

VENC

VENCEREMOS

'Together We Will Win'

25¢

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After an unsuccessful right wing coup on June 29, rightist forces encircling the presidential palace were forced to retreat and fled to the Catholic University. They were pursued by students and workers, loyal to Allende, who battled them with clubs and slingshots.

George Jackson

"Wherever there is struggle there is sacrifice, and death is a common occurrence. But we have the interests of the people and the sufferings of the great majority at heart, and when we die for the people it is a worthy death."

from *Serve the People*
Mao Tse-tung



Assassinated August 21, 1971

Defense Denied to Marilyn Buck

Marilyn Buck, a young San Francisco woman who has been the victim of harassment, illegal electronic surveillance, no-knock raids, and over four months in jail due to high bail, now faces up to 12 years in prison following a conviction for using a different name with intent to defraud in buying 150 rounds of ammunition. She did buy the ammunition, and she has changed her name, but both actions were legal and open; both were necessary in self-defense against harassment by Federal agents.

Last year, Marilyn legally changed her name in order to protect herself and family and friends from continued harassment. She had learned that her brother, a Navy lieutenant, had been denied a promotion based on a 200-page brief compiled by the FBI concerning her supposed connections with the Black Liberation Army. Having changed her name, she went about working and

living as usual in San Francisco. This included the "crime" of purchasing three boxes of ammunition.

Judge Conti and the prosecutor worked together to prevent the defense from presenting evidence of illegal activity by the government. The judge postponed a hearing on the effect of illegal wiretaps on the case, and silenced any mention of them before the jury. The key witness was a Federal agent whose testimony was based on a police report which had been changed three times. Marilyn's brother was not allowed to testify about his harassment.

Funds are desperately needed. Any contributions may be sent to the Marilyn Buck Defense Committee, 96 Jessie, San Francisco, San Francisco, California 94105.

Lawton - Gardner Re-Trial

In Riverside, California, Gary Lawton and Zurebu (Larrie) Gardner are on trial for the second time, charged with the April 2, 1971 shootings of two Riverside policemen, even though their first trial ended with a nine to three vote for acquittal.

The District Attorney began his opening remarks with an attack on Gary Lawton's past activities as a community leader in Riverside's predominantly black east side, calling him a "self-appointed leader... a leader of violence."

The prosecution has no witnesses yet who can positively identify the defendants as having been present at the shooting. The testimony of important prosecution witnesses has changed (for example, the first policeman on the scene after the shooting testified in the preliminary hearing, the grand jury hearing, the first trial, and his police report that he saw no person or car nearby--now he remembers two men standing by a dark car).

A spectator overheard the DA coaching a witness prior to his testimony, but the judge refused to grant a mistrial.

What's

Happened to Thero?

Thero Wheeler has been reported as escaped from the California Medical Facility at Vacaville. According to the prison officials, he was last seen August 2 working on the prison grounds outside the front gate. Very little information has been made public by the Department of Corrections concerning the circumstances surrounding the escape. Although presumably he has escaped, the possibility of kidnap or physical harm done to him by prison authorities has not been discounted.

Thero is a 29 year-old black humanitarian revolutionary. As a "jailhouse lawyer," Thero has successfully protested a number of illegal acts that officials have attempted to do to him and other inmates. Last year he was labeled a "militant writer" by prison authorities after having filed suit to be able to receive a black-interest newspaper, the Sun Reporter. Later, while trying to organize a prisoners' Legal Club in Soledad, he and another inmate who requested the club were transferred to other facilities in the middle of the night in order to break up their efforts.

At the time of his disappearance, Thero was part of the Stress Assessment Unit, which attempts to "cure" "violent" inmates through drugs and intense psychological pressures. For the past few months Thero has been seriously ill with internal bleeding and had been denied adequate medical care. Hearings to have him removed to a hospital under his doctor's care had been postponed by the judge.

Oklahoma Convicts Raze Prison

In two days of rioting, inmates at Oklahoma's McAlester prison burned down the prison, destroying even the cellblock locking system. Of 1750 inmates, more than half participated in the rebellion, making four demands: total amnesty for the leaders, formation of a democratically elected council to represent the inmates before the prison administration, access to U.S. Justice Department and ACLU attorneys, and suspension of a hated prison employee.

Before national guardsmen and police quelled the rebellion, 23 hostages were taken.

Afterwards, in a meeting with state officials, one of the prisoners said that among other things, prisoners were often maced in their cells for no reason, and that they were lucky to get one shower a week.



all that remains of a food service area

San Quentin Six

On July 27 during the pre-trial hearings for the San Quentin Six, Oscar Acosta, a Chicano attorney active in movement activities, entered the case as Luis Talamantez' lawyer.

Johnny Larry Spain, one of the Six, again refused to come into the courtroom. He yelled from the holding cell to supporters about new "security" restraints. The holding cell now has a steel plate fixed to the floor with six sets of chains attached. With his legs shackled and hands already cuffed to a waist chain, Johnny was further forced to be chained to the floor while he attempted to sit on the bench and take notes.

The San Quentin Six have filed in Federal court a civil rights complaint dealing with the beatings they have sustained at the hands of San Quentin guards while in the Marin County Courthouse, specifically in this holding cell area.

The next Marin County court appearance for the Six is September 7.



Thousands of Farmworkers carrying red flags protested at the Visalia courthouse after two strikers were shot on the line.

Besieged Farmworkers Call Nationwide Boycott

In the San Joaquin Valley of California, a quiet war has been moving northward with the ripening of the grapes. Starting in the Coachella Valley and now spreading into Delano, the United Farmworkers Union has gone on strike as its contracts have expired. The UFW is pitted against the combined forces of the grape growers, the Teamsters, hired goons, local police and local judges who have attempted to break the strike through injunctions and mass arrests as well as beatings and shootings which recently took two lives.

Delano is where the Farmworkers first went on strike in 1965 and after a five year grape boycott won union representation with the UFW led by Cesar Chavez. Delano is the heart of the grape industry, producing 40% of the nation's table grapes. After the Delano growers gave in, other growers followed suit. This year, however, rather than renew those contracts, the growers made an alliance with the leadership of the Teamsters signing "sweet-heart" contracts to kick UFW out of

the fields.

The United Farmworkers Union is fighting for better wages (\$2.70 an hour over the Teamsters' \$2.30), restrictions on the use of pesticides, better medical care, and restrictions on mechanization that replaces pickers. The decisive issue is the UFW's refusal to give up the union-controlled hiring halls.

The Teamsters, on the other hand, have willingly conceded the hiring hall issue to the growers. The elimination of the hiring hall means a return to the labor contractor system where farmworkers are hired by a contractor who decides who will work and when, without regard to seniority, and who also takes substantial cuts from workers' wages. In all contract negotiations this year, the growers made the elimination of the hiring hall their principle if not only demand.

BEHIND THE LINES

Confrontations between the strikers and the growers' forces are in-

tensifying as the Delano harvest gets underway. In the past month, two strikers have been killed, one by the police and the other by scabs. Scabs have begun sniping at the strikers on the line. Farmworkers have been beaten by police and goons. The gas station at the UFW headquarters has been dynamited and several bomb threats have been directed at the headquarters and medical clinic. In the Lamont-Arvin area, growers have gotten an injunction restricting picketing and the use of bullhorns. In a nine day period in late July nearly 2700 farmworkers and their supporters were arrested and jailed for defying this injunction.

The losses have not been totally one sided. The Teamsters office has been sprayed with bullets. A grower's tractor shed has been burned down. Scab labor camps and growers' homes have been fire-bombed. Scab cars and grape trucks are regularly pelted with rocks. Scabs in the fields are harassed with rocks and dirt clods.

FLAGS VS. GUNS

On August 11 two picketers were shot by snipers in the vineyards. This was the first time that strikers had been shot and wounded. Although there had been several nighttime incidents with Teamsters, this was also the first day that Teamster goons had been on the lines in Delano. Earlier during the Coachella harvest, goons with clubs and chains frequently attacked picket lines singling out children and old people.

In response to the shootings, union officials called an emergency meeting. They told the strikers that the shootings were partially their fault because they had run from the armed assailants. The officials urged that next time strikers walk behind their cars or as one official suggested "kneel or sit."

The strikers reacted with disbelief and anger. One picket captain shouted that strikers should carry guns too. The officials responded by asserting that the union is nonviolent and that there would be no guns on the line. (They did tell people that they could be armed at night and that on the line they could carry clubs in the trunks of their cars.) One picket captain muttered, "When they start shooting, red flags and Huelgas aren't going to do much good. This is ridiculous."

The emergency meeting highlighted the growing isolation of the union officials from the battle conditions on the lines. People on the picket

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Volunteers Help UFW Build Retirement Home

Most people don't remember, but the first grape strikers in Delano in 1965 were Filipinos. Later they were joined by Chicano and white workers. In those early days of the strike Paulo Agbayani, A Filipino brother, died on the picket line. The United Farmworkers Union is now building a retirement housing project named Agbayani Village for the older Filipinos who led the first walkouts. Most of the older Filipinos have no family to take care of them because immigration laws restricted Filipino women from entering the country.

Brigades of supporters are going to Delano to help build the village. Brigades will leave every two weeks from now through September. The main purpose of the brigades is to show solidarity with the rank-and-file farmworkers. The organizers of the brigades hope that people will continue to work together politically after they come back.

The brigades are based loosely

on the experience of the Venceremos Brigades to Cuba. Organizers are seeking people who already are politically involved and who understand the importance of supporting the liberation of oppressed peoples. Volunteers should be willing to work hard. Work starts at 5:30 a.m. and lasts till 2:00 p.m. in temperatures as high as 110°. People don't necessarily have to have construction skills; they can learn on the job.

There will be at least two orientation meetings before the brigade leaves: 1) Filipino labor history 2) basic use of construction tools. In addition to working on the village, volunteers can help picket with striking workers. There will be political education classes in Delano and people will be encouraged to tell the farmworkers about their organizing experiences in the cities

For further information, contact John or Bruce (415) 986-7098.



Deputy sheriff and dog stand between picketer and striker.

East Side San Jose Housing Project Tenants Strike

Story Apartments, the largest low-income apartment project on the east side of San Jose, has been on a rent strike since mid-July. Story Apartments were sponsored by HUD, the federal government's housing and urban development Agency. HUD chose a corporation, LUSTRAR, to manage the apartments.

In August, 1972, Serapio Lopez, a father of five, was hired by LUSTRAR as manager for the apartments. In July, 1973, he was fired for allegedly embezzling \$900 from the rents he collected. He was the fourth manager to be fired in a period of two years.

Serapio Lopez was very responsive to the needs of the tenants. LUSTRAR gave him no authority to deal with many of the problems at Story, such as the badly kept grounds (there is broken glass scattered around, garbage overflowing out of bins, broken or bad facilities). However, if anyone had a problem, such as a child bitten by a dog, burglaries, children falling in potholes and getting hurt, needing extra time to pay rent, Mr. Lopez would do what he could. Because he was so responsive to the needs of the tenants, because he is Chicano, and because he is not the "management type" he was fired. Two months prior to Mr. Lopez's firing, LUSTRAR has sent notices

Tribal Council Blocks Induction

Bruce Gali (Ajumawi Band), a Pit River Indian, has been arrested and ordered to court in San Francisco on charges of "Failure to Report for Induction" into the U.S. Armed Forces.

The Pit River Tribal Council opposes taking young men from tribes in America and forcing them into the service of the U.S. government.

They have announced that they will charge the U.S. government with kidnap and conspiracy if they insist on prosecuting Gali.

They have ordered Gali:

1. Not to report to the court
2. Not to have further correspondence with the U.S. officials
3. Not to leave the boundaries of tribal land for any reason connected with the charge
4. Not to bear arms against other oppressed peoples

Tribe Tells U.S.: No Trespassing

A resolution has been sent to President Nixon by the Pit River Tribal Council to announce the re-taking of 120 acres of Public Domain land in California.

The resolution stated: "This land is within the Ancestral boundaries of Pit River Territory.... (we) have never relinquished title to our land to any government and have no intention of doing such."

A Tribal Council member has settled there, assigned by the tribe to care for the land. The Pit River Indians have never surrendered to the U.S. And since attempts to secure their land rights under U.S. law have been futile, they have declared: "We must institute our pre-emption power of an unconquered peoples."

Trespassing by U.S. agents was "discouraged."

that there would be a \$15 rent increase, with the excuse that rising costs made rent higher.

When a person moves into Story Apartments, the new apartment is supposed to be clean, with new drapes, all facilities in brand new condition and operating. In one case, a black woman with several children moved into an apartment in which the main light in the living room didn't work and the back door wouldn't lock. Management said both would be fixed immediately-but things are still the same. In July she withheld her rent to force management to fix her apartment. The only action that she got was an eviction notice on August 12. This is just one of such cases.

In the first week of July, immediately after the firing of Mr. Lopez, eight tenants, three chicanos, three blacks, and two whites, got together in Mrs. Lopez's apartment with some lawyers and formed a Tenant's Association of Story Apartments (TASA). They decided that this time LUSTRAR had gone too far. They decided that a rent strike would be the best tool to fight back with. A petition was drawn up explaining the issues, and making three demands: that Serapio Lopez be rehired, that the rent increase be cut back, and that LUSTRAR be terminated as manager. The petition was signed by 95% of all the tenants, who agreed to withhold rent until the demands were met. Picketing at the manager's office began immediately with signs reading "Terminate LUSTRAR!" "Re-hire Lopez", "Viva La Huelga!". With the help of lawyers, a trust fund was set up into which tenants would continue to pay rent. With this no one can say that tenants are just riding the strike to avoid paying.

VENCEREMOS PHOTO



In a meeting at which tenants, TASA, HUD, and LUSTRAR were present, the LUSTRAR people walked in with high class suits, briefcases, and attitudes expecting a meeting at which theirs would be the final word. Their professional attitudes did not turn things around.

If we conde to LUSTRAR, many people would have to move out, not being able to afford the rent increase. We cannot afford to look for cheap housing or be relocated. We know that the attacks against us are not isolated: poor people, both white and third world, are having to fight on many fronts in order just to survive. This struggle is fundamentally the same type of fight that the citizens of Alviso are up against and we will align ourselves with all poor people confronted with these types of attacks. TASA and the tenants of Story Apartments have unity and the power of the people, and with that an eviction notice is just a piece of paper in the hands of the lackey who serves it.

QUE VIVA TASA Y LA HUELGA
POWER TO THE PEOPLE

Free Alviso Movement Fights San Jose

This article was written from notes from an interview with some Alviso residents: Frank Bravo, Manuel Martinez, Paula Martinez, Theodora, Alan Olson, and Nina Martinez.

Alviso is now a small Chicano community at the south end of San Francisco Bay. When San Jose was the capitol of California, Alviso was a major seaport. Since World War II, while San Jose has become a booming center of industry, Alviso has been reduced to poverty. There are few street lamps, fewer paved streets, no sidewalks, and frequent floods during the rainy season.

As the freeway systems shoved through residential areas of San Jose, many people were forced to pay house movers \$1,000 to put their old homes on cheap Alviso land. In 1968, the power structure of San Jose decided to grab Alviso. An annexation election was held. The San Jose politicians promised paved streets, sidewalks, street lamps, flood control, etc., etc. They also brought in illegal votes from all over the county. San Jose won-- by 9 votes.

What does the big money of San Jose want from Alviso?

"To destroy us. To ruin us. They want to grab this whole area. They want to level this place for industry.

"The city government of San Jose has got the Army Corps of Engineers grooming the area for their own future development. For one thing, they want a San Jose airport here."

The people of Alviso see the power structure of San Jose functioning like the rest of the U.S. empire:

"For San Jose to go ahead with their plans, they must relocate our population. Just like the U.S. government relocated Indians to useless lands, relocated thousands of Japanese into concentration camps, and deported thousands of Mexicans to Mexico to create jobs for Anglos during the depression.

"What is very important for people to know is what about us, the people? If they destroy us, we can't even afford to move into a project in East San Jose."

When San Jose took over, the government robbed the people of much of their town pride.

"We had two old pumper fire trucks, that worked. San Jose stole them from us.

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Workers Seize Factories

Chile Nears Civil War

Chile is close to civil war after the unsuccessful coup attempt of June 29. A small section of the military, with the blessings of the right wing of the bourgeoisie, attacked the Presidential Palace with tanks in an effort to overthrow the Popular Unity (Unidad Popular--U.P.) government of President Salvador Allende. The coup was smashed in a few hours, primarily because working people took a direct hand in defending the government. Workers seized most of the major factories, and hundreds of plants are still being occupied by the one million strong Chilean Workers Union (C.U.T.).

As a court martial continues investigating the rebellion, rumors of more unrest in the military abound, and the opposition Christian Democrats and National Party members are claiming that the workers have been armed by the government and organized into a "Marxian People's Army."

