A Call to a Harlem based Political Action Conference  pg. 4

Radical Lawyers Speak  pg. 2

ERICKA
Radical Lawyers Speak

By Jack Turner

For some time many Black organizations have maintained that Blacks imprisoned are political prisoners rather than criminals. Recently, with the arrests of radical white leaders, the concept has gained wider credibility. But, still, the notion of American political prisoners is a disputed issue.

Recently three prominent lawyers who have been involved in the defense of the Panthers, Angela Davis and the Chicago Seven, gave their views on the matter to the Harlem News. A U.S. attorney declined to comment. The lawyers are Haywood Burns, Director of the National Conference of Black Lawyers; Charles Garry, attorney for Bobby Seale, and Gerald Lefcourt, attorney for the Panther 21) and co-attorney with William Kunstler for the Chicago Eight.

All three lawyers said they believed that there were several hundred Americans, primarily Black, in prison or on trial for their political beliefs and expressions rather than for any crimes they have committed.

Burns explained, “I think the most obvious examples of political prisoners are those persons who have the legal process used against them by virtue of the kind of political expression that they make, whether that expression be in speeches, organizations they associate with, or in certain activities they engage in. I think that Angela Davis would be an example of a political prisoner and I think that many of the Black Panthers would be an example. I think we can go through a catalogue of people, including people in the peace movement and people in the student movement who are finding themselves victims of the legal process by virtue of the unpopular political ideas they express. That’s the easier definition.”

According to Lefcourt, “It gets a little more difficult to understand when you get into the more traditional areas of criminal law. If a Black man in Harlem is arrested because he is wearing a shirt made out of the American flag and prosecuted for flag desecration, it’s easy to see how that could be a political case when construction workers wear the flag on their helmets and Roy Rogers wears a flag costume on TV. Beyond those examples we get into the more complicated area such as the Chicago 8 case where they were charged with crossing state lines with the intention to incite a riot and conspiring to do so. To me that is very clear criminal prosecution—clear political criminal prosecution. It’s political because the anti-riot statute that they were charged under was specifically passed for Rap Brown and Stokey Carmichael. It was even called the Rap Brown law. Now we come to the still harder case, the Panther 21 case. There was a case where the charge was not something you’re thinking you cross state lines, as in the Chicago case; it’s not desecration of the flag; it’s a charge of conspiracy to murder, arson, attempt murder—serious criminal charges.”

Lefcourt went on to explain that the case was political when all factors related to the formation and stated purposes of the Panther Party are considered. He said, “Everybody knows that the Panthers were not talking to get rich; everybody understands that the motivation for starting the party was for political reasons.”

Lefcourt said the New York City Police Department’s secret police sought to infiltrate the party as it was being set up and that “there was no criminal activity. The Party hadn’t even begun and all you had was agents running to join.” They wanted to join, lead, control and destroy the Panther Party because of what it represented in the country.”

All three lawyers said that to some extent they agree with the charge that all Blacks in jail are political prisoners. Burns said, “The category that is perhaps not as easy to get agreement on is the extent to which it is proper to say that any poor or non-white person who finds himself behind bars in the U.S. today is a political prisoner. In its larger sense, a political prisoner really means someone who’s a victim of a social system and who finds himself where he is today by virtue of the structural inequalities that are built into the law and which reflect that social system. By that I mean we have a legal system that, rather than transcending the sicknesses of society, really reflects those sicknesses. The society is racist, the legal system is racist. The society discriminates against the people who don’t have money. The legal system does the same thing. Anybody who is poor and non-white and who is a victim of the social system, is also a victim of the legal system and I would think a political prisoner.” Burns emphasized.

Charles Garry extended the definition of political prisoner to say that “as a matter of fact, the members of the Black Panther Party are as close to being prisoners of war, which is a step removed from being a political prisoner. See, a political prisoner is a person who has lost confidence that the established laws will take care of the
By Jack Turner

David R. Poindexter III, who was charged by the Federal Government with "knowingly" harboring professor Angela Y. Davis from justice and was acquitted in Federal Court in New York April 12, talks about sister Angela, the jury system and many other subjects in the following interview. Parts of the interview by Harlem News' Jack Turner were done prior to brother Poindexter's trial.

Turner—There has been some question about your name, whether it's junior or the third.
Poindexter—My name is David Rudolph Poindexter, III.

