

Colman McCarthy

# North Carolina Justice

In the annals of government lawlessness, not all the anguish suffered by citizens involves actual breakage of the law by officials. At times, the law can work against citizens in more subtle abuses. Thanks to the crudeness and arrogance that characterized John Mitchell's regime as Attorney General, the public has recently seen how the law can be used against citizens judged to be a threat to "law-and-order." The Harrisburg trial of Philip Berrigan and others was one of the more publicized of these prosecutions; some would add to the list the trials of Daniel Ellsberg, the Gainesville 8 and the Camden 28. These cases reveal the immense discretionary power of the government to prosecute the citizens it chooses to pick on. Terror is in this power; none of the above defendants was ever convicted of the major "crimes" charged by their government, but their lives were disrupted severely, and large amounts of money were wasted on both sides—the public's money in prosecuting them and the persecuted's in defending themselves.

In North Carolina, a recent case involving three black men has many responsible people in the state and elsewhere convinced or suspicious that another repressive prosecution has occurred. Two differences in this case are that the citizens — called the Charlotte Three — are already serving prison terms, and second, little national attention has been given the case. Within North Carolina, though, a state whose civic boosters like to identify it as leading the way of the "New South," the energies of both The Charlotte Observer and a citizens group called the North Carolina Political Prisoners Committee, are determined not to abandon the prisoners by letting the case pass into obscurity. The national significance of the Charlotte Three is its suggestion that political repression at the state level can match or even pass what has been seen on the federal level.

The conviction of T. J. Reddy, Dr. James Grant and Charles Parker came in 1972 on a charge of burning the Lazy B stable in Charlotte and killing 15 horses. Reddy, a poet whose first volume of verse will be published by Random House this summer, had been in a small group that went to the Lazy B stable in 1967. They were denied riding privileges, apparently because of race. Eleven months later, the stable burned. Three years later, Reddy, along with Grant, a former VISTA and SCLC worker, and Parker, a youth counsellor, were indicted.

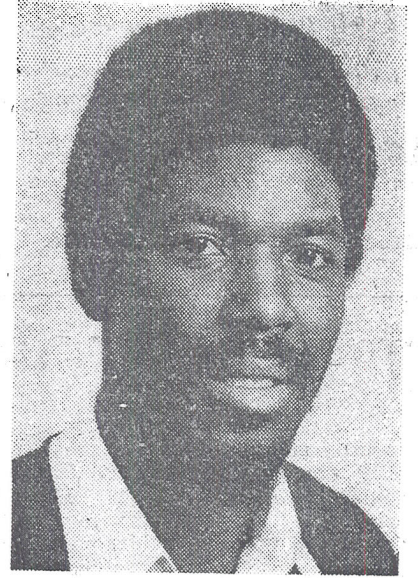
In a January 1974 editorial entitled "An Injustice?" and written one week before the appeals of the case ran out, The Charlotte Observer said the "case raises many questions," and added that at the trial "no physical evidence was presented to link (the defendants) to the stable burning four years earlier. Officers who investigated the fire had misplaced the firebombs the three were accused of using to burn the Lazy B barns and 15 horses." After noting the lack of evidence that sent Grant to prison for 25 years, Reddy for 20 years and Parker for 10, the Observer describes the "star" witnesses used by the state as two men "who were granted immunity from prosecution on a number of charges in exchange for their testimony in at least four trials of black activists in North Carolina." The Observer went on to

say that the two witnesses, Walter David Washington and Theodore Alfred Hood, "had been sought on a number of charges, including illegal possession of dynamite and firearms, armed robbery and illegal flight to avoid prosecution. Washington had been discharged from the Marines for mental instability. Arrested in North Carolina after a flight to Canada, they agreed to give testimony in four cases in exchange for immunity from prosecution and protection by state and federal law enforcement officers."

Many in North Carolina were astonished at the severity of the sentences: 25, 20 and 10 years. The Observer checked its files of other unlawful burnings and found some disturbing facts. In 1965, a Mt. Airy, N.C., businessman burned a store, killing an em-

ployee and received only five to eight years. A Charlotte man got four to five years for burning the home occupied by his ex-wife. A Hendersonville man got five to 10 years for burning three schools. In 10 years, only one burning case exceeded the Charlotte Three's terms, and that was for seven instances of arson by the same person. Not only were the sentences astonishingly severe compared to other North Carolina burning convictions, but when compared to the 20 years Lt. William Calley (who now walks free) got for murdering 22 Vietnamese civilians, the severity is even more striking. Fifteen horses in Charlotte are apparently worth more than 22 human beings in Mylai.

The judge in the case was Frank Snapp. When asked in a phone interview last week about the case — about the severity of the sentences, the reliability of the state's witnesses and the



T. J. Reddy

\$50,000 bond imposed on Reddy even though he had no previous convictions — the judge said "the men had a fair trial. I thought they were dangerous to the community and I gave them the maximum sentence." As for the steady run of newspaper stories and editorials, Snapp charged that "the people who write them don't know the facts of the case."

In an ironic way, the judge may be right. The full facts may not be known, which is why reports from Charlotte say that the Observer, already editorially suspicious, has put two investigative reporters on the story. As the paper editorialized a year ago: "The conduct of the trial and various elements in it have so many troublesome aspects that the appeal may very well turn the conviction around." That didn't happen, but it did prompt Frye Gaillard, an Observer reporter, to comment in a recent Progressive magazine article that "the same pattern—using criminals to testify against activists—has been applied to at least a half dozen other trials around the state."

Because Grant (a Ph.D. in chemistry) is a Hartford, Conn., native, the editorial page editor of the Hartford Times, Don O. Noel Jr., went to Charlotte. "It is remotely possible," he wrote, "that he is guilty of that charge (burning the stable), but I did not find, among several knowledgeable Charlotte newsmen I talked with, anyone who was persuaded of that, based on the evidence presented in court. Some clearly believe him the victim of a frame-up. Most, with the careful newsman's objectivity, concluded simply that his guilt was far from proven."

In America, and presumably North Carolina, court trials are meant to use the law as a means of settling doubts. But here, the opposite has happened — doubts have been raised. Those raising them are not the prison reformers who chant "free everybody" but parts of the rational and established community that have deep suspicions that these three men are victims of government oppression. Clearly, the governor of North Carolina has an obligation to act, either to remove all doubts about the case so that the guilt is factually based, or to drop the sentences so that justice in North Carolina is no longer mocked.