

INFORMATION FOR LEGAL DEFENSE

If you are arrested, you should try to get out of jail on O.R., that is, on your own recognizance, without having to pay any bail.

The staff from the San Francisco O.R. Bail Project will interview you and then the judge will decide whether he wants to let you out on O.R.

In order for you to be considered for O.R., you have to give certain info to the Bail Project, then three references whom they can call to check the info you give. We can speed up the process by using names of people working on the strike, if we can find out when you've been busted. Then we call O.R. before they even interview you and give strike people as references. (It's also necessary to list three other reference people, in case we can't find out in time for the interview.)

Give complete information, give only one address once, etc.

Name:

Present Address:

How long have you lived there?

Where did you live before and how long?

How long have you lived in the Bay Area?

Who do you live with--

- a. by yourself
- b. with friends
- c. parents or family
- d. husband or wife

How long have you been at State?

Job info: Do you have a job right now?

- a. Employer's name
- b. Employer's address and phone
- c. How long have you worked there?
- d. Where did you work before and how long?

Just in case ---names, addresses and phone numbers (must be some-one with phone) of three other references who can give same info.

1. Name:  
Address:  
Phone:
2. Name:  
Address:  
Phone:
3. Name:  
Address:  
Phone:

For legal defense info: If you need a lawyer, do you have some way of paying for part of costs?



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YOUR RIGHTS\*THEIR WRONGS

Remember, the law requires you to obey the orders of a cop even if those orders are unlawful. At the scene, the COP IS THE LAW, abstract principles of justice and humane decisions of the appellate courts remain abstractions.

Do not forget that the confrontation at State College is highly political. Decisions will not be the product of legal analysis. The Tactical Squad is being used as a political device to crush a Movement. The criminal charges are political weapons; they are intended to: build favorable public opinion for the college administration, remove persons from the campus, frighten others from coming to the campus, and overcome the participating organizations in the court proceedings through high bails, court costs and attorney fees. For example, the demoralizing felony charges have been made, not to prosecute individuals for the specific offenses honestly believed to have been committed, but rather to jail them on high bails which will either keep them "in" for an extended period of time or will result in the equivalent of a high fine. For when the individual pays the required ten percent to a bondsman, he will not recover his money. It is also intended by the police and prosecution that the fear of a felony conviction will induce persons so charged to "cop" pleas to misdemeanor charges, in other words, a deal will be made and the case will be disposed of without a public trial.

You have a right to peacefully picket or leaflet or speak on any sidewalk so long as you do not block the sidewalk or cause it to be blocked. No permit is necessary for this type of free speech activity.

If you enter a building or other property and are asked to leave by the owner or his duly authorized agent, you must do so or you are guilty of trespass. This is true even of publicly owned buildings.

There is a possibility that you will be arrested, regardless of contrary intentions.

IF YOU ARE BUSTED:

1. Remain organized.
2. Have the phone number of the Defense Committee: 584 7776  
552 2811  
776 6865
3. Shout your name to the crowd around you when arrested. Others will also call the Defense Committee.
4. Get the name and/or badge number of the cop who actually arrested you. Remember as many details as possible, names and/or identification of witnesses.
5. Rights in jail: (a) right to make 2 phone calls.  
(b) right to consult attorney of your choice.  
(c) right to remain silent, and we advise you to exercise this right. Give current age, address and name.
6. Learn the names of persons busted with you and determine whether they have bail resources. Collectively get in touch with all contacts.
7. As soon as possible, call the Defense Committee and give:
  - (a) the names of all persons arrested.
  - (b) the bail resources of those persons.
  - (c) indication of where detained and on what charges.
  - (d) the amount at which bail is set.

AFTER RELEASE: contact the Defense Committee.

REMEMBER: The cops, prosecutors, courts and laws are there to serve someone's interest and that someone will not be you!



Did  
You



UPI Photo

Witness

I was walking with the striking students who were leaving the campus on Thursday, December 12th. The line of people stopped where a fellow demonstrator had been arrested at the side of the administration building. After pointing out to the person next to me how frightened a couple of the police were in words that might have been considered profane, one of the officers raised his club against me. After a short chase they caught me and forced me to the ground.

I was booked for profanity, trespassing, inciting to riot, resisting arrest and battery upon a police officer. At my appearance in court I found that the only charge left was battery upon a police officer. This is one of the charges I am definitely not guilty of. Mine is but another of the many false arrests made upon the campus.

I am a lesser oppressed member of the working class who so far have not gone to your campus in significant numbers to support your just struggle.

Supporting the liberation movement of the Third World Students and trying to persuade my fellow workers that such was in the interest of all who work for a living got me fired from my job.

A small but growing number of workers are beginning to see the logic as the movement of students and Third World Peoples slowly begins to make sense.

It was no surprise to find that the police had difficulty in believing that a white plumber would be involved in showing support for your just struggle.

If you witnessed my arrest will you please call me soon.

Stanley L. Roberts  
2020 Evergreen Drive  
San Bruno, California 94066  
Phone 589-0271



1/10

TO ALL STRIKERS

Please complete this form in detail whenever you witness any arrest or incident of police brutality. Do so immediately while it is fresh in your mind. Return it to the Legal Defense Committee at 546 Fillmore. The phone numbers are 863-8441 and 863-8442.

WITNESS STATEMENT

Date:

Time:

NAME OF WITNESS

Address:

Phone:

Major:

NAME OF PERSON (S) ARRESTED:  
(or description)

DATE OF ARREST:

TIME:

PLACE:

DETAILS OF INCIDENT:

NOTICEABLE INJURIES IF ANY:

NAME(S) OF ADDITIONAL WITNESSES:

OTHER EVIDENCE (Films, photos, etc.)

PLEASE KEEP THIS FORM WITH YOU AT ALL TIMES



1/15

Brother or Sister Defendant

The Legal Defense Committee is sorry that you were busted but that is now behind us. Now we must begin to prepare a legal defense that is suitable to getting you off with a minimum amount of penalty if any, and bring out any kind of political implication or overtones, if you wish this. To do this as effectively as possible, we will need as much co-operation from you as is possible. Things that you must do to expedite our assignment of attorneys to you and to begin preparing a legal defense for you are as follows:

1. Complete in duplicate The Defendants Arrest Sheet with all the information as completely as possible.
  2. Obtain and bring to us a recent photograph of yourself.
  3. Contact friends to find out possible witnesses to your arrest.
  4. Contact the Legal Defense Committee for any witnesses that we may have found for you.
  5. Contact all your witnesses and obtain from them witness statements of exactly what he or she witnessing happening to you. Be sure you bring this information to us.
  6. Keep in touch with the Legal Defense Committee about your court appearance dates; who your lawyer is, how he is working out for you and what you feel about him; what your situation as far as witnesses, investigations, financial matters, etc. are concerned
- The Legal Defense Committee is located in the basement of the Sacred Heart Church Rectory at 564 Fillmore. The numbers at which you can reach Legal Defense are 863-3441 and 863-8442. A point to remember concerning the function of the Legal Defense Committee is that it can only serve you effectively as you co-operate with us in providing us with the necessary information. In other words, we can only help you if you help yourself first.



INFORMATION ON THE MASS ARREST TRIALS

(People arrested for participating in a rally on the campus,  
Jan. 23, 1969)

TOTAL ARRESTED 435

TOTAL TRIED SO FAR (As of Sept. 1) 167

CHARGES:

All defendants are charged with disturbing the peace, failure to disperse and unlawful assembly. All charges are misdemeanors.

GROUP TRIALS

All defendants are being tried in groups of from 5 to 12 people.

ARBITRARY VERDICTS

There is little consistency, if any, in the verdicts given those tried so far for their participation in the rally.

42 people: fully cleared of all 3 charges;  
35 people: received mixed hung jury and acquittal verdicts. Some have been retried, some had charges dropped.  
31 people: convicted on 1 or 2 charges;  
66 people: convicted on all 3 charges.

INCONSISTENT SENTENCES

There is a wide range of sentences for those convicted of 1 to 3 charges:

30 days suspended sentence to one year in jail;  
no fine to \$500 fine;  
no probation to 3 years probation.

Furthermore, sentences have increased as the trials continue:

Sentences in early June and beginning of July were:  
    either 15 days in jail, 90 days suspended sentence, and one year probation;  
    or 45 days in jail.  
Sentences in late July and August were:  
    either 30-60 days in jail, 180 days suspended sentence, 2 to 3 years probation;  
    or 6 months in jail.



