

Ramparts: Memo

Date:

To: Larry Bensky

From:

Subject: David Harris Trial

Account of Sentencing

Wednesday, May 29, final day of trial. Jury goes out at 12:30 PM. Judge Carter, federal judge presiding, recesses court and approximately 150 spectators file out to discuss Harris' chances in the hall.

Met Francis Heisler, attorney for Harris, at this time and asked what sort of justice he expected for his client. Gist of his reply was that some light term would probably be imposed, by that meaning lighter than the 18 month average received by similar violators in No. California.

Several hours elapse without word from the jury and the crowd interprets this as obvious support amongst at least some of the jurors for Harris. Joan Baez sings "Swing Low, Sweet Chariot," leading to immediate trading of musical tastes by many of the people there.

9:00 PM Jury comes in. By this time a wave of optimism has spread through spectators due to the unusually long time taken by the jury in deliberation.

Then, jury returns guilty verdict - Judge Carter's features settle perceptibly, and he dismisses the jury thanking them for the "only verdict you could turn in," and wishing them a happy Memorial Day.

Heisler and Harris are asked whether they wish immediate sentencing or a postponement and Harris asks for Judge Carter's immediate imposition of sentence. Carter begins by mentioning the maximum term of imprisonment, 5 years, for draft violation, and this brings everyone in the crowd to their feet. The judge demands of the crowd that they let the trial 'proceed with dignity' and slowly legal ritual is again observed. Carter made several statements prior to letting Harris speak-

Began with reference to the rehabilitation of a criminal being one measure of the law that would be lost on Harris.

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Subject: DAVID HARRIS cont.

" The sole purpose of sentencing is punitive."

1. punitive to you
2. a warning to others

Carter continues with this sort of dinity:

Mentions the under/over thirty ploy~~x~~ and suggests that when Harris has passed to the other side his rashness will subside. Calls it " the arrogant position of being young." Courtroom clenches fists to sides and Carter goes on with benevolent chuckle.

Harris is asked , " Can you show me a better society?"

Harris begins his remarks by making his regard of the legal process clear. States that in this situation it is necessary to come to a decision beyond the law. " We are all judges and in this way my fellow man shall judge me in their ownminds, not allowing the state's justice to be the final one."

Heisler then addresses a few statements to Carter -

Began by reading recent quote of Clark Clifford as to the US being obliged by NATO to support the government of Greece, no matter what sort of internal disorder may be going on there at present.

Heisler likens this position in foreign policy to the immutability of the courts in their imposition of sentences. Calls it an immorality akin to the reason~~x~~ the judge would be sending Harris away in a few moments. Concludes by saying the " older people have forgotten how to dream."

Judge reiterates that the purpose of the law is punitive. Regarding your testimony and the charges against you, " You are one of the most willful violators I have ever met in my life."

Venom finally pours from teeth and he puts three years on Harris. This stunned almost everyone but Harris.