

Postscript

This is the section I had hoped would not be necessary. When I began the book, I said to myself that there was a relatively good chance that we might have more degrees of real freedom by the time the book was finished. Well, finished it is, and Vietnam is still there, Cambodia has been added, the corporations are still polluting, and the government is still lying. Since we can still legally call ourselves oppressed people, I find this last section on legal crap necessary.

It is amazing with so many so-called "intelligent" people running about that we still have a state, a government, a bunch of archaic laws, and a multitude of psychotics willing to enforce them. If people depend on the state to make laws, to prevent themselves from doing what they really want to do, then I say that these people are nuts. I mean to say, if I really want to do something, I don't particularly care if it's legal, illegal, moral, immoral, or amoral. I want to do it, so I do it. The only laws a man can truly respect are the ones he makes for himself.

Have you noticed that the people who actually make the laws, the people in power, never make laws for themselves? They pass legislation for the other people, who don't want the laws to begin with. This government is a vicious bureaucratic cycle, with the people in power denying they have the power, passing legislation to protect their power, and conveniently losing any legislation which does not conform to their own particular brand of megalomania, in one of their many advisory committees.

I do not want laws that protect me from myself. Does it sound absurd? If I wish to ride a motorcycle without a helmet, it is my absolute right to do so. If I wish to be a fool, it is my right, since the only person who could be hurt by my action is me. If I want to sleep with men, or take LSD, or march naked across Sheep Meadow, or do per-

verse things to my dog, then by what right does the government stop me?

Robert Heinlein, in a recent book *The Moon Is a Harsh Mistress*, talks about an idea for taxation which I think could be extremely functional. It is that the people in power—the senators, congressmen, presidents, *et al*—should pay all the taxes themselves. Since these officials are making laws nobody wants anyway, why shouldn't the people keep the government as financially weak as possible?

Since the revolution hasn't taken place yet, I have included here some basic common-sense legal advice.

I was busted about two years ago at a demonstration. The charges were trumped up and finally dropped, but the affair cost me five hundred bucks in legal expenses. That five hundred I couldn't afford. I had to borrow it from friends but, whatever it cost, it was worth it. It showed exactly where the legal system of this country was at. Ninety percent of the guys in jail with me were black, and Spanish, because they couldn't dig up the outrageous bails. I sincerely hope that, if and when they ever get out, they will still be able to see the injustice with the same clarity and passionate hatred.

Prison does strange things to men. Although its purpose is to break the free spirit of a man, in many cases it just adds fuel to the fire that has never been and never will be extinguished.

The wheel of the law turns
without pause.

After rain, good weather.
In the wink of an eye.

The universe throws off
its muddy clothes.

For ten thousand miles
the landscape

spreads out like a beautiful brocade.
Light Breezes, Smiling flowers.

High in the trees, amongst
the sparkling leaves

all the birds sing at once.
Men and animals rise up reborn.

What could be more natural?
After sorrow, comes happiness.

—Ho Chi Minh
Written in prison

The cop is a phenomenon, unto himself. He is a paranoiac. He is a megalomaniac. He can be a sadist. He can be vicious and cruel. He can be nice and sweet, especially if he wants something. He can break the laws that he pretends to be enforcing, with impunity. He is very sensitive to being called names, and tends to react the only way he knows how. He is armed to the teeth, with clubs, chemicals, gases, firearms, and the most frightening weapon of all, righteous indignation. He tends to be stupid, and uneducated, and very aware of his shortcomings, although he doesn't appreciate people's comments on them. He travels in packs or gangs, and feels a certain degree of security when he is with his own kind. His word is taken without question in all courts, and he relies on this.

When unarmed and confronted by a police officer, you must take all these factors into consideration, before deciding what course of action you intend to follow. Most individual confrontations between police and individuals take place in the street. If you are black, Puerto Rican, or white with long hair, you can expect this. Cops have the *legal* right to stop and frisk any person, in suspicious circumstances. Suspicious circumstances are solely the cop's interpretation. He can always bust you for something like disturbing the peace, or disorderly conduct, and then throw in a resisting-arrest charge.

I can fully appreciate the fury and anger that a person can feel when put through a humiliating experience by a cop, but I would recommend strongly that a person maintain his cool, and in no circumstances lose his temper. If you lose your temper, you are playing right into the cop's hands.

The cop will probably ask you a bunch of questions: Name? Address? What you are doing? Where you are going? Etc. I would suggest that you answer all his questions, although you are not legally bound to. In no circumstances should you answer any questions about drugs truthfully (unless you have none and have never used them). By refusing to answer questions, you will antagonize the cop, and probably get yourself busted for loitering, or refusing to obey a policeman's orders. Be polite and concise, but do not give any information that is not asked for, and in no circumstances use anyone else's name. It is a good idea to refer to the cop as "officer," since it helps his ego, and enhances your chances of staying out of jail.

