

LAY JUDGES PLAY IMPORTANT ROLE IN CUBA

By Jerrell W. Jones,
NNPA 1st Vice President

(Second in a series of 8 articles)

Recently a delegation of 18 Black Press representatives, educators, physicians, ministers, and others spent two weeks touring Cuba. This is the second of a 8-part report. Jones is owner of the Milwaukee Courier and a radio station.

HAVANA, Cuba — Despite being under Socialist rule, with the fallacies an uncertainties Americans have been taught pervade this system, the better than 10 million Cubans who make up this Communist country in the Caribbean appear to our delegation to have complete faith and confidence in their government, particularly its judicial process.

The judicial system, we were told, is popular at every level — from top echelon government officials to the peasants working in the field. The primary reasons for this nearly unquestioned faith are that all citizens who are eligible to vote may have input into the system by (1) being able to elect judges, (2) being able to participate in the

system as judges themselves, and (3) being able to recall judges they think aren't fulfilling the obligations of the position.

Judges are the final authority in all criminal and civil matters here in Cuba that are taken into court. Not even Prime Minister Fidel Castro himself can overrule a judicial decision, although a lower court decision may be appealed to a higher one.

A unique characteristic of the Cuban judicial system we observe is the presence of lay — or non-professional — judges in all levels of the different courts. To become a judge one need not be a lawyer who has received a formal education and have an im-

pressive string of degrees after his name. He might be a factory worker, or a farmer, or a teacher, or be employed in any occupation.

The People's Supreme Court — the highest judicial authority in Cuba — is made up of three professional judges who have been advanced to that position based upon judicial and legal background, and two non-professional, or lay judges who may have served in a lower court, but who have had no formal legal training as such.

In other courts, lay judges participate on a par with professional ones. All judges in the very ground level courts are non-professional. Ground level courts may be compared to county courts in the United States. belong to a collective, which is similar to state bar associations in the United States. Lawyers are not required, our guide continued, to profess a specific political ideology, although they must have earned a degree in law from an accredited institution of higher learning.

Cubans requiring the services of a lawyer go to a collective to select one. The client pays for legal services according to established fees. Clients unable to pay, get free service just as they do in the United States.

According to the Cuban system of justice, there are many problems in civil matters where legal representation is not necessary. Ground level courts are entrusted to analyze cases and arrive at a suitable determination.

Within 24 hours after an

arrest in Cuba, the accused must be brought to court to face charges. If a person is accused of a crime of a serious nature, he is kept in prison until a trial date, which in most instances, is between 30 and 90 days. There is no provision for bail in such cases. "All courts try to punish in an educational manner for the entire population," a representative of the People's Supreme Court where we visited, told us. "It is a sentence passed to solve the case." the implication appeared to be that therapeutic emphasis is placed in sentencing persons found guilty of a crime.

Persons found guilty of a crime and sentenced to imprisonment are incarcerated in one of two types of confinement — closed or open prisons. Those imprisoned for more serious offenses are sentenced to closed prisons.

Open prisons, on the other hand, limit the freedom of its inmates, but they are characterized by a lack of cells and locks. In stead of guards such prisoners have counselors who work with them during incarceration.

At given times during a convict's stay in prison, depending upon his rehabilitation, he is permitted to leave the prison for perhaps eight to 12 days. A prisoner may receive up to two months leave, and departs from and returns to prison on his own.

When a convict is freed, he is assured a job, likely, one he trained for in prison.

All lawyers in Cuba, our guide explained, must As a result of this official policy, recidivism is lower



CUBA'S CRIMINAL JUSTICE SYSTEM — Following a visit to a cigar factory in Cuba (top), the American delegation was taken to the Peoples' Supreme Court. Bottom photo, left to right: Dr. Rafael Cisneros, president of the Civil Court; Frank Vales, interpreter; Dr. Hector Caneciano, president of the Military Court; Jerrell W. Jones, NNPA 1st vice president and publisher of the Milwaukee Courier, who is author of the article; and Dr. Carlton B. Goodlett, NNPA president and editor-publisher of the San Francisco Sun Reporter.

than in America. Victims of crime are provided for or indemnified through action by the courts, as are the families of persons convicted of a crime, regardless of the length of a sentence.