2/18

SPECIAL SESSION OF THE BOARD OF DIRECTORS - 2/18/69 - MINUTES

I. Roll to Order: 9:30 A.M.

II. Roll Call:

Present: Russell Bass, Chairman; Albert Duro, Berwyn Lee, Claude Wilson, Ron Quidachay, Ken Keefe (for Dean Cooper's office); ex-officio: George Yamamoto; Guests: Claire Salop, Kuregi Hekimara.

Absent: John Webb, Don Barbee.

III. Acceptance of Minutes - as read - unanimous.

IV. Issue of legal action by Attorney General against the A.S.

The Chairman reported to the Board that Mr. White, corporate attorney to the Associated Students, had informed him that he had contacted the Attorney General's office and had arranged to accept service of legal papers in this action, on behalf of the Association, and that he was expecting service sometime this morning, 2/18/69. The Chairman noted that Mr. White had said that he would look over the papers, once he had received them, and meet with the board members in the afternoon to advise them in this matter. Mr. White had also informed the A.S. secretary that a preliminary hearing date in this matter had been set for tomorrow, Wednesday, 2/19/69, at 9:30, Department 17, San Francisco City Hall.

Mr. Yamamoto reported to the Board that he had been to the bank yesterday, 2/17/69, in the morning, in the course of normal A.S. business and had been informed by the bank manager that all A.S. funds and accounts had already been frozen on instructions from the Attorney General's office, which Mr. Yamamoto pointed out, would appear to be a breach of contract with the Association, as bank depositors, in that no court order had officially come down at that time. Mr. Yamamoto commented that this matter should be brought specifically to the attention of our attorney, since it seriously affected A.S. business, including payroll checks drawn last week, before this matter came to the attention of the courts.

Mr. Yamamoto further reported that, in anticipation of this matter and as a regular course of conduct, he had been meticulously rechecking and studying all A.S. financial records and accountings, and could find no discrepancies or errors which might support this action by the Attorney General.

Mr. Quidachay raised the question of the court appearance for the next day, suggesting that this might be too early for the A.S., or its attorney, to prepare adequately, and especially since no member of the Board had yet received copies of the complaint and there was very little time left to review the matter carefully once the papers were served. Mr. Quidachay suggested that the Board ask Mr. White about the possibility and desirability of a continuance in this matter to allow for time for adequate preparation.

The Chairman remarked that the members of the general press were flooding the A.S. office with requests for a statement or interview in response to this matter, and particularly to the letter of instructions received from Mr. Hayakawa, the force and



BOARD OF DIRECTORS - SPECIAL SESSION - 2/18/69 - MINUTES PAGE 2

effect of which was highly questionable, according to Mr. White. Mr. Bass reminded the Board members, that we now had available the two page statement about the positive and valuable educational activities of the A.S., which he and Mr. Duro had prepared on the instructions of the Board, as well as the two page annotated comparative budgets for the past 3 years, which Mr. Yamamoto had prepared in consultation with Mr. Lee and Mr. Quidachay pursuant to the instructions of the Board. Mr. Bass suggested that these materials be distributed to the press as a general statement about the A.S., off setting the highly prejudicial and negative statements being made about the A.S. by Mr. Hayakawa, and others; and that any further comments to the press, specifically regarding this legal matter, be made on the advice of our attorney.

Mr. Bass reminded the Board members that Mr. White would be available for consultation with the Board later this afternoon, at which time he, as well as the Board members, should have been served with their copies of the papers in this matter, and suggested it might be most useful to recess this meeting and reconvene at a later time convenient to the Board members and Mr. White.

MOTION: Mr. Wilson moved that the Board of Directors recess their special session to reconvene at 2:00 P.M. this same date.

Seconded: Mr. Duro

The motion carried unanimously, the Board of Directors duly recessed.

Call to Order: The Board of Directors reconvened and was called to order by its Chairman at 2:20 P.M., February 18, 1969.

Roll Call: Present: Russell Bass, Chairman; Albert Duro, Berwyn Lee, John Webb, Claude Wilson, Ron Quidachay, Dean Elmer Cooper; Ex-officio: George Yamamoto; and Ken Keefe, Claire Salop, Sheldon Nyman.

Absent: Don Barbee.

Discussion:

Mr. Bass noted that the members of the Board, with the exception of Dr. Barbee, who was absent, and Ron Quidachay, who was not named in the action, had now been served with copies of the papers in the Attorney General's action to have the A.S. placed in receivership. Mr. White had accepted service, at his office, on behalf of the A.S. corporation. Mr. Bass turned the floor over to Mr. White, for a discussion on the meaning and implications of this matter. Mr. White explained to the Board, that the action involved a two-part move against the A.S. - one being an "ex-parte appointment of a receiver" and the other being a "complaint for the removal of the officers." Mr. White noted that the action against the officers was not immanent, however the matter of having the receivership confirmed was before the court,



and a preliminary hearing was scheduled on that matter for Wednesday, 2/19/69 - at which time Mr. White intended to call Mr. Yamamoto as a witness to testify to the legitimacy and propriety of A.S. business management procedures. There followed a discussion in which Mr. White answered the questions of the Board members concerning the legalistic details of this matter.

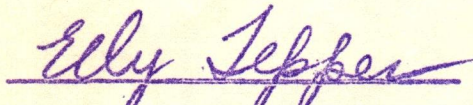
Following this discussion, the Chairman announced that he would entertain a motion, as a matter of explicit record, to have the Board officially authorize Mr. White to represent the A.S. in these proceedings.

MOTION: So moved by Mr. Wilson; Seconded, Mr. Quidachay.

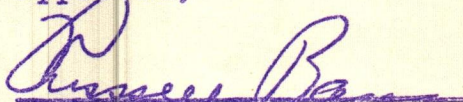
Vote: Carried unanimously. (See attached: Board of Directors Resolution #110.)

There being no further business, the Chairman entertained a motion to adjourn which was seconded and carried unanimously. The Board of Directors of the Associated Students of San Francisco State College duly adjourned at 5:00 P.M.

Respectfully submitted,

  
Elly Tepper, Secretary

Approved,

  
Russell Bass, Chairman

Attachment:

Board of Directors Resolution #110



BOARD OF DIRECTORS

RESOLUTION #110

BE IT ENACTED, by the Board of Directors of the Associated Students of San Francisco State College, in meeting assembled in special session on February 18, 1969, by a unanimous vote, THAT:

BE IT RESOLVED:

That the Associated Students of San Francisco State College, as a named defendant in Action Number 600 476 in the Superior Court of the State of California, in and for the City and County of San Francisco, take formal action to oppose the receivership and to oppose the complaint for the removal of the directors and application of a receiver and for other relief; and

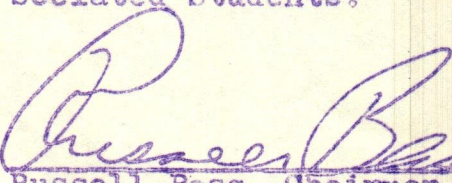
BE IT FURTHER RESOLVED:

That the Associated Students shall employ the law firm of White and Chevsky, and in particular C. Wadsworth White, to represent it in these proceedings; and

BE IT FINALLY RESOLVED:

That the Associated Students shall authorize the firm of White and Chevsky to represent the other individuals named who are officers of the Associated Students or faculty or administrative advisors and to represent them and charge the legal expenses and costs of such representation, if any, to the account of the Associated Students, insofar as the actions upon which the law suit is based are actions allegedly undertaken by them in any event relating to their official duties as officers, directors, faculty and administrative advisors of the Associated Students.

SIGNED:



Russell Bass, Chairman of the Board of Directors

February 18, 1969



PROBATION DEPARTMENT POLICY: RECOMMENDATION OF  
MANDATORY JAIL TERMS

According to the testimony of probation officers in Judge Calcagno's and Judge Reynolds' courts, Probation Department Supervisor Cavanaugh issued orders that all probation officers must recommend jail terms for all the mass arrest defendants, regardless of prior records or the value of their work in the community.

This is totally unprecedented in first conviction misdemeanor cases.

REPRESSIVE USE OF BAIL

Denial of O.R.

Soon after the strike began, the judges made a decision not to grant release on their own recognizance to any people arrested in the S.F. State strike.

Result: total bail for the 700 people arrested was over \$70,000.

High Cost of Appeal Bonds

The usual cost of an appeal bond in a misdemeanor case is double that of the original bond. For the 435 arrested on Jan. 23, bails were set at \$350 per person, with the exception of some of the strike leadership.

Appeal bonds for those convicted in the mass arrest trials have ranged from \$1500 to \$6250.

