

be evaluated in light of experience gained during the developmental period and as many additional offices should be opened as can be productive.

ALGIERS MOTEL CASE

The incident which has become known as the Algiers Motel Case occurred on July 25 and 26, 1967, during Detroit's civil disturbance. Three Negro men died by gunshot wounds under questionable and controverted circumstances. Involved at various times and in various ways were certain Detroit police officers, Michigan National Guardsmen, and a private guard.

Two criminal cases arose from the matter. One was a charge of first degree murder against two Detroit police officers. On preliminary examination, one was bound over for trial, which was pending at the time of preparation of this report. Charges against the other were dismissed after exclusion from evidence of his voluntary statement, on grounds that he had not been warned of his constitutional rights before making it. That ruling was appealed to the Presiding Judge of Recorder's Court, who has reinstated the charge and remanded the case to the examining magistrate for further proceedings.

The other case was a charge of conspiracy to commit a lawful act in an illegal manner, the alleged object being to obtain evidence and information from certain persons by illegal acts such as assault and beating, while armed with dangerous weapons with intent to do great bodily harm less than murder, and threats and coercion calculated to put the named persons in fear of their lives and safety. The charge was brought against one of the same officers, another police officer and the private guard.

On preliminary examination before another examining magistrate, Judge Frank Schemanske, this conspiracy case was dismissed on grounds that the evidence failed to show any reason to believe (1) that the alleged crime had taken place or (2) that the magistrate could infer from the testimony probable cause to believe that the defendants conspired with each other or anyone else to commit a crime. This decision was appealed to the Presiding Judge and was upheld.

The New Detroit Committee is of the opinion that the Algiers Motel case has been the subject of considerable interest in the community, and particularly within the Negro community. Dismissal of the conspiracy charge has aroused particular concern among

many citizens, in and out of the legal profession. Preliminary examination, it has been pointed out, is intended only to establish probable cause to believe that a crime was committed and that the named defendants committed it. The weight of the evidence and credibility of testimony is normally tested at trial by jury; the examining magistrate does not usually attempt to do so. The magistrate's opinion in this case contains some suggestion that he did so here. Because of this, the court's opinion has been questioned by many members of the Bar, and by the office of the prosecuting attorney.

In the belief that the Algiers Motel case embodies a grave social issue and point of controversy in the community, the New Detroit Committee asked the Detroit Bar Association to examine the record of the now completed conspiracy case and to determine whether justice was in fact done in Recorder's Court. The Bar Association had undertaken this assignment on December 14, 1967. After months of delay, the project was given to the Legal Aid and Defender's Association. They have given only a preliminary report.

GUIDELINE: The issue raised by the Algiers Motel case is fundamental, beyond any particular case or participant. It is no less than the credibility of our system of justice as embodied in our criminal courts. Any case which fails or appears to fail to achieve justice contributes to decline in respect for the rule of law and to the impulse to resort to alternative, extralegal or illegal recourse. The New Detroit Committee believes full and fair examination of the Algiers Motel case is essential to arresting this trend in Detroit and will publicize the results of the Legal Aid and Defender's inquiry. It will also consider any further appropriate action in the light of these findings.

OMBUDSMAN

If there is one condition which has been described to New Detroit Committee members in more bitter terms than being persecuted, discriminated against, or exploited because of race, it is the inability to obtain redress. Many inner-city residents are aware that their complaints against police brutality, usurious interest rates, landlord failures to provide heat, unanswered pleas for public services, and many other oppressive acts go unheeded. They are doubly chagrined by their inability to do anything about it.

In large many of the laws have procedures Yet, there is the enforcement the inner-city produce even added frustration those who c

Several E "Ombudsman effective act an official reports serv key character highly respect entire comm dations are officials and

The New possible im suggested th yond govern solicit funds legislation r

However the prepara the ombuds for his activ ployment, a

GUIDELINE:

ator, Northeast Det Commission edy, regional super y, a former member of Organizations Detroit ar