

THE HISTORY OF THE DETROIT RED SQUAD FILES

During the infamous days of the McCarthy era witch hunts for "subversives" on the federal level, an equally surreptitious surveillance plan was under way in Michigan. Before the Michigan Police Red Squad was disbanded in 1974, the political activities of over 1.5 million Metro Detroit residents were being tracked by a specially created police team, whose secretive, coercive action dates back to the mid-'40s and runs through the mid-'70s. The Red Squad's intent was to "root out" and "expose" subversives in Michigan during the 1950s, 60s and 70s, and intimidate political activists who participated in the labor and civil rights movements, opposed the Vietnam War, or engaged in cultural or social activities judged by police to be "subversive." However, the main casualty of this effort was the First Amendment Rights of every American.

Names of approximately 1.5 million people and organizations who either lived in or visited Detroit appear in secret files kept by the Detroit Police Department's Red Squad. Many of these files were distributed by the Michigan State Police to the persons and organizations named in their secret archives in 1984 in compliance with a court directive. Although there are over 1.5 million names in the Detroit files, not every person mentioned has a specific dossier. Surveillance information is included in over 38,000 detailed records compiled by the State Police and an additional 50,000 to 100,000 files gathered by City Police. Much of the Red Squad's surveillance was coordinated with federal

agencies, other state and local agencies and private organizations.

The Detroit Police files are now being released as a result of court orders issued in the case of Benkert v. Michigan State Police, and UAW v. Michigan State Police. The plaintiffs sued the city for the files in 1974, and proved that the surveillance violated their civil rights. On April 23, 1990, the Detroit City Council agreed to a \$750,000 lawsuit settlement to cover estimated costs to notify and deliver copies of retrievable information to those individuals and organizations who were under surveillance.

In accordance with the settlement, a three-member trust was established to administer the notification and distribution process.

James Jacobs, a plaintiff in the case, is a member of the trust. "When I saw my file I was not surprised, although I was impressed by the level of detail," he said. "Most of us suspected that we were under surveillance, but it's amazing how many insignificant details are included as well as almost a complete misunderstanding by the police regarding the content and purpose of our actions."

Approval of the final settlement was adjudicated by Wayne County Circuit Judge Lucile A. Watts on May 10, 1990. The Red Squad Notification and Distribution Compliance Trust now has 16 months to coordinate and distribute the files.

Program Director of the Trust, Dorian Paster, will be coordinating the day-to-day administration of the program, including reviewing requests and deleting "sensitive" information (names of police officers, informants, etcetera). In order to

notify people about the files, the program has hired MG Associates to develop a public relations campaign, including media advertising, mailings, posters and public service announcements.

Harold Shapiro, chair of the trust, noted that the city is "pleased with the agreement and relieved that the files will finally be distributed." Said Shapiro, a former Detroit Police Commissioner: "It's unfortunate that since the files have been kept for so many years there are people no longer around who can view their files. But with the release of this information, future generations will be wary of excessive police action, and can cite the Red Squad Files case as an instance."

The release of the files is "the proper end to the official lawlessness that symbolized 'McCarthyism,' the 'Cold War' era, and government's unwarranted fears of peaceful assembly to protest and dissent," said Edward J. Littlejohn, law professor at Wayne State University Law School, a member of the trust. "The City of Detroit is to be commended for making it possible for citizens to obtain their Red Squad files and for agreeing to their preservation as valuable historical records. Unconstitutional secret police surveillances threaten the core of our freedom."

In 1950, the Michigan State Police created a Subversive Activities Investigation Division under the authority of Public Acts 38, 39 and 40 of the 1950 Extra Session of the Legislature. It was based on these statutes that the State justified the creation of its Red Squad. A similar unit was developed within the Detroit Police Department, although its existence predated the formal creation of the State Red Squad.

Detroit City Police Chief William L. Hart issued a special order on January 7, 1982 to insure that lawful expressions, associations, opinions, and beliefs are not impaired or interfered with by intelligence or surveillance activities which may be performed by the police department. Hart must submit a written report to the Board of Police Commissioners every three months to insure that the letter and spirit of the order are being complied with.

Although the spying has been officially discontinued since 1974, many persons active in political organizations are not persuaded that the spying has ceased. Richard Soble, attorney for the plaintiffs, explained that the notification plan serves several purposes. "We intend to let people see the type of information that was secretly compiled by the Detroit Police solely based on the political views of the citizens surveilled. Perhaps more importantly, the information released in these files will renew public awareness of the excesses of an unaccountable police force, and serve as an impetus to develop permanent restraints on illegal spying activities by the police."

The program expects that qualified public archival collection will be identified within 14 months of the Court Order, in order to preserve the information after the notification and distribution period is completed. The policies regarding use of archival material must be agreed upon by all trustees.

**For further information call Dorian Paster, Red Squad
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