 6) Public Information Division
- 7) Research and Development Division: govt. analyst
- 8) Training Division: Police Academy

Questions for further research:

- 1. What is the total budget for police department?
- 2. Budget breakdown for departments
- 3. Number of personnel in each department
- 4. Sources of funding, particularly Law Enforcement Administration Act funds -- how much, for what ?

## 2. Detroit Police Officers Association

About 75% of DPD's 5000 cops are in it. Its head, Carl Parsell, is active in national police organizations, politically powerful and dangerous. The DPOA has taken positions opposing the law that police officers in Detroit must live in the city (so far they've lost on this issue); and that cops should ~~not~~ have to wear badges, name tags or other symbols of identification. In other words, they want to be an anonymous, occupying army of people who live in Detroit. Police Commissioner Nichols has opposed them on these issues, but the contradictions between the DPOA and the commissioner are fundamentally non-antagonistic.

## 3. Guardians of Michigan

A state-wide organization primarily, but not exclusively, of black cops. (Head of Stress, James Bannon, who is white, is in the Guardians.) The Guardians were co-plaintiffs in the suit against STRESS, along with the Labor Defense Coalition, the Detroit chapter of the NAACP, parents of a man killed by STRESS cops, and a citizen who is afraid of STRESS.

### Questions for further research:

1. Does the DPOA and Guardians have paid lobbyists in the state legislature?
2. If so, what kinds of legislation have they supported, initiated or blocked?
3. What other organizational lobbies do they work with?
4. Who are their strongest legislative supporters and opponents?
5. Same questions re Common Council

### Questions on police commissioner:

1. Nichols' political and economic ties in Detroit
2. His legal powers; his de facto powers

## 4. STRESS: Some factual background

(For political overview, read Cell in your campaign packet) Much of the information for this "factual background" comes from a report made by Police Commissioner John Nichols to the Common Council on October 4, 1971. Judge the accuracy of the information by the source...

a. history: STRESS (Stop the Robberies; Enjoy Safe Streets) was created within the Detroit Police Department on January 13, 1971. The first arrest was made five days later. However, the operations of STRESS were not publicized until April 5, 1971. The alleged purpose of STRESS was to cut down on the high number of street robberies, with which there is a correspondingly high correlation of the use of weapons or force. Originally, STRESS officers came from the Precinct Support Unit of the Patrol Division. This unit was made up of cops who volunteered for duty in allegedly high crime rate areas -- which gives some indication of their attitudes of diligence concerning "apprehension of criminals." Eventually, STRESS and the Precinct Support Unit were one and the same.

b. numbers and racial composition: The exact numbers are not public, but estimated at between 150 and 300 cops. The percentage of blacks as was at least 10% back in Dec. 71, but is probably much higher now. Inspector James Bannon (co-commander of STRESS along with Inspector Gordan Smith) says that he'd like to see STRESS become 100% black.

c. operations: surveillance and decoy

According to a source on our side, about 80% of STRESS operation is surveillance; 20% is decoy. However, since the decoy aspect has accounted for only 3% of the arrests, yet 9 out of the first 11 STRESS murders (up thru Dec. 71; there have been four more killings since then); and since Nichols concentrates his report on the decoy aspect, we will, too. It is clearly the more politically significant of the two operations.

STRESS officers work, generally, in pairs. They are plainclothes and "merge" with their environment. One of the pairs poses as a potential robbery victim, and waits to be "mugged." To quote Nichols himself: "STRESS officers have posed as pedestrians indigenous to the neighborhood -- and all that implies as to dress and appearance -- cab drivers, delivery men, bill collectors, newsboys and just plain citizens. A few have donned wigs and dresses to walk in areas where purse-snatching has been running high." (??)

STRESS cops travel in unmarked police cars or "civilian type vehicles -- trucks, cabs, and cars of a model and body style not usually associated with police duty." (again, quoting Nichols.)

"Depending on street 'activity' -- observation of the number and kinds of individuals on the street in a neighborhood at a given time -- the STRESS crew, at its own discretion, may decide to "drop off a target" (a decoy)-- that is, place one of its members on foot in the street situation, in an appropriate disguise. Cover is provided by other members of the crew, on foot or in cars. To make the operation effective, covering officers have to remain far enough away from the crew's 'target' member to avoid exposure."

The next aspect of the operation is obvious. Someone tries to rip off the decoy; the decoy cop and his back-up crew vamp on the alleged criminal turned victim, arrest him, sometimes beat him, shoot him or kill him.

d. results of STRESS activity

Statistics from the DPD for all of 1971:

1) felony arrests	2859
2) misdemeanor arrests	171
3) detained juveniles	210
4) persons investigated	9059
5) autos investigated	2846
6) autos recovered	29
7) preliminary complaint reports submitted	426

8) Confiscation of items:

handguns - 618; shotguns -82; rifles-39; grass-248; heroin capsules - 1359; heroin packets-1177; dangerous pills - 471 cash - \$78,370.00.

Question: who gets the "confiscated items", specially all that buck?

Surveillance: According to DPD report for 1971: Working in conjunction with + assisting Narcotics officers in large raids; working undercover in large demonstrations and youth rallies; and as stationary plants in various business places to prevent holdups.

~~XXXXXXXXXX~~ STRESS activity (continued)

~~According to our information, STRESS felony arrests were followed up by only 800 felony warrants; ~~XXXXXXXXXXXXXXXXXXXX~~ this means that approximately 2000 people busted by STRESS cops on felonies were never~~

d. results of STRESS activity (continued)

~~XXXXXXXXXX~~ According to DPD's own statistics, in 1971, STRESS cops arrested a total of 3240 persons (combining felony, misdemeanor and juvenile busts). According to our information, these arrests resulted in the following breakdown on prosecutions:

felony warrants	800
misdeamors	300
juvenile referrals	192
	<u>1292</u>

That means, as nearly as I can figure, that ~~about~~ almost 2000 people arrested through STRESS activities, were never prosecuted. Or, to put it another way, STRESS subjected almost 2000 Detroit citizens to illegal arrest in 1971 alone.

ADD these figures: <sup>In 1971</sup> STRESS killed 12 people, 11 of whom were black. And, according to Nichols, by Sept. of 1971, they had already injured 38 "suspects." Further, by his own admission, of the ten stress murders committed by the time of his report in October, 71, ALL murders committed were by white STRESS cops; black STRESS cops used their guns, but not fatally.

To put it another way, STRESS unit, about 5% or less of the total Detroit police force, accounted for 12 out of the 39 police murders of Detroit citizens in 1971. And the Detroit has the highest police-citizen kill ratio of any city in the United States.

e. STRESS murders and the legal system's justification of violence:

Nichols quotes from Section 71, Michigan Criminal Law and Procedure, on the Amount and Use of Force:

"An officer may use such force as seems to him to be necessary in forcibly arresting an offender, or ~~in~~ preventing his escape after an arrest. Both officers and private persons seeking to prevent a felon's escape must exercise reasonable care to prevent his escape without doing personal violence, and it is only when killing is necessary to prevent his escape that the killing is justified."

A reasonable question we might ask: with one armed decoy cop, two to ~~far~~ four armed back-up cops, plus a car, are there other means available beside murder for preventing a "felon's" escape?