3/24

## STRIKE BULLETIN

Court trials have been put off until March 24, for the reason of setting up peace talks.

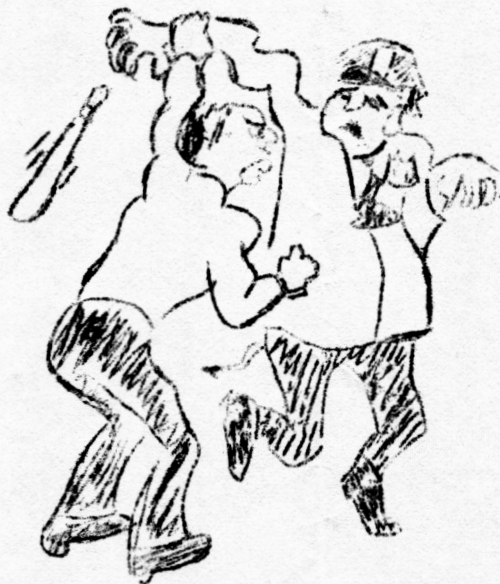
Campus hearings are still to be continued however talks concerning amnesty are still in progress.

### REMINDER:

We must never allow ourselves to be fooled by the pig's tricknology--we should more than ever bring death blows to the beast because he is nearing extinction, while we are coming into BEING.

OUR SURVIVAL IS NON NEGOTIABLE

FIGHT ON





MARCH?

LEGAL DEFENSE BULLETIN

If you have seen any of the 190 individual arrests or if you witnessed the arrest of the 456 people on January 23rd, you may be carrying information in your head that could free a brother or sister. Recall the first weeks in December, the first weeks of Hayakawa's rampage. It was during this time that most of the felony arrests were made. The problem is that we don't have enough witnesses to counteract the police perjury. Almost all the felony charges were filed as attempts to cover up unjustified beatings, so if you saw anybody being hit, the charges are very good that he is facing trial on counts of assault on an officer (a felony).

The trials are just beginning and we need witnesses now! We also need any photographs and film that have been taken at State. These don't need to show actual arrests, because they can be used to identify witnesses or discount police testimony. For instance, the police version of the charge on the library steps is that they slowly and peacefully applied pressure on the crowd in order to disperse the people.

If you have witnessed arrests or incidents of beating, or if you have photographs or film, or if you know of anyone who does,

CONTACT IMMEDIATELY:

LEGAL DEFENSE  
546 Fillmore Street  
San Francisco  
863-8441 or 863-8442

# LAWYERS NEWSLETTER #9

Surveys for classroom attendance were done by the Campus Communication Center, S.F. State, during the month of January. The communication center is an organization recognized as neutral by both the administration and striking groups. The figure for "classes scheduled" was taken from the class bulletin and did not include classes which were not scheduled at the time of the publication of the bulletin. Attendance figures were done by a room to room survey in each building, and an actual head count of people in those classrooms. This information was put in the communication newsletter and distributed to the campus. Below are reprints from some of those newsletters: Newsletter dated 1/13/69, attendance check between 1-2p.m. previous Friday.

BLDG.	CLASSES SCHEDULED	CLASSES MEETING	% ATTENDANCE CLASSES MEETING	% ATTEND. APPROX. OVER.
HLL	41	22	56%	28%
BSS	27	14	69%	35%
SCI	27	13	50%	25%
PSY	10	2	41%	8%
ED	12	12	44.5%	44.5%
ART	18	2	55%	5%
C.A.	22	1	20%	.5%

Newsletter dated 1/14/69, attendance check between 1-2 that Monday, with the exception of C.A. Bldg. which was done at 12.

HLL	52	29	19.5%	11%
BSS	21	12	53%	30%
SCI	29	18	44.5%	28%
PSY	5	0	0	0
ED	27	18	68.5%	46%
ART	15	1	84.5%	6%
C.A.	16	14	47%	41%

Newsletter dated 1/15/69, attendance check between 12:30-1:50 Tuesday.

HLL	43	9	27%	6%
BSS	18	3	47%	7%
SCI	16	12	35%	26%
PSY	5	2	31%	12%
ED	18	14	33%	25%
ART	2	1	90%	45%
C.A.	13	2	20%	6%

Of a total of 115 classes scheduled, 43 were held; that is 37% of the classes scheduled on campus at the surveyed time were meeting, and all of those were below 50% attendance.

Newsletter dated 1/16/69, attendance check between 11-12, Wednesday.

HLL	59	13	39%	9%
BSS	21	16	50%	38%
SCI	28	7	31%	9%
PSY	4	0	0	0
ED	12	12	66%	66%
ART	14	1	26%	26%
C.A.	17	9	39%	7%

The figures for the entire college % Attendance in classes held 40%  
% Attendance Overall 17%

Newsletter dated 1/15/69, attendance check between 11-12, Thursday.

HLL	53	14	41%	11%
BSS	24	12	48%	24%
PSY	5	2	27.5%	11%
ART	22	4	28%	5%
CA	23	6	51%	13%
ED	35	10	65%	19%

Science: We did not get a full report on the Science building today. In the 2 classes which were surveyed, attendance was 70%.

Figures for college, excluding Science are: % of attendance 46%  
% of overall 14%

Newsletter dated 1/20/69, attendance check between 12-1, Friday.

HLL	47	26	40%	22%
BSS	16	12	62.5%	47%
SCI	20	8	50%	20%
PSY	2	1	8%	4%
ED	20	8	50%	20%
ART	3	2	25%	17%
C.A.	7	6	29%	25%

Attendance in classes held 42% % Overall attendance 24%



Newsletter dated 1/21/69, attendance check between 11-12, Monday.

BLDG.	CLASSES SCHEDULED	CLASSES MEETING	% ATTENDANCE CLASSES MEETING	% ATTENDANCE APPROX. OVER
HLL	37	9	59%	17%
BSS	27	16	47%	28%
SCI	27	21	46%	35%
PSY	.2	0	0	0
ED	37	9	59%	14%
ART	17	5	70%	20%
C.A.	26	10	65%	25%

Overall attendance for the campus was 19%

Newsletter dated 1/22/69, attendance check between 12:35-1:50, Tuesday.

HLL	32	11	44%	15%
BSS	19%	7	40%	14%
ART	2	1	75%	38%
PSY	3	0	0	0
ED	28	8	61%	18%
SCI	19	10	56%	29%
C.A.	9	3	82%	27%

Attendance for classes held was 52%

Overall attendance for the college was 19%.

For further information contact the Communication Center: 469-1100/\*

NOTE: These figures do not reflect attendance in Off-campus classes.

In addition, the Newsletter dated 1/22 carried the following statement:

#### RALLY

The TWLF is offering to clarify the issues involved in the SFSC strike and urges all concerned students and citizens from the SF community to come to the rally at 19th Ave. and Holloway, 10:00AM, Thursday, Jan. 23.

NOTE: Can this be used to illustrate that public information was available on campus about the 1/23 rally at least one day in advance?

Isn't it likely that the police saw the newsletter?

Three courts not in session: O'Gara, Maloney and Allen.

In Low's court:

#### Epting (cont.)

1. Jury sees "evidence" of weapons collected on 1/23. Judge says it is circumstantial, not direct, evidence. Jury to judge whether it is relevant. Epting testifies that evidence was handled by the booking officers--he was in charge of the "area." Actually only 2 knives were brought to him.
2. Said it was 3 minutes, approximately, from the end of the announcement to the arrest. Testified that 40-50% of the crowd left.
3. The period of time in which the crowd remained "static," in which almost no one was leaving, was 1½ minutes.
4. Testified that the crowd was defiant. His evidence: the rally, the speeches, continued.
5. How far did the 300-400 people who left walk within the minute and a half? Epting said 475 feet.
6. Defense pointed out that distance 75ft longer than a football field.
7. Epting said he could walk 100 yds. in 20 seconds. Defense pointed out that world's record was 9.2 for 100 yd. dash. Epting stuck to his statement.
8. Said they'd arrested a deaf-mute, but let him go at Hall of Justice. Defense asked why. Epting said that obviously the guy hadn't heard the announcement.
9. When asked to tell everything he did from time of announcement to arrest, Epting rambled on for 4 minutes. Another time he was asked to tell about everything he personally saw or heard--no speculations. He rambled on for 20 minutes. When allowed to ramble, the well-rehearsed quality of his answers comes through.
10. Contradicted testimony Driscoll, from the TAC Squad gave. Driscoll, who arrested 58 people that day, said that before arrest he'd watch the 300-400 leave the area. Said that he had been in the right hand corner, and that the rear rank which he was in was usually pulled out to protect the front. He moved to left side, and was able to watch. (Couldn't see from where he was standing on right rear because he's only 5'9, whereas average height for squad is 6'1. Epting said that the rear had been standing at ease, in position--refuting Driscoll's testimony.

