

New Bethel: People's Victory!

Frank Joyce

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Alfred Hibbitt: acquitted.

Raphael Viera: acquitted.

Clarence "Chaka" Fuller: acquitted.

Kenneth Vern Cockrell: charges dismissed.

The New Bethel case is not over. But the recent acquittals of Raphael Viera and Clarence Fuller have put it at a new stage. Every one of those charged with a crime arising from the incident has been vindicated.

Prosecutor William Cahalan and the police are left with the fact that Patrolman Michael Czapski is dead and Patrolman Richard Worobec wounded, and they don't know who did it.

The situation arises out of the so-called New Bethel incident in March of 1969, when the two rollers stopped to investigate a group of uniformed, armed men standing outside the New Bethel Baptist Church at Linwood and Philadelphia in Detroit. The church was the site of a national meeting of the Republic of New Africa.

The newspapers and other media who distinguished themselves with exceptionally inaccurate and racist reporting of the whole affair, dubbed it the "New Bethel incident." Cahalan, one of the most powerful and reactionary men in Wayne County, believes that it should be called the Czapski murder case. Most Black people believe that it should be known, like many other such events, as the Detroit Police Department incident.

Following the shooting of Worobec and Czapski, the DPD responded with a massive assault on the New Bethel Church, involving hundreds of rounds of ammunition, including machine-gun fire.

Long involved in the Civil Rights struggle, the church is pastored by Rev. C.L. Franklin, father of Aretha and Erma, who started their singing in the church choir. Rev. Franklin, an organizer of the 1963 quarter-million-people March for Freedom, was months later arrested for possession of marijuana. He and his driver were both 'arrested after police "searched" his luggage and found joints in his suit pocket, even though the luggage had mysteriously been lost from a flight from Houston for more than 24 hours. The charges were later dismissed and one of the many dangling particles of the case -remains Rev. Franklin's multi-million dollar lawsuit against American Airlines.

More seriously, the hundreds of rounds of indiscriminate police gunfire wounded four people who were in the church filled with men, women and children. One hundred forty-two of them were arrested. Almost all were released a few hours later by the police and prosecutor.

The newspapers reported that all 142, including the "murderers," had been released by Black Recorder's Court Judge George W. Crockett Jr. In fact, as they admitted days later, only six of those arrested were released on writs of habeas corpus by Judge Crockett. Only one of the men subsequently charged was included in the six. The other two were among the 136 released by the police-ocutor. Cahalan defied Crockett's right to release anyone and was threatened with contempt of court, a charge which never materialized.

The entire Detroit metropolitan area freaked at the events as reported to them in the media. The police and their friends picketed Judge Crockett and used the taxpayer's money, personnel and telephones to circulate petitions for his removal. The Detroit Black community rallied as never before behind Judge Crockett. To this day more than

a year later, SUPPORT JUDGE CROCKETT bumper stickers can be seen throughout the city—and they are still enough to get you a ticket for such offenses as having dirty license plate lights.

Support for the judge and his actions extended from the most militant elements to the most conservative in the Black community. One demonstration on his behalf was supported by the Guardians, the organization of Black policemen. White liberals such as Maurice Gleicher, manager of many Democratic Party political campaigns, antagonized reactionary elements such as the *Detroit News* by setting up Crockett press conferences and an educational T.V. program in his defense.

The so-called New Detroit Committee appointed a group of lawyers who reopened the controversy by issuing a report which said that Crockett had acted reasonably and within the law.

The Detroit Police Officers Association (DPOA), office at 2399 Grand Boulevard, at a special reduced rate ran twice a full page advertisement attacking Judge Crockett in the *Detroit News*. The *Detroit Free Press*, which like the *Detroit News* has consistently refused to accept anti-racist advertisements, self-righteously refused to run the ad. Whites throughout the Detroit area reacted with more hostile emotion than at any time since the 1967 Detroit rebellion.

What was at stake was basically the same issue. Black Power is frightening enough to whites as an abstraction. It strikes complete terror into most whites when it is concrete and demonstrates the capacity of Blacks to protect each other from racist attack. Concrete Black Power is anathema to whites who have come to rely on the belief that whites can do whatever they wish to people of color. George Crockett's sin was that he used his legitimate, inside-the-system power to protect the rights of Black people rather than the power of white police.

Under the most intense pressure to get someone, Prosecutor Cahalan issued three warrants. They were: Assault with Intent to Murder against Hibbitt and Fuller and First Degree Murder against Raphael Viera. Hibbitt, who knew nothing of the warrant, was arrested. Viera and Fuller voluntarily surrendered, which in Viera's case meant giving up a long, political and possibly successful extradition fight from New York State.

Hibbitt's pre-trial examination ended abruptly. Judge Joseph A. Maher stood up while a witness, the officer in charge of the case, was on the stand and announced that he had heard enough. He ordered Hibbitt to stand trial and muttered that his bail was doubled to 50,000 dollars.

Following that hearing, attorneys Justin Ravitz, Milton Henry and Kenneth Cockrell held an impromptu press conference outside the courtroom, in which they vehemently protested Maher's illegal actions. Cockrell, a Black lawyer who has never lost a case and who is affiliated with the League of Revolutionary Black Workers, was subsequently charged with criminal contempt by Presiding Judge Robert deMascio for using such phrases as rogue, bandit, racist, pirate, monkey, and honkey in reference to Maher.

The contempt case, with Cockrell as the defendant, was tried in Wayne County Circuit Court before Presiding Judge Joseph A. Sullivan. Because of Cockrell's reputation and the importance of the case to all lawyers, prominent attorneys from across the nation appeared on his behalf. Sheldon Otis headed the defense.

