

# The New Bethel Incident

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Members of the Black United Front mass on the steps of the Old County Building on April 3 in one of the many demonstrations of support for Judge George W. Crockett. During the day over 3,000 persons took part in pro-Crockett picket lines at Recorder's Court, Police Headquarters, and the City-County Building. White organizations such as the Ad Hoc Group and People Against Racism gave inter-racial support to the embattled judge. Photo by Gerald Simmons.

The New Bethel Incident is now well known to all.

In the late evening hours of March 29, two Detroit Police officers were shot on Linwood Ave., near the New Bethel Baptist Church. One officer died.

In the early morning hours of March 30, Recorder's Court Judge George W. Crockett, Jr. took legal actions that have since placed him at the center of controversy.

The shooting, and its aftermath, have served to refocus attention on the wide gulf that exists between Detroit's black community and some segments of the white community. It has raised anew the same old questions about the nature of law enforcement in Detroit, and the existence of two systems of justice; one for the non-white and poor, a second for the white and affluent.

The incident has also brought the role of the news media into focus, and restated, by example, the conclusions of the Kerner Commission on the deficiencies of the press.

The Fifth Estate assumes our readers are versed in the "facts," if any facts exist in this matter, having been saturated with the "story" by the fourth estate. This analysis is an attempt to assemble those "facts" and draw some conclusions from them.

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At 11:42 p.m., on Saturday night, March 29, a 10<sup>th</sup> (Livernois) precinct patrol car was driving north on Linwood Ave. crossing Euclid, the two officers inside spotted what they said were 10 to 12 Negro males with guns. They stopped the car to investigate.

What happened after that, or rather what you choose to believe happened, probably depends on your politics and your view of the Detroit Police Department.

It is known, however, that Patrolman Michael J. Czapski, was shot to death. Seven bullets struck his body. He was pronounced dead on arrival at Ford Hospital.

His partner, Richard E. Worobec, was wounded. Three bullets struck him.

According to police Czapski died with his gun still strapped in his holster. His partner got back in the car, laid on the floor, and jammed his hand down on to the accelerator. The car screeched down Linwood. across Philadelphia, and rammed into a street sign, a mailbox, and an apartment building.

Bullets riddled the rear portion of the marked Plymouth sedan. The rear window was blown out, bullet holes pocked the roof section, one hole centered in the rear section of the top of the roof.

Worobec had frantically screamed over the police radio: "Help, help; they're shooting at us." Reinforcements converged on the scene.

Again, what happened after that depends on who you choose to believe.

The first anniversary meeting of the Republic of New Africa (RNA) was being held that night in the New Bethel Baptist church, at 8450 Linwood.

The RNA is a black organization seeking to obtain five Southern states for the creation of an all-black nation. Their functional head is Pontiac attorney Milton Henry.

Since the assassination of his friend Malcolm X, Henry has claimed to be in fear for his life. He makes it a practice to leave meetings early. On this night he left early, and was being escorted to his white Cadillac convertible by members of the Black Legion, a paramilitary group that is designed to be the "army" of the RNA.

Police now claim these were the men the officers stopped to investigate.

When police reinforcements arrived at the scene, according to Police Commissioner Johannes F. Spreen, the ranking inspector at the scene knocked on the door of the church and demanded entry in the name of the law. He was, police say, answered by "a hail of gunfire." The church was surrounded and for some time police poured shots into the church and finally forced their way in, arresting everyone inside.

Police were operating, they claim, under the assumption that the assailants "returned" to the church.

Of the many versions of the shooting that differ with the police version, the most consistent story is that the RNA knew nothing about the shooting of the officers. They claim their men did not assault the patrolmen, and that no one sought refuge in the church after the shooting.

There are some unanswered questions in the police story. Officials maintain, for instance, that the RNA meeting was not under surveillance.

Yet, Patrolman Czapski was listed as dead on arrival at Ford Hospital some distance from the shooting scene at 11:50 p.m. The shootings occurred, police say, at 11:42 p.m. This allows only eight minutes for reinforcements to arrive, assist the mortally wounded officer, and convey him to the hospital.