Turner—The press has been describing you as a "mystery man." Why such a description?
Poindexter—I think my local press (Chicago) has a great deal of information about me. I was born and raised in Chicago and from time to time made the press on a lot of issues and I don't think I was a mystery. I think the prosecuting attorney in this case, John Doyle, wanted to justify an exorbitant bail—a bail that was tantamount to a ransom of $100,000. Arrest any citizen, especially any black citizen in this country, on any given day, and you're not going to find out too much about him. They were able to dig up all the vicious stuff they could with no problem, because the FBI has kept a file on me for years. That's the sort of thing they do to people who do not silently stand by and watch a racist, repressive system smash people.

Turner—The FBI and Chicago police claimed that for two years they kept you under surveillance. Were you aware of this?

Poindexter—Yes. The FBI is so clumsy in their operation and so inefficient that they could not follow themselves around. I think anybody in this country who is political—and I mean political in the sense that they do more than vote every four years—is under investigation. I think recent files that have come to light back that up. Men like Ralph David Abernathy and Martin Luther King and people who, at one time or another, signed a petition have been under observation by our government.

Turner—Are there any kinds of things a person can do to neutralize these kinds of tactics?
Poindexter—Every time the federal pigs knock on their doors and ask them about their neighbors, they can do as my neighbors have done, slam the door in their faces. I look to carrying a telephoto lens camera around with me and photographing them. I probably have the best rogues gallery of federal criminals in anybody in the country. I don't know what would stop it other than demanding the return to the right of privacy, the right to carry on your own business without the intimidation of the federal government.

Turner—How long have you known Angela Davis?

Poindexter—that maybe a subject of trial. I think it's sufficient to say that we have known each other for a number of years.

Turner—Some blacks have been asking why did Angela choose to stay in the country when it appeared that she could have left during the time the FBI announced hunt for her until she would be arrested.

Poindexter—Well, you have to look at the whole history of the Angola Davis idea to run her off the campus at UCLA and silence her forever. They seized upon the very unfortunate set of circumstances of San Raphael to run her out of the country, or to imprison her or to take her life. She's a native born American. She has a right to stay in this country and if you're going to have freedom in this country all the freedom fighters can't go to Cuba, Algeria or Timbuctoo—somebody has to stay and fight. And since the charges against her were so strange, so weak, she saw no reason to leave the country. It would only give credence to the big lie. But at the same time she wasn't believed to walk up and give herself to her oppressors. That didn't make any sense either.

Some of the folks ought to ask the question: how is it that they let her stay? Why didn't they arrest her on the spot? Why Rap Brown, who sweated it out in Alabama to put together a coalition that brought some rights to the people of Mississippi, Alabama and Georgia, has to be extrajudicially shot from his wife and his family and friends; why Eldridge, who is a brilliant writer, should have to wither away in Algeria? Why people have to leave this country is the question, not why they didn't leave it.

Turner—You indicated that you were aware of the FBI and Chicago Police spying on you. Does that mean that any kind of contact you had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?

Poindexter—No that's not correct. The FBI is not omnipotent. They can't watch everybody at the same time but they wish to spread that paranoia. From time to time they have looked at me and what I was doing and other people. As I say, without any kind of contact they had with Angela would be spied on? Is that correct?
Decontrol: no help to Tenants

Giving himself and the predominantly Republican Legislature much praise for passage of the rent control bill, Gov. Rockefeller on Jan. 2 signed into law a measure which is strenuously opposed by most Black tenants in the city.

In signing the measure, which takes effect July 1, 1971, Rockefeller claimed the decontrolling represents "a major reform of the rent control programs throughout the state to deal with housing problems seriously worsened by rent control itself."

The only "problem" presented by the governor and his assesses that rent control kept rents so low that landlords couldn't make enough profit to keep up proper maintenance of their buildings is simply not true.

At least in areas inhabited by Blacks, rent control helped landlords who couldn't make ends meet and reduced rent control. While such dwellings were deteriorating, the rents were often increased.

Because of the high turnover rate in many rent controlled buildings occupied by Blacks, the landlords were able to raise rents by a certain percentage each time there was a turnover. Consequently, the owner was increasing his income and did not usually make any improvements to the building.

The argument that removal of controls from more than 1.3 million apartments will stimulate private investment in constructing new "nonsubsidized" housing is empty. First, the only housing rent control was built in the early 1940s. Second, buildings in the city which the bill killed are exempt from rent stabilization laws prohibiting raising rents by more than 12% at any one time. Many other dwellings are exempt from both laws. So any private investor wanting to build in New York in the last 10 years or so could have done so without being affected by rent control.