The DPD Police Officer's manual, from which Nichols also quotes, offers some guidance in this respect.:

"Firing the revolver to prevent the escape of persons known to have committed the crime of murder, rape, robbery, burglary and arson is justified when, in the sound discretion of the officer, it appears to be the only (our emphasis) means of preventing the felon's escape..."

phases  
(s)

"The officer about to fire his revolver should carefully plan this action and recognize its severity and possible consequences, particularly in those cases where the crime committed did not result in personal injury...

"Before firing a shot, an officer must consider the fact that regardless of what a man has done -- multi-murder or what have you --- the State of Michigan has no capital punishment...

"Michigan State Law Clearly states that every effort should be made to effect the arrest by peaceful means whenever possible, Aggression on the part of the felon to resist arrest, or to escape from custody, will justify the use of force by an officer, only in quantity to effectively overcome the resistance... (emphasis added) (circ)

f. STRESS and the courts

Thus far, every citizens who has been shot at and survived a STRESS attack has been prosecuted, usually for assault on an officer. All defendants have been acquitted.

There have been only two prosecutions of STRESS cops. Michael Reggish, who murdered a white youth when he was off duty, was prosecuted in front of a judge, who of course acquitted him. Currently in progress is the bizarre trial of three STRESS officers stemming from a shootout with Wayne County deputies. One deputy was killed, two critically wounded. The charges are for assault with intent to commit murder. The whole case is proving to be quite embarrassing to the police department, as well as to Prosecuting Attorney Cahalan.

~~Kenning edon~~ ~~in this case there were no prosecutors, cop, police for~~

5. Citizen Complaint Section

The DPD's 1971 report is extremely vague about CCS. In 1971 the section received 477 citizen complaints. 240 were investigated by section personnel, 237 were classified as "minor miscellaneous complaints" and "adjusted by sections supervisors," whatever that means.

This section also "investigated, recorded and filed 870 reports of injury," presumably of citizens by police.

That's all the report says. No follow-up, no list of disciplinary measyres, etc. Are we to refer infer that there were none at all?

Even stranger, another section of the '71 <sup>report</sup> talks about the Trial Board of the DPD. 12 policemen and 1 policewoman were brought before the Board, with discipline ranging from dismissals from the DPD, to suspensions for a year, to loss of vacation time. The report does not say a word about what charges were brought against the cops, and there is absolutely no reason to infer that the citizens complaints and police trials had any relationships to one another.

If anyone tells you that the "Buzz the Fuzz" campaign gets results, you can say that according to the DPD's own report, there is absolutely no basis to make that assumption.

Generally

6. Some infamous events in the history of the DPD

a. COBO I, 1968, Spring

The National Poor Peoples Campaign was mobilizing for its event in Washington, DC, "Resurrection City." This was just after the assassination of Martin Luther King. There was a march to COBO Hall. No violence. A campaign car parked outside Cobo Hall was stalled with a rundown battery; police told folks to move it, but clearly they couldn't. So the cops got a tow truck to tow it away, whereupon people started chanting, but again no violence. Police response was to tell the mounted cops to charge into the crowd, which they did, creating the violence.

b. Cobo II, 1968

George Wallace was at Cobo Hall for a rally. There was a small demonstration outside. Police chased the demonstrators to Pontchatrain Hotel, forcing many of them over the 15' wall. Some people were hurt, but none seriously.

c. Vets Memorial Building, 1968

DPOA wives association threw a dance which was attended by many off-duty, gun carrying cops. Upstairs was a dance attended by black youth. There was a conversation between several drunk cops and some black youth, followed by a police attack on the youth outside. Shots were fired; several youth hurt seriously.

One of the youth wanted to file suit against the offending cops. When he went down to the DPD to complain, the police authorities obliged by showing him 4500 photos of police officers, most of which were about 5 years old. This in spite of that fact that the cops had a list of every police officer at the party, and could have narrowed down the I.D. process considerably if they'd chosen to. Not unexpectedly, the youth made some erroneous I.D.'s.

d. Rochester Massacre March 1972

Already referred to under section "STRESS and the Courts." Even here the DPD protected their own. The surviving Wayne County deputies were shown over 100 police photos for I.D., even tho a normal line-up has about 5-6 people in it, including the suspect.

7. Police and federal prosecutions

At the time of the 1968 incidents, Ad Hoc Action Group brought affidavits to the Dept. of Justice in Chicago to try to get federal suits started under the 1870 Civil Rights law which says that police officers cant violate the civil rights of citizens under color of their uniform. The suits were never heard; it was an election year. In fact, in the 102 years since the law has been in existence, there have been onlt 2 prosecutions under it in the State Of Michigan, even tho it is violated every day.

8. Blue curtain of secrecy: a euphemism for police loyalty. In any matter of alleged police misconduct, other police have heard nothing, seen nothing, and have nothing to say.

9. Summary

Despite 39 cases of police murdering people in 1971, there were only 2 prosecutions of police officers: for killing a dog.

B. PROSECUTOR FOR WAYNE COUNTY: WILLIAM CAHALAN

1. Took office 1967, after predecessor Samuel Olsen elected as Recorder's Court judge. His record on prosecuting police leaves much to be desired. Some incidents:
2. Algiers Motel case  
Prosecuted by an assistant named Avery Weiswasser in Mason, Michigan, where cops were acquitted by all white jury.
3. Charles Calloway case  
A cop named Ronald Gedda killed a man named Charles Calloway. Cahalan called it justifiable homicide and refused to prosecute, till pressure by a Free Press reporter forced a Grand Jury investigation. The prosecutor controls the Grand Jury by being the only lawyer there, and the only one to call in witnesses. ~~Vote for~~ The Grand Jury voted 9 to 8 not to indict Gedda for murder. Later, some minority vote jurors went to the Free Press, at the risk of prosecution for violating Grand Jury secrecy oath, and said that Cahalan had manipulated the jury and functioned more as a defense lawyer for Gedda than as a prosecutor.

4. Rochester Massacre Case

Cahalan refused to prosecute white STRESS cop Dennis Schemke for murdering Deputy Henderson, but agreed to prosecute three black STRESS cops for assault with intent to commit murder. The Grand Jury requested that a special investigating prosecutor be called in to determine whether Schemke should be indicted for murder.

Joseph Sullivan, presiding judge in Wayne County Circuit Court, conducted the investigation and censured Cahalan. The Grand Jury went to Sullivan the next day and said they'd changed their minds; they didn't want a special prosecutor. Then the forelady of the jury went to the Free Press and said the reason they'd changed their minds was that Cahalan had threatened them, told them they were violating the law by asking for a special prosecutor, and that he'd have the Grand Jury prosecuted if they went ahead with their investigation.

(Cahalan knows his law real well: investigation of government misconduct is one of the two functions of a grand jury, by law; the other is to bring indictments in felony cases.)

C. BAIL AND THE BAIL BONDSMEN

1. The sole function of bail is to ensure a defendant's presence at trial. It is not supposed to be used against the poor as a means of preventive detention.
2. Nevertheless, during the time of the jail suit, one-third of the defendants were in Wayne County Jail because they were unable to pay 10% of their \$1500 bail, \$150. Or, they couldn't come up with collateral (for more on bail system, see under LAW TALK section.)
3. Bondsmen have a powerful lobby in Lansing. When Michigan passed a law saying that, for misdemeanors, Michigan would follow the Illinois bail system (10% of bail paid to court, which refunds 100% of that sum if you're acquitted, and 90% if you're convicted) the bondsmen lobby has successfully delayed getting that passed for felonies as well.

