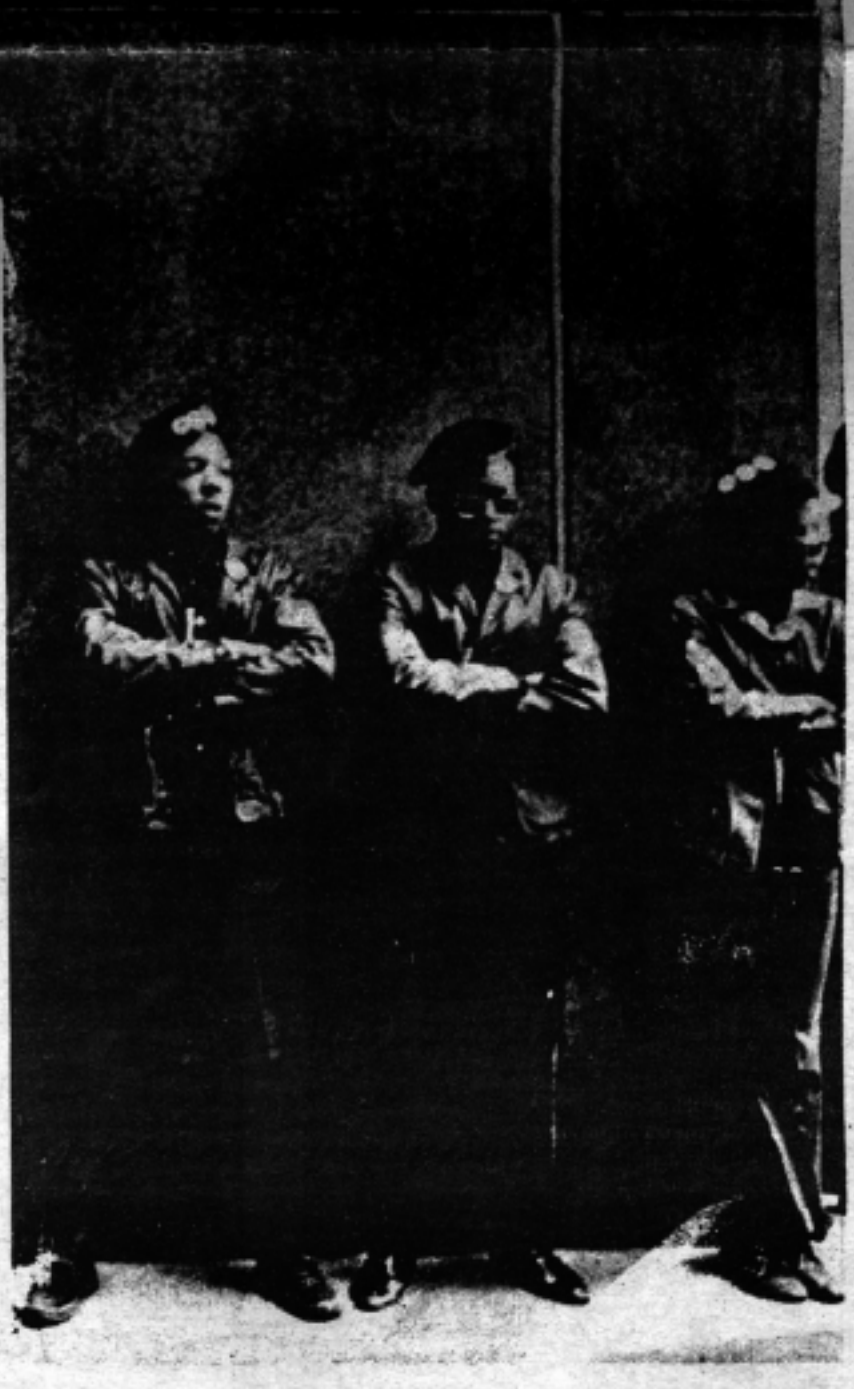
what do the Panthers stand for

The primary Panther goal is "institutions which serve the needs of the people" To this aim they have established basic programs nationwide which address themselves to this problem.

1. *Education*—The B.P.P. has formed classes which teach black youth what they do not learn in school about the history of their country and its institutions. They have remedial programs which try to make up for the inferior, racist schools in the black community. Point No. 5 of the B.P.P. platform.
2. *Health*—Free clinics have been started by the Party to supplement the poor health facilities of the black communities. These clinics also attempt to combat such problems as rats and lead poisoning.
3. *Free Breakfasts*—The Black Panther Party developed its nationwide breakfast program for children so that they don't have to go to school too hungry to learn. As Eldridge Cleaver stated: "Breakfast for children pulls people out of the system and organizes them into an alternative. Black children ho go to school hungry each morning have been organized into their poverty, and the Panther program liberates them, frees them from that aspect of their poverty. This is liberation in practice."
4. *Full employment for every man*—Point No. 2 of the B.P.P. platform states that "the federal government is responsible and obligated to give *every man* employment or a guaranteed income."
5. *Decent housing for all people*—Point No. 4 of the Party platform: We want decent housing, fit for shelter of human beings.
6. *Armed Self defense*—Point No. 7 of the platform declares: "We believe we can end police brutality in our black community by organizing black self-defense groups that are dedicated to defending our black community from racist police oppression and brutality."
7. *Organizing within the community*—In 1967 the Black Panther Party ran candidates for state and national offices on the principle that in order to serve the people you must know them. This is the basic organizing tenet of the Party which has, after three years, chapters in cities from coast to coast.
8. *Rapport with other organizations fighting the same battle*—The B.P.P. has established ties with the Mexican-Americans, Chinese-American, Puerto Rican, white working class and white student movements wherever possible all over the country. They have declared their understanding of the need for a united front against the real enemy—a racist, oppressive system. "As a first step we want a truce signed between black, white and brown working people, in the community and on the job, as we recognize that fighting among ourselves only serves the rich." (*Black Panther Party* newspaper)

The Black Panther Party regards itself as a socialist organization and believes that the means of production should be in the hands of the people. They declare that man can only live creatively when free from the oppression of capitalism.



1970

THE COURT: *Yesterday the Court told counsel –*

MR. BLOOM: *If I may, your Honor –*

THE COURT: *You may not.*

Yesterday the Court told counsel that it has a formula for firmly maintaining the dignity of this court without in anyway sacrificing the rights of the accused.

