

DETROIT REVOLUTIONARY MOVEMENT RECORDS

BOX 7 OF 16

FOLDER 8

THE DETROIT STRUGGLE 1971
1972 1 OF 2

ANNUAL DINNER

The Detroit Chapter is holding its Annual Dinner on FRIDAY, JUNE 4, at the ROMA HALL which is located at 3009 East Gratiot.

The guest speaker this year will be Robert Lemieux a Canadian attorney whose courage gained international recognition last year when he defended the Québec Liberation Front and other Canadian activists during the period in which the government suspended civil rights under the infamous War Measures Act. Lemieux, who was one of the first and one of the few to defend those arrested under that Act and who acted as liaison to the government for the FLQ, was himself arrested and imprisoned for four months for his vigorous defense of his clients. The government's attempt to convict him of obstruction of justice and seditious conspiracy have failed, but there are still charges pending against him based solely on his alleged membership in the FLQ.

Drinks start at 6:30 P.M. Beer and set-ups will be available and are included in the price of the tickets. All Guild members, attorney and student, all legal workers, and any interested friends are cordially invited and encouraged to come.

Tickets are \$10.00 per person for attorneys and \$2.50 per person for legal workers and law students. They may be purchased in advance from Guild members, or reservations may be made by calling Sara Karfonta at the Defense Office, 925-2613.

JAIL DECISION: It's grossly illegal, but...

On May 18, 1971, a three-judge panel of the Wayne County Circuit Court finally got around to issuing an Order in the Wayne County Jail lawsuit which had been filed January 25, 1971. In a 112 page Opinion the Court, speaking to the appalling physical conditions and overcrowdedness, said: "In short the defendants are gross violators of the Michigan Housing Law. . . . This is an unseemly position for the government to be in." They continued, several pages later, saying: "When three persons are jammed into these undersized 'old cells', (less than 7' by 8' x 9'), with one person sleeping on the floor, the conscience of the Court is not merely shocked; it is outraged."

The Court then gave expression to their degree of "outrage" and to the options available to them, saying:

SUMMER JOBS

In an effort to increase its effectiveness, and to strengthen ties between the Detroit Chapter and the student Chapters, the Defense Office is encouraging as many student Guild members as possible to involve themselves in research projects this summer. In addition, this program will provide an excellent opportunity for students to augment the incomplete and, more often than not, inadequate formal education they receive at law school.

One of the projects which will begin soon involves research into the legality of the jury selection process of the Federal District Court for the Eastern District of Michigan with regard to its affect on the composition, by age, of juries empanelled in that Court.

Any student who is interested should contact this office.

"We recognize that instant compliance with overcrowding laws could result in the release of roughly half of the prisoners now confined. We hesitate to take such a draconian step but do not foreclose the possibility if less drastic measures fail, within a reasonable time, to restore to the prisoners their lawful floor and airspace." (Emphasis added)

Relying then upon Brown v. Board of Education and the ignominy of that decision's empty phrase "with all deliberate speed," the Court went on to define their concept of "within a reasonable time" by fashioning a 2 and 1/2 year plan during which time the jailer's are to be compelled to reduce the inmate population to "legal capacity."

The judicial branch of Government thus took the unseemly position of countenancing continuing illegality by Government for the next 2 and 1/2 years. They elected this time period, no doubt, in order to give the County time to construct a new jail; and having selected a time period for curing gross governmental illegality they were forced to

Court Ignores Moral Duty (continued from page one)

rely upon the case precedent of the Brown decision.

Though the Court, following case-law precedent, properly said that the County defendants could not justify conditions of cruel and unusual punishment on the grounds that the Government allegedly (and falsely) could not afford a new or better jail, the Court, by refusing to take "draconian steps", has left poor people, 85% of whom are black, in the County Jail simply because they cannot afford the ransom price of bail. More than 1/3 of all inmates are detained simply because they cannot post a \$500 or less premium on bonds of \$5,000 or less. At the same time, the Court refused to intercede on the question of bond, despite Plaintiff's rational request that scores of persons in jail on bonds of less than \$1,000 be freed and that others without records, with ties to community, and jobs waiting for them be at least freed during the day to work. The Court ignored the issue saying the proper party defendants were not before the Court --namely, Recorder's Court Judges. Yet, Plaintiffs knew that had the Judges been sued the argument would have been made that Circuit Court hadn't the power to order another Court of equal jurisdiction to do a given act.

The real point is that implicit in every bond set by every Judge is the notion that an accused be remanded to the constitutional custody of the Sheriff. And, having given the Circuit Court jurisdiction over the constitutional questions, raised for the first time in this County, the Court was obviously empowered (and obliged) to act without a 2 and 1/2 year delay; instead they ruled that poor people must continue to suffer the consequences of governmental illegality.

Other points in the decision should also be noted. On the negative side, the Court held that twice-monthly visitation privileges through the awful (and tapped) telephones, were adequate and lawful. This decision was made despite the fact that convicted felons housed in the federal maximum security prison in Marion, Illinois get open visitation, allowing them to hold, hug and kiss family and children visitors; despite the fact that the State of Mississippi has allowed conjugal rights to both black and white convicts since 1912, and that Maryland and California have initiated like programs for persons convicted of crime.

The fundamental theory of ordered liberty, advanced by the Plaintiffs and rejected by the Court, is that persons presumed inno-

cent and held due to an inability to pay ransom, should, within the confines of an externally secure detention center have maximum freedom for recreation, social activity, education, vocational training, contact with family and loved ones; inmates should, in short, suffer no punishment save that inherent in detention itself.


Rejecting the "guts" of the case and the depth and analysis of a genuinely humane scheme of detention, inmates nonetheless obtained a limited and not meaningless victory:

- 1) On questions dealing with "nuts and bolts" relief was granted: a plan is to be submitted to the Court for remedying the unlawful and hazardous conditions resulting from defective plumbing, wiring, lighting ventilation, and fire protection;
- 2) Minimum nutritional needs (e.g. adequate Vitamin A and C) are to, in the future, be supplied;
- 3) Intake examinations are to be given every admittee so as to meet, as ordered, the medical and mental health needs of inmates; and, perhaps most importantly, so as to implement the Court-ordered drug treatment for the many persons who will undergo withdrawal while in detention;
- 4) The "hole" as it formerly existed is ordered closed until provisions are made for drinking and washing water, mattresses, etc.; and,
- 5) Recreation, though not defined, was submitted to defendants as a subject to which they must address themselves.

Many thanks to the many Guild lawyers and law workers who handled and worked on the case for months and for free: the Philo firm, Goodman firm, Michigan Legal Assistance Program (Alan Houseman, Bob Reed, Scott Shrager, Joel Kelman and their marvelous staff--Sue, Cris, et al.), Neighborhood Legal Services (Neal Bush), the Urban Law Office (David Cooper); and to Professor David Chambers (U of M), Neil Fink, and to the amicus participants (Legal Aid and Defenders Association). Thanks also to the dozens of Guild and non-Guild attorneys who agreed to support the Brief, copies of which will soon be available.

CONCLUSIONS:

- 1) The jail suit was done right. Many people from within and without the legal arena helped in an important struggle which raised the political consciousness of this community and tangibly contributed to the material betterment of the abominable conditions that afflict the lives of poor persons charged with crime in a society which by forced scarcity and deprivation breeds and perpetuates criminality every day by not attacking the causes of crime, by not seeking meaningful rehabilitation and by not affording due process and equal protection in its criminal courts.
- 2) There is yet no conclusion, but only a continuing, progressive and vital struggle personified, out of the jail suit, by the Labor Defense Coalition.



The DETROIT STRUGGLE
 is an official
 publication of the Detroit
 Chapter of the National
 Lawyers Guild Defense Office
 located at 715 E. Grand Blvd,
 Detroit, Michigan 48207 (tele-
 phone 1-313-925-2613).

NCCF TRIAL BEGINS

On May 10, 1971, attorneys Ernest Goodman, Elliot Hall, Tom Meyer and Neal Bush began the voir dire in the case against their clients, 12 members of the National Committee to Combat Facism who are charged with murder, conspiracy to commit murder and other assorted charges. The jury was chosen in 10 days and the prosecution began presenting evidence before Judge Murphy on Monday, May 24.

The factual events leading to this case began on October 27, 1970, when the police stopped people selling Black Panther newspapers on the corner of Myrtle and 14th. A fight ensued, one of those selling the papers was arrested, and the rest ran back to a house on Myrtle and 16th. The police surrounded the house and in the events that followed one officer was shot and killed. Fortunately, for those in the house, community people on the scene arranged for their surrender. All of them were arrested on the two charges mentioned above for the firing of one shot. It should be noted that the person arrested in the initial scuffle has been acquitted.

STUDENT CHAPTERS

The Wayne State University Chapter held elections and the following were elected:

President: Pat Korth
Vice President: Renee Seigan
Secretary-Treasurer: Larry Kane

Military Councilling Clinic Chairman:
Jerry Tauber

Political Education Co-Chairmen:
Haiki Hirata
Arlin TenKley

Orientation Co-Chairmen:
Sam Galici
Stu Cohen
John Clute

Freshman Orientation Chairwoman:
Jessica Cooper



Some members of the University of Detroit Chapter, now out on summer break, are involving themselves in summer research projects under the supervision of the Detroit Defense Office. Those now working are Bill King, Mike McNamee and Bob Ponte. Jim Lucas, Meg Ausman and John Burns will begin work soon on upcoming projects.

The legal events that have transpired since the arrest are both interesting and significant in that they are indicative of the political nature of the case. The Defendants were originally charged under complaint and warrant, a process in which they have a right to a preliminary examination; however, shortly before the examination, the prosecutor requested and was granted an adjournment. During that time he used the Citizens' Grand Jury to indict the Defendants on the same charges. He then dropped the charges under the complaint and warrant. Since, under a recent amendment to Michigan's statute on grand juries, testimony given before the grand jury is to be kept secret; and because there is no provision for a preliminary hearing, the prosecutor had hoped to avoid having to establish probable cause and to limit the amount of information available to the Defendants.

Judge Murphy, however, while refusing the Defendants' motion for a preliminary hearing, did grant extensive discovery which included witnesses' statements, Police reports and all scientific evidence. He also ordered the prosecutor to give the grand jury testimony to the defense council one week before the trial and to submit it to him for a determination of whether or not there was any grounds whatsoever for the indictment.

The prosecutor, alarmed by this intrusion into his contrived privacy, requested and was granted leave for an emergency appeal. The Court of Appeals upheld the Trial Court's order for discovery; and, after receiving additional briefs, overturned the Trial Court's decision ordering the prosecutor to turn over grand jury testimony, basing its decision on the secrecy provisions of the grand jury statute. That decision is now being appealed to the State Supreme Court.

Chapter Posts Open

The annual election of Detroit Chapter officers and executive board members will take place at the annual meeting and dinner on Friday, June 4, 1971. The Nominations Committee will meet on Thursday, June 3, to prepare its recommendations for submission to the membership. Nominations are open for Detroit Chapter President, Vice-President, Executive Secretary, and Executive Board members.

Anyone interested in serving in any of these capacities, or who would like to nominate another member for one of them should contact Sara at the Guild Office (925-2613) by 12:00, Thursday, June 3.

VICTORY—but no justice

On Friday, May 21, 1971, 12 jurors reflected the just and human conscience of the Detroit community by declaring James Johnson Jr. not guilty of a charge of first degree murder by reason of insanity. On Wednesday, May 26, 1971, Judge Robert Colombo issued an order sending Johnson to Ionia Hospital for the Criminally Insane for the remainder of his natural life or until deemed medically cured of his mental illness. Sometime this fall Guild Attorney Ronald Glotta will try Johnson's Workmen's Compensation case against the Chrysler Corporation for their very relevant role in the development and aggravation of Johnson's illness. Sometime later, no doubt, one or more persons from the firm of Philo, Maki, Ravitz, Jobes, Cockrel and Robb will sue Ionia Hospital and seek the release of Johnson due to the predictable failure of the State to seek to treat and cure a human being adjudged not to have been criminally responsible when he,

on July 15, 1970, shot and killed 2 foremen and a job-setter at the Chrysler Eldon Avenue Gear and Axle plant.