On the morning of June 29, as the rebel tank units were firing on the Presidential Palace, President Allende and C.U.T. called upon the workers to occupy all the country's industrial enterprises. The call was immediately carried out and workers committees organized the seizure and administration of factories throughout the country, under the auspices of the left-wing parties and the labor unions, and coordinated by Regional Workers Councils to which every factory elects representatives.

These councils organize the defense and coordination of the occupied factories. Every plant either works a 24-hour day or has a 24-hour-a-day guard posted by the workers. Each factory unit has committees of defense, vigilance, communications, and worker brigades that are prepared not only to defend the factories but also to come out into the streets to defend the government if another attempt should be made to overthrow it.

The factory seizures were initiated by groups of workers associated with the Movement of the Revolutionary Left (M.I.R.). Although M.I.R. is a relatively small organization, it is the only major left organization outside the Popular Unity government, and the only major left organization with a secret disciplined military apparatus. M.I.R. has consistently put forward the slogan "Occupy-Expropriate-Advance." While criticizing and opposing Allende for his reformism and his readiness to capitulate to the bourgeoisie, M.I.R. has been in the forefront in supporting Allende when he resists or attacks the bourgeoisie, and when he opposes imperialism.



Most of the seizures concern foreign-owned or dominated companies, especially U.S., Swedish, French, English, German, Belgian, Spanish, and Swiss subsidiaries. The workers' concern, then, for the nationalization of these firms stems not only from their anti-capitalist sentiments but also from the wave of anti-imperialist and nationalist feelings sweeping certain parts of Latin America: Chile, Peru, And Argentina in particular.

The occupation order is still in effect. Of the 285 factories occupied before the coup attempt, approximately 129 factories had been expropriated and put in the "social sector" of the economy (nationalized) as the workers demanded. Today, over 600 factories have been occupied, with the workers demanding that these factories also be taken from the "private sector" to the "social sector" of the economy. Although some of these occupations were temporary, they represent a significant challenge to the bourgeoisie's economic control of Chile, and reflect a high level of socialist consciousness on the part of the workers.

Land reforms, food rationing by the army to guarantee all will eat, nationalizations of major banks and natural resources, worker control of hospitals and a significant share of the media are the victories of the Chilean people over the last two and a half years. These victories coupled with the threat of worker control of practically all basic industry in the country have dealt smashing blows to the big bourgeoisie of Chile.

RIGHT WING RESPONDS

Different elements of Chile's right wing opposition have intensified their attack on the U.P. government and President Allende. The attacks have focused on the nation's distribution and transport system.

Thousands of small businessmen belonging to the National Confederation of Ground Transport have been withholding the use of their 50,000 trucks for the distribution of food and necessary goods. Although commonly referred to as a "strike" by the U.S. newspapers, the action is an owner-led "lockout" of the strategic trucking industry.

Last October, the same confederation launched a similar lockout of vital distribution services. At that time, the U.P. government backed down from its plans to nationalize the industry, and a compromise cabinet including military officers



Students and workers hurl rocks at right wing troops holed up in the Catholic University

was appointed to mediate the problem.

Now, the government has declared the lockout illegal based on Chile's strict laws, passed under the previous administration, regulating such disruptions of vital industries. Based on the experience of last October, the government prepared itself for a repetition of such a lockout and imported 3,000 trucks which were distributed to worker-led local units. These trucks, protected by workers of C.U.T., are now forming the backbone of an alternate people's distribution system.

Since the 3,000 trucks could not take the place of the 50,000 trucks controlled by the truck owners, the government found it necessary to confiscate some privately-owned vehicles to transport supplies to hospitals and clinics and other essential institutions. The truck owners responded with escalated violence. The "alternative" truck drivers have been beaten and killed and their trucks have been burned. Together with the lockout, some one million million privately-owned buses and taxis are also "out on strike" (locked-out). Chile's transportation system is paralyzed. Now, shopkeepers in the Small Businessmen's Confederations have joined in the shut-down movement.

Coupled with these actions is a step-up in the activities of fascist terrorists. In the last few weeks vital highways, railroad lines, and bridges have been dynamited. The strategic oil pipeline near Curacavi, north of Santiago, was dynamited, stopping the flow of much-needed gasoline from the state-owned refinery on the coast. The self-proclaimed fascist group Patria y Libertad (Fatherland and Liberty) has openly vowed to push Chile into civil war, and has recently declared that it is beginning a "comprehensive armed offensive" on the Popular Unity government. They have sworn to "obliterate" anyone, especially military men, having any connection with the Popular Unity government or the working class. Various offices of left organizations and the headquarters of C.U.T. have been bombed, and the naval attache to President Allende

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BLOWS AGAINST THE EMPIRE



Feds Burn Church

(The Grapevine) The church at Wounded Knee was burned down by arsonists. We're sure it was burned down by Government agents to keep tourists from seeing the truth: the church was so full of federal bullet holes they couldn't fix it up. One woman who was in the church during the occupation told us that the U.S. Marshals would fire at anyone, even a child, who came out of the church. She spent much of her 60 days there crawling around on the floor as bullets burst through the church.

Nixon Speech Sparks TV Bomb

Orlando Fla. -- In mid-July, President Nixon gave a celebration address to the Florida Technical College in Orlando. Within ten minutes after the ceremony finished, the transmitting tower for the area's TV stations was blown up. There was definitely sabotage involved, but all the local media have refused to comment, and there has been a national black-out on the action.

Knock Knock

(LNS) Frank E. Bird, Jr., of Macon, Georgia reports that mechanics at a local auto plant practically dismantled a \$14,500 car looking for a rattle and finally discovered a ball bearing rolling around loose in a door panel. The bearing was wrapped in a note that read:

"Well you finally found it, didn't you, you rich so and so."

Palace Blown Up

Haiti (NYT)--A fire roared through Haiti's presidential palace on July 23 and blew up an ammunition dump in the basement. The basement was known to contain most of Haiti's munitions.

Police suspect foul play and have begun an investigation.

National Guard Withdrawn

Puerto Rico (TNS)--The colonial government of Puerto Rico has begun to withdraw the nearly 5000 national guardsmen called in to break strikes by 9000 public service workers.

Striking firemen and electrical power and water workers returned to the job after a 9-day strike. Their strike coincided with other labor strikes that crippled the island's economy and required the government to call in the National Guard for the first time since 1950.

The firemen returned to work with a number of their demands having

been met and all criminal charges having been dropped.

Blacks Win Posts

South Africa (Guardian)--The South African government has backed down from another confrontation with the country's students by granting demands that more blacks be appointed to the staff of the University of the Western Cape.

The college, the only one in the country for non-whites, was closed in mid-July and all 1600 students were expelled following a wave of protests over white domination of the school. Currently there are 70 white lecturers and only 12 blacks.

Indians Unite

Cocorabia (Hsinhua)--On July 15 7000 Colombian Indians met and issued an appeal to all Indians in the country for united struggle for their rights.

There are more than 50 Indian tribes with about 300,000 people in various parts of Colombia.

Speakers at the meeting unanimously denounced the big landlords and the reactionary forces in the church for taking away their land. They demanded the return of their land, an end to colonial taxes, the preservation of their history, language, and customs, and the release of the Indians who have been unjustifiably arrested.

Guerrillas & Golfers

(ZNS) Increased guerrilla activity in Northeast Rhodesia has inspired a Salisbury golf club to add two new rules. The first rule: "allows a stroke to be played again if interrupted by gunfire or a sudden explosion." The second requires all golfers to carefully examine each green for landmines before putting.

General Strike Called Off

Uruguay (TNS and PTS)--The National Confederation of Workers has ended the general strike that paralyzed Uruguay for 15 days, although workers in some plants continue to strike without union support.

The strike was called to protest the dissolution of the national congress and other dictatorial measures taken by President Juan Maria Bordaberry.

Many opposition and labor leaders and nearly 1000 workers, arrested in the wake of the June 27 coup by Bordaberry, remain in jail. The number of political prisoners in Uruguay has now reached the point of being proportionally the greatest

in Latin America: one prisoner for each 250 inhabitants.



Women Lead Bread Riots

Italy (PTS)--Italian women, enraged over a shortage of bread and skyrocketing blackmarket prices for the little bread still available, battled police and anti-riot forces for three days in Naples. The fighting began when three local bakers associations decided to go on strike because of the rapid rise in the price of flour. Since there is a price freeze on bread, the government refused to allow them to hike bread prices and the bakers responded with a strike.

Chanting "we want bread," women

with their children marched to the city's center. Police intervened and were met with barrages of rocks and garbage. Barricades were set up, and a bus and supply truck were set on fire. The women also led an attack against the government palace in Naples, but were beaten back.

The government was forced to intervene and tons of flour were shipped to Naples by a military convoy. Two of the bakers' associations have begun baking bread again.

Gainesville Trial Opens

Last August more than 5000 people protested Nixon's war policies outside the Republican Convention in Miami. The series of demonstrations, which was organized by the Vietnam Veterans Against the War (VVAW), was called "Operation Last Patrol."

Almost as soon as the last convention speech droned to a close, eight members of VVAW were arrested and charged with conspiring to disrupt the convention.

The arrests were not unexpected.

Accompanied by a massive Republican publicity effort, some ten thousand police and military personnel were mobilized for crowd control. Paid informants from federal, state, and local police agencies infiltrated pre-convention VVAW meetings. A week before the convention opened, 24 members of VVAW were hauled before a grand jury in Tallahassee, 375 miles from Miami.

In opening arguments before Judge Winston Arnow, in Gainesville, Florida, the prosecution and the defense battled over the political significance of the trial. Defense attorney Larry Turner reminded the court that the chief prosecution witnesses were agent provocateurs "who tried to get people to violate the law. About a year ago, I might not have made that statement about agent provocateurs, but today, in the age of Watergate..."

At this point, he was interrupted by chief U.S. prosecutor S.J. Carrouth who wanted the word "Watergate" erased from the record.

Turner informed the court that at least one government witness, a Cuban employed by the FBI and who had been asked to participate in the Watergate break-in, obviously had some direct connection with that infamous crime. He also pointed out that this agent had offered to sell automatic weapons to defendant Scott Camil.

Earlier, Carrouth had claimed that the trial was not an attack on VVAW nor an attempt to stifle the truth about Vietnam, but that the defendants were a "radical splinter group of VVAW that the rest of the organization does not go along with."

Judging by the press accounts of the trial, Carrouth is the only man in Gainesville naive enough to believe that the White House is not using the trial as a partial justification for the "Plumbers Unit" and Watergate in general.

So far in the prosecution's case, the only testimony which is directly related to the charges made in the indictment has been presented by paid informers and agents.

Among them are William Lemmer, Joseph Fennell, Carl Becker, Lewis Anchill, and Emerson Poe.

Becker's testimony has been by far the most bizarre.

He claims that one defendant, Peter Mahoney, told him that VVAW was planning to incite the police at the convention to violence which would educate the demonstrators and revive the anti-war movement throughout the U.S. 300 VVAW members would form a wedge between the police and the demonstrators. Allegedly, Mahoney somehow believed that "this would put VVAW in the leadership of the Left in this country."

The most stunning revelation in the trial came when Emerson Poe unexpectedly and dramatically took the stand. Up till then, he had

been a close friend of defendant Scott Camil.

The defense argued that Poe could not properly be a prosecution witness because he had participated in defense planning sessions and had been involved in many aspects of the preparation for the case.

When Poe denied having any knowledge of the strategy or tactics of the defense, Judge Arnow allowed him to testify.

Poe had been one of the 24 VVAW members called before the Tallahassee grand jury just prior to the convention. At that proceeding, the government's chief prosecutor of political cases, Guy Goodwin, testified that Poe was not an FBI informer.

On the stand in Gainesville, Poe admitted that he had received \$1,500 from the FBI, starting in January of 1972.

As the trial wears on, the defense anticipates that far more evidence will be revealed about this government conspiracy to railroad the Gainesville Eight into jail.

Gag Rule

For the entirety of the trial Judge Arnow has ordered a gag rule which prohibits the defense, everyone in Vietnam Veterans Against the War/Winter Soldier Organization, and all other interested parties "acting in concert" with VVAW/WSO to talk in public or to the press about the case. This includes any aspect of the trial or the evidence which led to the indictment of the eight. The gag rule also covers any mention of the illegal wire taps, office break-ins, and infiltration and surveillance used by numerous law enforcement agencies during Operation Last Patrol in Miami last summer.

Anyone who violates the ruling risks six months in a Florida jail. Arnow stated that anyone convicted of contempt would be sentenced to hard labor. The defense is appealing the ruling in a higher court. Arnow has also ruled that he may fine the defense or defendants \$25. any time they ask a question he doesn't like, or say anything he finds contemptuous.

Recently the FBI has approached three reporters in Gainesville to gather information for contempt charges.



6000 Rally in Support of VVAW

On August 4 6,000 people gathered in the Plaza of the Americas at the University of Florida in Gainesville in support of the Gainesville 8. The rally followed a march thru the city and past the Courthouse, where the trial was in session. The action on the 4th brought to an end a week of successful demonstrations sponsored by the national Vietnam Veterans Against the War/Winter Soldier Organization.

Two hundred and twenty five VVAW/WSO members from across the country came to Gainesville for the week. Activities included leafletting the community, attending the trial, nightly candlelight vigils at the courthouse, picketing the A&P market with the United Farmworkers Union, a People's Fair in Santa Fe Community College which was attended by 4,000 people, and the mass rally on the 4th.

The vets have been met with the support of the people of Gainesville. Bakeries and community groups donated food to the campsite and local grocery stores gave discounts. People took extra leaflets to pass out to friends. The courtroom is packed daily. Judge Arnow has now banned any demonstrations or pickets within a block radius of the courthouse.

Watergate and Gainesville

*John Erlichman and H.R. Halderman testified before the Senate Watergate Committee that the purpose of the Plumbers Unit was to prevent violence, bombings and conspiracy against the government. When pressed, the only specific instance that they could come up with for the Plumbers was the predicted violence in Miami.

*Convicted Watergate conspirator James McCord testified that part of his mission was to get information on "violence-oriented groups." The only group which has been mentioned before the Senate Committee is VVAW. *Alfred Baldwin, participant in the Watergate bugging, said he was assigned by McCord to infiltrate VVAW to get information to "embarrass the Democrats".

*Jeb Magruder said last January that VVAW was "basically the hard core that have been in many of the dem-

onstrations and have actually promulgated violence in each case."

*Defense attorney Carol Wild Scott's office was broken into. The only missing item was her file on client Scott Camil, a Gainesville defendant. *A briefcase belonging to one of the defense attorneys disappeared for several hours during a flight from New York City to Gainesville.

*FBI informer Pablo Fernandez said that he was offered \$700 a week by convicted Watergate conspirator Eugenio Martinez to infiltrate protest groups at the Democratic convention and to embarrass George McGovern for the "Republican Party." He declined the offer because he had already been hired by the Miami Police to infiltrate VVAW.

*During a meeting with VVAW, Fernandez said that he brought up his access to weapons, including mortars and machine guns, and the vets weren't interested.

Reagan's Program Crime Bill Proposes Police State

"Poverty and unemployment cannot be blamed for the spread of crime," asserted Governor Ronald Reagan, as he submitted his "anticrime" report to the California Legislature on August 1. The increase in crime has come about during the "golden age of permissiveness" says the governor, in an effort to justify his plan for the legalization of fascism.

The report, developed by a five-member, "blue-ribbon" Select Committee on Law Enforcement Problems, is essentially an attack on the constitutional rights of the people of California. The basic elements are:

- *six-member juries for misdemeanors and felonies that are not punishable by life imprisonment or death

- *verdicts by 5/6 majority except in capital cases

- *abolition of the exclusionary rule thus making it possible to use illegally seized evidence to convict a defendant

- *mandatory prison sentences for anyone using a gun in a crime

- *mandatory prison sentences for possession or sale of heroin

- *procedures to insure a trial or plea bargain within 60 days

- *creation of a State Public Safety Agency to manage the Highway Patrol, Correctional Facilities, Youth Authority, Military Police, Fire Marshall, etc.

While the excuse for using the six-man juries is to "speed up trials," its real intention of assuring more convictions is revealed by the 5/6 majority rule.

The exclusionary rule, which is supposed to insure against illegal search and seizures, has proved a roadblock to the state's ability to imprison its enemies. So, Reagan's report suggests that if illegally seized evidence is used to convict a person, that person has the "right" to sue the police for violation of his fourth amendment rights. He can do so from prison!

What this means is that poor and working people, Black people, Chicanos and political activists have no assurance that the police must have a search warrant before entering their homes. These are the only people whose homes are constantly inva-

Chile

continued from page 5

de was machine-gunned to death on July 27. Similar attacks have been made against other military officers, government buildings, TV stations, etc.

