

Detroit: I Do Mind Dying

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Chapter Eight

Stop the Robberies, Enjoy Safe Streets: STRESS

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I am not saying that the white people of Detroit are different from the white people of any other city. I know what has been done in Chicago, I know what prejudice growing out of race and religion has done the world over, and all through time. I am not blaming Detroit. I am stating what has happened, that is all.

—Clarence Darrow, in a speech to the Ossian Sweet jury in 1925

In 1967, during the height of the Great Rebellion, three white police officers killed three unarmed blacks at the Algiers Motel, located on Detroit's main avenue. The shots were fired by David Senak, Robert Paille, and Ronald August. The victims were Auburey Pollard, Fred Temple, and Carl Cooper.

Senak's grandparents on both sides were Czechoslovakian immigrants. His father worked for Holley Carburetor and his mother was a keypunch operator for Chrysler. Before joining the Detroit Police Department, Senak did a four-month hitch with the Air National Guard. At the time of the Great Rebellion, he was 23.

Auburey Pollard's parents had come from the South in 1943, the year of the race riot. His mother was a laundress and housekeeper for white families; and his father, who had spent some years in the Navy,

worked in Chrysler plants. Pollard had gotten work as an arc welder at Ford in October 1966, but he was soon demoted to laborer and left his job in March 1967. The 18-year-old Pollard had done 15 days in the Detroit House of Correction for striking one of his high school teachers. One of his brothers, Chaney Pollard, 21, was in the U.S. Marine Corps at the time of the Great Rebellion; the other, Robert Pollard, 17, was in the Michigan Reformatory at Ionia doing a three-to-ten-year sentence for having robbed a newsboy of \$7.

Ronald August, 28, had enlisted in the Navy and had been proud to be on the ship that had picked up astronaut Scott Carpenter. His father was a tool grinder. August had joined the Police Department in 1963, when he found all skilled job opportunities closed to him.

Fred Temple, 17, had quit school in the 11th grade and had gone to work at Ford. His father had worked as a machine operator at Thompson Products for 24 years.

Robert Paille, 31, was of French Canadian background and had served in the Air Force. His father had been a lumberjack.

Carl Cooper, 17, had been in trouble with the police since he was 13. His mother worked as a power sewer at Walker Crouse Enterprises, and Cooper began hanging around the motel after he was laid off from his job at Chrysler.

The events which brought these six Detroiters into a deadly confrontation have been exhaustively and sensitively recorded in John Hersey's *Algiers Motel Incident*. Shorn of its particulars, the story is typical of police-black confrontations in the city. People of the same class origins, people sharing many similar problems, came face to face at gunpoint as problems of race negated their commonality. Those who held power in American cities had historically manipulated racial differences and violence to divide their opposition, to limit criticism, and to maintain control, even though things sometimes got out of hand. The Great Rebellion was only the most destructive among hundreds of rebellions during the period, and it fit into a historic pattern as old as the United States.

Slavery had never existed in Michigan because the state was part of the slave-free Northwest Territory, and blacks had worked and lived as free people since the days of the earliest settlements. Detroit, the last station on the underground railroad, had been a frequent meeting place for militant abolitionists. A plaque just off the Fisher Expressway a few

blocks from the city's courthouses marks the site where John Brown, Frederick Douglass, and a group of Detroit abolitionists had a historic meeting some eight months before the raid on Harper's Ferry. Fifty miles northwest of Detroit, the Republican Party had been formed by people with strong anti-slavery sentiments.

Racism also had a long history in the city of Detroit. A serious race riot had taken place in 1833 and another in 1863, in the midst of the Civil War. In the second instance, white workers had burnt out the black section of town after the newspapers fed their fears that freed black slaves would flock northward and take away all their jobs. A few years later, the first national organization of American workers, the National Labor Union, established its headquarters in Detroit. One of its two major leaders, Welsh-born Richard Trevellick, argued unsuccessfully that the union should accept blacks as members. As a compromise, he urged the National Labor Union to take the position that blacks and convicts should receive equal wages for doing the same work as free whites. He was again defeated. Trevellick and other labor spokesmen continued the unsuccessful fight against racism in the Greenback Labor Party and the Knights of Labor. Lily-white unionism became entrenched with the rise of the American Federation of Labor, and immigrant workers coming into cities like Detroit were taught that if they were white, no matter how difficult circumstances were for them, life for their children would be "all right." Racism grew so virulent that, by 1924, the Ku Klux Klan's influence in Detroit enabled its write-in candidate for mayor to win the election with 123,679 votes. He was prevented from taking office only when 17,000 of his votes were taken away on technicalities, allowing the otherwise runner-up to become mayor on the basis of 116,807 votes. A state proposal to outlaw parochial schools during the same period was defeated 2-1, but it garnered 353,817 votes. Fiery crosses and men in white hoods were no novelty in the Detroit streets of the 1920s. On July 11, 1925, 10,000 people cheered KKK delegates as they flayed at "Catholics, Jews, and niggers." On September 9 of the same year, hundreds of whites, led by the KKK, attacked the home of Ossian Sweet, a black doctor who had recently moved into an all-white neighborhood. The Sweet family was armed and fired upon the mob in self-defense, killing one white. Dr. Sweet, rather than the rioters, was put on trial, and it took all the legal and oratorical skills of Clarence Darrow to gain an acquittal. Mob at-

tacks on black families daring to move into previously all-white neighborhoods remained a constant problem through the 1970s.

