

THE 'ANTI- RIOT' LAW: WEAPON AGAINST DISSENT

The Defendants

SUMMER, '73 – 67 Charges against occupants & supporters of Wounded Knee, S.D. protest-occupation. 7 members, 1 supporter, Vietnam Veterans Against the War go on trial July 31, for conspiracy to incite riot at the Republican National Convention.

WINTER, '73 – SNCC organizer Cleveland Sellers imprisoned for 1 year on state anti-riot charges, as result of "Orangeburg Massacre" in which students were shot down by South Carolina police.

SPRING, '70 – Students protesting U.S. invasion of Cambodia indicted in St. Louis, Missouri. Two convictions result.

12 Weatherpeople indicted for Chicago "Days of Rage."

Abbie Hoffman indicted for activity in "May Day" protests against the war.

8 members, Seattle Liberation Front, tried for protest against Chicago 8 convictions; FBI provocateur is main "witness"; mistrial declared charges later dropped.

WINTER, '70 – 21 students charged under state anti-riot law in Knoxville, Tenn.; a 2-year sentence & other lesser sentences result.

WINTER, '69 – Chicago 8 become first victims of "Rap Brown" law, charged with Chicago Convention "police riot."

APRIL 11, '68 – "Rap Brown" Anti-Riot Act passed.

The "Anti-Riot" Act

WHOEVER:

Writes a letter –
Sends a telegram –
Makes a telephone call – or
Speaks on radio or television . . .

with "intent" to:

Encourage any person
to participate in a riot . . .

a "riot" meaning:

"An act . . . of violence by one
or more persons part of an
assemblage of three . . . which . . .
shall result in . . . injury to the
property of any other person . . ."

Penalty:

5 years imprisonment
and/or \$10,000.00 fine!

Watergate has shown that phrases such as "national security" and "law and order" have been used by the Nixon Administration as codewords for government-sponsored political repression. Scores of political activists have been tried because of their political activities on fabricated criminal charges. From San Jose to Harrisburg, such charges have been dismissed in jury trials.

One main weapon in the government offensive against freedom of political activity has been the "Rap Brown" Federal Anti-Riot Law (Public Law 90-284). The law provides fines and jail terms for anyone who travels between states or uses "the mail, telegraph, telephone, radio, or television" with "intent" to "encourage...any person in ... participating in...a riot." It defines a "riot" in such a way that three people standing together in the presence of police or provocateurs are in imminent danger of involvement in a "riot." The law is thus handy for use against those who organize, promote, speak at or attend demonstrations. A person can go to jail if their "intent" was to do something, sometime, which may be connected to a "riot" — even if the "riot" never takes place.

Passed in 1968, several days after the assassination of Dr. Martin Luther King, the legislation was tagged onto a fair housing law at the last minute by segregationist Strom Thurmond. There was virtually no debate on the anti-riot rider. While the fair housing "tribute" to Dr. King goes largely unenforced by the Nixon Administration, the Thurmond rider is coming into increasing use as a weapon to crush dissent.

'Anti-Riot' Used at Wounded Knee

With all the indictments not yet in, the takeover-protest at Wounded Knee has resulted in the most massive use of the federal anti-riot act yet seen. At least 67 people, according to information from ACLU and other attorneys, have been charged, including leaders of the occupation as well as supporters trying to reach Wounded Knee to show solidarity.

Charges that the Wounded Knee protest constituted a "riot" that was the result of a "conspiracy" indicates the government's reaction of repression to the just demands raised by occupation that began there February 27. A 60% unemployment rate, an annual average income of \$1500, a 43-year life expectancy, and a suicide rate 20 times the national average, indicate the critical condition of the Indian people. Some 150 separate complaints of civil rights violations filed by Indians in South Dakota had gone unanswered by the government. Demands for investigation of 371 treaties, the right to elect and control their own government, investigation of the Bureau of Indian Affairs, and issues of sovereignty, land and self-determination were unheeded by the government. Anti-riot and other charges, however, remain:

AIM LEADERS— Russell Means and five other members of American Indian Movement (AIM) have been indicted in Phoenix, Arizona, for conspiracy to transport firearms and cross state lines with intent to incite a riot. In Wyoming, Vernon Bellecourt of AIM and supporters Doug Phelps and Tonia Ackerman have been arrested on the same charges. Secret indictments are also reported in Cheyenne, and other charges against AIM leaders are expected.

"AIR LIFT" DEFENDANTS— On April 23, *Boston Globe* reporter Thomas Oliphant was arrested for riding in a plane which made a drop of food and medicine over Wounded Knee. William Zimmerman, National Coordinator of Medical Aid to Indochina, was arrested also, along with William Wright, James Stewart

Robert Talbot, and John Addelman (another person named Jay White was listed in the indictment).

