

MEMORANDUM: For Commission Information and Action

No. 47

FROM: Richard V. Marks, Secretary-Director

SUBJECT: New Bethel Incident

1. Whenever an issue of great community significance is before the people of our City, it has been traditional for the Secretary-Director and the Field Division staff to each prepare reports. The Field Division report's to represent fact appropriately derived from investigation of the community problem and issues that have generated racial tension and/or community conflict; the director's report has traditionally focused on these issues in an effort to:

1. Understand them as facts or distortions
2. Understand their community relations significance.
3. To suggest a community and governmental course of action in response to the real issues which are involved.

While our best efforts have at times failed to take the measure of the problem involved, these two reports have generally provided a significant background statement for the Commission's discussion, recommendations, and actions.

2. It is to be hoped, but not altogether certain, that the staff report will throw some additional light on the four major mysteries involved in the New Bethel Incident:

1. How and why a police officer was killed and his partner wounded?
2. How and why the police officers accomplished the arrests and subsequent detention of the people contained within the New Bethel Church?
3. The facts and issues regarding the interrogation and release of those arrested; and the nature of community response and division;
4. The nature of the press, radio, and TV reporting and/or distortions of the facts and items at issue.

3. An outline of the developments and the items at community issue

Needless to say, the New Bethel Incident clearly has implications for cities across the nation. The account of TIME MAGAZINE of April 11 under the heading "FALLOUT FROM A SHOOTOUT" states the facts and items at issue as well and as succinctly as any available.

"We got guys with rifles out here. Help, help." Patrolman Richard Worobec's desperate plea relayed over Detroit's police radio net brought 50 officers to his aid within minutes. But for Worobec's partner, Michael Czapski, it was too late. He lay dying in the street, his body punctured by seven bullets; Worobec himself was seriously wounded. Convinced that some of the shots had come from the nearby New Bethel Baptist Church, the police charged through the doors, firing as they entered. Inside were more than 150 men, women and children attending a meeting of a local black militant group. Before the police fusillade ended, four men were wounded, and all the adults were rounded up and taken to headquarters.

In racially tense Detroit, the incident might well have flared into a riot. Instead--at least so far--it has turned into a bitter debate over the conduct of Negro Judge George Crockett, 59, of the city's Recorder's Court.

"Wakened at 5 A.M. by the news of the mass arrests, Crockett hustled to police headquarters while the prisoners were still being processed. He moved into a small unused office, set up a makeshift courtroom, began reviewing each case. He ordered that 16 of the prisoners be let out on \$100 bail and 22 be held, before Wayne County Prosecutor William Cahalan arrived to protest the releases. Cahalan insisted that police needed more time to run the paraffin tests that could determine whether any of 142 suspects had recently fired a gun. Judge Crockett said the tests were being administered unconstitutionally because no lawyers for the suspects were present. He also obviously felt that the indiscriminate mass arrests violated constitutional rights. But after heated arguments, he suspended the hearings.

By the time of more formal proceedings later in the day, the police had finished their investigations--and Cahalan's office asked that all but twelve of the prisoners be released. Although most of the twelve had shown a positive result in the paraffin tests, Crockett held only two, one charged with possession of a tear-gas device, the other with assault with intent to kill. Neither was charged with shooting the two officers.

There was also another aspect of the case. Crockett had told Cahalan to appear personally in court, and Cahalan had not. "It is my considered opinion," said the judge, "that the prosecutor is in contempt of court. An affront to the court is always a serious matter, and this is a personal affront. I am persuaded it has racial overtones."

No Vicarious Pleasure. To much of the press and public it appeared that Crockett had precipitously ordered wholesale releases and then gone out of his way to slap down the prosecutor. To Crockett, the angry protests were no surprise; he is not a stranger to controversy.

Crockett's approach has put him in direct conflict with Prosecutor Cahalan before. During the 1967 race riot in Detroit, Cahalan recommended prohibitively high bail for everyone whom the police arrested. Crockett was the only judge who ignored him, a course that experts now agree was the proper one, from both a legal and sociological point of view.

For their part, the police make no effort to hide their opinion of the judge. More than 250 off-duty cops and their wives picketed the courthouse last week to protest his actions in freeing the shooting suspects. In response, 100 Negro college students circled police headquarters next door in support of Crockett. At a press conference later in the week, the judge sought to clarify the events. He pointed out that "the vast majority of those released, approximately 130 persons, were released with the prosecutor's concurrence." He also announced that he had decided against pressing the contempt-of-court charge against Cahalan. Nonetheless, the debate continued. Crockett

does not come up for re-election until 1972, but the state senate asked for an investigation of him.