The KKK remained 200,000 strong during most of the 1920s and 1930s, and it bred an even more extreme organization called the Black Legion. From 1933-1936, the Black Legion was involved in some 50 murders in the state of Michigan. The Legion's enemies were not only blacks, Jews, and Catholics, but communists and union organizers. During the same decade, Father Charles E. Coughlin, a Catholic priest advocating a mixture of racism and populism, won an enthusiastic mass following in the region through his radio programs and publications. Coughlin's anti-Semitism became so outrageous that he openly defended the Nazi regime in Germany and had to be silenced by the Catholic hierarchy when the United States entered World War II.

All these forms of bigotry were cleverly manipulated by Detroit corporations. Each new white immigrant group had to fight its way into the good jobs and better neighborhoods. The corporations consciously pitted the groups against one another, being most blatant with regard to blacks, who at one time were used exclusively as strike-breakers. Henry Ford elevated the divide-and-rule principle to a full-blown racial strategy, and one of his payoffs came when 800 black workers at the Rouge plant were the only rank-and-file group to put up a physical fight against the UAW during its final organizing drive in April 1941. The vigilante and lynching tradition had corporate counterparts, too. All the major firms hired private detectives and did surveillance on employees as a matter of routine. Again, it was Henry Ford who led the way. He hired ex-prizefighter Harry Bennett to organize a private Ford army of 3,000 men who were primarily ex-cons, prizefighters, wrestlers, football players, and other "tough guys."

The race riot of 1943 was one of the consequences of institutionalized racism in the city and the auto industry. The labor shortage caused by World War II brought black workers into the city by the tens of thousands, but they remained locked in narrowly defined ghettos and found social and economic progress virtually nil. Tens of thousands of white Appalachians came into the city at about the same time. The old generation of mainly immigrant workers looked upon both newcomer groups with distaste, but found it easier to accept a white hillbilly accent next door than a black skin. The violence which ensued, fed by the tensions of the war years, was strictly racial: whites against

blacks, with the whites led by a nearly all-white Detroit Police Department. Thirty-four people died, hundreds were injured, and millions of dollars were lost through property damage and lost work hours. The riot was the most violent in American civil history, though it was to pale before the Watts uprising of 1964, just as Watts would be only a prelude to Newark and then to the most violent rebellion of all—the Great Rebellion of 1967.

The violence of 1967 was significantly different from that of the earlier Detroit explosions. The riots of 1833, 1863, and 1943 had been conflicts between the races. The 1967 Rebellion was a conflict between blacks and state power. In 1943, whites were on the offensive and rode around town in cars looking for easy black targets. In 1967, blacks were on the offensive and their major target was property. In some neighborhoods, Appalachians, students, and other whites took part in the action alongside blacks as their partners. Numerous photos show systematic and integrated looting, which the rebels called "shopping for free." Even so, the Rebellion was entirely a product of the black movement of the 1960s, and that in turn had been a direct consequence of the frustrations and unkept promises of the post-war era.

However people defined it, the Great Rebellion struck fear into the white population of the city of Detroit. The National Guard and police used to quell the fighting were nearly all white. Many of these men undoubtedly had fathers and mothers who had been in the plants during the 1930s when blacks were used as scabs and when the police and the National Guard were used against the unions. Now, they had become the guardians of legitimacy. Their gut fear of black liberation, combined with the long tradition of racism, was to increase in the following years. Instead of a private army like Henry Ford's or a clandestine Black Legion, white Detroiters put their faith in these men, the armed power of the state. The Detroit Police Department in particular became the front-line force against black liberation.

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I wanted to start in an apprenticeship in electrical work, or plumbing, or carpentry. Any apprenticeship. But the doors were closed then, it seemed to me, because every place I went they just weren't hiring. . . . [T]he Police Department had always had a recruitment drive, so to speak. . . . I went down there and

put in the application, and within a few weeks I had heard that I was accepted. I learned about it a month before we were married.

—Ronald August, Detroit police officer, quoted in John Hersey's *Algiers Motel Incident*, 1968

The Detroit Police Department of 1967 in no way represented the estimated 35 percent of the population which was black. First, there were only 217 black officers in a force of 4,709. These blacks held only nine of the 560 posts of sergeant or higher, only three of the 220 posts of lieutenant or higher, and only one of the 65 posts of inspector or higher. During this same period, 35 percent of the city's civil service employees were black, as were 35 percent of the public school teachers.

Following the Great Rebellion, the Police Department received a \$15,000 grant to bring up the number of black officers. Despite 1,700 written inquiries and 375 formal applications, only several dozen blacks were hired in the course of a year. The slowness in hiring blacks was matched by an intense interest in not losing any whites. The city's total population had declined by 100,000 in the decade of the 1960s, while the surrounding metropolitan area was zooming from 2.4 million to 4.2 million. Ninety percent of the increase in the metropolitan area was accounted for by whites, while the city's white population declined by 20 percent. The median age for the whites who remained within the city limits was 36, compared to a national median age for urban dwellers of 28. The *Washington Post* of February 20, 1973, summarized the population shifts by calling Detroit a city which was getting "blacker, older, and poorer." The white exodus had involved the working class as fully as the middle class. Policemen wanted to move their families out of the city, too, but Detroit had a rule that its police must live within the city. False addresses and other ways of evading this provision became common and were winked at when they involved whites. The department also allowed an officer a one-year grace period to find a Detroit address after being hired, and in a key ruling the department permanently exempted 400 officers from having to comply with the rule at all. A Police Community Relations Sub-Committee staff memo of March 25, 1968, described the situation as intolerable: "The people in the black community see this move as one allowing an occupation

army to occupy the city during the day and return safely to their homes in the white suburbs at night."