- .4. Goldfarb Bonding Agency writes 80% of the bonds in Michigan. Consequently, Goldfarb is a wealthy man. When he tried to buy a gambling palace in Las Vegas, the Nevada Commission refused because of his connections with organized crime. Once he placed a bowl of fruit on Judge Crockett's bench, with card saying, "Merry Christmas from Goldfarb Bonding Agency." Crockett hit the ceiling.
5. The way the club works: the bondsmen contribute generously to the judges' campaign. The judges, once in office, set high bonds, which amply repay the bondsmen for their campaign generosity. The Clinton St. Bar hangs out at the bondsmen's office so that as soon as someone comes in to pay a bond, or when the bondsman hears of someone who doesn't have the money to pay a bond, the bondsmen suggests that a Clinton St. barrister go see the prisoner to persuade him to plead guilty so he can get out of jail; or else, the lawyer is conveniently around to take the case of someone who has the bread to pay the bond.
6. Synonyms for "Bail:" ransom, checkbook justice.

Question for further research:

1. Whatever has happened to all the bail money that was supposed to be turned in to the courts over the last 30 years when defendants skipped out?
2. For more research ideas, check with Neil Bush.

Note: Discussion of R.O.R. and personal bonds will be under "Issues: Bail" (II)

#### D. CRIMINAL LAWYERS

1. Clinton St. Bar -- for explanations, see glossary of terms for Law Talk; relationship to judges and bondsmen tight: support candidacy of judges financially, hang around bondsmen's office. Example: all depends on which judge assigns cases -- for next six months six judges coming up for reelection are assigning cases, so can expect healthy campaign contributions from Clinton St. Bar lawyers.
2. Private Defenders Office, unfortunately also financed by number of cases taken. By law now gets 25% of all indigent cases, but cant represent well because survival of office still depends on quantity of defendants.
3. ~~Fin~~ Economic basis of corruption and inadequate defense in criminal legal defense system: About 90% of people busted in Detroit can't afford private lawyers. And even if they could, what does "afford" mean in relationship to income. Can a working person with a family, making say \$600 a month "afford" to pay \$150 cash plus property for a bond, then another \$500 cash for a lawyer within a couple of months? Since most people busted are poor anyway -- correlation between police attention (called crime) and income and race)-- there is no way that they can pay criminal lawyers to defend them.
4. So, most criminal lawyers who become criminal lawyers -- rather than, say personal injury lawyers or lawyers in another field where fees are more likely to come out of the litigation process itself -- are pure hustlers: small time capitalists of the worst, most competitive kind. And because the socialization process of law school focuses on lawyers making money and attaining social prestige, it is rare that the most competent law students go into criminal law. (Those who are competent are often so because of their political commitment -- either on the left or the right, but these are an infinitesimal percentage of the criminal lawyer profession.)
5. Detroit's system of Clinton St. Bar and private defenders office brings out the worst in the criminal lawyer defense system, but the elements are present in every city. Governments are not willing to spend all that money getting people busted, then spend as much providing adequate legal defense for them. So, with some notable exceptions (Seattle Public Defenders office funded somewhat from Model Cities funds; Santa Clara California public defenders office; some legal clinics in law schools); defendants who have to depend on lawyers supported by state-e government funds get screwed. And its not just lawyers salaries; but total expense of providing adequate defense for people.
6. Also, the state-paid criminal lawyer system fits perfectly into the policy of forcing people to take deals (cop pleas of guilty). If there were enough resources to provide adequate legal defense for ~~erimina~~ poor people charged with criminal offenses, people would demand jury trials and the whole legal system would collapse.

E. JUDGES

1. Who are they and where do they come from?

Judges are NOT impartial arbiters of the law. They are almost always members of the upper-middle ~~str~~ class strata; usually white and usually men. Most of them are appointed by the governing executive of the county, state or national government. Most of them come thru recommendations of local Bar Associations or Judges Associations. Generally, they are recruited either from prosecuting institutions (rarely if ever ~~publ~~ public or private defenders), from corporation law firms, or from the legal apparatus of the Democratic or Republican party machinery.

Having been socialized through a privileged class strata, and the law school brainwashing process, their political biases may range from conservative to liberal, but it is always within the framework of <sup>the</sup> bourgeois capitalist constitutional legal system. Which means, they accept, without questioning, the ideology that class, race and sexual conflicts can and should be settled within the legal system framework.

The judicial institution itself adds to their conservative frame of mind. They are paid extremely well, with a steady salary that they do not have to hustle. Once appointed, their career is permanently settled, because incumbents are almost always "re-elected". They usually believe that they are arbiters -- so they tend to see themselves as above all social conflict, with a legalized "right" and some real power, to pass judgements on these conflicts; they probably have less understanding of their own inherent class biases than most other sectors of middle-level ruling class positions.

Furthermore, they usually come to the bench when they are over 35 or 40, and have been forced to demonstrate their political stability and support of the status quo for years in order to get their appointments.

2. Detroit judges in Recorders Court

(this very generalized info will have to be backed up by much more concrete research, not only about treatment of defendants and prisoners, but, perhaps more important, political, economic, social connections in the city and state.)

There are presently 13; in November they'll be 7 more. Judges make \$34,000 a year, work about 4½ hours a day at most.

- a. "good" judges: Crockett (politically cant criticize him too much), Evans and Murphy (godd human beings on bench), but lack courage and identification with struggle; Heading (capable but erratic).
- b. "not good:" Davenport (moderate, senile), Olsen (better than his racist history as a prosecutor would indicate).
- c. "moderate pigs:" Maher, Leonard
- d. "total pigs:" Gillis, Schemanske, Poindexter, Ford, Colombo

3. Results of August 8 primary: for established judge positions in order of votes:

- 1) Crockett; 2) Leonard; 3) Maher; 4) Poindexter; 5) Patricia Boyle; 6) Samuel Simpson; 7) Martin Baum; 8) Sheldon Halpern
- range from about 94,000 for Crockett to 24,000 for Halpern  
Votes

4. Results of August 8 primary for 7 new positions:  
 1) Ravitz; 2) O'Brien; 3) Del Rio; 4) Arthur Tarnow;  
 5) Michael Connor; 6) Arthur Kosciński; 7) Susan Borman;  
 8) Clarence Laster; 9) Warfield Moore; 10) James  
 Hathaway; 11) George Ryan; 12) Samuel Gardner;  
 13) Thomas Maher; 14) Harold Ryan.  
 Votes range from about 50,000 for Chuck to 27,000 for Ryan