I stated that I did not intend to use the formula for a week or two. This was in order to accomplish the end short of using the formula.

It is obvious that other measures will not prevail. The continued misconduct of the defendants persuaded me to use the formula without any further delay.

Frequently a formula is as effective as it is imple. If this formula proves to be effective as the Court believes it will be, it will in large measure because of its utter simplicity.

The Court declares these hearings to be recessed indefinitely. That, in essence, is the formula.

The trial of the charges before this Court was delayed for some ten months only because the defendants refused to proceed to trial.

Reluctantly and only at the coercion of the Court, the defendants professed to agree to proceed to trial on February 2, 1970.

The proceedings commenced at the request of counsel with the pre-trial hearings that are now being conducted.

The hearings are proceeding at a snail's pace and are being repeatedly interrupted by the contemptous conduct of the defendants.

Although counsel claims to urge their clients to abandon such conduct, the defendants continue to defy the Court.

The defendants are unwilling to proceed with the trial of the issues before the Court under the American system of criminal justice and under the laws of the State of New York.

The Court and the district attorney continue to be ready to grant the defendants a fair trial to which they are entitled, but which they continue to reject.

Under all the circumstances, the Court has no alternative but to declare an indefinite recess in the hearings.

At any time counsel–counsel will have respect for the Court to which it's entitled.

MR' KATZ: I'm sorry.

THE COURT: *At any time the defendants may make a motion in writing for a resumption of the hearings.*

If the defendants and their counsel are sincere in wishing a speedy and fair trial, the Court expects that such a motion will be filed within the next forty-eight hours.

The court will give favorable consideration to the granting of such motion if–but only if–it is supported by an unequivocal assurance that each defendant will give complete respect to the court during the continuance of the hearings and during the course of the trial to follow and an assurance that the defendants are now prepared to participate in a trial conducted under the American system of criminal justice. Such statement is to be signed by each and every one of the defendants.

If the motion is made and supported by such a written statement it will be granted and the heartings will resume promptly.

If it is not made or not so supported the hearings will continue in recess indefinitely.

The defendants are entitled to a fair trial under the American system of criminal justice. Such a trial the court and the distroct attorney are ready to give them. The only thing preventing the defendants receiving such a trial is their continued refusal to accept such a trial.

The defendants are resorting to contemptuous conduct to obstruct a fair trial. In view of their conduct to date the defendants must give the court reliable assurance that they are prepared to accept a trial–and a fair trial. The trial will not be resumed until such assurance has been given.

This court is responsible for maintaining proper respect for the administration of criminal justice and preventing any reflection on the image of American justice. That responsibility will be discharged.

Counsel are advised that the hearings are now recessed indefinitely. You are not free to represent to any other court that you are actually engaged before this part of the Supreme Court until such time as an order is entered directing the resumption of the hearings.

Prior to that time you are not engaged before this court, and you will so advise any other court before which you represent any other person.

The district attorney may move any other case on the calendar for trial in this part of the court. I will take a brief recess until such matter is moved.

MR. McKINNEY: *May I make a statement, please?*

THE COURT: *The court is in recess.*

MR. McKINNEY: *I would like it on a point of personal privilege.*

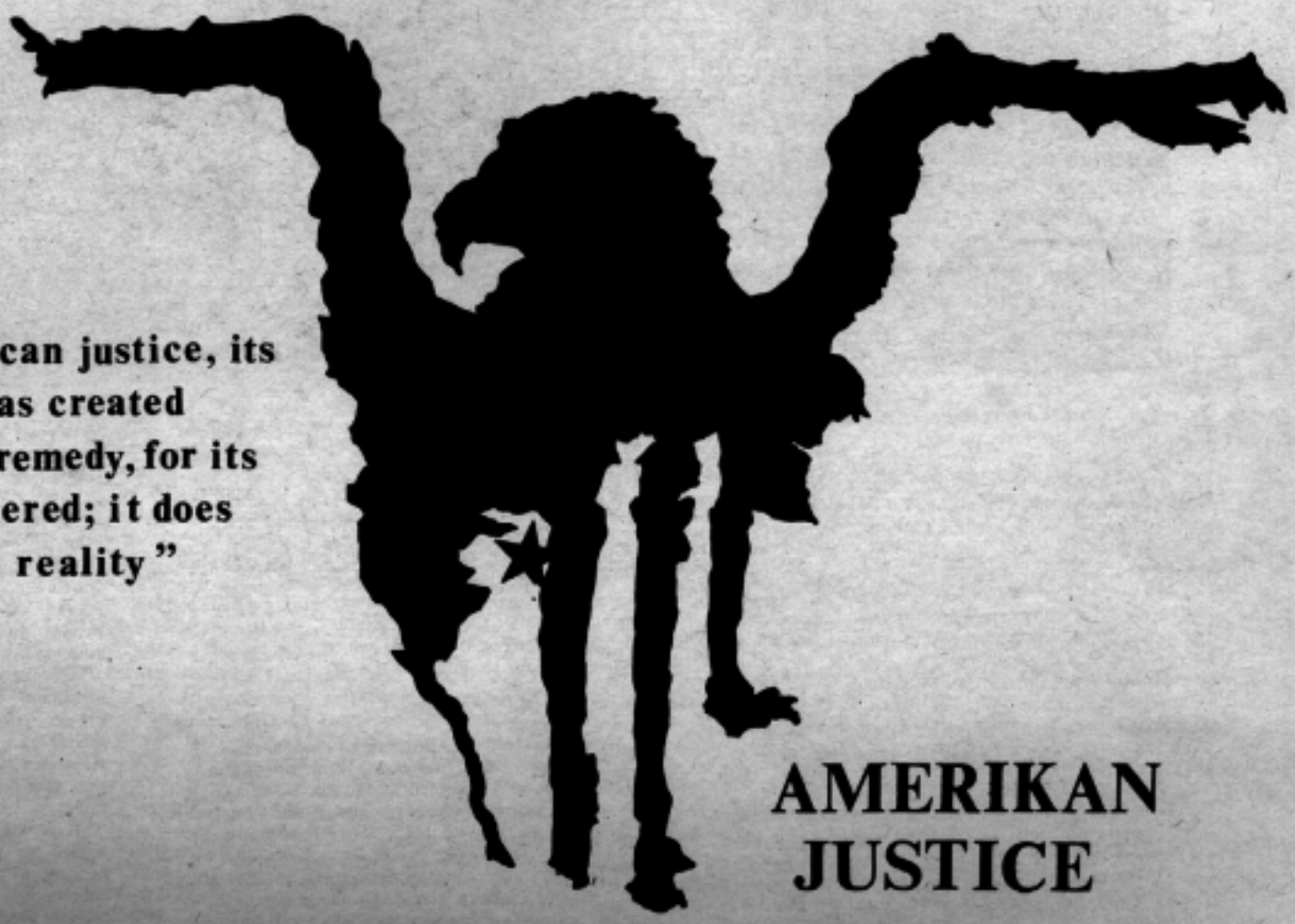
THE COURT: *You have a right to make a motion before the court. The court is in recess. I will hear anything in writing.*

