

The Grand Jury And William Cahalan

By Bill King

The recent press conference held by Wayne County Prosecutor William Cahalan and Detroit Police Commissioner John Nichols announcing the indictments against 18 key members of Detroit's heroin industry (including 10 officers from the 10th Precinct), gave the impression that the indictments were the direct result of work done by these two. They made a conscious effort to create such an impression — a devious attempt to mislead us.

The reality is that the indictments handed down by the 17 person Wayne County Citizens' Grand Jury were issued in spite of Cahalan and Nichols rather than because of them.

Up to the time of the press conference, Nichols seized every possible opportunity to praise the purity of his department and to indignantly dismiss any hints of criminality, (Raymond Peterson's many murders); racism, (the 5th Precinct incident), or corruption. Nichols' energies have been spent covering up illegality in his department rather than exposing it.

Cahalan's participation was no less deceptive. He has always viewed the Citizens' Grand Jury as his personal tool to be used for his own ends which literally subvert justice rather than promote it. After the Michigan Supreme Court limited his power and after Grand Jurors began to exert their independence, Cahalan began to ignore the Grand Jury.

In 1970 the Michigan Legislature, (persuaded by William Cahalan and other prosecutors from the tri-county area), passed a new Grand Jury law giving it many of the important powers previously reserved for the One Person Grand Jury.

In addition to making its size a maximum of 17 rather than a minimum of 16 (Wayne County had a Grand Jury of 23 persons), the law gave the Grand Jury the powers of immunity, contempt and securing of

witnesses from other jurisdictions.

At the time Michigan law stated that a person indicted by the Grand Jury was not entitled to a preliminary examination. **(The vast majority of criminal defendants are charged by a complaint and warrant. They are entitled to a preliminary exam where the prosecution must show that a crime was committed and there is reasonable cause to believe that the defendant might have committed it).** These two factors made the Grand Jury a handy tool that allowed the prosecutor to ignore the constitution. Cahalan used this tool well.

Cahalan Protects "Protectors"

In 1971, Detroit Police Officer Ronald Gedda shot and killed Charles Calloway, a young, white Viet Nam veteran. Testimony from civilian witnesses indicated that Gedda had murdered Calloway in cold blood in his own backyard. Instead of allowing the case to develop in the normal way (complaint, warrant, arraignment, preliminary exam and trial), Cahalan sent the case to the Grand Jury.

The Grand Jury decided by one vote not to indict Gedda, and afterwards, a number of jurors revealed to the public that Cahalan's representative to the Grand Jury functioned as Gedda's defense counsel instead of carrying out his assigned task of aiding the Jurors in the investigation. He did not present all the witnesses; he cut off testimony when it began to incriminate Gedda, and he cut off Jurors' questions when they touched on facts unfavorable to Gedda.

Cahalan denied the citizens of Detroit their right to try a policeman, a "protector of liberty," for murder.

Also in 1971, Black Panthers were attacked on the street by the Detroit Police. They retreated to their head-



quarters with the police in hot pursuit, and a shoot-out followed. Cahalan allowed this case to proceed in the normal fashion until the day of the preliminary exam, when he was supposed to show that a crime was committed and that there was probable cause to believe that the Panthers had committed it. That same day he requested and received a postponement of the exam. During the adjournment he brought the case to the Grand Jury and got an indictment and thereby avoided the necessity of a preliminary exam where the case could have been dismissed.

When the case went to trial, the defense chose to present no evidence. The jury heard only the prosecution's case and decided that it was no case. They acquitted the Panthers. William Cahalan never had a case and he knew it. By using the powerful tool of the Grand Jury, Cahalan was able to keep the Panthers in the Wayne County Jail for months.

Cahalan effectively denied innocent citizens their freedom and put them to the emotional and financial burden of a trial when the case should have been dismissed at a preliminary exam.

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**Nixon's Rule
Hurts!**

Grand Jury

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Each Grand Jury sits for a period of six months. From the time the new law went into effect, Cahalan automatically requested a new Grand Jury when the old was due to expire. In October 1972, the Michigan Supreme Court ruled that people indicted by the Grand Jury were entitled to a preliminary exam. The following March when the Grand Jury was due to expire, Cahalan did not request a new Jury. He did not because he could no longer exert as much influence on the Grand Jury as he did with the Gedda white-wash and Panther frame-up.

Another factor influencing Cahalan not to renew the Grand Jury was that during the investigation of the Rochester Street shoot-out between STRESS officers and Wayne County Sheriff's Deputies. The Grand Jury refused to fol-

low Cahalan's directions and demanded an independent prosecutor to aid them.

When Cahalan did not request a new Grand Jury in March, the Jurors themselves requested that they be allowed to sit for six more months. The request was granted and they went on to issue the indictments against the 18 people involved in the heroin industry.

If Cahalan had had his way there would have been no investigation and no indictments. His record as prosecutor is one of covering up racist police activity, brutality and murder while persecuting the citizens he is supposed to serve. Cahalan will not change. He must be stopped. And he cannot be stopped until all of us recognize that he is not our public servant but an agent of racism, divisiveness and violence.