Lost in the emotional side-taking is the basic and provocative question that Crockett's rulings have raised: What are the limits on a judge's duty to check the police? Crockett thinks that if judges--particularly black judges--are not especially vigilant, no one will be. The chief justice of the Michigan Supreme Court has already stated that he does not agree. "What we do in the courts ought not to be directed to the changing of police practices," he said a few weeks ago. "At least we should not let the prisoner go as a means of punishing the police."

Despite the opposition, Crockett is hardly likely to change his ways. Even as the police picketed outside his court, the undaunted judge was at work on the bench dismissing a concealed-weapon charge on the ground that the general police practice of stop and frisk was unconstitutional.

4. THREE TRAGEDIES - Let it be said at the outset that this entire episode is a tragedy of individual and monumental social dimension. Our hope is that we can understand it and in our understanding find a course of action for a racially divided community that must find its future together.

A. Officer Czapski

It is possible to state propositions and assess blame, but an officer is dead. We could say: that he should have not had this assignment, we can say that his superiors should have informed him who the group was, what the nature of their legionaire bodyguard activities were, that the facility should have never been rented to persons or groups with guns, that the law is silent about the carrying of loaded weapons, etc., etc. All of these questions state more deeply the nature of our urban tragedy. There has been no testimony from the Republic of New Africa representatives on scene that the police approach was in any way threatening or improper. Suffice it to say that when the people of this community, black or white, put police officers on the street, we expect them to "do their duty," to check on any situation that would threaten the life or safety of any of our citizens.

Nor could we have foreseen or anticipated this tragic course of events even knowing the nature of the group and the police record and reputation of some of its members. Unless there are facts, others would assert or other motivation, the response to routine police action defies logic and suggests not issue differences but personality disorder.

The tragedy of a death is heightened by the choosing up of sides and the forceable division of the people in our community that followed this event. The apprehension of a murdered has almost been lost in the drama of (1) a police department showing proper respect for a dead officer and (2) the generalized civil rights community (which under ordinary circumstances have little or nothing to do with the people involved in the Republic of New Africa group) rising to the general defense of the right of any group to exist that speaks to the issues of racial and social change in this country and community. The division became evident in each one of the aspects of

the issues still with us which generates controversy, emotion, and organizational effort.

The human dimension of the tragedy is all but lost for those who start out with the premise of respecting life in all persons who share our common purpose as human beings. Officer Czapski was a man, "A LOSS TO ALL FAIR-MINDED CITIZENS" and as the letter to the editor appeared in the DETROIT FREE PRESS recently indicated:

"On a warm, humid evening last summer, Mike Czapski and I met while vacationing at adjoining cottages on the St. Clair River. Although it was the first and only time we met, I remember him as a thoughtful and open-minded person concerned about the rights of minority groups.

"He deplored police brutality and had a genuine concern about human rights and human dignity. (It was no surprise to me that he was found murdered with his gun still in its holster.)

"His death, in a small but important way, is a loss to all fair-minded citizens, both Negro and white.

Dick Jackson  
Lake Orion"

In life he was a decent human being and in death the response of the DPOA with the ascertainment of already existing racial hostility does nothing to significantly honor his memory or enhance the necessary work of his brother officers.

#### B. The Issue of Race Relations

The "fallout" and the specific galvanizing of the issue of "interrogation and release of persons arrested" has, in its way, been another one of our community tragedies. It is part of the inheritance of the ghetto rebellion in the summer of '67, in which issues of community policy and response were never properly resolved. Nor were they clarified in April of 1968, the Martin Luther King assassination aftermath with its curfew and police mobilization. In the present New Bethel incident the succession of reportage, commentary and editorializing in press and TV characterizing these issues and disagreements has focused largely around the role of Judge Crockett. Again these are genuine issues of community policy that must be acted upon by civic, political, leadership at the executive, legislative, and judicial levels. But, more importantly the public has always asserted or confirmed these directions and agreements. It is certainly not a matter for any one police officer, commissioner, mayor, judge or newspaper to decide. It must be ultimately legitimized as community policy by the willing - not just coerced agreement of citizens. These issues have been all but obscured by the raging torment of "up with" and "down with" Crockett, sloganizing in attack or support and defense.

