

Judge Crockett Statement

Fifth Estate Collective

Editors' Note: The following is a public statement on the New Bethel incident released by George W. Crockett, Judge, Recorder's Court, Detroit.

The distortions of fact and the confusion over this Court's actions in the recent events at New Bethel Church compel me to make certain facts clear. I am personally deeply affronted by reports and stories which have clearly and deliberately twisted the truth and the law in this matter.

More serious than any harm to me personally is the profound damage being done to this Court and to our entire community by those who would use this tragic affair to intensify community hostilities which are already so deep and divisive.

The actions taken by me in my capacity as presiding judge, following the New Bethel Church shootings and the mass arrests, were legal, proper and moral. Indeed, it is precisely because I followed the law, equally and without partiality, that questions and accusations are being raised. If I were to have reacted otherwise, if I were to have ignored my judicial and constitutional responsibilities and followed the often accepted practices of condoning long 'police detentions, of ignoring prisoners' rights to counsel and of delaying the hearing on writs of habeas corpus, possibly the adverse publicity about Judge Crockett may have been averted. But in doing so, justice would have been denied.

I deplore the senseless shooting of the policemen. I also deplore the armed assault on a church, particularly a church occupied by men, women and children, whom we must presume to be innocent until and unless evidence to the contrary is presented. I deplore too, that so many innocent people were rounded up by the police, incarcerated for many hours in violation of their rights as citizens, and that some officials who are sworn to enforce equal justice have complained because I have done so.

Michigan law requires—does not suggest, but requires—that “any judge who willfully and corruptly refuses to consider an application, action, or motion for habeas corpus, is guilty of malfeasance in office.”

Moreover, “any justice of the Supreme Court and any judge of a Circuit Court may issue a writ of habeas corpus...upon his own motion whenever he learns that any person within his jurisdiction is illegally restrained of his liberty.” By statute, Circuit Court, as used in this rule, included Recorder's Court.

Justice last Sunday demanded a prompt judicial examination and processing of the persons arrested.

If there was any sound legal basis for their detention, they were detained; otherwise they were entitled to be released and they were released upon reasonable bond.

Let us review the sequence of events following the shooting of the officers and the storming of the church by police, which occurred some time before midnight Saturday.

At 5 a.m. I was called—not by the police, but by Representative Del Rio and Reverend C.L. Franklin, the church's pastor, who came to my home and awakened me. As presiding judge of this Court for the day, I went immediately to the police station. I requested a list of the prisoners and was told—about six hours after they were taken into custody—that police didn't know whom they were holding.

I then talked with Commissioner Spreen who agreed to furnish a list. He also agreed to set up a courtroom on the first floor of the police station. I requested that the Prosecutor be called, and Assistant Prosecutor Jay Nolan

arrived. The press was present. Mr. Nolan, the police and I agreed on the processing of the prisoners. They were to be brought immediately outside the temporary courtroom in groups of 10, beginning with the women. But they appeared before me individually and each was interviewed separately by me in open court.

The cases of the 39 arrestees were then heard and determined as follows: 15 Detroit residents were released on \$100 personal bond.

1 man (the church janitor) was discharged with consent of the Prosecutor.

1 man from Ohio was released on \$100 personal bond and ordered to reappear at noon.

22 persons from out-of-town were remanded to custody until noon.

All persons released on personal bonds appeared at noon as directed.

Further hearings were terminated by the entrance of the Wayne County Prosecutor who, in the presence of the Court, issued verbal orders to the police countermanding a court order. The Prosecutor, in the presence of the Court, prevented the police from producing any further arrestees for the hearing.

I have condemned the Prosecutor's action as not only contemptuous, but also as having racial overtones.

Subsequently, in a letter to presiding Judge Robert E. DeMascio dated April 1, I declined to press the formal contempt charge. To pursue the contempt proceeding, I felt, would aggravate the already tense community confrontation.

Moreover, the Prosecutor himself, after the contempt incident, and when the Court reconvened at noon, released or requested the release of some 130 arrestees.

It is essential to emphasize that the vast majority of those released, approximately 130 persons, were released with the Prosecutor's concurrence. Despite this fact, the press has several times referred to my actions in terms of "unwarranted leniency." There was no unwarranted leniency.

By noon, the number of prisoners whose disposition was under question had been reduced sharply. Out of approximately 142 persons arrested, only 12 remained to be processed. Two of these prisoners I ordered held without bond because there was evidence to do so. Another I released on \$1,000 bond after his attorney said he would vouch for him.

The other nine prisoners were those who, police said, had positive nitrate tests.

On this question, I hold that such tests are unconstitutional when taken without the presence of counsel or at least upon advice to the prisoner that he is entitled to counsel at this critical step in his interrogation.

For me to have held those nine men, without objective evidence and under those circumstances, would have been improper.

The police had many hours to identify those nine men. They should know who they are and present sound legal grounds for their arrest and detention. They still can do so if their investigation warrants it.

I am most anxious that criminals be apprehended, tried and brought to justice. But I will not lend my office to practices which subvert legal processes and deny justice to some because they are poor or black.

I understand, of course, why the hue and cry arose. An angry Prosecutor, lacking police evidence or testimony which might produce a probable suspect, and resentful that ordinary and undemocratic police practices were challenged, chose to divert public attention to Judge Crockett, and some of the media, particularly the *Detroit News*, picked up that lead and began their campaign to help police and the Prosecutor's office continue their efforts to dominate and control the courts and legal processes. The judiciary cannot allow its independence to be threatened in this fashion.

Finally, and regretfully, let me repeat that this whole case does have racial overtones.

Can any of you imagine the Detroit Police invading an all-white church and rounding up everyone in sight to be bussed to a wholesale lockup in a police garage? Can any of you imagine a church group from, let us say, Rosedale Park, being held incommunicado for seven hours, without being allowed to telephone relatives and without their constitutional rights to counsel? Can any of you justify the jailing of 32 women all night long when there was admittedly not the slightest evidence of their involvement in any crime? Can anyone explain in other than racist terms the shooting by police into a closed and surrounded church?

If the killing had occurred in a white neighborhood I believe the sequence of events would have been far different. Because a terrible crime was committed, it does not follow that other wrongs be permitted or condoned. Indeed, constitutional safeguards are needed even more urgently in times of tension than in ordinary times.

The best guarantee to avert the kind of social disaster that occurred in Detroit in 1967 is prompt judicial action with strict observance of constitutional rights.

I intend to continue to maintain law and order in my court by dispensing justice equally and fairly, by protecting each individual's rights, and most importantly, by upholding the independence of the judiciary and the dignity of this court.

If the real dangers to our community are to be uprooted, let the news media and all other forces of truth and justice concentrate on the underlying causes of crime and social disorder as described by the Kerner Commission and as identified by virtually every responsible commentator in America. The causes are steeped in racism...racism in our courts, in our jails, in our streets and in our hearts.

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