

Justice and the Angela Davis Verdict

post mortems on the Angela Davis trial are to be as fascinating as they are conflicting. There are some who will take the jury's fairly quick unanimous vote to acquit on charges of murder, kidnapping and conspiracy as vindication of the American system of criminal justice. After all, they could argue, she is a black, a radical and a Communist and she was acquitted by a jury of eleven whites and one Mexican American. That should at least allay Kingman Brewster's fear that a black radical can't get a fair trial in America.

There will be others, offended by Miss Davis' politics, her hair style and her rhetoric, who probably think the country has gone mad. They will think that anyone who looks like that and talks like that must be guilty of *something*. And then there are those who, like Miss Davis' mother, believe that the only fair trial would have been no trial at all.

None of these reactions sounds entirely right or adequate to us. Reasonable men could probably differ about whether the California prosecutors had enough evidence to take the case to a grand jury in the first place. But consider the evidence he had at hand: Jonathan Jackson pulled his courthouse raid with guns which Miss Davis owned, she had been very close to him in the weeks that preceded the raid and there were eyewitnesses willing to swear that she had been at the scene just the day before Jackson tried to free three San Quentin prisoners who were participating in a trial in the Marin County courthouse. Thus, it seems to us hard to make the case that the judgment to go to the grand jury was entirely political.

And, it is clear that the trial jury did not think Miss Davis was on trial for her politics, her hair style or her blackness. Once having framed its case as it did, the prosecution had to prove that she knew what Jonathan Jackson was planning to do, that she discussed and helped him formulate his plan and that he gained possession of her guns with her knowledge and approval. That was what the prosecution could not prove and what the jury could not accept.

But the fact that the San Jose jury voted to acquit does no more to vindicate the criminal justice system than the judgment of the Berrigan jury in Harrisburg, or the Seale jury in New Haven or the New York jury in the trial of the 13 Black Panthers. Those cases prove only that jurors in cases with celebrated defendants can be counted on to take their responsibilities seriously and to leave the country's prejudices outside when they withdraw to the jury room to consider the evidence presented in the courtroom.

This is all to the good. But it still leaves the system of justice somewhat less than perfect when it is confronted with less highly charged cases and less celebrated defendants. Day in and day out, the system still stands indicted by its failure and inability to deal fairly and equitably with the thousands of poor, unlettered and unknown people who are caught up in its maw every day. For example, when he was killed last summer, George Jackson was in the twelfth year of an "up to life sentence" for a \$70 armed robbery. Or take the case of Ruchelle Magee, Miss Davis' former co-defendant, who is serving a life sentence "without the possibility of parole" for an offense involving the transfer of \$10 worth of marijuana. Disinterested, distracted or merely inept representation; no bail; long prison terms—these are among the more normal fates that befall those who are too poor or too little known to marshal the resources that become available to a Bobby Seale, a Phillip Berrigan or an Angela Davis. Criminal courts in many places in this country are often little more than assembly lines where any resemblance between justice and the end product is largely coincidental.

While this situation prevails, we have no right to take solace from the fact that acquittals and hung juries occur with surprising frequency in the great emotional, publicity-charged cases where people begin with a sense that justice somehow cannot be done. The measure of a society, to distort Dostoevsky a bit, is in how it handles the least and most helpless of its members, not how it deals with the rich, the powerful and the famous.