

# MY DANCE WITH JUSTICE

By Akua Njeri\*

The legal system is viewed by many as the lynching system. We see Afrikan men and women arrested disproportionately to their total numbers in the population. We are railroaded through the courts or incarcerated as we await court dates because we can't pay exhorbinat ransom (bond). We see thousands of Afrikan political prisoners and prisoners of war. So — is this liberty and justice for all? Not for the Afrikan, in a system that is perpetuated by the victimization of the victim. A victimization that is the life blood of this parasite, capitalism.

## THE BLACK PANTHER PARTY

The Black Panther Party for Self-Defense was organized in 1966 by Huey P. Newton and Bobby Seale. The Party was initially organized as citizen patrols to stop the wanton police brutality that existed in the Afrikan community (and continues to exist today). Groups of citizens would follow the police to make sure residents weren't brutalized or murdered when arrested by the pigs (police). The pigs were defined as an occupying army that existed to protect the interest of the oppressor - a capitalistic/parasitic system of exploitation manifest in the community as slumlords, avaricious businessmen, lying demagogic politicians - against the survival of the oppressed - the disenfranchised masses of people. This role is no different today than it was yesterday: the pigs are the day to day perpetrators/enforcers of a counter-insurgency directed at the Afrikan community.

In 1966, the Black Panther Party adopted a ten point program and platform which demanded the power to determine the destiny of our Black community. Each of the ten points represented basic democratic rights that were guaranteed to all people by law, but systematically denied to Black people/Afrikan people. Survival programs based on the ten point program's demands for freedom were organized in the Afrikan community, but also in oppressed

communities throughout ameriKKKa, as other sectors of the society accepted the leadership of the vanguard revolutionary organization - the Black Panther Party. Why was the Black Panther Party the vanguard party? Because Afrikans have paid the cost to be the boss as the most oppressed sector of a world economy built on our blood, sweat, and forced breeding - the rape of Afrika.

Several points in the platform dealt with the legal system:

**7. We want an immediate end to police brutality and murder of black people.**

We believe that we can end police brutality in our black community by organizing black self-defense groups that are dedicated to defending our black community from racist police oppression and brutality. The Second Amendment to the Constitution of the United States gives a right to bear arms. Therefore, we believe that all black people should arm themselves for self-defense.

**8. We want freedom for all black men held in federal, state, county and city prisons and jails.**

We believe that all black people should be released from the many jails and prisons because they have not received a fair and impartial trial.

**9. We want all black people when brought to trial to be tried in court by a jury of their peer group or people from their black communities, as defined by the Constitution of the United States.**

We believe that the courts should follow the United States Constitution so that black people will receive fair trials. The 14th Amendment of the U.S. Constitution gives a man a right to be tried by his peer group. A peer is a person from a similar economic, social, religious, geographical, environmental, historical and racial background. To do this the court will be forced to select a jury from the black community from which the black defendant came. We have been, and are being tried by all white juries that have no understanding of the "average reasoning man" of the black community.

The Black Panther, Saturday December 13, 1969 (p.19).

## RESISTANCE AND REPRESSION

We saw the repression of poor and oppressed people breed a resistance to the legalized slavery of capitalism and racism.

The counter-insurgency escalated as F.B.I. Director J. Edgar Hoover vowed to destroy the Black Panther Party by the end of 1969. COINTELPRO was the federal government's counter-insurgency program designed to

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\* Akua Njeri (formerly known as Deborah Johnson) is a survivor of the 1969 massacre that left Fred Hampton and Mark Clark murdered, and four others wounded. She is one of three survivors of the massacre who sustained no physical injuries. She was the wife of Fred Hampton, Deputy Chairman of the Illinois Chapter of the Black Panther party, and the mother of their son Fred Hampton Jr., now twenty years old. Mark Clark was the Defense Captain of the Black Panther Party, Peoria, IL.

Njeri is the coordinator of the December 4th Committee, Midwest contact for the Black Panther Newspaper Committee, and Chairperson of the People's Democratic Uhuru Movement.