MR. McKINNEY: *I should like to express my objection to the Court's refusal to hear counsel, in view of the statements the Court has made.*

(Hearings recessed)

.. you can't jail a revolution

"Traditional American justice, its very application has created what it claims to remedy, for its eyes are truly covered; it does not see the Black reality"



AMERIKAN JUSTICE

To Judge Murtagh from the Panther 21

We the defendants named by the state in the proceedings now pending before "Justice" John M. Murtagh, in Part 38 Supreme Court, County of New York say:

That the history of this nation has most definitely developed a dual set of social, economical and political realities, as well as dynamics. One white, and the other Black (The Black experience, or ghetto reality) having as their roots one of the most insidious and ruthless systems of human exploitation known to man, the enslavement and murder of over 40 million Black people, spread over a period of less than three centures.

Blacks—not human?

Long ago in this nation certain basic decisions were made about Black people, but *not* consulting them. Even before the Constitution was ever put on paper with its beautiful words and glowing rhetoric of man's equality and philosophical rights, human consideration had long given way before white economic necessity. Black people were to legally be defined and classified as non-human, below a horse—but definitely not a man.

Color became the crucial variable, and the foundation of the system of Black slavery. While chattel slavery is no longer upheld by the supreme law of the land, the habit and practice in thought and speech of looking at Black people from the chattel plain still persist. After much refinement, sophistication and development, it has remained to become imbedded in the national character, making itself clear in organized society, its institutions, and the attitudes of the dominant white culture to this very day.

For us to state there are two realities (experiences) that exist in this nation, is a statement of fact.

When we speak of American traditions, let us not forget the tradition of injustice inflicted again, and again upon those whom tradition has been created to exclude, exploit, dehumanize and murder.

Let us not conveniently forget how the system of "American justice" systematically upheld the bizarre reasoning about Black people in order to retain a system of slave labor. And when this became economically unnecessary, how "the great American system of justice" helped to establish and maintain social degradation and deprivation of all who were not white, and most certainly, those who were Black. To be sure, the entire country had to share in this denial; to justify the inhuman treatment of other human beings, the American had to conceal from himself and others his oppression of Blacks, but again the white dominant society has long had absolute power, especially over Black people—so it was no difficult matter to ignore them, define them, forget them, and if they persisted, pacify or punish them.

Racism is built in

The duality of American society today need no longer be reinforced by laws, for it is now and has long been in the minds of men:

The Harlems of America, as opposed to those who decide the fate of America's Harlems. This is essentially a historical continuation today, of yesterday—the plantation mentality, system and division, in the cloak of 20th century enlightenment.

"Traditional American justice," its very application has created what it claims to remedy, for its eyes are truly covered: it does not see the Black reality, nor does it consider or know of the Black experience, least of all consider it valid.

Black poor people are always subject to, but do not take part in your corrupt grand jury system and process,

We as a people do not exist except as victims, and to this and much more, we say no more. For 351½ years we said this in various ways. But running deep in the American psyche is the fear of the ex-slave. He who for so long has been wronged, will be wronged no more, and in fact will demand, fight and die for his human rights.

NO MORE!

But why need we feel this way in the first place? Does not your Constitution guarantee man's freedom, his human dignity against state encroachment? Or does the inate fear of the rebellious slave in the heart of the slave-master continue to this day to negate all those guarantees in the cases of Black people? Does this cultural racist phobia make one forget, and abridge his own constitution, as this court has done to us? Do you not know what we mean when we say "NO MORE"? What has been done to us by your court, the District Attorney, is only a reflection of all that has been infused and permeates this racist society.

Black people have said and felt this for over 100 years. But those of the other reality, the dominant white culture, its institutions, had no ears to truly hear. The wax of centuries of slave master-slave relationship had stopped up their ears, your ears. For if our reality, the Black experience in America, is invalid, then so are the institutions and social structure that contributed to its creation invalid. If you then concede it is valid (which it most definitely is), then it must be of consequence in determining what is "justice" compared to us, (Black people).

White citizens have grown up with the identity of an American, and have enjoyed a completely different relationship to the institutions of this nation, with that, the unresolved conflicts of the ex-slaveholder.

Blacks are no longer the economic underpinning of the nation. But we continue to be willing, or unwilling, victims. There is a timeless quality to the unconscious which transforms yesterday into today.

The Black experience

On August 17, 1619, over a year prior to the landing of the pilgrims at Plymouth Rock, a Dutch privateer dropped anchor off Jamestown, Virginia. There she exchanged her cargo of twenty Black men, women and children for provisions. According to the Dutch sailors, these Black people had been baptized, they were "Christians" and therefore could not be enslaved under British laws. As a result of that law, we were legally defined as "indentured" servants.

By 1663, though, the "Christian" conscience had given way to the capitalist desire for maximum profits. By 1663 also the Carolinas, New York and Maryland in 1664, Delaware and Pennsylvania in 1682 perpetrated the most heinous and despicable act conceivable to the human mind, that of denying an entire race of people their freedom by relegating them to an eternal status of "chattel slavery," and this abominable feat was done through the courts, legally, and with the backing of guns—our first experience with "American justice."

