

Salesmen fight back

Fifth Estate Collective

1969

Rolf Dietrich is fighting a one man war with the City of Plymouth—and winning.

Rolf is an old friend of the *Fifth Estate* and was trying to open up the town to the paper a few months ago. The one head shop he succeeded in placing it in was driven out of business by the local pigs.

Last February, Rolf was stopped on a phony traffic beef and taken to the station for investigation because he had a number of *Fifth Estates* in the back of the car. The Plymouth police sent the papers to the Wayne County prosecutor's office to see if they could get an obscenity warrant. Their request was denied, but the pigs refused to give Dietrich back his papers.

Rolf wrote a number of letters to the Plymouth police and the Plymouth City Commission, but of course you can't fight city hall, right? Wrong.

Rolf has instituted a \$3,000 damage suit against the mayor of Plymouth, James B. McKeon, the city manager, the chief of police, H. Straley, the two patrolmen who arrested him and six city commissioners.

Dietrich is asking \$3 damages for the papers confiscated from him and \$2,997 for civil damages.

"There is a clear principle behind this," Dietrich told the *Fifth Estate*, "The City of Plymouth cannot steal my newspapers and get away with it. If I win my case it will be the most expensive paper the defendants have ever read—\$200 a copy."

The *Fifth Estate* contacted the Plymouth mayor who said he didn't want to say anything about the case without talking to the city attorney. He did offer the opinion that Dietrich had not used all of the possible administrative remedies before filing the suit.

Dietrich is representing himself in court, but needs assistance. He asks that any law students or attorneys interested in helping him prepare his case contact him at 453-0784.

Things worked out well in Clawson for brothers Grant Dennison and Richard Dorris who were charged some weeks ago with selling the *Fifth Estate* without a permit. The Clawson city attorney recognized the unconstitutionality of the charge and dropped charges against the two on August 14.

Brother Randy Baker of Marion, Ohio is facing a felony charge of distributing obscene literature for selling the *Fifth Estate* in that town famous only for giving us Warren G. Harding. He is being defended by a court-appointed attorney who is also a co-operating lawyer with the American Civil Liberties Union.

Persons should be aware of the law regarding sales of newspapers in public areas. The U.S. Constitution provides that "Congress shall make no law abridging freedom of the press." That means no city or state can require permits to sell a paper. The use of loitering ordinances or other methods of harassments are similarly prohibited although used frequently by local pigs and prosecutors.

The use of obscenity statutes against sellers or the newspaper itself is a favorite tactic for the police, but it is the feeling of all constitutional lawyers that the inclusion of a "fuck" here and there doesn't allow for the prosecution of a publication.

This is all to say that no one is going to fuck with our salesmen or any of our papers. We will strike back by all means necessary. We begin by exhausting all legal means and then go on from there—if necessary.

Power to the newspaper salesmen!



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Fifth Estate #86, August 21-September 3, 1969

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