The right wing opposition has been very active and quite vocal in their attempts to incite the Armed Forces to engage in a coup. However, the Chilean Armed Forces are different from those of other Latin American countries. They have a long tradition of respect for the constitution and for established government and are hesitant to intervene. However, there are sectors of the military who would collaborate with the right in another coup or to crush the workers' movement.

THE QUESTION OF POWER

The Socialist Party, which is part of the U.P. government, and M.I.R., which is not part of the coalition, have both issued strong

criticism of Allende. They both feel that Allende must rely on the workers to combat the attacks from the right. For example, Allende recently let his Transport Undersecretary Jaime Faivovich resign under pressure from the right for his connections with M.I.R.; thus Allende tried to win over the truck owners rather than mobilize and rely on the workers.

The workers have no foreseeable plans to give up the newly-seized factories without a fight, and the capitalists have no visible plans to let the workers keep those factories without a fight. With every hour that passes the organization of the workers becomes stronger and their attitude more decisive. The struggle in Chile today revolves around the question of which social class, the working class or the bourgeoisie, will control state power. In Chile, this question has become the primary concern in the last two and a half years.

ded by police, and now Reagan wants to make such raids more "productive." Such a law amounts to legalized Watergating. But no matter...you can always sue for violation of your constitutional rights, that is, if you can afford to. Reagan is tired of the Constitution getting in the way of his developing police state. Mandatory prison sentences for whom? For the same people who already fill the jails--Blacks, Chicanos, and poor whites. Where is the mandatory jail term for embezzlement, bribery, price fixing, kickbacks, extortion, etc.? "White collar criminals," those with the money for expensive lawyers and payoffs, aren't faced with mandatory prison sentences, just poor and working people who are constantly under the thumb of the corporate state.

The proposal to insure a trial or plea bargain within 60 days would effectively limit a person's ability to present an adequate defense. People would be faced with the choice of going to trial unprepared or coping a plea. In the case of political trials, the effect of this rule would be particularly acute--there would neither be time to prepare a legal defense nor to rally public support. Anyone who proved troublesome to the government could be busted, tried, and imprisoned within a period of 3-4 months and before too many people even knew what was happening.

The creation of a State Public Safety Agency would consolidate all the major state law enforcement agencies under one central control. The result would be a more efficient, better coordinated, and more deadly military force available at the hands of the state to squash any resistance by the people. At the same time that Reagan seeks to destroy what few legal safeguards exist, he also seeks to consolidate the military force of the state.

Reagan's report to the legislature is a stepped up attack on the rights of the people. It must be crushed and we must fight to extend those same rights that the state is attempting to erode. Fascism doesn't appear overnight; it is legislated into being by measures such as Reagan's new crime bill.

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Ronald Reagan

Psychosurgeons Seek State Aid

On July 27, the California Council on Criminal Justice (CCCJ), a citizens' committee that reviews projects for LEAA (Law Enforcement Assistance Administration), voted unanimously to approve the use of \$750,000 in federal LEAA funds for the proposed UCLA Center for the Study and Reduction of Violence.

In order for this funding to come through, it must be matched by state funds. The State Legislature has already inserted a special clause into the new budget preventing state money from being used for the UCLA center. This clause resulted from open hearings where people voiced opposition to the center and its plans to use prisoners and mental patients as experimental subjects.

Supporters of the center have rewritten their funding proposal to make it sound more liberal and opponents of the center speculate that they will try to get the Legislature to reverse its earlier decision.

Miami Made Bilingual by Decree

from Jalamate

Dade County, Florida was officially declared bilingual and bicultural, but few are quite sure what it means.

Miami Mayor Jack Orr is of the opinion that all street and office signs will be printed in both English and Spanish and that bilingual people will be needed in all government offices. He also felt that all county tests, such as the contractors' qualifying exams, should be in both English and Spanish.

The newly passed resolution called for the creation of a division of bilingual and bicultural affairs in the county manager's office to implement the proposal.

Despite the uncertainty, the Miami area's huge Latin colony of 300,000 was delighted by the decision. They considered it a victory in a campaign seeking better local government services for the Spanish-speaking.

THE CHINO ESCAPE CASE

Two New Chino Defendants

On August 21, a San Francisco Federal Grand Jury issued an indictment against Bruce Hobson, Mort Newman, Jean Hobson, and Bob Seabock of twenty six different counts and individual charges ranging from conspiracy and harboring a federal fugitive to providing guns to a felon and being an accessory after the fact. All the charges relate to the alleged harboring of Ron Beaty from "September to approximately mid-December" by the four, all of whom are Peninsula activists. Bruce and Mort voluntarily surrendered themselves after a press conference on August 22 and were released on \$5,000 bail each. At the press conference, Mort commented that, "Now the government is using a Grand Jury indictment as a way of bypassing any public presentation of the evidence . . . We are both innocent of all the charges."

They are scheduled to be arraigned in the San Jose court of Judge Peckham at 9:30 a.m. September 10.

Jean Hobson, the mother of Bruce Hobson, and Bob Seabock have been in the San Bernardino county jail since last December, awaiting trial on charges identical to those against Doug and Andrea Burt: murder, assault with a deadly weapon, and rescue in Beaty's escape from Chino prison last October 6. The indictment means that after their trial in San Bernardino on those charges, they will face a

second trial, probably in San Jose, on the new charges.

Bruce and Mort were both arrested last December 19 on similar charges, but those charges were dropped on January 5. At that time, Mort was not allowed to surrender peacefully. Federal agents surrounded his house at 7:00 a.m. and charged it, breaking through doors and windows. Other residents of the house were held at gunpoint, while San Bernardino Sheriffs, FBI agents in blue work shirts, and Menlo Park Police searched the house illegally without a search warrant.

Prior to this case, Mort was a defendant in the 'Chester Street Trial,' in which the jury found him innocent of assault charges stemming from a shotgun confrontation with a police officer attempting to force his way illegally into Mort's house. An ILWU shop steward at Heublein, he is well known at his workplace for his efforts over the last two years to make the union more responsive to the needs of the workers.

Bruce Hobson has been working as a carpenter for the last year. He lives in San Jose in a HUD sponsored apartment complex where he recently has been involved in a rent strike. He has also played a part in the Free Alviso Movement (see page 4).



Venceremos photo

Mort Newman



Venceremos photo

Bruce Hobson



VENCEREMOS PHOTO

Bob Seabock



VENCEREMOS PHOTO

Jean Hobson

Hobson and Seabock Second Chino Trial Nears

Jean Hobson and Bob Seabock are charged with murder, assault with a deadly weapon, and rescue in the October 6, 1972 escape of Ronald Beaty from Chino Prison. In the ambush, one of the guards was killed; the other was slightly wounded. Two other defendants, Doug and Andrea Burt, were convicted on similar charges. Their convictions is being appealed.

Jean has lived in Palo Alto for many years. In the fifties, she was active in the Ban The Bomb movement, and helped Felix Green to co-author a book against the A-Bomb. She has helped to form the Palo Alto Tenants' Union, and as a member of Venceremos was on the committee that proposed the People's Medical Center. She served for a time on the Central Committee of Venceremos. More recently she worked with the Prison Support Committee, a group of people corresponding and visiting with prisoners and helping them with legal documents. Through this committee she met Doug Burt. Doug introduced her to Ron Beaty, with whom she began corresponding.

Bob is a revolutionary who lived next door to Jean. A friend of the Hobson family, he participated with

Jean in the Webster Street Block Association, and was active in the struggle for low income housing and tenants' rights in Palo Alto.

Both Jean and Bob have been held in "ultra high security" in the San Bernardino county jail since December, a category invented for the Burts and them. That means that they are not allowed to exercise outside, they are held in isolation from other prisoners, and they have their mail opened and visits monitored. In May they were granted minimal reading rights--two books and one magazine a month, and unlimited access to puzzle books. All bail motions have been denied.

Pretrial motions have consisted primarily of defense motions to discredit the grand jury indictments of Jean and Bob on the basis of sexism, racism, and favoritism in the selection of the grand jurors. These motions have been denied by Superior Court Judge Fogg, even though the grand jury which indicted them had only one woman out of nineteen jurors, and testimony by former employees of the grand jury office told of racism in the selection of grand jurors.

Jean and Bob's trial is set for September 17.



Doug Burt

VENCEREMOS PHOTO

Stay Strong and Struggle

Greetings Sister,

As you have probably heard by now, Andrea and I have been found guilty. In view of this, I have taken the opportunity to write you before I leave to go to whatever prison they intend to place me in.

I want you to know that we fully appreciate all of the support and encouragement you have shown us, along with all of the other brothers and sisters who have shown such beautiful strength in their support.

Needless to say, the verdict was a tremendous setback in many, many ways, but it also would be looked at in the same light as a tool for the increasing of the awareness of the people.

We are not discouraged and don't want others to become disheartened. It is well recognized that throughout the history of this country, brothers and sisters have been framed and persecuted for their beliefs in establishing a better social order for the people and by the people.

Of course we are sad, because we know that we will never see one another again, and this hurts, for as everyone knows, true or sincere revolutionaries possess a great amount of love and compassion, coupled with the strongest emotions. But if this must be our sacrifice, let it be.

I hope that while we are in prison that we will be able to hear from you whenever you feel up to writing, for as I told you before, we love to hear from brothers and sisters who are struggling for the people.

I have to close, so take care my beautiful sister and stay strong and struggle.

Love always,
Doug

State Bill to Finance Chino Frame Up

San Bernardino officials have calculated the cost of the trials of Andrea and Doug Burt, Bob Seabock and Jean Hobson in the Chino Escape case at \$500,000. The County of San Bernardino is now trying to get the State of California to cover these costs.

Most of the money was spent on courtroom security and sheriffs' time. \$40,000 was spent on a special courtroom which had a bullet proof shield between the spectators and the rest of the courtroom.

Closed circuit television cameras monitored every movement in the courtroom. Six to eight armed sheriffs' deputies were stationed in the courtroom at all times.

The purpose of these measures was to create an atmosphere of paranoia and arouse the jurors' fears of communism, since the case against the Burts depended on the testimony of Ronald Beaty, a liar, perjurer, and heroin dealer, few of whose allegations the prosecution could support either with evidence or witnesses. These security measures helped to intimidate the jurors. Meanwhile, when no jury was present, pretrial motions for Jean Hobson and Bob Seabock, who face similar charges to Doug and Andrea, were carried out under no more security measures than any misdemeanor proceeding.

Other money paid for investigations undertaken by the prosecution. Their often illegal investigations are well documented.

Some time ago 300 FBI agents met to discuss their work on the case. Plainclothesmen in company with local police conducted armed raids on suspects' houses, made numerous false arrests, and denied lawyers to some of those they arrested. They burglarized Doug and Andrea's apartment and stole three cartons of papers.

San Bernardino Sheriffs tried to bribe at least two people in connection with the case--to one, a defense witness, they offered \$6,000, a new identity, and transportation to a different part of the country if she would change her story (she didn't). The Los Angeles and San Bernardino Sheriffs' departments conducted continual surveillance of, and attempted intimidation of, the lawyers, family and friends of the defendants. These are only part of a long list of costly legal abuses which the County

of San Bernardino is now asking the taxpayer to pay for.

The bill is Assembly Bill 2573, proposed by Assemblyman John Quimby (Rep.--San Bernardino County) as an extension to the bill used to pay for the trials of Angela Davis and Ruchell Magee. The extension would cover any indictments handed down between October 6, 1972 and October 6, 1973 for escapes from California prison institutions. It is no coincidence that October 6, 1972 is the date of Beaty's escape from Chino.

In ordinary court cases, it is the resources of the individual against the resources of a county, hardly a situation of equality. Assembly Bill 2573 multiplies that inequality by putting the treasury of the richest state in the union at the disposal of the prosecution in

certain cases.

No single county--from rich Marin to poor San Bernardino--can afford the cost of a railroad on the scale of the Chino case. If the people can defeat this bill, counties will be reluctant to take on such trials in the future, knowing they'll have to foot the bill themselves without help from the state. The diversion of more money for the prosecution of innocent people means less money for public needs such as Medi-Cal, childcare, low cost housing, and legal services.

A petition against AB 2573 is being circulated. All petitions will be collected and taken to the State Legislature to be presented by speakers. If you are interested in working on the campaign against AB 2573, call 327-2968.

House Committee Attacks Venceremos

In testimony before the House Internal Security Committee, Venceremos and the National Lawyers Guild have been blamed for fomenting violence within the California Prison system.

Lee Arthur Smith, a paroled inmate, testified that several Bay Area attorneys in the National Lawyers Guild recruited him into the Guild as a non-lawyer member and then helped him plan the 1971 prisoners strike at San Luis Obispo. He claimed that he was chosen by other prisoners working with the Guild to assault two guards in order to trigger the strike.

Smith said that he and other inmates obtained court orders permitting them to make unmonitored phone calls. He claims that instead of using the calls to help prepare their defense, they used them to relay instructions from the outside attorneys who had supposedly instigated the prison disorders. He also accused several attorneys of bringing revolutionary propaganda into the prisons.

At the same hearing two prison officials testified that Venceremos and the Mexican Mafia were responsible for the increase in prison violence.

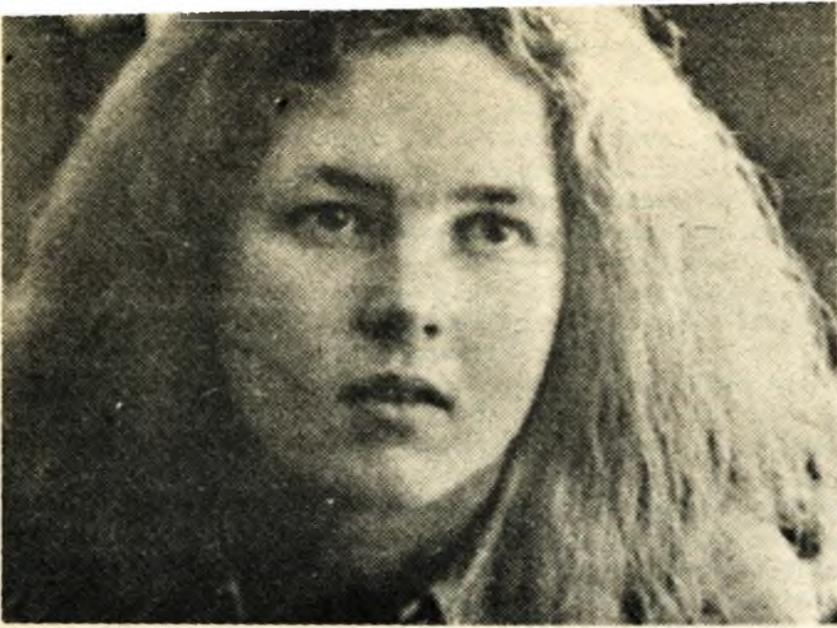
Sgt. William Hankins, an investigator for the Department of Corrections, termed Venceremos "the most dangerous organization" within the penal system. "They attempt to recruit the most violent men," he testified. He also said that the Mexican Mafia has a membership of 100

at San Quentin and is among the most violent of underground prison gangs.

California Corrections Director Raymond Procunier testified that much of the prison violence "has been caused, directly or indirectly, by free world activists and revolutionaries" such as Venceremos members and affiliated leftist attorneys. He said that a basic problem is that some inmates come in with the view that "my actions had nothing to do with it; society brought this trouble on me and society has got to change."

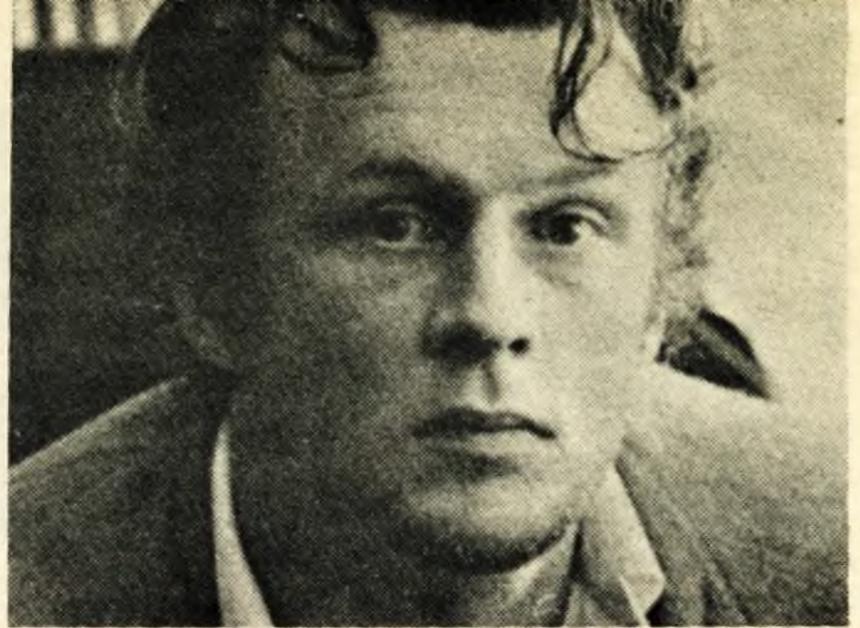
Venceremos, the Mexican Mafia, and the National Lawyers Guild have also been put on the stand in the trial of Doug and Andrea Burt, two prison movement activists falsely convicted in July of participating in an ambush to free Ron Beaty, then a Chino inmate.