But it did not stop there. Although later the "Declaration of Independence" proclaimed that "All men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are Life, Liberty and the Pursuit of Happiness," there was a most interesting *omission*. In the original draft there was a paragraph that Thomas Jefferson intended to include in the list of grievances against King George II. The paragraph read: "He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the person of a distant people (African, Black people), who never offended him; captivating and carrying them into

"It is time to state the truth, for Black people, po
Chinese, Indian and poor white people. The 'Ameri
sham and a revolting farce."

slavery in another hemisphere, or to incur miserable death in their transportation thither."

This paragraph was omitted in the final document, and understandably. For not only would it have been a valid and factual indictment against King George, but also one against the "Founding Fathers" themselves.

When the "glorious" and "sacred" Constitution of the United States of America was drawn up in 1787, the "noble," "just" and "freedom loving" men who had fought a long and bloody war against the tyrannical and oppressive British regime headed by King George, for their freedom, wrote into their constitution laws that further sanctified, legalized and protected that most "peculiar institution" (slavery). Apparently they recognized the absurd and repugnant contradiction, but not sufficiently enough to do anything other than exclude the term "Negro" and "slave" from that document.

The Constitution contained three provisions that dealt specifically with the issue of slavery. The first, established the policy that in counting population in order to determine how many representatives a state might send to Congress. All free persons and "three-fifths of all other persons" were to be counted (Article I Sec. 2). The second forbade the Congress from making any laws restricting the slave trade until 1808 (Article I Section 9), and the third, provided that runaway slaves who had escaped from any state had to be returned by any other state in which they might have sought refuse (Article IV Section 2).

The world the slave-holders made

[illegible] progressively worsened, the "laws" of bondage became even more institutionalized, inculcated in the dominant culture. In order to further protect and perpetuate their domination over us, the southern states passed many repressive laws called "slave codes." For us, there was no freedom of assembly. If more than four or five slaves came together without permission from a white person, that gathering in the depraved minds of the slave-masters was construed as a conspiracy. The towns and cities imposed a 9 p.m. curffew on us, there was no freedom of movement, a pass had to be carried by the slave whenever he was out of the presence of his master. And to enforce these ignoble laws, slave patrols, organized like militias were composed of armed and mounted whites. (This mentality persists to this day. Woe to the Black man who is out very late in a white neighborhood; the police (white) suspect him immediately of being up to some foul deed, even into the ghetto, the white policeman brings this mentality.)

Although slavery had been abolished in certain states, the Black people who lived in those states were subjected to degrading laws which belied their so-called free status, and even worse, they were subject to kidnapping and being sold into slavery. This so-called free Black man was anything but free under the "American system of justice."

Throughout this horrid epoch, a few slaves managed to escape, then more slaves. The slaveholders demanded that the runaway slave laws be enforced. They pleaded to the United States Supreme Court, and that "august" body, the most powerful judiciary body in the land, the ultimate interpreters of the Constitution, answered their plea by passing the "fugitive slave law" in 1850. Now for the run-away slave escaping to the North was not enough, for the Northern cities were overrun with slave-catchers.

Dred Scott

In July 1847, Dred Scott, a Black resident of Missouri, brought suit in a Federal Court for his freedom. It read:

"Your petitioner, Dred Scott, a man of color, respectfully represents that sometime in the year of 1835 your petitioner was 'purchased' as a slave by one John Emerson, since deceased, who . . . conveyed your petitioner from the state of Missouri to Fort Snelling (Illinois) a fort then occupied by the troops of the United States and under the jurisdiction of the United States."

In essence Dred Scott was claiming that since he had been transported into territory (Illinois), in which slavery was forbidden by an act of Congress as well as state law, he was now a free man. This case was looked upon as a test to determine just what rights a Black man had in this country. It was the profound hope of many that a just and humane verdict would be rendered.

It took the Dred Scott case 10 years to reach the "sacred" halls of the Supreme Court, and when that "prestigious" group of men spoke in March 1857 through the voice of "Chief Justice" Roger Taney, the Court ruled that "people of African descent are not and cannot be citizens of the United States and cannot sue in any court of the United States," and the Black people have "no rights which whites are bound to respect"—a classic example of the "American way of justice."

Reconstruction—the pretense of democracy

The Reconstruction Era was a time of great and unparalleled hope. It seemed as though Black people were finally to be accorded equal and humane treatment when the 13th, 14th and 15th Amendments were enacted.

But terror, violence, intimidation and murder still haunted us; the Ku Klux Klan did "their thing."

In 1875 Congress enacted the first significant civil rights law. It theoretically gave Black people the right to equal accomodations, facilities and access to public transportation and places of public amusement. But as Blacks well know and whites deny, there is a world of difference in America between theory and practice. For although the 13th, 14th and 15th Amendments and the civil rights act of 1875 "gave" Black people so-called freedom, the right of citizenship and the right [illegible]ement of those laws was an entirely [illegible] thing. The extent of enforcement was totally dependent upon the degree to which it was advantageous to the Republican Party and the Northern industrialist.

By 1876 it was decided that Black people had served their purpose and, therefore, even the pretense of Black equality was no longer necessary.

The Supreme Court in 1883 embodied that attitude in law by declaring that the civil rights act of 1875 was unconstitutional. In other decisions it displayed its remarkable and ingenious talent for interpreting the law according to the needs and interests of the dominant white ruling class. It nullified the 14th and 15th Amendments by declaring that they were Federal restrictions only on the powers of the states or their agents, not on the powers of individuals within those states. Thus it was still illegal for any states to violate or abridge the rights of Black people; but if on the other hand, private citizens or a group of them (such as the Ku Klux Klan), wthin any state actively prevented Black people from exercising their rights, then the crime came under the jurisdiction of the state in which the crime, or crimes, took place.

The court also ruled that if a state law did not appear on its surface discriminatory against Black people, then the federal courts had no right to investigate. But this was not enough. It was necessary to go even further, and they did.

In 1896 the Supreme Court in *Plessy vs. Ferguson*, 163 U.S. 537, upheld a Louisiana law requiring segregated railroad facilities. As long as equality of accommodations existed, the court held segregation did not constitute discrimination, and Black people were not deprived of equal protection of the law under the 14th Amendment. American justice!

Segregation automatically mean discrimination. Black people were forced to use in public buildings, freight elevators and toilet facilities reserved for janitors. On trains all Black people, even those with first class tickets, were forced to seat themselves in the baggage car. Employment discrimination and wage discrimination, "inferior" schools for Black children. All of these inhuman crimes were made legal by the highest court in the land. Typical American justice, for Black people.

