

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

UNITED STATES OF AMERICA

vs.

JOHN K. BRIGGS, et al.

GCR 1353

MOTION TO PROCEED PRO SE

In compliance with the Court's order of March 26, 1973, concerning the matter of self representation, the Court has ordered that such election is to be made in writing, filed in this case at least five days before commencement of the trial. I now inter this motion.

Over the past months, I have been forced to give intensive consideration to the question of my representation during the trial of the Gainesville Eight, of which I am a defendant. The stakes of such a decision are very high. Personally, I am facing twenty years in prison, loss of my civil rights, and a \$30,000 fine. Politically, the reputation of the Vietnam Veterans Against the War is at stake, and the price that citizens must pay for exercising their constitutional rights is very much in question. Morally, I have an obligation not to do anything that would jeopardize my co-defendants. Finally, there is the question of principles. Should I stand up for what I believe, or should I sit and let someone else defend my beliefs?

Ideally, persons charged with a violation of the law are innocent until proven guilty, and their rights are to be protected by an impartial, neutral, and objective Court. The accused has the right to counsel, and that legal counsel is expected to use its expertise to do everything for the accused that the accused would do for himself or herself if the accused had the necessary skills and training in the law. The prosecution is obligated to protect the people equally, regardless of race, sex, religion, or political convictions, by acting in good faith, to prove that the law has been violated, with the intent of justice for all being the axiom. Based on this interpretation of the judicial process, there would be no need for one to represent oneself.

Unfortunately, after much direct experience with the way the Court has handled this case, it has become very apparent to me that justice is not the concern of this Court. Instead of justice, what we are getting is law, and, quite candidly, the Court has not even maintained the facade of being a neutral Court seeking justice. The record will quite adequately show an uncontestable amount of prejudice and bias directed by the Court against the defense. It is really unfortunate that the record, being very dry, does not indicate the mannerism and tone of voice which would help to show the spirit of hostility that the Court

has relentlessly poured upon the defendants and supporters for the defendants.

The proof of this hostile partiality against the defendants is in the record of which I will refer to now. The record shows attacks against defense counsel without any foundation in facts, continuous acceptance of the government attorneys as acting in good faith with complete honesty as compared to the continuous questioning of the honesty, integrity, and good faith of the defense attorneys by the Court, the perversion, distortion, and falsification of facts by the Court for the purpose of justifying its own actions, the intimidation of counsel for the defense by the court with the threat of monetary fines for their exemplary and persistent attempts to protect the rights of their clients, and the great disparity between the narrow limits applied to defense counsel as compared to the almost complete lack of limits applied to the government counsel in regard to examination, interrogation and subpoenaing of witnesses. When John Mitchell was subpoenaed, the Court apologized for the inconvenience suffered by Mr. Mitchell, who is an admitted felon by virtue of his own testimony and the laws concerning misprison, that is knowing about a crime and not taking action, in violation of Title 18, United States Code, Section 4. Yet, not once has the Court voiced any sensitivity concerning the hardships and inconveniences suffered by the defendants, all of whom have pled not guilty and legally are considered innocent until proven otherwise. The issuing of an order by the Court which in effect prejudices the already selected jury panel by implying that their safety is endangered by the defendants, but the Court has taken this action to protect them. When two United States Marshals and one government attorney were caught in a lie, those who brought this lie to the attention of the Court were cited for contempt and admonished by the Court. The Court, by refusing to appropriate an adequate amount of time for the trial, will hamper the ability of the defense to present a complete defense because the government has the opportunity to consume as much time as it wants, leaving the defense with an insufficient amount of time for an adequate defense. The intimidation of the press by the Court will in effect restrict the public from knowing what is really going on in the courtroom.

Even from the beginning, this Court has shown its prejudiced and biased position by proclaiming that this is not a political trial and that Vietnam Veterans Against the War is not on trial, when the facts overwhelmingly indicate the complete opposite. To start with, the direction of this prosecution comes from the Internal Security Section of the Justice Department in Washington, not from the Northern District of Florida. Secondly, twenty-three members of Vietnam Veterans Against the War were subpoenaed to appear before a federal Grand Jury all at the same time and the same day, even though the Grand Jury can only see one witness at a time. From the outset, the government falsely claimed that everyone's testimony was essential. Yet, when the Grand Jury released everyone from their subpoenas, a number of

people had not been called to testify. Almost all of those subpoenaed held leadership positions in Vietnam Veterans Against the War and the subpoenas were all returnable at the start of the Democratic National Convention, thus officially preventing us from exercising our constitutional rights at the convention. When we were finally released from the subpoenas, it was at the end of the convention. The bail that was set for the six of us who were randomly indicted was excessive and used as a means of illegal incarceration, not a guarantee to appear in court. The first arraignment was set to coincide with the Republican National Convention, again hampering our constitutional rights. The second arraignment was set for the day before the election of the President, which again violated the rights of the defendants who live outside of Gainesville because they could not be home to vote. After all of this, the Court claims neutrality and objectivity when it has, before the trial has even started, established its own interpretation of the true nature of this case by stating, just as the team of Thomas Foran and Julius Hoffman stated in the Chicago Eight case, that, "This is not a political case, it is a criminal case."

These are not all of the facts, just some of the facts, which the record will reflect which shows an unmistakable amount of prejudice and bias against the defense by the Court. Because of these reasons, and since I am being forced to participate in this farce, I can no longer sit the dummy hand while others decide my fate. I also believe that the Court has so intimidated the attorneys for the defense that they will not be able to put all of their energy into the trial. This is not to say that they are not completely competent, because they clearly are, but it is to say that they are professionals whose careers could be ruined by a hostile and prejudiced Court. Traditionally, the defendant is relegated to the position of an object whose future is determined by a debate between two groups of attorneys using testimony, not truth, evidence, not facts, presented out of context for the purpose of following Court procedure, not for the purpose of getting at the truth and serving justice.

There are some Courts that are primarily concerned with achieving justice, such as the Court of Judge Sirrica. But since justice is not the intention of this Court, I must now exercise my constitutional and statutory right to self representation, so that those who judge me will get to see me, hear me, feel my vibes, and know me as a human being, not as an object of controversy tainted by a hostile Court.

I fully recognize the Court's negative position concerning self representation. I have been fully advised as to the importance of this decision and the possible results of not having the safety afforded by trained counsel. But as Benjamin Franklin said, "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety," and I firmly believe to sit as an object in a prejudiced, biased, and hostile Court would be the same as giving up essential liberty.