F. WAYNE COUNTY JAIL

1. Keep in mind at all times: The Wayne County Jail is the facility that houses people charged with criminal offenses, who have not yet been tried. Therefore, they are presumed innocent under the law.
2. Jail built to hold about 800 prisoners; in 1970, there were 1600. In Jan. 71, when the jail lawsuit was filed, there were about 1200. Now the population is down to 600 -- the major success of the lawsuit.
  - a. in 1970, about 24,000 people went thru that jail.
  - b. 85% are black; about 50% are in jail because they cannot afford to pay bail; the majority of these cannot afford bail of less than \$100.
  - c. about 50% are between ages of 17 and 21.
3. The horror story of jail conditions:
  - a. the "hole:" an 8' x 10' cell with 24 hour same lighting, a hole in center for toilet that splashes shit on floor every 3 minutes; a trap door for food that comes in on paper plate with no utensils. No mail, no exercise, no visitors. Prisoners used to be put in here for up to 30 days. It is now closed, thanks to jail suit.
  - ~~b. From Jan 1, 71 to Feb. 23, 71 there were 13 reported attempted suicides and one suicide. People attempt suicide to try to get medical attention~~
  - c. jail doctor, Gindy, a butcher, works about 20 hours a week, does not make rounds. To see him, you have to send a slip thru a deputy; Gindy screens the slips to determine who he'll see.
  - d. there are wards designated "mental wards" for psychotics who, until recently, never saw a psychiatrist. The shrink there now works 20 hours a week, never on weekends.
  - e. the dentist at the jail works 2 1/2 days a week, never fills a tooth. Its extraction or nothing.
  - \*f. 50% of inmates go thru drug withdrawal while in jail.
  - g. theres no exercise, social or recreational programs. Inmates locked in maximum security cells 24 hours a day.
  - h. plumbing and ventilation inadequate; windows often closed in summer, place damp and cold in winter. Inmates who slept on floor slept in shit.
  - i. place is fire hazard
  - j. food doesnt meet any minimum nutritional standards
  - k. visiting is once every two weeks, for 30 minutes, thru bugged phone and window.

*b. in 1970, when there were no psychiatrists in jail, there were 47 attempted suicides in 11 months. By August 71 there were 2 per time shunks, per in Aug + Sept there were 33 attempted suicides & 24 of those in dormitory "suicide" ward. People attempt suicide to try to get medical attention.*

\*Drug program referral started in late 71.

4. Some individual horror stories:

Harold Cross: a black college student from Arkansas, arrestested for having 3 inch knife, on \$500 bond. His parents could have paid bond but DPD told him them he wasnt there so they never knew. He was multiply raped and died in jail -- deputies wouldnt get him doctor or to hospital.

James Grubbs: epileptic who kept having seizures, falling on floor and breaking open his head. He'd get taken to Detroit General, patched up, return to jail for another seizure. Prisoners staged protest with banging cups in cell doors. 30 got put in hole, including Grubbs. Grubbs died in hole called "mental ward."

Florence Patterson: an asthmatic who died in jail because jailers wouldnt open windows -- after Attica they kept windows closed for security reasons.

5. Since the jail suit, the prison population has been reduced, by a ruse. Judges quietly issue more personal bonds but have never publicized that this is the reason the jail population has been lowered. The hole has been closed. The county has started to allocate money to build a new jail, but no one knows when that will be or what it will look like. The windows have been opened again, and there's some minimum attempt to put in air conditioning. Some recreation is supposed to start, but when and when is not clear. Some drug programs have been instituted (details will be spelled out under "Heroin research."). Men who are sentenced on misdemeanors now go to DEHOCO rather than to Wayne County Jail, with exception of few who work in kitchen, etc. But judicial remedies have come slowly and inadequately, often as the result of contempt proceedings filed by the original lawyers acting for plaintiffs.

G. THE PRISONS

Documentation of the ineffectiveness of prisons in providing rehabilitation (quotes) is too well known -- except for women's prisons, to need rehashing. Suffice to quote some statistics: 60-80% of all crimes are committed by people who already have prison records. Prison records are part of an already unskilled, often uneducated job-applicant's file. He comes back to Detroit where 190,000 people are already unemployed. Employers dont often hire people with prison records. People get hungry, so they go back to getting money anyway they can. They get depressed, and go back on smack -- then have to rip off to support their habits. The people who are the victims of this process -- beside the ex-prisoners -- are the working people who pay the taxes to support the prisons, then get ripped off by the people who come out of these prisons.

Those who profit: employers who can lower wages and working conditions thanks to competition from a surplus labor market; police departments who can get more federal and state funds to fight crime; city politicians campaigning for law 'n order; professionals who rip off grants for research on crime and drug addiction, etc etc. Not to mention the expanded market for drugs and hot goods, guns etc that profits the Mafia. (For detailed economic analysis, see section on Heroin.) will be done thru "Heroin Research".)

Supplementary research for Seven Arms of Legal System:

1. RAG research on judges
2. Fact sheet on Recorders Court
3. Info to come on bail bondsmen
4. Info to come from forthcoming bail suit
5. Info to come on DeHoCo: women's prison
6. Heroin research project

III. LAW TALK: THE CRIMINAL JUSTICE SYSTEM IN DETROIT

Materials available:

1. Law talk glossary of legal terms
2. Law talk articles from Changeover
- (3. Additional information from broken tape)

IV. ISSUES AND ALTERNATIVES

(Political  
Perspectives)

From here on, we're completely into the discussion phase. Whether any of these topics will become issues in the campaign, and if so what positions we will take on them, will probably not become clear for another month at least. So -- what is offered here is only an outline for discussion: some issues that have been raised, some preliminary thinking on these issues, some questions for research and analysis.

We can't really separate issues from how we talk to people about them, but anticipating of people's questions and objections will also take a long time to wade through. For the time being, the major objections we'll raise to our own projected issues will be those coming from the "right wing," specifically, countering the issues raised by Laughlin Hayes, in How to Substantially Reduce Crime in Detroit. However, we should be clear that even this is a tentative process, which will depend eventually on how we develop a political analysis of "Crime" and its relationship to racism, white skin privilege, misperceptions about who the real enemy is, etc.

Also under discussion, and fundamental to this whole process of raising issues, is how we interconnect our critique of the legal system -- and the economic system it supports -- with specific suggestions for reforms, with which can be made by the ruling class in the form of concessions; with transitional or revolutionary demands for changes that challenge the very basis of power of the ruling class; with an ultimate demand for socialist revolution; with a projection of what a legal system would be like in a socialist society.

Still another thing to consider in our discussions. Justin came in tops in the primary. To what extent is that due to our having the best organized campaign of all the candidates? To what extent is it due to his reputation as an effective radical criminal lawyer? Do we project him now as a "progressive," a "radical," a "revolutionary?" To what extent will the opposition forces use red-baiting as a tactic to lessen his prestige? What other oppositional strategies or tactics can we anticipate? How important is it to focus on counter-acting the enemy's opposition?

A. ALTERNATIVES TO ARREST FOR MISDEMEANORS

Though these suggestions speak mostly to prosecutions at Traffic Court, they do affect about a million persons a year in Detroit (Free Press, Aug. 3 "Traffic Court Issues are Bared" p. 1-B), plus court space, judges and cops whose time could be better spent elsewhere.