The 20th century

In 1954 the Supreme Court, only after intense domestic pressure and unveiling internationally as a nation of hypocrites, this nation's ruling elite reversed the infamous *Plessy vs. Ferguson* decision, and ruled that segregated educational facilities were unconstitutional. But this ruling, like virtually every seemingly just decision for Black people, was almost immediatley revealed as a sham, a mere gesture to pacify us and alleviate your embarrassment. For the public schools of the nation are still overwhelmingly segregated and unequal, the result of a century of duality.

In the north, in the south, in the east and in the west, all over the country Black people are accused of crimes, thrown in your jails, dragged through your courts and administered a sour dose of "American justice." We are in jail outside, and jail inside. Black people and now all poor people have been well educated in the American system of justice.

We know very well what is meant by your statement, "This court is responsible for maintaining proper respect for the administration of criminal justice and preventing any reflection on the image of American justice." Properly translated, it simply means that the farce must go on. The image must remain intact.

It is precisely these contradictions of maintaining justice as a reality or rhetorically asserting such procedure that must be resolved. The process of determining judicially by which the legal rights of private parties or the people are vindicated, and the guilt or innocence of accused persons is established has a history that is a variable as the color and the class of the individual prosecuted. It is not only doubtful, it is appalling, to say the least.

or Puerto Rican, Mexican American,

kkan system of justice' is a hideous

Who is in contempt?

Accusations of contempt for the "dignity" of and respect for, the court indicates to us, the defendants, that a devious attempt by the court prevails, to obscure the truth of these proceedings. There is a note of glaring distinction between theory and practice within the "halls of justice" which is consistent with the judicial history as it pertains to Black and poor people. This is why the brief history. What fool cannot see that the "justice" of which you speak has a dual interpretation quite apart from the legal definition and is in keeping with "slave-master" traditions.

In light of historical fact, the perspective must be put into the proper context and true time continuum as to whether justice and United States constitutional rights are effectively afforded unvaryingly to all who stand before the "American system" of justice, that exercises due process.

Just law, in reality, shall not be defamed by its dual application according to racial and social values because of wealth, position and influence. History provides the doubt of "American system" of justice when comparison of class orientation defines the degree of rights, respect and justice the individual shall receive. Political favors as existed then for judicial position has not varied even to the present.

With such political relationships existing have the courts, in practice, escaped from the abuse of authority which is a threat to the development of a free nation of people? Fascism encroaches in just such a manner. Historically the qualitative change in society still reveals a lack of humane interaction with the socially, economically and politically exploited and isolated Black and poor peoples. The preceeding chronology substantiates a blatant contempt for Black people and other non-white poor people, not recognizing their human rights and liberties as a matter of law, or morality, and a total disregard to our social reality, is an insult to us. We can see the yesterday in today and the history of our particular case runs upon the same tracks as does our people's long struggle.

The big lie

This court represents the most ruthless system in the world, caring nothing for the wholesale misery that it brings, while at the same time, your papers are full of verbiage of your "nobility," "righteousness," "justice," "fairness," and the "good" that you do.

We are very, very sick and tired of the BIG LIE. We cannot stand passive to the big lie any longer. We cannot accept it any longer.

It is time to state the truth, for Black people, for poor Puerto Rican, Mexican American, Chinese American, Indian and poor white people. The "Amerikkan system of justice" is a hideous sham and a revolting farce.

We must look at the situation objectively. As has been explicitly implied in the preceding, we realize that we are not 2nd Class citizens at all. We are a colonized people. (Read your own Commisson Reports). We see that we are still considered chattel. We see how the Fugitive Slave Act has been modified in words, but is still being used, how the Dred Scott decision was never really reversed. That the 13th, 14th and 15th Amendments of the Constitution did not liberate us—that in fact, in social reality, they only legalized slavery and expanded the Dred Scott decision to include Indians, Spanish-speaking and poor white people.

We see that things have not gotten better, but only progressively worse, and that includes tyranny. We completely oppose racism and tyranny and will continue to do so. You wish us to act according to a Decorum set down by an organization, the "American Bar Association," which is not only racist, but is also not against genocide. (Perhaps they realize the truth, and see that the American ruling class is definitely liable, for its treatment of Black people?)

In court you ask us to submit to a code of laws . . . your laws, not our laws (Black and poor people) but *your* laws—your laws because we were never asked (Black people) if we consented to having them as our laws, nor are these laws relevant to our ghetto reality. They are *your* laws, and we find them racist and oppressive. They, these laws, perpetuate our plantation continuation. Right now, in 1970, 90% of the inmates of your prisons are non-white. 90%! And we (Black people, etc.) have never had the right to decide if we wanted to be governed by laws which we had no part in making. Yet, the primary concern of the men who drafted the "Declaration of Independence" was the *consent* of the governed by laws which they had a part in forming and which was relevant to them. We are in your prison, but these are not our laws. They are your laws, and in dealing with Black and poor people, you do not even adhere to *your own laws*.

In fact, a leading criminologist, Dr. R.R. Korn of Stamford University, has noted that 80% of the people now in prison were put there *illegally* according to *your* own law. (Strange that the overwhelming prison population is Black rather than white?)

Hanging Judge

Mr. Murtagh—your record speaks for itself. You are known in the ghetto as a "Hanging Judge." (How many Black and white poor men did you convict without their even having council just in 1969 alone, in your clever slick way?) Frank Hogan and his aides are well known—very well known in the Ghetto—known for what they are—racist and unethical. (We have knowledge of cases, since our incarceration of Assistant District Attorneys, or D.A.'s men posing as legal aides to get conviction). But in our case you and Mr. Hogan have gotten together and have outdone yourselves in denying us *all*, everyone of our "alleged" state, federal and human rights. The record clearly shows this, when not clouded with the mist of racism.

A) Let us clear up one basic misconception. You constantly refer to this case as a "criminal" trial, while all of the time we *know*, you *know*, Frank Hogan knows, the people know, the other prisoners and even the guards know that this is *not* a criminal trial. Everyone knows that this is a political trial, for if we were not members of the Black Panther Party, a lot of things would never have been done to us in the first place.