Even when the argument is changed to claim that removal of rent control law justifies private investment in housing because the "psychological barrier" is torn down, the argument is unconvincing. Removal of the controls has no guarantee that new ones won't be enacted by a future legislature. So why would a landlord be more motivated to improve his building when it is no longer subject to the policies of the Social Democratic Party, Brooklyn branch, which has been decontrolling housing for the past few years? Because of councilman Albanese's new "no assistance" law is not true.

Radical lawyers can't from 1

redress of the underprivileged and he relates to some physical expression of the disagreement with the law and those are men and women of the highest conscience," he said.

"I draw a distinction between a political prisoner and men and women who are a part of a colony who are being oppressed, as analyzed by Fanon [Frantz Fanon, author of The Wretched of the Earth]. The latter express themselves either vocally or physically and form armed self-defense in order to preserve their human rights and dignity and values."

"Instead of being merely political prisoners, Garry said he considers such people "warriors fighting for liberation actively and would be considered in my opinion analogous to prisoners of war by the oppres-
sor against the oppressed, by the mother country against the colony."

When asked whether acquittals of Panthers in various cities mean a change from the past when they probably would have been found guilty on the same charges, Garry said "No, it doesn't mean that at all. In the first place, the Panther 21 should have never been arrested and prosecuted. The case against them was a frame-up by the establishment. It was part and parcel of the genocide that is going on against the Panther Party. And I assert that a jury which was a cross section of the community life of New York saw through this sham, this fraud."

"Just means that when the people get a chance to see for themselves, when you can spend 8 months in trial to expose this, when you can get jurors when you can question before they get on the jury, it just means that when you can see that kind of situation the power of the people is such that they will see that these wars had been jailed for political reasons.

"Each development which gives credibility to the notion of political prisoners and which confirms much of lawyer's time is the practice of various state, city and federal governments lodging different charges against the same person and transporting him from prison to prison."

"Right now when Seale finishes the [New Haven murder] trial unless he can get bail he is let to serve four years for contempt (prolonging out of the court) or the Chicago 8. Based on that four year term for that attempt, an Oakland judge revoked his probation and he can get sent to the penitentiary for that," Garry explained. "You see, this comes from the concentration of power on the part of the establishment which allows them to arrest dissidents, people they fear will upset the system—people like Bobby Seale and Huey Newton who have charisma."

"The various governmental jurisdictions that bring charges against people such as the Panthers usually arrest them on conspiracy charges based on little or no evidence. Often bail is denied or set so high that the accused must remain in jail. According to Burns, conspiracy charges have been the easiest to use to lock up a person, but he said, "I think the conspiracy charges are really falling into disrepute. People aren't able to accept at face value the charge when conspiracy is involved. However, getting grand juries to throw out some of these charges before they reach a jury instead of acting as a "rubber stamp" for the prosecution he is still a big problem, Burns said.

Burns described some of the efforts being made to eliminate use of high bail to keep persons in jail, which would lessen the number of persons locked up because they cannot afford pre-trial bail. He said, "For example, in New York City there has been organized a group called the Women's Bail Fund. They have some very innovative techniques in dealing with this question of pre-trial release. What the Fund has done is raise a sum of money and pooled it for bail and after the trial the money goes back into the Fund for a rotating use for some other desperate situations. If it can expand, this will be at least one method of dealing with pre-trial release and people can be carrying on normal activities with families, on jobs etc., while awaiting trial."

"None of us don't foresee any solutions that would prevent various governmental jurisdictions from bringing charges in the first place, but all hoped that with the recent rash of defeats in courts suffered by the prosecutors, the government will be less hasty to bring charges that they can't prove."

Robert A. Morse, assistant chief U.S. attorney for the Civil Division and Edward Boyd, deputy chief of the Criminal Division in Brooklyn agreed to be interviewed on the subject of political prisoners, but were unresponsive to questioning. The brief conversation proceeded as follows:

Reporter: "Several groups and individuals including lawyers have charged that persons such as Bobby Seale, Angela Davis, the New York Panthers and the Chicago 8 are political prisoners or were prosecuted for their political beliefs rather than actual crimes. Do you feel that there is any political prosecution or prisoners in the U.S.1"

Morse: "We don't discuss matters that are not within our jurisdiction or not pertaining to a specific case. The Department of Justice forbids any discussion of questions relating to political matters."