Venceremos sees their trial, the upcoming trial of Jean Hobson and Bob Seabock, and the HISC testimony as attempts to stifle the growing prison and prison support movements by jailing prison activists and frightening away their supporters. Prison authorities and HISC see prison strikes and rebellions as the result of outside and inside "agitators," instead of as the result of racist juries, the indeterminate sentence in California, and abominable conditions in county, state, and federal prisons. Until these problems are resolved and society does change, prisoners will continue to resist and we will continue to support them in whatever ways we can.



Andrea Holman Burt

VENCEREMOS PHOTO



Benton Douglas Burt

VENCEREMOS PHOTO

Motion for a New Trial

When Andrea and Doug Burt were convicted of 2nd-degree murder and escape, most of those who had followed the Chino trial were shocked. They knew that the prosecution case had blown up in the D.A.'s face: the surviving guard had testified that he did not recognize Andrea and Doug as part of the escape team; the circumstantial evidence had been proven falsified, inconclusive, or, in some cases, even tending to show innocence; and Beaty, the state's star witness, was forced to admit that key parts of his testimony were lies. The defense case had gone beyond establishing "reasonable doubt" about Andrea and Doug's guilt: it had proved their innocence beyond a reasonable doubt. (For details, see *VENCEREMOS*, Vol. III, #'s 5,6,7, and the pamphlet *THE CHINO ESCAPE CASE*, all available at our address.)

How then was it possible for a jury of 12 to decide unanimously to convict Andrea and Doug? To answer this question, we decided to present excerpts from the Motion for a New Trial, prepared by defense attorneys Charles Garry, Walter Hunkeler, and Thomas Nolan. The facts presented in this document, including the affidavits submitted by three of the jurors themselves, illustrate the meaning of these words from the *Venceremos* PRINCIPLES OF UNITY:

We want all Third World, working-class people, and youth now imprisoned to be set free, because the overwhelming majority of them have not been tried by their peers. They have received only INjustice from this system. Free All Political Prisoners.

I. JURY MISCONDUCT

It is axiomatic that defendants to a criminal trial have an absolute right to be tried by a jury of 12 unbiased jurors. (Calif. Const., Art. I, Sec. 7.) . . .

Toward this end, it has long been the law in California that "Affidavits of jurors may be used to set aside a verdict where the bias or disqualification of a juror was concealed by false answers on voir dire examination." *People v. Castaldia* (1950) This concealment need not have been intentional. *People v. Thomas* (1952).

People v. Orchard (1971) held that "the bailiff is expected, indeed required, to refrain from any act or statement concerning the deliberations of the jury except in carrying out the orders of the Court."

It has also been held that "Insofar as any juror formed and expressed an opinion prior to the submission of the case, he violated the prescribed protocol for the performance of his duties." *City of Pleasant Hill v. First Baptist Church* (1969); *People v. Lawler* (1926).

Applying the foregoing principles to the facts established in the accompanying declarations, it is clear that substantial misconduct attended the verdict in this matter.

A. CONCEALMENT ON VOIR DIRE

1. POLITICAL CONSIDERATIONS

Every juror was questioned on voir dire whether if it were shown that the defendants had politics different from the juror, it would be held against the defendants. The jurors selected responded individually and unanimously that it would not. Representative of that commitment is the voir dire of the juror Alexander Gavlin:

Q: And if the evidence were to show, Mr. Gavlin, that Mr. and Mrs. Burt here had political views differ-

ent than yours, would you hold that against them?

A: No, sir. (Transcript, Voir Dire, p. 244)

And the juror Theodore Paulk responded to questions about the defendant Benton Burt in this manner:

Q: Well, what I am trying to find out is whether you would read in as an implication or an inference that a man who spends half of his lifetime in the penitentiary could be very easily guilty of this crime.

A: Oh, it wouldn't prejudice me against him, if that's what you mean. (Voir Dire, p. 679)

The juror Theodore Paulk was further examined:

Q: All right, now, another thing I want you to take into consideration, Mrs. Burt, his wife, is age 18. When she was about 16--that's about two years ago --she went to Cuba with--call it a brigade that went there. While she was there, she volunteered to cut sugarcane for several weeks.

A: Yes.

Q: As a donation to the people of Cuba. When she got back, she lectured at various social gatherings and public gatherings and told them what her impressions were of Cuba. Would that be a factor that would create a prejudgment of any kind within your mind?

A: No, sir, it wouldn't.

Q: All right, now, another matter that I would like to have you assume, and that is that both Mr. and Mrs. Burt do not believe in capitalism, they believe that capitalism is degrading to the human standards and dignity in its exploitation of people, and that they believe in socialism, they believe that a better way of life is socialism. They not only believe it, but they have dedicated their lives toward that end. Would that factor--

A: I think everybody has got a right to their own opinion. (p.680)

During the course of the trial, repeated admonishments by the Court restricting consideration of politics served as a constant reminder to the jurors of their oath at the time of voir dire. And, during closing argument, the defense counsel Mr. Garry reminded the jurors of their covenant to not consider these political factors. (Transcript of trial, p.5648)

Nonetheless, as attested to in the declarations of jurors Carolyn Lee Ford and Harry Miller and of defense counsel Walter M. Hunkeler, the jurors Mr. Gavlin and Mr. Paulk repeatedly referred to the politics of the defendants during deliberations. In spite of their solemn oath, the politics of the defendants were at the very heart of their considerations. As Mr. Gavlin stated about defendant Andrea Burt,

She goes to Cuba and learns more about revolution. Then she comes back here and tries to do what she has learned. I say she is a menace to our country, and people like her have to be stopped.

(See Declaration of Harry Miller.) This prejudgment by jurors Alexander Gavlin and Theodore Paulk denied the defendants the fair trial each juror promised they would give.



VENCEREMOS PHOTO

Andrea Holman Burt

2. THE SECURITY COURTROOM

After the voir dire of the jury and after the beginning of testimony, defense counsel learned that the trial was to be moved to a new courtroom with security measures which included a bullet-proof glass screen between spectators and participants in the trial. Upon objection by defense counsel to the move, the Court undertook individual voir dire of each juror.

THE COURT: . . . Mr. Frayer. Again, would the fact that there are security measures in the other courtroom in any way affect your deliberations or prejudice you against these defendants?

MR. FRAYER: No, sir. (p.656)

Notwithstanding this promise, the juror Mr. Frayer stated that "the glass screen was for our protection." (See Declaration of Walter Hunkeler.) Predicated on the prosecution theory that the crimes charged were planned and executed by the Venceremos organization, the fear of spectators expressed by the jurors Mr. Frayer and Mrs. Glassner was just such a prejudice against defendants as would deny them a fair trial.

It is clear that some of the jurors inferred from the security measures that the Venceremos organization was involved in the crimes charged.

B. ADMONISHMENTS OF THE COURT NOT FOLLOWED BY JURY

1. FORMING OPINIONS PRIOR TO DELIBERATION

During the course of the trial, the Court repeatedly instructed the jury to keep their minds open. For instance:

Again in the meantime do not discuss this case among yourselves or with anyone. Do not form or express any opinions about the case. Do not read anything about the case or listen to anything about the case that you might hear on the radio or television. (p.657)

A cursory review of the transcript of the trial discloses that this admonishment to the jury was given a minimum of 144 times! Yet, in spite of these admonitions, a number of the jurors clearly had their own conception of their duties.

At the outset of the deliberations, the juror Mr. Gavlin informed the jury, "I have been convinced for a long time that they are guilty." (See Declaration of Harry Miller.) The presumption of innocence of the defendants was abandoned by at least this juror. And, repeatedly throughout the trial, the opinions of the juror Mrs. Glassner infected the minds of the other jurors. She was afraid of the spectators. Mr. Garry "made her sick." One defense witness "was a liar." (See Declarations of Carolyn Lee Ford and Harry Miller.) These remarks reveal prejudgments and biases of the most prejudicial magnitude conceivable in violation of the orders of the Court and the promises under oath of the jurors involved during voir dire.

Furthermore, the knowledge of the juror Mr. Frayer of the defense motion for judgment of acquittal and the ruling of the Court thereon could only have its source from discussions with others or the media. Similarly, the knowledge of the jurors Mrs. Jung and Mrs. Blain that the defendant Andrea Burt's father was paying the costs of the trial could only have come from the media or discussions with others. It can only be concluded that these jurors also read about or discussed other proceedings outside their presence. . . . This gross misconduct in disregard of the admonitions of the Court severely prejudiced the rights of the defendants.

2. THE JURY DID NOT BASE ITS OPINION SOLELY ON EVIDENCE RECEIVED IN COURT

The Court repeatedly instructed the jury that they must limit their considerations to evidence presented in Court:

Once again, you are not to be concerned at all with speculation as to what did or did not occur. You are to be concerned only with that evidence that you do hear here presented for your consideration during the trial. (p.143)

Both sides expect that the judgment that you render will be your judgment based upon what you have heard in the way of testimony, argument and instructions here in the courtroom. It is not to be based upon anything that you would hear outside of this courtroom. (p.5951)

As established in the preceding section, at least some jurors were receiving evidence from discussions with others or from the media. In addition, the jurors Mrs. Blain and Mrs. Jung were conducting their own investigation of the defendants Robert Seabock and Jean Hobson. (See Declaration of Julie Sameth.)

Finally, the comments of the juror Mr. Frayer during deliberations that all of the persons seen in the ambush cars on the 5th and 6th of October were members of Venceremos sent down to create confusion have absolutely no basis in the evidence presented at trial. In fact, these comments are contrary to the testimony of Ronald Wayne Beaty who stated that only six persons were involved and identified four of them. These comments establish that the verdict obtained was not based solely on evidence received in Court as instructed.

C. COMPROMISE VERDICT

The juror Mr. Gavlin was in a hurry to get it over with and go home. (See Declaration of Walter Hunkeler.) Consequently, he derided and pressured other jurors to reach a determination. (See Declaration of Harry Miller.) It is in this context that the requests of the bailiff for the daily vote indicated to the jury that they must soon reach a verdict. (See Declarations of Carolyn Lee Ford and Walter Hunkeler.) Under the watchful eye and constant checking of this officer of the Court, the jury hastened its deliberations.

D. CONCLUSION

The gross and all-inclusive violations of oaths on voir dire and of admonitions by the Court constitute "misconduct by which a fair and due consideration of the case has been prevented . . ." Penal Code Section 1181 (3). A new trial must be granted.

II. MISCONDUCT BY THE DISTRICT ATTORNEY

Penal Code Section 1181 provides that when a verdict has been rendered against the defendant, the court may grant a new trial "5. . . . when the district attorney or other counsel prosecuting the case has been guilty of prejudicial misconduct during the trial."

In the present case the district attorney embarked on a course of misconduct designed to inflame the passion and prejudice of the jury and degrade the defendants and defense witnesses, all contrary to many rulings of the Court and the high principles set forth by the law of California. This misconduct requires that defendants be granted a new trial in an atmosphere free of such malaise.

A. QUESTIONS OF THE DISTRICT ATTORNEY ATTEMPTED TO ELICIT IMPROPER TESTIMONY FROM MANY WITNESSES

It is prejudicial misconduct for the prosecutor to ask questions on matters he does not intend to, or will not be permitted to, prove. People v. Evans (1952)

1. DEFENSE WITNESS CHERYL HOCKIN SATCHER

The witness Cheryl Hockin Satcher testified that she was with the defendants in Hayward on October 6, 1972. The prosecution tried to impeach her testimony by implying repeatedly that she was lying. [The D.A. tried to slip in the inadmissible evidence that she had refused to take a lie detector test while in the custody of the San Bernardino Sheriffs, after they had kidnapped her.]

2. THE DEFENSE WITNESS ELEANOR KAPLAN

The witness Eleanor Kaplan testified she was at the apartment of the defendants on October 6, 1972, and that they were present at that time. The entire cross-examination of the witness was an attack on her political

philosophy. The witness was asked if he had read Position Paper A or B allegedly written by Bruce Franklin of the Venceremos organization. She stated no. The District Attorney proceeded to read from them:

Q: Let me ask you if you believe this: "A strategic application of protracted war recognizes that only through armed struggle can the masses liberate themselves but at the same time sees this armed struggle not in terms of glorious campaigns and actions but as the sum total of a war of attrition conducted by the masses against the ruling class."

A: No. (p.4548)

The statement was never read by the witness nor subscribed to by the witness. The district attorney had no reasonable expectation of proving otherwise. This question, and other similar questions, were posed to the witness solely for the purpose of putting the statement before the jury. (See People v. Evans.)

3. THE DEFENSE WITNESS CAROLINE BALLINGER

The witness Caroline Ballinger testified that she was present in Mountain View, California, with the defendant Andrea Burt on September 16, 1972--one of the days the witness Hemphill alleged she was possibly present in Montclair buying bolt cutters. The cross-examination again focused on the political philosophy of the witness. The district attorney asked: "There was a time, was there not, when you were suspended from Stanford University?" (p. 4127) An objection was interposed and sustained. Yet, the district attorney followed that question with this one: "Did you ever participate in a sit-in at Stanford University?" (p.4128) This question on an irrelevant and collateral matter, not subject to rebuttal even if denied, after objection was sustained to an identical question, was only for the purpose of placing an inference of wrong-doing before the jury. And the question was not even proper impeachment. A witness cannot be impeached by prior acts of misconduct not amounting to a felony conviction.

4. THE DEFENSE WITNESS WALTER HUNKELER

Subsequent to the above rulings of the Court, the witness Walter Hunkeler testified to investigation work done in the case. The district attorney asked: "You ever been involved in any political demonstrations?" (p.4471) Again, the prosecution was solely designed to place an improper inference of bad character before the jury.

5. THE DEFENSE WITNESS THOMAS NOLAN

Called to testify about the surrender of the defendants, the witness Thomas Nolan was questioned on his relations to a central figure in the Venceremos organization, Bruce Franklin. The witness was asked:

Q: Did you ever represent any member of the Bruce Franklin family?

A: Yes, I have. (p.4776)

.....

7. CONCLUSION

The examples cited above of improper questioning by the district attorney is by no means exhaustive of the impropriety in this area. The thrust of this course of misconduct by the district attorney was to draw the defendants and their witnesses into one vast, sinister conspiratorial web of miscreant persons to oppose constituted authority. . . .

B. IMPROPER CROSS-EXAMINATION OF DEFENSE WITNESSES WITH REGARD TO THEIR POLITICAL PHILOSOPHIES

There was no question from the outset of this trial that the underlying substance was a highly volatile subject. In recognition of this, defendants filed a motion to exclude evidence of political beliefs from the trial. The Court discussed the possible testimony of Ronald Wayne Beaty about the Venceremos organization--its structure, endeavors and philosophy--and ruled:

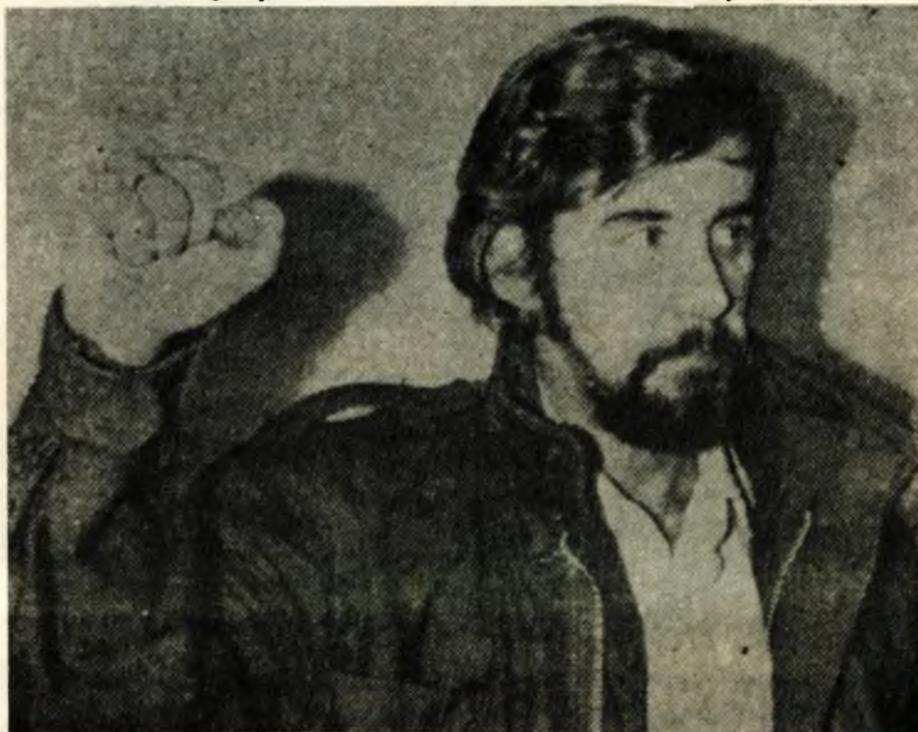
We are not here to convict a defendant for belief in this kind of thing. I think this could prejudice a jury, this could lead to a conviction of which neither you nor I would ever be comfortable with and I would not permit testimony of that kind dealing with general rules and philosophies and organizations and things of that sort. . . On the other hand if any term concerning this organization is to be admissible it must be directly related to the words of these defendants or the things done or said in their immediate presence. . .

