

# Dietrich Wins in Plymouth

Victor Mansfield

1969

Plymouth pigs went down in defeat in a frontal legal attack by Rolf Dietrich on December 18<sup>th</sup>.

As reported earlier on these pages, the pigs of suburban Plymouth have hassled Dietrich from the beginning of the year when they first arrested him on a phony traffic charge and confiscated 15 copies of the Fifth Estate which he had on the back seat of his car. [See articles in FE Archive.]

When it came time to put up or shut up the pig's attorney pleaded no contest when the suit finally came to trial. Dietrich successfully skirted numerous attempts to dismiss the suit by the City Attorney of the city of Plymouth and Judge Richard Hammer of Garden City who had been called in by the Plymouth Court to do the job on Dietrich.

After Dietrich filed the suit against the Plymouth officials, originally for \$3000, Judge Hammer, playing into the hands of the City Attorney, dismissed the suit supposedly because Dietrich failed to appear when a city motion to dismiss was first called for hearing. However, Dietrich successfully argued in a subsequent motion before the resident judge of the 35<sup>th</sup> District Court, Dunbar Davis, that the dismissal was illegal because Hammer had not been appointed by the Michigan Supreme Court.

Based on a District Court rule stipulating that judges serving outside their districts can do so only on the appointment of the Supreme Court, Davis set the dismissal aside and reinstated the suit because he himself had appointed Hammer. Davis then requested the Supreme Court to appoint a judge and they obliged in a typical demonstration of judicial discretion by officially appointing Hammer to hear the case.

The legal ping pong game continued when the City Attorney again filed a motion to dismiss last month. During arguments of this motion Hammer again demonstrated that he could be counted on to beat down our culture.

He ruled that Dietrich could not claim damages in excess of the face value of the 15 copies of the Fifth Estate because in his words "the police can not be held responsible for more than that (\$3.00) because they could not have known to what extent Plaintiff (Dietrich) would incur expenses in gaining recovery of his confiscated property." Thus Hammer ruled that \$3.00 would be the limit of the damages Dietrich could claim.

This reporter frankly wonders how Dietrich survived these insults to an intelligent mind without belly pains when every day people claim millions on the basis of "mental anguish." Does anyone remember how much mental anguish Mrs. Rockefeller or Ford collected?

Having now whittled the suit down from \$3,000.00 to \$3.00 Hammer told Dietrich and the City Attorney to leave the courtroom and see "if you can't settle this thing in my chambers." Dietrich refused to be intimidated and the two returned to the courtroom to announce a deadlock. Faced with Dietrich's insistence that the court rule on his suit Hammer had no choice but to set a trial date.

None of the Defendants showed up for the trial so their attorney, City Attorney Lowe, entered a plea of no contest and Judge Hammer entered a default judgment against Plymouth's finest.

He directed that they pay the \$3.00 and all court costs and judgment fee. The total bill came to \$26.00 for the pigs.

Dietrich said that he figured that it came to about \$1.75 per copy and that he would gladly allow the pigs a 25 cent discount if they would like to "buy" some more copies in the future.

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