James Johnson is a human being who has come to symbolize a great deal in this the Motor City. Born on a cotton plantation in Starkville, Mississippi, James suffered the scars of racism and deprivation from day one. He cried when he heard his first 12 years recounted in the defense's opening statement--years of chronic hunger, back-breaking work, winters without even a single coat, an unsealed and cold 2 room shack without water, a toilet, or heat, a 4 mile walk to and from the Josey Creek school (when James had clothes and after the harvest season ended late in the calendar year); the finding of his first cousin's mutilated, dismembered and unrecognizable body on Mississippi Highway 82, the victim of a white mob-killing.

The prosecutor, Avery Weiswasser, said James' tears

were those of a "big baby", the defense was manufactured, and [literally] asked for James' "blood" in return for that of his victims. The jury, after less than 4 hours of deliberation, told this prosecutor, who had earlier spoken, disparagingly, of "black boys", that they understood that James was sick and that they, through their verdict, could order that he receive, in 1971, psychiatric treatment--treatment that escaped James in the year 1946 when, at the age of 12, he was given medicine for a "nervous stomach" by the white Mississippi doctor whom he saw after months of intense visual and auditory hallucinations.

There was no jubilation at the time of the verdict, for everyone realized that this case could not concern itself with "justice." The major victims of injustice were both crying: James Johnson and the daughter of the man he was charged with killing.

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One Lawsuit not Enough

LDC AIDS PRISONERS

The Labor Defense Coalition was a sine qua non for the difficult and costly handling of the jail suit. From the planning meeting in November, 1970, to the daily work commencing in December, 1970, and thereafter for 4 long months, it was recognized that a single lawsuit could not remedy the jail problem, that we could not be reliant upon one judicial decision, and that the struggle for human dignity in an inhumane institution is a continuing one. To avoid the illusions cast by an episodic, major lawsuit, we recognized the need for an ongoing office that would serve as a focal point for the daily struggle on behalf of the jail inmates. A coalition consisting of the Ad Hoc Action Group, the Motor City Labor League and the League of Revolutionary Black Workers formed LDC, and the office opened in February, 1971. It is located at 510½ Monroe, and the phone number is 964-1120. It is staffed full time by Lynda Chabot, Luke Tripp, and Guild Attorney Dick McMillin. A social worker is also employed to meet the needs of inmates and their families.

This office can service you, and you can service it! All attorneys should question inmates about their conditions of incarceration and call LDC for help on any problems of merit. LDC exists to meet, as best it can and

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the struggle
for freedom is
the struggle
for humanity.

the struggle
for humanity is
the struggle
for survival.

if there is
no struggle. . .

there is
no survival.

taurus

People will continue to struggle consistently for the individual James Johnson, who's beneath it all a kind and gentle man, and for the symbol that is James Johnson. The victory of the people is reflected in numerous ways:

1) Jurors in Recorder's Court have again exhibited a high degree of class consciousness, courage, and a willingness to struggle for and on behalf of human rights;

2) The community at large, persons accused of crime, and attorneys charged with the responsibility of defending persons have seen that an honest, courageous will to struggle can turn the "impossible" case into a "winner";

3) There can be professional respect and courtesy between attorneys like Cockrel and Ravitz and a Judge like Robert Colombo; and, despite their enormous political differences, so long as lawyers act with professional skill and competence, and so long as the jury system continues, there remains in Detroit the opportunity to be relevant in the field of criminal law, to lessen the injustices of the legal institutions, and to hold back the forces of repression;

4) The James Johnson case has been of great significance in awakening the political and class consciousness of persons who have not experienced the servitude of oppressed production workers who shall indeed spearhead any real advances to be made against the corrupt corporate dynasty;

5) Finally, the case opened the door, in a way, in the quest for able and impressive expert witnesses who are not "professional experts." Dr. Clemens Fitzgerald's psychiatric testimony was immensely helpful to the defense.

GOVERNMENT DISLIKES 'SPECIAL TREATMENT'

"If democracy as we know it, and as our forefathers established it, is to stand, then attempts of domestic organizations to attack and subvert the existing structure of the Government, cannot be, in and of itself, a crime." (sic.) From an opinion of United States District Court Judge Damon Keith, January 25, 1971, in U.S. v. Sinclair et al., Crim. No 44375.

On January 25, 1971, Federal Judge Damon Keith ordered the government to turn over forthwith to Guild attorneys, Bill Kynstler, Len Weinglass, and Buck Davis, logs of illegally obtained wiretaps involving conversations of Pun Plamondon, one of the C. I. A. Conspiracy defendants. Keith also ordered that an evidentiary hearing be held after the trial of the case to determine possible "taint" in either the indictment or evidence introduced during the trial due to the illegal tap or its fruits. Two days later the Government asked for and received a ten day delay in which to prepare for contesting the judge's ruling in a higher court.

Judge Keith's ruling may have the "appearance of justice," but defense attorneys, who are veterans of over a dozen previously denied motions, should be excused, if they remain skeptical. As they sought, in motion after motion, to secure for their clients basic rights necessary for a fair trial, the government repeatedly charged that "Defendants want special treatment." Now that "special treatment," as the Government would call it, has been granted, the Government is unwilling to put its case to the public. They have made it

clear that they may dismiss the case rather than turn over the illegally obtained material. At the same time they sought to have their cake and eat it too by agreeing to abide by a decision of an appellate court only if it went their way.

No fair trial - Naturally

It is the Government which has requested and is getting special treatment because their case is so weak that they are afraid to let the defendants have a fair trial. Meanwhile, Pun Plamondon, presumed innocent, has been in the Wayne County Jail for 10 months, and may have to wait there another year before trial. Attorney General Mitchell, who suspended the Constitution to arrest 13,000 anti-war demonstrators, and has been found guilty of violating the law in

OFFICE NOTES

The office has added a new member to its staff for the summer. Tom Licton, who has just completed his freshman year at University of Michigan Law School, will be assisting in legal research and administrative tasks for 10 weeks under the Law Students' Civil Rights Research Program.

We have been receiving a rapidly growing number of requests for legal assistance of all kinds--criminal (both misdemeanor and felony) and civil. In response to this community need we are setting up a referral service to insure that those who need help get the most competent counsel available as quickly as possible. If you are interested in being put on the list let us know; and, if you come in

Special treatment? Perhaps; but not justice.

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these cases, lounges around Watergate planning Nixon's 1972 campaign, and seven Hiroshimas per week rain down in Indochina. Special treatment? Perhaps, but not justice.

The sweeping statement of Judge Keith, quoted at the outset, misrepresents both the realities of the American judicial system and the practical effect of the judge's ruling. No one can believe for a moment that our forefathers, who were white, established anything like democracy when those white forefathers owned the slaves who were the forefathers of today's most desperate urban and rural poor. In the face of that fact, to say that our forefathers established democracy is to rewrite history.

Nor can anyone believe that Nixon and Mitchell will stop until all opposition to the system is crushed by any means available. Political subversion of the Government need not be made "in and of itself, a crime." Not so long as fabricated charges are at the Government's disposal. Judge Keith's opinion itself anticipated the use of political charges to silence dissent:

"It (political activity) becomes criminal only where it can be shown that such activity was accomplished through unlawful means, such as the invasion of the rights of others, namely through force or violence." Ibid.

Not a word is said about the "force or violence" used by the "democratic" system, especially upon blacks, first through the system of slavery "as our forefathers established it" and, more generally, through economic exploitation of the working class. Need we mention Vietnam.

Just as we do not accept at face value Nixon's call for "power to the people," neither should we accept the meaning given to the term "violence" as it is defined by the American judicial system. Humpty Dumpty, in Lewis Carroll's Through the Looking Glass, understood political power quite clearly:

"When I use a word," Humpty Dumpty said, in rather a scornful tone, "It means just what

I choose it to mean -- neither more nor less."

"The question is," said Alice, "whether you can make words mean so many different things."

"The question is," said Humpty Dumpty, "which is to be master -- that's all."

For Nixon, now the master, "violence" means what he wants it to mean -- "neither more nor less." And so long as Nixon and others who subscribe to "democracy as our forefathers established it" are in office, their definition of "violence" will be enforced by a system of laws designed to perpetuate the present distribution of power in this country. It is nonsense to speak of a fair trial for a political prisoner, then, since according to the definitions of a political prisoner, who is without power to define terms, to be on trial at all is an injustice. No procedural fairness can erase that.

So for the Rainbow People's Party, whose "violence" is to be in opposition to the system, one favorable ruling of Judge Keith can not blot out the injustice of having been subjected to a trial at all. Nor would a Supreme Court ruling upholding Judge Keith restore the balance of justice. For such a ruling would only force the government to conceal all wiretaps, even those few now brazenly presented to courts as being related to national security. And the effect on the Rainbow

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OFFICE NOTES - con't from page 5
contact with people who need help, but whom you are unable to assist yourself, have them call us.

Presently, the Defense Office and the other organizations here at 715 E. Grand Blvd., Ad Hoc and the Motor City Labor League, have only one typewriter, an archaic model older than the combined ages of everyone at the house. If you have, or know of anyone who has a decent typewriter that can be donated, or purchased inexpensively, let us know.

It is our desire that STRUGGLE become a truly Detroit Guild publication covering the activities of all members. This can only be achieved if STRUGGLE is the product of the efforts of the members. If you, your firm, or your student chapter are involved in anything of note or interest, submit an article to this office. Articles should be submitted before the end of the third week of each month to allow for printing the paper together.

Special Treatment

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People's Party will have been to force them to expend enormous resources to prepare to defend themselves against bogus charges that never should have been brought.

Justice? Special treatment?
"The question is, which is to be master -- that's all."

PART II: Saving the Constitution from the Justice Dept.

For the purpose of vindicating Attorney General Mitchell's illegal actions in the Appellate Courts, the government argued the unique concept of sovereign power. They maintain that the President has the inherent right and power to order governmental activity in violation of the First, Fourth, and Ninth Amendments whenever he determines that there is a threat to national security. To quote the government, "This power is the historical power of the sovereign to preserve itself."

According to the Attorney General, "We must start with the proposition that none of the constitutional rights guaranteed by the Bill of Rights is absolutely inviolate." The argument proceeds "logically" from there by appealing to the basest type of law and order hysteria. The government memorandum is a prime example of the old legal maxim, "When you don't have any law, argue to the emotions."

Fortunately, this kind of in terrorem argument failed to persuade the Sixth Circuit, and in a landmark decision they upheld Judge Keith 2 to 1. Judge Edwards, writing for the majority, answered the inherent power argument as follows:

"It is strange, indeed, that in this case the traditional power of sovereigns like King George III should be invoked on behalf of an American President to defeat one of the fundamental freedoms for which the founders of this country overthrew King George's reign."

Judge Edwards also answers the plea that we should trust the President and the Attorney General to do the right thing. He says, "We are earnestly urged to believe that

LDC needs your support

on a daily basis, many problems, including: the problems of inadequate physical facilities, lack of mattresses, overcrowdedness, unfair jail discipline and mail censorship, guard brutality, inadequate medical and mental care, and social service needs of inmates and their families. When court appointed attorneys refuse to see inmates or investigate and prepare their cases, call LDC and efforts will be made to procure the necessary help. When police brutality is reported to you by inmates or others report this to LDC and help us centralize our gathering of meaningful data and assist the family-and cooperating attorneys-in seeking redress!

