

BOOKS

Innocence is not always the issue

THE INNOCENCE OF JOAN LITTLE: A Southern Mystery
By James Reston Jr.
New York Times Books, \$12.50

Alexander Berkman, standing trial (with Emma Goldman) in the 1920s for the attempted assassination of Henry Clay Frick during the Carnegie steel strike, boldly told the court that his act could:

"...not be measured by the narrow standards of legality. It requires a view of the social background to be adequately understood. A lawyer would try to defend, or palliate, my act from the standpoint of the law. Yet the real question at issue is not a defense of myself, but rather an explanation of the deed. It is mistaken to believe me on trial."

A half century later, another radical named Jerry Paul voiced related concerns about the American legal system:

"The courtroom is the worst place to raise political issues. The state is in control. The court is the instrument of social control. Yet the public seems to be attracted to court cases, and historically, the movement or the Left has used the courtroom to demonstrate abuses."

Paul should know what he is talking about. He led a defense team of seven attorneys and a jury selection team of 30 psychologists and sociologists that successfully represented Joan Little in 1975.

Little, a young black woman from rural, eastern North Carolina, was charged with first degree murder—a capital offense—in connection with the ice-pick stabbing death of an elderly white man, Clarence Alligood, in her Beaufort County, N.C., jail cell. Alligood, the lone night jailer, was found dead, naked from the waist down, with semen stains on his thigh, in Little's empty cell.

Throughout the five week trial, which was moved to Raleigh, N.C., the defense team seemed to

accept the philosophy of Alexander Berkman, explaining rather than defending the actions of Joan Little, whom, they said, was defending herself against an armed sexual assault. The jury evidently agreed, returning a verdict of not guilty after deliberating just over an hour.

One problem with the "revolution means never having to say you're sorry" school of legal defense is that, if not handled properly, it can lead to a lot of time behind bars, as in the case of Inez Garcia, a chicana woman in California who was convicted of second degree murder (later reversed, retried and acquitted) in 1975. Garcia told the court that she was glad that she had killed a man who had helped to rape her, that she would do it again and regretted only that she was unable to also kill the man who did the actual raping.

Even Patty Hearst pointed out to a friend just after her capture that telling the truth about her politics (at that time) in court "creates all kinds of problems for me in terms of defense."

But in the case of Joan Little, the strategy worked, both for Little and the various support groups—black, feminist, prison, leftists—with broader concerns. As Celine Chenier of the Joan Little Defense Committee put it:

"America is not used to hearing blatant truth in the courtroom...but Inez did it. Ruchell Magee...did it... I think a lot more will speak out. If you're not even going to admit testimony in these cases about the rage and emotional trauma that a woman experiences with rape, what do you expect?"

The comments of Chenier, like those of Jerry Paul, come from *The Innocence of Joan Little: A Southern Mystery* by James Reston Jr. The book is made up of 15 extended interviews conducted by the author (who covered the trial) in the months following the verdict. Unfortunately the interviews



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are presented uncritically, neither weighted nor qualified on the basis of the veracity of the subjects, most of whom have tended either to enlarge their role (in the case of Little's supporters) or lie (in the case of her detractors).

Two weeks before the book was published, Joan Little—distraught at the loss of work release status and imminent refusal of parole—climbed over the fence of the North Carolina

Correctional Center for Women, where she had been serving the remainder of a 7-10 year sentence for breaking and entering, the charge which originally landed her in the Beaufort County jail. At this writing, she is still a fugitive.

Mark Pinsky covered the Joan Little case for *New Times*, the *New York Times* and *Reuters*, among others. He is now at work on a book on justice in the New

South.

Editor's note: Before the above was set in type, Little was arrested in New York, where she is now in jail, fighting extradition to North Carolina on grounds that she fears extra-legal harassment as well as an additional sentence. Inmates in New York's Riker's Island prison have signed a petition on her behalf, asking that she be permitted to finish her time in New York.

Ex-terrorist Begin, a realist in politics

Begin devised the strategy that made Irgun a feared force and a key factor in Britain's leaving.

TERROR OUT OF ZION: The Violent and Deadly Shock Troops of Israeli Independence, 1929-1949.