(Proceedings Before Trial, Judge Thomas Haldorsen, Department X, March 1, 1973, p. 50). Yet, despite this ruling, the cross-examination of defendants and defense witnesses consistently ranged far afield from the ground rules of the trial thus set.

The repeated asking of questions relative to objectionable and prejudicial matter which involved appeals to the passions and prejudices of the jury has been held to constitute reversible error. In a case such as this where the crime charged is of itself sufficient to inflame the mind of the average person, it is required that there be rigorous insistence upon observance of the rules of the admission of evidence and conduct of the trial. People v. Evans, supra.

It will not serve the purposes of this hearing to cite here all the instances of misconduct of the district attorney in this area. Many have been set forth in the preceding section. Invariably the questions pursued the same goal--inciting the passions and prejudices of the jury and degrading defendants and their witnesses. A few further examples demonstrate this misconduct clearly.

On cross-examination, the defendant Benton Burt testified that George Jackson, deceased black revolutionary, was a friend of his. The district attorney asked: "Is there anything about George Jackson that might ring a bell for the jury in terms of who he is?" And, the de-



Ronald Wayne Beaty

endant Benton Burt testified that he did prison law work with Fay Stender, an attorney. He was asked: "What revolutionary organizations does she belong to?" (p. 5052).

The defendant Andrea Burt testified she is a member of the Venceremos organization. The district attorney questioned her at length on the Principles of Unity of that organization. He asked the following questions:

Q: Now, the work "pigs" in common parlance is understood by many people to be a vulgarity or a derogatory term with respect to police. (p. 5204.)

Q: Do you believe in the Principles of Unity of the Venceremos organization?

A: I believe in most of them.

Q: And they publish a newspaper, do they not, called the Pamoja Venceremos? (p. 5394.)

Q: The United States government would not have approved a passport for you to go to Cuba, isn't that right? (p. 5402.)

Q: Do you believe that people who would violate the penal code should have guns? (p. 5417.)

Q: Well, as to those people who haven't received a fair trial, who are currently in prison, do you have an opinion as to why they have not received a fair trial? (p. 5418.)

Similarly, the defense witness Eleanor Kaplan was asked question after question, read from a booklet she had never seen before.

Q: Are you familiar with this statement ma'am: "For most of the struggle, the main emphasis in operations will be against the police and other forms of para-military fascist formations."

A: No.

Q: You've never discussed that statement with Bruce Franklin?

A: I'm not familiar with it. (p. 4552.)

The clear import of these irrelevant and objectionable questions was to incite the passions and prejudices of the jury against the defendants. In so doing, the district attorney exceeded the bounds of the rules of Court as

well as the specific ruling of the trial court. No admonishments could have cured the harm thus done and only a new trial can remedy the misconduct.

C. MISCONDUCT OF THE DISTRICT ATTORNEY: APPEALS TO RACISM

In addition to the numerous examples of misconduct by the district attorney cited in the motion already on file, the district attorney engaged in a course of improper comments and insinuations related to the racial background of various persons during his cross-examination. Beyond the misconduct implicit in such comments, the Court had previously ruled, during voir dire, that such inquiry and evidence would have no place in the trial and prohibited voir dire by defendants on such matter. (Voir Dire, p. 618.) . . . In spite of this clear ruling by the Court, the district attorney questioned the defendant Benton Burt as follows:

Q: Did you ever know any Black Panthers? (p. 4994.)

Q: Well, don't you yourself primarily identify yourself with the cause of the black inmate?(p. 4995)

And, his frequent allusions to defense witness Cheryl



Hockin Satcher's relations to black prisoners are too legion to set forth in full here. This attempt to appeal to racial attitudes of the jury, against the express ruling of the Court, is misconduct that clearly prejudiced defendants.

D. SUPPRESSION OF EVIDENCE BY THE PROSECUTION

Prior to the trial of this matter, the defendants filed a discovery order which was duly signed by the Court. Yet, innumerable instances of violations of this order by the prosecution followed. Much of this material so suppressed found its way before the jury to the prejudice of the defendants. In this regard, a letter of the witness Caroline Ballinger referring to Ronald Wayne Beaty as a comrade was read before the jury without first being shown to defense counsel. (p. 4130). And the witness Thomas Nolan was cross-examined about ties with the "Venceremos underground" on the basis of a police report not previously shown to defense counsel. (p. 4780). Further, during the course of the trial it was discovered that prosecution witness Joseph Hemphill had been shown photographs of the defendant Andrea Burt and had failed to identify her. (p. 414). Finally, the original report of prosecution witness Keith Hittson was found to have been destroyed by the prosecution despite misrepresentations to the Court by the district attorney. (p. 456).

This suppression of material and vital evidence by the prosecution led the defendants to call witnesses they would not otherwise have called, prevented investigation of some aspects of the case and presented testimony to the jury that was not as thoroughly cross-examined as is proper. Each of these instances of prosecutorial misconduct worked to prejudice defendants in their right to a fair trial.

III. MISDIRECTION OF THE JURY IN MATTERS OF LAW

California Penal Code, Section 1181, provides that when a verdict has been rendered against the defendant, the Court may grant a new trial "5. When the Court has misdirected the jury in a matter of law, or has erred in the decision of any question of law arising during the course of a trial. . . ."

Several rulings of the Court which severely prejudiced the defendants are here assigned as contrary to the law

of California. The misdirection of the jury consequent thereto requires a new trial for defendants.

A. MISDIRECTION OF THE JURY WITH REGARD TO AN OVER-INCLUSIVE RULING ON THE BOUNDS OF THE CONSPIRACY ALLEGED.

In hearings outside the presence of the jury and prior to opening statements, the Court ruled upon the bounds of the conspiracy alleged. The Court stated:

Obviously a purpose of the conspiracy was to rescue Mr. Beaty, but equally as important based upon all of the facts as I say that are known to me or alleged facts was the central objective of the conspiracy, namely to keep all trace of Mr. Beaty's whereabouts a secret. The concealment of Mr. Beaty after the fact of rescue was after all in the Court's opinion the very heart and the very object of the alleged conspiracy.

(Proceedings before Judge Haldorsen, April 19, 1973). Consequent to his ruling on the bounds of the conspiracy, the Court stated: "As a result the Court will permit evidence of acts and declarations of coconspirators which were done in furtherance of this main criminal objective of the conspiracy." (p. 59). And, the Court further ruled that the concealment aspect of the conspiracy continued up until the time of arrest of Mr. Beaty. (p. 61). The ruling of the Court was objected to by counsel for defendants. (p. 61).

This ruling of the Court is against the manifest weight of the leading case authorities. Krulewitch v. United States (1948) rejected the concept that the implicit objective of all criminal conspiracies--concealment of the crime after it occurs--supplies sufficient basis for introducing otherwise inadmissible evidence of events during that period of concealment. The Krulewitch doctrine was adopted by the California Supreme Court in People v. Saling (1972).

Furthermore, the evidence adduced by the prosecution was clear that the defendants had nothing to do with the alleged co-conspirators after the point of safety was reached in Gilroy on October 6. The relationship of the defendants to the other alleged participants in the crimes charged terminated at that time. Extending the conspiracy to include evidence of acts and declarations of co-conspirators beyond this time constituted a substantial and prejudicial misdirection of the jury in a matter of law.

Finally, the jury was never informed of what the alleged conspiracy consisted. Thus, the jury could have thought the alleged conspiracy was a conspiracy to murder Correctional Officer Jesus Sanchez. This would have allowed an easy path to conviction under conspiracy principles of Count I not warranted under the law of California or under the Court's ruling outside the presence of the jury. Since it cannot be known which theory the jury relied on to convict of Count I, prejudice to defendants from this failure to adequately inform the jury must be presumed. . . .

C. UNTIMELY AND INADEQUATE VOIR DIRE OF JURY ON THE SECURITY COURTROOM

It has long been the law of California that a criminal defendant

is entitled to be tried by a fair and impartial jury, wholly free from bias and prejudice. . . . He [has] a right to inquire of the panel fully as to the existence of any such bias to enable him to secure his constitutional right of trial before a legally qualified jury.

People v. Ranney (1931). Whether the inquiry be by court or counsel it must probe fully into possible areas of bias or prejudice.

After the voir dire and empanelment of the jurors, defense counsel learned that the trial would be moved from Department X to Department XII where security measures had been constructed. Defense counsel strenuously objected to the proposed move on the ground that they had been denied the opportunity to adequately voir dire the jurors on this prejudicial matter. (p. 621). The Court overruled the objection stating he intended to admonish the jury to not draw any inferences or conclusions from the new courtroom. (p. 627). Thereupon, defense counsel specifically requested that "each and everyone of the jurors individually should be asked whether they would consider going into that courtroom in any way intimidating to them," whether it was there for their protection, and whether they were afraid of the spectators. This voir dire thus lead certain jurors to not abide by their

promises under oath to the Court and to the defendants.

E. ERROR WAS COMMITTED IN ALLOWING THE TESTIMONY OF WITNESS OFFICER HITTSON

In a hearing during trial, prosecution witness Officer Hittson testified that he made out a report for the Sheriff's Office related to his observations on the 6th of October, 1972, "And it's my understanding it was destroyed by the Sheriff's department." (p. 390). With regard to this report, Sergeant Hardy--chief investigating officer in this case--testified that he, "Threw it away." (p. 455).

Defense counsel moved for dismissal of charges against defendants or suppression of the testimony of Officer Hittson. The Court ruled that he would permit the witness to testify and allow the defendants an instruction on the significance of the destruction of the report.

This ruling is against the clear weight of authority. The California Supreme Court ruled in *In re Cameron* (1968).

The police or prosecution may disable the state from ever giving a defendant a fair trial if they have lost or destroyed or otherwise made unavailable vital defense evidence. . . If this were such a case, Cameron should be discharged rather than remanded for a new trial.

The report of the witness written in his own words was just such vital evidence. The remedy granted by the Court for the destruction of that report was clearly inadequate.

DECLARATION OF JERRY DOUGLAS MEYERS

JERRY DOUGLAS MEYERS, under penalty of perjury, deposes and says:

That I was one of the jurors in the trial of the above-entitled matter. That during the course of the trial and deliberations the following comments were made by jurors in my presence.

Friday afternoon or early Saturday morning, the juror Mr. Gavlin stated that the big question was whether the defendants were capable of carrying out the act for which they were indicted. He further stated that Benton Douglas Burt was capable of such an act by virtue of his previous prison background.

And, Mr. Gavlin stated that Andrea Burt was guilty for two reasons: First, she had been to Cuba; second, she was a member of Venceremos, a radical communist organization. He concluded that she was a menace to society and should be locked up.

At a subsequent time, Mr. Gavlin also stated that defense witnesses Carrie Ballinger and Eleanor Kaplan will do anything to protect their own kind. The jurors Mrs. Blain and Mrs. Jung agreed.

DECLARATION OF CAROLYN LEE FORD

CAROLYN LEE FORD, under penalty of perjury, declares and says:

That I was one of the jurors in the trial of the above-entitled matter. That during the course of the trial and deliberations the following comments were made by jurors in my presence.

Prior to her dismissal, the juror Mrs. Glassner made many statements to other jurors about the spectators who she assumed to be friends of Andrea. She stated that she did not trust people like the spectators and that she was afraid of them. After Mrs. Glassner was dismissed from jury duty, she entered the jury room and stated that the witness Carrie Ballinger was a liar and that she, Mrs. Glassner, would not believe anything she, Mrs. Ballinger, said.

Early Saturday morning, July 14, before any discussion of substance was had, a vote was taken. The vote was 7-5 for guilty.

At the very beginning of jury deliberations--Friday afternoon or early Saturday morning, the juror Mr. Gavlin stated that the issue in his mind from the start of the trial was not whether or not the defendants had committed the crimes charged, but whether they were capable of committing them. He further stated that the fact that defendant Benton Burt had served his full term in prison proved that he had not been rehabilitated. The juror Mr. Gavlin also stated that the defendant Andrea Burt had gone to Cuba for the purpose of post graduate work in re-



Doug Burt in custody

volution and that people like her wanted to overthrow the government of this country and have a dictator as in Cuba and Russia. He concluded by stating that it was nothing for people like this to commit crimes like the ones charged.

At a subsequent time during deliberations, Mr. Gavlin or another juror stated that members of Venceremos like the witnesses Carrie Ballinger and Eleanor Kaplan will do anything, even commit perjury for one of their kind. Several other jurors seconded the statement.

At yet another point during deliberations, Mr. Gavlin or another juror stated that since the witnesses Leonard Veale, Joe Morgan, and Dennis Kanos are convicts they would say anything against Beaty because he has broken the convict code and that you cannot believe anything they say.

The juror Mr. Paulk restated and seconded most of the above-cited statements of the juror Mr. Gavlin.

During deliberations, the juror Mr. Frayer stated that the defense counsel had moved for a judgement of acquittal at the close of the prosecution case and that the judge had denied the motion.

One or both of the jurors, Mrs. Jung or Mrs. Blain agreed with Mr. Frayer stating that they also know this to be a fact.

In the afternoon of Tuesday, July 17, the foreman Mr. Hensley indicated to the bailiff Mr. Holober that the jury would like to go home. Mr. Holober stated that the judge would probably want to know the vote before he excused the jury. The foreman thereupon supplied the vote of the jury to the bailiff Mr. Holober.

DECLARATION ON MOTION FOR NEW TRIAL

WALTER M. HUNKELER, under penalty of perjury, deposes and says:

That I am one of the attorneys for the defendants in the above-entitled matter. That I have had conversation with some of the jurors in the above-entitled matter subsequent to their verdict rendered on July 18, 1973.

On Thursday, July 19, 1973, at approximately 8:00 pm, I spoke with juror William Hensley over the telephone and he stated, "The bailiff asked for the jury vote each day at the end of the day, and we gave it to him."

Neither I nor my co-counsel were aware that the bailiff sought or obtained the vote of the jury each day.

On Friday, July 20, 1973, at approximately 11:00 am, I spoke with juror John Frayer at the Kaiser Hospital, Fontana. He stated, "I thought the glass screen was for our protection, not to keep the defendants from running out." Said juror further informed me that he stated to the other jurors during deliberation that the escape was planned and funded by Venceremos and that Venceremos had sent the "three Mexicans" identified by the witness Darrington down to create confusion and diversion.

On Wednesday, July 25, 1973, at approximately 10:00 am, I spoke with juror Alexander Gavlin at this residence in Yucaipa. He there stated the following remarks had been made during jury deliberation:

"It was improper for Mr. Garry to read the Declara-

tion of Independence in his summation. It is a sacred document and has no place in the Venceremos booklet."

"The politics of the Venceremos organization hurt the defendants very much."

"Mr. Garry had Beaty on the witness stand for five days and he could not break Beaty. That proved that Beaty was telling the truth."

Mr. Gavlin further stated:

"The jury trial was a personal hardship on me. I did not want to be on the jury. Each day when I went home I was exhausted. The jury was in a hurry to get it over with and go home. This is why we came to a verdict."

"I did not take any notes during the trial. There was just too much to keep straight."

I have read the other declarations filed with this motion and neither I nor my co-counsel had knowledge of the facts asserted therein prior to the verdict of the jury in this matter.

DECLARATION OF HARRY GORDON MILLER

HARRY GORDON MILLER, under penalty of perjury, deposes and says:

That I was one of the jurors in the trial of above-entitled matter. That during the course of the trial and deliberations the following comments were made by jurors in my presence.

