

Cockrel Acquitted

Chris Singer

1969

A rose, is a rose, is a rose, is a rose.

And a racist judge is, in fact, a racist judge.

This is how attorneys for Kenneth Cockrel developed their case that the young black attorney should not be cited for contempt of Detroit Recorder's Court.

Cockrel was ordered to show cause why he should not be cited for contempt after he accused Recorder's Court Judge Joseph E. Maher of being "a criminal judge violating the law." The remarks came following the April 19 pre-trial examination for Alfred Hibbitt, accused of assault with intent to murder in the shooting of Patrolman Richard E. Worobec outside the New Bethel Baptist Church March 29.

Maher had refused to allow Hibbitt's attorneys, Milton Henry, Justin Ravitz and Cockrel to present witnesses on behalf of their client. He also doubled Hibbitt's bond to \$50,000 and bound him over for trial.

Cockrel told reporters, following the examination, that Maher was a judge "who doesn't know anything about the law." He called him a "criminal racist pirate."

Recorder's Court Judge Robert L Colombo ruled that none of the Recorder's Court judges could hear the contempt case. He said Cockrel had attacked the entire Recorder's bench.

The case was transferred to Wayne County Circuit Court, where Judge Joseph A. Sullivan heard it. A special prosecutor was imported to "represent" Maher, former State Supreme Court justice Michael D. O'Hara.

Sullivan ruled out a jury trial in the case and then ordered a large contingent of police to "guard" the courtroom after supporters of Cockrel crowded into the court on the first day of the hearing.

Fifty Wayne County Sheriff's deputies were stationed around the court during the remainder of the sessions.

Defense attorneys took the offensive, saying they would prove Cockrel was stating simple fact; that Recorder's Court was racist.

"The basic issue," said Harry Philo, one of Cockrel's lawyers and a partner in the firm of which Cockrel is a member, "is the white racism that is part of the law." He called Maher's actions "preposterous and ludicrous."

"Can a black militant lawyer explain injustice, incompetence and intolerance to his political constituency—black people, working people, students, oppressed minorities of all kinds—with the language of a Grosse Pointe ladies' tea," Philo asked.

He described Cockrel's remarks as, "colorful, descriptive language." Cockrel had, Philo said, used the expressions to "characterize outrageous action by a white judge against a black defendant" in language "familiar to such people (as Cockrel's constituency)."

Other defense attorneys cited U.S. Supreme Court rulings defending the right to criticize the conduct of the courts.

After a one-week recess in the case, O'Hara joined with defense attorneys in asking for a dismissal of the charges. Sullivan did dismiss the case.

In an agreement worked out with O'Hara, Maher also agreed to lower the bond set on Hibbitt to a more reasonable amount. Hibbitt's attorneys are seeking to have the bond set at no higher than \$10,000.

Cockrel read a statement in court that said, in part: "I do not retreat from the public statements I have made and which are the subject matter of the contempt charges brought against me...I have spoken, and I shall always speak in the language, colloquial or otherwise which I believe is understood by those persons to whom I address myself..."

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Fifth Estate #81, June 12-25, 1969

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