

PONTIAC PRISONERS SUPPORT COALITION



NEWSLETTER

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Willie Hardy Last To Be Tried TRIAL SET FOR BLOOMINGTON



Pontiac Brothers Robert Tozado (left) and Larry Johnson at early court hearings

"Our victory was a victory for all oppressed peoples. Our unity that was shown together was too much for this racist system to deal with. Please, on all accounts, the struggle must continue. Your strength/support is always needed."

This was written by one of the 10 Pontiac Brothers after their smashing victory on May 9, 1981, when a jury of seven Blacks and five whites returned not guilty verdicts on all 57 counts of murder, attempted murder and conspiracy. The trial stemmed from an uprising at Pontiac prison on July 22, 1978, where three white guards were killed and millions of dollars in damage was done to the institution. The ten men acquitted, and six others whose charges were dismissed after the verdict, became involved in the largest mass civilian death penalty case in recent history. All the prisoners charged were Black.

Another 14 Black and Latin men were indicted on non-death penalty charges as a result of the rebellion. All of these cases except one have come to trial or been disposed of. Seven of the 13 were found guilty and sentenced between one and eight years; these sentences begin when their current sentences terminate. These cases were tried in seven different trials in two cities - Peoria and Bloomington, IL -

before five different judges. The Brothers fought hard to have their cases moved to Cook County so they could be judged by juries that had a possibility of Black and Latin representation. Their efforts were fruitless, as they were tried downstate before five juries that were comprised of 1 Black, 1 Latin and 58 white people. Most of the jury pools where these jurors were picked from consisted of only white people.

The death penalty case was moved to Cook County as a result of a hard fought legal and political battle based on many generations of Black struggle. Fearing that death penalty convictions brought by all-white juries in white downstate counties against 16 Black prisoners would be difficult to sustain, the judge decided to avoid the issue. He moved the case to Chicago but stated that the reason was not because it was required for a fair trial but because there were not adequate facilities anywhere else in the state to hold and try so many "high-security" prisoners.

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Throughout the three years of the Pontiac struggle, the Pontiac Brothers and their supporters always maintained that bringing all the trials to Chicago was of paramount importance. The state consistently stated that racism was not an issue, even if three white guards were killed and 16 Black prisoners were charged with killing each guard four different ways. The Pontiac Brothers, their families, supporters and lawyers knew that being tried before segregated white juries in the counties around the prison meant certain conviction regardless of the facts in the case. They were right - every downstate jury convicted at least one defendant.

Comparison

It is clearer than ever that the main reason why all the Pontiac Brothers indicted were not acquitted was because some were tried downstate, far from their Black and Latin communities, family and friends. In the death penalty case we saw where a jury of seven Blacks and 5 whites rejected the state's case, which lacked credible witnesses, had no physical evidence and was presented in a way to appeal to either anti-gang, anti-Black or anti-prisoner attitudes. The jury saw right thru the racist motivation and sham case of the prosecution, and outright rejected each part of it in less than five hours of deliberations.



Willie Hardy being taken from court in Pontiac, IL in the summer of 1979

It would be too lengthy to detail the events of all the trials, but background material can be obtained by writing or calling us at our office. What follows is a brief summary to highlight the key points in the cases downstate:

*There was no physical evidence in six of the trials, and only the flimsiest physical evidence in the seventh. Only one guard testified (and that was after she had claimed for two years that she could not identify anyone who had beaten her). All the other witnesses were prisoners.

*Testimony from the prisoner-witnesses thus formed virtually all the "evidence" for the downstate trials. All of their initial statements were obtained by the state with the use of bribery and/or intimidation under the barbaric conditions of the deadlock. And what were their rewards? Not one of the thirty or so witnesses were charged with any crime during the rebellion. All but two received between 3 and 6 months reduction in sentence. Every witness who came up for parole received the State's support in the form of written and oral recommendation to the Parole Board. Every witness who came up for parole had it granted! Several witnesses received money and other assistance. Perry Murphy, for example, received over \$10,000 and was relocated by the State.

*In four of the seven trials the judges refused to appoint the attorneys that the defendants had requested. This meant that these attorneys not only worked without salary but paid all of their own expenses gas to central Illinois, xeroxing, hotel bills, investigator fees, and all the rest.

The seven trials downstate have been a farce. Although five of the Brothers were found innocent, seven have been found guilty in frame-up trials and one, after seeing the all-white jury selected in his case, pled guilty.

The Case of Willie Hardy

In mid-September Willie Hardy will come to trial for arson and burglary charges. He is the last Pontiac Brother to be tried, but the first to come to trial since the state lost the death penalty case. The Livingston County prosecutor, David Vogel, who hired special prosecutors for all the trials, decided he was going to actively prosecute Willie. This will be a last-ditch attempt for him to save face with the local townspeople of Pontiac before he comes up for

re-election.