Why are we not allowed to be with other prisoners? Why are we not allowed to even talk to the other prisoners? Why are we isolated? (Something we might say or do that can open their eyes, perhaps?) Alleged murderers and rapists are not treated in this manner, even "convicted" murderers and rapists are not treated in the manner in which we were treated. Why do you persist in the big lie? It is one of many clear contradictions.

B) On April 2, 1969, hordes of "police" broke down our doors, or otherwise forced entry into our homes, and ran amuk. Rampaging and rummaging through our homes, they seized articles from us with wild abandon while having no search warrants. The "police" put us and our families in grave danger, nervously aiming shotguns, rifles and pistols at us and our families—even our children.

We were then kidnapped as were some of our families. We state "kidnap" because many of us were never shown any arrest warrant, even to this day. This is illegal. This is a blatant contradiction to your own Constitution . . . we said nothing.

C) Upon the arrest of *some* of the defendants and before the appearance of any of the defendants, New York City District Attorney Frank Hogan appeared on national radio and national television (Channels 2, 4, 5, 7, 9, and 11) in a press conference, during which time he gave our information from an "indictment" against us in an inflammatory and provocative manner, deliberately designed to incite the people against us and to deny us even the semblance of a "fair trial." Mr. Hogan implied a lie—that we had been seized on the way to commit these alleged acts with bombs in our hands—rather than the truth—that we had no bombs and that most of us were taken out of our beds.

Subsequent to that press conference, "unidentified police sources" and "persons close to the investigation" stated falsely to the press than we, as members of the Black Panther Party were being aided and abetted by foreign governments considered hostile to your government (i.e. Cuba and China)—that we, as Black Panther Party members were stealing money from federal and/or state agencies and many other false wild charges, designed to heighten the public alarm against us and our Party, rather than diminish it, so as to create an atmosphere conducive to the extermination of the Black Panther Party and justify anything that might be done to us.

Fair trial impossible

This unethical behavior gave, aided, and abetted further prejudicial pre-trial publicity, in direct contradiction to your law as outlined in the 14th Amendment of your Constitution of the United States. Due to this behavior alone, we are positive that we could not get a fair trial anywhere in this country . . . . We still said nothing.

D) When our attorneys learned of our arrest, they attempted to see us, as we were being held in your District Attorney's office. They were refused permission to do so. At the "arraignment" a similar request by our counsel was again refused by Mr. Charles Marks who presided thereat. These refusals were in blatant violation of your law as outlined in the 6th and 14th Amendments of your Constitution of the United States . . . . We continued to be silent.

E) At this "arraignment" this Mr. Charles Marks who was presiding, refused to read, explain or give us a copy of this "indictment" against us. This is another violation of your law as outlined in the 6th and 14th

United States . . . . We continued to be silent.

E) At this "arraignment" this Mr. Charles Marks who was presiding, refused to read, explain or give us a copy of this "indictment" against us. This is another violation of your law as outlined in the 6th and 14th Amendments of your Constitution of the United States . . . . yet, we remained silent.

F) Bail (ransom) was set at $100,000, which is ridiculous and tantamount to no bail at all. This is another violation of your own law as outlined in the 8th and 14th Amendments of your Constitution of the United States. We state that this bail is not only contradictory to your own law, but that it is also racist. When white "radical" groups are arrested, their bails do not usually exceed $10,000. When three Yemenites were charged with "conspiracy" to murder your President Nixon, and with the equipment to do such, their bail was $25,000; when Minutemen in New York were arrested and charged with a conspiracy to commit murder, the murder of 155 persons and were arrested with bombs and guns more than enough to do this. Bail was set at $25,000. We had no bombs. Our bail was $100,000 . . . . We remained silent.

G) At this arraignment, this Mr. Charles Marks, the same "Judge" who is alleged to have signed the "Arrest Warrants," stated in words or substance that he was accepting all of the allegation in the "indictment" against us to be true. On subsequent hearings during April and May 1969, concerning reduction of ransom (bail) at which this same Mr. Marks still presided, he stated that we were "un-American" and that the law "did not apply to us" (sounds like history?). This does not quite show impartiality . . . . Yet, we said nothing.

H) Our counsel have been in front of at least 35 "Judges" concerning our bail, and this attitude permeates the "great American system of justice." All motions on this were denied, either without comment or because of the "seriousness" of the "charges," but *never* dealing with the Constitutional issues involved, and it is *your* Constitution. All of this seems to underlie "Judge" Marks' remarks . . . . Yet, we said nothing.

I) We have been treated like animals—in fact, like less than animals. On January 17, 1969, Miss Joan Bird was kidnapped, beaten, and tortured. She was punched and beaten, given the "Thumb Torture," hung upside down by the ankle from out of a third-story window of a "Police Precinct." On April 2-3, 1969, some of us were beaten as we were being kidnapped. From April 2, 1969, all of us were placed under constant abuse and harrassment, which included 24-hour lock-in, complete isolation, no library or recreation, lights kept on in our cells for 24 hours, physical assaults, deprivations of seeing our families, at times denied mattresses, medication, sheets, showers, pillow-cases, towels, soap, toothpaste, and toilet paper.

Our families have suffered abuse in visiting us, and mental anguish. One of us suffered the loss of a child because of this. Some of our families had to go on welfare because of our outrageous incarceration and ransom. We were denied mail, even from our attorneys—denied access to consult all together with our attorneys. We have been subjected to the most onerous and barbaric of jail conditions. The objective of all this was our psychological and physical destruction during our pre-trial detention.

As NEWSWEEK Magazine even states, " . . . the handling of the suspects between their arrest and their trial was something less than a model of American criminal justice," and "None of it was very becoming to the state . . . " (How well we know.) All this is a blatant violation of your own law as outlined in the 8th and 14th Amendments of your own Federal Constitution . . . . Yet, we *still* remained silent.

J) You—Murtagh. You came into the case in May 1969. You were infomred of these conditions. You could have righted these blatant violations of your own law, the laws you have "sworn" to uphold. But you did not. You refused to do this . . . and remained silent. You tried to rush us pell-mell to trial, knowing full well that we were not, could not, be prepared . . . . We remained silent.

