

Justice in Amerika

Sam Stark

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In the recent controversial challenge to the jury selection process of Detroit Recorder's Court, Prosecuting Attorney Robert Harrison said that he could not find any evidence of "systematic or intentional exclusion" of persons from serving on juries in the City of Detroit.

Nevertheless, Wayne County Circuit Court Judge Horace W. Gilmore has ruled that 73% of the potential jurors for the Rafael Viera-Clarence Fuller trial were "improperly excluded."

This challenge to one of the foundations of the judicial system was raised by defense attorneys Kenneth V. Cockrel, Justin C. Ravitz, Brother Gaidi (Milton Henry), Sheldon Halpren and O. Lee Molette, who charged that racist jury selection policies by the three-man Jury Commission effectively excluded blacks from juries in Recorder's Court, thereby preventing trial by peers.

Viera and Fuller (Brother Chaka), citizens of the Republic of New Africa, are currently on trial for allegedly shooting two Detroit policemen a year ago in the so-called New Bethel Incident. Both face possible sentences of life in prison.

The defense held that 2,056 prospective jurors out of 2,824 examined, or 80%, had been "systematically and discriminatorily" excluded from jury duty.

This systematic discrimination, the defense went on to prove in its examination of juror questionnaire forms, also led to the exclusion of Southern whites, foreign-born, Latins, students, poor people, ADC mothers and other non-Middle American types.

The significance of Judge Gilmore's ruling is immediately obvious to the eye. The original panel of 151 prospective jurors looked more like it was selected from the delegate list of the 1928 Republican National Convention than the voter registration list for the City of Detroit in 1970. Of these 151, only 25% were black. Judges and attorneys agree that this is the usual percentage of Black jurors for Recorder's Court.

The incoming panel of newly eligible jurors (those who were originally "disqualified" by Karl McKeehan and his racist Jury Commission) is, by comparison, 54% Black.

Judge Gilmore's decision was crucially important to the defense. Prior to their challenge, it was mathematically possible for the prosecutor, by racist exercise of his preemptory challenges (excusing jurors for no stated reasons), to eliminate all of the blacks on the original panel, which would have left the defense faced with an all-white jury to try a young black man and a Puerto Rican accused of shooting two white police officers.

Even now, after that ominous mathematical possibility no longer exists, Harrison continues to use his challenges to systematically eliminate blacks from the jury.

Despite his blatant racist practices in court, Harrison continues to assert that "race is not a factor in this trial" and that it is the defense, by probing into the psychology of white jurors, that is turning the case into a "racial conflict."

Of course, the New Bethel Incident was never a "racial conflict" when white Detroit police officers shot into the church with guns, pistols, Stoner rifles, and other weapons for the protection of liberty at 140 black persons who were preparing to go home after a peaceful meeting of the RNA. To this day, the police have not been able to justify

their having shot up the church, last May 29. They have not been able to prove that the “killers” fled into the church or even that shots were fired from inside the building itself.

The truth about Justice in Amerika is stripped naked each day in the courtroom as Harrison acts out the racist nature of the Amerikan judicial system and 50-year old white jurors answer that they have never used the word “nigger” or, if they have, they didn’t use it in any “derogatory sense.”

In all eventuality, Viera and Fuller will be tried by a jury half of which will have lied through its teeth under oath about their own racism and will be sitting in judgment upon two individuals who belong to an organization whose stated objectives they have said they strongly oppose.

There is no way in hell that Viera and Fuller will be tried by a jury of their peers and they know that now. Trial by peers in this country has been traditionally defined by White Amerika and that is the reason for the failure of the American judicial system as it pertains to blacks and other oppressed groups. White America, unable to recognize or unwilling to admit to its own racism, is blind as to how that racism manifests itself in the courts in the name of “trial by peers.”

Black power, once a slogan coming out of the Southern civil rights movement, is becoming a reality in many Northern and Southern cities where blacks form a majority or are quickly approaching one. Subsequently, blacks are beginning to form majorities on jury panels as quickly as racist barriers resulting in their exclusion are knocked down.

Certainly, there is no questioning the importance of having politically sophisticated jurors in the Viera-Fuller trial, especially since the evidence is going to prove their innocence. The successful challenge to the jury selection system in this trial may have spelled the difference between life in prison and being back on the streets organizing their people for these two revolutionaries.

On paper, the judicial system is quite all right, a workable vehicle for achieving justice. But it is a form and nothing else and whoever controls that system determines how it will function, for whom it will serve and whom it will oppress.

As it stands now that system does not exist for the administration of justice so much as it is a tool employed by the power structure to maintain its power and preserves the status quo which it benefits by.

Justice can just as easily be handed down from a tree stump as from a marble bench in a gigantic Hall of Justice full of Orwellian slogans that serve only to remind that Big Brother built the bench and is always watching, if not actually sitting in the courtroom.

Despite the prosecuting attorney’s attempts to whitewash the entire matter, the challenge to the jury selection system goes far deeper than raising questions of mere “statutory abuse” by a couple of jury commissioners.

It raises the immediate question of how could such blatantly illegal and unconstitutional actions go on for so long with little or no objection and absolutely no remedy until now. Despite the fact that attorneys, judges, prosecutors and especially black defendants could not avoid noticing the absence of black faces on jury panels, the condition continued to exist until a team of revolutionary lawyers attacked it head-on.

Prosecution Attorney Harrison, being a college graduate and paid functionary of that system, can review those juror questionnaire forms from now until the revolution comes and will never be able to find any evidence of systematic and discriminatory exclusion of “certain persons” from juries.

Harrison is committed to the maintenance of that system while the two defendants and their attorneys are committed to its destruction and its replacement with one that serves the people.

Related

See *Fifth Estate* coverage of the New Bethel incident.

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