

Controversy Continues in New Bethel

Chris Singer

1969

The central argument in the New Bethel Incident is over the administration of law in Detroit's Recorder's Court. [See The New Bethel Incident, FE #77, April 17-30, 1969.]

This was underscored by what transpired during the pre-trial examinations of two suspects in the shooting of Patrolman Richard E. Worobec outside the New Bethel Baptist Church on March 29.

Alfred Hibbitt, a 38-year old Detroit man, and a member of the Republic of New Africa (RNA), was bound over for trial on the charge of assault with intent to commit murder in a stormy, two-day session before Recorder's Court Judge Joseph Maher.

The RNA was holding its first anniversary meeting at New Bethel on the night of the shooting. Patrolman Michael J. Czapski was shot to death and Worobec wounded when, police say, they stopped to investigate "10 or 12" armed men on Linwood Ave. outside the church.

Hibbitt is a member of the Black Legion, the "army" of the RNA, a black group seeking to establish an independent, all-black nation carved out of five Southern states.

Maher abruptly terminated the examination before defense attorneys, Milton Henry, Justin Ravitz and Kenneth Cockrel, had the chance to finish presenting their case.

Ravitz had begun defense argument by calling to the witness stand Detective Sgt. Herman Wagner of the Detroit Police Department Homicide Bureau. Wagner is one of the detectives investigating the case.

A three-hour legal battle ensued, during which Assistant Wayne County Prosecutor Mike Connor argued with Ravitz over whether Wagner should testify. Connor told Maher that he had advised Wagner not to honor a defense subpoena, and that the subpoena was purely for "discovery purposes."

Connor took the position that defense counsel was trying to find out the weight of prosecution evidence, and that a pretrial examination was no place to do it. Ravitz countered that the purpose of the examination is to find out whether there is enough evidence to bind the accused over for trial.

Maher ruled in favor of the prosecution.

Then Ravitz attempted to show that Hibbitt was illegally arrested and that evidence obtained in that arrest was inadmissible. Hibbitt was one of 142 persons arrested inside New Bethel after police shot their way into the church, wounding four persons. The day before, a surprise prosecution witness had testified that he saw Hibbitt fire a rifle at Worobec. David Brown Jr., a young Compton, Cal. man, said that he identified Hibbitt as the man he saw from a Polaroid snapshot taken of Hibbitt after his arrest.

Brown is a RNA member charged with assault with intent to commit murder. He allegedly fired a pistol at police when they stormed into the church.

Ravitz said the picture was illegal because the arrest was illegal—therefore the evidence was inadmissible.

The legal point is whether police had "probable cause" to suspect all 142 persons arrested with having participated in a crime.

Maher retired to his chambers to read several examples of legal precedent Ravitz was able to cite.

He emerged from chambers, bound Hibbitt over for trial, and doubled his bond to \$50,000; all in one statement.

Ravitz jumped to his feet and said: "I'm not done with this witness. The defense has not finished its presentation."

Maher would only say: "Well, I'm done." Maher ambled out of the court.

Defense attorneys were enraged. Henry, first vice president of the RNA, said: "We aren't permitted due process of law. We've got our evidence. They're hiding everything. We can show Brown is lying."

Ravitz called Maher's conduct "the stupidest thing" any judge ever did. He said: "I'm not worried about crime in the streets, I'm worried about crime in the courts."

Cockrel was the most outspoken of the three. He told newsmen outside the court room that Maher was "a criminal judge violating the law," and called him "a criminal racist pirate."

Cockrel read from a law book that, "the witnesses for the prisoner, if he has any, shall be sworn, examined, and cross-examined" at the pretrial examination. "We (black people) didn't write the law," Cockrel said.

"We've got a judge who doesn't know anything about the law, and I'll state that categorically," he said. "That was confiscatory bail they put on him (Hibbitt) the first time, and then this honky dog who calls himself a judge gets up from the bench after illegally terminating a hearing and then mutters beneath his breath, 'and we're going to double his bail to \$50,000.'"

He labeled Maher's conduct: "A clear cut example of the fact that the law is nothing but a white man's device, a second-level weapon to be used to destroy any persons who are concerned with decency, humanity and the realization of any human potential in this world."

Defense attorneys decided not to take a second chance on Recorder's Court Justice.

They filed a petition with Federal District Judge Thaddeus M. Machrowicz asking that the trial of Clarence J. Fuller, another RNA member from Detroit accused of assault in the wounding of Worobec, be removed from Recorder's Court and held in federal court.

Henry based the petition on the 1866 Civil Rights Law, and said the law had been often used to ensure the civil-rights of non-whites in the South. The Wayne County Prosecutor's office said they would contest the request.

The petition is being considered.

"No white citizen in any case in Detroit Recorder's Court has in modern times been subjected to the wholesale violations of civil-rights as was Alfred Hibbitt," defense attorneys said.

One of the questions about the New Bethel shootings concerns the number of police undercover agents in and around the church on that Saturday night. According to a front page story in the Michigan Chronicle of April 19 there were a heavy number of agents present from the Detroit Police, the FBI, and the CIA.

Could it be that they were the ones shooting at the incoming police in order to give the police their provocation for shooting up the church and arresting all of those in attendance? Doesn't it seem strange that one of the men accused of shooting at the police from inside the building, David Brown, is now a prosecution witness against Alfred Hibbitt? If the police were there in any numbers why didn't they attempt to protect Czapski and Worobec?

Any doubts that police do regular surveillance on meetings should be dispelled by the above document. This is a report on a meeting of the West Central Organization, a liberal community organizing group. If the cops bothered to attend that gathering, it stands to reason they were present at a meeting that included armed black revolutionaries.

Cockrel Held in Contempt

Recorder's Court has begun contempt proceedings against Attorney Kenneth V. Cockrel for his statements made concerning the judicial actions of Judge Joseph E. Maher reported on this page.

Cockrel was ordered by Presiding Judge Robert E. DeMascio, another racist pirate, to appear before the court on May 12 and show cause why he should not be held in contempt of court.

Recorder's Court ordered WKNR to produce a tape of Cockrel's remarks which in part quoted him as saying, "It's thievery, they're bandits and pirates, that's what they are. They're not judges, they're not prosecutors, they're not police.

They're racists, rogues, bandits, they're thieves and pirates."

Recorder's Court Executive Judge Donald S. Leonard, an ex-pig, said that Cockrel's remarks were "derogatory to the authority and dignity of the court."

Yeah, Don, they were, but they were true.

Related

See other FE articles on the New Bethel Incident

fifth Estate

Chris Singer
Controversy Continues in New Bethel
1969

<https://www.fifthestate.org/archive/78-may-1-14-1969/controversy-continues-in-new-bethel>
Fifth Estate #78, May 1-14, 1969

fifthestate.anarchistlibraries.net