

Justice—The people must take it

Chris Singer

1969

“In areas where our people are the constant victims of brutality, and the government seems unable or unwilling to protect them, we should form rifle clubs that can be used to defend our lives and our property in times of emergency...When our people are bitten by dogs, they are within their rights to kill those dogs.”

—Malcolm X

Ronald J. August has been found not guilty of first-degree murder.

The 30-year-old ex-clarinet player in the Detroit Police Department band was found innocent by an all-white jury of 11 women and one man in rural Mason, Michigan.

At this point, it doesn't really matter that August was not judged by a jury of his peers for the shotgun-slaying of a 19-year old Aubrey Pollard in the Algiers Motel Manor House annex on July 26, 1967. The case was moved to Mason when August's counsel won a change of venue motion, charging that pre-trial publicity precluded his client from receiving a fair trial in Wayne County.

Mason, county seat of Ingham County, is virtually an all-white town. The air is clean, the streets uncongested, the housing uncrowded. The small police department there makes less than a dozen arrests a week, mostly for misdemeanors. No Mason resident has been tried for murder in this century.

Few places would be less like Detroit than Mason. No, Ronald August was not tried by a jury of his peers.

At this point, it doesn't really matter that the trial judge, Oakland County Circuit Judge William J. Beer, made decisions in the trial that were at least questionable, at most wrong. Beer entered the case as a visiting judge to Detroit's Recorder's Court.

Beer's legal decisions have been the most frequently reversed of any judge in the state. He permitted contradictory statements made by August to superior officers to be admitted into evidence. August had denied killing Pollard, then said he did, then said he did, but in self-defense. These statements could easily have been the basis for appeal if August had been convicted.

Beer then permitted the jury to view a doctored film, alleged to be a “documentary” of the Detroit rebellion. The film showed police battling “snipers” and blacks looting stores. Aubrey Pollard was black, August is white. The film was sold to the Detroit Police Officers Association (DPOA) by WXYZ-TV. In its original form, it was longer than what the jury saw.

Finally, Beer prevented the jury from considering any decision but guilty of first-degree murder or not guilty. Both August's DPOA-supplied attorney, Norman Lippitt, and Assistant Wayne County Prosecutor Avery Weiswasser had asked Beer to conform to usual practice in such cases and give the jury the options of second-degree murder or manslaughter. He over-ruled both, and the jury had to believe beyond a shadow of a doubt that August had premeditated the killing in order to find him guilty.

No, the trial judge did not administer the law during Ronald August's trial in an unquestionable manner.

At this point, it doesn't really matter that the DPOA has once again demonstrated clearly that they are a force to be dealt with in this city. They paid for August's bright, young attorney, his motel rooms, a group of private detectives to guard him and evidence for his defense. They have never wavered in their support of this white patrolman who admitted killing a black man with a blast from a shotgun.

At the same time, they have trooped the state gathering support for their campaign against Recorder's Court Judge George W. Crockett Jr. They disagree with some of his decisions on the bench. The DPOA has also entered the political arena, campaigning for a "lawnorder" candidate for mayor, and proposed a boycott of the Detroit Free Press to counter the community boycott of the Detroit News.

No, the DPOA is not just another union that stood by a brother in trouble.

But those things don't really matter. August was found not guilty. He cannot be tried again. He is free.

Of course he still faces federal charges in the case. He was indicted along with two other suspended patrolmen, Robert Paille and David Senak, and a private guard, Melvin Dismukes, for conspiring to violate the civil rights of the persons in the motel annex the night they were beaten, insulted, and three were killed. But the charge, under the 1866 Civil Rights Act, carries only a maximum sentence of 10 years; light in comparison to a murder charge.

August has also been named, along with four others, including the City of Detroit, as a co-defendant in a \$2 million law suit filed on behalf of Pollard's estate by Mrs. Rebecca Pollard, his mother. But, money won't restore him or Carl Cooper, 17, or Fred Temple, 18, the other two black men shot to death in the motel, to life.

August is free, however; and has been free since the slaying took place. He has never spent more than a few days in any jail. It has been asserted in this newspaper before, that the only reason August was ever tried is because he simply talks too much.

Whether stricken by conscience, or more simply just scared, August admitted the slaying. The other two officers with him that night, Paille and Senak, have never admitted anything except being in the motel.

And that is what may be important.

Those who argue for a "return to law and order" and those who argue in favor of working within the system for justice, must bear the burden of explaining the absence of justice in the Algiers Motel Massacre.

The system has operated, mostly in low-gear since officials were first alerted, to the three slayings when a black citizen called the Wayne County Morgue and asked them to pick up the bodies.

The system, as in the case of the murder of Daniel Thomas in Rouge Park one month before the Algiers slayings, has not been able to obtain justice.

Justice has gone begging in this system.

Huey P. Newton, jailed Minister of Defense of the Black Panther Party, himself a victim of the system, has wisely cautioned us to: "Exhaust all legal means." But what must be understood is that the-law is the privileged sanctum of those affluent enough to use it for their own ends.

To defend yourself in a murder case could cost you as much as \$50,000. An appeal carried all the way to the U.S. Supreme Court costs \$100,000. If you haven't got the money—too bad. The system makes no allowance for that.

The entire body of law itself is not aimed at safeguarding those "inalienable rights" we hear so much about, nor is it aimed at being the foundation of a creative human society. The bulk of our laws are aimed at the protection of property. Law students spend most of their time in law school studying property law.

Philosophy is not quite as important as economics.

And the orderly processes function only for those persons who already control them. For instance, most analysts agree that-President Nixon will obtain his Safeguard ABM system, no matter how many Americans oppose it, no matter how much scientific data is cited showing it can't work. Too many influential components of the power-structure, such as American Telephone and Telegraph and the Rand Corporation, are prime-contractors for the ABM. They won't be denied.

Law and order is worse than a trick. It is a shabby excuse for the maintenance of a system even the leaders of which have described as decadent. No less a prestigious and moderate group than the Kerner Commission has correctly analyzed this nation as racist, violent and getting increasingly violent as those who strive for justice crash head-on with those who seek to continue injustice.

Yet, we are continually advised to stay on board this admittedly listing ship of state. We are told to do so in the name of law and order. Only a fool isn't going to head for the lifeboats.

The larger meaning of the trial of Ronald August is that Ronald August doesn't really matter. August is as much a dehumanized tool as any policeman. The only time his manhood showed through was when he confessed to killing Pollard.

What is important is that the system has shown its traditional reluctance to obtain justice for the poor, or the nonwhite. And there can be no justice for any until there is justice for all.

We have again seen that existing law and the existing order cannot protect any of us. Our lives can be lost at any time; taken by any instrument of the power-structure, be it the policeman or the draft board.

White Panther Art Johnston has explained to this reporter that the struggle to free ourselves must be fought on two fronts. We must first create an alternative culture, an alternative society with a sound foundation of humane values and a respect for our own manhood and womanhood. Then, we must defend that society and ourselves.

We must create honest law and true order. We must obtain power for justice.

fifth Estate

Chris Singer
Justice—The people must take it
1969

<https://www.fifthestate.org/archive/82-june-26-july-9-1969/justice-the-people-must-take-it>
Fifth Estate #82, June 26-July 9, 1969

fifthestate.anarchistlibraries.net