The *Detroit Free Press* undertook a survey in 1968 of attitudes within the Police Department. The gap between the black and white officers shown by the survey reflected the polarization within the city. More than 50 percent of the white police thought that housing opportunities were equal for both races, that job opportunities were equal, and that blacks were favored in the schools. Among blacks, 8 percent thought that job opportunities were equal and only 3 percent thought that housing opportunities were equal or that blacks were favored in school. Seventy-two percent of the detectives and 50 percent of all the white police believed that the police treated blacks fairly. Eighty-seven percent of the blacks thought otherwise, 56 percent saying that blacks were treated very unfairly and 31 percent saying that blacks were treated slightly unfairly. Forty-seven percent of the white police thought the Great Rebellion had had obvious long-term negative effects, while almost the same percentage of blacks believed the opposite. Sixty-four percent of the white patrolmen thought that the Great Rebellion had been planned in advance, while 72 percent of the blacks in all ranks thought it had been spontaneous.

The Detroit of 1968 was deceptive. Liberal Mayor Cavanagh, the candidate of the Trade Union Leadership Conference, was still in city hall. The highest officers of the largest corporations in the city had rallied behind the New Detroit Committee, which had pledged millions of dollars to rebuild the city in a fresh outburst of racial cooperation. The UAW, the most liberal of all the major trade unions, stood ready to do its share, just as reliable Wayne State University, under the leadership of liberal President Keast, was prepared to hold its doors open round the clock, 12 months a year. In spite of these good intentions of the liberals, conditions of life, work, and education were so harsh for black people that ICV, DRUM, Watson's *South End*, and the League of Revolutionary Black Workers found a ready audience for their revolutionary ideas. The city was growing physically and spiritually uglier all the time. Its violence was so intense that it became the national leader in murders. Detroit had called itself "the Arsenal of Democracy" during World War II. Jerry Cavanagh had referred to it as "the All-American City." Now, the newspapers dubbed Detroit "Murder City, U.S.A." Again and again, as the policies of liberalism failed in the schools, in

the factories, and in the streets, the guns and nightsticks of the Detroit Police Department were the reality Detroit blacks and their allies had to face.

3

The DPOA believes . . . the charges of police brutality are part of a nefarious plot by those who would like our form of government overthrown. The blueprint for anarchy calls for the destruction of the effectiveness of the police. Certainly, it must be obvious that every incident is magnified and exploited with only one purpose. A lot of well-meaning people, without realizing their real role, are doing the job for the anarchists.

—Carl Parsell, president of the Detroit Police Officers Association, in *Tuebor*, December 1968

During 1968, the Detroit Police Department became involved in a series of incidents in which the racism of its officers was the major factor. The first incident occurred on May 3, 1968, during the Poor People's Campaign led by Reverend Ralph Abernathy. A rally had been scheduled to be held at Cobo Hall, Detroit's convention center near the City-County Building, the Ford Auditorium, the Veterans Memorial Building, and other structures of the attempted waterfront resurrection begun in the 1950s. The demonstration, which was being telecast over a local channel, was peaceful and orderly until a car stalled. At that point, the police suddenly became extremely agitated and, almost without warning, mounted a cavalry-style charge upon the demonstrators. Nineteen people were seriously injured in the action. Phillip Mason and Sam Dennis, officials of the U.S. Department of Justice, observed the melee and were quoted in an article about the incident published in the November 13 edition of the *Detroit Free Press*. Mason stated, "I saw old ladies being pushed and manhandled, grabbed by the collar and pushed out doors. I saw young men being beaten with billy clubs." Dennis added, "I saw officers ride horses into a crowd which I judged to be under control. In addition, I saw officers strike individuals in that crowd for no apparent reason. . . . I asked several command officers to pull other officers back. They attempted to but were unsuccessful. In fact, one command officer was knocked down by a patrolman. . . .

All of this was over a stalled car well out of any traffic. Police were insensitive."

Black and liberal spokesmen denounced the actions of the police. State Senator Coleman Young told the *Michigan Chronicle* on June 1, "If the mayor is afraid to take on the DPOA [Detroit Police Officers Association] then we will do it for him. Otherwise this city is headed for a bloodbath." This and other protests led to some face-saving gestures from the mayor's office, but little else. The furor over what came to be called Cobo Hall I had barely quieted down when a new incident occurred in the same area on the occasion of a rally for George Wallace's presidential campaign.

Cobo Hall II involved more than 1,000 black and white demonstrators who gathered on October 29 to express their displeasure with Wallace's candidacy. Some Wallace backers came to Cobo Hall carrying aerosol spray cans with incapacitating chemicals similar to the Mace used by police. When one of these cans was used on a black demonstrator, fistfights broke out and the police flew into action. Their pro-Wallace sympathies were obvious. They made virtually no attacks on Wallace people and seemed to single out white anti-Wallace demonstrators for the roughest treatment. The idea of containing the violence seemed to have no priority at all. The police violence was more flagrant than during Cobo Hall I. Bystanders, reporters, and photographers were beaten. Even James Herman, a field investigator for Mayor Cavanagh's Community Relations Commission who was specifically assigned to observe the event, was injured by the police. In a typical incident, a busload of Wallace supporters threw hunks of scrap iron at a group struggling with a Wallace-ite. The people hit by the iron were attacked by the police, while no action was directed toward the bus. Numerous individuals complained of being beaten at the rally and at police headquarters afterwards. Sheila Murphy, then 20 and a staff organizer for Ad Hoc, which had raised money to assist Detroiters involved in earlier conflicts with the police, told news reporters shortly afterwards that the police warned her that they would kill her if they got her alone.

