

FREE GARY TYLER

By Kalamu ya Salaam/AHIDIANA (ca. 1976)

Gary Tyler is an 18-year-old Black youth who is currently facing life imprisonment for a crime that he did not commit. He is one of the many victims of the injustice and racism rampant in America today. We are asking you to support the struggle to Free Gary Tyler. We believe that his case is important and would like to point out why and also suggest ways that you can aid us in this fight.

“KILL THE NIGGER”

A shot rang out and a young white boy, 13-year-old Timothy Weber fell to the ground fatally wounded. This was Destrehan High School, October 7, 1974. A bus-load of Black students huddled on the floor, fearing that many more shots would come as the bricks, rocks, curses and insults rained down on the bus coming from the howling white mob surrounding the bus that day. Gary Tyler was on the bus.

The police detained the bus, roughly searched everyone on it and held some students further questioning. Gary Tyler was one of those students.

Three hours later or so, the police say, after the third search of the bus, the police claim they “found” a forty-five-automatic stashed inside a slashed bus seat. They claim that Gary Tyler sat on that seat.

With the alleged murder weapon in hand, the police began coercing the students and finally found one whom they could intimidate, one who would say under oath in court, that she saw a fellow Black student shoot the gun. Gary Tyler was the student she testified against.

Meanwhile just back from where he had been helping to organize and lead anti-bussing demonstrations, David Duke, head of the Klu Klux Klan, activated a political atmosphere in the small Louisiana town that was designed to make sure that “some nigger, any nigger” would pay for the death of Timothy Weber. Gary Tyler was selected to be “that nigger”.

FREE GARY TYLER

The case against Gary Tyler was so obviously fanciful and fraudulent that his supporters were sure that he would not be convicted. After all there were numerous students who testified that Gary didn't do it. The Black bus driver, who is a marine veteran and member of the parish police force, testified that he did not hear a gun being fired on the bus. He said that based on his combat experience he certainly would have known had a forty-five automatic been fired from the bus he was driving. There were no fingerprints on the weapon. There was no ballistics test to prove that the bullet that allegedly killed the white student was fired from the alleged murder weapon. In fact, during the trial it was revealed that the gun in question was a weapon that was registered with a nearby police firing range. In the face of the lack of conclusive evidence, no jury would find a young seventeen-year-old Black youth guilty of first-degree murder under these circumstances. Under Louisiana law, as applied to Gary's case, conviction on first degree murder requires that the prosecutors demonstrate that the defendant intended "to kill or do great bodily harm to one or more persons". An all-white jury convicted Gary Tyler of first-degree murder.

Gary Tyler was sentenced to die in the electric chair. As far as the state of Louisiana was concerned justice had been done.

THE FIGHT TO FREE GARY TYLER

It was the typical tapestry of racist American justice. Even the original defense attorney, Jack Williams, in my opinion, participated in the railroading of Gary Tyler. He did not object to an all-white jury; he did not object to the trial being held in a small Louisiana town whipped into a frenzy by KKK forces; in fact, he concurred with the judge's charge to the jury that directed them to presume that Gary "intended the natural and probable consequences of his act", which boils down to asking the jury to assume that Gary intended first degree murder. Poor Black people, Gary's parents and supporters, and Gary Tyler himself, had been taken for that proverbial ride. Gary Tyler was put on death row at Angola state prison in Louisiana.

A new lawyer was hired, and defense committees formed. The struggle to Free Gary Tyler began in earnest as the conviction made painfully evident that the state of Louisiana intended to kill Gary Tyler. In fact, the local DA, where the incident happened, was replaced by

FREE GARY TYLER

a “hit man” sent in from the state attorney general’s office. For all practical considerations, Attorney Hymel, who works for and under the direction of Bill Guste, State Attorney General, was responsible for running the entire prosecution of Gary Tyler. Such an importing of a prosecuting attorney is highly unusual and at the very least indicates that the state had more than a passing interest in seeking the death penalty of Gary Tyler. It must be remembered that Gary Tyler was a juvenile at the time of both the incident and the first trial and therefore the state’s insistence on trying him for first degree murder was the only way that they could “legally lynch” Gary Tyler as there are no other provisions under Louisiana state law to seek the death penalty for a juvenile except for first degree murder. Louisiana wanted Gary Tyler’s life.

We would like to report that the appeal for a new trial went smoothly, that large numbers of people were organized, and that Gary Tyler’s life is safe. Regrettably that is not the case today.

The arguments for a new trial were heard by Judge Morino, the same judge who presided over the first trial. Moreover, Judge Morino, incredible as it seems, was in this case judging whether or not he had made mistakes in the first trial. In his motion for a new trial, Jack Peebles, Gary’s new defense lawyer, stated that Judge Morino was a witness to new information and therefore should not be allowed to rule on the appeal for a new trial. However, this was America 1976, celebrating a bicentennial birthday, and what better way to celebrate than by legally lynching a young Black man accused of killing a thirteen-year-old white high school student. Morino was allowed to take the bench for the retrial.