Cops may go further than just harassment. They may actually assault you. In these circumstances, you still have no legal right to defend yourself. In these conditions stay calm, if possible. Do not attempt to defend yourself other than just to cover your groin and head. If you see an opportunity to grab a nearby weapon, and are reasonably sure that you can be successful, then defend yourself, but never forget that the cop has a gun, and he has used it, and will use it.

When confronted on the street by the police, a common emotion for a person to feel is fear. There is nothing wrong with this. In fact, it's quite healthy, but do not show it to the cop. If the cop realizes you are afraid of him, he will take full advantage of the situation and play on your fear. This doesn't mean to act belligerently, and, for God's sake, do not be a high school or college lawyer, and explain to the cop what he can and cannot do. He can do anything, he's got the gun.

As I have stated before, I hate demonstrations. I feel they must be sponsored by the government to give the cops a heyday. But some demonstrations are necessary, although the reason for this escapes me at the moment. When taking part in a demonstration, you have opened yourself up to brutality and arrest, and you must understand this. Do not go to a peace rally thinking about peace. Peace is won, and respect is earned. At all mass street meetings, use common sense. In no circumstances carry drugs, cherry bombs, stink bombs, spray paint, or any object that might be considered a concealed weapon. These include penknives and nail files. I have always made it a policy never to take my wallet or any identification, but this does risk arrest for not possessing a draft card.

If you are going to a demonstration that you think might

be violent—this means all demonstrations—do not wear jewelry. Women should not wear skirts, and everyone should wear helmets, and carry a gas mask. If you smoke, carry an extra pack of cigarettes with you, as it is a real bitch getting cigarettes in jail.

One of the most threatening aspects of any demonstration is the plain-clothes cops. Over the past few years they have proved more and more successful, and accordingly their numbers have increased. Plainclothes cops are not plainclothed, they are in disguise. Generally they try to grow long hair and beards but, if you have any perception at all, it is not hard to pick them out. If you are performing an illegal act, be especially careful and aware of who is standing behind you.

Believe it or not, if you are arrested and attempt to resist, and the original charge you were arrested for is thrown out of court, you still can be jailed for resisting arrest. So, when resisting arrest or making an attempt to escape, be pretty sure that you have a good chance of success, and never forget the gun. Many persons have managed to escape from their arresting officers during demonstrations, with help from their brothers and sisters creating confusion.

Remember the cop doesn't have to use the phrase, "You are under arrest." He may just grab you. This act in itself will hold up in court as a legal arrest. The cop also has the prerogative of not arresting you; he may just detain you for questioning. Detainment can last as long as the cop likes, but usually it does not last more than several hours. If you are held for questioning, you are treated the same way as if you were arrested, but you have none of the legal rights you have if you are under arrest.

If you are arrested, do not talk. The more you say, the more you will incriminate yourself, and probably other people as well. You have the right to remain silent, and by talking or trying to find out what you are charged with, you may make a confession, without even realizing that you have done so.

There are three things you should do as soon as you are arrested:

1. Shout out your name, so that somebody knows you have been busted—not that he will do anything about it, but it helps your peace of mind.

2. Try to remember anyone who saw you busted, since they may be useful as witnesses.

3. Get and memorize the cop's badge number and name. If a different cop shows up in court, and you can prove it, there is a good chance that the charges will be dismissed.

At the police station, you will be booked. This is a form-filling-out time, where they will persist in asking every incriminating question possible, and you, of course, should answer none of them. Although you are supposed to have the right to call an attorney before being questioned, don't count on it. In fact, don't count on anything at all. If you are lucky enough to be allowed to call a lawyer, do so immediately. If you don't know a lawyer, and are busted in New York City call any of the organizations listed below and explain your situation. If you are communicating with your parents, call them at once. Parents can get you out of jams faster than any lawyer.

National Lawyers Guild—227-0385, 227-1078,
962-5440

Emergency Civil Liberties Committee—683-8120

New York Civil Liberties Union—929-6076

Mobilization for Youth Legal Services—777-5250

Part of being booked is the arresting officer's filling out a Vera form. This is a test to see if you qualify for a summons. If you do, you will be released immediately and given a date to appear in court. Vera summonses are only given for nondrug-related misdemeanors. To be eligible for Vera, you must have someone verify your address and occupation, by phone, to the arresting officer. The police will also check your previous record. This is an extremely easy system to beat, if you have good friends. I was arrested in Brooklyn, for disorderly conduct and disturbing the peace. About a week before the bust, a friend and I had worked out a series of aliases and phony addresses, for just such occasions. The arresting officer called my friend, and asked him if he was indeed my father. After he had verified my phoney name, address, and occupation, I was released with a summons, never to appear again.