An even uglier incident followed a few days later at the nearby Veterans Memorial. On the night of November 1, an organization of police officers' wives was giving a dance in the first-floor ballroom. More than 100 couples were in attendance, enjoying some ten kegs of

beer and the quiet sounds of the Ron Ross Quartet. On the sixth floor of the same building, the black Ebenezer A.M.E. Church was holding a teen dance featuring the hard-driving contemporary rhythms of the Seven Sounds. The two parties had no reason to interact and might not even have known about each other's presence except for inadequate facilities. The Veterans Memorial was so poorly planned that people had to take elevators to free floors because the ballroom floors didn't have a sufficient number of toilets.

As the evening progressed, word began to circulate among the policemen that black hooligans were causing trouble in the elevators. Women, in particular, complained of obscene gestures and sexual threats. In a sequence of events that was not entirely clear, several Detroit police stopped two separate groups of black teenagers outside the building. The teenagers were beaten and kicked, and at least one shot was fired.

The incident was like many a Detroit catch-you-in-the-parking-lot brawl, except for the participants. On one side were armed white police officers, and on the other, some of the sons and daughters of Detroit's black elite. James Evans, 17, who was hospitalized overnight because of the beating given to him, was the son of the director of the Fisher YMCA. Another hospitalized teenager, Derrick Tabor, 17, was the son of a minister, and he managed to get a call through to his father, who got to the scene while the beatings were still in progress. The 15-year-old son of Reverend Nicholas Hood, Detroit's only black councilman at the time, was not personally injured but was an eyewitness to the whole affair.

Black pressure for a full investigation soon ran into what was termed a "blue curtain of silence." DPOA President Carl Parsell said that his men had been taunted and harassed to the breaking point by "Negroes," but he admitted he wasn't sure if they were the same "Negroes" who were at the church dance. A security guard reported that three black teenage stragglers in the elevators who were not connected with the dance left after he confronted them. James Heaney, 60, an attorney and realtor who had run for mayor in 1965 as a candidate from the ultraconservative Greater Detroit Home-Owners Council, backed up the police and the security guard. He said that he had been in the building late that evening and had been threatened by some black teenagers.

Whatever substance there was to the allegation that some anonymous black youths had threatened people in the elevator, it soon became clear that the two separate groups of teenagers attacked by the off-duty police had not done any taunting. In addition to the beatings, kickings, and shooting, a car had been hauled away, and when it was returned, its owner found it plastered with George Wallace stickers. Many officers who had not taken part in the actual violence had not taken any steps to stop the beatings, a sworn duty they were required to carry out by the same laws which required them to carry their guns. Eventually nine men were suspended because of the incident. James H. Brickley, a white assistant Wayne County prosecutor, made a public statement on November 16 in which he declared that the attacks had been unprovoked and that there was no evidence that the police or their wives had been abused or insulted by the youths who were attacked. Brickley added that, even if they had been, the action taken was totally illegal: "The policemen, with varying degrees of participation, threatened and assaulted the Negro youths without provocation or justification. At no time did any of the police officers identify themselves, make any arrests, or make any report of the incident."

Four months later, when one policeman was killed and another seriously wounded during the New Bethel incident, the events of 1968 were invoked by all sides in the dispute. To the black community, New Bethel was another indication of the vigilante mentality of the police and its over-reliance on force. Only Judge Crockett's intervention had saved an ugly situation from exploding into a major racial confrontation. On the other side, the DPOA took out a full-page ad calling for Crockett's removal. Carl Parsell complained that the blue-blood New Detroit Committee was trying to use the police as a scapegoat. The tone of his speeches and his general attitude were the same as they had been the previous December in his editorial for *Tuebor*, the DPOA newsletter, when he wrote: "In the 1967 riot when police were restricted in the beginning from exercising their legal powers, the situation got out of hand. When proper force was used in the Cobo Hall [incidents] peace and order was restored." Parsell's editorial had also denounced the Michigan Civil Rights Commission: "We charge the civil rights commission with denying constitutional rights to police officers and denying them due process of law."

The DPOA failed in its attempt to remove Crockett from the bench, and an April 16 report of the Detroit Commission on Community Relations was highly critical of the police department. The report noted that the *Detroit Free Press* had publicly apologized for reporting inaccurate information to the public about New Bethel and that a letter written by a black Detroitier had characterized the slain Officer Czapski as a fair-minded and decent man. The report criticized the police reaction as a tragic mistake that was "part of the inheritance of the ghetto rebellion in the summer of '67 in which issues of community policy and response were never properly resolved. Nor were they clarified in April of '68, the Martin Luther King assassination aftermath with its curfew and police mobilization. . . . The DPOA promises of 'support law and order and remove George Crockett' have merged to symbolize the specter of the police state and paramilitary government of a colonial people."

