

Prisoner

ACLU Protests Automatic Bail Denial in Angela Davis Case

The American Civil Liberties Union of Northern California filed a brief Friday, Sept. 17 with the California Supreme Court on the Angela Davis Bail Request Denial, which questions *automatic* denial of bail in capital cases.

In Miss Davis' case, a probation department and trial judge have found that her release on money bail will reasonably assure her presence at trial. Nonetheless, she is being held in custody.

According to ACLUNC Legal Director Paul Halvonik, "this categorical denial of pre-trial release in capital cases, when the judge is satisfied that conditional release will assure court presence, clearly undermines the presumption of innocence in violation of the Fourteenth Amendment to the U.S. Constitution."

Halvonik points out that such procedure resulted in black militants Huey Newton, Bobby Seale and Erika Huggins spending years in jail, only to be acquitted or have charges dropped. "If the simple lodging of a capital charge can result in unconditional incarceration, then we have given government a neat and unrestrained tool for isolating and punishing the politically disfavored."

Inmate Right Right to Publish Defended

The right of a prisoner to publish was argued before the California State Supreme Court by ACLUNC on September 1. Representing death row inmate Nathan E. Eli in the case was Paul N. Halvonik.

In question is the prison system's attempt to take 25% of royalties from publication of prisoners' manuscripts. The ACLU contends that this Department of Corrections Rule violates not only the rights of prisoners to speak, but the right of the public to hear as well.

Besides this challenge to the First Amendment's protection of freedom of expression, the ACLU feels the 25% rule is an unlawful confiscation of property that results in an infringement upon the Fourteenth Amendment guarantee of equal protection.

Halvonik points out that no longer does the concept of 1871 hold force: "He (the prisoner) is for the time being the slave of the State." Instead, today's rulings, as with Caryl Chessman's book, hold that: The state "owns no property in the creativity of the incarcerated person."

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Rights Activity

Halt Called for In Prisons Reading Inmate/Lawyer Letters

Until April 20 of this year, lawyers and their imprisoned clients were allowed to communicate confidentially with one another. But California's Director of Corrections, Raymond Procunier, deciding that the privilege was being abused, promulgated new rules abolishing it. Today, prison officials, routinely read all correspondence between inmates and their lawyers.

The American Civil Liberties Union has filed a brief in the State Supreme Court, signed by Los Angeles and San Francisco lawyers, urging that Court to halt the new policy. The Bill of Right's guarantee of the right to counsel, the ACLU contends, is violated when prison officials review exchanges between lawyer and client.

Under current law, verbal communications between lawyer and client are confidential. When an attorney visits his client at a prison, prison officials are prohibited from listening to their conversation. "Then why," asks ACLU attorney Paul N. Halvonik, "should they be able to read my mail? If I go to San Quentin to visit a client, the authorities have to provide me room for private consultation. It lessens their burden if I communicate by mail and I'd like to relieve them of the additional burden of reading my mail. They should have the power to inspect my letters for tangible contraband and nothing more. If the state began reading exchanges of correspondence between corporate clients and their lawyers, the courts would stop

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the practice instantly. They should act just as promptly here. In a society with equal justice under law, my clients and I are entitled to the same constitutional protections corporations enjoy."

The ACLU brief, filed in support of a suit brought by Folsom inmate Robert Jordan, notes that Superior Courts in various counties have divided on the issue of confidential lawyer-prisoner letters and urges the Supreme Court to settle the controversy expeditiously.

ACLU Requests Prison Probe

Following the August 21 violence at San Quentin in which 3 inmates and 3 guards were killed, the American Civil Liberties Union of Northern California has called for an investigation by the California Legislature.

At an August special meeting of the Board of Directors, great concern was expressed over the killings which have occurred, the conflicting reports of events and the threat to civil rights of policy changes made by prison officials.

ACLU Executive Director Jay A. Miller stated, "Most details of this tragic event remain rumors. Only a prompt and full-scale investigation by the Legislature into the conduct and conditions in the California prison system can bring the full facts to public attention."

The ACLU expressed particular concern on three points:

1. The suspension of the constitutional right to the effective assistance of counsel caused by the isolation of all San Quentin prisoners from their attorneys and announced restrictions on the mechanics and frequency of any future communications;

2. The announced changes in prison policy which remove prisoner civil rights such as access to mail, publications and visitors;

3. The urgent need for guaranteeing the physical security of both prisoners and prison guards, and for remedies for the tensions underlying the repeated episodes of violence.

The ACLU Board directed its staff to press for an immediate investigation by legislative committee.

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