It is the credit of a great newspaper that it can editorially acknowledge the measure of its error. "In the confusion that swirled around the courtroom proceedings that day, the facts of what took place were reported inaccurately by many media, including this newspaper. We have since corrected

those errors and we think there are human factors which explain them, but the original inaccuracy cannot be excused. In part, the error was ours and we regret it." This candid statement asserts what almost all careful observers have known; as our own staff has indicated, only one national newspaper, the NEW YORK TIMES, clearly reported the facts of that first day. Though the reporters were all together in sharing the same data and sequence of action, the reports distorted the actual events. No one wants to assess motivation or blame, yet it is again clear that stemming from this division has occurred. While subsequent events have helped regain a proper perspective, the actions which flow from the judgments based on distortion will continue to be in our community until the genuine issues of law and/or community policy are resolved.

The question before the Commission on Community Relations is whether or not the interest groups and the divisions evident at all levels of our community can be bridged in any significant manner or will remain and be fought out in moral, legal, or even physical struggle. As Frederick Douglass, a nineteenth century black essayist has said "Power concedes nothing without struggle. It never has and it never will. Power will yield only to words or to blows - or maybe both." Our Commission's entire work has been premised on the ability of reasoned leadership to find the way to correct injustice and find ways to accommodate and change. The nature of the current tragedy is that no one may be listening or willing to come forth to supply that reasoned leadership.

### C. The Tragedy of the Massive Coverage by the Media

There has not been a day, beginning with the initial incident, that has not generated countless lines of newspaper copy or minutes of TV news coverage. The distortions that developed and divided were a tragedy. The subsequent coverage of the acts of various groups on each "side" explicitly set the stage for further community lining up and arguing. It has further contributed to people's view that mass media distortions was involved.

At this point, I do not decry either the amount of coverage or the reporting of the controversy. Like the historic treatment of the first school desegregation confrontation in Arkansas, the mass media by giving such complete coverage and such continuous prodding as the new incidents, new facts, new issues of response developed, has made impossible for anyone to stand neutral or aside from the larger community issue that has now developed. The personal testimonial of a black militant leader is impressive on this point. Referring to the 1954 Supreme Court decision, he said:

"I do not believe I had even the vaguest idea of its importance or historical significance, but later the acrimonious controversy ignited by the end of the separate, but equal doctrine ...awakened me to my position in America, and I began to form a concept of what it meant to be black in white America."

Whether wittingly or not, the Detroit Police Officers Association's approach has pressed our community's political system to the limit, usurping in a way which no responsible leadership would permit, the logical role of orderly government. The DPOA premises of "support law and order and remove George Crockett" have emerged to symbolize the specter of the police state and

paramilitary government of a colonial people.

For their part, those in the black community and its coalition of white ethnic, business, labor, and community friends, now sense the real issue to be that of a new status, a new coalition, and a new partnership with Negroes, and all these elements of a forward-looking community.

The headline of the FREE PRESS editorial of April 16 states it very well "Detroit Cannot Afford to Follow DPOA Leadership." Had the issue remained simply that of the shooting of two police officers and the wounding of four persons in the church, perhaps this day would never have come. The massive news coverage has now given every citizen in this community the responsibility to decide what the future of this town and its racial relations will be like. The threat that the wrong choice could represent for our future speaks to the nature of the tragedy here. We did not choose these events, nor these responses, they chose us. But for the Commission on Community Relations, there should be no doubt as to the nature of our choice.

##### 5. The Role of the Commission on Community Relations

The Commission on Community Relations was created in 1944 following the first race riot to deal with individual racial prejudice and social discrimination. In the up-to-date terms of the Kerner Report, our mission is to deal with individual racism or prejudice and institutional racism, "the traditional way of doing things" which is premised on racial exclusion or inequality.

We are in a new era in the life of our community, but the fact is that there is a minority community view of the white world, of the system of justice, of the Police Department, of City Hall, etc. This has been so thoroughly researched and subject to both scholarly and popular articles that it almost doesn't need saying. Yet, we sometimes forget that it exists and respond to the traditional "white" statement and prevailing view until challenged. For example, "law and order" means one thing to the minority group which policemen represent and quite another thing to the minority group that Negroes represent.

The New Bethel Incident has galvanized into action the full statement of the majority-minority community views. In the minds of many in the minority and liberal community, local as well as state and national government has been "stalemated" on human rights issues and matters since 1967. It is staff's view that a significant portion of the community see Judge Crockett as a "hero", as the only public official who had the courage to force these unresolved issues to the community agenda for decision. Others obviously see him as a "devil" who would destroy public order with his "errors" in law.