The Community Relations Commission report had just started to circulate when a new flare-up occurred over the New Bethel case. This time, the trouble involved Recorder's Court Judge Joseph E. Maher and Kenneth Cockrel, who was the attorney for Alfred Hibbit, one of the men accused of killing Czapski. During the pretrial hearings, Maher abruptly interrupted Cockrel's presentation and ended the proceedings, after doubling Hibbit's bail to \$50,000, even though Hibbit had turned himself in as soon as a warrant was issued for him. An infuriated Cockrel stormed from the courtroom and was quoted by the media as calling Judge Maher "a racist monkey, a honkie dog fool, and a thieving pirate."

Cockrel's words were barely out of his mouth before Judge Maher was calling for Cockrel's disbarment on the grounds of contempt and general unprofessional conduct. Cockrel shot back that he was expressing the sentiments of the black population of the city of Detroit in language congenial to them. The disbarment attempt moved rapidly, and the case was heard in late May. Cockrel's chief counsel was Sheldon Otis, and the Detroit Recorder's Court bench was represented by Michael O'Hara, a former state Supreme Court justice. Wayne County Circuit Court Judge Joseph Sullivan heard the case, since Judge Robert Colombo had disqualified all the Recorder's Court judges from hearing the case. Harry Philo and Justin Ravitz, two of Cockrel's law partners, assisted with the defense. His legal team also included Howard Moore

of Atlanta, who had defended Stokely Carmichael and Julian Bond on similar charges, Dennis James of the National Lawyers Guild, Ed Bell of Detroit, who would soon become a judge himself, and Myron Wahls, the president of the Wolverine Bar Association, the professional organization for Michigan's black lawyers.

The first day of the trial, more than 75 sheriff's deputies patrolled the court and hallways as hundreds of people tried to get into the courtroom. Eventually, a door was broken down, a court reporter fainted, and the court had to be adjourned for one day. The following morning, to the astonishment of the media, the defense said that psychiatrists, psychologists, attorneys, and semanticists would prove that Cockrel's accusations were true. Nationally famous attorneys such as F. Lee Bailey were prepared to fly to Detroit to testify on Cockrel's behalf. Harry Philo indicated the uncompromising view of the defense by stating that the \$50,000 bail was "thievery and piracy"; the defense believed that Maher "violated two different statutes several times, that he did it knowingly and that therefore he is a criminal . . . a despicable incompetent who is white." Thus, Cockrel's term "honkie dog fool" was correct in a colloquial sense. Sheldon Otis declared, "It is bad enough that our society has made Mr. Cockrel a second-class citizen because of his color. To make him a third- or fourth-class citizen because he is a lawyer would seem to me to be tearing the guts out of the Constitution. Attorneys . . . are obliged *not* to remain silent. It is their obligation to inform the public. Mr. Cockrel would be derelict in his duty if he did not do so." To make it clear that the case could not be hushed up, Cockrel said that he would make daily reports to the public at Detroit's Kennedy Square each day the trial lasted.

In early June, following a six-day recess, the charges against Cockrel were dropped. Judge Maher agreed to reduce Hibbit's bond to \$10,000, and Cockrel issued a statement that saved some face for Maher: "I do not retreat from public statements I have made. I must add I regret that the choice of language employed by me is so widely misunderstood by such a large segment of our population. I have spoken and I shall always speak in the language, colloquial or otherwise, which I believe is understood by the persons to whom I address myself." He told reporters, "This is a vindication of the position we took. I have no regrets for what I said. I think my characterizations were accurate."

4

In each case, Cockrel—dramatic and persuasive—argued to juries well-populated with the kind of persons he designs his people's party for—blacks and workers, the little people he regards as oppressed.

—Detroit News Sunday Magazine, October 14, 1973

Cockrel's ability to turn a defense into an offense and to capture favorable publicity in the process was demonstrated over and over again in his struggles with the Detroit police and judicial system. His struggle with Judge Maher proved to be a worthy prelude to his actual defense of Hibbit before Judge Colombo. Assisted by Justin Ravitz, Sheldon Halpern, and Milton Henry, Cockrel took the offensive with a sensational run-around, left-end play by attacking the entire jury-selection system. He charged that in a city which was predominantly working class and in which the population was approaching a black majority, there could be no justice from a jury-selection system that produced only two black jurors and almost no young people or members of the working class. In a series of spectacular and effective legal moves, Cockrel and Ravitz demonstrated that the jury-selection rolls were not fair. Districts with heavy black or working-class populations were slighted in favor of areas with exclusively or predominantly white voters of middle-class background. Young people considered mature enough to vote and to serve in the armed forces were being scratched from lists as immature. One Wayne State University instructor had been disqualified simply because he wore a beard.

The outcome of the Cockrel-Ravitz maneuver was that the original Hibbit jury was thrown out and a new jury, which was predominantly black, was selected. Hibbit and the other defendants were exonerated at the trial and other subsequent trials. Even more significantly, the challenge to jury-selection procedures made appeals possible for thousands of Michigan prisoners, and it helped establish new ground rules for Michigan jury selection. The attorneys were pleased with their work, but they did not consider it revolutionary in a pure sense. It was merely a step toward re-establishing basic Bill of Rights guarantees. They felt that ultimately the system would revolt against its own rules rather than allow black and working-class juries to sit in judgment on

cases involving laws based primarily on property rights. This revolt would bring about a situation in which class interests would be clearly defined on a mass scale.

