

## ARTICLES.

■ CONVICTS JUDGE GOETZ ET AL.

A Verdict by  
Their Peers

*On October 7, "subway gunman" Bernhard Goetz is due to be sentenced. Whether he receives the mandatory minimum year in prison or, as most expect, the judge waives jail "in the interests of justice," the controversy is bound to intensify. The issues in the case were fully ventilated in the press during the trial. Members of one group, however, were not heard from. Herewith the views of some of them.*

ROBERT BLECKER

Everybody's entitled to a trial by his or her peers. It's a basic constitutional right. Our rule of law requires that we be judged by others with life experiences and attitudes that allow them to understand, and therefore to condemn or excuse, our behavior. Along comes the Goetz case: In a subway car, a white middle-class mugging victim carrying an unlicensed gun is surrounded by four black youths demanding \$5. By his own confession he empties his gun and declares as he stands over the last of his victims, "You look all right—here's another!"

It was an odd trial. The defense attorney was more like the prosecutor; the victims were more like defendants. Not only Bernhard Goetz but those four black youths were on trial. The verdict—not guilty of assault or attempted murder; guilty only of possessing an unlicensed gun—was both applauded and condemned. Had Goetz and his victims been judged by their peers—people who have been mugged and robbed, who have carried unlicensed guns and used them out of fear and in self-defense? Black people who grew up in the ghetto, preyed on and now preying on innocent people? Does there exist such a jury to judge Goetz and Company, one that could understand the situation from both sides and deliberate on their fate?

When the Goetz verdict was announced, I happened to be at Lorton prison in Virginia. The prisoners, virtually all of them black (at no time are more than five of the approximately 1,200 inmates whites) and from the slums of Southeast Washington, were convicted mostly of murder and robbery. Among them sits John Allen, a professional stickup man in his mid-40s doing his latest bit for a robbery he committed from a wheelchair, to which he is permanently confined because a cop's bullet severed his spine. Johnny

has already told his early life story in his book, *Assault With a Deadly Weapon: The Autobiography of a Street Criminal*, but now he and I were probing the lives of some of his friends in the joint. So when the Goetz verdict broke I asked him, and together we asked them for their judgment.

"The first time I saw his confession on TV," said Johnny, "I was angry because I looked at it as a black and white thing. Then I started reading stuff about the case and thinking about it. When I watched it again for the third time, one thing stood out to me. He said the guy that was standing closest to him, with all four around him, 'had a smile on his face and a look in his eye that made me know what he was going to do.' And I related directly to that."

"You mean to tell me that every time a person smiles, that's anger?" challenged Henry Daniel, imprisoned for distribution of a controlled substance. "You can detect anger from smiling? That's a joke, ain't it. How his eyes look?"

"Me personally, I been in the same situation and felt the same way," insisted Johnny. "I've looked into a face, and I knew from the look on his face, a smile, a smirk, I knew that he was going to shoot me."

"What color was that face?"

"White."

"So you got this racial thing. You know that the white man going to hurt you, and the white man know the black man going to attack him."

"No!" snapped Johnny. "When I seen the look on his face, the look in his eye, I see a man with a gun. I didn't see a white man with a gun, I didn't see a black man with a gun, I seen a *man* with a gun. Goetz probably never have that experience before, or again, but that look on a guy's face, that gleam in that motherfucker's eye, that make me know this dude getting ready to do something to me."

The conversation was about to shift, but I was curious. "Were you right?" I asked.

"I didn't wait to find out. I shot that policeman first!"

Many people sympathize with Goetz; many fewer with the other four. Perhaps a majority disassociate themselves from all involved. Guns, guns, guns. Why do people, black or white, carry or use them? What goes on in their heads?

"My opinion is, especially as it relates to guns, it's better to have it and don't need it than to need it and don't have it. Another thing. I'd rather for the police to catch me with it than for the thugs to catch me without it. I'd rather shoot the wrong person and be wrong than be killed. It's as simple as that," said David (Itchy) Brooks, the Lorton boxing coach, convicted of a murder he denies. "That may be my form of justice, but then we all have our own form of justice."

Itchy described a vivid childhood memory: "When I was about 9 years old, a woman came in my house. My aunt was a secretary for a lawyer. And evidently she was fooling with the lawyer, so they were in my house. And the man's wife came in my house in a full room of seven kids and two parents, my aunt and this guy. And she shot him about four times in that room. It really had an impact on me then, because you

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think of your father at an age like that as being invincible. But when he saw the fire coming out of that gun, he wasn't so invincible. And nobody else in the room was either.

"So all of a sudden it seemed like the power of a gun did something to me. You know what I mean? This was a little frail woman with a gun, and she put terror in the hearts of a room full of people. So, whatever might have been her problem with her husband, she solved it with a gun. And somehow there was an association in my mind of solving problems with guns. So, within a couple of weeks I had stolen a gun. And hid it in my house and would polish it every day. Just to hold it in my hand give me the power over life or death. You know, 'cause with a gun in your hand you decide who live and who don't.