"I would suggest that you write a letter to Atty. Gen. Mitchell and ask him to comment on the question. I personally don't believe there's anyone in prison in the United States for political reasons," but as I said we don't discuss matters outside of the jurisdiction. We're very busy in our own jobs so we don't have anymore questions, we've got other things to do."

Boyd didn't have anything to say during the conversation.
Turner—At this time are you trying to do things, despite your upcoming trial, to help Angela win her freedom?

Poinsett—Not only Angela, but all political prisoners. While Angela is a dear friend, she means not one iota more than Bobby or Ericka or the Panthers that are on trial here or in the every major city where I have been and seen people on trial for no other reason than they dared to speak out against an unjust system.

There are literally thousands of other political prisoners who are in jail not for any crime but for what they think. And they mean a great deal to me and I'll always speak out for those people. That's what I'm about is bringing back some honor to this country and developing a society where people can play a real role in the government they're in the door in the middle of the night. I cannot be free until all political prisoners are free and Angela cannot be free until all political prisoners are free.

Turner—Have you been speaking to those issues while awaiting trial?

Poinsett—As much as I can. The court has placed severe limitations on my freedom. They have limited me to Miami, New York City and Chicago. And Miami is only under special supervision of the court.

A really valuable thing that has allowed me to travel somewhat on the Eastern Seaboard in search of a home, but I am not allowed to engage in any political activities. That First Amendment guarantee does not cover me anymore. That's been snatched away by a racist court.

Turner—Can you speak to small groups or anything?

Poinsett—No, with the exception of the three major cities and even there I'm under a strict sort of court order which limits my speaking, though we have defied that court order in New York City and Chicago and Miami and will continue to do so.

Turner—What are some of the kinds of questions that come up when you speak to groups?

Poinsett—Some of the kinds of things they want to know most.

Poinsett—Black people and poor and oppressed people are swept up in the voyeur mentality of this country. They want to know about Angela—"What kind of a lady is she?"—and that sort of crap which we try to, you know, add a little bit of a woman, she's "perty" and she went to school. But many people are interested in what she's thinking about California, what she is about, what her history is, and I outline that. Long before anyone knew she was a communist, long before anyone knew how to get publicity came about in California, three thousand students enrolled in her class.

She was Chairman of the Bobby Seale Defense Committee in California and when the Panther headquarters was raided there, she brought out 5000 people to City Hall to protest that raid.

She was involved in the defense of the Soledad Brothers, for she understood fundamentally the State's right to imprison was the ultimate weapon to take the lives of people, and she understood that thousands of brothers are in prison because they are black and poor in a country where youth was once the golden rich and for no other reason. She is a Marxist-Leninist, which means she views capitalist society as an evil, oppressive system and fought against it. She understood that that system's way of dealing with its own failure, its own inability to hire people. That's what the whole war machine is about. She understood that black folks don't get any right or reason to fight in that war and spoke out against that war. That's why she has asked and others have asked and I have asked that all peace demonstrations be made into the American peace movement anti-racism and not just white liberals determine the moral grounds for the end of the war, but to bring some sense to the struggle into that thing. They have asked a lot of questions.

"They're killing me now. They're not in the ghetto when we get caught instead of a million motel and I think the answer to that is very simple since the section is called in the ghettos of this country. Hundreds of women that looked like Angela were arrested or harrased. And there's a great stool pigeon system in the ghetto, so that's why we have not been there for those persons who want to know that.

A lot of people have instigated that I was a FBI agent. My only answer to that is that I have not been able to find anybody who has been man enough to stand in my face and say that because that's a quick way to get your jaw cracked.

Turner—Do they ask about your money?

Poinsett—I tell them it's none of their damn business. That I didn't get it as a dope peddler or a slum landlord. They ask why Angela is a communist. I think Angela has answered that in a very direct way. And that is, if you make a list of the ten most racist men in this country you will find ten of the most anti-communist people in this country too, and that anti-communism and racism go hand in hand. Ain't no communist lynched no black folk, ain't no communist put up no Jim Crow signs in this country, ain't no communist Disgrace politicians. And that's why she's a communist.

Turner—Do you think that this kind of dialogue can help people conceive of something different from what they get through the mainstream media and their cultural upbringing in this country?