RNA witnesses have said that more than one police car was originally involved, and that police fired first.

The RNA steadfastly maintains that at no time were shots fired from inside the church.

According to Rev. Cecil L. Franklin, pastor of the church, the physical evidence at the scene indicated no gunfire came from the church. All the fire was directed into the church, he says.

The church was torn to shreds. Franklin's office was broken into, his files rifled, church records seized. Mayor Jerome P. Cavanagh acknowledged as much, and the church property has since been returned to Franklin.

The estimated 142 persons arrested were loaded on buses and shipped downtown to Police Headquarters, at 1300 Beaubien, except four wounded persons who were taken to Detroit General Hospital.

The persons arrested, men, women and children were herded into the police garage. Some of the women were pregnant, some of the children under five years of age.

At about 12:40 a.m., Sunday morning, State Representative James Del Rio arrived at police headquarters. He had been called by Rev. Franklin. He discovered that the prisoners were being held incommunicado.

At about 5:00 a.m. Del Rio and Rev. Franklin went to the Lafayette Towers home of Recorder's Court Judge George W. Crockett Jr. His home is a short drive from police headquarters. They awoke Crockett, apprised him of the situation, and he agreed to come down to the station.

Crockett was the presiding judge of the Recorder's Court on that day. The rules of the court permit a judge to convene proceedings at any place that is at his convenience.

This he did. Crockett, with the agreement of police and Assistant Wayne County Prosecutor Jay Cahalan who usurped the agreement given by his assistant, and countermanded an order of the court by attempting to retain custody of one of the persons Crockett had just released on bond.

Crockett ordered Cahalan to appear with the others at the noon hearing to show cause why he should not be held in contempt of court. He never showed up at that hearing.

Later, in a letter to Judge Robert E. DeMascio, Crockett dropped the contempt case, saying it would only add to the bitterness raging through the city.

At the noon hearing, held in the courtroom of Judge Thomas Poindexter, only 12 persons were left to be processed. The police had released all the others. Two prisoners were ordered held, one for assault, the other for possession of a can of Mace. One, Alfred Hibbitt of Detroit, was released on \$1000 bond with orders to make himself available to police if they should want him.

Hibbitt was released because his attorney, Kenneth Cockrel, said he could vouch for him, Hibbitt has since been named in a warrant charging him with assault with intent to kill. He surrendered to police six hours after the warrant was announced. He is accused of shooting Worobec.

Hibbitt was arrested in the church. This ties in with the police claim that the assailants fled into the church.

Hibbitt tells a story that dovetails with the RNA claims that no shots were fired from the church.

He denies having assaulted anyone, and has said that the RNA would not have engaged police in a gun battle because of the presence of so many women and children inside the church.

At the same time the warrant against Hibbitt was announced, officials revealed that another warrant had been issued charging a New York man, Rafael Viera, with the murder of Czapski. Viera was among those released by police, not Crockett.

Two additional “John Doe” warrants were also announced. These charge two unidentified men with assault in the wounding of Worobec.

Crockett released another nine men, who police said, had shown up positive in nitrate tests.

Crockett held that the administration of the test for the presence of potassium nitrate (indicating, supposedly, whether the persons tested had recently fired a gun) was unconstitutional without the presence or agreement of counsel. He maintained the test was a gathering of evidence that could be used to convict the accused.

Police maintain the test is a routine procedure, not meant to be covered by the constitutional safeguards against self-incrimination. The tests were given, police say, in an attempt to sort out who among the persons in custody had fired a gun.

The question of nitrate tests first received wide attention when Lee Harvey Oswald was tested, with positive results, by Dallas police shortly after his arrest for the assassination of President John F. Kennedy. Oswald had not been provided with defense counsel. He had not agreed to the test. Many lawyers argued at the time that the evidence would be inadmissible as a result.

