

Political Struggle in the Courtroom

Women Fight for Self-representation Rights

This statement was prepared by Leslie Mullin and Judith Bissell on behalf of the 5 co-petitioners. The issues in this case can only be understood in the historical context of the struggle for the right of genuine self-representation. As white women and men we owe a debt of gratitude to colonized peoples who have led in asserting the right to represent oneself before US courts as a form to defend themselves against white man's law, which extends no "human rights" to Black, Native American, Chicano and Puerto Rican peoples. The issue before this court today is the male supremacy of the legal and penal institutions which would grant women the formal right to *pro per* status, and then strip that right of any meaningful content so that we are effectively obstructed from any means of preparing our own defense. Male supremacist ideas and institutions (including the state's disregard for women's constitutional rights) are critical to maintaining women's subjugation under US imperialism.

There are two main obstacles to our ability to defend ourselves. Overcoming them requires 1) that the women be granted direct access to a law library at least equal to that of men *pro pers* and 2) that women and men co-defendants be allowed to meet with each other and legal advisors on a regular basis, at least 2 times a week. . . .

The Sheriff has offered no substantial arguments against our having direct access to a law library. They say it costs too much, but financial considerations have been expressly prohibited as justification for denial of constitutional rights. . . .

Lacking any other excuses, the Sheriff's representatives sneak in suggestions that women at SBI don't really need access to a law library, but the entire weight of that rests on the male chauvinist charge that women don't want to defend themselves. Captain Carpenter, main proponent of this notion, stated that we are the first *pro per* inmates at Sybil Brand Institute (SBI) in many years. So what? Are we to accept his premise that few women want to take responsibility for the defense of their own lives and futures? We say no. The issue is not how few *pro pers* there are. The issue is male supremacy. What woman has the choice of defending herself when SBI does everything in its power to prevent it? The fact is that obstruction of our *pro per* rights by SBI is consistent with SBI's total contemptuous politics toward women. The prison institution by all our daily experience tries to rob women of autonomy and responsibility and dignity. We submit that if there were a law library at SBI there would be women *pro per* defendants. All over the country women are struggling to achieve independence and the tools of their own liberation. As evidence of women's determination and ability to take responsibility for their own lives, we draw the court's attention to the tremendous struggle of women to secure passage of the Equal Rights Amendment and its overwhelming approval at the IWY convention last month against powerful male supremacist obstacles. Women prisoners are a part of this struggle. . . .

We say this—we are revolutionary women and political people. We have a point of view from which we analyze the world, the forces within the US, and the nature of the charges against us. We intend to defend ourselves consistent with our principles and in solidarity with oppressed nations and women's and gay liberation. Our political principles guide our legal research, our interpretation of statutes and selection arguments, our line of defense. Lawyers no matter how sincere or hardworking cannot substitute for us in this matter. This is why we are committed to defending ourselves. Due to the complexity of our case, we think we may well require the assistance of experienced legal counsel in some capacity. This is something we need to discuss with our co-defendants. Our right to co-counsel is not the matter before this court. We raise it to point out that we recognize this is a matter we may have to fight for at a future time, if we so decide; and a matter for which there are numerous precedents. But we will never agree to substitute lawyers for our own role in determining and carrying out our defense.

We think the facts speak for themselves on the matter of access to law library equal to male *pro pers*. The Sheriff's program for *pro per* inmates housed at SBI is a degrading fraud. Four books or 8 books or 20 books and phone calls to co-defendants if the court orders makes a mockery of the 6th amendment right to represent oneself when what we need is direct access to a law library and meetings with our co-defendants.

The disparity between the legal resources available to our male co-defendants and those provided ourselves is clearly discriminatory and based on male supremacy, in violation of the 14th amendment. Both the quality of the libraries available and the fact of direct access suggests total disregard for women's constitutional rights. No judge in these courts, no prosecutor, no county counsel would dream of working under the conditions forced on us.

The second substantial issue is the question of meetings of the co-defendants. We have indicated through testimony that these meetings are essential to prepare our defense. We are all charged with the same charges. We cannot prepare as individuals what is a collective concern. No experienced lawyer could prepare a defense without meeting with defendants. This is particularly true for us acting in *pro per*. We denounce the legal and moral duplicity of a legal process that would try us as one body but refuse to allow us to defend ourselves collectively.

In addition, since we have been forced into directing much of our attention to challenging the jail conditions which obstruct our ability to prepare a defense, we require immediate implementation of our request for meetings in order to redress the serious hindrances and penalties on our legal preparations imposed on us by the Sheriff's recalcitrance. . . .

The very classifications and security measures applied to us and affecting many others in similar plight are of themselves denial of basic rights and privileges and due process. We want the record to show that we object to the aforesaid classifications and measures that are based on nothing but speculation and hearsay as the testimony of the Sheriff's representatives themselves shows. . . .

We insist on the basis of clear precedent and constitutional law that due process requires that our right to meet together must be implemented, and that the Sheriff's invocation of "security" does not in any way justify the restrictions and deprivations he would place on us.

We remind the court of the serious nature of the charges against us—serious not because of their legal merit but because of the obvious intent of the state to bring all its resources to bear in our prosecution. We remind the court that the prosecution has the full cooperation, resources and manpower of the FBI, the Attorney General's office, the DA, the LAPD, the Sheriff and all the special bodies of men armed to enforce US imperialism to prepare and solidify its case against us. There isn't even a figleaf over their intention to rob us of any means of preparing our defense, and particularly to rob our defense of the leadership and contribution of women.

We cannot accept the Sheriff's token program or the dependent position we are forced into if our constitutional rights are transformed into favors granted at the Sheriff's discretion. The facts show that it is ridiculous to presume on the Sheriff's good faith in this matter. The facts show that even the so-called *pro per* program offered us so far, has not been fulfilled. Furthermore, officers representing the Sheriff have made contradictory and false statements before this court. Lt. Hill, the person most directly responsible for our *pro per* conditions, claimed repeatedly that we receive our law books within 24 hrs from Central Jail law library; when the truth is, it most often takes from 3 days to a week, if they're received at all. We've received about half the books requested, and of those, been forced to return over half within 24 hours.

It's clear that their flurry of excitement over possible improvements has only been in response to the threat of a public airing of their abuses. Since Dec. 13th our access to lawbooks has improved from dismal to seriously inadequate. We find it suspicious that they magically discovered during these proceedings new boxes of books. Now they claim aesthetic considerations are holding up completion of a proposed SBI library facility for us—but they no show no aesthetic objections to Cell 5. . . .

For this reason, this court needs to issue a detailed and explicit order to the Sheriff's department that will ensure our 6th and 14th amendment rights, especially direct access to a law library and meetings with our co-defendants so that we can prepare to defend ourselves and our principles against the state's attacks.

If the Sheriff and county government are unable or unwilling to guarantee the full enforcement at all times of our legal and constitutional rights, then this court is required to order our release on our own recognizance so that we can prepare our defense free from illegal and unconstitutional restrictions, abuse, and harassment. As the US District Court ruled in the case of *Hamilton v. Love*:

If the state cannot obtain the resources to detain persons awaiting trial in accordance with minimum constitutional standards then the state simply will not be permitted to detain such persons.

Finally, while we are determined to defend ourselves according to the rights and opportunities which are obtainable under the legal system, there is something more: the handicaps and obstructions that we face in this situation reflect problems which many others suffer from in one form or another. Ultimately as we said earlier, those who have fought for social change and resist oppression and repression will determine the outcome. It is people who gain and enforce freedom and liberation—including our own. —