"When the situation comes up, a person that might be impulsive in dealing with emotions, there's no telling what he might do with a gun. Now if I had to do this all over, I would think about where this was leading. But I didn't think about nothing but the gun in my pocket. It makes all the difference in the world when you got an instant solution. The whole thing is fear. Everybody's scared so everybody has a weapon. Nobody wants to be seen as scared. The people who are considered to be the strong people are the people who take everything from the scared people. So you got to project an image. Sometimes the image gets us killed. Sometimes it gets us more time than we can do."

Or, as Reginald Brooks, a convicted burglar, said, "The world is controlled by the force of what comes out of that gun."

But to understand carrying that gun is not necessarily to condone it. "He didn't go to the subway with the gun just for protection," Henry pointed out. "Why would a person carry a gun if he weren't looking for it? After he got into the environment that created the act, he used it to his benefit."

"What about the fact that he had been attacked previously as the reason he started carrying the gun?" asked Johnny.

"You don't be less than a man to walk away from trouble. You be a good man if you can avoid trouble. He used the excuse of going to work. Maybe he was going to work. But look at his intent. You mean a man goes to work every day with a gun, strapped down like John Wayne? On the subway? You tell me that's the way a citizen go to work?"

Carrying a gun is one thing; using it, another. The inmates understood and sympathized with Goetz's predicament, to a degree. "I've been robbed and I have robbed," said Isaac Cooke. "Yes, I think you have the right to go to any lengths to protect yourself and your personal property." Yet Ike ultimately condemned the response: "Maybe he did feel threatened, but I think he really overreacted to the situation." That feeling was widely shared.

"He just took action," said Tony Ferebee, convicted of murder, armed robbery and carrying an unlicensed pistol. "This dude, he just point blank shot them. I understand he might be in fear. I might be nervous if the dudes come around me, but I'm going to wait and see if they going to finish conversating or they going to take action. I might ask, 'What's up? Hey man, what's up with you? I ain't got no money.' I might take that kind of time before I pull out a

gun and use it. Maybe he wouldn't think like that. Maybe he would take action because he feel like his life in jeopardy. But me, I'd take a chance because it's in me to take that chance."

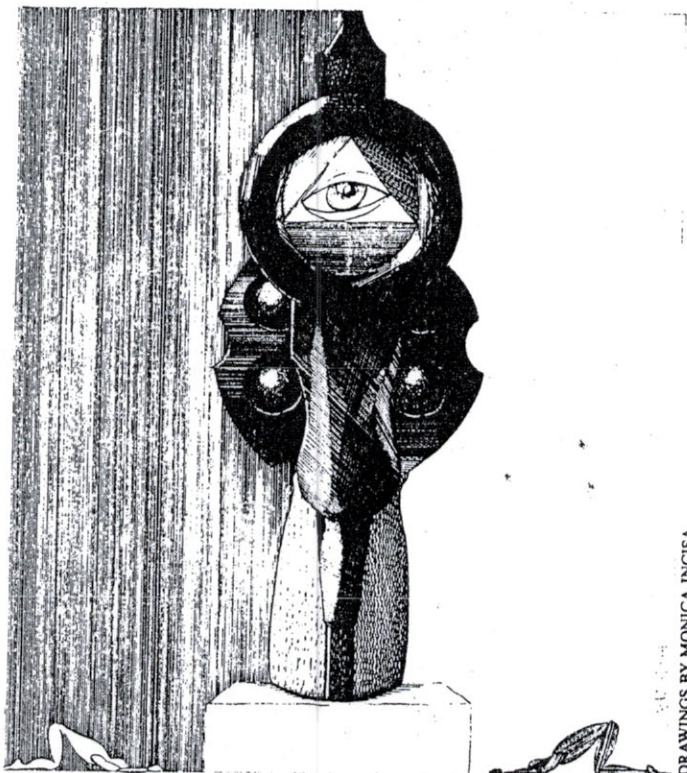
"Even if you go into enemy territory," said Henry, "the first thing they do is give you some kind of warning. He don't necessarily have to shoot them. He could have said, 'Hey man, I got a gun; I don't want you bothering me. Step back.' Now if they persist on coming, then I can understand him defending himself. But you can't use your inability to guess what my next move is. Just because I said, 'Give me five dollars.' No man can look into another man's mind and tell what he going to do. You got to first see motion."

"I can't understand 16- or 17-year-olds being a serious threat to an armed man who knows how to use a weapon," insisted Reggie. "These kids were standing there, totally dumbfounded to the real reality of life. Here's a guy who's able to shoot four people. None of them think to attack him. No one grabbed him. That would have been the best defense. He could have never shot them if they were professionals."

