

“Incitement” To Riot

H. Rap Brown, fiery young leader of SNCC, has been indicted in Cambridge, Maryland for the “crime” of “incitement to riot” There are few of us who have sat down to analyze what exactly this “crime” is supposed to be. Suppose that Mr. A tells Mr. B: “Go out and shoot the mayor.” Suppose, then, that Mr. B, pondering this suggestion, decides it’s a darn good idea and goes out and shoots the mayor. Now obviously B is responsible for the shooting. But in what sense can A be held responsible? A did not do the shooting, and didn’t take part, we will assume, in any of the planning or executing of the act itself. The very fact that he made that suggestion cannot really mean that A should be held responsible. For does not B have free will? Is he not a free agent? And if he is, then B and B alone is responsible for the shooting.

If we attribute any responsibility at all to A, we have fallen into the trap of determinism. We are then assuming that B has no will of his own, that he is then only a tool in some way manipulated by A. Now I dare say that most of the people who are anxious to prosecute Rap Brown for “incitement to riot” are religious people. But if they are religious, they must believe in the individual’s freedom of will, a fundamental concept of Jewish and Christian religions. But if the will is free, then no man is determined by another; then just because somebody shouts “burn, baby, burn,” no one hearing this advice is thereby compelled or determined to go and carry the

suggestion out. Anybody who does carry out the advice is responsible for his own actions, and *solely* responsible. Therefore, the “inciter” cannot be held in any way responsible. In the nature of man and morality, there is no such crime as “incitement to riot,” and therefore the very concept of such a “crime” should be stricken from the statute books.

Cracking down on “incitement to riot,” then, is simply and purely cracking down on one’s natural and crucial right to freedom of speech. Speech is not a crime. And hence the injustice, not only of the crime of incitement, but also of such other “crimes” as “criminal sedition” (sharp criticism of the government), or “conspiracy to advocate overthrow of the government” — in other words, planning someday to exercise one’s basic and natural right to freedom of speech and advocacy.