

The Coat Puller

John Sinclair

1967

The news this time seems to be that many people are getting busted for grass in a lot of funny ways and don't know what to do about it when it happens. I have gone through three marijuana arrests and two "trial" scenes so far (including probation since December 1964 and 6 months in the Detroit House of Correction in 1966) and have come to learn some things about (1) police methods, aims and goals; (2) court procedures, including attitudes of judge, prosecutor and jury); (3) lawyers and how they operate; (4) the bail bond system; and (5) what you can do to get through all these dangerous traps relatively unharmed. It is to the last point that I want to speak here, in hopes that it might help some young people who are "in trouble with the law" over their marijuana smoking.

The following is a deposition of sorts, which will cover the five points outlined above in a very specific fashion and illustrate how these "responsible" people operate.

I was first arrested in October 1964 on a freak undercover job almost by accident; I won't go into it, for it isn't much relevant here, but I got a slick lawyer, paid him a small fee, was allowed by him and the prosecutor and the late Judge Paul E. Krause to plead "guilty" to the crime of possession of marijuana (I had been charged with "sale" of marijuana), and was sentenced to 2 years probation and a \$250 fine in the form of court costs.

In August of 1965 I was arrested again after another undercover investigation and charged with the sale of marijuana. A narcotics patrolman, Vahan Kapagian, came onto our scene and bugged me for three weeks to procure him some marijuana since I wasn't dealing anymore. I finally succumbed to his high-pressure tactics and scored a light ounce of really bad grass for him from a dealing friend of mine. My feeling was that he would get the powerless marijuana and not bother me any more, but he turned out to be a nark and I was arrested. I retained a "good lawyer" for \$1500 and was prepared to fight the case in court on the grounds that I had been "entrapped" by the officer into doing something I would not otherwise have done. The lawyer, Myron P. Leven, seemed to agree and I left the case in his hands for six months, thinking that he was preparing a brief with which to fight the case.

In February 1966 he called and told me that our court date was in two weeks and that we would have to plead guilty to a reduced plea of possession of marijuana. I didn't want to do it, but I knew nothing about the law and accepted his advice. He promised me that I might possibly have to spend 30 days in jail, but that's all—you'll probably just get some more probation. On that promise I agreed to take the plea of "guilty" and gave up my right to a jury trial, appeal, and all other legal recourse. In short, I put myself at the mercy of Recorder's Court Judge Gerald W. Groat, who sentenced me on February 24, 1966, to six months in the House of Correction and another three years probation. The next week Judge Krause sentenced me to another three years probation (to December 30, 1969) and another \$200 fine.

Judges Groat and Krause had been the recipients of letters from 15 prominent Detroit persons, including State Senator Coleman Young, Representative Thomas White, a number of professors at Wayne State University, my employer, Dr. Paul Lowinger of Lafayette Clinic, which attested to my personal value to the community, my worth as a serious contemporary poet and community organizer, and my performance as a student at WSU in the graduate English department. All these letters begged for leniency, and Dr. Lowinger's three page letter especially explained

why I should not be given any jail term. Judge Groat ignored all these and gave me the jail term, which I completed on August 5, 1966.

I was trapped into the jail sentence, an attorney's fee of \$2500 (he wanted \$3000 but we refused to pay the other \$500), and blatant mistreatment at the hands of the legal system and the police machinery because nobody ever told me anything about it. I had been led to believe that the police were my friends and that the American judicial and legal system was above reproach. I learned the hard way that the courts are full of scoundrels and crooks, that the police department is full of fascists and cheaters and liars, that the legal profession was also comprised mostly of liars and cowards, and that political gain on a petty scale was what the whole legal setup was all about.

Lawyers didn't want to take a case to trial because they might offend people in the police department and the judiciary setup who would then hold them back from receiving choice jobs like Judge, Assistant Prosecutor, etc. I see young people all around my community who are as naive about the legal scene as I was, I see lawyers doing the same things to them as they did to me, I see the police and judges treating them in the same cavalier fashion as they treated me, and it makes me sick. It has to stop, people.

On January 24, 1967, I was arrested with 55 other people and charged with 12 others with violating the state narcotics statutes. After two months of undercover work under a very different disguise, patrolman Vahan Kapegian had conned me into giving him two marijuana cigarettes, or so he says. I was charged with "dispensing" marijuana, a crime which is punishable by a prison term of not less than 20 years and not more than life imprisonment. This time I have been blessed with adequate and excellent legal help (from attorneys Dennis James and Chuck Ravitz, among others, including *Fifth Estate* columnist Sol Plafkin) and with the strength to fight the case in the courts, both on the grounds of entrapment and unconstitutional invasion of privacy, and on the grounds that the Michigan narcotics statutes are unconstitutional in that they wrongly classify marijuana as a narcotic, and that the penalty provided by law constitutes a cruel and unusual punishment. I have recently been informed that my present case may come to trial this month (October), and that my attorneys will contend that the marijuana laws are unconstitutional and insane. They will be working closely with attorney Joseph Oteri in Boston, who has recently begun his defense of a marijuana case with the same argument.

My attorneys are donating their time and energy and considerable legal talent because (I suppose) they believe in me and in the illegality of the marijuana laws. They want to see the law changed because they too are tired of seeing innocent young people go to jail for smoking marijuana. We will, however, need to bring in expert witnesses" to testify in behalf of marijuana, and this will cost a considerable sum of money since people will have to be flown in from New York, San Francisco, and points in between. We need somehow to raise money for this.

My hope is that you who read this column, who read the *Fifth Estate*, who have some interest and concern in the whole problem of the repressive marijuana laws, can see your way to sending us some money. If every person who reads this column were to send a dollar right now to the John Sinclair Defense Fund, c/o The Fifth Estate, 1107 West Warren, Detroit 48201, the money could easily be raised for this case and hopefully for other cases which might come up before this is settled.

We also need lawyers who will really defend young people involved in marijuana cases, and who can do so for a minimum fee, since most young people who get arrested for marijuana have no money. If there are lawyers interested in helping, please call me at Lemar, 833-3166, and let me know what you can do. Also, people who might be busted would do well to carry our number with you at all times, and if you are arrested and don't know what to do just call 833-3166, any hour, and we will try to find an attorney to represent you and get you out on bond at least by the next morning.

The only way we can do anything about this whole sick scene is by sticking together and working together to help change the laws and keep the fascists off our backs.

fifth Estate

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