\*No attendance recorded for 1/23 or any subsequent day.



In Welsh's court--now on defense witnesses:

Edith Roller, Secretary, Academic Senate, SFSC

Academic Senate is an elected body (44 members) of 1 student, 1 administrator, 42 faculty emmbers. She is secretary to the chairman, Leo McClatchy.

1. On campus 1/23 shortly after 8 a.m. Stopped to talk to those striking senators who were on the picket line about documents she normally delivered to the striking senators.
  2. Heard there was to be a student rally. Left office at 10 to deliver the documents. While she was gone she heard from a secretary that a student was arrested.
  3. Was at her desk during the noon hour. She was observing from an open window from 12-12:30. Could see the speakers, couldn't hear them.
  4. Heard the announcements. Thinks she recognized the voice. The announcement was similar to others that had been made on top of the Administration building before.
  5. Usual rally time was at noon.
  6. In the past, orders were read 2 or 3 times to give students a chance to disperse. This time poplice encircled the group very quickly.
  7. Said she was sympathetic to the student strike--felt that their aims were good. She had picketed during her lunch hour in the past. She told the School Personnel officer that she picketed.
  8. Said that 90% of classes not meeting on campus at that point, but the prosecution objection was sustained. She also referred to the campus Communication Center Newsletter's surveys.
  9. Expressed her belief in freedom of speech.
  10. Didn't know what authority the president had to limit free speech.
  11. Saw incidents at the library--she was there after 1 p.m., after arrest and encirclement. She left her office at 1 with an EOP student who worked mornings only, and they went to see the rally.
  12. D.A. asked her if it wasn't true that she was "heading a movement to have the Ladies Room in the Administration building unlocked." She said it wasn't a mass movement, but that she was opposed to having the rooms locked. Pointed out that men's rooms were unlocked.
  13. Said she saw groups coming down onto the campus before noon. Saw them coming down quietly, and with banners.
  14. Couldn't estimate how many were at the Speakers Platform. Assumed it to be the number arrested. Seemed to her that there were fewer outside the circlce than inside.
  15. Didn't know defendants. Thought one might belong to the English Union. Was asked about who she knew in SDS. Only said she knew de Gere (an editor of the gater.) Said she didn't know who called the rally for that day.
  16. Roller keeps a journal, which she brought with her to refresh her memory. States that she knew from deGere about the noon rally. Also said she saw flyer about the rally.
  17. She had not picketed on campus that day.
- David Lawsky (already testified in O'Gara's court) (see newsletter #6)
1. Was 30-35 feet from Speakers Platform. Then moved closer to the platform, held mike up to the bullhorn. Finally was on the platform.
  2. Was encircled. Moved toward the edge of the crowd, tried to get out. Dropped his press pass, picked it up, but couldn't put it on himself, so held it in his hand. He was with a UPI colleague. Police saw them both and said "You don't belong there" and took them out of the tight circle of arrestees.
  3. Tape played. Lawsky said on it "It's 12:25, and we've just been ordered to disperse."
  4. At the end of the tape a voice that sounds like Hare's says "Fuck the pigs" once. Crowd did not join in. (An officer had testified that this was a crowd chant.) Shortly afterwards the tape clicks off.
  - 5/ Didn't see anyone leave the crowd before encirclement.
  6. In Wada's speech, you can hear the helicopter throughout.
  7. Saw notice about 1/6letter in the S.F. Chronicle.
  8. Encirclement happened quickly, they didn't know they were being surrounded until the circle was almost completed. Saw the Tac Squad, then the paddy wagons.
  9. Said 1/6 letter may not have been in the Chronicle. But doesn't recall seeing signs or posters about illegal rallies.
  10. Said it was customary for people to chant after speeches were made.



10. On tape Lawsky says he saw someone throw a board at the library.
11. Showed pictures. Identified a solo 3 wheeler traffic officer as a part of the Tac Squad. Then identified Tac Squad men.
12. The administration announcement was made directly after Yuri Wada's speech. Knew something was being said. On the tape he says "They started shouting to drown out the announcement."

In Mana's court:

Prof. McCruly, Business Dept. (perhaps spelling is off)

1. Was in class from 11-12:15. When students came in he had them drop the window's blinds. His classroom faced the central campus. It was on the west side of the BSS building.
  2. Heard the first announcement.
  3. Went to the porch of the building, observed the central campus. Could see a meeting going on at the Speakers Platform, someone was speaking through a small bullhorn.
  4. He was with some students. He said something to them, they moved to the east door, he went with them. There were no police at the door. The door was unlocked. They stood at the door for several minutes.
  5. He heard 2 announcements. There was perhaps 10 minutes between them. Between 1 minute and 15 minutes.
  6. When he next looked, people were being surrounded.
  7. People were shouting, there were also a large number of people south of the Speakers Platform.
  8. This witness was dying to tell all kinds of stories about what took place on campus after the arrests. Defense asked one question: Did you hear a helicopter that day. He said either "no" or "I don't know."
  9. Judge explained to witness that hearsay was not admissible. Also explained the difference between a guess and an estimate. Those are the "rules of the game" he said.
- Further notes about the court are not available, but will be added as we get them.

The brief on the San Fernando Valley State College acquittals will be available Monday or Tuesday. We are in the process of collating them. We will get them to you as quickly as possible.

For your information are listed the classes that face west from the BSS building to the central campus during the noon hour on Thursdays:

12:35-1:50	Soc. 180(2)	Urban Soc.	Miller	BSS106
12:35-1:50	Soc. Work 100.01(3)		Comanor	BSS218
11:00-12:15	Bus. 124(2)	Off. Sys.	Yuen	BSS204
11:00-12:15	Bus. 128.2(1)	App. Comm.	Johnson	BSS209
11:00-12:15	Bus. 11.1(2)	Intensive Typing	McCleod	BSS212
11:00-12:15	Psy. 10.1(11)	Personal Soc.	Whitman	BSS106
11:00-12:15	Bus. 195(4)	Mgmt.	Trull	BSS110
11:00-12:15	Bus. 124.2(1)	Office Sys.	Sicklebauser	BSS214
11:00-12:15	Eng. 50(1)	Intro. to Lit.	Stout	BSS218

Legal Defense is concerned, as these trials come to an end, that lawyers will be willing to appeal those cases which result in conviction. We will be talking to you individually.





# SAN FRANCISCO STATE LEGAL DEFENSE COMMITTEE

Summer, 1969

Dear Brothers and Sisters,

THE STRIKE AT SAN FRANCISCO STATE IS OVER, BUT THE STRUGGLE GOES ON.

A vital part of that struggle is being carried on by the San Francisco State Legal Defense Committee, a group of San Francisco State students and residents from the San Francisco communities who actively supported the recent strike at S.F. State. The primary objective of the Legal Defense Committee is the defense of our people: the 700 of our brothers and sisters facing political trials in the courts. The Legal Defense Committee has undertaken the task of recruiting over 80 lawyers willing to defend strikers free of charge, of gathering evidence for the defense cases, of educating the defendants about courtroom procedures and the strategy of waging a political defense, of spending hours each day in the courtroom with defendants, so that they won't feel isolated and alienated from the struggle, and, most important, of raising thousands of dollars for appeal bonds for defendants found guilty of actively supporting the principles for which we went on strike.

In the face of the mounting repression which heralds an era of fascism in this country similar to the early years of Nazi Germany, it is mandatory that we who are the objects of this encroaching fascism band together to defend ourselves. An important part of that defense involves informing concerned people all over the country about the true nature and aims of the struggle we are involved in, and of the repressive forces that are attempting to eliminate the people engaged in that struggle.

IT IS NO LONGER SUFFICIENT NOR IS IT VALID to use vague generalities to enlist support for the struggle going on in this country. Accurate information and an in-depth understanding of the current situation is necessary if people are to join in a common struggle against oppression.



### THE STRUGGLE TO IMPLEMENT THE 15 DEMANDS

Last March, the leadership of the Third World Liberation Front at San Francisco State officially called a stop to the 4½ month long strike, the longest of its kind in the history of higher education in this country. TWLF announced that they had reached a satisfactory agreement with the Select Committee, chosen by acting president Hayakawa, and empowered by him to implement the 15 demands. Third World students vowed to renew the struggle for liberation in their communities, and to carry on the arduous task of ensuring that the college would live up to the commitment agreed upon by TWLF and the Select Committee.