There is even an argument that the tests are scientifically inconclusive; that the presence of nitrate deposits doesn't necessarily indicate the recent use of a firearm.

The point is that Crockett had to, in his capacity as a judge, make a ruling then. He released the men.

It has clearly been the intent of the U.S. Supreme Court, in decisions like *Miranda*, to see to it that even the poorest American will have his rights under the law secured.

The Supreme Court has held that persons arrested must be advised of their rights at the time of their arrest, must have legal counsel before evidence is gathered, and must be brought before a magistrate within a reasonable length of time to be formally charged.

Crockett was the judge holding jurisdiction in this case. He held that rights had been violated and the prisoners had been in custody for an unreasonable period.

The entire episode points to a glaring lack of any functional process for handling mass arrests on the part of police and the prosecutor. As an officer of the court, the prosecutor is supposed to help the judge in making decisions. Cahalan didn't and didn't intend to.

Crockett was left then with the job of interpreting the Constitution, and doing it on the spot—with few meaningful guidelines, as, for instance, on the issue of nitrate tests—making decisions within his legal discretion.

He had the legal power to decide these matters of law, in fact the duty. There is no question about that. The only question is whether he decided wisely.

Much of the controversy surrounding Crockett's conduct has centered on his issuance of writs of habeas corpus. The *Detroit Free Press* editorialized that issuing the writs was wrongful on Crockett's part because he interfered with the operations of police.

This, of course, is exactly what the writ is supposed to do—interfere with authorities by obtaining the release of prisoners.

Crockett opponents have said he had no authority to issue the writs. He claims he did by virtue of the fact that the Wayne County Circuit Court is authorized to issue writs of habeas corpus. Crockett claims the Recorder's Court is part of the Circuit Court.

His opponents claim Crockett took it upon himself to initiate the writ proceedings. He claims Del Rio sought the writs and he was duty-bound to hear Del Rio's plea.

A group of state legislators have asked that the new Judicial Tenure Commission investigate Crockett's conduct. Crockett has gained support from various lawyers groups, and, although he didn't mention Crockett by name, Michigan Supreme Court Chief Justice Thomas Brennan, did say it wasn't wrongful for a Recorder's Court judge to do what he did. He did not, Brennan said, exceed his authority.

From the very beginning Crockett has found himself the center of controversy, and cast into the role of the black advocate on the Recorder's Court.

The media has been primarily responsible for this. Whether caused by error, or by sheer malice, the media hasn't made all of the facts to Crockett's conduct clear. They appear to have engaged in what the Kerner Commission characterized as "police-beat reporting" the reporting of official police versions as fact.

The mass media has been especially concerned with appearing righteously indignant over the shooting of policemen. Hence, they have used words like "ambush" to describe the actual shooting. A Detroit News headline characterized the dead officer as a "police hero."

Yet, most of the media has had to reassess their coverage, as more facts became known. The attitude of the white power structure, given the notion there is such a thing (and the media part of it), is best exemplified by the pitiful display of teeter-tottering put on by the New Detroit Inc.

New Detroit, a collection of civic leaders formed during the week of the July 1967 rebellion, admitted in its first, and only, public report that it hadn't really been a roaring success at "raising a new Detroit up from the ashes."

Now headed by Nixon fund-raiser Max Fisher, the group on the one hand stood four-square for lawncorder and the police by offering a reward for the conviction of the persons responsible for Czapski's death. On the other hand, they conceded that something may be wrong with law enforcement by paying for the damage done to New Bethel Baptist.

The press has been caught in the same bind. They feel they must look like they support their local police, but have had to come around when the fruits of their reporting became obvious.

Fired by reports that gave the impression that Crockett stormed into the police station and released out of hand most of the prisoners, the community became uptight. As late as a week after the shooting, some radio stations were continuing to report Crockett had released "more than 100" prisoners.

The shooting came right at the beginning of a week that would see the first anniversary of the assassination of Rev. Dr. Martin Luther King Jr., and a strike by high school students protesting the war in Vietnam. With the week starting in what amounted to black-white controversy, and ending in protest, the tragically predictable result of rumors, suspicions, and false reports, was almost inevitable.