Poinsett—I think it is another phase of our revolution that started a lot of years ago. I think some people are clear and some people never will wake up. Those who are clear of their own greed—I'm talking about black folks now—those who think that they can live this life and be 'successful,' those that think they can 'get ahead,' that think they can 'have something,' are fools and you can never get to the spiritual experiences at home. We stand that their destinies are tied to those of the oppressed people around the world and who want to join those people in revolutionary struggle, some sign new forms of education that represent our goals. I'm not interested in an educational experience for my child that's westernized with all sorts of little nuances. I want the black man--write, add, multiply and divide--and I want him to be able to do it in the shortest amount of time. I'll give him the physical experiences at home. We want the right to align ourselves with forward-looking people around the world. One of the tests black people face is whether they can be brothers and sisters and feel compassion for a woman who is guilty of no crime, who is imprisoned, abused, and whom the State has no public and taken from the presumption of innocence.

Turner—You're saying that it's not possible for her to get a fair hearing under these circumstances?

Poinsett—it's completely impossible. We know from time to time, immemorial in this country that the courts have been an instrument for the suppression of the rights of black folks. How can you get justice from your oppressor? If Angela is guilty of any crime at all, if Angela is guilty because she supplied some weapons—which she did not—how much more guilty must we be who supplied the weapons to Calley?

Turner—It seems that over the years and increasingly so now the blacks involved in anything are later brought up on some dubious charges.

Poinsett—This is not new, this is historic. If you look at black leadership in the 20th century every major black leader was killed, imprisoned or exiled. You can look at Marcus Garvey, Malcolm X, R. Lee, Martin Luther King. You name him. All of them have been persecuted, proscribed, exiled or destroyed and the rare instance where a black leader escaped he has been bought off. Not only thin, we have now gone over to young white leaders. But they're the so-called Chicago conspirators. Just speak out against war and racism, you're going to jail. They're going to try to make workers in Chicago. They're going to make us a political agent. You have what they call challenges for cause, but since you cannot ask questions. It would be very difficult to arrive at cause. The key questions that were asked the jurors that in my mind struck a responsive cord was that on the first panel six members had been on juries before and four of them had been on more than one jury before. And I just thought to myself that I personally didn't know any black people who had ever served on a jury.

Now there's a mathematical relationship of probability that 12 people, six of whom are black, could have served on juries before and four out of that six had served on juries more than once, than jury duty among whites must be a reasonably common occurrence and a rarity among blacks. And to think that came about by accident, by random chance, is a little too much for me to swallow. Especially since in most jurisdictions better than 50% of the defendants are black, which really gets to be a thing. Turner—You didn't have a chance to ask any questions. How do you yourself to determine qualifications?

Con't on next page
Pointdexter, Cont.

Pointdexter—No we didn't ask the jury any questions at all. We submitted a list of questions in a voir dire. We know in law to the judge (John M. Canelas) and he chose to ignore it and simply asked questions to 12 good people or folks such as "do you feel any racial prejudice?" They of course would say no. Or did the pretrial publicity affect them in any way? Now when I outline all of this you might very well say, 'he look they arrived at the right conclusion, they found you not guilty.' But that's not the point. The point is that long before they arrived at any conclusion, I think my rights were protected, or that I was in a just situation. That's the point.

You have a luck of the draw. Eighty names are placed in a drum and a jury of 12 is chosen and if you get five jurors and 80 people, the mathematics are very clear as to where you are and what influence you can have. In my case, the chances were one in 16 to get a black juror who would be my natural peer.

Peers—Is it unusual or is it the normal procedure for a judge to do the questioning since I have read, in the case of Bobby Seale for example, where he and his lawyer have a question to 12 good people and have had them disqualified? I thought that was standard procedure.

Pointdexter—No, it's only standard in a state court. It varies from court to court even in the federal courts. But in the Federal Court's the standard procedure to have the judge ask the questions is very well followed.

Turner—Group therapy.
Pointdexter—Precisely, and you get group response. That's a very apt point. When you get a group of people in a box they tend to wish to identify with the group. And you start that group conditioning by the questioning by which they all appropriately nod their heads to.

In my case it took twice as long to select a jury as it did in the Chicago case. In my case they selected the jury in an hour and a hour and a half. There are many elements in this case. The question of violence in California, the question of communism, black militancy, and a lot of other things that were very predicable and that you couldn't do to the heart of without questions each juror individually. The idea of investigating 12 people—who are in a trial situation and the trial starts the day they are called—also does not give you the time to go into their backgrounds for a cause.

When a jury selection takes two weeks or so, and you have to take that time to look into their backgrounds for yourself, this would be a very lengthy and a very expensive process. So, the jury selection in itself is very unfair to black, poor and Third World defendants.