Prior to being dismissed, the juror Mrs. Glassner frequently made derogatory comments about the spectators in the audience. In the jury room, she often stated that the spectators "give her the creeps" and "scare her" Mrs. Glassner often stated that she did not like Mr. Garry. Nearly everytime Mr. Garry would make an objection, she would comment making statements like, "I wish he would sit down and be quiet," or "He makes me sick."

At the beginning of deliberations, the juror Mr. Gavlin stated, "Benton Burt is a man with intelligence of a child. He has spent half of his life in jail or correctional institutions. I say this man is capable of doing these things."

Mr. Gavlin further stated at that time, "Andrea Burt is a young girl who ran away from home. She left the country because this one wasn't good enough for her. She goes to Cuba and learns more about revolution. Then she comes back here and tries to do what she has learned. I say she is a menace to our country, and people like her have to be stopped."

Mr. Gavlin concluded, "I did not take any notes because I have been convinced for a long time that they are guilty."

At a subsequent time during deliberations, the juror Mr. Gavlin stated, "Listen to him. He always wants to have something read back. As if it would change his mind. I say that Jerry will never change his mind no matter what testimony is reread."

The juror Mr. Paulk agreed to and restated many of the remarks noted above of the juror Mr. Gavlin. Mr. Paulk also stated, "Andrea and Doug are like two peas in a pod."

The juror Mr. Frayer stated during deliberations that he knew Mr. Garry had made a motion for acquittal at the close of the prosecution case and that it had been denied.

The jurors Mrs. Jung and Mrs. Blain stated during deliberations that Andrea's father was paying all of the costs of the trial.

DECLARATION OF JULIE M. SAMETH

JULIE M. SAMETH, under penalty of perjury, deposes and says:

That I frequently attended the trial of the above-entitled matter as a spectator.

On numerous occasions during the trial of the above-entitled matter, I observed jurors Florence Blain and Margueritte Jung look in upon pre-trial proceedings of Robert Alan Seabock and Jean Stevens Hobson in Department XI of the above-entitled Court. . .

That upon the rendition of the verdict by the jury in this matter, I attempted to speak with one of the jurors. A uniformed deputy stopped me in the hallway, grabbed me by the arm and told me, "You're not going anywhere. We don't want you talking to the jury."

Some minutes later I approached several jurors in the parking lot to the court house. Several plainclothes detectives said, "Get out of town and go back to the Bay Area."

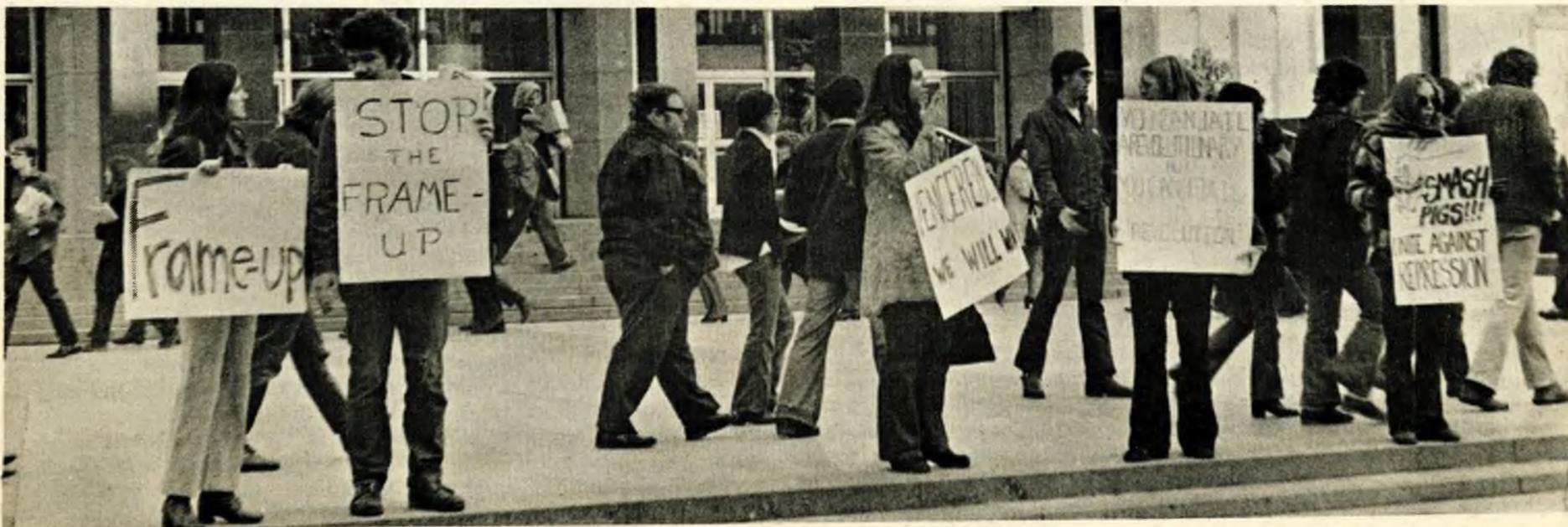
Join a Defense Committee

Chino Defense Committees have been formed in Stanford, Palo Alto, San Francisco, Oakland, Redwood City and Menlo Park, and San Bernardino. The major task of these committees is to educate people about the Chino Escape Case and build support for the growing list of defendants. This means: circulating the petition against AB 2573, urging people to write to the defendants, setting up speaking engagements, writing and distributing educational material, setting up support demonstrations, getting the press, radio and Television to cover the case, and fund raising. Anyone wanting to help the defense effort should contact the Chino Defense Committee in his or her area or write to the national office in San Francisco.

Money is needed. Doug and Andrea's trial cost \$175,000. The cost of Jean and Bob's first trial has been estimated at \$100,000. All contributions should be sent to: Chino Defense Committee, 747 Dolores, Stanford, California 94305.

For further information about the case, contact one of the following:

- | | |
|---|---|
| SAN MATEO COUNTY
1945B Menalto
Menlo Park, Calif. 94025
(415)322-5781 | STANFORD
747 Dolores St.
Stanford, Calif. 94305 |
| PALO ALTO
933 Scott St.
Palo Alto, Calif. 94301
(415)327-4396/328-2491 | VENCEREMOS ORGANIZATION
1969 University Ave.
East Palo Alto, Calif. 94303
(415)328-4941 |
| SAN BERNARDINO
820 N. D St.
San Bernardino, Calif. 92404
(714)888-0053 | SAN FRANCISCO
United Prisoners Union
3077 24th St.
San Francisco, Calif. 94117
(415)285-3100/285-3101 |



Protest outside the San Francisco Federal Building

VENCEREMOS PHOTO

Oil: The Question of Nationalization



Within the last few years, the monopoly oil companies have become a target of people's struggles against air and water pollution, land misuse, tax inequities, unsafe job conditions, and imperialism in Vietnam, the Middle East, Angola, and southern Africa. Now with the phony gas shortage and skyrocketing gas prices, consumers across the country are demanding that something be done.

Recently an ecology group used free speech time on TV to call for the nationalization of the oil industry. Moreover Wisconsin Senator Gaylord Nelson has proposed a bill that would create a commission to investigate whether ownership of all U.S. energy sources should be taken over by the government. The nationalization of the oil industry is likely to become a controversial issue in the next year, especially if gas prices soar to the projected \$1 a gallon. What would nationalizing oil mean?

NATIONALIZED INDUSTRIES UNDER SOCIALISM

In a socialist country, all natural resources are owned by the government. Since the government is run by working people in the interests of poor and working people, the economy is guided not by profits but by a desire to meet people's basic needs. The government plans the economy in order to efficiently use resources, to create full employment, and to equitably distribute products.

Because the government controls all the vital industries, it can deal with their interrelating economic problems. In the case of the oil industry, the government would probably study ways of developing rapid mass transit systems so the people would not have to rely on cars and gasoline.

China has shown that with a planned socialist economy, a country can make tremendous industrial gains. At the same time, the workers can control their own plants. In China workers determine the organization of production, they train each other, and they choose their own managers.

NATIONALIZATION AND PROFITS

Nationalization in a capitalist economy is another story. Often in Third World countries, nationalization of oil involves taking control away from the United States or other foreign businesses and is therefore an anti-imperialist move. Frequently, however, the ruling class of the nations in question pockets the proceeds from the resources. Consequently in some of the richest oil countries in the world, like Iran, Kuwait, Indonesia, the people subsist on near starvation levels.

In more developed capitalist

countries, nationalization has been used to bail out unprofitable industries or ones where private businessmen were unwilling to risk investment. This has been the case in England, as well as Fascist Italy and Nazi Germany. In both Germany and Italy, the moves to nationalize came as a result of pressure from the capitalists rather than from the workers and peasants.

U.S. OIL INDUSTRIES RESIST

Right now the oil industry in the U.S. would like nothing better than to have the federal government step in and regulate its operations. The president of Atlantic Richfield, when asked about federal control recently responded, "Do we want more governmental control? Speaking for my company and myself, the answer is unequivocally yes."

The oil industry wants government regulation to protect its profits; it does not want government ownership because that would do away with profits.

The kind of federal intervention the oil companies want is more tax breaks, looser pollution and safety standards, an end to import quotas, and U.S. military aid to protect their oil interests abroad--intervention that will build their profits. Many of these "controls" have already been promised by President Nixon in his April energy speech.

Although profits in the oil industry are still astronomical (profits increased 22% for the first quarter of 1973 or \$1.2 billion in 90 days), Fortune Magazine has rated the oil industry as the least profitable of 10 major industries. One problem facing the oil monopolies is that the rate of return on new investment is declining. The 14% rate of return in the Eastern Hemisphere in 1960 declined to 9.5% in 1972. This is significant because it limits the possibilities for reinvesting profits and begins to check the expansion of the industry.

The oil millionaires are most worried by the international oil situation. They have become increasingly dependent on imports from the Middle East, where several Arab countries are talking about using oil as leverage to stop U.S. support for Israel.

Dr. Nadim Pachachi, former secretary general of OPEC (Organization

of Petroleum Exporting Countries), has called upon Arab exporting nations to "adopt a coordinated, unified policy to freeze crude oil production at present levels and to maintain this no-growth situation until such times as Israel withdraw from all Arab territories occupied during the 1967 war...." This action would bring the U.S., as well as Japan and Europe, "to the brink of a severe energy crisis within a year..". Standard Oil of California has responded by asking its stockholders to show support for the Arabs.

Despite financial problems and the need for government intervention, the oil companies are far from the point of wanting to be nationalized. Oil is still a money making venture and they will fight any moves to nationalize their operations. The pressure to nationalize, however, may force them to make concessions and lower gas prices, but certainly not down to the 3¢ a gallon it costs them to produce and refine a gallon of gas.

THE ROLE OF REVOLUTIONARIES

Revolutionaries should point out that nationalizing oil means entrusting oil resources to an imperialist government that operates to meet the needs of monopoly capitalists. It will be taxpayers who will have to cough up the money to compensate the oil companies. Even with nationalization there is no guarantee that gas prices will go down. Moreover the U.S. will persist in suppressing national liberation movements in oil-rich countries like Angola; conditions within the refineries will remain unsafe and unhealthy; pollution problems will continue.

As long as people are forced to rely on cars for transportation, pollution will worsen and our limited energy resources will rapidly be depleted. Revolutionaries should seek to break the stranglehold of the auto and oil industries over transportation. Instead of demanding the nationalization of oil, they should demand that the government provide mass public transit. The people should not have to pay for it; it should be financed out of the oil industries' profits and the subsidies the government now gives to the oil industries.

The controversy over the nationalization of oil can be used to put forward demands that the government meet the immediate needs of people for low-cost efficient public transportation. It can also be used to develop people's understanding that it will take a socialist revolution to put control over resources in the hands of poor and working people where it belongs.

Barbara Hyland
Venceremos

Bronx Cheer for Tricia

(LNS)--Carrying on the family tradition of following spectator sports, Tricia Nixon Cox and her husband, Edward, attended the New York Yankees/Kansas City Royals baseball game at Yankee Stadium on July 12.

When her presence was announced

on the stadium scoreboard, the crowd of 18,000 booed loudly.

Turning to Tricia, Edward said, "You can't win them all."

A couple of weeks later, at the All-Star game in Kansas City, a telegram from President Nixon was put on the scoreboard and once again the crowd booed.



Isaac Shorter and Larry Carter (top)
kept auto plant shut down for 13 hours

Puerto Ricans Push UN for Independence

condensed from *Claridad*

The Puerto Rican Socialist Party (PSP) is coordinating a massive campaign to put pressure on the United Nations Decolonization Committee, which is discussing the colonial status of Puerto Rico. The PSP is making three demands of the Committee: "First, that the Decolonization Committee accelerate its deliberations so a decision is reached about Puerto Rico before the U.S. carries out 'irreversible' changes in Puerto Rico. Second, that the Committee require the U.S. to abstain from building the petroleum super-port it plans in Puerto Rico, while the case is under study. (Editor's note: The superport is a petroleum refinery and port planned by the U.S. oil industry. Puerto Ricans say it will destroy the fishing and agricultural bases of the local economy thus depriving some 15,000 people of their livelihoods. Most of those people would then be forced to emigrate to the U.S. in search of jobs, because they would not be able to find employment in the highly technical petrochemical plant. Furthermore, there are already four petroleum refineries pumping 250,000 barrels of oil out of Puerto Rico each day into foreign hands.) And third, that a visiting commission hold public hearings both in Puerto Rico and at the U.N. here, so that the Puerto Rican people can freely express its aspirations and concerns."

These demands will be presented by groups of Puerto Rican workers, students and community people, who will be visiting members of the Decolonization Committee throughout August, by a massive letter campaign, and by packing the gallery during the Committee's hearings. The campaign will culminate, when the question goes to the U.N. General Assembly, in a rally outside the U.N. Building in New York on Sept. 24.

Carmen Noelia Lopez, of the PSP Central Committee described last year's resolution passed by the Decolonization Committee, recognizing the unalienable right of the Puerto Rican people to independence and self-determination as the "fruit of years of hard work by the PSP. . . That work must be followed up concretely this year."

Wildcats Rip Chrysler

Six- and seven-day work weeks, unsafe conditions, racist treatment by supervisors, and firings of rank and file leaders have strained the patience of Chrysler workers to the breaking point.

Detroit Chrysler plants have been hit with three wildcat work stoppages during the last month, and the United Auto Workers Union has chosen Chrysler as its strike target among the "Big Three" car companies when the current contracts expire September 24.

The wildcats have been motivated by a desire to get things done: "The only way they (the company) understand anything is through action, and this is the kind of tactic we have to use to get action," said the leader of one of the wildcats. And action has required defying the union as well.

At the Jefferson Avenue plant, two Black men seized the control booth of a key assembly line and closed the plant down, costing Chrysler some 600-950 cars. Their action succeeded in getting a racist supervisor fired.

Textile Workers Win at Oneida

The seven-month long strike at Oneida Knitting Mills ended in victory July 10 for the 700 striking textile workers at Oneida plants in Andrews and Lane, South Carolina.

Oneida capitulated to workers' demands for union recognition and a contract. In a ratification meeting July 10, the mostly Black and women workers approved the new contract which calls for wage increases and a union dues check-off.

"This is an important victory," said Irving Kahan, publicity director for the Textile Workers Union of America (TWUA). "Many times we've had our brains knocked out down in the South but this gives us a shot in the arm."

Some 6000 other textile workers in North and South Carolina who are also seeking union recognition for the TWUA have been awaiting the outcome of the Oneida strike. This victory could trigger unionization drives throughout the textile industry. Currently only 10% of the 800,000 textile workers in the South are unionized.

The Oneida strike began January 15 after the company refused for over a year to enter into contract negotiations with the TWUA. Oneida moved its operations to Andrews and Lane from Utica, New York in the late 1950s to take advantage of low-wage and non-union conditions in Williamsburg County, South Carolina, one of the most poverty-ridden areas in the U.S.

Nearly a month after the strike began, the TWUA launched a nationwide boycott against Oneida products, men's and boys' underwear, sold under the store labels at K-Mart, J.C. Penney, Sears Roebuck and Montgomery Ward chain stores. The boycott received the endorsement of the AFL-CIO but it had just gotten underway when the victory came.

In recent weeks the strike began to receive nationwide support as rank-and-file forces across the country began to link Oneida with the strikes by the Farah workers in Texas and the United Farm Workers in California.

1400 workers at the Forge plant walked out over unsafe working conditions and the recent firing of 16 shop leaders who protested the unsafe conditions.

Some 200 people (which dwindled to about 40) closed the Mack Avenue plant with a sit-down strike, demanding reinstatement of several co-workers fired for participating in an earlier work stoppage.

In all three cases, union officials urged the company to resist the pressure from the workers, blaming the actions on "outside agitators" and "extremist movements." (Members of the Workers Action Movement of the Progressive Labor Party were involved in the Mack Avenue sit-in.)