Most of the press was able to recognize that mistakes in judgment may have been made in initial reporting on the shooting and court proceedings. By the middle of the week, they began to appear to change their attitude. Crockett's press conference, and the support he was beginning to receive, got adequate coverage by most of the media.

One newspaper, the News, however, dug in and put its editorial and reportorial heads down. They seemed to be saying: "We aren't wrong, everyone else is, Crockett must go."

In a long story on Crockett run the week after the shooting, for instance, the News expressedly stated that Crockett looks with special favor on black defendants. They quoted an unidentified Recorder's Court judge as saying "Crockett has given a carte blanche" to criminals.

They raised the long-buried "issue" of Crockett's help in defending a group of persons convicted of violation of the Smith Act, an anti-communist Federal law passed at the start of the Cold War. Parts of the Act have since been held unconstitutional.

Nevertheless, the News trooped out the affair, dwelled on it, and broadly hinted that Crockett is, and has been for at least a score of years, a communist. The News even "reported" that the FBI was distributing Crockett's "record" in Washington.

Crockett himself was doing some barricade building of his own, however. Helped by an assistant to Mayor Cavanagh, Crockett drafted an eight page statement to the press in which he seemed to take on the role the media cast him in.

He castigated Cahalan anew, repeating his charge that Catalan's Sunday actions were racist in intent. He raised the issues of what he called, a dual system of justice, and a Recorder's Court system "controlled by the police and the prosecutor's office."

Meanwhile lines were forming right and left.

In a heretofore unseen show of unity, the black community formed ranks behind Crockett. Led by younger blacks, demonstrations and rallies were held in support of Crockett.

Most important of all, blacks quickly moved to form a militant-oriented Black United Front, an umbrella group of Detroit blacks, involving nearly every conceivable segment and spectrum of the black community.

At the same time, the Guardians, an organization of Negro policemen, began to assert itself. In an incredible public statement, the Guardians said they no longer held loyalty to the mayor, police commissioner, or biased fellow officers. They expressed solidarity with, and loyalty to, the black community.

White police weren't idle either. They picketed both the Recorder's Court and the 10<sup>th</sup> Precinct, demanding Crockett's ouster. A group of officers' wives demanded federal intervention in the case. Another group, most of them police or their wives, presented Governor Milliken with petitions demanding that he remove Crockett.

The Linwood Incident, then, became a point around which the community began to polarize.

There are few "facts" in this entire affair. Because of what would seem to have been bungling by the mass media in its initial reports, the incident is shrouded in misinformation, speculation, and conjecture.

City officials, mindful of the polarization occurring under their noses, have clammed up, fearful of worsening the crisis.

This much can be called fact:

- A police officer was shot to death on a Detroit street, his partner was badly wounded. Who did it, how and why, are not known and up to the courts;
- Judge George W. Crockett Jr. has been cast by the mass media into the role of the black advocate on the Recorder's Court. He has in turn, demonstrated little desire to get out of that characterization, a rather dangerous course for a jurist to take;
- The news media, by design or simple bungling, has made itself look willful and ignorant, and not really concerned with the law and order it constantly calls for;
- The Detroit Police Department and the Wayne County Prosecutor's Office have devised no means of expediting mass arrests, they are thrown into a tizzy when such arrests are necessary;
- Detroit's black community is united behind a common cause, with a common focus and identification, as never before;
- Their trodding on Constitutionally guaranteed rights and hysterical response, has made the Detroit Police look more like a self-interested club than ever before; more interested in revenge than law enforcement.

Lastly, it can be fairly said that Detroit hasn't come very far since July 23, 1967. This is still a divided city; perhaps more so than ever.

## Related

- "Case Study of a Racist Institution" in this issue.
- "Controversy Continues in New Bethel," FE #78, May 1-14, 1969
- See other FE articles on the New Bethel Incident

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