"TRAVELLERS" TO WOUNDED KNEE— Nine students leaving Colorado State University were arrested under the anti-riot law. No arms or contraband were found on them, nor was anyone else arrested travelling toward Wounded Knee reported to have weapons. Six people were arrested in Oregon with food and clothing. Charges were dismissed, and the Oregon ACLU is filing \$125,000 damage suits for illegal search and seizure. In Nevada, 16 people were arrested and 13 indicted. Charges were later dropped. 19 students were arrested in Valentine, Nebraska, and a man and woman coming from Glide Memorial Church in San Francisco with medicine and baby food were arrested in Billings, Montana. Their trial date was set for Oct. 1, 1973.

VVAW Gets 'Watergate' Treatment



Southern Patriot Photo

Federal anti-riot charges against seven members of Vietnam Veterans Against the War and one of their supporters, scheduled for trial in Gainesville, Florida on July 31, strongly suggest that the Vets are being victimized by the "Watergate" plot to manipulate the outcome of the 1972 elections.

On the final day of the '72 Democratic Convention, July 13, six of the Vets were charged with conspiring to cause riots at the as yet unheld Republican Convention. The six, Scott Camil, John Kniffen, William Patterson, Peter Mahoney, Alton Foss and Donald Perdue, were then jailed on \$25,000 bond. Four other VVAW members were jailed on charges of contempt when they refused to answer grand jury questions under limited "use" immunity. Three months later, John Briggs was indicted on anti-riot charges, and Stan Michelsen, involved in the defense of the original six, was charged as "accessory after the fact" — a hint that whoever supports the VVAW may end up in trouble.

The government has charged the Gainesville Eight with conspiracy to organize teams to attack police stations, cars and stores in Miami Beach with bizarre weapons, ranging from slingshots and firearms to cross-bows. Vets say there was never any discussion or plans for violence, except statements from several people who later turned out to be police and FBI provocateurs. Government attorneys have already admitted they have little "tangible evidence" to back their claims.

The government's case rests mainly on the testimony of FBI informant William Lemmer, who has a history of entrapping peace activists for police agencies, and is known to be mentally unstable. James McCord and Alfred Baldwin, members of the Watergate bugging-cover up team, have already testified that VVAW was of special interest to them, and that Baldwin was assigned to "infiltrate" VVAW as well as monitor Watergate. Two anti-Castro Cubans have also said they "infiltrated" VVAW for the Miami Police, offering them machine guns and ammunition, but that the Vets were not interested. One of the provocateurs revealed that he had worked with convicted Watergate burglar Bernard Barker just prior to "joining" VVAW.

The Democratic Convention condemned the "blatantly political" charges as an attempt to "discredit a group whose opposition to the war has been particularly effective." Twenty-three Vets were kept before a Tallahassee grand jury throughout the convention, thus removing them from leadership of all anti-war demonstrations.

VVAW says it is a nonviolent organization, and is being framed to destroy its credibility with the public. This was part of a plot, they say, to keep the issue of Nixon's war policies from reaching the public during the presidential campaign. In court hearings, they have stated, "we are guilty of crimes against the people of Indochina; we are not guilty of the charges against us."



A TYPICAL CASE OF AMERICAN BLIND JUSTICE.

Civil Rights & Peace Workers In Danger

The result of enacting this bill would thus be that virtually every civil rights worker in the country would be in danger of violating Federal law every time he makes a speech, hands out a pamphlet, or perhaps even carries on a conversation. Speakers protesting conditions in ghetto areas, criticizing poverty or welfare programs, exposing the grievances of the poor or down-trodden, or even merely addressing a hostile crowd, might find themselves shortly afterwards charged with Federal crime. Persons traveling to participate in meetings or parades relating to the Viet Nam war would be equally vulnerable if a civil disturbance, provoked or accidental, eventuated. Certainly the First Amendment never contemplated such far-ranging encroachment upon the right to discuss public affairs and "to invite dispute."

— Statement by Thomas I. Emerson
Professor of Law — Yale University
Advisor on Constitutional Law,
Nat'l. Committee Against Repressive
Legislation

In Opposition to Anti-Riot Act, 1967

Here's what you can do:

1 Ask your Congressman & Senators to introduce, support and vote for legislation to repeal The "Anti-Riot" Act!

Rep. John Conyers introduced H. R. 9445 on July 20. This legislation would repeal the Anti-Riot Law if passed. Urge your Representative to submit an identical repeal bill! (Write c/o House Office Building, Washington, D. C. 20515).

2 Ask the Justice Department to stop prosecutions under The "Anti-Riot" Act!

Urge the new Attorney General to stop the use of this unconstitutional law, and for an immediate end to the present prosecutions against the VVAW and AIM. Write to:

*Attorney General Elliot L. Richardson
U.S. Justice Department - Constitution Ave. Between 9th & 10th Streets
Washington, D.C. 20530*

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*Contributions for those indicted at Wounded
Knee and in the VVAW case can be sent to:*

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RAPID CITY, SOUTH DAKOTA 57701**

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