1. City ordinance violations, such as traffic offenses (except for drunk driving) and accosting and soliciting, should be prosecuted with citations instead of arrests. People should be given tickets for which they could either pay minimal fine or appear in court to ask for trial.
  - a. people should get court times that do not interfere with working hours, which means traffic court should be open nights and weekends.
  - b. people who cannot pay fines should be given period of time in which to do so, and fines adjusted by income. No one should go to jail instead of paying a fine; its inhuman and illegal.
  - c. drunk drivers probably ought to have their license suspended for a period of time.
  - d. people ~~arrested~~ ticketed for accosting and soliciting should be given a free venereal disease test, if they wish it -- but not compulsory -- and should be given free penicillin shots
  - e. if women are to be ticketed for accosting and soliciting, and perhaps they should not at all -- perhaps this law should be ignored, then erased off the books -- so should their tricks. (more on this issue under "Women and the Law" issues.)
2. Vagrancy should not be prosecuted at all. The law should be taken off the books. If police determine that a person has no money, no address, no job, and appears hungry, dirty and tired; the police should transport that person to a community facility where she/he can get food, lodging, change of clothes, employment advice and general friendly counseling.
3. Drunkenness is a victimless crime. It should not be prosecuted at all, but treated as a medical problem. (See ~~Free Press~~ Detroit News, May 6, 72) The proposal suggested by Councilman Carl Levin appears sound and might be supported. It calls for liquor tax revenues -- plus other state funding needed -- to finance either drying out centers or detoxification programs as needed for people with alcoholic problems. People would be treated in non-hospital settings.
  - a. laws on drunkenness should be taken off books.
4. Everyone busted on other misdemeanors should be released after immediate arraignment on personal bonds. They should get a lawyer, be advised that they can get a jury trial, and be given ample time to prepare their case.
5. The court and police time saved from prosecution of traffic, drunk, vagrancy and A&S charges can be used to give jury trials to people busted on misdemeanors that could get jail time.

B. AN END TO VICTIMLESS CRIMES: (CRIMES OF THE CULTURAL SUPERSTRUCTURE)

1. Marijuana laws
2. Sexual preference laws
3. "Obscene conduct law"
4. Abortion laws

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C. B. TWENTY FOUR HOUR ARRAIGNMENTS ON ALL CHARGES

1. When police bust someone, they should be taken immediately to court, day or night, to determine if there are any grounds for the arrest. Only if the charges can stick, should they get booked.
2. According to DPD's own statistics, in 1971, they made:  
misdemeanor arrests -- 48,666  
felony arrests -- 65,473

According to Recorders Court statistics, prosecutions in 1971:  
misdemeanors -- 16,284  
felonies -- 14,295

Even allowing for overlapping time and statistical discrepancies, this means that about 32,000 people arrested on misdemeanors never went for arraignment (or, 32,000 false arrests); and 51,000 false arrests on felony charges!

3. 24 hour arraignment could make a significant dent in the number of false arrests, people held in jail illegally, possibly losing their jobs, etc. It might also help lessen tensions between police and people around issue of police harassment.

D. C. END TO MONEY BAIL SYSTEM

1. Bail bondsmen serve no useful social function. They should be eliminated from the legal system scene entirely.
2. The majority of people busted should be released on their own recognizance, which is different from personal bond because no \$\$ amount set at all.
  - a. answering the skip (capias) argument: Statistics seem to show that more people skip on personal or R.O.R. than on surety bonds (about 9% of felony skips on surety bonds, compared to 35% for personal bonds). But these figures can be questioned. For example, the skip rate for R.O.R. is almost half that of people released directly by judge on personal bond. Even more revealing is the R.O.R. figures that they were usually able to reach by phone, to remind defendants of court appearances, about 5% of people. Which means that many capii may be simply caused by people forgetting court appearances. If they have lawyers, their lawyers have responsibility to remind them, if they deserve to be paid. Also, are people released on personal bond given a slip that lists time and date of next appearance; do court officials or R.O.R. people get names and phones of friends or relatives of defendants so they can call to remind? (Compare skip rate on San Francisco's R.O.R. program -- in operation 6 years, the skip has gone down from about 6% to 3% per year -- thanks to good interviews, references and writteh and phoned reminders.)

3. For people who dont prove trustworthy about remembering court dates, ether alternatives to remind them are:
  - a. periodic reports to probation officers
  - b. work-release programs where they work during day so dont lose job, spend night in jail
4. The Illinois plan, now in use for Michigan misdemeanors, is an inadequate compromise. If you dont have the 10% to pay to get out, it doesnt much matter if you'll get it back after your case is over.

#### E. B. THE COURTROOM

Courtrooms should not be fearful places. Proceedings should be conducted as informally as possible, with every aspect clearly explained to the defendant and to the public via mikes. People should be given specific times to appear so they dont have to wait for hours. ~~Anyone~~ Everyone should get court appearances scheduled so as not to conflict with working time. (If this means that lawyers, prosecutors as well as judges have to work harder, too bad.) Maybe most courts should be opened primarily at night.)

Child care centers should be available for defendants, witnesses and families.

Judges should hold hack lawyers in contempt if they dont provide adequate counsel for defendants (such as informing them of their right to trial.) Repeated contempt might be subject for disbarment, or better, the lawyer should go on trial with past clients as prosecuting or defense witnesses.

#### F. E. JUDGES

Judges are political figures; they should behave as if they are. This means speaking out publically on issues, specially those relating to the legal system; criticizing other judges for unprincipled or reactionary positions; advocating prosecution pf police, government officials and corporations, etc.

*Should they be appointed or always elected?*

#### G. CRIMINAL LAWYERS

1. A complete end to the Clinton Street bar.
2. Initiation of a public defenders system, with enough lawyers, legal workers, libraries and machinery and funding to provide every indigent defendant with at least as good a defense as she he would get if a private lawyer were hired through trial.
  - a. any budget hike for police department or presecution should be matched by like one for public defenders office.
  - b. legal time should be available to handle case thru first level of appeal.

This question is tricky, both in terms of retaining flexibility and individualized treatment while maintaining principled positions; in terms of limitations on judges prescribed by law; in terms of right wing reaction to "letting the criminals" back on the streets, as well as the legitimate fear of people who've been ripped off; to the fact that a judge qua judge cant do much about the inadequacies of the prison system.

1. If the judge is going to rely on the probation report, he/she should make sure the report has called on all possible sides, favorable and not so favorable, before accepting it.
2. Judge should clearly explain implications of "probation" to person before sentencing, maybe give person option between probation and short jail stint.
3. Judge should utilize any available community facilities for probationary period instead of jail.
4. Judge should make sure lawyer plans for work-release programs before person goes to jail or ~~per~~ prison.
5. Of course, advocating minimum rather than maximum sentences.
6. Planning ahead of mandatory parole review at least once a year, ~~for person sentenced to prison.~~
7. Discussing with family kinds of community facilities and organizations that provide support for prisoners and their families.
8. Making sure, whenever possible, that records are expunged, or not used for employers, when prisoner released.
9. No life sentences for first degree murder convictions.
10. Lending active, political support to all movements to change prison conditions. Use of prestige of judge title to do this.

## I 7. JAILS

The following should apply whether ~~the~~ jails are for people not yet tried -- if there's sufficient reason not to release them -- or for people convicted of misdemeanors:

Jails should be detention centers with maximum security on outside and maximum openness on inside. They should have 24 hour doctors and psychiatrists, good food, exercise and recreational facilities, phones, private visits and facilities for overnite privacy, educational and training programs, and work-release programs. The only legitimate punishment for offenses against society ~~is~~ should be the temporary detention itself.-- the denial of physical liberty to come and go as you please.