The James Johnson case, which came up a year after New Bethel, was a further opportunity for application of the "jury of your peers" strategy. This time, rather than emphasizing race, the defense team led by Cockrel emphasized class. They wanted as many people on the jury with direct work experience in the city as they could get. Their "expert" witnesses included production line workers who could talk about the dehumanizing effects of working at the Eldon plant. The defense argued that the irrationality which had caused the crime was not a result of some flaw in James Johnson's brain or personality, but of the policies of the Chrysler Corporation. In the contempt case, the judge had been put on trial; in the New Bethel case, the jury-selection system had been put on trial; and in the Johnson case, the Chrysler Corporation was put on trial. In each instance, eloquent and brilliant legal work brought victory in cases which seemed all but hopeless on the surface.

Cockrel had more than the "gift of gab" or "charisma" going for him. His court defenses were meticulously planned and fit into a wider political movement. In each of the celebrated cases, Cockrel broke the bonds limiting the trial to one individual in a specific situation defined by a set of precise circumstances. He enlarged the scope of the cases to involve the interests of a whole community or class, which in turn lent its strength to the particular defendant. As the police continued to gear up their repressive machinery, Cockrel elaborated an anti-repression strategy which became the line of the League of Revolutionary Black Workers. At a January 30, 1970, anti-repression conference organized by the Detroit Newsreel organization, Cockrel said that all revolutionary organizations which find themselves in numerous conspiracy trials should look to their own structures, because that should not be happening at all, and never on a wholesale basis, if the organizations were properly set up. He noted how grand juries and police had failed to jail people like Mike Hamlin, Chuck Wooten, John Williams, Luke Tripp, Ron March, and Fred Holsey. The attempt to dislodge Watson from the *South End* and the attempt to disbar Cockrel himself had also failed, as had attempts to expel high school supporters of the League. All this and more had been accomplished because local people had been engaged in a local mass struggle. They had not been obliged to call on na-

tional celebrities to defend them. Their tactic of defense had not been to complain or moralize but to take the offensive in court and out of court. The ultimate goal was to control the court and police completely. Thus Cockrel declared, "You do not circulate petitions, write letters to attorney generals, meet with black police assistants, etc. You take over the Police Department, and you take over the city. This is not reformist. Reformism is what is counter-revolutionary. The content of the particular movement is critical—the overall perspective."

Cockrel severely criticized many of the participants in the anti-repression conference. In an open attack on the Panthers, he stated that a political organization must do everything in its power to avoid being transformed into defense committees solely concerned with keeping its leadership out of jail. Cockrel may well have had the murder charges leveled against Bobby Seale in mind. Seale's chief accuser was George Sams, a member of the national Black Panther Party who had once been a black gang leader in Highland Park. The League people had considered Sams to be so irresponsible and irrational that they wouldn't even let him be around them, much less be a member of their organization. A related point concerned the uncritical attitude many radical whites had toward blacks. Cockrel attacked the white chairman of the meeting: "Is it [your] position that any utterance that is ever made by any blood at any time is profoundly revolutionary in content and should not be in any way stifled, stymied, ordered, directed, or organized? We [the League] regard that as being a wholesale abdication of the responsibility to use one's time efficiently and to use the time of other people efficiently." Cockrel went on to say that much of the work done on "big" national cases was relatively meaningless because it did not and could not involve the large mass of working people, who had enormous problems of their own to deal with. One thread that ran throughout Cockrel's thinking was the need to concentrate mass power on a weak point in the system: "We say that the point of greatest vulnerability . . . is the point of production in the economic infrastructure of the system. We say it makes sense to organize workers inside of plants to precipitate the maximum dislocation and maximum paralysis of the operation of the capitalist-imperialist system. We say that all people who don't own, rule, and benefit from decisions which are made by those who own and rule are workers." In these remarks, in his practice of law, and in the projects he foresaw for the League, Cockrel was

moving toward building a black and worker base for a bid for elective office. His main target was the repressive mechanisms of the state. Cockrel believed that control of the factories and control of the streets needed to go hand in hand with control of the courts and the police.

5

We know that today we have the highly sophisticated Green Beret STRESS unit roaming our city at will and killing on whim. . . . It promises to get even better. General John Nichols is in Germany tonight, studying police procedures in Munich, Frankfurt, and Berlin. Maybe he'll have ovens for the survivors and witnesses of STRESS murder. Nichols said he'd tattoo STRESS on his chest to prove it was staying.

—Sheila Murphy, in a From The Ground Up Book Club seminar, March 21, 1973

Detroit had always been known as a violent city, but by 1970 the situation was clearly out of hand. There were more than 23,000 reported robberies, which meant that at least one out of every 65 Detroiters had been a victim. An army of drug addicts lived in the remains of 15,000 inner-city houses abandoned for an urban renewal program which never materialized. More than 1 million guns were in the hands of the population, and union officials estimated that half the workers came to the plants armed with one weapon or another. The celebrated police-riot cases of 1968 followed the pattern of the Algiers Motel case: no cops were convicted. By January 1971, the atmosphere of permissiveness regarding police misconduct and the growing chaos in the streets had prepared the way for a new police unit called STRESS (Stop the Robberies, Enjoy Safe Streets). This unit was a secret, elite section of Detroit's undercover assault squads.

