

SPECIAL BULLETIN

Committee to Defend the Detroit 15

JUNE, 1971

P.O. BOX No. 7728

DETROIT, MICHIGAN 48207

Prosecutor Cahalan:

If you seek justice, end this conspiracy trial now!

Judged strictly by the evidence, it is now clear that the conspiracy trial of the Detroit 15 is not a trial at all . . . it is persecution. The Defendants have been treated as guilty from the start. The Prosecutor has gone to extraordinary lengths to manufacture a case of conspiracy. And the youngsters whose lives are being torn asunder and abused in the smell and filth of the county jail are helpless victims of an unequal criminal system.

THE CONSPIRACY CHARGE

The prosecution charged the Detroit 15 with murder. Because evidence was obviously lacking to pinpoint the guilt, all 15 youths were indicted also with the vague all-embracing the punitive charge of "conspiracy to commit murder."

The conspiracy charge needs no specific, tangible proof of an overt act — it requires only the most general and not necessarily substantiated testimony that two or more persons planned or conversed or somehow "conspired" to kill.

Here is how columnist Clayton Fritchey describes it:

"Conspiracy is often the last refuge of prosecutors. When it is difficult to prove that suspects actually committed a criminal offense, the temptation is to charge them with thinking about, talking about and planning or plotting some joint act."

"For several years, American juries have been trying to get a message across to American prosecutors at all levels of government. In one famous case after another, the message has been the same: Stop straining and, in some instances, even perverting the criminal conspiracy laws in the prosecution of politically oriented cases."

(Detroit Free Press, May 25, 1971)

Mr. Prosecutor:

- If there is evidence to support the charge of murder against any person, bring him to trial and disclose the evidence.
- If such evidence is not in existence, dismiss the case.
- In either event, do not cloud the issues, do not prolong the punishment of those who may be innocent, do not resort, for punitive purposes, to the weakest charge traditionally employed by prosecutors who otherwise have no case — the charge of conspiracy.

THE EVIDENCE THAT THERE IS NO EVIDENCE

The Prosecutor, according to State Senator Coleman A. Young, is trying in this case to pervert due process. "What they've done here is to take a case of dubious merit to the grand jury to get a rubber stamp. The prosecutor obviously couldn't get them bound over for trial in open court. I don't think he had sufficient evidence."

This case raises several serious questions about the intentions of the prosecution. Some of these questions are:

1. Why was the public pre-trial examination scheduled for Recorder's Court cancelled? Why was it then transferred to the secrecy of a Grand Jury session?
2. Why were defense attorneys not notified of, and then denied opportunity to be present at, the secret Grand Jury hearings?
3. Why were the accused or their counsel refused access, even to this day, to the testimony taken at the secret Grand Jury proceedings?
4. Why has the prosecution consistently rejected all defense efforts to obtain pre-trial discovery — a normal trial procedure which advises each side of the issues in the case.
5. Why did the prosecutor — with the full cooperation of a judge and the police — entice, coerce and persuade one of the defendants, a 17-year-old who has a speech impediment and is hardly able to read or write and who is awaiting sentence for starting a fire in the jail, to separate his case from that of the others and turn state's witness?
6. Why did the same judge who issued a Protective Order of the Court — a ruling to shield a defendant from direct questioning without his attorney — deliberately violate his own Order when he interviewed personally one of the defendants in his Judicial Chambers without presence of counsel and without even notifying the defense attorney either before or after the interview?
7. Why have the defendants been kept in the filthy, corrosive and degrading cesspool of the Wayne County jail since October 1970 under bail requirements impossible for persons of ordinary means?

These tactics, Mr. Prosecutor, undermine the defendants' rights, they erode due process and they smack of "trial by the whip and the rack." They are not the methods of a conscientious law officer in the diligent pursuit of justice.

MUST A DEFENDANT BE RICH TO BE FREE?

This trial raises anew basic contradictions in the laws and the courts of our land. It poses sharply the problem of poor people who cannot afford to sustain the heavy financial burden of a trial, particularly a protracted, complex trial requiring disproof of the vaguest of all criminal charges — conspiracy. Does our system of justice in this case have a price tag?

To defend so many individuals from a charge of conspiracy requires a battery of capable defense attorneys who command massive resources in the form of scientific research, expert witnesses, investigatory teams, stenographic and other office personnel, laboratory tests and many other costly trial necessities.

The defendants are all young (17 to 22 years of age), poor and black. They have few, if any, financial resources.

The volunteer services of some of Detroit's most capable attorneys have kept their hopes alive. Their services — if they were to accept full payment — plus the other trial costs would total up to \$100,000.

At the same time, this case, will cost the taxpayers of Detroit and Wayne County another estimated \$100,000.

Local government, apparently, feels it can afford this trial. The defendants, obviously, cannot.

The charge of conspiracy and the extreme secretive lengths to which the prosecution has gone to try to build a case for conspiracy leads to one conclusion: This is in truth a trial to test the strength of those concerned with a fair trial. Without the development of a proper legal defense, it is obvious that the prosecution would easily win a one-sided trial.

A FAIR TRIAL?

In the light of the prosecution's failure to produce, disclose or even indicate evidence, the only way a fair trial can now be achieved is to DROP THE CONSPIRACY CHARGE NOW!

PARENTS AVAILABLE FOR PUBLIC APPEARANCES

Several parents of the defendants have appeared before local organizations, churches and other meetings, as well as at private homes to tell the full story of this case. Mr. Hugh Cunningham and Mrs. Josephine H. Smith will be glad to speak before your group. Invitations are welcome. Call Mr. S. Rosen to make arrangements. Call 963-4797 between 6 p.m. and 10 p.m. or call 821-2900 between 10 a.m. and 6 p.m.



Hugh Cunningham



Josephine H. Smith

THE IMMEDIATE NEED

Meantime, the defendants must be defended. Their attorneys must not be handicapped and stymied for lack of the basic tools with which to conduct their defense.

The prosecution will parade nearly 100 witnesses before the jury. Their testimony will have to be checked for accuracy; expert witnesses will be necessary; other important investigations, information and special services will be required.

The defendants and their families cannot sustain costs of the magnitude estimated for a proper defense. That leaves it up to you.

Many have already contributed. Their help is deeply appreciated. If you have given, can you give again? If you have not, give now so that a fair trial may be assured.

Make checks
payable to:

**"DETROIT 15 DEFENSE FUND"
P.O. Box 7728 • Detroit, Michigan 48207**