During the hearing the state’s “star” witness, Natalie Blanks, the same student who had testified at the first trial that she saw Gary shoot the alleged murder weapon, recanted her testimony. Under oath, Natalie Blanks described how she was intimidated, coerced and forced to testify against Gary Tyler. She stated that the police had threatened her with life imprisonment if she did not cooperate. Judge Morino said that she was lying this time and had told the truth the first time.

Sylvia Taylor, Natalie’s lawyer attempted to rip the covers off the conspiracy to railroad Gary. She described a meeting at which both Judge Morino and Attorney Hymel were present. At that meeting, according to Attorney Taylor, Natalie Blanks was granted immunity from prosecution in exchange for her testimony. Although the granting of immunity was requested in

FREE GARY TYLER

writing, Hymel refused to do so, citing the fact that if he did that then he would have to reveal it to the jury and that revelation would hurt the credibility of Natalie's testimony. Instead Hymel offered a verbal granting of immunity and Judge Morino agreed to support that verbal statement. This was the new evidence that Attorney Peebles had pointed to and was his basis for calling for the recusal of Judge Morino from hearing the motions for retrial.

However, neither Attorney Taylor's testimony nor Attorney Peebles' motion carried much weight that day. Morino denied that any deal had been made. Hymel smiled. Was this justice? Yes, ordinary everyday justice in America; business as usual.

Retrial denied. Conviction upheld. Back to Angola.

Meanwhile the supporters of Gary Tyler were politically divided and quickly becoming racially polarized. Charges and countercharges were slung back and forth. One force vied with another for dominance and leadership. On July 24 in New Orleans, over 1500 people rallied and marched in support of Gary Tyler, but the momentum could not be maintained because the leadership and organizers of Gary Tyler's defense were disunited.

THE SPLIT

What is this, why can't we work together?

There are common centers of conflict that run through every major political prison defense movement. From the Scottsboro Boys down to Gary Tyler these conflicts reoccur with a regularity that indicates that the causes of these conflicts transcend the personalities of the people involved.

When AHIDIANA actively became involved in the Gary Tyler case we, as were many others, were wary of the dominant role it seemed that the white left held in the defense movement. Just before our joining the Gary Tyler Defense Committee, the committee had taken a vote not to allow any white people to sit on the central committee. But far from a show of solidarity and a principled stand, what actually was happening was that various elements operating under the rhetoric of "Blacks only" were masking their true intentions.

FREE GARY TYLER

The white left for their part had made moves that were contradictory and clearly opportunistic. Opportunistic in the sense that their involvement with the Gary Tyler case was clearly seen by them as a means of legitimizing and advancing their scenario of struggle in America. Most Black people resent the manipulations that generally are part of the white left's modus operandi when it comes to participating as allies in the Black liberation struggle.

Black reactionaries playing on Black distrust and resentment against the white left led a move to castigate and expel the whites. But hiding behind all of that was the lack of principles, the refusal to struggle and the shady and at best ineffective, if not deceitful, handling of the day to day operations of the defense committee. The Black leadership of that period continuously opposed militant action aimed at the courts, the police or anybody else; they opposed democratic elections and decision making; they opposed open and written accounting of finances.

Quiet as it has been kept, even the mass rally and march that took place on the 24th of July was opposed by some of the leadership. In the month preceding that demonstration, a semblance of unity was preserved, and the inevitable split was avoided in order to make the 24th a success. But after the 24th the business of reorganization was undertaken without reserve. Democratic elections were held, with written notice given to all old committee members one week in advance. A series of weekly meetings were held to discuss and adopt principles of unity and struggle.

We saw the Gary Tyler Defense Movement as a critical issue in our community, an issue that demanded both our attention and active participation. Even as the internal struggles were being waged and resolved, Gary Tyler was receiving worldwide support. That support continues to grow. Our job today is to consolidate such support and deal blows against those who hold Gary and continue to repress our people.

Accepting the necessity of struggle, we joined in the struggle to form a principled and aggressive united front that could help lead the struggle. We believe that defense movements should be united fronts and that therefore any and all people who can unite around the principles and commit themselves to the work decided upon should be welcomed to join the defense movement.

FREE GARY TYLER

We believe that Black nationalists and Pan-Afrikanists should be at the forefront of the struggles to free Black political prisoners and eliminate police and judicial repression and racism. Further we believe that if we are either absent or ineffective, the political vacuum will be filled and the struggle, such as it be, will be led by either the white left or reactionary Blacks looking to ride to glory on the backs of America's victims. We believe that the struggles of Black people should be led by progressive Black elements and not the white left or the Black right (reactionaries).