The government conspiracy

We filed motions that are guaranteed to "citizens" by the 14th Amendment of your Federal Constitution. You denied them all. You denied us the right as guaranteed in your laws in the 6th and 14th Amendments of your own Constitution, to conduct a voir dire of the Grand Jury in these proceedings, knowing full well that they did not comprise members of our peer group . . . . We remained silent.

You denied us a hearing with which to be confronted with the witnesses against us, as is guaranteed by your law in the 6th Amendment of your Constitution . . . . We remained silent.

You denied us a Bill of Particulars which is guaranteed by your laws in the 6th and 14th Amendments of your Constitution . . . . We remained silent.

Two "suspects" were kidnapped under the modification of the Fugitive Slave Act in November 1969. You gave them no bail. (No sense pretending anymore, it seems) . . . . We remained silent.

You denied us every state and federal constitutional right, and remained silent. You substantiated Mr. Marks' "the law does not apply" to us . . . . Yet, we remained silent.

Lee Berry

K) Lee Berry. Lee Berry is a classical example of how you and your cohorts conduct the "American System of Justice" when dealing with Black people. On April 3, 1969, Lee Berry was a patient in the Veterans' Administration Hospital where he was receiving treatment as an epileptic, subject to Grand Mal seizures, which can be fatal. Lee Berry is not mentioend particularly in the "indictment." Yet, on April 3, 1969, your "police" dragged him out of the hospital. These "police" stood him up before your cohort, "Judge" Marks. Lee was "arraigned" without counsel. Bail $100,000. He was thrown into an isolation cell in the Tombs without even a mattress. In July 1969, he was physically attacked without treatment as an epileptic, subject to Grand Mal seizures, which can be fatal. Lee Berry is not mentioend particularly in the "indictment." Yet, on April 3, 1969, your "police" dragged him out of the hospital. These "police" stood him up before your cohort, "Judge" Marks. Lee was "arraigned" without counsel. Bail $100,000. He was thrown into an isolation cell in the Tombs without even a mattress. In July 1969, he was physically attacked without provocation and without warning, while he was in a drugged stupor.

You were aware of his condition—you were quite aware. Numerous motions were in your "Great Court System." It took four months to even get him medication, and only in November when he had become so ill, so progressively worse that it was frightening. He finally got consent to be transferred to Bellevue Hospital. Because of the courts' decisions under your "American System of Justice," Lee Berry has had four serious operations within the last two months. Because of the courts' decisions under the great American System of Justice at this precise moment Lee Berry is lying in the shadow of death with a possible fatal case of pheumonia. At the very least, your Great Court system is guilty of attempted murder, and D.A. Hogan should be named as a co-defendant. Lee Berry is our Brother, and what is done to him, has been done to us all . . . . and we remained silent.

L) In November 1969, four white persons were arrested for allegedly "bombing" various sites in New York City. They were arrested allegedly with "bombs in their possession," but they were white. For three of them, bail was reduced 80% in two days, because "the presumption of innocence is basic among both the statutory and constitutional principles affecting bail" . . . if you are white. (The political climate is such today, even this hardly matters anymore if one is dissident.)

We could be silent no longer

Two days after that decision, we were brought in front of you and given a superceding "indictment." We could be silent no longer. We had been insulted enough—more than enough. We had been treated with contempt, in an atmosphere of intimidation for too long.

We must reiterate—we are looking at the situaiton objectively. Object Reality.

At the pre-trial hearings we are confronted with a "Judge" who has admitted, in fact, had indicted and arrested for ignoring "police" graft and corruption . . . a "Judge" who by his record shows an unblemished career of "police" favoritism and All-American racism. In your previous dealings with Black people, you have shown yourself to be totally unjust, bloodthirsty, pityless, and inhuman. We are confronted with a District Attorney machine which has shown itself to be vigilant and unswerving in its racist policies. 90% of the inmates convicted are non-white and poor. This machine has shown itself to be unethical in its techniques and practices—even in front of our eyes—tactics which include going up and whispering to the witnesses on the stand, signalling and

coaching them. We know as LOOK Magazine stated in June 1969 "how the police corrupt the truth . . . Prosecutors and Judges become their accomplices." To cite a small example: A man, a Black man . . . was beaten to death in the Tombs in front of forty witnesses in May 1969 and the police swore that he died of a "heart attack." Yes, we *know* to what the police will swear to. All Black people, poor people, know to what the police will swear to. With all this, together with the hostility inculcated in the dominant white culture towards anything Black, is shown by you and your cohorts very well indeed. Under these conditions, and considering our stand against American racism, this is not only a challenge to us and Black people, but the whole people. To relate in terms you can understand, even Racist Woodrow Wilson stated concerning fascism) " . . . This is a challenge to all mankind; there is one choice we cannot make, we are incapable of making, we will not choose the path of submission . . . we will be, we must be as harsh as the Truth and as uncompromising as Justice—true Justice is on our side" . . . . To that we say, Right On!

Court out of order

You have implied contempt charges. We cannot conceive of how this could be possible. How can we be, in contempt of a court that is in contempt of its own laws? How can you be responsible for "maintaing respect and dispersing justice," when you have dispensed with justice, and you do not maintain respect for your own Constitution? How can you expect us to respect your laws, when you do not respect them yourself? Then you have the audacity to demand respect, when you, your whole Great System of Justice is out of order and does not respect us, or our rights.

You have talked about our counsel inciting us. Nothing could be further from the truth. The injustices we have been accorded over the past year incite us, the injustice in these hearings incite us, racism incites us, fascism incites us, in short—when we reflect back over history, its continuation up until today, you and your courts incite us.

But we will not leave it there for you and others, to distort, as some are inclined to do. There will be left no room for your courts and media to distort and misinterpret our actions. We wish for a speedy and FAIR trial, a just trial. But—we must have our "alleged" Constitutional rights. This court is in contempt of our Constitutional rights and have been for almost a year. We must have our rights first. The wrongs inflicted must be redressed. Bygones are *not* bygones. Later for that. 351½ years are enough. We must clean the slate. We do not believe in your Appeal Courts (we've had experience with 300 years of appeals generally, and 35 judges specifically). So we must begin with a mutual understanding anew. When we have our constitutional guarantees redressed, we will give the court the respect it claims to deserve—precisely the respect it deserves.

