

Scenes from Thursdays demonstration downtown

The campus reacts

Several members of the community were asked for Klan-Nazi trial

Richie Zweigenhaft

The following is a letter that I wrote to the Greensboro Daily News early last summer, before the jury selection for the Klan-Nazi trial took place. It helps to explain how the defense attorneys in the Klan-Nazi trial were able to eliminate all blacks, all Jews and almost all college graduates from the jury. (The one graduate they left on the jury was a Cuban exile who attended Harvard and became the foreman of the jury -- why the prosecuting attorneys did not eliminate him from the jury remains a very perplexing question). It is my belief that the current system, which provides lawyers so many peremptory challenges (the defense attorneys in the Klan-Nazi trial had 120 of them) allows them to eliminate jurors based on racial and religious prejudices. This aspect of the system works strongly against the interests of minority groups, like blacks, whose members can be eliminated rather easily from juries. I, of course, do not

believe that this is the only aspect of this trial, or of the way the jury system works in North Carolina, that warrants careful investigation.

Editor of the Daily News:

At about the same time there was racial rioting in Miami elicited by the acquittal of four policemen who had been charged with the murder of a black man -- a decision reached by an all-white jury -- I was called for jury duty in High Point. I had never been called before, and looked forward to the experience with curiosity and some anticipation.

Not long after our arrival at the Criminal Justice Division of the Superior Court, the judge explained to those of us assembled as prospective jurors that any of us might be kept off a given jury by one of two types of challenges. The first, a "challenge for cause," could take place if there were some clear reason why it would be inappropriate for one of us to

serve. If, for example, I were related to the defendant, or his or her attorney, the prosecuting attorney could challenge my presence on the jury "for cause."

The second type of challenge, he went on to explain, is referred to as a "peremptory challenge." The lawyers on each side can use a certain number of these without indicating their reason. The judge assured us we should not be hurt or in any way personally offended if we were challenged peremptorily.

When the first 12 were called forward, the prosecuting attorney elaborated on the peremptory challenge, again cautioning prospective jurors not to take it personally if they were to receive one. "Perhaps a blond-haired woman had cut me off on my way to the court," he said. "I might choose to keep blondes off the jury that day."

Perhaps he had been cut off

on his way to work that particular day by a black person; four of his first five challenges eliminated blacks from the prospective jury. Given the fact that the two defendants were young black men, but only one-fifth of the jury pool was black, this pattern was both obvious and disheartening. His apparent assumption was probably correct -- the more blacks on the jury, the harder would be his task of proving the accused guilty. I know nothing of their guilt or innocence. My name had not been called by the time 12 jurors and one alternate had been approved by the lawyers and I was dismissed from further duties by the judge, along with the others whose names had not been called.

The prosecuting attorney, an employee of the state, was not doubt within the letter of the law, which seeks to provide the accused with a jury of his or her peers.

All I know is that as I watched this take place and thought about the events in Miami and about the thoughtful report issued recently by the Citizens Advisory Committee of the Greensboro Human Relations Commission, I felt the frustration of those among us who had been peremptorily challenged -- that is, assessed and for unstated reasons found undesirable as jurors -- apparently based primarily on the color of their skin.

It seems to me there are two things that could be done to insure that such practices don't continue. First, those responsible for hiring lawyers for the state of North Carolina must make it clear to them that the elimination of jurors solely -- or even primarily -- based on race will not be tolerated. Alternatively, or perhaps additionally, lawmakers should amend the current process so that lawyers, for the defense and the prosecution, should be given fewer peremptory challenges.



Photo by Jack Mohr



Cyrus Johnson

There are questions in the minds of many of us about what has taken place here in Greensboro. What were the roles of undercover agents in the confrontation? It seems that at least one undercover agent participated in the Nazi-Klan activities until very near to the time of the confrontation. There are also questions as to why the parade was allowed to start in the residential neighborhood, and questions about the strategy of the prosecution.

The questions mentioned would be of little importance if there were not a history over the years of many instances in which federal, state and local law enforcement agencies have participated in illegal activities to subvert justice, particularly in cases where blacks have been involved. Cynicism would best be reduced, in this case, by information about what went on.

Further, each of us as individuals

must ask ourselves to what extent we participate in allowing our country to be a place in which people feel the need to belong to organizations like the Nazi Party, the CWP, the Klan, etc., in order to get personal satisfaction. We all seem to be a part of a system that abets, at times, the tragedies of man's inhumanity to man. We allow people to die of starvation and to be victims of prejudice and injustice, in part because we have selfishness and racism within ourselves.

It has been said that the Nazi-Klan members are the poor and the dispossessed, as if that relieves us of any responsibility since we are not of that socio-economic level. There is some truth in the statement, yet it is too simple. In fact, it seems very clear to me that as our society has made progress in desegregating white collar jobs, schools, and middle and upper class communities, we have

seen plenty of evidence of racism, the kind on which the Nazi-Klan seems to feed in all the socio-economic levels of our society and in all sections of our country.

As others have noted, we must not give up on the jury system and other aspects of our judicial process that make this process one of the best - the most free of injustice and more open to change of judicial systems in the world. At the same time, we must continually be aware of the limitations of the system, examine its operation and seek to make it better.

In my estimation, if we middle and upper class members would rid ourselves of our prejudices and work to establish a system of justice for all people then the CWP, Nazi, Klan, and other similar type organizations would find their members leaving them and joining in the process to reduce the inhumanity of humans to humans.

Some reflections on the verdict

1. No thoughtful person I had spoken to predicted a total acquittal. Yet the fact that it occurred should not make us denounce jury systems - punishment determined by appointed or elected judges can be and has been much worse. That does not mean, of course, that the jury system, for instance the method of selecting jurors, could not be vastly improved.
2. If the defendants had been found guilty, we may have been in danger of thinking that that closed the case, the culprits had been identified and punished. It might have made us feel better - for the wrong reason. For the question we must ask ourselves is why people join the Klan or the Nazi party; what drives them to such extreme positions? Consider if the verdict had been positive - the cry would have gone up that the authorities together with minorities and

Theodor

left-wing groups were against the common people, particularly the poor whites. More violence might well have occurred. 3. Thanks to a bizarre confrontation and an equally bizarre verdict, Greensboro in the eyes of the nation and the world is a center of racism - more so than other communities in the South or in the U.S. Are there ways that such a view can be corrected - are there ways that this community can demonstrate that it is not or at least from now on will not be a racist center?

First is there a way of changing the media image? I have been envisaging the Coliseum filled with the citizens of Greensboro, black and white, in friendship singing and discussing together; or, closer to home, the students of UNC-G and Greensboro and Guilford Colleges marching to A and T and Bennett to join them in a celebration of friendship.

Those would be impressive