The Detroit Police Department never released information on exactly how many men were involved in STRESS or on their exact duties, but the unit was estimated to have no more than 100 men. The favorite STRESS method was the "decoy" operation in which one police officer acted as a potential victim in some area where a crime was likely to occur. As the decoy was attacked, other STRESS officers moved in for the arrest. STRESS operated in "high-crime" areas, which invariably

turned out to be areas with overwhelmingly black populations. The difference between STRESS's decoying tactic and patently illegal "entrapment" was soon washed away in a floodtide of blood. During the first year of STRESS's operation, the Detroit Police Department chalked up the highest number of civilian killings per capita of any American police department. The Detroit police killed civilians at the rate of 7.17 per 1,000 officers in 1971. The five closest rivals in killings by police were Houston (5 per 1,000 officers), Baltimore (2.93), Chicago (2.54), New York City (1.84), and Philadelphia (1.28). More than one-third of the killings in Detroit were done by STRESS, which represented, at most, 2 percent of the department. The police regarded STRESS as a tough-fisted sheriff's posse dealing with saloon toughs and desperados; but to the citizens who suffered an estimated 500 raids without search warrants and 20 deaths by police bullets within 30 months, STRESS seemed more like Billy the Kid run amuck behind the protection of a badge.

The STRESS officers stated that there were more shootings and killings involving their unit because they were doing dangerous work. They were fighting crime in the streets on the only terms criminals understood. They felt that they should be commended for bravery rather than criticized. STRESS Commander James Bannon took a gruff attitude toward the complaints of citizens' committees. He was quoted in *Ramparts* in December 1973 as saying, "No god-damned bunch of intellectual eunuchs is going to tell professional policemen how to do their job."

Bannon's tough talk could not mask obvious problems regarding his men. Critics pointed out that Raymond Peterson had 21 citizen injury complaints lodged against him even before he became a STRESS officer and that Michael Ziolkowski was under trial board investigation for mistreatment of a black prisoner at the very time of his appointment to STRESS. The critics wanted to know by what standard these men were picked for jobs which brought them constantly into situations in which their judgments could mean life or death for a citizen. Peterson came to be known as "Mr. STRESS." He was involved in nine killings and three nonfatal shootings during the first two years of STRESS's existence.

Most STRESS killings took place under street circumstances which made judgment in any one case a matter of believing either a police-

man sworn to uphold the law or a person accused of perpetrating a street crime. Pressure against STRESS built up through 1971, especially among blacks, but it was not until March 9, 1972, in an affair called the Rochester Street Massacre, that the description of STRESS as a bunch of trigger-happy cops became incontestable. The Rochester Street shooting differed from others because this time the victims of STRESS were not civilians, but other law-enforcement officers!

The incident began when three black STRESS officers observed a man later identified as a Wayne County sheriff's deputy walk into a building at 3210 Rochester with what appeared to be a gun. The STRESS squad called other police and entered the apartment with guns blazing. Wayne County Sheriff's Deputy Henry Henderson was killed, and three other deputies were seriously wounded. According to subsequent court testimony, all the deputies might have been killed if Patrolman Richard Herold had not arrived on the scene and put a stop to the carnage.

Exactly what transpired at Rochester Street was never made clear. A popular rumor held that the police were "battling for drug turf." Patrolman Herold proved to be a pivotal figure. He had reputedly fought with other police over which heroin dealer worked for which officer. One point beyond rumor was that on January 8, 1973, he was suspended from the force after being arrested in Toronto, Canada, for possession of and dealing in cocaine. This charge was soon followed by a Detroit indictment on similar charges. During the Rochester Street incident, 44 shots were fired by the Detroit police, 41 of them by STRESS officers. Deputy Henderson sustained six gunshot wounds as he stood with his back to the wall, hands in the air, and ID badge in hand. Three officers were eventually brought to trial, but all were acquitted. On this occasion, Prosecutor Cahalan refrained from making a public statement that black jurors would not convict blacks, as he had after the New Bethel case. What was clear now to everyone was that STRESS could be counted upon to shoot before asking any questions. Constitutional guarantees against illegal search and seizure and police violence were absolutely meaningless should STRESS decide it was a "kill" situation. The Detroit Police Department learned nothing from the Rochester Street Massacre, for in April 1973, Police Commissioner John Nichols took Ronald Martin, one of the defendants in the case, to Washington, where Martin informed a House Select Committee on

Crime that STRESS was like the United States Marine Corps, "only better."

Even before the Rochester Street Massacre, blacks felt that they were in a virtual state of siege. If STRESS cops could kill sheriff's deputies and get away with it, the average citizen didn't have a chance. STRESS's tactics were like the Army's "search and destroy" policy in Vietnam. Eleven deaths occurred between April and August of 1971, and all but one of the victims were black. Cockrel and other radicals working as members of the Black Workers Congress, the Labor Defense Coalition, and the State of Emergency Committee took a leading role in attacking STRESS. On September 23, 1971, more than 5,000 people were mobilized by the State of Emergency Committee to demand the abolition of STRESS. The Detroit Commission on Community Relations stated that a broadly based multiracial opposition to STRESS clearly existed. Two more STRESS killings took place in November and December of 1971, bringing the year's total to 13. The Michigan Civil Rights Commission was moved to attack STRESS's methods, and urged elimination of the decoy technique and better screening and supervision of personnel. The Rochester Street Massacre occurred on March 9 of the following year, and on March 17 Mayor Roman Gribbs and Commissioner Nichols announced "reforms." The death toll had now reached 16, but decoy operations were not reduced and lethal force was still justified as long as "reasonable" grounds existed for believing a felony had been committed. The "reform" move was countered on March 26 by a rally of more than 2,000 people at the University of Detroit stadium in support of a petition campaign to abolish STRESS and a lawsuit against Mayor Gribbs, Commissioner Nichols, and Prosecutor Cahalan. The petition campaign was to gain more than 40,000 signatures, and on April 6 the anti-STRESS suit, prepared by Cockrel, Ravitz, and others, was filed in Wayne County Circuit Court. The plaintiffs included the NAACP, Local 600 of the UAW, relatives of STRESS victims, and Local 26 of the Detroit Public Workers union. Judge John O'Hair, who had served as a representative of the Police Department when he was assistant corporate counsel, placed the case on the regular docket rather than grant an immediate hearing.