LDC will be that which conscientious and humane attorneys and members of this community make it. The objective need for LDC is clear, but we need your support today, tomorrow and hereafter! Stop by the office; involve yourself; support people who have made a commitment to struggling daily to make this a better and more humane world for us all!

This LDC article and the Jail suit article were contributed by Peoples Attorney Chuck Ravitz. All Guild members are encouraged to submit articles pertaining to the peoples struggle.

Attorney General will always be used with discretion. Obviously, even in very recent days, as we shall see, this has not always been the case."

The anti-democratic hysteria which the government hopes to draw upon, however, is clearly exhibited in Judge Weick's dissenting opinion. Addressing the question of whether or not the Attorney General should have to seek a warrant in these situations, he says in a footnote:

"This would occasion delay and the possibility of leaks. To require the President of the United States to have probable cause before he can investigate spies, subversives, saboteurs, fifth columnists, and traitors would effectively frustrate and prevent any meaningful investigation of these persons. If the President was in possession of facts establishing probable cause he might never need to investigate. Even the Secretary of Labor may investigate a labor union without having having probable cause. Goldberg v. Truck Drivers' Local Union No. 299, 293 F. 2d 807 (Sixth Circuit), Cert. denied, 368 U. S. 938(1961)."

The Guild office is offering a

Saving the Constitution

reward to anyone who can tell us what that footnote means.

The importance of this decision in the Sixth Circuit cannot be overstated: 1) Judge Hoffman decided the other way in the Chicago Conspiracy Trial and this might require a reversal. 2) The identical question is pending in the Fifth Circuit in the Rap Brown case. 3) David Hilliard's case in San Francisco has been dismissed on the identical grounds. 4) The same issues appear to be involved in the Berrigan case in Harrisburg.

The government has now petitioned for certiorari in the Supreme Court of the United States. For this purpose, they have abandoned the "inherent power" argument but substituted a much more insidious proposition. They are now arguing that the disclosure provisions of the leading case in the area, Alderman v. U. S., do not apply to this situation or should be modified. If they are successful in this contention, defense counsel will no

longer have the right to inspect illegally obtained wiretap logs in order to determine whether or not the indictment or the proceedings have been tainted thereby. The government contends that the judge should be able to do this alone in camera. We obviously object -- we have no more reason to trust Federal judges than the Sixth Circuit does to trust the Attorney General.

The fact which keeps getting lost in the shuffle is that this is an underlying pretrial governmental appeal in a criminal case. The defendants, already having been found to be the victims of governmental illegality, are still in jail and in jeopardy. Accordingly, the defense is filing a response in opposition to certiorari or in the alternative demanding an expedited hearing. As Professor Arthur Kinoy puts it, "If the Supreme Court can hold a special session to execute the Rosenbergs, they can hold a special session to save the Constitution."

DON'T FORGET

GUILD ANNUAL DINNER

FRIDAY, JUNE 4

ROMA HALL 3009 E. GRATIOT

SPEAKER: ROBERT LEMIEUX

Time:

Drinks--6:30

Dinner--7:30

Tickets:

Attorneys-- \$10.00/person

Students

&

\$2.50/person

Legal workers

THE
DETROIT

STRUGGLE

Volume II Number 3

NOVEMBER 1971

Detroit Chapter NLG

JUDGES STALL ON JAILSUIT, INMATES HURT

Ten months have elapsed since the filing of the Wayne County Jail Lawsuit, and now while it is in the probably last and most meaningful stage of the litigation, it is an appropriate time to analyze the road we have travelled.

We have definitely not travelled the midnight ride on the "Chrysler Expressway" that was used when the Chrysler Corporation averted "irreparable damage" by getting a local judge in the middle of a weekend night to issue an ex parte order enjoining a wildcat strike at Eldon, thereby enabling their trusty agents, the Hamtramck Police, to bust Black workers.

roads

Plaintiffs in the Jail-suit are 85 per cent black and 90 per cent indigent. They know that there are "different roads for different folks", and that their road is different than that one paved by the DPOA. Ronald August (Algiers Motel) spent not one minute in the WCJ prior to travelling the Mason, Michigan route.

Inmates waited nine full weeks for the first "interim order" which required that the Sheriff provide water and mattresses for inmates in the "hole" and psychiatric attention for persons manifestly dangerous to themselves and others. This level of

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PANTHER BEATS COURT'S TRICKS

IN OUR LAST ISSUE WE GAVE AN OVERALL ACCOUNT OF THE BLACK PANTHER TRIAL OF THE DETROIT 15. COCHISE (AS JEROME LEE REFERRED TO HIMSELF IN HIS TESTIMONY) DESERVES A SEPARATE CHAPTER.

The incident, out of which charges of murder, conspiracy to murder and assault with intent to commit murder arose, occurred on October 24, 1970 on 16th street and Myrtle in Detroit. All 15 members of the National Committee to Combat Facism (NCCF), affiliated with the Black Panther Party, were arrested that night and held in the Wayne County Jail pending trial. Like all black members of the Black Panther organization, the defendants considered the jail an area for organizing, learning and educating. One indirect result of their activities was the successful suit against the Wayne County Jail.

only cochise

Jerome Lee was as active as the rest of his comrades. However, he had certain disadvantages of which the prosecutor and police were no doubt aware. He had a third grade formal education, had a bad speech impediment and could not read or write. After two months in the jail, the mattress in Cochise's cell was found on fire. The mattress and Cochise both suffered burns. No other property was damaged and no other person was injured. A few

days later a warrant was issued against cochise for committing arson. He was arraigned, an examination was held shortly thereafter, and he was brought to trial- the kind of quick justice which most of the prisoners seek, but in this case was a luxury reserved for Cochise.

quick justice?



He was tried before Judge Maher and defended by a court appointed attorney. No witnesses, other than Cochise himself, testified on his behalf even though a number of witnesses were available. He was found guilty by a jury and sentenced by Judge Maher several weeks later to a term of 4½ to ten years in prison- a remarkable sentence for a

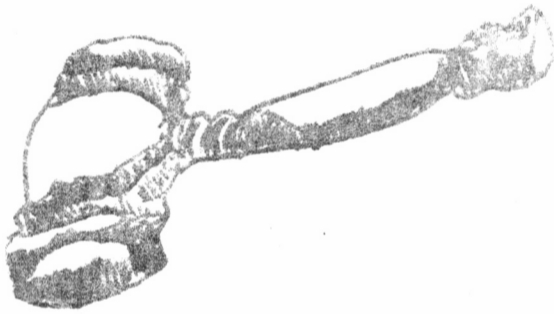
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Executive board notes

PLANS FOR AID TO IMPRISONED

At the last meeting of the executive board (meetings are the first Thursday of every month at 5:30pm at the Guild Office, 715 East Grand Blvd- the meetings are always open to all guild members) heard a report from Bill King, who had just returned from Attica New York; and a report the need for assistance from the Guild on prison reform from an inmate of the Michigan Training Center of Ionia.

Bill King visited Attica during the first weekend in October and conferred with the Guild attorneys from Chicago and New York who had arrived there shortly after the massacre and remained to set up an apparatus to handle the forthcoming prosecutions of prisoners. King reported that information from inside the prison was still difficult to obtain and that



consequently the direction of the defense efforts could take a while to concretize.

A motion to maintain contact with people involved with the defense and plans developed for participation by the Detroit chapter attorneys was passed unanimously.

A letter from 18 year old Black Panther, David Johnson, serving a three year sentence at Ionia's M.T.U. as a result of the Detroit 15 prosecution, requesting the Guild to provide him and the other prisoners with some information on their rights in prison, was also read to the board. Stuart Cohen of the Wayne State Law School chapter agreed to speak to students about producing a manual on prisoner's rights in Michigan, and maintaining communication with David Johnson.

Other reports heard by the Executive board included one by Dick Sobel, indicating new members at the rate of two per week for the past five weeks; a treasurer's report by Mike Adelman; a Fund for Equal Justice report by Marc Stickgold; and a report by Tom Meyer on the development of the student-attorney match-up program. Ken Mogill also indicated that the BUST BOOK

finances

INCOME DOWN AGAIN

The status of the treasury is similar to that in my last report. We are solvent but money is desperately needed. Pledges must be paid on time and great consideration given to increases by individual members. Since my last report, we have added a second staff member, doubling our weekly expenses in wages and increasing our quarterly taxes. Office expenses are also on the increase. Much of the financing of the office is only now being completed. This means that office expenses can only increase in the immediate future.

In addition to increasing their monthly pledges, individuals should give consideration to the idea of serving on the finance committee. This committee meets every Thursday morning for breakfast at 8 am at the Ram's Horn Restaurant near Cadillac Towers. The function of the finance committee is to obtain and collect the dues and pledges of the members of the Guild. Obviously, the work of the finance committee is extremely important to the continuing organization of the Guild.

Members are encouraged to join the finance committee. We are always in need of new ideas for ways to raise money and increase membership. If you are interested in this or any other committee call Sara Karfonta at 925-2613.

One final word- please pay your dues and pledges!

- Michael Adelman
Detroit Chapter Treas.

has been sent to the printers and should be ready for distribution soon.

After hearing a report from Jeff Taft and Tom Meyer, who in response to a request made of the Guild, had a five hour conversation with William Hayes of Flint, attorney for Mandrick Strodder, in one of the most bizarre murder trials in Michigan history, the board resolved to provide Hayes with copies of briefs on the subject of Contempt and Bar Misconduct for purposes of his case before the State Bar Grievance Committee.

Also discussed was the possibility of establishing a personal opinion column in the Struggle on various issues of concern to the legal community.



The DETROIT STRUGGLE

is an official publication of the Detroit Chapter of the National Lawyers Guild Defense Office located at 715 E. Grand Blvd, Detroit, Michigan 48207 (telephone 1-313-925-2613).

Lawyers Hobble Grand Juries

THE ATTEMPT BY THE DEPARTMENT OF JUSTICE TO REVIVE THE GRAND JURY AS AN INSTRUMENT OF INTIMIDATION AND REPRESSION AGAINST THE RADICALS HAS MOMENTARILY BOGGED DOWN --

New York the investigation of Mayday and the Capitol bombing there has ended. No answers given. No contempts. No indictments.

Brooklyn A Berrigan spin off Grand Jury has stopped since the 2nd Circuit decided that the Government had not shown a sufficient relationship between its investigation and a crime for which immunity could be granted.

Harrisburg-D C these Grand Juries have both been halted while the Government petitions for Certiorari on the question of whether a witness may refuse to answer on the grounds of illegal wiretaps and violation of Fourth Amendment rights.

Los Angeles Elsburgs friend Russo is now out of jail after having won the right to have all of his testimony turned over to him to use as he wishes.

Detroit here the Government petitioned for immunity for two witnesses after three months of affirmative suits, motions to quash and other procedural and substantive wrangles had finally brought the witnesses to the point of asserting their Fifth Amendment rights. Judge Kennedy denied the petition on the ground that the Government did make a sufficient showing to justify the grant. The Government appealed into the Sixth Circuit, which should delay the proceedings for months.

Scorecard in Detroit-five months elapsed with no questions answered, no citations for contempt, no indictments.

This national united front effort is an indication of the ability which progressive lawyers have to forstall repressive judicial activity, if a strong, coordinated response is made.

aloha

The Liberated Barracks Collective in Honolulu is looking for a lawyer to join their collective. The LBC will assume the responsibility of getting paying cases.

Interested? Contact the LBC, 2270 Kuhio Ave, Hon, Hawaii 96815 ph:808-923-2503

Tigar Freaks State Bar

From the days when lawyers staffed the Star Chamber to the present when lawyers operate the Department of Justice, the legal profession has provided the architects to implement repression in whatever form the government wished to impose. This was one of the messages delivered by Michael Tigar as he spoke to the luncheon meeting of the Young Lawyers section of the Michigan State Bar.