Vera works on a point system. If you manage to verify your existence and accumulate the correct number of points, you will be released. The actual scale of points appears a few paragraphs below.

After you are booked, if you don't rate Vera, you will be taken to a larger city jail. In New York City, it is 100 Centre Street, better known as the Tombs. The Tombs is a large prison, without windows. It houses about twice as many people as it is supposed to. This incredible over-

crowding has resulted in bureaucracy. These impersonal bureaucratic systems are the really frightening aspect of any large city jail. Everything is performed like clock-work, except if you get lost. What if someone loses your card, and you don't have any friends on the outside? Absurd? No, this isn't absurd. It has happened many times: A guy gets lost in the Tombs, and he's found a year or so later. He was originally charged with disorderly conduct, which has a usual maximum sentence of 30 to 60 days. When he is found, he has already spent a year in jail.

If you are under 21, in New York City you have a special treat in store for you—either Atlantic Ave., or Rikers Island. Either one of these places is many times worse than the Tombs. The prison officials have a great deal of difficulty understanding why the suicide rate is so high in these locations. I have a great deal of difficulty understanding the prison officials.

When you are put into a big-city jail, you will probably be frightened, lonely, humiliated, and completely drained of any spirit. This is normal. Talk to the fellow prisoners, write, play cards, read, doodle, do anything to keep your mind occupied, but above all do not verbalize your misfortune to your fellow prisoners. Each one of them has had similar situations, and is sick of thinking about it.

Vera Point System:

To be released with a summons a defendant needs:

1. A New York area address where he can be reached.
2. A total of five points from the following categories.

PRIOR RECORD

- 2 No convictions.
- 1 One misdemeanor conviction.
- 0 Two misdemeanor convictions or one felony conviction.
- 1 Three or more misdemeanor convictions or two felony convictions.

EMPLOYMENT

- 3 Present job one year or more.
- 2 Present job four months, or present and prior job six months.
- 1 An on-and-off job in either of the above two lines.
Or a current job.

Or unemployed three months or less, with nine months or more on prior job.

Or receiving unemployment compensation, or welfare, or supported by family.

FAMILY TIES (in New York Area)

- 3 Lives with or has contact with other family members.
- 2 Lives with family or has contact with family.
- 1 Lives with nonfamily person and gives this person as reference.

RESIDENCE (in New York area, not on-and-off)

- 3 Present address for one year or more.
- 2 Present residence six months, or present and prior one year.
- 1 Present residence four months, or present and prior six months.

TIME IN NEW YORK CITY

- 1 Ten years or more.

Depending on the time of day that you are arrested, the time will be set for your arraignment. If you are busted late at night, the chances are very good you will be held overnight. (A word of advice: If you get the choice between the upper and lower bunks in a cell, choose the lower. Prisons do not turn off their lights at night, and I spent a sleepless night, without a mattress, with a five-hundred-watt bulb shining directly into my eyes.)

The arraignment is nothing more than the judge telling you what you are charged with, and setting bail for you. You should have a lawyer present, since, if you don't, the judge will assign a moron from the Legal Aid Society. If you can't get a lawyer on your own, accept one from the Legal Aid Society, but do not let the guy make any deals for you. Legal Aid lawyers are notorious for wheeling and dealing themselves out of work, and you into jail. It is better to use a lawyer, rather than to attempt to defend yourself, because the lawyer knows all the legal hocus-pocus that might reduce your bail. Judges get pissed-off when defendants try to defend themselves. I was once called "a dirty layman," when trying to defend myself in a civil case, by some old asshole judge.

At the arraignment you will be required to plead guilty

or not guilty to any violation. Never plead guilty to a violation. If necessary, you can change your plea later. If you are charged with a misdemeanor, you will be given an opportunity to plead, but you are not required to do so. Do not plead on a misdemeanor. You will not be allowed to plead on a felony.

In most circumstances, if the judge does not release you on your own recognizance (without bail), he will set a figure and often a cash alternative. In other words, if your bail is set at \$500, he may only require a small percentage, say \$50 in cash. This is good, since if you have to go to a bondsman it is a big hassle, and he will require incredible amounts of security, such as automobiles, title deeds to

houses or property, bank books, etc.

The best advice possible on any legal matter is (1) maintain your cool and temper, (2) keep your mouth shut, (3) get a good lawyer and call your family, and (4) never forget what you have been through. Allow the fear and loneliness, and hatred to build inside you, rather than diminish with time. Allow your passions to fertilize the seeds of constructive revolution. Allow your love of freedom to overcome the false values placed on human life. For the only method to communicate with the enemy is to speak on his own level, using his own terms. Freedom is based on respect, and respect must be earned by the spilling of blood.

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