

SPECIAL GRAND JURY REPORT RELATING TO HOUGH RIOTS

Your Honor, Judge Thomas J. Parrino, Presiding Judge,
Criminal Branch, Common Pleas Court of Cuyahoga County:

As a preface to the attached report of the County Grand Jury convened by you in special session for dealing with the recent Hough Area riots, this Jury would like to make some general observation to you.

These are reinforced by approximately six months of reviewing the status of law and order among the people of this County.

We assume that the people of Cuyahoga County are in the main typical of people of the whole nation during this latter half of the turbulent twentieth century.

It is our firm belief that what America needs more urgently than anything else is a renewal of good citizenship by all of us.

Of equal concern by this Jury are the steady erosion of ideals and principles of God and Country and their persistent replacement by the deification of material idols and material 'principals.' We profoundly believe that a rigid adherence by everyone to the established law and order of this country should instantly replace the guerilla warfare practiced in the streets and neighborhoods.

Whatever we in this country set out to achieve should be accomplished within the framework of the laws fashioned for the benefit and protection of every citizen and not by any means we think can be employed or the time we fix for ourselves.

We believe there should be a restoration of the qualities of good faith, of honesty, and a willingness to hear out the other person or the other side without resort to violence and disorder, whether, around a bargaining table with capital and labor, or grievances among people of different background or ethnic origin.

We believe in an elevation of moral and ethical standards and conduct, including those in high places in government and in business and in the professions - - a general going over of our entire pattern of national life and values.

What this country and this community need, in the opinion of this Jury of laymen , themselves citizens and parents and in business and professions, is not so much a blood bath but a good cleansing spiritual bath.

I.

This Jury was called into special session and directed by Presiding Judge Thomas J. Parrino of Common Pleas Criminal Court to inquire specifically into what now has become known as the "Hough Area situation."

Judge Parrino directive was in two parts:

ONE - To establish the immediate cause of the fire bombing shooting, pillaging, general lawlessness and disorder.

The Judge requested that this Jury learn whether the outbreak of disorder in this two mile square area, housing 60,000 negro people, was organized, and, if so, by whom.

TWO - To establish as nearly as possible the basic circumstance under which 60,000 human beings were living in this relatively restricted area and for whom the life, limb and property of all were placed in jeopardy by the disorders.

The Jury has made this appraisal within the time limits and facilities available and herein reports its general findings.

NUMBER ONE

This Jury finds that the outbreak of lawlessness and disorder was both organized, precipitated, and exploited by a relatively small group of trained and disciplined professionals at this business.

They were aided and abetted, wittingly or otherwise, by misguided people of all ages and colors, many of whom are avowed believers in violence and extremism, and some of whom also are either members of or officers in the Communist party.

The majority of people in the Hough Area had no part in either the lawlessness or disorders.

They have been hindered rather than helped by this major tragedy.

This Jury considers it regrettable and unfortunate for the community's sake that the legal statutes of Ohio and Cuyahoga County are either so outmoded or inadequate in their scope that these "responsible irresponsibles" cannot at this time be reached by specific indictments for their infamous activities.

By persistent additional investigative effort they may be reached later on in this fashion.

(This Jury later in this report urges new and more adequate laws in this respect.)

It is likewise observed by this Jury that it did not have the necessary special investigative resources which could be and should be focused exclusively in tracking down the required immediate and far reaching evidence for conclusive legal action against specific individuals.

However, in making this observation, the Jury wishes especially and particularly to commend those established arms of law enforcement which have worked so resourcefully, effectively and energetically in this aggravated situation.

By this the Jury means, to be precise and specific, the Cleveland Police Department in all of its branches, from the Chief to the newest Rookie, and to Ohio National Guard when invoked by the Governor in this serious community emergency.

The Jury nevertheless must emphasize that with the limitations imposed by the necessity of at all times guarding the community, the established arms of law enforcement are not equipped either with the resources or the investigative facilities to make such a total all out and extended inquiry under this situation as is obviously called for.

This Jury, in consideration of the basic and wide public interest, and exercising the latitude granted it under the laws which empower the creation of such a body as ours, nonetheless

makes reference to individuals and organizations that in varying degrees were contributors to the Hough Area lawlessness and disorder.

It further notes the presence of many of these same individuals and organizations in another instance of lawlessness and disorder, that on Superior Avenue, which bore many of the striking similarities to the Hough Area disorders.

It notes the further significant fact that the Superior Avenue episode preceded the Hough Avenue disorders by less than a month.

Some of the same people were observed in both places on several nights of the disorders.