All the leading members of the State Bar were seated at the head table and could be seen to wince as Tigar dissected the new and foul manifestation of the Grand Jury as implemented by the Nixon-Mitchell gang. Attorney General Frank Kelly looked startled by the sharpness of Tigar's attack. But more revealing were the set features and pallid faces of the chairmen of the various committees of the state bar who somehow managed to be latedly stagger to their feet as the audience of younger lawyers insisted upon giving Tigar a standing ovation.

The tone for the meeting was set when Guild members decided to leaflet the meeting with a statement calling attention to the relationship between the murders committed by Governor Rockefeller at Attica (one week before) and the less dramatic but equally lethal murders committed by the Wayne County Board of Commissioners at the Wayne County Jail. This leaflet was put at each place at the head table.

Guild lawyers also attended the meeting in a force of about 25. They heard an extremely effective statement by Tigar, who is also active in the NLG.

Tigar pointed out how the Grand Jury is now being used to discourage radical and progressive political activity by juxtaposing imprisonment for contempt or perjury against informing


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NLG DOCKET

December-

- 2 Executive brd meeting, Guild office, 5:30pm
- 4 "Seminar on Rape" sponsored by Women's Liberation of Michigan First Unitarian Church Cass and Forest 10am-4 pm
- ? Christmas party for all Guild members- details will be mailed to you as soon as they are complete.



INMATES SUE SHERIFF

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"Justice" came after testimony revealed that one inmate, for example, killed another inmate, seriously wounded a second inmate, and made serious suicide attempts himself, four times. This particular person did all this over a several month period in a joint that would drive a sane person crazy and that did not even have a part time psychiatrist!

On May 18, 1971, the Court's "Second Interim Order" was issued, requiring a plan for recreation, a plan for medical care, renovation so as to make operative the dilapidated plumbing, electrical system, ventilation, etc.

By May, the beneficent Court was alarmed, and they expressed their concern in a 100+ page, scholarly Opinion. They were "outraged" by the "subhuman," "unlawful," and "unconstitutional" conditions which Government Defendants so "unseemly" imposed upon Plaintiffs! They projected an attempt suicide rate in excess of 60 for 1971 and once again moved with the "power at their command" to order, inter alia, psychiatric care.

It's October, 1971 now. The attempt suicide rate they projected has already been surpassed. Not one inmate has benefited by one institutional change except for the closing of the infamous hole. Not one penny of \$1,500,000 actually set aside in April, 1971, has been spent for renovation.

A psychotic inmate brought over on a writ October 5, 1971, summarized the truth for us. The Court asked him if he knew where he was, and he responded, "Yes, I'm at Detroit General Hospital." The Court then asked if he knew who they, the Judges, were. The inmate aptly responded: "Yes, you are all understudies for Sheriff William Lucas."

It may be well that the Judges do not see themselves as depicted, but by all objective criterion it is true that those who pave the way for Chrysler obstruct the way for oppressed people everywhere--here and in Attica. The Courts are a part of the problem, not the solution; and it is through the efforts of political litigants, such as the inmates, and lawyers (as well as many others) that the Courts may be used to highlight the contradictions and bring transitional gains.

Our path has been obstructed by the Court for 9 months while 18,000 people have suffered the consequences of one of many American-style concentration camps. The contradictions are now about to turn some benefits our way in this, the stage of litigation where the Court is compelled to put up or shut up. By perseverance in struggle we will continue to expose, educate and heighten mass consciousness; acquire some institutional benefits that will lessen the continuing torture for oppressed inmates; and grow and learn better the need and method for overcoming a corrupt and degenerate system that places profits over people and is consequently committed to imperialism, racism and sexism.

Some of the workers on the jailsuit have contributed substantially to this ongoing struggle are: Alan Houseman, Scott Schrage, Susan Giannotta, Neal Bush, Sam Galici, Stu Cohen, Lynda Chabot, Jeff Taft, Allyn Ravitz, Annabelle Feggins, Charles Rutledge, Bill Goodman & Dave Cooper, and others too numerous to mention.

WSU NEWS

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very relevant issues in some depth over the length of the first semester

But for many this will not be sufficient. For these more extensive activities are being pursued. Presently a number of students are working with the jail suit, Buck Davis, and others. These are opportunities to receive a real education with an amount of personal satisfaction. More attorneys are being contacted to find out who is willing to take the time and effort needed to intergrate students into the actual process and thought of their cases and who are willing to take the efforts and work of these interested "para-professionals."

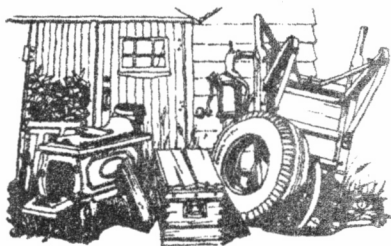
Within the framework of these programs, it is hoped that many potential people's lawyers can be touched, given an opportunity to grow and show some directions within which to put their human efforts and feeling.



TENANT RIGHTS CLINIC

With the hope of bettering the trial technique of law students as well as offering legal services to indigent tenants, the Guild has provided three attorneys to work with a newly created Landlord-Tenant Legal Aid Clinic at the University of Detroit. These attorneys have conducted a six-week course, meeting two hours twice a week, on trial practice. The course covered the procedural and substantive law of landlord-tenant, intervening, negotiation, trial technique and tactics and appeals. In addition to the lectures, the Guild attorneys will be supervising twelve University of Detroit law students and five Wayne law students in Landlord-Tenant Court for the 1971-1972 academic year.

This clinic is geared to giving students intensive exposure to one court and one area of the law. By limiting the caseload subject matter to landlord-tenant, it is projected that students will be better able to master the substantive and procedural area quicker and more thoroughly than they would if exposed to several areas of the law at once. This understanding of the "law" will



then leave them in a better position to learn other facets of practice which transcend subject matter, i.e., negotiations, trial work, investigation, etc. The principles learned in the latter areas will ultimately help the students become better lawyers regardless of the type of practice they choose.

Landlord-tenant law is a particularly useful forum for teaching pur-

poses because of the turnover. Assuming a case goes to trial, the average time between initial interview and trial is between four to six weeks. The student is then able to see many more cases through from beginning to end.

In short, the true educative value of this type of clinic is that it will train students to be better able to represent their clients.

One need only handle a single case in Landlord-Tenant Court to understand that tenants are at a severe disadvantage in that forum.

- Ninety-eight percent of all tenants do not have attorneys;
- ninety-four percent of all landlords obtain a judgment for all that they demanded in their complaint;
- the court sits for approximately ninety minutes each day;
- and in that time calls one hundred cases. These statistics tend to indicate that the tenants are not receiving a fair hearing.

The examples of the need for judicial reform and the effective administration of justice are presented very clearly in Common Pleas Court, Landlord-Tenant Division. They range from the failure of the printed summons and complaint forms to adequately inform tenants of the time, place, and character of the proceedings against him or her to the tenants being unable to adequately represent themselves in the judicial proceedings.

The students in the clinic will be in a unique position to study these problems and then move in a concrete way to change these inequitable practices. The specialized approach of the clinic will afford the student many opportunities to have a substantial impact on the ways in which the court responds to the needs of the citizens in Detroit.

landlord rule must end

Guild Expands Membership

As most members know, the National Lawyers Guild emerged from this summer's Convention in Boulder, Colorado, as an organization open to the admission of legal workers to its membership. Jail house lawyers were also admitted for full membership.

"Legal workers" are persons who for at least six months of the twenty-four immediately preceding application for membership have been regularly working for a law office (including Guild, legal services, community legal defense, and law school offices).

"Jailhouse lawyers" are persons who are involved in the preparation of legal documents for prisoners as a regular and specialized occupation, as well as those who have a reputation in the prison as a jailhouse lawyer.

Subsequent to the membership resolution, a resolution was passed authorizing the National Executive board to issue charters to NLG chapters to consist solely of lawyers, regardless of previously existing "mixed" chapters (including legal workers and jailhouse lawyers) in the same cities or regions. The purpose of the formation of such chapter would be to allow NLG chapters to send delegates to state bar association conventions in states which include "integrated" bar associations or state-wide bar organizations composed of local organizations of lawyers only.

After considerable debate, the question was referred to the new national executive board with instructions to find a solution which would allow Guild chapters to partic-

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wsu: self education

Working under the premise that very little real education is to be had within the bounds of any given law school, the Wayne State Guild is attempting to fill part of the void at Wayne. Two methods are presently being employed:

- 1) Education within the law school
- 2) Work projects with Guild attorneys

"As an aversion to the deadening affect of the money oriented structure of the law school, the Guild is using speakers, activities, seminars and other actions to bring greater reality into the windowless fortress of Wayne" says Wayne Guild Chapter President Pat Korth.

"The present series of actions deals with jail and prison conditions and the many factors which surround those problems. It began with a presentation by Neal Bush concerning the past and present situations included in the jail suit. This will soon be followed by another speaker, discussions groups and a possible project."

Using this format of activities, the Wayne Guild hopes to cover a number of

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!! WE NEED YOU —

The Guild defense office frequently receives calls from people in need of legal advice and representation on all sorts of legal problems which we handle by referring to an appropriate attorney or legal aid office. In order to help people find the type of attorney that our interview with them indicates they might need we would like every guild member interested to fill out the form below and send it back to the Guild defense office at:

NLG defense office
715 E. Grand Blvd
Detroit, Michigan 48207

Please include any additional information which will aid our attorneys in their decision of which cases you would be interested in handling.

Name:

Firm Name or Agency:

Address:

Phone:

Types of cases that interest you:

Requirements(only test cases, only women's cases, etc)

Will you take non-fee cases? If so in which areas ?

Additional information and comments:

State tactics fail

continued from page 1

17 year old person with no previous record.

The plot begins to thicken at this point. But before recounting the subsequent developments, the basic weakness in the prosecutor's case against the Detroit 15 should be noted. The prosecution circumvented the open examination by going through the secret grand jury proceedings in obtaining the indictments against the Detroit 15. In this way, the prosecutor did not have to submit the evidence to support the charge to a judge on the issue of probable cause. The key to the prosecutor's case against the Detroit 15 was the charge of conspiracy. Counsel for Defendants felt sure that the charge could not be supported. This belief was supported by the fact that during the pre-trial period the prosecutor made a number of efforts to pressure at least two of the defendants to become state witnesses.

Against this background the developing drama in the story of Cochise should be measured.

After the conviction and sentencing of Cochise on the arson charge, Cochise was brought to the court room of Judge DeMascio, who had originally issued an order in the case forbidding the prosecutor or police to interrogate any of the Detroit 15 without the presence of their attorney. Judge DeMascio spoke to Cochise and later stated that Cochise was afraid to talk to his attorney or the other defendants and wanted to talk to the prosecutor. Thereupon, without notice to his attorney, Judge DeMascio modified his protective order and authorized the prosecutor to interrogate Cochise privately. Whereupon the prosecutor interrogated Cochise and obtained a lengthy statement from him.

These secret interrogations were later disclosed to defense counsel when it became embarrassing for both the judge and the prosecutor to keep the matter any further from defense counsel.

On the basis of the statement obtained from Cochise, he was dismissed as a defendant and endorsed as a prosecution witness. And, during the final days of the trial, when it became clear that the prosecution had no case of conspiracy and even less of murder against the

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TIGER

continued from page 3

on comrades and friends. Tiger described in detail how the Phoenix grand jury resulted in the destruction of a number of political groups in Los Angeles, many of whose members are in jail in Arizona or dispirited because they were maneuvered into testifying in a way that may have provided information against friends.