Everyone does not share these beliefs. There are sincere people who are not by any means reactionaries who hold other positions. While it is clearly impossible for these people to work with in the present structure that exists, namely the PDC (People's Defense Coalition), it is not impossible for these people to participate in the struggle to Free Gary Tyler and Fight Injustice.

PRINCIPLES OF STRUGGLE

We participated in forming the People's Defense Coalition to Free Gary Tyler and Fight Injustice. We view the PDC as the type of united front needed to consolidate the supporters of Gary Tyler and other political prisoners.

The PDC is a coalition of organizations and individuals which has grown out of the struggle to Free Gary Tyler. Formally the Gary Tyler Defense Committee, the PDC is united around the following basic goals:

1. To build a vehicle to combat police and judicial repression within the Black and poor communities.
2. To expose the gross contradictions within the present system.
3. To educate people to the Gary Tyler case and its relationship to other cases and conditions in the country.
4. To organize mass support for the defense of Gary Tyler and to fight for his freedom.
5. To embark upon fundraising activities to build a mass movement to finance the legal defense and mass struggle for the freedom of Gary Tyler.

FREE GARY TYLER

We believe that it is the state, i.e., the organized instrument of the people presently in power, that is unjustly holding Gary Tyler and that it is the state judicial system which unjustly convicted Gary. We believe then that the state is our enemy, but we do not abstract the state. The state, from our analysis, is more than an abstract idea. Its chief agents are the police, from local levels to the CIA; the judicial system, which includes both lawyers and judges; the prison system; and those elected officials, of whatever color or political party, who apologize for and maintain the apparatus.

Similarly, the people presently in power, those who control the state, are not abstract. They are rich white people who believe in and practice capitalism/materialism, racism/white superiority and sexism/elitism.

To us it is clear that Gary Tyler can be set free only by actively opposing such people and apparatuses. We do not believe that Gary Tyler will get justice unless large numbers of people demand justice for Gary, large numbers of organized and politicized people.

WHY GARY'S CASE IS SO IMPORTANT

While we believe that the struggle is bigger than Gary Tyler, we also understand and assert that Gary's case is of particular importance. Gary Tyler is symbolic of America's never-ending quest to imprison and eliminate young Black men, America's flaunting of alleged democratic ideals of freedom and justice. At every twist and turn the struggle to Free Gary Tyler and the elaborate web of injustice and racism erected by the state against Gary Tyler collide head-on in clear and specific contradiction. The railroading of Gary Tyler is blatant racism and injustice uncomplicated by any circumstances of doubt. Cases such as this one are not only urgent, but also, they are easy to organize around once the facts are made plain. We want to save Gary's life, but we don't want to do it in isolation. In the process of saving Gary, we hope to deliver blows that will significantly contribute to the destruction of America's system of racism and injustice.

FREE GARY TYLER

Furthermore, our people are tired of losing. When we have cases that are as clear-cut as is Gary's case, we should organize for victories against the state and not simply to spring an individual free. Gary's case is important because this case resents us simultaneously the opportunity to help a brother in urgent need and to deliver a heavy blow against the state. Louisiana authorities want "a nigger" to die, we want Black people to live. The state is playing we Black people for chumps, but we are champions on the verge of victory. Gary Tyler is but one round in this fight.

This is the historic life and death struggle of the Black liberation movement in microcosm. There is so much to learn and gain with this struggle. The battle lines are clear, victory can be ours. And once we win, let us wave this victory like a battle flag leading us forward. Whenever we win, we will not relapse into sighs of relief and hallelujahs to god but rather we will shout and surge further on. We will use each victory as an example of what our organized and politicized people can do.

At every step in our mass struggle to Free Gary Tyler we have won small victories which will eventually accumulate and culminate in Gary's freedom and the destruction of the racism system of injustice. We are struggling to whip America, and regardless of what anybody may say, we can, and we will win! We will not lose because we will not stop! Our ultimate victory can be delayed but cannot be denied! We repeat, we will win!

As of this writing, Gary's case is at a critical junction. At a recent hearing an appeal of Gary's case by the Louisiana supreme court, the state was shaken by a combination of defiant and militant mass struggle and penetrating legal argument.

At the hearing itself, over a hundred highly vocal demonstrators turned out to chant, picket and march in bold and decisive defiance of local laws against demonstrating at courthouses. State authorities had made it a felony offense to do anything with the intent of "influencing" the proceedings of a hearing or trial. We successfully defied the state's attempt to muzzle support for Gary Tyler. Inside the courthouse Jack Peebles made a strong argument for Gary's release based on a lack of court jurisdiction to "legally hold" Gary any longer in the wake of the federal supreme courts knocking down the Louisiana death penalty law. Attorney Peebles also petitioned that if Gary were not

FREE GARY TYLER

released immediately, then he should have a new trial based on the aforementioned discrepancies. Now is the time to turn the pressure on the state as high as we can.