"prevent the rise of a black messiah. . ."<sup>1</sup> The F.B.I. engaged in wire taps, tricks, created dissention, and neutralization in its attack in the people's revolutionary army.<sup>2</sup> When the government escalated its attack on the party, many of us were arrested, beaten, and incarcerated on trumped up charges ranging from driving a car without a headlight to conspiracy and murder. Our resources, donations that came from the community, were constantly drained as the pigs raided our office. Most commonly, they piled medical and breakfast supplies in the center of the office and burned them. Our resources were also depleted by being forced to pay astronomical ransoms when people were incarcerated on trumped-up charges.

## THE COURTS

We developed a need for attorneys. Because of the racism inherent in a school system designed to perpetuate a colonial relationship between the privileged and the most oppressed sector of society, there were not a lot of Afrikan attorneys. Many Afrikans had gone to school to escape the abject poverty of their communities. They were motivated by the dollar syndrome (I got mine, so fuck you) so few were willing to try cases for little or no money.

Many North Americans (referred to as white caucasians, or europeans) either had families that supported them financially or knew that careers were built when you got the "right case" to give you notoriety. This scenario continues to hold true today as many North American attorneys get involved in "political" cases for notoriety while the victim is engaged in a fight for his/her existence.

On December 4, 1969, at 4:20 a.m., Fred Hampton and Mark Clark were murdered. Four other occupants of the apartment sustained gunshot wounds (machine gun, shotgun, and handgun) while three survivors (including myself) sustained no physical injuries. One policeman was grazed by a shot from another policeman's gun. The police fired over ninety shots into the apartment. Only one shot possibly came from the occupants, and that may have come from Mark Clark as he fell after he was shot and the gun he was alleged to have held went off into the ceiling of the apartment.

All of the survivors of the massacre were arrested and charged with attempted murder, aggravated assault, assault with a deadly weapon, etc. While lying in bed, Fred Hampton had been shot twice in the head with a pistol possibly belonging to pig Carmody. His body was dragged from our bloodstained bed to the hallway floor. Mark Clark lay in a pool of blood by the living room door.

There were two Afrikan attorneys and at least six North American attorneys, some who had not yet passed the bar. When the criminal charges were dropped against the survivors, we initiated a civil suit.<sup>3</sup> It was during the

civil suit that the federal government's role in the murder of Fred Hampton and Mark Clark was uncovered.

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When our civil suit got underway, there were no Black attorneys involved in the case. There was a great deal of discussion and concern that for a case that had such an impact on the Afrikan community, involving a leader so dedicated to fighting for his people, it was imperative to get a Black attorney. So our search began. Some of the attorneys we contacted did not want to tie up their law practice for long periods of time, when there was no immediate financial gain. The only money that came in was from fund raising. No one knew how long that would last, but there was a feeling that the suit would go on for a long time. Also, many of the attorneys we asked to work on the case felt their survival was tied to how well they were favored by the oppressor class. In other words, those that had petit-bourgeois tendencies, were clearly unprepared to commit class suicide, and did not see that the survival of the people was far more important than the few crumbs they could get from Massah's table.

Where were all those organizations that were allegedly created to make sure democracy was for all? Where were the organizations whose eloquent rhetoric, romantically embraced the rights of all people to life, liberty, and the pursuit of freedom? We found that when we the oppressed were determined to define the terms of our struggle, many of these "liberals" jumped in bed with the oppressor.

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We finally were able to get a Black attorney. As more evidence was uncovered as to the federal government's complicity in the murder of Fred Hampton, and the role William O'Neal played as a government informant/trick, the survivors of the massacre disagreed with the attorneys as to how the case should be argued, what witnesses should be called, and what posture should be taken in the court room. Some of the attorneys felt that this "cause" was part of their life. The plaintiffs knew this was our life, as we had dedicated our lives to an uncompromising fight for freedom.

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1. *Hampton v. Hanrahan*, 600 F2d. 600, 608 (7th Cir. 1979).

2. See, Waysdorf, *Popular Tribunals*, this issue, note 14.

3. *Hampton*, *supra* note 1.