He detailed the gross procedural unfairness being used by the current manipulators of the Grand Jury: that often the testimony is compelled at a location hundreds of miles from where most of all the witnesses live (this is often done merely to harass witnesses). That there is a denial of a right to counsel and that this is used to intimidate witnesses; and that witnesses are often maneuvered into being offered immunity when the U.S. Attorney knows that they won't answer questions but hoping to jail witnesses for contempt since it is obvious that they can't get a conviction for any real crime.

If we want a strong movement in this country against the war, for racial justice and industrial democracy, we as lawyers must continually struggle to defeat those movements. We in the Guild can take pride that the national legal struggle against the Grand Jury has been brilliantly waged by Guild Lawyers. Locally, the Guild Office and Guild Lawyers have, so far, successfully fought back the Grand Jury.

Tiger's speech revealed to leading members of the legal profession that when the government chooses to crack down on certain political groups, it will be able to find tools within the legal framework that enable this kind of repression. For many in the audience this speech may have dispelled the illusion that the legal system always works within the framework of due process and fair play.

GUILD SPONSORS TRIP TO CHILE

On December 18 through January 2nd, the National Lawyers Guild is sponsoring a trip to Chile. This trip will be led by Bobby Ortiz of the Monthly Review. Estimated cost of the trip is under \$850.00. Excellent opportunity to see the progress of socialism in Chile together with Guild friends. Those interested please contact: Norval Welch at Guild Tours, 250 W 57th St., New York, N.Y. (212) 586-6577

NEW NEB MEETS

The Guild National Executive Board held its regular quarterly meeting in Philadelphia from November 5-7. Kay Schloff and Bill King attended as representatives of the Detroit Chapter.

Friday evening was devoted to a mens' caucus and a womans' caucus and the regular business meetings began on Saturday morning and continued through Sunday. Some of the more important topics discussed during the course of the meetings were the Grand Jury situation, prisons, the Supreme Court nominations, and Guild finances.

Susan Jordan gave a presentation on the present state of Grand Jury activities across the country. The governments repressive tactics are now at a stand still pending Supreme Court decisions on the questions of wire-tapping and subpoenas. These decisions are expected to come down some time in January of 1972.

GRAND JURY

A special caucus of those involved in Grand Jury defense work was held during the business meeting to begin to set up a mechanism establishing a comprehensive strategy for action should the Supreme Court's decisions sanction the governments illegal activities.

The caucus will hold a meeting in the near future for more protracted discussion of possible future governmental activity and alternatives to these. In addition, time will be set aside at the next NEB for open discussion of the strategy.

It was also determined that the Guild must not let the nominations of Powell and Renquist to the Supreme Court pass without a strong fight.

convention notes

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ipate in state bar associations in states with integrated bars, while making the smallest possible change in Guild structure. This is where the matter stands at the present.

Other resolutions passed at the convention were on contempt and judicial repression, the fight against US imperialism and the war, support for working class struggles, racism, womens struggles, juvenile rights, law schools and legal education, community education, homosexual rights, heroin, marijuana, prisons, Arthur Turco, parole and grand juries. Guild members who desire copies of theses resolutions can obtain them from the Detroit Guild Office.

The National Office is going to come out publically against both candidates and Guild President Katherine Roraback is going to address the Senate Judiciary Committee during hearings on the nominations. Local chapters are strongly encouraged to inundate their congressmen and senators with letters, telegrams and phone calls and to send a delegation to Washington when Ms. Roraback speaks. (Everyone should read the reprint of Powell's speech in the New York Times, November 3, 1971. It gives enlightening insight into his real political philosophy.)

ATTICA

A report was given on the status of Attica. The Wyoming County Grand Jury has been meeting for the past week and it is expected to return at least forty indictments within the next few weeks. Presently the New York and Chicago offices are supplying almost all lawyer resources, but it will take the efforts of many more attorneys to effectuate a meaningful defense struggle.

The financial position of the National Office hasn't improved at all since the Boulder Convention. To date only 13 of the 40 chapters have made any contributions and a number of these have only been minimal. There has been some success in raising funds for specific projects like Attica and the Southeast Asia project, but general finances are still in poor shape.

RESOLUTIONS

Three resolutions were passed to help alleviate the problem. The National Office will have the power to bill members of certain chapters directly after consultations with these chapters. 50 per cent will then be returned to the chapter. Each chapter will conduct at least one fund raising event per year and will send one half of the proceeds to the National Office. Finally those new attorney members who were assessed \$24 a year for two years before paying according to the regular graduated dues scale will now be assessed according to the regular scale after one year.

NEXT NEB SCHEDULED

The meeting ended on Sunday and plans were made to hold the next NEB convention in February hosted by the Los Angeles Chapter. Information will be disseminated at a later date.

INDIAN LAW PROJECT

A Guild attorney in Hancock Michigan (in the Upper Peninsula) has informed us that the Keewanaw Bay Indian tribe has obtained a substantial private funding grant to hire a full time attorney to carry forward a varied practice on behalf of the Keewanaw Bay Indians. They are the tribe which won the recent fishing rights case in the Michigan Supreme Court.

Funding includes enough money to acquire an adequate and competent staff, office and library. In addition, Guild attorneys in Hancock have indicated that the resources of their offices would be available to whoever takes the job and that they would be willing to be of assistance in any way that they could. Persons who might be interested in this opportunity should contact Buck Davis at the Guild office.

SINCLAIR SUIT

The Prison Rights Case of John Sinclair vs Perry Johnson et al, which is presently pending in the Federal District Court has survived a motion to dismiss brought by the State Attorney General's Office. This is the case in which John Sinclair alleges, inter alia, that he is being subjected to unusually harsh treatment in prison because of his political views and the fact that he is a political prisoner. Further, Sinclair's constitutional rights, along with those of other prisoners are being routinely violated in the areas of visitation, access to attorneys, correspondence and prison discipline. So far as we know it is the first suit brought against the Michigan Prison System wither in State or Federal Courts which has survived a motion to dismiss. Attorneys Marc Stickgold and Randy Karfonta are primarily handling this case.

COCHISE

CONTINUED from page 7
defendants, Cochise was called as a witness by the Prosecution. It was probably the most dramatic moment of the trial and Cochise, indicating the name he preferred for himself, refused to become a stoolpigeon or informer against his comrades. With his refusal to testify and subsequent sentence of 30 days for contempt, the prosecutor's case of conspiracy collapsed.

However, the prosecutor refused to give up and during the next few days, before he rested his case, he offered Cochise a "deal" whereby, if he testified for the prosecution against the defendants the prosecutor would support the Motion for a New Trial in his arson case; on the other hand, if he persisted in refusing to testify, the prosecutor would put any pressure on the parole board to make sure he would not get any parole until his maximum sentence had been served. When the offer was conveyed to Cochise, his answer was quickly and emphatically "no".

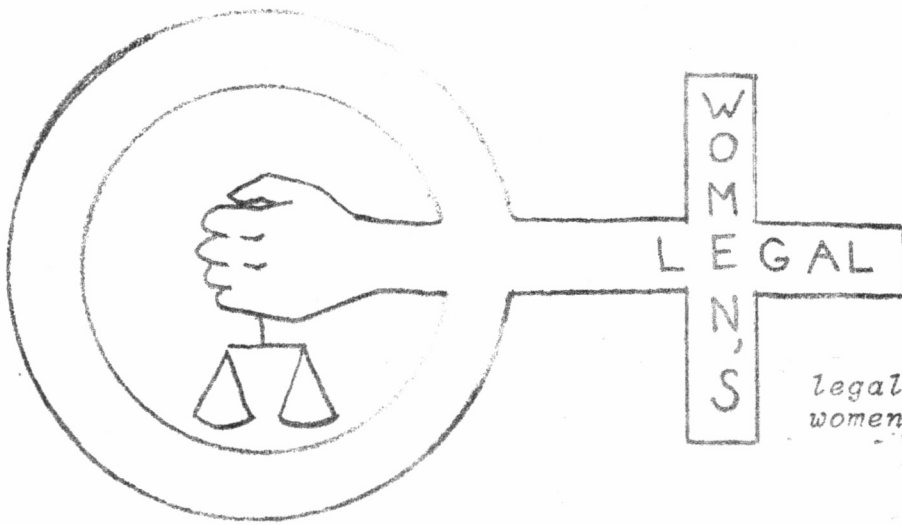
After the acquittal of the Defendants on the principal charges, Cochise remained in the County Jail to await transfer to the Jackson Prison on his arson conviction. When his 30 days contempt sentence had expired, a deputy sheriff came to him in his cell, told him that he had served his sentence and that he was free to leave. Cochise may be uneducated or have a speech impediment, but he is not dumb. He knew that he had a long sentence to serve, unless his conviction was reversed on appeal. He inquired of the deputy as to whether there was a hold on him. He was informed that there was no hold and was given his clothes and told to

go down to the desk and sign out. Again, when he went to the desk, he asked whether he should leave or not, and came back to the desk on several occasions asking whether he was to leave the jail. Each time he was told he not only had the right to leave but was told to get out. Somewhat apprehensive, he finally left the jail building wondering whether he was being set up to be shot by the police.

He stayed with friends for several weeks while the sheriff; police and other agencies sought to find him. When he had been assured that his friends and associates were prepared to do everything possible to obtain a new trial in his arson case and that they would support him while he was in prison, he arranged with his attorney to give himself up to the sheriff. In a moving TV interview he set forth his beliefs about the nature of oppression in society and the meaning of Power to the People.

The Committee to Defend the Detroit 15, his attorney and many others who admired the strength and courage of this young black man who, despite tremendous pressure, stood fast by his principles and refused to become a stoolpigeon, will continue to assist him in obtaining a new trial and will give him their support while he remains in prison.





legal events in the
womens rights struggle

published by womens liberation congress
wayne state univ. law school, detroit
vol 1 no 1 oct 1971

FREE TO ALL, especially
men--you need it most

Greetings. This publication is a monthly newsletter about recent law suits and other legal happenings concerning the rights of women. We offer it to all in hopes of educating our readers about the sexism in this country and the legal steps being taken to combat it. We also wish to be a reminder to the male-oriented student body, faculty, and administration at WSU Law School that law must not be merely an elitist male profession, open only to a few token women who either accept or affect subservient roles or who try to be just like men because they have been conditioned to look down on women. We take more pride in being women than in being in the legal profession, but we believe the two are compatible.

EQUAL RIGHTS AMENDMENT TO BE DEBATED AGAIN

House Discussion Will Begin
This Week According to
Rep. Martha Griffiths

The Equal Rights Amendment (ERA) and proposed amendments to it will probably be debated in the House again at the end of this week (Oct. 9 or 10) or soon after. The Amendment now has support from numerous groups, including the Republican National Committee (unanimously), Common Cause, National Womens Party, BPW, National Association of Women Lawyers, the UAW, and associations of women in education, nursing, radio and TV, newspapers, and the Presbyterian Church.

These groups support an unamended ERA: 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article. 3. This amendment shall take effect two years after the date of ratification.

Congressman Wiggins' amendment to the ERA would add that "reasonable" state laws could remain in effect.

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MASS ABORTION SUIT FILED IN DETROIT

Show Cause Hearing Set For Oct. 15
Team of Local Women Attorneys
to Present Case

On August 31 the Michigan Womens Abortion Suit organization filed a class action suit seeking a declaratory judgment that the Michigan laws prohibiting abortion are unconstitutional and therefore null and void. A preliminary injunction against enforcement of the laws during the pendency of the suit was also asked. A hearing on this issue is scheduled before Judge Charles Kaufman, Wayne County Circuit Court, on October 15 at 2:00 in room 1601 City-County Bldg.

The suit is an individual and class action with over 1,000 named plaintiffs, all women, who comprise the Michigan Womens Abortion Suit organization. The plaintiffs are in various categories: a pregnant woman; professionals in social and psychological work; attorneys; nurses; doctors; and Michigan women including mothers, grandmothers, women who have had abortions; women who have given up children for adoption, and women who have been forced to bear and raise

continued on page 2

unwanted children. Supporters of the rally accompanying the filing of the suit included NOW, Michigan Womens Liberation, ZPG, and the National Lawyers Guild.