By J. Bowyer Bell
St. Martin's Press, 1977, \$13.95

Current events in the Middle East have made J. Bowyer Bell's recent book, *Terror Out of Zion*, a work of much more than academic interest. Bell, who is a stu-

dent of political terrorism, has written a history of the violent groups that prepared the way for the birth of the state of Israel. Its significance today is enhanced by the fact that the leader of the most important of these "terrorist" groups, Menachem Begin, is currently leading the state of Israel in an attempt to reach a peace agreement with its Arab neighbors.

What does the history of the Israeli underground tell us about Begin?

In 1943, when he took over, Irgun Zvai Leumi was a faltering revolutionary band. According to Bell, Begin devised the strategy that made Irgun a feared force and an important factor in the eventual decision of the British to abandon their attempts to govern Palestine. Begin, who had

studied the history of the IRA and the nonviolent movement in India, concluded that the role of the underground should be to "humiliate the authorities," forcing them to take the kind of repressive measures that would discredit the British not only in Palestine but with their allies. Begin's Irgun would give the British the choice between bloody repression or withdrawal, counting on the fact that the British would not be able to sustain a long-term policy of repression.

Begin's strategy was successful. Although Irgun often alienated the moderate "orthodox" Zionists, who regarded Irgun and its allies as extremists, the revolt begun by Begin was a crucial factor in establishing the conditions under which the regular Zionists could assume power in 1948.

When Ben-Gurion and the orthodox Zionists became the leaders of the new state, Begin rapidly slipped from his influential position, in large measure because he chose to do so. Once the state of Israel had declared its independence, Begin committed Irgun to a policy of dissolution and recognition of the legitimacy of the Ben-Gurion regime. As Bell points out, this was by no means a foregone conclusion. By 1948 Irgun had good reasons to distrust the orthodox Zionists who had, at times, cooperated with the British in antiterrorist campaigns against Irgun and who, as late as 1948, fired on and destroyed the Irgun ship *Altalena*. (Ben-Gurion feared that if the Irgun ship landed its cargo of arms he would be unable to control them.) Ben-Gurion "wanted no accommodation with

the dissidents." Yet, despite this provocation, Begin refused the temptation to launch a civil war.

In Bell's opinion, mainstream histories of the founding of the state of Israel have played down the role of the underground groups, emphasizing how acts of terror alienated world opinion. As a result, the leader of Irgun was not well-known outside his own country. Now, as Prime Minister, he has moved to center stage. From his background in Irgun it is clear that he is a hard fighter and a strong nationalist. It is also clear, that he is a realist and, in the context of Israeli-Arab relations, where there is no ideal solution, a realist is a valuable asset.

—Arthur Zilversmit
Arthur Zilversmit teaches American history at Lake Forest College, Ill.

Pot Happy



Linda Blair being arrested for possession of marijuana in Connecticut December 21.

WASHINGTON—“When the President of the United States has the same position on decriminalization of marijuana that we do, I wonder whether maybe we should be getting a little further out in front,” Keith Stroup, the articulate young lawyer who founded NORML, the National Organization for the Reform of Marijuana Laws, five years ago, told the group’s sixth national conference here in mid-December.

In fact, not only does Jimmy Carter support reducing possession penalties to a traffic-ticket type infraction, but so do many federal bureaucrats who are hostile to its use on health or social grounds. As Dr. Robert L. DuPont, director of the National Institute on Drug Abuse, put it awhile back, “There is now a very broad consensus in the U.S. that marijuana use should be discouraged and that the government’s role is to discourage marijuana use. But...most people agree that it does not make sense to put people in prison for the possession of small amounts of marijuana.” He thinks a \$25 fine is appropriate.

“Decriminalization,” however has gotten to be kind of a scare word that induces a contentious attitude. “That’s probably the biggest problem we have right now,” DuPont added.

Dr. Peter Bourne, Carter’s Special Assistant for Mental Health and Drug Abuse, points out the difference between decriminalization and legalization. “People have erroneously concluded we are asking that marijuana be made legal. We certainly are not doing that.” California governor Jerry Brown has made similar comments, and even NORML recommends no more than a study of legalization.

Nevertheless, decriminalization has gained a solid foothold in American drug policy. In ten states (California, Oregon,

Alaska, Maine, Colorado, Ohio, Minnesota, North Carolina, New York and Mississippi) possession of small amounts of grass is no longer punishable by prison terms. In other jurisdictions, police leave people alone.