Turner—Now that you have been acquitted many people will say that shows that the jury system is fair and equitable. But I feel that if you had been given a decision that favored you. What would your response be to that?

Pointdexter—My response is that the jury in my trial was only a portion of the jury system. The grand jury, the jury system too high had been able to build a legal role without being stomped. I never would have been tried in the first place because the evidence according to the indictment, was not there. If there was insufficient evidence after 40 witnesses appeared at my trial to get a conviction, how could five or six witnesses before the grand jury find enough evidence for an indictment? Simpler illegally had no prima facie case to begin with.

But the essence is the guy who owes respect in their communities wherever at some point in time somebody either in the Justice Department, State Attorney's office or a policeman has to make a judgment as to whether your conduct is criminal. And if that guy is alienated from you, if he does not understand the circumstances under which you live, nine out of ten times his judgment is going to be incorrect...people must be judged on why did a man do a thing, not just the blanket "he did it." And if you judge what the circumstances are you can tell if your conduct was normal, rational, reasonable or whether it was criminal, illegal and harmful. It's my contention that a grand jury has an impact upon the death and destruction of people in Vietnam and all over the world. A racist, oppressive government, cannot judge the actions fairly of black, poor and oppressed people. Such a government's own fears and hostilities make it place sinister implications on very normal acts.

People who are now on trial and are respected in their communities like Afeni Shakur and Joan Bird are characterized by a prosecutor as nameless, faceless, wandering or a wallflower. Huey P. Newton is called in some sections of the press as an urban guerrilla and they dwell heavily on some of his rhetoric and never support his positions concerning the housing, feeding and care of people. The classic example is the example of Angela. A woman who is Phi Beta Kappa, Magna Cum Laude, speaks four languages and is a philosophy professor. Yet, when she is discussed in the media, she is called or referred to as a "sowed communistic" with some sinister implications or "a militant" or "revolutionary" which are all key code words. How can you expect justice from such a system? How? How? How? It's ridiculous to believe that anyone would think of 12 black people judging a white for anything, even I would say that that is unreasonable and that some latent prejudices might seep forth. But it is usual that a black defendant is judged by 12 whites. And that's opposite to be normal, acceptable and reasonable. So, justice is impossible in this country and I would hope there would be a moratorium on any further arrests in at least the extremes—those areas where political judgment comes into play. I play that if a guy is wantonly irresponsible, our community can get him in tow and check. We don't need outsiders to come in to tell us what our reactions to repression should be. Nor only should there be a moratorium, but there should be amnesty for all political prisoners. Those people that most immediately come to mind are Angela, Bobby and Ericks, the Panther 21, the Harlem 6, Huey P. Newton, the exile should be lifted from Eldridge Cleaver and Rap Brown should be allowed to come home again.

I think in every city committees of leading black citizens and activists will pick those people in their indigenous areas who they feel they want to go parole to in some cases, immunity in some cases, and pardon in some cases.

Turner—You made some crucial comments on the press. It seems that the press is always there and do the press interprets it for the public and almost without exception there are few blacks that are ever involved in the press are not even given the assignment of covering what's happening to blacks and you have this kind of distortion where somebody is only interested in blacks when guns are going off and they won't cover much of anything else.

Pointdexter—A couple of personal observations. During this trial and up until now I've been an urban dweller and a foreigner in the news coverage, such sensationalism, has the tendency to favor one community against another and eventually communities concerning where their real self-interest is in dealing with other ethnic groups and isolates them. It allows their foreign policy judgments to be so completely isolated that they themselves in a Vietnam situation where you cannot trust the press to print the truth, it destroys the very foundations of a democracy.

Turner—I understand that now that you have your own trial out of the way you will devote more time to your case. Helping Angola.

Pointdexter—Yeah. The major aspects now will be raising the visibility of this case. Speaking to major figures, white and black, across this country make our case and speak to commitments of Angola totally and to immediate bail white people who come from trial of Angela. Angela was just named as one of the 100 most influential black people in the country [by People Magazine] and I would hope that others on that list would understand her influence for good and positive acts and would act as moral guarantors of her bond. We say put up one dollar bond for Angela and 10,000 people should stand behind that one dollar in terms of honor. They'd be in disgrace if she should forfeit such a bond. This action would be taken by a national institution she is important to us, and that we have a certain moral commitment to the case in jail and Calley runs free.

All power to the people.