The Michigan statutes sought to be voided in the suit are Penal Laws 750.14, 750.15, 750.322, 750.323, 750.72, and Public Health Law 338.53 (Comp Laws 1948). These laws provide criminal punishment for performing an abortion (unless "necessary to preserve the life" of the woman, and the prosecutor does not have to prove lack of necessity--the defendant has to prove necessity) and for procuring, aiding, or abetting in procuring a criminal abortion.

The legal grounds on which the suit is brought are that the present laws invade plaintiffs' right of privacy, rights association, and right to choose whether to bear children; deny life and liberty without due process despite lack of compelling state interest; are unconstitutionally vague; constitute cruel and unusual punishment in forcing bearing of unwanted children; and deny equal access to medical facilities.

Money for the costs of the suit is needed and can be sent to Michigan Womens Abortion Suit, YWCA, 2230 Witherell, Detroit.

Scheduled for oral argument before the U.S. Supreme Court this fall are two suits testing similar abortion laws in Georgia and Texas. Both hearings are to be on jurisdiction and merits. The Texas abortion laws were found to be unconstitutionally vague and violative of the right of privacy in Roe v. Wade, 314 F. Supp. 1217 (N.D. Tex. 1970). The Georgia court found violation of privacy also. Doe v. Bolton, 319 F. Supp. 1043 (N.D. Ga. 1970).

WONAAC MARCH IN NOVEMBER

The Womens National Abortion Action Coalition is sponsoring mass marches in Washington and San Francisco to protest abortion laws on Nov. 20. Busses will be going to Washington from Detroit. Further information will be in our next issue.

This amendment would make the ERA meaningless; no such state laws are reasonable, but the courts have often been willing to find them so. Our legal structure will continue to support inferior status for women so long as it permits any differentiation in legal treatment on the basis of sex. Rep. Griffiths office reports that whip checks have indicated little support for the Wiggins amendment among Democrats.

Only 7 of Michigan's 19 congressmen will say now that they will support an unamended ERA, according to the Detroit Free Press. They are Conyers (D-Det.), Esch (R-Ann Arbor), Harvey (R-Saginaw), Jagt (R-Muskegor), Diggs (D-Det.), Ford (D-Wayne) and Griffiths (D-Det.). Ruppe (R-Houghton) is leaning. Broomfield (R-Royal Oak) is undecided on Wiggins amendment. Uncommitted are O'Hara (D-Mt. Clemens), Brown (R-Kalamazoo), Ford (R-Grand Rapids), Chamberlain (R-Lansing), Riegle (R-Flint), Cederberg (R-Bay City), MacDonald (R-Farmington), and Hutchinson (R-Benton Harbor). Hutchinson voted for the Wiggins amendment in committee. Dems Dingell (Dearborn) and Nedzi (Det.) favor ERA only with the crippling amendment.

The WLC urges you to write your House member supporting the ERA unamended. It's only pressure from voters that will convince many of these men to do the right thing for women.

Rep. Griffiths has had copies of the recent extensive Yale Law Journal article, The Equal Rights Amendment: A Constitutional Basis for Equal Rights for Women, in vol. 80 no. 5 (April 71), sent to each House member. This excellent article shows the great need for the ERA; without it women are unlikely to reach equality through the courts or legislatures for a very long time. The Supreme Court has never held the 14th amendment equal protection clause to apply to women, and an examination of the decisions of the Court shows that there is little likelihood that it will soon do so. Other recent articles analyzing the need for and possible effects of the ERA are in Harvard Civil Rights/Liberties L R (March 71) and Women Lawyers Journal (Winter 71).

WLC TO RECRUIT WOMEN FOR LAW SCHOOL

Members of the Womens Liberation Congress will accompany Law School recruiters Bob Berlow and Dean Henry on most of their recruiting trips this year in order to encourage more women to apply. At least one woman from the WLC will be available for consultation at all the nearby schools.

In addition, the women will go to Marygrove and Mercy colleges, schools that Wayne has never recruited at before. The reason such colleges were bypassed was because of the previous school policy of recruiting only where the most applications had come from in the past. The WLC women, by adding these two predominantly womens colleges to the recruiting schedule, hope to help the school break away from such self-reinforcing practices which have practically filled the school with white middleclass males.

WOMENS LIBERATION CONGRESS MEETING

The next meeting of the WLC will be on Sunday, October 10, at 7:30 in the home of Mary Alice Theiler, 15 East Kirby, apt. 416. All women at the law school (students, faculty, and legal workers) are invited to attend.

State Mutual of America advertisement:

A FEW WORDS TO THE MAN WHO'S NEVER THOUGHT ABOUT ANOTHER WOMAN

Some things you take for granted. Like your wife. She wipes noses, wrestles galoshes, and sits up with measles. And she's the only woman who'll do all this for love. What if something happened to her and you had to hire a housekeeper? Day in, day out, for years. Many men feel that's reason enough to insure their wives.

A FEW WORDS TO THE MAN WHO'S JUST THOUGHT ABOUT IT

Do you think State Mutual will insure you against the possibility that your little woman might come to her senses?

WOMENS RIGHTS LAW REPORTER BORN

The first issue of a new reporter covering developments in areas of law which especially affect women has appeared recently. This reporter analyses and collects in one place information about major cases concerning womens rights, education, domestic relations, abortion, sexual freedoms, and prostitution. The staff all are women.

Articles in the current issue cover the case of Phillips v. Martin Marietta (including reproduction of part of the disgusting Supreme Court oral argument wherein the all-male court and male lawyers treated female stereotypes with joking laughter; Mrs. Phillips, who was denied a job because she had pre-school children, wasn't laughing with them); women in prison; the Los Angeles Womens Center legal program; and case summaries in the areas of birth control, education, poverty, and child care.

The Womens Rights Law Reporter is available by subscription from their office at 119 5th Ave., New York 10003, at \$12/year (6 issues) for students and other non-lawyers, and \$18/year for lawyers. The first issue is still available from the same address for \$2.

This excellent law reporter is now on order by our library and should be available soon.

WSU WILL BEGIN TO TRY TO MAKE THINGS EQUAL FOR WOMEN (MAYBE)

President Gullen has endorsed the report of WSU's Commission on the Status of Women. This report recommends sweeping changes in the policies of the university regarding women employees. Gullen said Wayne will begin to implement the recommendations if there is enough money. "The commission is competing with all the other departments for available funds," he said. The recommendations are

Wayne should undertake a total child-care feasibility study and support the on-campus child care committee in starting a cooperative day care center.

All job vacancies and new openings should be posted and publicised in university publications. Job descriptions, minimum qualifications, and salary should be listed.

When more than one applicant meets qualifications for an opening, preference should be given to women and minority group members until they are no longer underrepresented.

Job advancement should be based solely on professional qualifications and abilities without regard to family relationships. Employment of one member of a family should not bar another member.

An employee with one years service should have the right to a 12-month maternity leave; those with two should get 24 months. A woman taking such leave should be returned at her same or equivalent position.

A new and effective grievance procedure should be established.

The university should ask the company handling its retirement insurance to cease paying women retirees smaller benefits than men. (Yes, they really do that.) The retirement benefits are supposedly based on longevity; however, no other distinctions, such as between smokers and non-smokers, are made.

WLC SUPREME COURT ENDORSEMENTS

In a letter to Nixon the Womens Liberation Congress members have endorsed the following well-qualified women for Supreme Court nomination:

Constance Motley, US Dist Ct;
Patricia Harris, former dean
Howard, ambassador to
Luxemburg;
Martha Griffiths;
Cornelia Kennedy, US Dist Ct;
Dorothy Kenyon, former
New York judge;
Pauli Murray, professor at
Brandeis;
Rita Hauser, UN Human
Rights Comm.

BRIEFS

"Of my two 'handicaps', being female put more obstacles in my path than being black." Shirley Chisholm, UNBOUGHT AND UNBOSSSED.

In a recent study of Harvard Law School graduates, 55% of the women and only 39% of the men had changed jobs only once. Other recent studies have shown that the so-called stronger sex loses more total work time and more sick time than women. Harvard Civil Rights/Lib L R, vol 6:269 (Mr 71).

A 23-year old Florida housewife, Shirley Wheeler, has been found guilty of having an abortion and is awaiting sentencing. Maximum penalty is 20 years, same as manslaughter. Wheeler claims her doctor said having a child would be very dangerous because she once had rheumatic fever.

OF COURSE I MIGHT
APPOINT A WOMAN TO THE
SUPREME COURT ---

IF I FIND
ONE WHO'S THE
BEST MAN FOR
THE JOB!

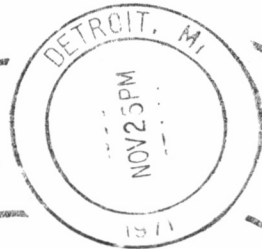
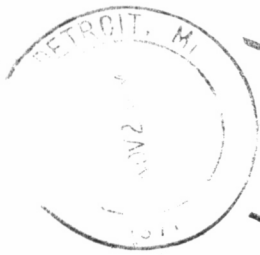


The Detroit Struggle
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THE
DETROIT

STRUGGLE

Volume III number 1

January 1972

Detroit National Lawyers Guild

NLG Aids Davis Defense



THE MASSIVE PUBLICITY SURROUNDING THE EVENTS AT THE SAN RAFAEL COURTHOUSE AND THE SUBSEQUENT MURDER OF GEORGE JACKSON INSIDE SAN QUENTIN AND THE CONTINUING UNREST INSIDE THE CALIFORNIA PRISON SYSTEM HAVE COMBINED TO MAKE THE CASE OF ANGELA DAVIS, A BLACK WOMAN COMMUNIST, ONE OF THE MOST INTENSELY FOLLOWED PROCEEDINGS IN BOTH THE NATIONAL and international political scenes. The continuing attempts of the Regan administration to silence this forceful revolutionary have made it imperative that all people interested in social change support the case to the utmost.

In accordance with our view of the importance of this case the executive board of the Detroit Chapter of the National Lawyers Guild voted to offer to send attorneys from the Detroit area to California to aid in the defence. Howard Moore, chief counsel for Angela, responded with alacrity to the Detroit chapter's offer. Accordingly, on December 6 four lawyers from the Detroit area went to San Francisco for a minimum two week period to assist in the preparation of the case.

The four were: Tom Meyer and Jeff Taft both of the Detroit Black Panther 15 defense team; Ken Mogil who

practices out of the same office as Gerry Schwartzbach and Sheldon Halpern. Over the past few years Mogil assisted in the preparation of the briefs in most of the important cases handled by Justin Ravitz and Ken Cockrel; and Dean Robb, formerly of the Goodman firm, and well known for his long and successful trial practice in the Michigan area.

Johnson vs Chrysler

The oral argument for James Johnson was finished before Referee John Conley on December 1. The argument alone took the entire afternoon.

Certain important admissions were obtained from Chrysler Corporation. Chrysler admitted that the psychotic incident was precipitated by the suspension, that James Johnson was not guilty of any willful or wanton conduct. Chrysler contended during the argument that because of the suspension, the disease did not arise out of the employment and Chrysler further contended that Mr. Johnson was no longer disabled. Their psychiatrist said he was well and should be let free.