The recent addition of Mississippi to the roster shows that decriminalization can become credible even in a very conservative legislative body.

NORML staffers reported that they are hopeful that a federal decriminalization law will be part of the new criminal code act, and that grass will be “rescheduled” by the feds from its Schedule One of very dangerous drugs to the less restricted Schedule Two. This change would mainly affect the availability of marijuana to researchers and medical patients. (NORML has assembled testimonials that marijuana relieves the discomforts of their asthma, cancer, multiple sclerosis and glaucoma.)

Arrests still numerous.

But the total of marijuana arrests is still enormous: 441,000 last year, just a hair under the all-time high of 445,600 in 1974. NORML’s newsletter, *The Leaflet*, points out that these are 72 percent of total drug arrests and more than the combined arrests for homicide, forcible rape, robbery and aggravated assault.

Arrests continue to result in stiff fines and long sentences. One victim, Roger Davis, a young black from Virginia, was sentenced to 40 years and \$20,000 in fines for selling two ounces of marijuana to a police agent.

NORML attorneys got Davis out of jail after three and a half years. They won a round in federal district court when the judge ruled that Davis’ sentence constituted cruel and unusual punishment. The attorney for the Commonwealth of Virginia, however, pointed out that Davis could have gotten another 40 years and

\$20,000 more in fines under state law (40 years for each ounce) and has appealed.

NORML’s Future Directions Committee, which reported to the conference on strategy options, argued against NORML’s turning its attention to the outright legalization of marijuana or other drugs such as cocaine because “the majority of the public continues to believe that marijuana is addictive, highly toxic, and leads to the use of other drugs.” In such an atmosphere, the committee concluded, the fight for decriminalization should still be a priority.

“Responsibility” and “credibility” are key words for NORML; so much so that it is at the front of the line of people urging caution and care in marijuana use: don’t drive or operate complex machinery while stoned, its literature warns. And a conference pro-dope expert, Dr. Robert Carr, added in a lengthy defense of the relatively benign character of cannabis use that pregnant women should also avoid it and that “There is growing evidence that marijuana smoke may have adverse effects on pulmonary function.”

Pie in the eye.

Conference organizers were mortified when a quiet panel on international control of marijuana was disrupted by YIPPIE guerilla Aron Kay, who tried to throw a pie in the face of panelist Joseph Nellis, chief counsel of the House Select Committee on Drug Abuse and Control. Kay missed his target when his aim was deflected by a NORML staffer.

A handful of YIPPIES, for whom pie-throwing has become a major tactic, circulated through conference sessions, distributing copies of their newspaper, the *Yipster Times*. The *Times* condemns decriminalization as a fraud: “What have we gained but a MAC (Marijuana Abuse Court) that is merely a replica of traffic court, where innocent people plead and

pay to avoid the tedious and pointless process of rubber stamp injustice.”

The YIPPIES’ disheveled and militant air contrasted with the prosperous appearance and low-key attitudes of the majority of conferees. The majority showed the most excitement over slides of huge fields of cultivated cannabis in Mexico and elsewhere.

They applauded loudly when a reporter for *High Times*, Craig Copetas, told them that during the recent Lebanese civil war, “when there was no food and no medical supplies, there was still plenty of hash,” partly because renegade army colonels had taken to guarding their chosen valleys with diverted Russian tanks.

They cheered again when Copetas asserted that Colombia had exported \$1.5 billion worth of grass last year, compared with only \$1 billion worth of coffee. “The Latin American governments are all going to be with us because of the value of the exports.”

One cynic was heard to ask whether this meant that the 1981 NORML conference would feature a keynote address by Chile’s General Pinochet. When asked if the association of marijuana with the support of repressive Latin governments bothered him, Copetas declared, “I’m just a reporter, man. I’ll tell you what’s happening but I don’t make any judgments.”

Marijuana has already become a full-fledged part of the American economy. The issues of *Head* and *High Times* magazines, which were widely hyped at the gathering, proved that. Both publications are slick and thick with ads for every conceivable kind of pot paraphernalia.

These magazines and their ads are proof that widespread marijuana use is no threat to the spirit of free enterprise that has made America great. If anything,

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