The company's history of bad faith in correcting conditions in the plants, together with the foot-dragging of the union in dealing with worker grievances, moved the workers to independent action.

The prospect of an angry and uncontrollable rank and file at Chrysler was clearly a major factor in the UAW's decision to pass up GM and Ford and to focus its strike threat on Chrysler this year.

The actions demonstrated that the workers have the power to deliver timely and effective blows and that a relatively small number of people, with support, can shut down the biggest industry in the U.S.

The Jefferson Avenue seizure achieved its objective because there was some prior organizing by the workers, and the action had a clear and popular purpose.

Despite the massive support, the Forge plant walkout brought no gains. The workers allowed themselves to be maneuvered back to work by the union.

The defeat of the Mack Avenue sit-in was apparently due to a lack of preparation and organization.

As usual, when people don't have an organization that truly serves their interests they will be misled by people who have other interests in mind. And when they don't have a strategy that goes beyond the wildcat, such actions can never serve any function beyond achieving limited reforms.

We wish to announce the Front Line, a newsletter devoted to the problems of the Greek revolution. Our effort goes beyond the existing activity in the U.S. in that we are primarily interested in reaching the Greek community directly (as opposed to "influencing" governments) with news and texts of the active resistance within Greece. We will report on all the groups which we know of that are engaged in active struggle. We invite all interested persons to contact us. \$1 will bring the first five issues and any amount over that would be greatly appreciated. Buttons and bumper stickers are also available.

The Front Line
Box 5128
Clinton, New Jersey
08809



Monks and villagers greet soldiers in the Cambodian liberation army as they enter village.

U.S. Ends Bombing End in Sight for Lon Nol

On August 15, Nixon was forced by Congress to stop bombing Cambodia. With the bombing over, the American-based Lon Nol government in Phnom Penh is sure to fall.

The Cambodian People's National Liberation Armed Forces fighting on behalf of the Royal Government of National Union already control 90% of the country. In recent weeks they have surrounded Phnom Penh. In fact, the liberation forces could have already taken the capital city if they had been willing to see it destroyed by U.S. bombs. Instead they have waited to liberate Phnom Penh and have consolidated their links with the peasantry in all areas while breaking up the already weak U.S.-paid Lon Nol army. Given the weakness of the Lon Nol army, the increasing opposition to Lon Nol within Phnom Penh, and the end of the bombing, it would be surprising to see much resistance when liberation forces enter Phnom Penh.

What are the U.S. and Lon Nol doing to try to stop this? First, the U.S. intensified the bombing before August 15 in order to destroy as many of the liberation forces as possible.

Next, the U.S. has laid plans for continuing military commitment to the Phnom Penh regime in the form of aid totalling \$167 million to Lon Nol's 220,000 man army beginning in July.

Just like in South Vietnam be-

fore the ceasefire, the Pentagon is rushing more military equipment to its allies. The U.S. is also paying for Thai mercenaries to be trained for combat in Cambodia.

Meanwhile Lon Nol is thrashing around trying to get the people of Phnom Penh to prepare themselves for battle against the "communists controlled by North Vietnam." But the people know better. They know that the liberation forces represent an anti-American coalition led by Prince Sihanouk, a man whose resistance to foreign manipulation led to his overthrow in a CIA-supported coup. They know that the North Vietnamese play little, if any, role in the battle for Cambodian sovereignty. Finally they see that the Communists are providing political and military leadership in the national liberation movement.

Because the people of Phnom Penh know all this, they fail to respond when Lon Nol orders the population to arm itself against infiltrators. Consequently Lon Nol is forced to send military policemen all through Phnom Penh to round up men between the ages of 18 and 35 whom he has ordered to report for the draft. There are, of course, some Phnom Penh residents who are scared of the liberation forces and are doing something about it. These are the "elite" of Phnom Penh busy buying black market dollars and

plane tickets.

If things look bad for Nixon and Lon Nol on the military and political levels, the situation is the same diplomatically. Nixon had hoped to pull something similar to what went on in Vietnam where constant allusions to "delicate negotiations" provided a rationale for keeping Congress and the American people off Nixon's back. That can't work now. Sihanouk is quite aware of Nixon and Kissinger's tricks and has absolutely refused to negotiate with the U.S. or Lon Nol.

GUARDING AGAINST NIXON'S TRICKS

With the end of the bombing, Cambodia may finally be able to reassert its independence. Yet it's really important for us all to be on guard for any old or new Nixon-Kissinger tricks. They could conceivably find some justification for continuing the bombing such as if American nationals, like embassy or business people, are harmed; they could also bring in large numbers of Thai or south Vietnamese troops to defend Phnom Penh or start up another fighting front on the Thai-Cambodian border to the west of Phnom Penh.

It was not Congress that halted the bombing. They merely responded to the overwhelming force of the world-wide anti-imperialist movement, from the battlefields of Cambodia through the newly liberated nations of the Third World and even extended to some of the flight crews of the Strategic Air Command.

Within the U.S., the movement must stop relying on splits in the ruling class, some of whom are banking on new ways to expand while avoiding armed showdowns with liberation forces as strong as those in Cambodia. The new "Defense" budget shows that Nixon fully expects more wars against national liberation movements. He hopes to rely on puppet governments, such as Thailand, which gets huge amounts of U.S. aid. This is the Nixon Doctrine--paying Third World people to fight other Third World people.

When the Cambodians win, we must continue to learn and teach the causes and changing forms of U.S. imperialism. Most important, we have to show the links between the economic crisis within the U.S. and its capitalist expansion around the world.

Rick Doner

Stanford Venceremos

Congressional Investigations: Clean-up or Cover-up?

Recent and continuing investigations by the Senate, the press, the courts, and private citizens have uncovered a cesspool of government crimes and lies.

Unfortunately, these disclosures have been presented as if they were the actions of a small band of Republican criminals, bent on ensuring the election of their Presidential candidate and the success of their party policies.

The truth about what the the government is doing is welcome no matter what its source. It is important for people to be able to plainly see the corruption and inhumanity of the president and his lackeys because then they can more easily understand the essence of imperialism--how the necessity of investing finance capital necessarily leads to violence against anybody who

resists being taken over by that finance capital and plugged into the machine.

But anybody who says, "That's how the Republicans behave, let's elect a Democrat," is either dishonest or ignorant. Ignorance, where people's lives are at stake, is just as dangerous as dishonesty. Any congressman who expresses shock at the Watergate revelations or at clandestine bombings or at the fact that hospitals and schools were and are being deliberately bombed--any congressman who says he or she doesn't or didn't know about those things is either dishonest or ignorant. Either way they shouldn't be calling themselves leaders of the people. The FBI and CIA have been up to "dirty tricks" ever since each was formed, and any person in government should know enough to know that. The facts about

the war in Indochina have been more or less in the press--that is, if you really want to know, you can find out what is happening to the peoples of Southeast Asia and why the U.S. government is doing what it's doing there.

Why do House and Senate congressional representatives express shock about the "secret war" in Laos? The U.S. role in Laos had to be known to at least some of them back in 1962 over a decade ago. It was that year that the Geneva accords "established the neutrality" of Laos which led to the "secret war" financed by the CIA funds and planned in Washington. By 1968 the newspapers were covering the air war in Laos. For example, the San Francisco Chronicle had long articles detailing the war, like the

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Delano

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lines feel the urgency of dealing with the problem of self-defense. However the union officials, who are Chavez appointees, maintain a strict nonviolence line. In response to the killings, Chavez recently called off picketing in hopes of cooling things off on the line.

In Delano many strikers who believe in self-defense and are not pacifists at all still trust Cesar Chavez. They believe that a public line of nonviolence is critical to maintaining white liberal support for the national boycott. However they resent as suicidal the local officials' putting forward pacifism as a practical response to police and goon violence. A crisis around leadership is clearly developing.

Is the Farmworkers' Union near its end, as the San Francisco Chronicle speculated on July 29? With 25 Delano growers signing with the Teamsters, this leaves only 6,500 farmworkers covered by UFW as compared to 40,000 just six months ago. Several thousand of the displaced membership are now walking the picket lines.

The strike fund, originally \$1.6 million donated by the AFL-CIO, is rapidly dwindling. It is predicted that it won't last through the harvest which will peak in September for Delano and later for Fresno. Certainly hard times are ahead.

Union leadership expects only limited success from the picketing.

They hope to cause some losses to the growers in the quantity and quality of grapes picked, as they did in Coachella. They view the boycott as a more powerful weapon than the strike in forcing the growers to the negotiating table.

In the first boycott, the issue was clearly union vs. non-union. Now the issues are more complex. When people go to the stores, the managers will reassure them that they sell only union grapes. To be effective this second boycott will require a massive educational campaign to explain the role of the Teamsters in the struggle.

The growers are determined to harvest their crops. With little or no publicity, the growers and Teamsters have resorted to open terrorism to crush the strike. Moreover they have brought Mexicans illegally across the border and are also using Arabs, Filipinos, and Blacks as scabs. They hope to take advantage of the fear of deportation, language barriers, and racial tensions.

To a large degree the union officials are ignoring the problems of self-defense as well as racism within the predominantly Chicano and Mexican union. Several of the strikers, however, view the union's racism as a serious obstacle not only to increasing the strike's effectiveness but also to expanding the union.

The farmworkers don't share the pessimism of the newspapers. They're not talking about the union dying. In fact, they're talking about the

union's expanding beyond grapes and lettuce to include farmworkers picking other fruits and vegetables around the country. One farmworker said that in the next five years he wanted to see the union expand nationwide to include the black workers in the south and white workers in the Midwest so that it could become truly multinational. "Then we'd have some real power to force the growers to meet our demands."

The farmworkers have faced eight years of life and death struggle in worse conditions than now against the combined forces of the sheriffs, judges, growers, and now the Teamsters and their goons. This has forged a tremendous solidarity and strengthened their determination to win.

The organizing efforts that gave birth to this spirit represent a real betterment in the lives of the farmworkers. However to advance the material conditions of their lives, the strike must be won and to do this, spirit is not enough.

At this time a victory in the strike seems to rest on whether the UFW officials are able to deal with the violence of the police and Teamsters and whether other people can be mobilized to boycott grapes and lettuce. This second task is ours and will require the same dedication and perseverance that our brothers and sisters have on the line in Delano.

Unidos Venceremos!
Chris Reif Viva La Huelga!
Liz Hall
Lindsay Merryman, Venceremos
Barbara Hyland, Venceremos

Congressional Investigations

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one on October 7 of that year with the headline, "The Air Force's War Over Laos--an Open Secret."

In Europe, English-language newspapers reported, as early as March, 1967, that B-52's were bombing "supply routes" in "neutralist Laos." On May 10, 1967, the Paris edition of the New York Herald Tribune-Washington Post had a breakdown of U.S. fatalities in the war, including "casualties in North and South Vietnam as well as in neighboring countries such as Laos, Cambodia and Thailand."

Now "angry" congressmen are beginning an inquiry into "secret" bombings of Cambodia in 1969 and early 1970. But those bombings were reported at least twice in the everyday news. And how about those "secret" bombings that were reported long before that? In Europe Le Monde reported on January 3, 1967, and on February 27, 1967, U.S. air attacks on Cambodian villages.

WHAT ABOUT SECRET BOMBINGS AND OTHER "DIRTY TRICKS" RIGHT HERE IN THE U.S.

By now most people understand that the U.S. government is acting illegally all over the world, but the story of domestic counter-insurgency is still largely unknown and unreported. In fact, the House Internal Security Committee's so-called investigations into national security are the best example of how congressional investigations are in fact smoke screens to conceal the main issue--which is the oppression and exploitation of poor and working people by the few people who control the gross nation product.

While congressmen make some pretense of investigating international events long after the fact, they do

not even claim to make an investigation of domestic counter-insurgency. Congressmen and citizens now know that there was a domestic intelligence plot--Project Gemstone--that was submitted to the White House and approved. Nixon has said that he approved the plan in July, 1970, but that the agencies involved were notified five days later that the approval had been rescinded. However other people say that only the memos with Nixon's signature were "rescinded" for destruction and that it was understood that project Gemstone had the presidential seal of approval. In any event Gemstone was carried out by an interdepartmental undercover team inside the government. The plan was aimed at radicals and revolutionaries. It involved burglaries, bombings, agent provocateurs, and only the instigators know what else.

For instance, at Stanford University, there was Tom Mosher. When he learned that some people were telling other activists they suspected him of being a pig, he asked them not to say that because he wasn't a pig, he was just "sick." In early 1971, Mosher testified before the House Internal Security Committee (HISC) and identified himself as an agent.

One thing that made people suspect Mosher was that he tried to ingratiate himself with tales of his revolutionary exploits like for instance setting the fire at the Center for Advanced Study in the Behavioral Sciences on the Stanford campus in April 1970. Mosher later blamed the fire on someone else. Who put Mosher up to that? Who paid him? Was it Robert Mardian, former Assistant Attorney General, chief of "Internal Security" for the Justice Department?

Until recently Mardian was the boss of Guy Goodwin, chief Justice Department official directing grand jury investigations into Weathermen and other radical organizations.

Last winter Goodwin was active in the investigation of Venceremos by the continuing San Francisco Grand Jury. Then he had to rush off to prosecute the Gainesville Eight of Vietnam Veterans Against the War in Florida.

Mardian was in direct contact with the chief of U.S. operations, President Nixon. It was Mardian, according to Mardian's own testimony in the Watergate hearings, who, at Nixon's personal request, transferred the logs of telephone wiretaps from the FBI to the White House.

If the congressmen really want to know what is happening here at home, they should investigate Robert C. Mardian. From the Internal Security Division of the Justice Department, Mardian joined the now notorious Committee to Re-elect the President (CREEP). According to a report by Harry Kelly of the San Francisco Examiner (May 20, 1973) "Investigators say the key to the investigation (of project Gemstone) is Robert Mardian."

Of the three documents missing from the offices of Archibald Cox, special Watergate prosecutor, as of August 12, 1973, one dealt with Robert C. Mardian.

One thing is clear and that is that capitalism by its very nature is violent because it is driven to secure power for a very few people at the expense of all other people. Of course people who think in terms only of money will not mind having to hire others to torture and kill millions and millions of people all over the world. This needs no further investigation. The facts are clear. The person who says they are not is at best ignorant and must be educated. What we must do is organize to overthrow a system which can not lead to any good and replace it with a system that deals with the real needs of the great masses of people--socialism leading to communism.

is 1208 however...no matter --phone number was right.)

Several people in Redwood City are starting a radical bookstore. If you have thoughts we would like them. If you could run a short article or announcement that would be helpful.

"A group of Redwood City people are starting a radical bookstore/reading room/library/research area. If you want to help organize it or staff it, please call us. If you have any used money or bookshelves you don't want, we do. Call 364-3944 or 266-6851"

Cheers,

Charley Thomas for the bookstore
(we need a name too)

sionalism that only serves the interests of the oppressive oppressing ruling class.

Hey like, we are very much interested in "what's going on" (politically) on the West Coast. So for the collective and especially for myself, in the months and years ahead I/we expect to read more of the same--and better.

Napanoch State Prison
Napanoch, New York

As you know, without the organized support of the people, the fascists will do their thing.

Baltimore, Maryland

Douglas M. Plumley, A-75140, Box 2000, cmf, Vacaville, California 95688 would like to start corresponding with a sister.

will stay till we get it!" The City Council retreated into adjournment. The people immediately went up to the Council chairs and declared the Council Chambers as their own. And they stayed there. That night the people of Alviso were busy putting up signs made from city blueprints: "LET ALVISO GO"; "ALVISO, SAN JOSE'S WATERGATE"; "PROVISIONAL REVOLUTIONARY CITY COUNCIL OF ALVISO." They made telephone calls to radio and TV stations and newspapers, and set up a press conference at 9:00 A.M.

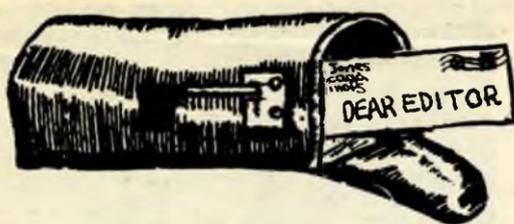
With exposure in the media, the City Council was forced to negotiate with representatives from Alviso. The negotiations were going nowhere until reinforcements began to come in from Alviso, bringing with them food and blankets. The Council was forced to agree that the cost benefit study would be released by August 10.

The report was then released. Its recommendation: tear down Alviso, relocate the people, and rezone it for industrial use!

At the next City Council meeting, after 3 1/2 hours of pressure by over 400 residents of Alviso and supporters, the Council was forced to a roll call vote. By 4-2 they recommended another election, this time of San Jose and Alviso, to de-annex. However, if the courts find the 1968 election illegal, de-annexation will be automatic.