Much of Chrysler's argument rested on the idea that what happened to James Johnson was no different from what happens to all Chrysler employees. This position was untenable not only because of the case of Carter vs General Motors but also because much of the harassment to which Mr. Johnson was subjected was so gross: for instance his forman called him nigger, boy and overtly discriminated against him in job assignments.

continued on page 6

The specific areas in which we think these four were most helpful and concentrated their primary efforts were in the presentation of voir dire, briefs regarding the permissible scope of voir dire, potential challenges to the composition of the jury and investigation of the venire in San Jose, the present site of the trial.

continued on page 3

ATTICA STRATEGY, NEB SUBJECT OF MEETING

The Guild Executive Board meeting of Friday, November 17th was highlighted by the presence of Guild National President, Katie Rorabeck. Katie was in Detroit for two days as part of a national tour she was winding up which included earlier visits to San Francisco, Los Angeles, and Chicago.

Katie's report on the National Guild was encouraging. She indicated that after the controversy over the admission of legal workers to the recent convention at Boulder, Colorado, some additional two hundred lawyers have joined the Guild and there has been no noticeable withdrawal of support by existing members. The question as to the status of Guild chapters in integrated bar states, in light of the admission of legal workers, is still in committee.

Katie also reported that it's recent meeting in Philadelphia, the National Executive Board, in view of the continuous financial plight of the National office, voted itself the power to bill individual chapter members directly for the portion of their dues payments which is supposed to be paid to the National office.

The topic to which the NEB devoted considerable attention were prisons and Grand Juries. Many local chapters are undertaking to produce legal manuals and handbooks for prisoners and the Guild has send two persons to Attica on a full time basis to assist in the preparation of the defence of inmates out of the recent rebellion. In the area of Grand Juries, the Committee on Grand Juries formed at the Boulder Convention reported that it will be convening again after the Supreme Court hands down an opinion on the pending wiretap and secrecy cases, at which time the committee plans

to produce a handbook for the assistance of persons subpoenaed before Grand Juries.

Reports from the Detroit chapter included one by the Attica committee which is sending teams of two attorneys to Attica two days at

a time over the next couple months to give badly needed assistance in the interviewing of prisoners.

The Executive Board meets at 5:30 on the first Thursday of each month at 715 E Grand Blvd., Detroit. Meetings are open to anyone interested in attending.

NLG DOCKET

January

- 13 The Women's Caucus of YAWF is holding a forum on "The Suffragette Movement". 7:30pm Unitarian Church. (Corner of Cass + Forest).

14-15

Seminar on Consumer Law (Compliance & Defense Tactics). Hutchins Hall (corner of State & Monroe) 9:00am-12:45pm Presented by ICLE.

16

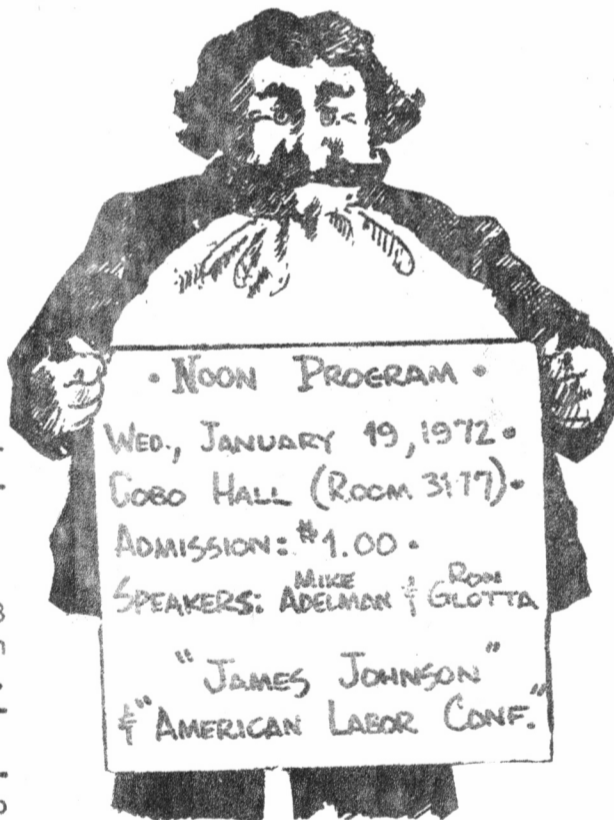
Guild meeting to form a National Committee to do legal work at the Republican Convention. 10:00am at the Bar Sinister, 619 South Bonnie Brae, L.A.

20-21

"The New Wave in Michigan Taxation of Business and Property". The Olds Plaza in Lansing. All day. Presented by ICLE.

28-29

"Phase Two Economic Controls Law". U of M Campus. Presented by ICLE.



• NOON PROGRAM •
 WED., JANUARY 19, 1972 •
 COBO HALL (ROOM 3177) •
 ADMISSION: \$1.00 •
 SPEAKERS: MIKE ADELMAN & ROSE GLOTTA
 "JAMES JOHNSON"
 & "AMERICAN LABOR CONF."



The DETROIT STRUGGLE

is an official publication of the Detroit Chapter of the National Lawyers Guild Defense Office located at 715 E. Grand Blvd, Detroit, Michigan 48207 ph: 313-925-2613

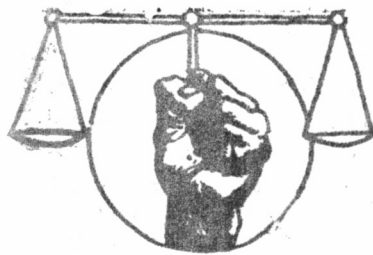
Jail Suit

of air space and 52 square feet of floor space - and that population be reduced to what the court labeled "lawful inmate capacity." This part of the opinion and order was clearly designed to accomplish what the court sought from the outset of the case (and what the court has viewed as the main issue), the construction of a new jail. To meet these housing code requirements, the 525 Clinton Street facility would have to be totally rebuilt and remodeled.

In the middle of June, a "plan" was submitted by two of the defendants - the Sheriff and the Board of Auditors. The Board of Commissioners did not submit a plan, allegedly because they had not had time to meet and consider what steps to take. Actually the Board of Auditors submitted only two letters. The Sheriff's proposal called for 79 additional personnel. After a meeting in chambers at which the court expressed its concern that the Board of Commissioners had not submitted its plan, the Board promised to submit a plan by the end of July. In July, the Board submitted what was called a "Master Plan", but what was in effect the adoption of the Sheriff's plan (without the personnel additions). The "Master Plan" also promised to do a study to determine the "alternative regarding jail facilities and possible replacements or annex."

The "Master Plan" was what we all expected - a sham; it was nothing more than a statement of "goals" with no serious at-

tempt to assure effectuation. The plan was circular, the plan deleted all personnel requests made by the Sheriff though adopting verbatim his recommendations on medical, psychiatric and drug treatment, vermin control and food services; whenever a statement was made that an act on will be taken, it was made dependent upon the hiring of additional personnel or the expenditure of additional funds; no commitment was then made to hire the personnel or expend additional funds. No serious attention was given to implementation in any area. No proposals



were made to provide recreation (except what could be done in the present cell block areas - checkers, chess, cards). The plan to provide medical and psychiatric care to inmates was "to provide medical and psychiatric care to inmates." The plan did not commit itself to a new jail, to remodeling the old jail and to meeting the housing code requirements imposed by the court. Indeed, the plan omitted any reference to meeting the cell size requirements in the hope that the court would not insist upon them. It was only when the court did insist that the defendants even promised to act.

Even more callous was the response of the defendants to those sections of the order requiring imm-

mediate implementation or relating to inmate health and survival. Disciplinary hearings were not being held in compliance with the order - sanitation, disinfecting and vermin control continued as usual. More seriously, however, no changes were made in treatment for medical problems, including drug withdrawal. The defendants did not even consider the use of a methadone program because the jail doctor did not agree with coddling inmates. Psychiatric care worsened. Indeed, inmates appearing to be mentally ill or suicidal were housed on the same wards though such an approach was contrary to common sense and medical opinion.

The rate of suicide attempts rose astronomically - from 49 in 1970 to 59 from April 1 to October 1, 1971 alone. A majority of these occurred on the so-called suicide wards, 312-311.1. In short, inmates continued to die at the Wayne County Jail.

After we and many other Guild members, including many students from Wayne and U. of D., made a complete tour of the Wayne County Jail, we concluded that not only had nothing changed, but that the conditions were actually much worse than when our suit began. (For example, the windows, including those windows with iron mesh screens, were closed after Attica, allegedly to prevent the introduction of weapons.) After once again viewing the wards and talking with the brothers and sisters inside, we became extremely concerned and annoyed at our own lack of response to the jail conditions. To secure medical attention for

JUDGES STALL ON JAILSUIT, INMATES HURT

continued from page 7

many inmates, we immediately submitted a letter to the Sheriff requesting medical attention for 92 inmates whom we believed had serious medical problems. We also submitted a motion of Contempt and for Additional Relief requesting that the defendants be held in contempt for their failing to comply with the court orders and that the court grant relief to alleviate the medical and psychiatric problems which inmates were suffering. We called again for the closing of the Wayne County Jail and the release of inmates who constitutionally should not be confined in maximum security detention.

The court, however, was not about to let us move immediately on contempt against the Sheriff (whom they have continued to protect even though he had totally failed to

sought. Actually we went into chambers only because the court held out hope that we could obtain the release of some prisoners. Though the efforts we made have reduced the population at the Wayne County Jail and the freeing of inmates who either were in the jail or who would have been housed there, we did not accomplish the release of those who would be housed in minimum or medium custody.

During our conferences in chambers, pressure was put on the defendants to begin steps to provide recreation facilities (a facility will be constructed over part of the parking lot at 525 Clinton Street) and to begin holding disciplinary hearings

The Court has continued to protect Lucas even though he has totally failed to comply....

comply with many sections of the court order. Instead, the court scheduled a hearing that was first to take up consideration of the defendants' plans and then to consider our motions for contempt and further relief. (The court on its own moved to have Louis Funk, the County Treasurer, added as a party defendant - a move which was to result in the first attempt at appeal, an attempt which was squelched by the Clerk of the Court of Appeals who pointed out to Funk's attorneys - the Prosecuting Attorneys Office - that they had no right to appeal but would have to appeal by leave).

On October 5 the hearings on plans began. It soon became clear that the court was not going to back down on its opinion on cell size, renovation and population reduction. The court wanted a new jail and they wanted 525 Clinton Street repaired and in compliance with the codes; they were going to attain that end whatever the cost. Within a few days, we were meeting in chambers and working toward a "solution" in the terms the court



meeting the requirements of the court's order. When it became clear that renovation might not begin on Nov. 1, 1971, as scheduled, the court sought to reduce the jail population. Federal prisoners were moved out after conferences with federal prison officials. An order was issued by the Wayne Circuit Court Presiding Judge requiring police in the Wayne County area to house prisoners at local lock-ups prior to arraignment. Forty men and forty women were moved to DeHoCo (the women have been returned to 525 Clinton Street because of "security" problems and the desire of the women to be close to family and friends). Fortunately, some of the women escaped and successfully obtained constitutional custody. Consideration has been given to construction of additional temporary jail facilities at Wayne County General Hospital.

There was some hope that improvements will be made in medical and psychiatric care. Our medical expert and the medical expert brought in by the court suggested several major changes in the treatment of inmates,

Court Ignores Moral Duty

continued from page 8

including the addition of professional staff, the establishment of a convalescent center at the jail. Both criticized the present psychiatric and medical care provided jail inmates and suggested not only additional psychiatrists and medical doctors be hired but that the present psychiatrists (who are from the forensic center in Ypsilanti) not be used. The defendants may be considering a methadone program or at least allowing those on present programs to continue in the jail although the defendants have equivocated on their commitment. Some form of prompt disciplinary hearings are being provided and it appears that inmates are being "punished" less. Thus, the efforts which we made have produced some results.

The court, however, is, frankly, unwilling to face the grave problem of what level of custody can be constitutionally provided to pre-trial detainees. The judges only seek a new jail, with recreation facilities, good physical environment, better food, and decent health, food, and medical services, but the court is really not willing to take immediate steps to release those held in custody unconstitutionally or to assure that the promises of the defendants are indeed enforced.