Despite Hayakawa's refusal to accept the terms of the agreement of his own selected committee, TWLF has been successful in its continued fight for the implementation of the demands. There will be a Black Studies Department and a School of Ethnic Studies beginning in the fall of 1969, with courses developed by third world students and faculty, and with control of staffing and administration of the programs largely in the hands of third world organizations and their communities.

However, one of the key demands of TWLF, open admissions for all third world students into the college, has by no means been granted. The Equal Opportunity Program, through the efforts of third world students and staff, provided an excellent educational, tutorial and counselling program for 428 third world students in 1968-69. Hayakawa has recently stated that the program will be able to admit only 150 third world students in the academic year 1969-70, which means less than 25 students from each of the participating third world communities. (In San Francisco, over 70% of the high school students are from third world families.) On a state-wide level, Reagan has blue-pencilled a million dollar appropriation for the Equal Opportunity Programs for all the state colleges, thus effectively cutting off any real possibility for large numbers of third world students to receive a college education in the near future.

Despite these temporary setbacks, the issues raised by the educational demands of the Third World Liberation Front at S.F. State have been echoed by third world and white students in universities across the country, and institutions of higher education are slowly beginning to realize that the needs of third world people must be met, if the institutions are to continue functioning. The S.F. State strike, aptly called "Mama Strike" by the Movement newspaper, has been in the vanguard of the struggle for renovation of the educational system in the United States.



### THE PRINCIPLES OF THE STRIKE CHALLENGE THE EDUCATION FACTORY

Education is a vital political force. It can be used as a means of continued indoctrination into the ideology that maintains and perpetuates the present political and economic system, or it can become an agent in the movement for liberation from oppression. The principles underlying the 15 demands: the fight against racism, self-determination for third world people, and power for the people to implement programs necessary for their survival, are principles which are directing the struggles of oppressed people of all races throughout this country.

These principles are a direct challenge to the corporate elite who control the political, economic and educational institutions of the country. At San Francisco State, these industrial rulers are embodied in the Board of Trustees, whose function is to ensure that the college system operates smoothly to produce docile workers for the major institutions of the state. These workers -- teachers, government employees, social workers and business managers -- must be well indoctrinated to maintain and strengthen the institutions that continue to oppress the people.

When students begin to attack the fundamental objectives of the educational institution, their efforts must be repressed before the challenges which they raise gain strength and support. At S.F. State, strikers and strike-supporters have been subject to the combined repressive forces of the college, the courts, the State, and in the near future, the federal government.

### REPRESSION AT THE COLLEGE

At the college, Hayakawa has instigated disciplinary proceedings against hundreds of students involved in the strike, and has appointed a new administrator in charge of "internal security" to carry on the disciplinary hearings. The hearings are a complete violation of due process and abrogate the defendant's basic legal rights as delineated in the Constitution. Three faculty members, chosen for their opposition to the strike, sit in judgement over the student. The only evidence against the student is the police report, which often does not even mention the student by name, but only refers to a "noisy disturbance on campus," in which the student is alleged to have participated.



Although the student can have a lawyer with him, the lawyer is not allowed access to the college's prosecuting evidence against the student. The student is not permitted to call in witnesses on his behalf, and all his testimony can be used against him in his court trial. This is a clear violation of a defendant's protection against double jeopardy, and is used solely as a means of intimidating the student. In one court suit brought against the hearings, Federal Court Judge Zirpoli declared the procedures used to be invalid, and a class action against the procedures is presently being prepared.

#### REPRESSION IN THE COURTS

In the courts of San Francisco, the trials of striking students have been a mockery of any so-called "justice" in our judicial system. All of the judges involved have been warned by reactionary legislators and by Reagan that their jobs are in jeopardy if they don't come down with convictions and heavy sentences. So far, in 16 trials of groups of up to 10 people (all accused of exactly the same act: participation in a 25 minute rally on the campus), there have been 4 acquittals, 3 hung juries, 2 groups convicted of some charges and acquitted on others, and 7 groups convicted of all 3 charges: disturbing the peace, unlawful assembly and failure to disperse. The sentences for disturbing the peace have ranged from 15 days to one year, depending on how well known the defendant was for his activity in the strike.

One Nigerian student has recently been convicted of attempted arson on the basis of witness testimony that a "black student was seen leaving a campus building with a briefcase" at the time of the Nigerian's arrest. (The inference being that all blacks look alike, and therefore, this one is guilty.) The Nigerian government has requested that the student be sent back immediately to Nigeria; the judge has responded by sending the man to spend up to five years in Vacaville penitentiary.

For those of us who once believed that the First Amendment of the Constitution guaranteed our rights of free speech and assembly, we have come to realize that civil liberties are abrogated as soon as people speak out and assemble for their human liberty, in a struggle for the liberation of oppressed people.



### REPRESSION BY THE STATE

The Attorney General of the State of California has worked in close conjunction with the Board of Trustees of the state college system in an attempt to repress the educational and community action programs of third world and white student organizations involved in the strike. Recently, the Trustees revised Title 5 of the Educational Code of the State of California in order to remove all vestiges of student self-government, by assuming complete financial and programmatic control of student government operations. Students at the state colleges pay a mandatory student body fee at the time they register for each semester. This money is appropriated to various student organizations and activities by the student government immediately after it is elected by the students. Under the new provisions of Title 5 of the Educational Code, this money will be administered by the Chancellor's office of the Trustees, to be parcelled out as the Trustees see fit. The new ruling of the Trustees, therefore, effectively subjects students to a "taxation without representation" which is a denial of one of the basic rights of a democratic government.

The Trustees ruling also provides for the complete censorship of all cultural, educational and political activities that run counter to the Trustees' interests. For example, the new Title 5 stipulates that student-run tutorial programs need approval of the Trustees before they can buy art supplies for tutorial work; and that any film shown or play produced by a student organization has to have prior approval of the Trustees, in order to be able to use college facilities. Furthermore, all student organizations must be approved by the Trustees; if the Trustees disapprove of the organization's policies or activities, the group will be banned from the campus. (Athletic groups, fraternities and sororities are exempted from this provision.)

To speed up the process of repression, the Attorney General has confiscated all student funds remaining from the fall and spring registration periods, and thousands of dollars presently lie in receivership in the Bank of America. The Attorney General has also sanctioned Hayakawa's declaration that a student government election held last May is invalid, because the election was won by a group of students who supported the strike and the educational and community action programs of the Third World Liberation Front.

The Attorney General, the Trustees and Hayakawa are determined to crush the organizational work of the Third World Liberation Front by any means necessary.



### THE BEGINNINGS OF FASCISM

Recently, the federal government has become overtly involved as an oppressive force against students demanding change. In an action reminiscent of the McCarthy era, the House Internal Security Committee (the new name for the House Unamerican Activities Committee), has initiated a nation-wide investigation of students involved in protesting against the injustices of this society. Although the administration of San Francisco State has not yet publicly announced cooperation with the committee, it is well known that all the records of students and community supporters of the strike are already in the hands of U.S. Attorney General Mitchell, and federal indictments in connection with the strike are expected by many in the near future.

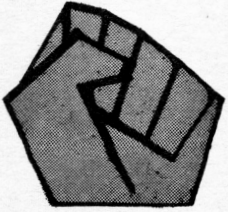
### THE STRUGGLE GOES ON ...

The San Francisco State Legal Defense Committee has been organized to fight against this overwhelming repression. One of our major efforts has been to appeal the cases of people convicted for their participation in the strike. We believe that it is vital to appeal as many cases as we can for several reasons. First, and most important, the Movement is the people, and we cannot abandon our people to a law-enforcement system that is being used as a tool of oppression. Secondly, because of the evident prejudices of the judges, the methods of jury selection, the inequities of decisions and sentences, and the clear violation of First Amendment rights, many of our people have the possibility of being acquitted in the appellate courts.

However, the cost of raising appellate bonds is astronomical. Strikers convicted of one misdemeanor (e.g., disturbing the peace) have had bonds set on them from \$2000-\$3000. Felony conviction bonds go from \$5000 to \$10,000. Estimates show that we will need a total of either \$100,000 in non-returnable bail premiums, or else \$1,000,000 in returnable bail bond loans.

In order to facilitate the administrative work of handling total bond loans, we are working with the Bay Area Movement Bail Fund, which has a CPA handling all accounts, and which guarantees return of all money loaned for bonds. Money donated in sums over \$100 can either be designated as a loan for the bond (repayable at the time of the appellate court decision), or as a gift toward the bail premium. Sums under \$100 would go directly as donations for paying non-returnable bail premiums.