Following the presentation of their case, the Prosecution realized that they had neither a factual nor a legal basis on which to proceed and furthermore that the defense was prepared to prove the true applicability of every phrase that Cockrell had used. They offered a deal which was accepted by the defense which granted the Prosecution the right to dismiss the case and included the reduction of Alfred Hibbitt's bond from 50,000 to 10,000 dollars.

More than four months after his arrest, Hibbitt was able to make the reduced bond. Frustrated with the dismissal of contempt charges, Judge Sullivan pressed for disbarment proceedings against Ken Cockrell and Justin Ravitz. The Michigan Bar is seeking Cockrell's disbarment but not that of Ravitz.

Alfred Hibbitt came to trial for Assault with Intent to Murder in November of 1969. Six weeks later he was acquitted by a jury of six whites and six blacks who deliberated for less than three hours.

Although attempts to challenge the entire jury selection process in the Hibbitt case failed, the jury screening through the voir dire (questioning of prospective jurors) by attorneys Ravitz, Henry and Cockrell was more thorough and devastating than the famous voir dire by Charles Garry in the Huey Newton case. The foreman of the jury emerged as Sam Stark, (writer for the Fifth Estate, organizer for the Ad Hoc Action Committee and activist with PCAUR). In his desperation to exclude blacks from the jury, Prosecutor Robert Harrison used 14 pre-emptory challenges against blacks and overlooked Sam, who is a relatively straight-looking white.

The main witness against Hibbett and later in the Viera-Fuller trial was David Brown. Brown, 19 years old from California, was originally arrested inside the church after the police broke in. He was charged with Assault with Intent to Murder for allegedly shooting at a policeman from a loft in the church.

Brown, who admitted on the stand that he was beaten by police, never stood and never will stand trial on his assault charge. Instead, as the State's star witness he was granted youthful trainee status. This means that if he behaves himself he will never be brought to trial and will ultimately be able to clear the arrest from his record. The status was granted by Judge Joseph Gillis, a hard line judge, one day after the motion was made by Brown's attorney.

That day's court hearing record opens with the statement by Gillis, "O.K., we're going to put you on Youthful Trainee." It was later established that Brown qualifies on none of the criteria usually applied in such cases. He lied about having a previous record, he had been charged with an assault offense and he claimed that he was innocent, any one of which usually exempts one from acquiring Youthful Trainee standing. Brown was allowed to leave for California the next day and has never returned since, except to testify against Hibbett and later, Viera and Fuller.

In the Viera-Fuller trial, the jury selection process was raised again more successfully. In dramatic cross-examination of Jury Commission Chairman Karl McKeegan, Attorney Ravitz established that the three Jury Commissioners had for years been excluding as unqualified those people they didn't like or thought were "unusual."

The disproportionate share of those disqualified were Black. Analysis of the data and cross examination brought out that of the 2,824 who submitted jury questionnaires, more than 2,000 were improperly excluded. Of the legally and objectively qualified whites 65.61% were actually accepted for jury duty and placed in the pool. Of the Blacks legally and objectively qualified, 38.64% were accepted and placed in the pool.

The judge, Horace Gilmore, on loan to Recorder's Court from the Wayne County Circuit Court, agreed basically with the defense's allegations. He ordered the drawing of a new pool, randomly selected from those qualified without the Jury Commission screening process. Whereas 20 to 25% of the first pool had been Black, the second was 50% Black.

The Viera-Fuller case went to trial with a jury of ten Blacks and two whites. Six weeks later, after hearing 52 witnesses that jury spent four and a half days deliberating before finding both defendants not guilty. White people's fears about concrete Black power were raised again and, rightly or wrongly, many whites for the first time experienced the frequent sensation of Blacks, as in the Algiers case, that someone had gotten away with something.

What was clear in both cases, of course, is the fact that in capitalist, racist, bourgeois society, the law serves power. In the Algiers case, it was the power of the DPOA, skillful lawyers, the power to control the jury and judge through change of venue, and sympathetic media coverage which got Ronald August acquitted.

The power of the people—enormously skilled lawyers, the pressure of a united Black community—helped Hibbett, Cockrell, Viera and Fuller in their cases. The same was true with Huey Newton, the Conspiracy and every other political trial.

The white movement helped by carrying out demonstrations, helping to organize the People's Court which took place during Ken Cockrell's trial, doing research on the contempt case, sponsoring People's Law Day during the height of the struggle over jury selection, exposing the role of the media, and by supporting Judge Crockett.

The difference between the Algiers case and the New Bethel trials is that in the latter case they had the wrong men. August, Paille, Senak, Dismukes and the others never denied being in the Algiers motel or for that matter even killing some of the victims "in self-defense."

Due to overzealousness and ineptitude, the Detroit Police Department does not know the man who shot Worobec and Czapski. Needing to appease white power, they chose to try Hibbett, Viera and Fuller. They lost.

The New Bethel incident is far from over. Despite being totally ignored by the national and mostly local media, its implications and ramifications are as far reaching as any other political trial, including the great white Conspiracy case in Chicago, about which scores of books, plays, articles and movies are being done. The only book on New Bethel is being published by Black Star Publishing in Detroit. It will be available in 3 to 4 months.

The exposure of the jury selection process opens the door to new trials for everyone convicted in Detroit's Recorder's Court for the last five years and will affect the outcome of every trial to come. It will be studied closely for use in other cities and states.

The voir dire questioning of prospective jurors will be used in other trials.

Attorney Kenny Cockrell still faces disbarment proceedings. Cahalan and the police will continue to go crazy trying to find out who done it or at least who can be convicted.

Whites and Blacks alike had better understand that the Law, like everything else, serves power and the struggle for it will intensify.

As white power is defeated, in Detroit and Indo-China, the society, they say, is becoming polarized.

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