## I. PRISONS

Most of us should be able to answer this without much guideline. Prisons should be centers for reeducation not punishment. Which means same things as under jail conditions but more so. Schooling, job training, union scale wages, open mail and visiting, closer to home, state provided transportation ~~for~~ friends and relatives, etc.

## V. SOME HEAVY ISSUES FOR SPECIAL CONSIDERATION

### A. ASSEMBLY LINE JUSTICE

Granted we're against it, but explaining it gets a bit knotty when you come up against the argument for "speedy trials," which is the main spiel spewing forth from Burger, Agnew, Mitchell and friends, as well as most local judges and politicians.

On the one hand, if we advocate that people shouldn't have to do time in jail before trial, there's no reason, theoretically, why we should be opposed to "speedy trials" after arrest. The fact of the matter, however, is that most defendants, if you go by the law books, are "guilty," and the only thing that gets them off is either lots of time for a clever lawyer to research an obscure legal technicality, or else the progressive disinterest in the prosecutor in prosecuting as time goes by, and juicier charges come up. So, most speedy trials would get our friends and class allies put away faster and longer than they are now under the ~~deal~~ delay and "cop a plea" system.

On the other hand, how do we answer the quite legitimate fear that folks have of all these "criminals" running loose on the streets -- specially when most of the people we'll be rapping with -- working class folks, black and white -- <sup>and</sup> those people who objectively stand the greatest chance of getting ripped off or even attacked?

### B. JURIES

Not many people, specially those who now, thanks to the jury suit in Detroit, get to sit on juries, would agree with Laughlin Hayes that juries are stupid (i.e., they come from uneducated lower strata of the classes). But then, how many people are really aware that the only dent the people can make in the legal system right now is the power of the jury? And that the ruling class recognizes that we're starting to use that power, and that's why they're taking it away.

In a sense, our argument here is a defensive one, not an aggressive one. We want to hold on to what we got: 12 person juries, unanimous verdicts, wide latitude in voir dire by defense lawyers. We might even want more: jurors paid compensatory wages to what they get at work so there's no excuse for economic hardship; child care facilities for parents, specially women; excuse from exams and school work for students; maybe prospective jurors chosen from phone books rather than voters lists (although, in Detroit, with the high percentage of registered voters, that's not so much of a discriminatory problem as elsewhere).

We also want to advocate that every defendant ought to have a jury trial if he/she wants one. And then face a howl about the tax-payer's money...

Anyway, the jury issue has real immediacy to it, because they're already moving fast to take it away. And if Metropolitan government goes through, that's the end of good juries in Detroit...

### C. COMMUNITY CONTROL OF THE POLICE?

Whatever happened to this issue? Has it been hashed over in the past and forgotten, for whatever political and practical reasons a newcomer to Detroit might not understand?

With all the shit on the DPD that we've collected, I havent seen a glimpse of an "alternative" projected. If we maintain that the DPD ought not to go around busting folks like they do, what proposals do we have to deal with legitimate desire of people for police protection?

Clearly, residency isnt a sufficient control. And police-community review boards are bullshit. And Ad Hoc police watch is no longer in existence. So what do we do to protect people/ourselves against the police? (Their solution, an all black STRESS force, doesnt quite seem to fill the bill. Only a real racist could dream up that one...)

### D. SMACK

The Raglet research committee on heroin has come up with the following proposed research outline. We do NOT intend to research the topic in depth, i.e., no interviews with addicts, pushers, friends or family of the Mafia. So, no security problems. Nevertheless, the issue of smack is one that the campaign has to confront, so... (or, we believe, the campaign has to confront it, lest we be accused of making individualistic decisions/):

1. What is the relationship between heroin and the imperialist policies of the U.S. government?
2. What is the relationship between heroin and the domestic political economy of monopoly capitalism?
3. What is the relationship between heroin and crime in the city of Detroit?
4. What is the relationship between methadone and the health industrial complex in the U.S.?
5. What are the relationships between methadone programs in Detroit, the courts and the political/economy of the city?
6. What is the political effect of the heroin epidemic on working people in this country, third world and white?
7. What are the potential political effects of methadone programs on addicts, i.e., a sector of the lumpenproletariat in this country?
8. What political analogues might be instructive in analyzing the government's manipulation of the heroin contradiction among the people (eg., organized and unorganized labor, paid worker husbands and unpaid worker wives, public employees and service communities, poverty programs, etc?)
9. What solutions alternatives can we propose: legalization of grass to stop future smack addiction? legalization of smack? detoxification? end to methadone maintenance? Others? Besides an end to imperialism..

#### Research materials:

- 1) Ramparts article
- 2) "Political economy of junk"
- 3) Interview with Ken Magul on heroin legal project
- 4) Research on Detroit Methadone programs
- 5) Free press, Mar 30, 72 "Heroin + Crime"
- 6) Research on drug industry lobby + methadone programs
- 7) Court records on heroin prosecutions + drug programs

## E. WOMEN AND CRIME

The Raglet committee on Women's legal issues felt that the two major issues of concern to the campaign were:

- 1) What kind of treatment do women receive when they're busted?
- 2) How to we deal with women's fear of being victimized by rapists, robbers or murderers?

Within the general framework of these issues, we decided on the following areas for research and analysis:

1. Abortion
  - a. discriminatory nature of abortion laws in class, race and economic terms
  - b. number of illegal abortions performed vs. number of abortionists arrested and tried
  - c. sterilization of pregnant women on ADC at the time of delivery in public hospitals
2. Rape
  - a. how women are treated when they report a rape
  - b. treatment of white victims vs. third world victims
  - c. rape statute and evidence needed to convict a rapist
  - d. psychology of rape juries
  - e. who gets raped -- the "nice girl" syndrome
  - f. sentence of white rapists for attacking black vs. white women and sentences of black rapists attacking black vs. white women
3. Prostitution and Heroin
  - a. relationship of race and class to cycle of prostitution, heroin and larceny
  - b. police involvement in perpetuation of prostitution and heroin
  - c. comparison of number of pimps busted to # of prostitutes
  - d. comparison of sentences given to white and third world women for prostitution and heroin possession
4. Women in prison
  - a. comparison of sentences of white and third world women for same crime
  - b. comparison of sentences of men and women for same crimes
  - c. prison conditions at DeHoCo: work release, education and training programs, conjugal visits, money spent per inmate, medical staff and facilities (gynecologist, birth control pills prior to release?), provisions for pregnant women (are they sterilized when they deliver?), provisions for infants and children of inmates (do they belong to the mother or the state?).

### Supplementary materials:

- 1) Susan Griffin, "Rape: The All-American Crime," Ramparts
- 2) Lesbian Feminists, "Vietnam: The Politics of Rape"
- 3) ~~Stx~~ Detroit Womens Liberation: "Stop Rape"
- 4) Kitsi Burkhart, "Women in Prison" Ramparts
- 5) "Sisterlove" and interview with two women in Niantic Prison
- 6) Ramparts interview with four prostitutes

What kinds of analysis and solutions can we propose on these topics? Two of them, at least, are pretty straight forward:

1. On Abortion: Eradicate all abortion laws; stop all forced sterilization. Women <sup>should</sup> have ultimate ~~control~~ to control their own bodies.

2. On women in prison: the same general assumptions as we brought to the discussion of jails and prisons in Section IV., but with special attention given to combating the sexist socialization process that is reinforced within the prison.