# SAN FRANCISCO STATE LEGAL DEFENSE COMMITTEE

-7--

In addition to the cash arrangements, we are also negotiating with the judges to determine whether they will accept stocks and bonds and equity on property in lieu of cash payments for the total bond. (These would, of course, also be returned at the time of the appellate court decision. Further information will be available on request to the Legal Defense Committee.)

We are requesting your support in carrying on our struggle, a struggle which belongs to all Americans fighting for the liberation of oppressed people, and for the right of all people to determine their own destinies.

Power to the People,

SAN FRANCISCO STATE LEGAL DEFENSE COMMITTEE



# ON "CRIME AND PUNISHMENT" at S.F. State

The trials of those students and community people arrested at S.F. State during the strike are now going on and will continue through June. These trials should be opposed and all charges should be dropped! Amnesty should be granted for two reasons. The more than 600 arrests during the strike were made because of the administration's, Reagan's, and Alioto's political opposition to the 15 demands not because of any "criminal" acts. Rallies, picket lines, leafleting have occurred frequently at State in the past. It is when these began to effectively build a mass movement in opposition to the Trustees and their business friends that they became "criminal" acts of "disturbing the peace", "inciting to riot", "disorderly conduct". Furthermore, the justness of the fight against racism and the Trustee's (corporate) control of the college demands that amnesty be granted. Not demanding amnesty and accepting the arrests and court action against strikers is to deny the fact that the arrests were political and wrongly accepts the possible punishments that may be given us by the "neutral" court system.

Are the courts really neutral? The courts are only another tool of the ruling elite used to squash progressive movements. The courts are being used by the administration in the same way the cops and the news media are being used - to break the strike. Essentially, the same people control the courts, that sit on the Board of Trustees, that run San Francisco and they have all had their hands in the decision making of how to defeat the movement of Third World and white students and working people against racism. An example of how the decision making power interlocks is Mayor Alioto's offer a few weeks ago of amnesty for those people with misdemeanor charges. Courts have been used recently by the business powers locally to break workers strikes. Both the recent Kaiser Hospital Worker's strike and the oil worker's strike were issued court orders restraining the number of pickets and picket activity (scabs were not to be dealt with properly). The intended effect was to disable the strikes.

The courts are now offering people deals involving a suspended sentence, probation, and a fine. What they are trying to do is get us involved in their game of legalism and individualism. This is the same game that offers a big reward for an East Bay saboteur but never batted an eye when an oil striker was killed after being hit by a scab truck. We can not fall into the trap of isolation, we must stick together and fight politically and collectively.

Though the strike is over the struggle against racism and oppression must continue and grow. Hayakawa and his racist cohorts can not go unchallenged. They must be defeated.

Demonstrate Friday 11:30  
City Hall

SDS

campus action committee



# SAN FRANCISCO STATE LEGAL DEFENSE COMMITTEE

Please make checks payable to:

San Francisco State Legal Defense Committee  
P.O. Box 31158  
San Francisco, California 94131

I would like to support the defendants at S.F. State in the  
following ways:

1. \_\_\_\_\_ I am enclosing a check for \_\_\_\_\_ to be used as a  
DONATION to the S.F. State Legal Defense Committee.
2. \_\_\_\_\_ I am enclosing a check for \_\_\_\_\_ which I want to loan to the  
S.F. State Legal Defense Committee for payment toward the total  
bond of a defendant. (Only sums over \$100, please.) I understand  
that the money will be repaid to me after the defendant's case  
has been heard in the appellate court.  
A receipt will be sent to me as soon as the money I have  
loaned is received by the S.F. State Legal Defense Committee.
3. \_\_\_\_\_ I have the following stocks, bonds or equity on property which I  
would like to loan to the S.F. State Legal Defense Committee in  
lieu of cash. Please send me more information on details of the  
loan.  
  
a. stocks \_\_\_\_\_ b. bonds \_\_\_\_\_ c. property \_\_\_\_\_  
  
b. name of stocks or bonds; number of shares and their value;  
total value available for loan:  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
c. equity on property: kind and location of property, total value,  
amount of equity:  
  
\_\_\_\_\_  
  
\_\_\_\_\_

Name \_\_\_\_\_ (please print)

Address \_\_\_\_\_

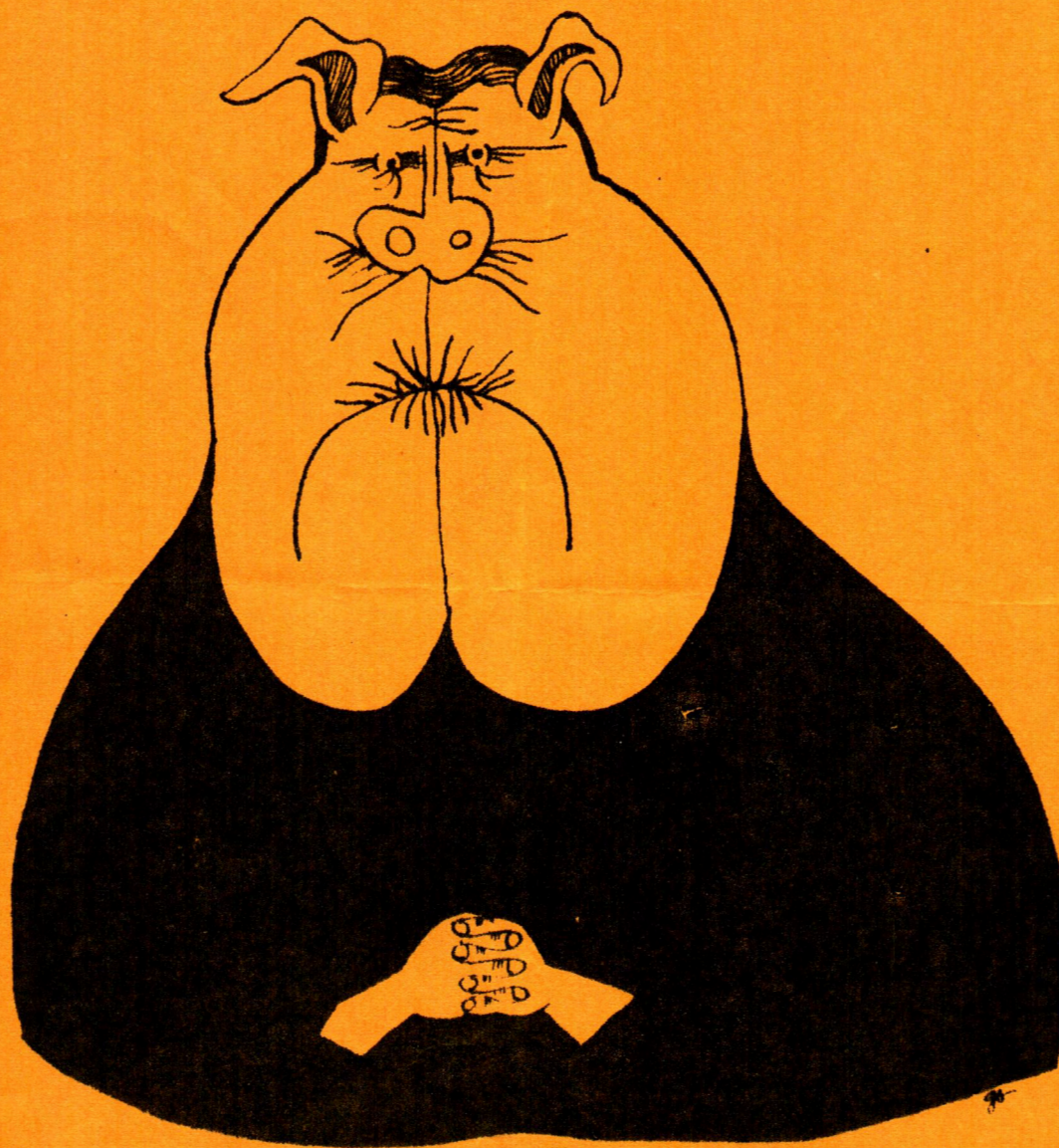
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

546 fillmore st san francisco call f.94117 tel: 863-8441, 863-8442

LOOSE  
BUNDLED



# **INSANITY IN THE COURTS**



**The Story Of The Mass Bust  
Trials Of The San Francisco State  
Strikers**



## INSANITY IN THE COURTS:

### THE STORY OF THE MASS BUST TRIALS OF THE S.F. STATE STRIKERS

#### WHAT WE DID

Last January 23, a thousand strikers and strike supporters gathered at a rally in the middle of San Francisco State's police-ridden campus to hear the Third World Liberation Front talk about the 15 demands, and the principles upon which they were based: the fight against racism, self-determination for third world people, and power for the people to implement their demands.