This Commission has clearly been a party to the statement of unresolved questions that followed the 1967 riot - the question of arrests, question of detention, question of prisoner process, the question of the right of police officers and the responsibility of citizens, questions of community strategy regarding the riot control, "normal policing," of police recruitment, and police policy, of civilian control, etc. It ought not to frighten us that these are unresolved questions, but not tending to our community business constitutes a tremendous threat. The important thing is that we realize that we are dealing with political stalemate at all levels of local, state, and national government in regards to race relations. And despite the best efforts of political leadership, our community has only been able to set positive goals and directions. It must be frankly

admitted that we have not achieved racial or community change in substance. While we are nearer the day of racial equality, the crisis of today may end in tragedy of national and local proportions.

When the issue jelled, the Negro community realized that the political processes requires leadership, and that the political leaders, white or black, must set the course of community decision. When the issues are drawn as sharply as this there can be no straddle. The discovery perhaps has been a clear knowledge in the Negro community (for some time among its sophisticated leaders) that the "crime in the streets" issues is more than a "fact" stated about white or black criminality; but that it is in a reality euphemism for hold-the-line government and community policy regarding the Negro struggle for civil rights, jobs, etc., or at the very least a euphemism for Negro crime and "hold-the-line" - police conditions that create police state type of control. In staff's judgment, this is the issue which has emerged in the black community as a whole.

There must be no confusion about this. Black citizens genuinely mourn the death of a police officer and injury of any citizen, and genuinely support the apprehension of the killer as well as the development of a professional Police Department with all that this implies regarding the racial balance among the officer component. Further, the black community in general is not in any way committed to the goals of the RNA or the groups of separation. They simply are unwilling to abandon, for any reason, the traditional struggle which any citizen would advance to protect and assert his common humanity. And, further, Negro citizens are as desparately concerned that there be proper policing in their communities as any other citizen in our City. But in the face of the confused issues and the threats of backing off from the struggle, there has been galvanized a unity in the community not hitherto seen. Under the surface, there still exists great division regarding the validity of any of these issues. But unity is evident that has suddenly confirmed into an appreciation of the political strengths of the Negro community and their group capacity to affect the future.

## 6. Course Ahead

I have previously stated that I do not have a crystal ball. (1) I do not know where that course ahead is like to lead, but the course ahead, if it is to be viable, requires that leadership be projected. There will be a great division about whether this leadership should be racial or, if by working with white existing political and public leadership, Negroes will be co-opted out of the meaningful struggle, much as some people feel happened during the March down Woodward Avenue in 1962. But leadership must emerge.

(2) Existing municipal and community leadership has an excellent opportunity to save our City from chaotic conditions. It is obvious that there is a price, and those elements of our community which have chosen the route of the symbolic police state and not the new partnership will still demand, through the election process, their day in court.

(3) Meanwhile some elements of hope are to be seen. The New Detroit Committee, its chairman and its president, have both provided the nucleus around which some meaningful coalition can develop. It is a part of the nature of this tragedy that our own Commission did not play this role. This would have been traditional as a part of our past, but the new emphases of law, compliance review, etc. has established other priority for the Commission on Community Relations. New Detroit

leadership further helped to bring some order into what was in the judgment of some "lynch psychology" and hysteria regarding Judge Crockett. They must continue in these efforts to supply a human dimension to the issues that are in controversy. They are the only creditable voices that can become the generous and trusting spirit which, with their representation of community power, can continue as the "conscience of the community".

(4) The role of the CCR must also continue to be helpful in working out the unresolved issues of controversy which are fraught with great danger to the community. The entire credibility of the Police Department is clearly at stake. Hopefully, we will avoid the need for a blue ribbon committee to assert facts, but the consuming discussion about the question of inside informers, and hidden witnesses, and unidentified participants does not facilitate the building of trust. The Commission should not hesitate to suggest such a structure, where normal efforts to achieve due process fail to resolve issues very well.

(5) Finally, the community and its political leadership must find and assert new priorities and massive effort in behalf of the existing function of the Commission on Community Relations, that of resolving in an affirmative way the issues of housing, jobs, health, schools and police. The specter of the spending in our community of \$26 million for 1700 additional police officers must in fact be weighed against the needs for additional services to education, public libraries, and even the staffing of the Community Relations Commission. Our priorities are when we can blandly talk about adding to the 8 sidewalk inspectors as against the socially productive activity of 4 contract compliance officers serving the Commission. Our budget requests were modest, the community priorities implicit in the decision not to expand speaks for itself.