Contempt of the people

In light of all that has been said, in view of the collusion of the federal, state, and city courts, the New York City Department of Correction, the city police, and District Attorney's office, we feel that we, as members of the Black Panther Party, cannot receive a fair and impartial trial without certain pre-conditions conforming to our alleged constitutional rights. So we state the following: we feel that the courts should follow their own federal Constitution, and when they have failed to do so, and continue to ignore their mistakes, but persist dogmatically to add insult to injury, those courts are in contempt of the people. One need not be black to relate to that, but it is often those who never experience such actions on the part of the courts, who believe they, the courts, can never be wrong.

So, in keeping with that, and the social reality in which that principle must relate, we further state:

1) That we have a constitutional right to reasonable bail, and a few would, if they were white, be released in their own custody. We demand that, and the courts' consistent denial of that right, in effect is in contempt of its own Constitution.

2) We demand a jury of our peers, or people from our own community, as defined by the Constitution.

3) We say that because the Grand Jury system in New York City systematically excludes poor Black people, it cannot be representative of a cross-section of the community from which we come. So in effect, it is unconstitutional, and nothing more than a method wielding class power and racial suppression and repression. We demand to have a constitutional and legal indictment, or be released, for we are being held illegally, by malicious and racist unethical laws.

4) We demand that the unethical practice of the police and D.A.'s office, in its production of evidence, lying, and misrepresentation be strictly limited by the introduction of an impartial jury of our peers of all pre-trail hearings, to judge all motions and evidence submitted, subsequent to a new constitutional indictment.

Therefore, since you have effectively denied by your ruling of Wednesday, February 25, 1970, our right to a trial, and since this ruling will effect the future of Black and white political prisoners, we have directed our Attorneys to do everything in their power, to upset this vicious, barbaric, insidious and racist ruling, which runs head-on in contrast with the promise of the 13th and 14th Amendments of your U.S. Constitution.

Let this be entered into all records pertaining to our case.

All power to the people!

Lumumba Abdul Shakur
Richard Moore (Analye Dharuba)
Curtis Powell
Michael Tabor (Cetewayo)
Robert Collier
Walter Johnson (Baba Odinga)
Afeni Shakur
John J. Casson (Ali Bey Hassan)
Alex McKiever (Catarra)
Clark Squire
Joan Bird
Lee Roper
William King (Kinshasa)

...the courts are in contempt of the people : FREE THE PANTHERS

1. *AFENI SHAKUR* (Alice Williams), 22, was in the Manpower Training Program until August '68. During 1968 she worked as a teaching assistant in the public schools. As a youth she received an award from Mayor Robert Wagner in a citywide journalism contest for her outstanding research in a paper on juvenile delinquency. She is a poet, and has a poem printed in the "Anthology of High School Poetry." No previous record. Bail: $100,000.
2. *JOAN BIRD*, 20, was a nursing student at Bronx Community College at the time of her arrest. She was also working as a teaching assistant at P.S. 175. She is a graduate of Cathedral High School where she had an outstanding record for four years. No criminal convictions. Bail: $100,000.
3. *CURTIS POWELL*, 33, was employed as a research biochemist at Columbia Presbyterian Medical Center, engaged in cancer research at the time of his arrest. Dr. Powell holds a Ph.D in biochemistry, and was earning a salary of $14,000 a year. Dr. Powell's wife Lena, 24, was six months pregnant when he was arrested and subsequently gave birth to a premature infant, who died shortly after birth. Dr. Powell was denied the opportunity to speak to or visit his wife in the hospital despite her great need for comfort and help at that time. At every hearing the prosecutor has refused to address Dr. Powell as "Doctor", challenging the existence of his degree, although counsel has presented documents from Dr. Powell's employer and from his professor in Sweden where he earned his degree. No previous record. Bail: $100,000.
4. *ROBERT COLLIER*, 32, was employed as a staff director of the Tompkins Square Community Center until funds were halted in January '69. A respected leader of the Lower East Side community, he was recommended by Percy Sutton to be on the Lower East Side Planning Board No. 3. At the time of his arrest the Urban Coalition was in the process of refunding the community center with Mr. Collier as director. Bail: $100,000.
5. *LEE BERRY*, 25, is not even mentioend in the indictment. It is neither alleged that he agreed with anyone to do anything nor that he committed any overt acts. He is 70% permanently disabled due to Service-connected epilepsy and receives a veteran's disability pension of $400 a month. At the time of his arrest he was in the VA hospital after suffering a severe seizure and was arraigned without any opportunity to obtain counsel. In jail he suffered several severe epileptic seizures, losing consciousness each time. He received only part of the medication he must take dialy. Mr. Berry was recently transferred to Bellevue Prison Hospital where he still is, in critical condition. Bail: $100,000.
6. *RICHARD MOORE*, 24, is a self-employed painter. In an effort to justify the bail the prosecutor insisted Mr. Moore was unmarried, although counsel produced a valid marriage certificate. Bail: $100,000.
7. *ALEX McKIEVER*, 19, is a student at Benjamin Franklin High School where he was president of the Afro-American History Club, and was due to be graduated last year. No previous criminal record, Bail: $100,000.
8. *EDDIE JOSEPHS*, 17, was a junior at Evander Childs High School where he maintained good grades. No previous criminal record. Bail: $25,000.
9. *LUMUMBA ABDUL SHAKUR*, 26, was employed by the Harlem Community Housing Council until the time of his arrest. His wife and three children have been left totally without resources. Bail: $100,000.
10. *JOHN J. CASSON* (Ali Bey Hassan), 31, worked for the Black Panther Party while attempting to educate the community and organize around community control issues. No previous criminal record. Bail: $100,000.

1. *WALTER JOHNSON*, 24, has no previous criminal record. Bail: $100,000.
2. *LONNIE EPPS*, 17, is a student at Long Island City High School and has no prior criminal record. Mr. Epps, who voluntarily surrendered himself after seeing his name in the newspaper, is free on $10,000 bail.
13. *MICHAEL TABOR*, 22, is an artist for the Black Panther Party. Bail: $50,000.
14. *CLARK SQUIRES*, 32, was employed as a computer operator for Data Processing International. Bail: $50,000.

THE COMMITTEE TO DEFEND THE PANTHER 21
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ON STRIKE

HERE AND NOW FOR BOBBY SEALE