

# Pigpen Freed

Fifth Estate Collective

1970

Caught in a gross miscarriage of justice, Assistant Prosecutor Avery Weiswasser agreed on June 9 to reverse Pigpen's conviction and 90-day sentence on contempt of flag charges.

Pigpen, also called Alan Barber, was convicted on May 21 without benefit of a jury or a lawyer. He had been picked up on May 19 because a cop found a piece of red, white and blue bunting which had been folded up in his pocket for six months.

Weiswasser stated that Pigpen's sentence was, "Like using a sledgehammer to drive in a tack. The people will move to confess error. The people will move to dismiss the charge, cancel the bond, and discharge the defendant."

A 16-page brief filed in Pigpen's defense by his lawyer, Sol Plafkin, was completely ignored in the speedy hearing before Recorder's Court Judge John R. Murphy. The brief had noted:

1. Mere possession of a strip of flag does not violate the law.
2. That the 90-day sentence was cruel and unusual punishment.
3. That the court had no right to punish Pigpen for his political beliefs.
4. That the cop had searched Pigpen illegally.

After the trial Pigpen said, "They've done the right thing by me now but I wish they'd done it before they sent me to jail and I got my hair cut off."

# fifth Estate

Fifth Estate Collective  
Pigpen Freed  
1970

<https://www.fifthestate.org/archive/108-june-25-july-8-1970/pigpen-freed>  
Fifth Estate #108, June 25-July 8, 1970

**[fifthestate.anarchistlibraries.net](https://www.fifthestate.org)**