Of particular interest in the Cuban criminal justice

system is the law that children cannot be punished for a crime. Those up to age 16, who commit offenses, are sent to special centers which are not prisons. The purpose of the centers is to provide re-education and not punishment.

Indeed, we were told

the philosophy of the entire criminal justice system in Cuba is to seek out and attempt to eradicate the causes of crime, rather than merely deal with its effects.

It's a sort of "ounce of prevention is worth a pound of cure" approach that dictates that once the reason

for criminal activity is singled out and dealt with, the need to commit criminal acts will be lessened, and consequently crime itself will tend to decline.

Next week: Cuba's Housing and Economic Development by Charles E. Belle, San Francisco Sun-Reporter.

Training School Numbers Are Decreasing

RALEIGH — Of the 1,700 children in North Carolina who were committed to training schools last year, over one third of them came from only six counties.

The six counties, all with dense population areas, included Cumberland (Fayetteville) with 131 students; Mecklenburg (Charlotte), 103; Forsyth (Winston-Salem) and Guilford (Greensboro), 96 each; New Hanover (Wilmington), 80 and Wake (Raleigh), 73.

Admission records show that the number of children being sent to training schools is steadily decreasing. In 1969, 2,100 were committed; 400 less than last year. Since that time Fountain Training

School has been closed and there are now six instead of seven state training schools.

"While we are seeing a gradual trend to fewer admissions," Dr. Dale Johnson, chief of planning and evaluation of the North Carolina Division of Youth Services, said, "We are also getting tougher kids."

Dr. Johnson said that the decrease can be attributed to judges diverting more children to other resources.

Eighty-five of the commitments, he said, were for "breaking of probation." Other offenses, listed in order of frequency, included breaking and entering, shoplifting, assault and larceny.

UNC-PROF PUBLISHES BOOK

"The Waiting Years Over For Blacks"

CHAPEL HILL — "Rightly or wrongly the generation of Negro writers to which I belong considered itself marooned for a number of years.

"Whether we were right or not we felt like a voice crying in the wilderness," said Dr. Blyden Jackson, professor of English at the University of North Carolina at Chapel Hill.

Jackson, who is in his 60s, said until the 1960s the majority of what Negro scholars wrote reached a very limited audience. Only one or two managed to catch the ear of the world around them, he recalled.

Jackson's views are expressed in "The Waiting Years," his new book recently published by Louisiana State University Press. The book is a selection of essays written by Jackson during the last 30 years and provides what he calls a sort of panorama of the sentiments of a group of writers who like himself felt they weren't getting through.

The introductory essay includes Jackson's personal reflections upon his generation of Negro writers.

"These men and women because of their race and because of the limited number of whole books

devoted to critical examination and interpretation of Negro literature were neglected," Jackson said.

"Remember, we were living in a segregated world and writing about material that we felt was not reaching an extensive audience. We also felt there was a tendency to ignore us when opinions on North American literature were circulated."

But it was more than just a question of race Jackson believes. He said Negro writing, like all American writing for a time, had difficulty in gaining acceptance among scholars as literature.

A prelude added to other essays in "The Waiting Years" retrieves the time at which easy essay was written. Jackson deals with black writings such as the ghetto novel, the Harlem Renaissance and the Negro's image of himself. His other essays focus on individual writers like poet Countee Cullen, novelist Richard Wright and novelist/poet Langston Hughes.

"The Waiting Years" is designed for use in courses in Negro literature as well as for courses in American literature, Jackson said. He also hopes it will be read by those who are not academic at all.

"We have a nation whose level of literacy is fairly high and I'd like to think the public themselves will be interested in reading it."

Jackson, who is also associate dean of the UNC-CH Graduate School, came here in 1969 following a seven-year post as dean of the graduate school at Southern University in Louisiana.

He is the co-author of "Black Poetry in America" and holds a B.A. degree from Wilberforce University in Ohio and an M.A. and Ph.D. from the University of Michigan.



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