

Plymouth Legal Battle Rages

Victor Mansfield

1969

PLYMOUTH—With the deft hand of a club wielding savage, Garden City District Judge Richard Hammer, sat in Plymouth District Court Sept. 9, and summarily dismissed a suit against the city without allowing the complainant a chance to present his case.

The city's full-time judge, Dunbar Davis, had previously disqualified himself and had called upon Hammer's help, in the suit of Rolf Dietrich.

Brother Dietrich, referred to by the local pigs as a known revolutionary and dangerous to the welfare of the community, had 15 copies of the *Fifth Estate* confiscated during a conspiratorial bust last February.

When his personal property was returned the pigs failed to include the newspaper copies and told him "You ain't gonna get them back until hell freezes over." He replied, "I can't wait that long!"

Blacks have long been protesting the fact that America's courts act incompetently and contrary to the common good and there are two interesting aspects to Brother Dietrich's case which act as examples to this claim.

One is the fact that "judge" Hammer had no judicial authority to hear the case because he was not appointed by the state court administrator to sit in Plymouth, but was asked by "judge" Davis to help him out.

Why Davis asked Hammer is not known. Hammer did substitute for Davis while he was on vacation and in that short two week period managed to reverse much of the good will established by Davis in Plymouth.

Hammer also revealed his penchant to be heavy handed when dealing with our people when two local teenagers were busted for drug violations and were each given \$10,000 cash bonds.

It was shades of John Sinclair because each kid was charged with possession of one joint of mary jane.

The other fact is that the hearing on Dietrich's suit was scheduled for 2 p.m. and everyone, including Hammer, had been notified to be there then.

At the appointed hour, Hammer had not shown up and when the afternoon drifted into early evening Dietrich said he had to go to work and left at 4 p.m.

A half hour later, Hammer arrived, dawned his robe of legal justice and quickly entertained Plymouth city attorney Charles Lowe's motion to dismiss.

In firm, well-rounded tones Hammer granted the motion declaring, "Motion to strike is granted because plaintiff failed to appear."

It was conveniently overlooked that the judge had been more than two and a half hours late.

After this shrewd bit of chicanery, Dietrich declared the "battle has now only begun in earnest."

He has countered with a motion for a new hearing. Among the grounds for the new trial is the fact that Hammer had no authority to preside in the Plymouth court when he threw out the suit.

If this is proven to be true then how valid will Hammer's action be when he sat in Plymouth earlier in the summer?

How the suit will now be handled by the authorities is unknown, because Davis has disqualified himself and Hammer's authority in Plymouth is questionable.

Still named in the suit are three of Plymouth's finest pigs and seven of the towns so called "elected" city officials none of which have demonstrated competence to deal with city problems, in the past.

fifth Estate

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