The history of political prisoners' defenses teaches us that strong popular support for the defendant is vital to the legal defense and indeed, militant mass action is in fact the best first line of defense. The legal arguments are necessary technicalities that must be done, but the active and defiant demand for freedom is the most important element. A strong surge of support for Gary will make the difference in this present period. Judges, just like the system as a whole, concede nothing without a demand, give up nothing without a struggle. We must demand Gary's freedom, we must struggle for Gary's freedom.

The PDC is calling on all supporters around the world to swamp the Louisiana supreme court with letters, postcards, telegrams, etc. demanding freedom for Gary Tyler. Write to: CHIEF JUSTICES, LOUISIANA SUPREME COURT BUILDING, NEW ORLEANS, LOUISIANA. Tell them to give up Gary, set him free. Say it in any way you want to but let them know in no uncertain terms that we are demanding the freedom of Gary Tyler.

Only a militant push by organized and politicized people can guarantee Gary's freedom. Now is the time to push harder, organize more and more people and to deepen our political understanding of the American way of judicial and police repression. We call on all freedom loving people to join us in our struggle to Free Gary Tyler and fight injustice. For more information write PDC, P.O. Box 52465, NEW ORLEANS, LOUISIANA 70152.

IT COULD BE YOU, IT COULD BE ME.

America 1976, 200 years old with young Gary Tyler and thousands of other Black youth held captive by "legal" kidnappers in various dank, dark and slimy holes euphemistically called correctional institutions.

FREE GARY TYLER

Gary coming of age under the
shadow of steel and the dead
blue thief eyes of state agents, stomach
sagging over their belts, magnums on their flat
half assed hips and images of nothing but dead
niggers Saturday night cases of beer,
a new CB, old C&W lyrics, naked
skinny bouffanted blondes, and ford
for president on their little 11th grade minds.
America two hundred, July 10th, Gary been
in nearly two years, he can vote
now cause Gary eighteen,
except convicted “felons” can’t vote
and besides would voting
set him free.

FREE GARY TYLER rolling along a river road
we want to see you on labor day, a
day off from toil, occupational health
hazards and blue Mondays. But the doors,
not just the cells, the doors to the building
too are locked and state police stand and sit like
nervous vultures waiting for one of us
to make a wrong move as they
explain, “no see Gary on holidays,
just Wednesdays 8 to 11, 12 to 3.” A
dashiki suited black cop is pushed
out front, probably to act as interpreter
should some shit start.

FREE GARY TYLER is our impassioned demand,
we call for real justice and not
some latin shrouded charades corrupt old
men and lawyers play in closeted chambers.
But justice in the light of day, before
the people. Trials held in the open
with the whole world watching. There are
so many questions to be asked, so much
reality to change. How can twelve
hicktown whites be the peers of a
sixteen-year-old Black youth
on the verge of manhood, angry in a
yellow school bus window, ducking bricks
unseen shots shattering his life and
the spit of white folks outside howling
for nigger hides and whistling dixie?

FREE GARY TYLER

FREE GARY TYLER is a case, only one of many,
for which we demand justice, but we won't
and don't hold our breath or blows
waiting for it to be given to us. Justice,
We demand real justice,
not trinkets, deals, backroom bribes,
who you know, who you blow under
the table as kissing. Justice,
a hard revolutionary fact of life,
different, difficult and dangerous,
an uneasy birth that takes some
times three hundred years of non-stop
struggle just to get started.

FREE GARY TYLER with work
and the righteous wrath of organized,
politicized people, particularly
a sea of angry Black humanity
flooding city streets, undammable
in our desire and determination
to fight injustice, to box and
wrestle with the state til it is done,
finished and we are victorious, laughing
with each other in the sun.

This movement is for truth
and real change, a battle cry
to be sounded consistently in
the ears of the state at every
opportunity regardless of their
desperate repressive legislation
designed expressly to stop our revolutionary
outbursts. We wisely ignore their
demented attempts to mute, confuse and
halt us. We march on, resolute. Over riding
too the pathetic pleas of politicians
with placebos and panaceas who would
have us try to "vote in" revolution, justice and
substantive change. We do not stop
for law, pie in the sky, utopias,
the big pill, presidents or police,
for it was struggle that brought us
here thus far and struggle will take us on!

It could be you, it could be me,
SET GARY TYLER FREE!

FREE GARY TYLER

Kalamu ya Salaam is chairman of the PDC and a member of AHIDIANA, a New Orleans-based Pan-Afrikan Nationalist organization.