The other two issues, rape and prostitution, are real tricky, and most women active in women's movements, whatever their politics, are divided on these issues:

Rape: Clearly we want to put an end to the humiliating process a woman goes through when she reports a rape, before the police and in the courts. But how to deal with the rapist, alleged or convicted? Do we take the position that the rape laws are fucked up because a real analysis of the pervasiveness of sexism under capitalism would indicate that almost every sexual relationship between a man and a woman has something of the elements of rape in it? Do we say that because every man has a bit of the rapist in him, that rape is just an extreme of a sexist continuum, that we should eradicate all rape laws? Should rapists get psychiatric treatment rather than prison? Should we talk about women's self defense units, or free transportation after dark, or other protective measures. (Story related by Vietnamese women to American women: as a protection and prevention against rape by South Vietnamese soldiers, peasant women inserted sharp steel net-like affairs into their vaginas. When they were raped, the rapists often bled to death because they didnt feel the pain till it was too late. Word spread quickly; the incidences of rape fell rapidly.)

Granted we can make an analysis of the fact that rape will stop under socialism, but that is much too facile to deal with a threat that haunts most American women day and night, with some real objective bases for that terror.

Prostitution: Do we propose jailing the tricks and pimps instead of the women? Do we propose legalization of prostitution? Or guaranteed job with same pay for present prostitutes? Or licensing prostitutes into red light houses and off the streets? Moral scruples notwithstanding, a woman can earn more at most kinds of prostitution than at most any other job, and she can virtually choose her own hours. Do we want to get into the subject of illegal prostitution -- sleeping with a man for money for an hour -- versus legal prostitution -- living with a man 24 hours a day for a name, "security" and a dishwasher?

What is the correlation between prostitution and heroin, and marriage and "mother's little helper?" Or, whom would we prefer to reap the profits off of women's oppression, the Mafia or the drug industries?

The question of how, if at all, we want to project clearly socialist politics in the campaign is, of course, a subject for collective discussion. However, even if we do not, the following description of Peoples Courts in Cuba should serve as an inspiration to us about what real justice can and should be; and to remind ourselves, as if we didn't know, that it is impossible without a socialist revolution.

The description that follows is a combination of two articles: one written by people from the Venceremos Brigade called "Popular Tribunals in Cuba," the other from an article by Lee Webb that appeared in the Nov. 8, 1969 issue of The Guardian.

POPULAR TRIBUNALS IN CUBA

People's justice, which was fought for by the revolutionaries at the Moncada on July 26, 1953, has a daily reality in the People's Tribunals of Cuba today.

In October of 1962, Fidel Castro suggested to law students at the University of Havana that they take on the task of developing a structure for Popular Tribunals as their productive revolutionary work. They agreed that as students they should do productive work as well as study, and that as law students they should help develop revolutionary legal structures.

The Tribunals were initially developed in the Sierra Maestra mountains. The campesinos, peasant farmers, had many minor problems with neighbors concerning property damage. These problems were difficult to solve legally because court solutions meant days of travelling to the city. Establishing local courts, with judges selected locally from and by the people ~~of~~ of the area, meant that binding legal decisions could be made within a few days. These decisions would be respected because they were made by judges who understood the problems of that area and shared the same experiences as the people who requested legal aid from the court. The Havana law students worked in the mountains with the campesinos. They explained the concept of People's Tribunals and taught the farmers how to use a judge's manual that was written for all the people to understand. By the end of 1963, there were 20 working Tribunals throughout the Sierra Maestra.

Today there are Popular Tribunals all across the island, both in the country and city. Presently, they have jurisdiction over misdemeanors and smaller crimes, such as offenses involving gambling, black market dealings, public obscenity, and disorder. By the end of 1972, the Tribunals will have jurisdiction over felonies and all other serious crimes. Sentences now range from public criticism or limitation of social privileges, such as attending cultural events, to six months of work at a work camp. (ED. note: it should be pointed out that expressly counter-revolutionary activities, such as internal cooperation with the Miami invasions of Gusanos, are still tried in military courts, and convictions result in much more severe punishment. This dual level legal system will probably exist as long as U.S. imperialism continues to try to destroy the Cuban revolution.)

The two main objectives of the Tribunals are to eradicate anti-social actions and to educate the masses. The trials are held at night and on weekends so local people can attend. The importance of the trials is discussed on radio and television. Sometimes trials are held outdoors or in the homes of those

involved to encourage maximum community education and participation. In very populated areas, where a greater likelihood of delinquency exists, mock preventive trials are held as a kind of lecture on revolutionary conduct.

Everyone participates in selection of judges. Judges, who have full-time regular jobs in addition to their voluntary non-salaried work as judges, are nominated at a town meeting. The qualifications include: 1) a history as a revolutionary in his or her community, for example, doing voluntary work helping to build a school, a good work record on their regular job; 2) good moral character -- a responsible citizen; 3) a minimum fourth grade education; and 4) a minimum of 18 years old. At the meeting, different people give opinions on each proposed judge. At least five judges are finally selected, after individual interviews by the Ministry of Justice to review minimum qualifications.

The selected judges attend a basic course on penal rights, crimes and sentences, and continue weekly classes at night after they start functioning as judges. Once they begin, they work as a panel of three judges for each Popular Tribunal. They serve two year terms and then regional advisers call new town meetings. Appeals from local Tribunals, concerning either the verdict or sentence, are handled by regional advisers who travel to the local trials within their region. It takes one and one-half years of interning experience to become a regional adviser.

(Above from Venceremos article)

#### DESCRIPTION OF A TRIAL (from Lee Webb's article):

The courtroom, located in what once was a store, was on the ground floor of an apartment building. People were looking in the windows and standing in the doorway. Children whose parents were inside played in front.

Inside, there were about 10 rows of hard wooden benches of all different sizes and shapes. Posters of Che, Jose Marti and local revolutionary heroes covered the walls. Between 30 and 40 people sat on the benches. By bourgeois standards it was not a "dignified" courtroom. Babies cried, people kept going outside for air and coming back, and there was a steady hum of whispering that rose and fell with the progress of the dispute under discussion.

The three judges sat at the front behind an old wooden desk. One was a woman about 25, another a man about 40 and the ~~##~~ third a man about 30. They all wore workclothes. (The judge's daytime occupations were cab driver for the government and truck driver for the Ministry of Construction -- the men -- and technician for a radio station -- the woman.)

In this case, the judges were faced with a dispute between neighbors in an apartment house. It appeared that the accused -- husband and wife -- constantly moved furniture around their apartment at night. The man who lived below kept complaining. One night, the dispute spread into the hallways as the man above threatened to kill the man below with a machete and the man below threatened to kill the man above with an iron bar.

The president (of the judge's panel) asked both parties whether they accepted the three judges (any judge or all of them can be vetoed by either the accused or the accuser). The court asked whether they wanted lawyers (which are available free on request). Neither side wanted a lawyer.

In people's courts, accused and accuser begin by explaining their sides of the story. In this trial, the accuser -- the man downstairs -- spoke for about five minutes, describing how the furniture moving kept him from sleeping, how on this particular night he had banged on the ceiling with a broomstick, whereupon the man upstairs came down with a machete and threatened to kill him. He had picked up an iron bar, but the incident did not result in a fight.