The rally lasted only 25 minutes when the police surrounded us. Half the people were able to get away. 435 of us were busted.

#### WHAT THE COURTS SAY WE DID

All 435 people are accused of three misdemeanor charges: disturbing the peace, failure to disperse and unlawful assembly.

#### HOW WE ARE BEING TRIED

Before the trials began, our lawyers filed motions for individual trials. The judges decided this would be too expensive and time-consuming for the courts, so they bunched us into groups of from 5 to 12 people. So far, about 20 groups have been on trial, with the same charges and the same evidence used against all of us.

#### WHO SITS ON THE JURY AND WHY

For each group, about 125 prospective jurors are questioned. Of these, approximately 8 are black, one a student, one a young worker under 25. Our juries are overwhelmingly white and over 35. They consist of skilled workers, usually supervisors, small businessmen, housewives, retired people, and managers in large corporations.

Why can't we get tried by juries of our peers: third world people, poor people and youth? Three reasons: first, because jury lists are selected from registered voters, and most of our peers don't vote because they know the vote doesn't bring them any real power; second, our peers can't afford to live off the \$6 or \$7 a day the city pays for jury duty, and few employers will compensate their workers adequately for performing their "civic duty;" third, because the D.A. excludes anyone from sitting on the jury who might have the vaguest concern about educational problems, or the oppression of third world people.



The list of organizations, membership in which disqualifies a juror, according to the D.A., includes SANE, American Friends Service Committee, and the NAACP, as well of course as all the strike-support organizations and the Panthers. To balance the list, the D.A. also includes the American Independent Party, the Minutemen, and the American Nazi Party. (The Commonwealth Club, made up of the chief capitalists of San Francisco who gave Hayakawa a standing ovation, is not on the list. Neither is the Chamber of Commerce which supports removal of third world people from their homes through redevelopment.)

Another basis for exclusion by the D.A. is association with a church-goer. If the prospective juror has a friend or relative who ever contributed to the upkeep of Glide Memorial Church, Sacred Heart Church, Fellowship Church or St. Peter's Church -- all of these churches permitted strike meetings to go on in their premises -- the juror is disqualified. He'd be prejudiced in favor of the defendants, by remote control association.

#### THE D.A.'S CASE AGAINST THE STRIKERS

##### No evidence

The D.A. isn't interested in proving that the defendants are guilty of the actual charges brought against them. If his case was being based on evidence, he'd lose. The assembly wasn't "unlawful," because the strikers had the proper administrative permission to use the Speakers Platform, and Hayakawa's edict banning rallies certainly hadn't force of law; it was simply administrative fiat. Nobody's peace was disturbed; even the D.A.'s chief witnesses, Business Department professors, testified that they kept teaching their classes throughout the rally. The strikers all testified that they couldn't hear the words of the police order to disperse given over the loud speaker; besides which, they had nowhere to disperse to, since the police had them completely surrounded.

##### Violence and law and order

The D.A. doesn't need evidence to win his case. All he has to do is rant about "violence" and "law and order." Say it loud enough and long enough and some jurors begin to believe it, if the mass media hadn't convinced them of it long ago during the strike.

The strategy that the D.A. uses to get his point across is to establish the "state of mind" of his police and scab-faculty witnesses. They were all "apprehensive" during the rally because they expected that after the rally all hell would break loose.

Q. What kind of trouble did you expect?

A. 111 broken windows, one chair overturned, one typewriter out the window, 3 bombs, 4 fires and 7 stuffed toilets.



Q. Did these defendants do these things on Jan. 23?

A. No.

Q. In the previous months of the strike?

A. I couldn't say, I don't remember seeing their particular faces; but somebody did, so it could have been them.

The D.A. treats the jury to a trip to "McDonagh's Hideaway," a room on the second floor of City Hall in which the D.A. in charge of coordinating the S.F. State mass bust prosecutions, Marty McDonagh, has carefully laid out an arsenal of all the weapons collected from arrestees and non-arrestees on the 23rd. Weapons range from nail files to picket sticks, with an occasional pool ball. The D.A. doesn't allege that any of the defendants used these weapons on that day, only that we might have, if the police hadn't broken up the rally.

#### Tight coordination

The D.A.'s have their prosecution tightly coordinated. With as many as seven trials going on at the same time, you can walk into any courtroom at a similar stage in the trial and see the same police witnesses (Sgt. Epting of the Tactical Squad has testified over 20 times), hear the same faculty testify how frightened they were, and hear the same sarcastic questions and comments from all the D.A.'s.

Their prize parrot occurs during their summation argument to the jury. A menacing look, a shaking finger waving at the 12 nervous men and women in the jury box, and out comes,

"If any of you vote to acquit any of these young people of the charges for which they are on trial, you personally will be responsible for any disorders that occur at S.F. State College next fall."

Prosecution rests.

#### OUR DEFENSE

##### Young, sometimes inexperienced lawyers -- unpaid

Since we have no bread to pay lawyers, (all the money we can raise goes into paying for appeal bonds of defendants convicted) we've had to rely almost entirely on the public defender's office, and on young lawyers from large firms who've been designated by their senior partners to use the State cases to get some "trial experience."

##### Political education of the lawyers

For the lawyers, that experience has blown some minds. They've discovered what a political trial is all about. The courtroom walls become a distorted mirror of the power struggle that went on at the campus.



All the defendants insist that their motivations for being at the rally -- their support of the 15 demands -- be explained to the jury and injected into the trial at every available occasion. But the defendants are sharply divided over the meaning of a "political defense." For the Progressive Labor Party defendants, and their allies from the Worker-Student Alliance, a "political defense" means an all out attack on the court system inside the courtroom, and a commitment to "revolutionary honesty" which impels them to state on the witness stand that they believe in the overthrow of the government by force and violence, and that they implemented this belief during the strike by using any means available to attack police and damage college buildings.

For the other defendants, a political defense means using all available means within the courtroom procedure to educate the jury about the politics of the strike, combined with striving to win their cases so they don't have to spend 6 months in jail for the crime of attending a rally.

The D.A. has cleverly placed at least one PL or WSA defendant in each group, knowing that their defense would be likely to prejudice the jurors against all the defendants. The tactic has been extremely effective, difficult for the defense lawyers to combat.

Pitted against all the defendants and their lawyers, is the strong combination of the extreme fascists -- the D.A.'s, the police, the Business and Physical Education Department faculty and the administrators -- and the protector of the corporate interests of the State of California, the judge. The odds are stacked, and our lawyers rapidly lose any illusions they may have had about the impartiality of the judicial system.

#### Winning lawyers to the movement

With some of their illusions swept away -- misconceptions about the law nurtured by their class background, law school training, and aspirations to become wealthy, respected professionals -- many of the young lawyers have become personally committed to the people they are defending, and politically committed to the principles for which we went on strike.

The S.F. State Legal Defense Committee and the individual defendants have cooperated in the effort to bring these lawyers into the movement. We operate on the philosophy that lawyers and defendants are involved in a common struggle, and have to work together to win.

The first aspect of that struggle is the development of a new form of relationship between lawyer and defendant. Instead of accepting the usual attorney-client relationship in which the attorney makes all the decisions about courtroom strategy and tactics, while the client quietly sits back and awaits the verdict; we have maintained that the responsibility for the trial is a mutual one.



Our responsibility is to provide the lawyers with whatever legal and technical assistance they require: gathering evidence, getting witness depositions, subpoenaing films and tapes, doing research on jurors, keeping abreast of new D.A. tactics, and providing information on which judges allow what kinds of questions and evidence to be introduced into the trial.

In return we ask that the lawyers be willing to share all their knowledge of the law and courtroom strategy with the defendants, and that all decisions on strategy in the trials be decided jointly by defendants and lawyers.

Although we have lost some lawyers whose class predilections could not permit them to accept this new kind of relationship, on the whole, our strategy has been successful. Perhaps the most important outcome of the State trials will be that, in the future, many more lawyers will be willing to accept, and take the consequences for, the defense of people in political trials.

#### The elements of a political trial

Broadly defined, all criminal trials of poor people, third world people and youth can be called political trials, for two main reasons. First, because the life circumstances of poverty, humiliation and oppression that these people suffer are the direct result of the political and economic institutions of a capitalistic society. Secondly, the decision to prosecute some crimes and dismiss others is a political decision. Bank presidents who make policies which result in exorbitant interest rates and consequent economic hardship for thousands of people are rarely, if ever, prosecuted for these criminal acts. Instead, third world youth from Hunters Point, Fillmore and the Mission districts of San Francisco, crowd the dockets of the court calendars.

