

Sinclair Appeal Brief Filed

Fifth Estate Collective

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The future of John Sinclair, imprisoned chairman of the Youth International Party, hinges on two things at this point. John is currently serving a 9-1/2 to 10 year sentence for possession of marijuana in Marquette Prison.

The first is the expression of support for the freeing of Sinclair, and all political prisoners and the demand to legalize marijuana. This has been manifested in such events as the Free John Sinclair Day held across the country Jan. 24 that raised thousands of dollars in legal fees and educated people about the repressive use of the archaic narcotics laws.

The second front is a legal attack on those laws specifically to free John from the barbaric sentence given him by Recorder's Court Judge Robert Colombo in July of last year.

John's attorneys have filed a massive legal brief appealing his conviction and the marijuana laws themselves. The brief was prepared by attorneys Chuck Ravitz, Sheldon Otis, Robert Bartels, and James Shellow.

When the Fifth Estate asked Ravitz what he thought the chances for John's release were he replied that he doesn't like to "call shots in advance". "We have a strong brief and have raised several substantive issues regarding both questions of the excessive sentence and of the law itself," he said.

The worst thing he felt could happen would be for the Court to dodge the real issues and compromise the question by ordering the case back for re-sentencing. "This could mean that John could be re-sentenced to say 4-1/2 to 5 and the court would feel justice had been done, but this is still the strongest issue."

"The really terrible thing is that I'm sure that the narcotics law will be changed in the next five years, but that doesn't do John any good if he's in jail during that time," Ravitz said.

The brief raises the issue of cruel and unusual punishment under the protection of the 8th Amendment to the U.S. Constitution. According to Ravitz, "In the brief we raise the question of the purpose of the sentencing and we answer by saying very strongly that John is a political prisoner. The law is basically dishonest and used discriminatorily against people disliked by the enforcers of the law."

The brief makes a heavy attack on the narcotics law itself charging that it has never been proved that any medical damage comes from marijuana usage and that the law is a result of a "dishonest marijuana scare campaign." It also states that there is no evidence of harm to society coming directly from pot, but rather the law itself is at fault. The brief argues that "once persons have learned that the government has lied about marijuana, they will be inclined, due to the existing credibility gap, to experiment further. Also, they have been forced into the underworld trade market (for marijuana), some persons will come into contact with others who sell not only marijuana but other drugs."

The brief states that the law against the private use of the herb is an unconstitutional invasion- of the personal liberties guaranteed by the right to privacy. The "crime" committed under the law is one with no victim.

John, who was a leader in the formation of the Detroit and Ann Arbor free communities, was singled out for a massive police investigation three years ago. It was the desperate hope of the "authorities" that if they got Sinclair everything he was involved in building would collapse.

Police efforts culminated in a raid Jan. 24, 1967 with the arrest of 56 people at the Artists' Workshop on John Lodge. No one has served any time as result of the raid except Sinclair who was charged with giving two joints to an undercover narc, Vahan Kepegian.

John- was charged originally with sales and possession, but Judge Colombo threw out the sales charge (a 20 year minimum sentence) ruling that Kepegian had illegally entrapped Sinclair into the illegal act.

Ravitz and his team argue that the selling and the possessing were the same act and the entrapment ruling should apply to both.

As it stands John's freedom rests in the hands of a corrupt and archaic judicial system and we can only wait while they ponder the merits of releasing him so he may rejoin his brothers and sisters.

What we can do is keep people informed about his case, start petitions, circulate literature on the case and about the marijuana laws, get your local college, high school or local newspaper to print articles about the case.

If you want to help write Youth International Headquarters, 1520 Hill St., Ann Arbor MI 48104.

John can receive mail in prison at 123507, Box 779, Marquette MI 49855.



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