STRESS burst back into the headlines on December 4, 1972, when four STRESS men were involved in a shootout with three armed blacks: Mark Bethune, John Percy Boyd, and Hayward Brown. The

three young men had been waging a private war against big-time heroin dealers in their neighborhoods. STRESS had staked out one of the dope houses that the three vigilantes attacked. Instead of pursuing the dope dealers, STRESS chased Bethune, Boyd, and Brown. A shootout followed which resulted in the four STRESS officers being wounded, while their prey escaped. Three weeks later, in a second shootout with the vigilantes, STRESS officer Robert Bradford was slain and another officer wounded. The vigilantes escaped once more, and Commissioner Nichols went on television describing them as "mad-dog killers." In the weeks which followed, STRESS put the black neighborhoods under martial law in the most massive and ruthless police manhunt in Detroit history. Hundreds of black families had their doors literally broken down and their lives threatened by groups of white men in plain clothes who had no search warrants and often did not bother to identify themselves as police. Eventually, 56 fully documented cases of illegal procedure were brought against the department. One totally innocent man, Durwood Forshee, could make no complaint because he was dead. This 57-year-old unemployed security guard was killed when he fired his shotgun at STRESS invaders whom he believed to be a gang of robbers. On January 12, 1973, Hayward Brown was finally captured. Bethune and Boyd, disguised as a priest and a nun, got out of the city safely but were killed a month and a half later in a shootout with the Atlanta police.

Hayward Brown chose Ken Cockrel to be his attorney, and, employing his usual tactic of turning a defense into an offensive, Cockrel decided to put STRESS on trial. In defending his client's participation in one killing and several woundings, Cockrel invoked the Algiers Motel, Cobo Hall I, Cobo Hall II, Veterans Memorial, New Bethel, the Rochester Street Massacre, and the whole record of STRESS and the Detroit Police Department. In three bitter and hotly fought trials, Cockrel won total acquittal for his client. The 18-year-old Brown, who was an ex-junkie, came to be a kind of folk hero. He and his two comrades had taken on a job that the STRESS squad, for all its bloody fingers, had not been able to handle. Brown spoke on the radio, on television, and at public meetings and called for the abolition of STRESS. The From The Ground Up organization circulated 8,000 copies of an attractively designed 60-page booklet which gave details on various STRESS killings and pinpointed the political forces supporting

and opposing STRESS. During the same period, Raymond Peterson, "Mr. STRESS," was charged with murder when his description of a killing did not hold up against laboratory evidence. The victim in this case was a worker stopped on an expressway by Peterson, who was supposedly on his way to his suburban home. The knife which the worker allegedly used to threaten Peterson turned out under examination to belong to Peterson. Citizens clamored for an investigation of other STRESS killings, but Prosecutor Cahalan seized all the pertinent homicide files and kept them from public view.

The acquittal of Hayward Brown and the charges against "Mr. STRESS" were an indication of a new view of the police forming in the minds of many Detroiters. Originally, STRESS had been accepted by the inner city as a possible solution to the cycle of violence of which it was the principal victim. The record of STRESS soon proved that the unit meant only an increase in violence. STRESS was a new lethal weapon in the hands of a government which had driven local blacks to violent rebellion twice in 30 years. Black veterans who had banded together to demand jobs and other benefits were victims of midnight STRESS raids. Paroled prisoners working for penal reform reported being followed and threatened by STRESS. Workers said STRESS men had infiltrated the auto plants in order to spy on worker organizations.

The Brown verdicts proved that jurors of all colors were no longer accepting police testimony as automatically more honest than that of ordinary citizens. Jurors were concerned that law officers now viewed themselves as above the law. STRESS obviously regarded itself as a judge, jury, and executioner mandated to deal out instant "justice." Despite the change in public opinion, the Detroit Police Department remained unmoved in its support of STRESS. Police officers rallied around Peterson, saying that he must not be made a sacrificial lamb to a public willing to make a hero out of a "cop-killer" like Hayward Brown. STRESS was renamed the Felony Prevention Squad, and additional "reforms" were made; but to take no chances of having their real power curbed, the police were ready to make a bid for control of the city government itself by running Police Commissioner John Nichols for mayor. The Detroit Police Officers Association was so sure of itself that it made a thinly veiled threat on the lives of Cockrel and Brown by offering them "one-way tickets to Atlanta."

The prospect of the man ultimately responsible for STRESS becoming mayor of Detroit unsettled all the forces within the city that wanted to end racial polarization and that were worried about new civil disturbances. Nichols was part of a nebulous hard-line political group which included Prosecutor Cahalan, several former FBI men, and Roman Gribbs, who had been Wayne County sheriff before becoming mayor. Nichols was the toughest of the lot. His politics were pure "law-and-orderism," which in Detroit meant, among other things, "keeping the niggers in their place." Nichols, like Frank Rizzo, the Philadelphia police commissioner turned mayor, and other police officials seeking elective office around the country, was trying to ride a tide of white fear to political power. In Detroit, a vote for John Nichols meant a vote for STRESS.