Johnny agreed: "First thing, we would have shook him down, make sure he wasn't armed. But if he was lucky enough to get one, he never would have got the other three. They would have been all over him. Four young'uns and they didn't know what they were doing. They fucked up and fell in the hornets' nest."

I couldn't let that go by. "But these were hardly good kids. One of them is doing eight and a third to twenty-five for rape."

"What do you expect?" Reggie replied. "If you told me these kids had high school diplomas or were on the honor roll, were football players and members of a church, I could have a problem with that. But you take a person with a



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blank background, a kid dummy down from the day he was born. A pharmaceutical junkie, his mother probably of less standard, his father not in the home. The kid grows up. He becomes socially maladjust. School doesn't teach him anything. He sees all the materialistic glitter of the world around him. He doesn't know how to obtain this except for what he learns in the community. And the community says, 'Man, shit, when I ain't got it, I do like they do; I take it.' So he goes off into his own little pursuit of taking it. What else is there for him to accept except criminality? He certainly can't go get a job. He can't fill out the application. He couldn't read it."

Whatever sympathy the prisoners had for Goetz himself, there was mostly scorn for the jury verdict and the system it represented, a system of racism and double standards.

"A miscarriage of justice," Henry called it. "I'm looking at the act that he committed. If justice is equal, it should be applied in the Goetz case as it is in a million other cases. Very few cases you find which have that level of violence in it where an individual be set completely free. You can't say this is not a race thing. It's there and you can see it in there, from the way this dude was treated for committing a crime and the criminal justice system give him a carte blanche card."

"I think the verdict was biased due to racial aspects of the case," said Ike. "I think he saw four black dudes and he decided, 'Well, this is my chance to do something great.'"

Johnny refused to buy all this. At one point he blurted out, "I think you hung up on the black/white thing like so many other people. Unconsciously you automatically say, 'Oh man, he shot them four brothers; he didn't have to do that.' Your instinct make you do that. But I know if four men surrounded me in a secluded place, if it be four black dudes, four white dudes, four Chinese or four polka dot and the same thing had happened, it wouldn't make no difference. There ain't no doubt about it. I'd a fired their ass up! I woulda done the very same thing he done, and accept the consequences. Tried to explain where I'm at to the jury but if they can't understand, then, hey. . . ."

But the consensus was against him. "It depends on the station you have in life. On the real side," complained Reggie. "I know if I were in that situation, I would have four counts of attempted murder, I would be tried for it, and I would be convicted of it, by that same jury. And I would be

punished. Because if you're called into court to account for your behavior and you don't provide for yourself in the socially normal way, like have a job, you will be convicted by a reasonable jury made up of your fellow citizens, anywhere in America."

"Anywhere?" I asked. "Would a black jury convict you?"

"Sure, just as quick. Without a doubt."

"Black people tend to think they have something to prove to people in authority over them," explained Itchy. "I would much rather go to court and have a white jury than a black jury. Every time I ever seen a black jury, seems like they feel, 'I'm a black middle-class representative of this white society. So I got to let these people know that I'm not one of the element that's causing all the problems. So whatever he does, I'm going to slam him in the ground for it.' They will convict quicker and give harsher sentences all in the name of proving 'I'm alright and he ain't nothing but some shit.'"

Itchy summed it up: "We're in a world that's centered around power that's related to violence. And violence gets you what you want. So that's what you use. In your world it's still a system of preying. It's just using your mind instead of your muscle, for real. The lawyer, the doctor, it's a con game; it's no different."

"What's the doctor's con?" I asked skeptically.

"The doctor? His con usually is the money he's going to get from the government. He sees your gall bladder as a new car; your tonsils as a suit. You ain't got to have tonsil problems; he'll take them out 'cause it's a ring that his wife wanted. It might seem warped to a person who's never looked at it from that angle, but that's what's happening. That's the real world. People preying on people; doing the same thing we're doing. They just got different methods. I don't think they should be mad at me for playing my con, if I'm not mad at them for playing theirs. What I try to do in dealing with their con is get off as cheap as I can. And when they deal with mine, they got to try to get off as cheap as they can. I know I'm at a disadvantage when I'm playing by their rules. They've got to understand that they're at a disadvantage when they're playing by mine. It's as simple as that."

So what's the verdict? Johnny, perhaps alone, holds out for acquittal. Unanimous only in their ambivalence and anger, this group of hardened criminals demands that the system which controls them live up to its professed ideal of equal justice under law—whoever gets caught "right" should be put away, rich or poor, black or white.

Passing the strips of dormitories separated by basketball courts, through the maze of heavy metal gates, passing armed guards rustling in the tower, I felt disoriented when I got outside and the transplanted streets of Southeast Washington had suddenly turned into rolling Virginia farmland.

"I think what he did was wrong but I can understand it; but from society's side, I can't," Reggie Brooks had said. The statement took on wider meaning. What they do to us, to themselves, what we feel compelled to do to them in return—what a waste. Why can't these guys and society make peace?

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