Though the court talked about using "draconian steps" in its opinion, it has, even in the face of overwhelming evidence of noncompliance with a court order (particularly that on psychiatric care), shown a

state grand jury

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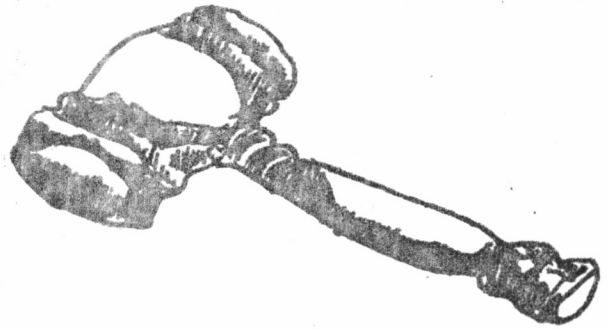
mentioned above. This particular provision extends the federal practice in that it totally isolates the witness before the grand jury from anyone except his or her attorney-if they are assisted by counsel.

Since the purpose of the secrecy provision is to protect persons against invidious publicity associated with fraudulent investigations, as opposed to protecting witnesses from confiding in whom they may feel it desirable or necessary to

converse with, the rationale of the state provision can only be to strengthen the hand of the prosecutor in an already unequal battle.

It would be the position of the Guild that the grand jury which already has the power to suspend the fifth amendment by way of a grant of immunity, should not be given the further power to totally suppress the first amendment right to freedom of expression.

Obviously the ability to question persons



total unwillingness to take action which might result in compliance. It is this failing of the court and of our legal inability to force them to do so which is so unsettling. The fact is that although we have probably put together as good a jail suit as possible and obtained about as good an opinion as one can imagine (indeed, I have yet to see a better opinion from any court on most issues), little has changed at 525 Clinton Street.

We have little control over what will change. (The court and the defendants have shown an enormous capacity to respond to the problem but not really address the central issue) This litigation which has possibly begun a process of change must be seen as only a beginning. Without the political support and development of serious political concern over inmate detention conditions by the outside community including the Guild lawyers there is not going to be any meaningful change in the Wayne County Jail or in the conditions of detention imposed upon Wayne County Jail inmates.

with regard to certain activities and then bar them from discussing those same areas of activity with anyone else except their attorney under criminal penalty represents an enormous opportunity for abuse by politically minded prosecutors.

It is presumed that the briefs of the Guild will be filed this month and that there will be a hearing and a decision at the district court level by February.

Joan

JOHN FREE !

GRAND JURY LOSES GROUND

John Sinclair is free. He was released from Jackson State Prison on Monday, December 13, 1971, on a \$2500 appeal bond. His freedom resulted from the interaction of a number of factors. Among those, and probably the most significant among them, was the appeal brief that was filed by Chuck Ravitz before the Michigan State Supreme Court.

The oral argument on that brief was heard on November 2, 1971. Chuck argued that Sinclair's conviction and sentence were defective because it was cruel and unusual punishment and invidious discrimination barred by the equal protection clause to sentence a person to prison for nine and one half to ten years for possession of two marijuana cigarettes.

Ravitz also told the full court of seven judges that Sinclair was entrapped into possessing the marijuana and that Sinclair was denied the right to take the stand in his own defense by the trial court's ruling that if he did testify, Sinclair's past convictions could be introduced.

The court room was packed for the argument. The Court relaxed its rule that ties and jackets or dresses had to be worn by spectators so as not to bar those who believe in another lifestyle. Once all the seats were filled people were allowed to sit on the floor. The packed court room was a vivid reminder to the court that masses of people smoke marijuana.

The Sinclair case, however, is more than just a test case on the constitutionality of the marijuana law. No one, not even the prosecutor, could deny that Judge Colombo gave Sinclair nine and one half to ten years because of Sinclair's politics. The prosecutor even admitted, during his argument, that personally he was shocked by the sentence. That however did not mean that the court should over rule the trial judge.

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Guild attorneys from throughout the U.S. who are handling grand jury cases met in New York recently to discuss the problems which face them in the future.

Many witnesses have been subpoenaed before the Detroit Grand Jury; and while they have been asked to reappear on numerous occasions, so far the U.S. attorneys has been either unable or unwilling to pursue his questioning to the point of a contempt hearing.

Each of the witnesses has been asked numerous questions by the grand jury and has refused to answer those questions on numerous occasions. The basis for the refusal to answer has been: first, that the information upon which the question is based was obtained through illegal wiretapping; and secondly, the questioning violates the fifth amendment constitutional right against self-incrimination.

Now, by means of several varied tactics the Guild lawyers representing grand jury witnesses have attempted to raise



abortion is a woman's right

EVERY CHILD SHOULD BE WANTED. WE SUPPORT ABORTION LAW REFORM.

A bill to authorize licensed physicians to perform abortions.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Section 1. All other laws to the contrary notwithstanding, a licensed medical or osteopathic physician may perform an abortion at the request of a patient if the period of gestation has not exceeded 20 weeks. The procedure shall be performed in a licensed hospital or other facility approved by the Department of Public Health.

For information on where you can sign the Abortion Law Reform Initiation of Legislation Petition call Sara or Michelle at 925-2613

SINCLAIR continued from page 10

Ravitz relied heavily on an Illinois case, People v McCabe, which had come down ten days before oral argument. In that case the court ruled that a law which made no distinction between heroin and marijuana violated the equal protection clause because such a classification was arbitrary. The Michigan law at that time made no such distinction.

The court asked Ravitz very few questions and those they did ask were sympathetic. On the other hand, the prosecutor was peppered with questions and when at one point, he asked Justice Williams whether he had answered the judges question, the judge responded, "Well, you talked to it."

The court had at that time already voted to refuse to give Sinclair an appeal bond, with only Justices Swainson and Kavanaugh voting to free John while the case is decided.

The event that, coupled with Ravitz's appeal, weighed heavily in the court's decision to release John, was the enactment of legislation reducing the penalty for possession of marijuana to a misdemeanor. It was on the basis of that law being passed that ostensibly was the reason for ordering John's release. It also put them in a position to possibly sit on their decision a little longer



than they could if John was in prison, and it would seem that they liked the idea of releasing him of their own volition so that it wouldn't appear that they were bowing to pressure. The pressure was there, though, and in significant amounts. John had filed suit against Perry Johnson, the warden of Jackson prison, pointing out the abominable conditions which exist there. He also had support among young people over the state, and there were continuous demonstrations and petitions at the state capitol building including a letter from John being read on the floor of the Senate.

The public pressure continued to mount, and climaxed in a giant benefit for John, with Yoko Ono and John Lennon, Bobby Seale, Dave Dellinger, Jerry Rubin among many others. The benefit attracted about 15,000 people and raised about \$13,500 after expenses. That benefit was on Friday the 10th and John was set free on the following Monday.

It appears certain that John will remain free indefinitely even if the case is lost at the Michigan State Supreme Court level. After all, John has already served more than nine times the new minimum penalty for "use" and two and one-half times the maximum penalty for possession.

The decision of the court may come at any time now. Besides Chuck, other attorneys who have worked on the case are Ken Mogill, who wrote the brief to the Supreme Court. Bruce Davis, and Neal Bush.

Grand Jury

continued from page 10

the issue of illegal wire-tapping before Judge Cornelia Kennedy. Initially, an affirmative suit was instituted to enjoin the grand jury proceedings based upon illegal wire-tapping. Judge Kennedy dismissed the motion for a temporary restraining order based upon prematurity and procedural irregularity. That opinion of Judge Kennedy's was taken, as an emergency appeal, to the Sixth Circuit which affirmed her opinion.

Next, Guild attorneys for the witnesses tried to raise the wiretapping issue by means of a Motion to Quash; and then by means of opposition to the Government's motion to compel the witnesses to testify. Prior to the Government's motion to compel the witnesses to testify, they had been refusing to answer questions based only on grounds of illegal wiretapping. After the judge ruled that they must testify and could not refuse to testify only on those grounds, the witnesses refused to answer both on the grounds on illegal wiretapping and further upon Fifth Amendment grounds.

It is worth noting and understanding that throughout these proceedings all of the witnesses had shown great solidarity and community of spirit. They had talked continually to reporters in the Grand Jury hallway and had held a number of press conferences at which time they expressed their solidarity and solidarity with others throughout the country who were being investigated by the grand jury. They further proclaimed, both in the newspaper and on the radio that they would never testify before the grand jury which was only an instrument of repression and war.

continued on page 12

Grand Jury Action Awaits Appea' Decision

Continued from page 11

It was at this point that the Justice Department's main witch-hunter, Guy Goodwin, attempted to obtain a grant of immunity to the witnesses so that if they continued to refuse to answer, as they publicly had proclaimed they would, he would be able to jail them for contempt of the grand jury.

Goodwin appeared before Judge Kennedy and requested that she sign the order granting immunity, but attorneys for the witnesses demanded that a hearing be held before the judge grant the immunity so that it could be established that the crimes being investigated by the grand jury were crimes for which immunity could be granted.

Goodwin argued, at great length, that there was absolutely no need for a hearing; that to have any hearing whatsoever would jeopardize the grand jury investigation; further that if the judge were to review any of the questions asked by the grand jury, this would have to be in camera; and finally, that no public hearing, no availability of grand jury transcripts, no justification whatsoever be made as to whether or not this was an appropriate situation for the granting of immunity.

What he clearly was attempting to do was to have an immunity order signed and totally preclude attorneys for the witnesses or the witnesses themselves from challenging this procedure. He was thereby, of course, attempting to jail and intimidate witnesses who had been active in political protests without any trial, or even any hearing.

Judge Kennedy ruled that the witnesses were indeed entitled to a hearing. After that ruling the Government refused to go ahead and make any showing whatever. The holding of Judge Kennedy is now on appeal before the Sixth Circuit and should be argued sometime within the next several months.

It became quite evident at the time that the Government moved for immunity of the witnesses that they had no intention whatsoever of seriously going for an immunity ruling at this time. It appeared that they were backing down and merely attempting to provide a legal issue for appeal. Thus, the grand jury has been convened for many months in Detroit supposedly investigating the Capitol bombing.

Despite this fact, not one witness has been granted immunity, not one witness has been threatened with contempt outside the inherent threat posed by the proceedings themselves, and not one witness has spent any time in jail (with the exception of Larry Canada, who was initially jailed as a material witness and spent one night in the Wayne County Jail).

As far as the Detroit Grand Jury is concerned, the Government seems in full retreat and is merely pursuing its present appeal in order to save face because it is too embarrassed to drop the investigation where it now stands. And, of course, it should be embarrassed. It has probably taken tens of thousands of taxpayer's collars to fly superstar



JUDGE KENNEDY
Critical ruling due.

government grand jury attorneys around the country, as well as to waste days on end of grand jurors' time hearing testimony about crimes which exist only in the fantasies of John Mitchell, Robert Mardian and Guy Goodwin.

Nationally, the grand jury is in a critical phase. The major cases relating to wiretapping, Egan out of the Third Circuit and Evans out of the D.C. Circuit are both on appeal to the U.S. Supreme Court. Both of these cases are in a sense companionship cases with the Sinclair and Plamondon wiretapping cases. Both Evens and Egan hold that a grand jury witness has standing to raise the issue of illegal wiretapping and is entitled to a disclosure from the Government as to whether or not illegal wiretapping has occurred.

Given the current complexion of the U.S. Supreme Court an objective observer must be somewhat pessimistic as to the outcome of the wiretapping issue and particularly, as it relates to grand juries. It can thus be expected that after the current cases are argued and decided by the U.S. Supreme Court, the Government will again renew and revitalize the grand jury as a device of witch-hunting. At that time we can expect more frequent and more intense activity by the grand jury, both in Detroit and nationally.