Willie Hardy is in a dangerous position. He may become the scapegoat of scapegoats as the state tries harder for conviction after losing the death penalty case. Willie faces up to 3 years if convicted, and the sentence must run consecutive to the charge he's already in prison for. Plus, the judge can double the sentence under Class X Legislation (a law designed to keep people in prison longer, a get tough law pushed by Governor Thompson to gain widespread support, primarily among white people).

As in all the other Pontiac cases, the witnesses against Willie Hardy will consist of ex-prisoners who have been given money, paroles and other favors in return for their testimony. Again there will be no physical evidence, and the trial will be held downstate.

The frame-up of the Pontiac Brothers is not over. We must organize support for Willie Hardy by attending the trial and writing to the judge, prosecutor and Gov. Thompson protesting the fact that Willie Hardy is even being tried.

Clemency Campaign

In the next month a formal petition to Gov. Thompson will be filed demanding that those Pontiac Brothers convicted downstate be given clemency.

The petition will detail the trials; explain how in the period following the rebellion prisoners were locked up for eight months in cells smaller than a VW bug, denying them visits, recreation, education, etc. (deadlock conditions), thus providing the motivation for "prisoner-witnesses" to come forth; and outline the extent of the bribes to these so-called witnesses in return for their testimony. Further, by comparing the downstate trials with the Chicago trial, it will show that the convictions downstate were based not on the evidence, but on the prejudice of white jurors.

We do not expect Gov. Thompson to grant this clemency without a fight. Because of that we are asking you to send a letter in support of the petition to the governor (Room 207, State House, Springfield, IL 62706). This is one small, very important action that each of you can do.

The Prison Struggle Continues

As the quote on the first page explains, the Pontiac Brothers death penalty case was a significant victory. But because one

victory has occurred, we must not lose sight of the use of prisons in our society, and the inevitability of further rebellion in Illinois and other prisons. Nor can we think that the threat of the death penalty won't be used against Black people who resist, either in or out of prison.

We have always stated that the Pontiac rebellion was "a natural and predictable response to the inhuman treatment of prisoners, most of whom are Black and Latin." Prison rebellions are a phenomenon occurring particularly for the last twelve years. It is important to analyze the content of these rebellions and understand what ignites them, because we will continue to see them in the coming years.

With each rebellion prisoners across the country are telling people on the outside that they are being subjected to intolerable conditions. Accounts from prison to prison tell of racist attacks by guards, inadequate or nonexistent educational programs, and a lack of means to check or control the arbitrary procedures and lawlessness of prison officials and parole boards.

Many of these complaints are the same as what Black and Latin people voice in all parts of their communities, outside the prisons. The oppression they face inside the prisons is a continuation of the treatment they receive in their communities, making prisons an extension of their communities. In conjunction with the civil



Pontiac Brother Bruce Jefferson, currently confined in Stateville prison.

rights and liberation movements in the communities outside, prisoners have increasingly seen and fought the conditions they faced inside prison as a denial of their fundamental human rights.

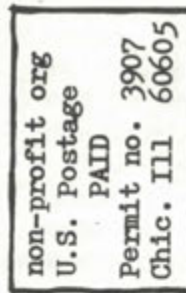
It is not a coincidence that prisons and death rows across the country have a grossly disproportionate number of Black and other Third World prisoners. Nor is it a coincidence that the composition of the prison population has changed dramatically since the 1950's to predominantly Black and Third World. This change is directly attributed to the increase of resistance during the 50's and 60's by Third World people against the white state. As a result, there was a conscious attempt to control liberation movements by killing off their leadership and imprisoning vast amounts of their constituency. Much of this has been exposed in FBI counterintelligence documents released in the late 70's thru lawsuits filed by Black, Latin and Native American activists.

All of this is pertinent to understand why prison rebellions happen, what they are linked to and why you should support them. It is the attempt by the white power structure to control and destroy, in and out of prison, the movements and resistance of Black and other Third World people. The conditions that bred Pontiac, Marion and Attica are identical to those that caused the rebellions in Harlem, Watts and Miami. It is for these reasons we use the words "natural and predictable." And with the rise of Reagan, the Klan and the Moral Majority, we see the levels of repression heightening, causing an increasing resistance.

Act Now

For three years PPSC has been working in the white community to build support for the Pontiac Brothers. We have always seen it as our task to confront white people about the role of prisons and the death penalty, and their relationship to Third World people. We have also talked about the need to fight the state's attempt to scapegoat the Pontiac Brothers for crimes committed by those who accused them.

In this period of racist reaction white people of conscience must speak up, take action and make clear that attacks against Third World people cannot take place in their name. Failure to act now, as the repression escalates, must be seen for what it is: acquiescence and ultimately complicity in the state's racist attacks. We ask you to join us, by supporting Willie Hardy, the clemency petition and ongoing resistance in the prisons.



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