

EVEN JURIES ARE BANNED IN BOSTON



In most states throughout the American Empire, the only eligibility requirement for jury duty is that a person be a registered voter. Also, generally the potential juror comes to court to be questioned by the defense who may be able to exempt him. Of course, even with this method, most juries across the U.S. end up dominated by white, middle-aged, middle class people. This naturally explains the large number of convictions across the U.S. of Black and other poor people. In Massachusetts, however, a juror is not required to be a registered voter. The state has constructed a highly exclusive process of jury selection. Massachusetts does not even make the slightest pretense at creating even the illusion of a jury of one's peers. The same vicious men who misinterpret and arbitrarily carry out their version of the law are choosing the jurors too.

In Massachusetts, local policemen draw up a list that allegedly includes the names and addresses of all citizens in their (the policemen's) particular county. Generally, we know that the police follow a certain pattern: they are conservative in political viewpoint, usually white, working-class men. We are able to know from that that the people they select for the prospective jurors' list will be most probably those who have most closely assimilated the values and thought patterns of this racist society. They do not wish to see the very people that have bolstered their arrest quotas walk away from the court room. It would benefit their private interests, and those of the state, if the police listed for jury duty those people in the community who are of the same mind as themselves. This first step in this form of jury selection reeks of out-right fascism (the police state).

The policemen's list goes on to an election commissioner. He "selects"



COMRADE "BIG BOB" HEARD

(according to state law) that 10% of the citizens over the age of twenty-one for whose personal and moral integrity he can personally vouch. Here again, the state imposes upon the people the value judgements and character analyses of one man. What would be the logical conclusion of a white, middle class, public official when "considering" an "uneducated", Black man, living in indecent ghetto housing, with under-nourished children, etc. It would reasonably follow that his racism would make him conclude that a Black was of too low moral character to be on a jury. This phase of the selection process also defines the age of 21 as minimum for the mature development of the human mind. The age limit is used as the basis for a person being able to judge between "right and wrong, good and bad". Therefore Massachusetts jury selection not only discriminates on the basis of color, but also on the basis of age.



COMRADE PETER ALMEIDA

The County Clerk then handles the list. More people are excluded. This is done, seemingly, at the mere discretion of the County Clerk. The first group of people he excludes are doctors, nurses, teachers, mothers of small children, and the clergy - people whose position or profession might make them prone to be understanding and compassionate: in other words, those with the potential for a human response. In addition, the clerk may also look down the list of names and addresses and exclude people from a certain geographical area. If nothing else this will exclude the poor and oppressed, especially Black people.

After this blatant expression of racist maneuvering, that is sure to rid the juries of any resemblance of a peer group for the average defendant, the final step in the process, the so-called random selection of twelve

CONTINUED ON NEXT PAGE.

EVEN JURIES ARE BANNED IN BOSTON

CONTINUED FROM LAST PAGE

jurors takes place. However, by the time the list has reached the courtroom floor and is available for the "random" sampling, the prospective jurors, for the most part, will be middle-aged, middle-class white men and women.

Certainly that group of people, on the whole, does not like change of any sort. Therefore, if the defendant were of the fomentors of change, he would be automatically guilty, in their (the jurors') minds, long before the start of a trial.

A clear example of how the so-called jury selection system in Massachusetts really works occurred recently in Boston: In September, 1971, the civil and human rights of Peter Almeida and Robert "Big Bob" Heard, two members of the State Chapter of the Black Panther Party were violated. They were both sentenced to 6 months in prison following a 2 hour trial for allegedly burning mattresses. The charge of arson

stems from an incident which occurred in Billerica House of Corrections, over one year ago when the brothers protested their 24 hour a day restriction to the 5 by 7 foot cells in which they were being held. Their illegal conviction and sentence can only be fully understood within the context of an unfinished sequence of events which the vast difference between the theory and practice of American "democracy" clearly exposed. They are not the first nor will they be the last, victims of a racist judicial system which openly holds Black defendants in contempt; where the outcome of the trial by jury is inherently structured to produce convictions.

While being illegally held at Billerica on excessively "high and outrageous" bail (\$10,000,) for a charge last year that stemmed from a police raid on a Black Panther office, Peter and "Big Bob" began to protest the racial slurs and general inhuman characteristics of most penal institutions in this country, in open and direct violation of both the 6th and

14th Amendments (both define the right of the individual to a trial by jury of their peer group - peer being someone from the same economic, racial and social background), a jury of 12 men and 9 women, all white, sentenced these brothers to jail.

The juries in Massachusetts are in fact and by law picked by the police and the courts to serve the interest of the ruling class circles in maintaining wealth and power. They pick jurors to try the very people they have arrested, often beaten, and brought to trial. Massachusetts is like the other states in that poor and oppressed people there cannot receive a fair and impartial trial. The difference is that there the courts have become so blatant with their means of instant repression, that the people have no choice but to destroy that decadent judicial system and build a new.

ALL POWER TO THE PEOPLE

Massachusetts State Chapter
Black Panther Party