We knew the Black attorney would not have come into the case had there not been the possibility of us winning a financial settlement. The North American attorneys argued there would never be a monetary victory so we must fight this case to win ideologically, and to get the truth out to the people. The survivors felt that the truth would not be determined by the findings of the court. The truth was as plain as the nose on your face to anyone who went to 2337 W. Monroe and saw the trajectories of the ninety bullets coming from the pigs' guns into the apartment.

At some point, the National Association for the Advancement of Colored People dished out a few pennies for another Black attorney, but no where near enough to pay the legal fee the attorney needed to participate in the suit. There were many contradictions and the voting system established by the lawyers broke down and a split developed between the survivors. The survivors had to make a decision as to which attorneys would represent them - the North Americans or the Black attorney.

Some of the plaintiffs retained the North Americans for legal counsel because they had worked on the case for so long when no one else would touch it. They also felt the Black attorney was too arrogant and money-hungry. Even though the North American attorneys disregarded many of the directions the plaintiffs wanted the case to go, some of the plaintiffs did not trust the Black attorney.

The other plaintiffs retained the Black attorney for legal counsel because we knew he would not have gotten into the case if we could not win. We felt that the North Americans had seriously disregarded our demands by deciding they were better judges of what direction the suit should take than we were.

As time went on, this became the longest civil suit in the history of the courts. It got to the point that the plaintiffs didn't trust each other; we were sick of the lawyers and they were sick of us. The lawyers had hired lawyers to get their share of the money. The survivors just wanted this nightmare to be over.

## OUR STRUGGLE FOR FREEDOM

We must put the whole relationship of the Afrikan oppressed class to the state and its judicial system in the proper historical context.

The ten points of the Black Panther Party program that were used to organize the Afrikan community were demands for rights to do political work above ground. Many white left groups romantically embraced this struggle in a spirit of opportunism. That is to say, they accepted the leadership of the Black Panther Party when it was to their advantage. The Black Panther Party took the position that the white left would be engaging in anarchistic, custeristic activity if they were to involve themselves in physical attacks on the pigs at the democratic convention in Chicago in 1968. Fred Hampton warned that they were planting the seeds for the growth of a vegetation that would be horrifying. The white left forced premature attacks on the Afrikan community and drained limited sources of legal representation and resources.

When revolutionary questions are raised by the Afrikan community, the "liberals" question our right to

have a certain political view. Afrikan people have a right to define what the terms of our struggle will be.

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In the military defeat of the revolution of the '60s (because that's exactly what the war waged by this government against the people's fight for liberation was), we see that we are "allowed" to fight for certain rights that allow our survival within this capitalistic system. Our "friends" demand we say the right thing: don't call yourself Afrikan, don't say the whole system is the problem. Fight for civil rights, the rights of Black women to have an abortion, the rights of Black homosexuals, the rights of people to live in housing projects, the right of political prisoners to receive revolutionary literature. By taking this stance, they act as a cover for the state. There is no problem with Afrikans. No - the problem is whatever the white left wants to deal with at that particular time: AIDS - the environment - homosexuality - abortion.

However, when the Afrikan community arches its back and refuses to be pushed further into a corner of oppression, racism, and repression, and determines to fight to the death to shake the very foundation that this world capitalistic/parasitic economy was built on - then we are left high and dry without legal representation. We find ourselves pushed into premature confrontation with the state with our "friends" uniting with our enemy.

At the very same time we go through the courts trying to deal with a system we have clearly defined as illegitimate. A system that we state has no right to sit as judge and jury in manipulation of our lives.

We are not in the oppressors' court because we recognize the legitimacy of their laws, for it is their very laws that they continue to create and bend to deny our existence.

We are in a colonial court as it relates to Afrikan people. But, we are not in a position to challenge the legitimacy of the courts. The relationship between the colonial court and the colonized is forced on us by force of arms.

Only Afrikans can set the terms of their liberation. And it is Afrikans who call on oppressed people of the world to unite and fight for our democratic rights that are continually taken away.

It is Afrikans who call on honest forces that are willing to fight to push back the pigs . . . unite and support the People's Democratic Uhuru Movement . . . This Time Til It's Won!!

For more information about the People's Democratic Uhuru Movement or the December 4th Committee call or write: 1180 N. Milwaukee, Chicago, Il., 60622; (312)235-0070; FAX (312)235-6699.

