

New Evidence in Leroy Killing

Frank H. Joyce

1967

Editor's note: Investigation of the murder of John Leroy reported in the last issue of the *Fifth Estate* is continuing. (See "Who Killed John Leroy?" FE #36, August 15–31, 1967.) News editor Frank H. Joyce has talked with two of the national guardsmen who were on the scene, the photographer who took pictures immediately after the shooting stopped and additional witnesses. His report of new information appears below.

"I was confronted with a bunch of trigger-happy nervous soldiers, and I had no intention of having innocent women and children killed by indiscriminate firing..."

—Lt. General John B. Throckmorton, testimony before Congress, August 22, 1967.

Mrs. John Leroy, 5119 Garland, learned on Tuesday, July 25, that her husband had been shot and was in Detroit General Hospital.

On Tuesday and Wednesday and Thursday she went to the hospital to try to see her husband. Each day she was told that he was all right but that she would not be allowed to see him.

At 5:00 a.m. on Friday, July 28, Mrs. Leroy's telephone rang. When she answered, a voice said, "This is the Wayne County Morgue. Please come down here to identify the remains of your husband."

John Leroy was shot by members of an eight man National Guard patrol which was commanded by Lt. Frederick B. Drosten, of St. Clair Shores. Other members of the patrol included guardsmen Tracy Baker, of Detroit, and Mauri Rose.

Signed statements by witnesses, as well as the victims, indicate that Mr. Leroy was shot while a passenger in a car driven by Mr. Caries Dunson. Three others riding in the car with Dunson and Leroy were also wounded.

The car was fired upon without warning by the National Guard unit after it had stopped along side a jeep parked on Lycaste between Charlevoix and Goethe on Detroit's east side.

A few minutes previously, the car had been cleared through a national guard checkpoint and told to proceed to the home of one

of the passengers, Mr. Ronald Powell, whose wife was due to deliver her fourth child at any moment. The car was less than one block from Mr. Powell's home when the shooting occurred. The victims were forced to lie in the street for more than one hour before being taken to the hospital.

Interviewed in his plush town house apartment at 820 N. Shore Drive, in St. Clair Shores, (a private sign according to the sign) Lt. Drosten refused to make any statement about the incident. Because the FBI is investigating the case, he said his attorney had advised him not to make statements to the press.

However, after praising the conduct of the guard, "I thought they did an outstanding job" and "we are not the pansies the newspapers make us out to be..." he gave this reporter a newspaper article.

"This is the most accurate account of the incident which has appeared anywhere," he said, referring to the article by Tracy Baker which appeared in the Michigan Daily in Ann Arbor. Baker was a member of Drosten's patrol and

is a staff member of the Michigan Daily. The article appeared as part of a series titled, "Defending the National Guard."

Baker served two years active duty with the 101st Airborne Division before joining the Special Reserve forces of the Michigan National Guard. According to Drosten the battalion is the only airborne infantry unit in the State. Its members have all received special airborne training and are considered to be better trained than most National Guard units.

Baker's account in the *Daily* is contradicted almost in toto by the statements of witnesses and the victims.

Baker says, "...the car tried to run me down." Others say the car was stopped and didn't try to run anyone down.

A key allegation of the National Guard is that a shot was fired, wounding Guardsman Mauri Rose and thinking the shot came from the car the guard opened fire. There is every reason to believe that the guardsman was shot by a fellow guardsman in the crossfire which ensued after they had begun riddling the car with bullets from their M-1 rifles. Baker's story asserts that the guardsman was wounded with a small caliber bullet. Apparently the bullet cannot be produced, one has only the speculation of the guardsmen that it was of a small caliber.

In explaining the fact that a thorough search of the victims and the car failed to turn up a weapon, Baker quotes Drosten as saying, "...the man said that he was hit at the moment the car began to move forward—which seems to indicate that the occupants of the vehicle possessed a weapon but *in some way disposed of it.*" (Emphasis added).

Anyone who has seen the pictures taken by Black Star photographer Dennis Brack showing the condition of the victims after the shooting stopped, or who was on the scene would find it impossible to believe that anyone had been able to dispose of a weapon while wounded and under the watchful eye of 8 national guardsmen.

In defending a guardsman alleged in a Newsweek magazine story on the incident to have passed out, Baker makes the statement, "...the trooper who became queasy—'not passed out'—was not looking at the slightly wounded man in the photo, but a man who caught nine slugs in the stomach, whose intestines were all over the street, and who left half his head back in the car when he fell out. Now that's enough to make any man queasy."

Finally, Baker asserted, "But the most interesting omission is that the reporters don't mention that everyone in the car was wanted by police on some non-riot-connected charge." When questioned on this point, Baker stated that he received the information from Lt. Drosten and another officer in his unit, Lt. Martin Hauger.

The statement is completely false. None of the men in the car have been arrested on charges either riot-connected or non-riot-connected. Even if were true, the guard had no way of knowing the facts since they fired according to Baker "at least 30 rounds of ammunition" at the car without questioning anyone in the vehicle about anything.

Both criminal and civil legal action is being contemplated by Mrs. Leroy and Mr. Dunson. The *Fifth Estate* investigation is continuing. Reward funds are still available for information in this and other police and national guard misconduct cases.

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