Alviso is one of many oppressed communities fighting a battle like this, a little town against those who run a big city. Other California communities, such as San Martin, are looking to Alviso to win their fight and are preparing for similar actions. The Free Alviso Movement is showing what a poor and working Chicano community can do when pushed up against the wall.

LETTERS FROM OUR READERS



I was so pleased to see a copy of your paper at our office and to learn what had happened to the project at UCLA that had previously been called to my attention. (The proposed UCLA Center for the Study and Reduction of Violence--editor).

Rose Paull
Philadelphia, Pennsylvania

The Vol.III no.8 issue had an article on how to conduct a press conference. I really liked its conciseness of information.

Karen Kennedy
Sacramento, California

Thanks for the Up Press ads.
Very pleasant surprise. (Our address

Letters from Prison

Anyway I was told your paper required close scrutiny because it hadn't ever been permitted in this camp before, and may be "inflammatory and/or corrupt the "orderly fashion" of the institution. I don't know what they think could be more inflammatory or corrupt than the brute oppressive conditions I and many other comrades are forced to endure in a 24 hour day.

Federal Prison
Marion, Illinois

I would like to thank you all for the great job you are doing to make the peoples aware of what is happening to this Amerika of today.... Could I please receive a subscription to your paper? The only funds I have at this time is the 5¢ an hour I make working in the Knit Mill here.

C.M.C.-East
San Luis Obispo, California

I also wish to thank you for the work you are doing in your effort to keep those of us in captivity informed in the people's activity.

Death Row
Louisiana State Penitentiary
Angola, Louisiana

Don't list it (the subscription) beyond June 6, 1974 because on that date I pass to California jurisdiction for struggle with that monster--again.

Federal Prison
Marion, Illinois

I am in a cell 23 hours each and every day, and worthwhile news on a political, social, economical, revolutionary analysis, any news that is educational and enlightening, is most needed and welcome by myself and other comrades here with me, in this slave, dehumanizing camp "Angola."

Louisiana State Penitentiary
Angola, Louisiana

You've no idea what it's like to be a political prisoner at Trenton State Prison. We are locked in the special unit 22 to 24 hours each day--with daily dirty played on the mind and inhumane treatment to make one lose the mind and as a result we have many mindless people.

Trenton State Prison
Trenton, New Jersey

Any organization whose goal is to put down the nowhere shit of hypocritical imperialism is after my own heart.

Atlanta Federal Penitentiary
Atlanta, Georgia

Alviso *continued from page 4*

The Free Alviso Movement started only recently. After many years of broken promises by the San Jose City Council, the people of Alviso decided to run things themselves.

One of the first actions was to set up toll booths at all three entrances to Alviso. Money collected was used to repair parts of the streets. The publicity showed people from surrounding areas that Alvisans were ready to take any action necessary to free Alviso.

On July 30, a large group of Alvisans marched 7 miles to the City Council Chambers of San Jose, chanting "Alviso si, San Jose no!" They demanded to see a cost benefit study which San Jose had kept under wraps for over 3 months.

On March 26, a City Council vote to "Let Alviso Go" failed by one vote. Councilman Naylor, who had cast the deciding vote against independence, instructed the city manager to prepare a report in 30 days. The report was to enable the City Council to decide the fate of Alviso before the courts could rule on illegalities in the 1968 annexation election. Now, 3 months later, the report was still secret.

The Free Alviso Movement made three demands:

1. Fulfillment of promises made to Alviso.
2. A City Council vote to de-annex Alviso.
3. The cost benefit study to be released immediately.

The City Council said it had met its promises, had had a vote before to de-annex Alviso that had failed, and would have the cost benefit study ready in another 30 days.

The spokesman for the Free Alviso Movement replied, "Then we

VENCEREMOS PROGRAM

We stand for government by the poor and working people. The revolution and the new socialist society will be led by the proletariat, the most oppressed people--Blacks, Chicanos, Puerto Ricans, Native Americans, Asian-Americans, poor whites, people on the street, all those who must either sell their labor to live, live off unemployment or welfare, or end up in jail or the army.

The proletariat must lead the rest of the working class and all other people oppressed by U.S. imperialism to overthrow the rich, who now own and control all the institutions of the so-called United States of America, and seize these institutions for the people.

Only the dictatorship of the proletariat and its allies can fully satisfy our five basic demands, but we will work to achieve each and every one of them through the day to day struggles of the people:

1. DECENT FOOD, CLOTHING, HOUSING, WORK, FREE MEDICAL CARE, AND GOOD EDUCATION FOR EVERY PERSON IN THE U.S. AND THROUGHOUT ALL THE WORLD.

As the wealthiest country in the world, the U.S. has the resources and capability right now to provide a decent standard of living for all its citizens. The rip-off of the world must end and be replaced by true international solidarity based on restitution of the people's stolen property. Everybody has a right to decent, safe, meaningful work. We will not tolerate a medical system based on profit. We demand an education which exposes the lies and oppression created by this corrupt system, teaches the true heroic history of the oppressed people, and allows each person to develop their full potential.

2. EQUAL ECONOMIC, POLITICAL AND SOCIAL RIGHTS FOR WOMEN. AN END TO ALL FORMS OF SEXUAL OPPRESSION.

We demand equal pay for equal work, free 24-hour-a-day child care centers, free and non-discriminatory education that teaches our true history and the skills we need to determine our own destinies, control of our own bodies, including birth control and free abortion if desired but excluding involuntary abortion and compulsory sterilization (genocide).

There must be an end to discrimination within industry, educational institutions, the home, the mass media, and in everyday social life. All forms of sexual oppression must end, including all laws governing sexual practice among consenting people.

3. PEOPLE'S JUSTICE. AN END TO THE TYRANNY BY THE RICH MINORITY OVER THE OPPRESSED MAJORITY OF COLOR AND POOR AND WORKING WHITE PEOPLE.

We believe that trial by a jury of peers means that all trials must be held in the immediate community, and judges and juries be people who live in the community directly.

We want direct community control of police, meaning all police live in the community they patrol and be chosen by the community itself.

We want the mass of people to bear arms, and the police, as servants of the people, not be allowed to bear arms.

We want all Third World, working class people, and youth now imprisoned, to be set free because the overwhelming majority of them have not been tried by their peers. They have received only INjustice from this system. Free All Political Prisoners.

The people must smash all the forms of developing fascism, including the gestapo tactical squads, no-knock and conspiracy laws, wiretaps, injunctions, grand juries, Red squads, state and federal anti-subversive committees, and the various brands and varieties of secret police.

4. AN END TO THE DRAFT AND AN END TO A PROFESSIONAL STANDING MILITARY IN THE U.S.

No one should be forced to fight in the military service to defend a racist government that does not protect us. We will not kill other poor and oppressed peoples who, like us, are the victims of U.S. imperialism.

We support the just struggles of American servicemen who are struggling within the military against the oppressor.

To assure freedom and justice in the U.S. and the rest of the world, the revolution must abolish the standing army in the U.S. and create a People's Liberation Army that serves the people.



5. SELF-DETERMINATION FOR ALL OPPRESSED NATIONS AND PEOPLES.

Within the U.S., the Black people, Chicano people, Puerto Ricans, Native Americans, and the people of Hawaii each constitutes an oppressed nation. As such, each of these peoples has the right to self-determination. This includes the right to form a separate nation-state, if they so desire, and to have any and all kinds of self-government that nation-states are entitled to. If any of these peoples chooses to secede from the U.S. empire, we will support their secessionist struggle by all necessary means and with our lives.

There are other oppressed minority peoples-- including Chinese-Americans, Japanese-Americans, Latinos, Eskimos, Filipinos, etc. -- who have the right to control their own communities and are entitled to regional autonomy and full democratic rights. We pledge to support their struggles by all necessary means and with our lives.

PROGRAMA DE VENCEREMOS

Insistimos en un gobierno de los pobres y de los obreros. La revolución y la nueva sociedad socialista serán conducidas por el proletariado, los más oprimidos--los Negros, Chicanos, Puertorriqueños, Americanos nativos, Americanos Asiáticos, blancos pobres, los que viven en la calle, todos aquellos que o están obligados a vender su trabajo para ganarse la vida, o se mantienen del seguro o la asistencia social, o terminan en la cárcel o en el ejército.

El proletariado tiene que conducir al resto de la clase obrera y a todo el pueblo oprimido por el imperialismo yanqui para derrocar a los ricos, quienes en la actualidad son los dueños y controlan todas las instituciones de los llamados EE. UU.A., y tomar estas instituciones para el pueblo.

La dictadura del proletariado y sus aliados es el único camino para satisfacer las siguientes cinco reivindicaciones básicas; sin embargo trabajaremos para realizar estas reivindicaciones a través de las luchas cotidianas del pueblo:

1. ALIMENTOS, ROPA, VIVIENDA, TRABAJO, ASISTENCIA MEDICA GRATUITA, Y UNA BUENA EDUCACION PARA TODA PERSONA EN LOS EE. UU. A. Y POR TODO EL MUNDO.

Siendo el país más rico del mundo los EE.UU.A. tienen los recursos y la capacidad---en este momento---de proveer a todos sus ciudadanos un nivel de vida decente. El pillaje del mundo tiene que acabarse y sustituirse por una solidaridad verdaderamente internacional basada en la restitución al pueblo de todo aquello que le ha sido robado. Todo el mundo tiene derecho a un trabajo decente, seguro y de sentido. No toleraremos servicios médicos que se basan en la ganancia. Pedimos una educación que revele las mentiras y la opresión creadas por este sistema corrupto, una enseñanza que proporcione la verdadera e heroica historia de los pueblos oprimidos y que permita a cada uno desarrollar toda su humanidad.

2. IGUALDAD ECONOMICA, POLITICA Y SOCIAL PARA LA MUJER. FIN A TODAS LAS FORMAS DE OPRESION SEXUAL.

Exigimos un salario igual para todo trabajo igual; centros gratuitos que cuiden, inclusive 24 horas al día, de los niños; una educación gratuita y no-discriminatoria que nos enseñe nuestra verdadera historia y las especialidades que necesitamos para determinar nuestros propios destinos; el control de nuestros cuerpos, incluyendo el control de la natalidad y el aborto gratuito si lo deseamos, pero excluyendo el aborto involuntario y la esterilización forzosa (genocidio).

Hay que poner fin a la discriminación dentro de la industria, las instituciones educacionales, el hogar, los medios de comunicación y en la vida social cotidiana. Todas las formas de opresión sexual han de acabar, inclusive todas las leyes que se relacionan con la práctica sexual entre personas de común acuerdo.

3. JUSTICIA POPULAR. FIN A LA TIRANIA DE LA MINORIA ADINERADA CONTRA LA MAYORIA OPRIMIDA DE COLOR Y LOS POBRES Y OBREROS BLANCOS.

Creemos que el concepto de proceso con un jurado de iguales quiere decir que todo proceso ha de realizarse en la comunidad inmediata del acusado y que los jueces y el jurado han de ser personas que viven directamente en la comunidad.

Queremos el control popular directo de la policía, es decir todo policía debiera de vivir en la comunidad que patrulla y debiera de ser escogido por esa misma comunidad.

Queremos que las masas del pueblo posean armas y que a la policía, como servidores del pueblo, no le sea permitido llevar armas.

Queremos que se ponga en libertad a toda persona del Tercer Mundo, de la clase obrera y de la juventud que hoy se encuentra encarcelado porque la gran mayoría de estos presos jamás han sido procesados y los pocos que sí lo han sido no han sido juzgados por sus iguales. Solo han recibido injusticias de este sistema. Libertad para todos los prisioneros políticos.

El pueblo tiene que aplastar todas las formas del fascismo en desarrollo, incluyendo las escuadras tácticas tipo Gestapo, las leyes que permiten el registro sin aviso y las leyes "contra la

conspiración," todo espionaje electrónico, las prohibiciones generales, los grandes jurados de acusación, las Escuadras Rojas anti-comunistas, los comités estatales y federales contra la "subversión," y todos los tipos y especies de policía secreta.

4. FIN A LA CONSCRIPCION MILITAR, FIN AL EJERCITO PROFESIONAL EN LOS EE.UU.A

Nadie debiera de ser forzado a luchar en el ejército para defender un gobierno racista que no nos protege. Jamas asesinaremos a otros pueblos pobres y oprimidos quienes, como nosotros, son las víctimas del imperialismo yanqui.

Apoyamos las luchas justas de los soldados estadounidenses que luchan dentro del aparato militar contra el opresor.

Para asegurar la libertad y la justicia en los EE.UU.A y en el resto del mundo la revolución ha de abolir el ejército de los EE.UU.A. y crear un Ejército de Liberación del Pueblo que servirá al pueblo.

5. LA LIBRE-DETERMINACION PARA TODAS LAS NACIONES Y PARA LOS PUEBLOS OPRIMIDOS.

Dentro de los EE.UU.A. el pueblo Negro, el pueblo Chicano, los Puertorriqueños, los Americanos nativos y el pueblo de Hawaii en sí constituyen naciones oprimidas. Como tal cada uno de estos pueblos tiene el derecho a la libre-determinación. Esto incluye el derecho a formar una nación aparte, si así lo desean, y de establecer cualquier y todo tipo de auto-gobierno. Si cualquier de estos pueblos escoge separarse del imperio EE. UU.A. nosotros apoyaremos su lucha separatista con todos los medios a nuestro alcance y con nuestras vidas.

Hay otros pueblos minoritarios oprimidos---los Americanos de procedencia China y Japonesa, los Latinos, los Esquimales, los Filipinos, etc--- que tienen el derecho a controlar sus propias comunidades y que merecen una autonomía regional y plenos derechos democráticos. Afiramos que apoyaremos las luchas de estos pueblos con todos los medios necesarios y con nuestras vidas.

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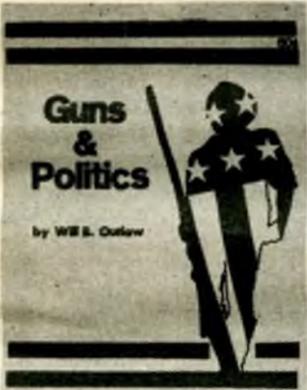
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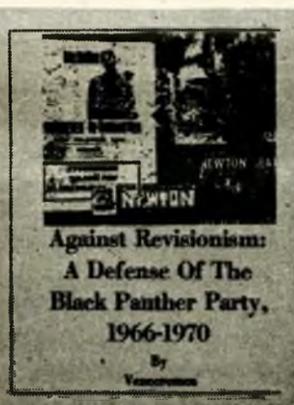
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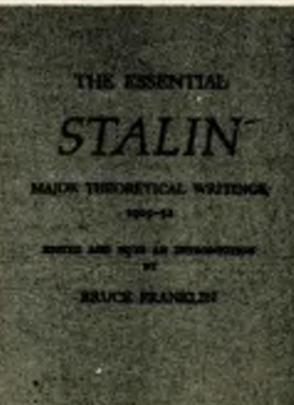
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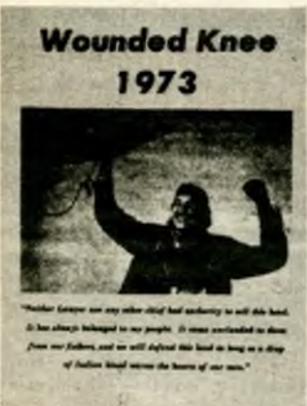
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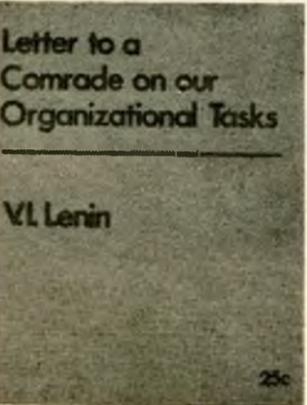
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AIM 1973 Spiritual Unity Conference



Carter Camp talks to a mass assembly. Carter was elected National Chairman at the convention this year. He, along with six other national leaders, face heavy charges from Wounded Knee. Their trial is scheduled to begin late this year.

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Stan Holder, the chief of security at Wounded Knee, wears a ring made from the metal of a U.S. bomber shot down over Hanoi. It was sent to show solidarity between the Vietnamese and Native American peoples.



A ceremony was held honoring the oldest person who participated in Wounded Knee. Three nights of dancing, drumming, and singing were dedicated to the warriors of Wounded Knee.

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A.I.M. spiritual leader Leonard Crowdog.



A.I.M. paid a visit to a Tulsa TV station to let them know A.I.M.'s feelings about a racist program. The show detailed--and approved--the theft of oil from the Osage Nation in Oklahoma. The Indians were successful in getting equal time on the air for the Native People.

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Three young sisters. Youth plays an important role in the American Indian Movement.



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Serving dinner to the participants in the conference.

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