The accused couple talked for about 45 minutes in a rambling and confused explanation. They said they move furniture because they have nine children and must rearrange the furniture every night to make enough beds. The husband said he picked up the machete when the man downstairs came up with the iron bar and said he would kill his wife and children.

During both sides, the judges listened patiently and intently asking questions for more information. After both finished, the judges called witnesses. (Part of the judges' duties consists in "preparing the cases" for both sides by gathering witnesses, talking to neighbors, finding out about the accused and accusers' before the trial begins.) In this case, all the witnesses said that the version of the man downstairs was correct. He picked up the iron bar only after the husband appeared with the machete.

The judges asked more questions and then retired. Thirty minutes later they returned and the president announced the decision. First, he described the need for public order and the need to avoid violence. He criticized both parties for not solving this problem within their building tenant council. He criticized the man below for not trying to find out why the furniture was moved every night, nor to understand the problems of a large family during the housing shortage. He then said the man upstairs was at fault for threatening the other with a machete. The president said the sanction would be six months probation for threatening violence, and if he threatened anyone else during the time, he would face a more serious sanction. He also asked the local Committee for the Defense of the Revolution to find out why a man and wife with nine kids had not been given a larger apartment.

The judges try to be creative when announcing the sanction. They want <sup>the</sup> to sanction to fit the particular problem, and they have the responsibility for following up to see if it is benefiting the person. For example, a lonely, uneducated man who created disturbances because he got drunk every night after work was sanctioned to go to school until he got his 6th grade diploma; the classes were at night, leaving him little time to get drunk and more time with other people to ease his loneliness. In another, rather classic case, a chemistry professor at the University of Havana got angry about having to stand in line so long at the "Copelia," Havana's favorite ice cream place. Instead of attributing the long wait to the problem of underproduction in an underdeveloped country, he blamed the workers at the Copelia, said they weren't working hard enough. One Sunday he got so pissed off that when his ice cream finally came, he dumped the whole dish on the waitress's head. (An incredible waste of what is reputed to be the best ice cream in the world.) The Popular Tribunal sentenced him to work 10 consecutive Sundays as a waiter at the Copelia so that he would "appreciate the problems of serving other people."

(Back to Veneceremos article) plus some additional info from an article by Luke Hiken, a Bay Area Guild lawyer who went to Cuba last year):

After the trial is over, the judges ask the audience if they have any questions concerning the case or the verdict and sanction. Usually, they also ask the audience to critique their performance as judges, both concerning their conduct during the trial, and their analysis of the problem and solution.

It is very rare that the judges sentence someone to a work camp, but if they do, here's the procedure: The person is given 48 hours to spend at home before the sentence begins. Once at the camp, the prisoner is incorporated into the rehabilitation program on a voluntary basis. The program generally has three stages, depending on the severity of the crime and the individual: First, attendance at school without pay with two week intervals between family visits. <sup>to the work camp.</sup> Second, work with salary and visits home every two weeks for one or two days. Third, work in camp and live at home. If the person is not initially receiving an income at the camp, the Ministry of the Interior works with the family to arrange pensions until the inmate is salaried.

Families are given financial support and aid and the inmate is given counseling, schooling and productive work (usually either farm work or construction work on houses or schools). When the inmate is released, he or she goes home and back to work as a Cuban citizen who has developed a greater social and political consciousness, without loss of family, job or dignity.

The transition from capitalist courts to peoples courts has been gradual. Until this year, major felonies were tried in courts similar in language and style to those that functioned before the revolution: old appointed judges, lawyers in wigs working under adversary system, but no juries. If these courts are phased out at the end of 1972, as is the plan, it will probably mean the end of professional judges, and also the end of professional lawyers -- since the overwhelming number of people brought into the Popular Tribunals defend themselves. This process has taken just 10 years, in a country that at the beginning of the revolution, was about 80% illiterate.

Question for discussion: Would it be too far fetched to begin to advocate the development of people's courts on a neighborhood basis -- or on a city-wide basis to handle certain kinds of minor misdemeanors?

VII. POLITICAL PERSPECTIVES

A. CONTRADICTIONS OF PARTICIPATING IN ELECTIONS

1. Winning and losing -- the rules of the game

From the perspective of revolutionaries, we are entering a game in which the rules have been defined for us, by the enemy. This means that if we are serious about winning, "winning" as defined by them meaning getting someone into an elected office, we have to build a political machine, with all the contradictions that implies (alienated work, endorsements, etc.). It also means we have to project publicly a desire to "win," because masses of people still relate to the electoral process in terms of "winning" or "losing." If we "win," it appears that, by using their rules we have appeared to legitimize them. If we "lose," it appears that, again by their rules, revolutionaries are not strong enough to win any kind of political power. However, even if we do "win," one revolutionary in a middle-power position cant do much. People already know this -- that elections, although they appear to be the only source of power, really dont change anything. So that if we win, and cant do much, we are adding to the legitimatæ sense of alienation, frustration and powerlessness and sense of being betrayed, that people already have. On the other hand, if we win, and do get some changes made, we are once again legitimatizing the electoral process as a means of getting power -- i.e., building false hopes and false consciousness about where the real sources of power lay.

Using the electoral process is a contradiction, but if we can always understand it and act as if its a contradiction, we can use ity effectively.

2. How we can use the electtoral process to our advantage:

- a. we can use it as a vehicle to politically educate larger numbers of people, in larger sectors of the community, than we can reach by any other means at the present, because the majority of people are usually more receptive to talking about issues via the electoral process than at any other time.
- b. we can use an electoral "victory" to build a sense that people can get some power. We can begin to develop the belief yhay if there is the power in the city to put a revolutionary into office, even if he cant do much with that office, there is the power in the city to bring about the kind of changes that a revolutionary stands for. Overcoming the sense of powerlessness is vital to building a strong base of people willing to struggle for power.
- c. we can use the forum provided by the electoral process for delegitimatizing that process itself, while at the same time proving by our actions our willingness to go thru it.
- d. we can use the position of judge to bring about some concrete changes in the Detroit judicial system, while at the same time using the "prestige" of that position to educate people about what changes really need to be made and how to make them.
- e. we can project a new kind of leadership, one that is truly responsive to the people and responsible to the people.
- f. we can use the electoral process to build a peoples political machine , one that can elect a judge, perhaps elect a mayor, and keep growing to take more power in the city. At the same time, we can use the educational apparatus of that machine to point out what taking REAL power is all about.

2. We can use our strategy as a means of educating other sectors of the left.

Most movement people have a very undialectical understanding of the electoral process. Either they enter elections knowing they cant win -- but either strictly for the "educational value of the campaign" or sometimes to recruit cadre members for small sects; or they refuse to relate to any electoral process because it plays by the enemy's rules and fucks over the people. We ought to make movement people understand that it's not our job to create contradictions among the people, but to work within, and overcome the contradictions that the enemy creates. Only by developing a sound analysis of those contradictions can we go on the offensive without being adventuristicy, or go on the defensive without being defeatist. (Participating in an electoral set offers some interesting analogies with guerilla warfare: maximum concentration of forces to overcome the enemy, strategic retreats when the enemy id stronger; surprising them when they dont expect it; building a base for our fish to swim in.)

rest of this rough rough draft to be continued after we have more discussions.....

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