In a narrower sense, a political trial is one in which an individual or group is selected for criminal prosecution for actions that stem out of their political beliefs. Categorizing the charges as misdemeanor or felony is incidental to the political action; local courts have no category for political crimes (except for conspiracy). The major differences between the two kinds of charges is that the jail penalty on a felony is much higher than on a misdemeanor, and that factual evidence in a felony case tends to have more relevance to the outcome of the trial than in a misdemeanor case.

For example, it is vitally important that Bobby Seale's lawyer prove that Seale had no connection with the murder of the Connecticut Panther. That evidence is vital to Seale's acquittal. On the other hand, in misdemeanor cases such as the State mass bust trials, evidence pertaining to whether or not the defendants participated in the rally for which they are on trial is of little or no consequence to their acquittal or conviction, since none of the defendants deny their participation in the rally.



Strategies of political defense in the mass bust trials

For the majority of defendants, and all the lawyers, who do not base their strategy on an all-out attack on the court system, the overall strategy of the trials has been to attempt to educate the jury through a combination of factual evidence, some minimal reliance on first amendment constitutional arguments, and a heavy emphasis on establishing the motivations of the defendants. The relationship of these three elements depends on the decisions of each group of lawyers and defendants, on the tactical skill and articulateness of the lawyer, and the degree of overt prejudice expressed by the judge.

The problem of factual evidence stems from a problem of definition. We say our sole "crime" was participation in a rally; they say our crimes are disturbing the peace, failure to disperse, and unlawful assembly. Their definition, of course, prevails, so the defense has to prove our "innocence" of these crimes. We maintain, through cross examination of D.A. witnesses, and through testimony about the noise level of the rally, that no one's peace was disturbed because the rally wasn't unduly noisy. We assert that we hadn't time to disperse because we were surrounded by the police, and that people could not hear the police order over the loud speaker telling us to leave the campus. We state that the assembly wasn't unlawful because, according to school tradition, we had a right to use the Speakers Platform for assemblies, and that nothing in our conduct at this particular assembly made it unlawful. Minute, boring testimony to support our claims goes on day after day, with D.A.'s and defense lawyers parrying and thrusting objections sustained and overruled.

It has been virtually impossible for most of the lawyers to inject constitutional issues into the defense itself; any arguments on free speech and assembly can be squeezed in only in the summary argument to the jury. Its effectiveness is almost entirely emotional. The judge says the jury cannot decide on a point of law, but many jurors have responded in spite of that admonition to their deep-rooted beliefs about the guarantees of the Constitution.

The most important aspect of the defense is the establishment of the motivations of the defendants, since all admit they were willingly present at the rally. But this strategy is a tough one to pursue, because the D.A. and the judge are lined up to prevent it. The D.A., as was mentioned before, bases his whole case on state of mind -- fearful professors, wary police and violent students. Our lawyers pit commitment to the strike against violence, and fear of the police against breeding terror in faculty hearts. But the D.A.'s object to this line of argument at every moment, and the judges almost always sustain their objections. The defense's sole hope rests on believing that the jury will remember what's been said, even though the judge strikes it out of the record.



The only times that we can assert our political beliefs in the court are when the defendants are on the stand, and in the defense summation. Our lawyers try to make the jurors view each defendant as an individually motivated, moral human being, rather than to accept the D.A.'s version of us an insane mob, bent on destroying the entire "fabric of democratic society."

### THE VERDICTS

The verdicts in the trials so far have been, to say the least, inconsistent. Each of the 167 people tried so far has been accused of the same charges, with identical evidence brought against them by the D.A., and with similar evidence brought in their behalf by the defense lawyers.

Results:      42 people acquitted of all 3 charges;  
                 35 people received mixed hung juries and  
                                 acquittals, some have been retried,  
                                 others had charges dropped;  
                 31 people convicted of one or two charges;  
                 66 people convicted of all 3 charges.

The missing link in this judicial charade is the judge.

### THE IMPARTIAL JUDGES?

#### Judges act as strike-breakers

The San Francisco judges have played a key role in the State's repression of the strike.

Two weeks after the strike broke out last November, the judges got together and decided that no people arrested at State would be granted O.R. (O.R., release on one's own recognizance, is supposed to work on a point system: so many points for residence in the Bay Area, attendance in school or a steady job, family ties nearby, etc. -- all to determine whether the arrestee can be expected to keep his court appearance. Only people accused of attempted murder or murder are refused O.R., because they are also refused bail.)

On the night of the mass arrest, Judge Mana arbitrarily refused to release anyone on O.R.

The result: we dished out a total of \$70,000 for our 700 brothers and sisters arrested during the course of the four and one-half months long strike. Very profitable for the insurance companies who get the lion's share of the bondsman's cut.

According to a Chronicle editorial of Feb. 6, 1969, all the judges were called to Sacramento by East Bay legislator Don Mulford, to "discuss" the State trials. The judges were warned that their political careers were in jeopardy if they didn't make sure that the trials resulted in convictions and heavy sentences.



### When there's a conviction

When a jury returns a conviction verdict late at night in City Hall, the judges lock us in the courtroom for about a half hour after the jury leaves. Ostensibly, this action is to protect the jurors from the onslaught of a potentially "violent" mob of about 50 dejected friends of the defendants who have been waiting all day in the courtroom for the verdict. Actually, this delay period gives the judge time to call the Tactical Squad. When we are released from the courtroom, we walk out into the halls between two lines of Tac Squad police in full battle array. Just like the good old days on the campus.

### Remanding people into custody

A couple of judges have gotten into the habit of remanding people into custody immediately after conviction, if the judges determine that the guilty ones are a menace to the community. This is totally unprecedented in misdemeanor cases. One such menace had a criminal record which consisted of having staged a peaceful sit-in with 5 other people on the steps of the Atomic Energy Commission back in 1961 to protest the U.S. use of the nuclear bomb. He was whisked away into jail.

### The Sentences

Several jurors who held out for acquittal have told us that they were finally convinced to vote for conviction, not because they believed we were guilty, but because their conviction-bent fellow jurors told them that it wouldn't be fair to vote a hung jury, and make us go through another 6 week trial ordeal. Besides, the conviction-jurors argued, the defendants would get off with a few months probation and a small fine. No one would go to jail in a first conviction misdemeanor case.

Some of these well-meaning jurors confessed that they cried when they heard the sentences.

Back in June and early July, the judges came down with the following sentences:

either 15 days in jail, 90 days suspended sentence,  
one year probation,  
or 45 days in jail.

But as the trials go on, the judges evidently feel the need to increase the intimidation. In late July and August, the same judges were handing down these sentences:

either 30-60 days in jail, 180 days suspended sentence, two to three years probation,  
or 6 months in jail.

The total range of sentences has been as follows:

from suspended sentence to one year in jail;  
from no probation to three years probation;  
from no fine to \$500 fine.

Same acts, same charges, same verdicts, just different people.



Probation Dept. says: everyone goes to jail

Chief Probation Officer Cavanaugh has ordered all the probation officers to recommend mandatory jail sentences for all people convicted in the mass bust trials, regardless of prior record or value of their work in the community. One p.o.'s job went on the line when she testified in court that, contrary to orders, she was recommending no jail terms for her defendant. The judge gave the striker 5 months in jail. The probation officer was immediately transferred out of San Francisco.

Appeal bonds

The usual cost of an appeal bond in a misdemeanor case is twice the amount of the original bail. Bail was set for most of the mass bust arrestees at \$350 per person.

The judges are setting the majority of appeal bonds at anywhere from \$1500 to \$6250, depending on how "dangerous" the judge decides the striker is.

WE NEED YOUR SUPPORT

In spite of some well-grounded skepticism about our judicial system, we intend to appeal these cases as far as we can. It'll take hundreds of thousands of dollars. Only 167 of the 435 arrested in the mass bust have been tried so far. And we still have 135 individual trials of people arrested throughout the strike starting in late September, including all the felony charges, and all the leadership of the Third World Liberation Front.

We need all the help we can get. The Movement is the people, and we cannot abandon the people to the repression of the state.

Power to the People,

SAN FRANCISCO STATE LEGAL DEFENSE COMMITTEE

Contributions can be sent to:

S.F. Legal Defense Committee  
P.O. Box 31158  
San Francisco, Cal. 94131