

Kangaroo Justice for Detroit Victims

David Baker

1967

With the exception of one or two judges, the Recorder's Court of the city of Detroit has never acted as anything more than an extension of the police department. The police can only hold a suspect for 72 hours. Recorder's Court can do it for the rest of your natural born life.

Except for the volume of cases involved it will be impossible for the court to return to normal. It never departed from it. And while various sections of Detroit's power structure were brought into sharp relief in recent weeks -Recorder's Court surpassed itself.

On Monday, July 24, Executive Judge Vincent J. Brennan set the tone for court proceedings during the "emergency" by ordering bonds which averaged between \$10,000 and \$15,000, regardless of individual circumstances. (Bond of \$10,000 to \$200,000 for curfew violators and snipers were in sharp contrast to the \$5,000 bond set for the police accused of first degree murder in the Algiers Motel executions.) Such practice is unconstitutional because the constitution defines the right to bond not to insure incarceration but rather as security that the accused will return for future court proceedings.

Brennan justified the practice on the grounds that "It should assure keeping these rioters off the street."

Two days later the question of individual guilt or innocence was once again rendered irrelevant by Judge Brennan when he suggested to Cyrus Vance, that forced labor gangs composed of looting suspects in jail awaiting trial be sent out, under guard, to clean up the city.

The precedent established by Judge Brennan became the unwritten but official policy of the court and was reinforced by Judge Robert J. Colombo when, according to the Detroit News, he told an accused looter who asked to be released on Personal Bond, "You can't get a personal bond in this court. You are nothing but a lousy, thieving looter." When the accused suggested that it would be necessary to "prove that," a red faced Colombo replied, "We will."

The judges have attempted to defend their policy by arguing that they did not have time to investigate each individual case. A number of facts refute their rationalization.

Neighborhood Legal Service attorneys report that they completed and verified more than 3,000 reports on prisoners, including recommendations concerning personal bond. By dispatching attorneys and law interns to each of the ten places of detention in the state they had ascertained the criminal records, place of employment, length of residence and other relevant information for each of the 3,000 prisoners they interviewed. The judges refused to even listen to the information, let alone use it as a basis for setting.

Their claims of over work were belied both by their own working hours, which were brief—although for some judges working the night shift is inconvenient. Moreover, they refused repeated offers of assistance from Circuit Court and out-of-state judges who volunteered to help handle the case load.

Court observers also reported that judges found time to investigate individuals' circumstances in cases where the defendant was white. They were unable to do so when the defendant was black.

The general unconstitutional policy of the court prevailed into the week of August 4th. Presiding over the examination of felony cases, Judge Thomas Poindexter, former president of the all white Greater Detroit Homeowner's

Council (an anti—open occupancy group), decided to order a suspected looter to stand trial without bothering with cross examination of the prosecution's witness by the defense. Citing sections of the U.S. and Michigan Constitutions which guarantee the right of cross examination, Defense attorney Chuck Ravitz demanded the right to cross examine the witness.

Poindexter overruled the objection by Ravitz and then in full view of the court, spectators and all, ordered attorney Ravitz's objection stricken from the official court record.

Even conservative, orthodox lawyers were astounded by the proceedings. Attorney Richard Coon, after defending a man brought before Poindexter stated, "There is a lynch law atmosphere in this court. Over half of these judges should be impeached."

Perhaps the most amusing incident involved attorney Pierre V. Heftier one of a number of lawyers who volunteered their time to defendants in Records Court. Mr. Heftier is the personal attorney for Henry Ford II.

Appearing before Judge Frank Schemanske, Heftier complained that he had not had enough time to consult with his clients before the case was called. He refused to proceed until he was able to talk to the defendants. Judge Schemanske ordered the case postponed until the next day and remanded the defendants to the county jail, even though they had previously been released on personal bond. Heftier was outraged. He immediately called Martin Hayden, editor of the Detroit News. Shortly thereafter, Judge Schemanske received a telephone call after which he announced that the defendants were to be released.

Attorneys who attempted to defend clients during and after the rebellion have complained of other questionable practices. Among those mentioned most frequently in interviews with lawyers are the following:

The writ of habeas corpus was, and in some cases still is, suspended. Some attorney's were told that the court was not bound to produce their clients for at least one week from the time they were arrested.

Police officers were allowed to identify defendants from photographs supplied by the police department. They were not required to identify the defendant in person.

Evidence illegally obtained was accepted by the court.

Defendants were ordered to stand trial for looting when the arresting officer could not produce stolen property as evidence.

Defendants were not informed of their right to counsel at the time of their arraignment.

People released under personal bonds were put back in jail under high bonds, originally set at the time of arraignment, when they appeared for examination.

Wayne County Sheriff Peter Buback, himself under indictment in the ticket fixing scandal, refused to honor bonds even in cases where defendants could meet them. He also refused lawyer's access to the jail who wished to see their clients.

The situation was best summed up by a police officer, who shall remain nameless, who said, "This has been the most unconstitutional week I have seen in my life."

He was right. It was.

fifth Estate

David Baker
Kangaroo Justice for Detroit Victims
1967

<https://www.fifthestate.org/archive/36-august-15-31-1967/kangaroo-justice-for-detroit-victims>
Fifth Estate #36, August 15-31, 1967

fifthestate.anarchistlibraries.net