

A massive protest was organized to which the white community reacted with violence. The church asked for a curfew, but the city refused to respond. There followed several nights of near-guerilla warfare, with whites driving through black neighborhoods and shooting at unarmed blacks. The Ku Klux Klan and its more extreme relative, the Rights of White People (ROWP), roamed streets in what amounted to an armed siege of the black community. Some reports indicate that a few of the blacks who had barricaded themselves in churches and houses fired back. Two lives were lost and thousands of dollars' worth of property was damaged.

Almost a year later, warrants were issued for the arrest of 16 persons. This was later reduced to 10, including one white woman (an antipoverty worker), and nine black men (Ben Chavis and eight high school students). They were charged with arson and conspiracy in connection with the burning of one building, Mike's Grocery (no charges were ever brought for the deaths of the two victims). Bails were set high and the accused spent about four months in jail before their case came to trial in June 1972.

The trial seemed strange in many ways, even at the time. When a jury was selected which consisted of 10 blacks and two whites, the prosecutor became mysteriously ill, resulting in a postponement. When a new jury was drawn, it was 10 whites and two elderly blacks. The key witness for the state was a young man with a criminal record and a history of mental illness. Several key witnesses for the defense were threatened and failed to turn up in court. Consequently, the 10 were quickly found guilty and sentenced to incredibly severe prison sentences, averaging 28 years, with Ben Chavis drawing the heaviest sentence of 34 years. The combined total of the sentences came to 282 years for the alleged burning of one store. Appeal bail was set high— a total of over \$400,000— but this was met by the United Church of Christ which has provided the primary financial support for the case.

Since the trial, the Wilmington 10 case has gone through a complex labyrinth of appeals, hearings, and motions. The irregularities multiply, yet the 10 still have not received a new trial. A recent post-conviction hearing is a case in point.

At the hearing, which lasted two weeks in the summer of 1977, evidence was presented to show that the three major prosecution witnesses have admitted to lying in the original trial and, in fact, claim to have been coached and even bribed for their testimony. Defense witnesses have now come forward, providing evidence that none of the 10 was at the scene of the crime. One state witness has even admitted to setting fire to the grocery, the crime for which the 10 are charged. Important evidence has been shown to have been kept from the defense in the original trial. And there is more, which would require too much space to delineate.

Yet the judge at the hearing, taking an extremely narrow view of his duty in this case, ruled that no constitutional rights had been violated. Therefore, he said, no new trial should be held— refusing to concern himself with whether or not justice had been done in the original trial.

It is an extraordinary case, and one can only conclude that these nine young men and one woman were and are being tried for political reasons. Amnesty International in fact, has included the Wilmington 10 in their catalog of worldwide political prisoners. Only by looking at the case in terms of underlying political-racial factors can one start to explain why the state sought and obtained such severe sentences, why it has persisted so strenuously in denying a new trial, and why it has gone to such lengths to see that the 10 are kept in prison.

Ben Chavis, it is generally felt, was and is a primary target. Chavis, a mild-mannered but extremely dedicated and effective minister, had been involved in the struggle for justice before. The state appeared determined to silence effective black leadership and it is believed they particularly wanted Ben Chavis. But the imprisonment of the Wilmington 10 also seemed to be an effort to put down black attempts at change generally.

America claims to have no political criminals. In fact, unlike many other Western nations, we have no official category known as "political crimes." Perhaps the Wilmington 10 case, along with a series of others in U.S. history, will help put that myth to rest.

Ironically, almost all of those involved in this trial, regardless of whose side they are on, have in some way become victims. Everyone has suffered: 10 young people have had their lives permanently altered by the experience of court and prison. Witnesses for the state and the defense have suffered, too— often at the hands of the state— but harassment has come from persons with loyalties on both sides.

In my view, the Wilmington 10 case is not merely an aberration in our system of law, a simple miscarriage of justice. Rather, I believe it is a sign that the system itself is not working right, that it can be used to repress those who are poor and who challenge the system. If the Wilmington 10 conviction sticks, then we are all victims.