This Jury further believes, that, even though what already happened is both regrettable and tragic in every conceivable human aspect, there is a grave potentiality for repetition of these disorders, or others like them, occurring elsewhere in this community.

Different techniques might be employed; but the results would be equally disastrous or even more so.

Therefore, this Jury believes its judgment should be made an important part of the formal record of what has happened and of whatever may happen in the rather unpredictable future towards which we all, as citizens of this community, are mutually moving wherever we may live or whatever may be our place in life.

Finally, before making specific reference to adult leaders in this crises areas, and the events leading up to them, the Jury respectfully calls attention to the effective uses made of impressionable emotionally immature and susceptible young minds by those who for one reason or another have set out to accomplish their designs and objectives in Europe, Asia, South America and elsewhere.

It is no casual happenstance or coincidence that those throwing fire bombs, or bricks, or bottles or pillaging or generally engaged in disorder and lawlessness were in the main young people-obviously assigned, trained and disciplined in the roles they were to play in the pattern of these dual outbreaks separated by less than one month.

Nor, by the same token, is it happenstance, or even just singular coincidence:

1. - That the overall pattern for firebombing and destruction to both the Superior and Hough Areas was so highly selective;
2. - That the targets were plainly agreed upon;
3. - That certain places were identified to be hit, and that certain other places were similarly spared.

On both of these occasions, the Superior and Hough disorders, the presence of teenagers previously referred to was observed by the police, by plainclothes officers and undercover agents who had been assigned for long periods to observe these youths,

With this background firmly established by the Jury's inquiry, and with the notable help of County Prosecutor John T. Corrigan and his staff, particularly Asst. County Prosecutor John T. Patton, this Jury herewith makes reference to some of the principal and recurring personalities in the chain of events which preceded both the Superior and Hough situations:

THE JFK HOUSE

The JFK House, meaning Jamo Freedom Kenyata House, is located at 8801 Superior Avenue, The leaders are:

Lewis G. Robinson, and Beth Robinson, his wife, living at 1242 E. 89th Street; Harlell Jones, 9716 Hough Avenue; Albert D. Ware-Bey, 11611 Castlewood

Avenue, and Philip Morris, 7806 Radell Avenue.

Lewis Robinson has been affiliated with the Freedom Fighters of Ohio, the Medgar Evers Rifle Club (which he helped to found), The JFK House, of which he is the ultimate head, The Deacons for Defense, and the Revolutionary Action Movement.

All of these Clubs, to which Lewis Robinson belongs are black nationalist clubs.

Testimony before this Jury discredited Lewis Robinson as a leader concerned with generally altruistic interests in youth but rather points to him as inciting these youths to focus their hatreds and as indoctrinating them with his own vigorous philosophy of violence.

He exerted a profound influence over the JFK youth and he still does.

Harlell Jones is affiliated with JFK House, the Medgar Evers Rifle Club, the Revolutionary Action Movement; he is vice-president of the Deacons for Defense in spite of his public disavowals, and had frequently either presided over or sponsored meetings for black nationalists, and espouses the ultimate revolutionary purpose for adjusting differences or obtaining desired ends.

Along with Lewis G. Robinson, Harlell Jones caused 2,000 pieces of literature to be printed and circulated, citing alleged instances of "police brutality", and on the eve of the Hough riots, circulated the greatest number of these to youths of non-voting age under the plausible guide of urging the defeat of a levy at the polls.

Special movies of an undisclosed and voluntary interview shown to the Jury presented Harlell Jones as an outright exponent of violence, a black power apostle with a bitter hatred for all whites, a co-founder of the Rifle Club, and in command of at least one Rifle Club.

Albert D. Ware-Bey, belonged to the same Clubs as Harlell Jones. He declined to testify before the Jury. Police agencies presented evidence that Ware, Robinson and Jones all purchased quantities of rifles, and all belonged to the Rifle Clubs here and in other cities.

Ware-Bey expressed no allegiance to this country, professed himself not to be bound by its laws, and in the opinion of the Jury, by both testimony and his own conduct, was not one who could have other than destructive influence upon youths either at the JFK House or elsewhere.

There was evidence placed before the Jury that Rifle Clubs were formed, that ammunition was purchased, and that a range was established and used, that speeches were made at JFK House advocating the need for Rifle Clubs, and that instructions were given in the use of Molotov cocktails, and how and when to throw them to obtain maximum effect.

Further, irrefutable evidence was shown to the effect that Robinson pledged reciprocal support to and with the Communist Party of Ohio.

In addition, Robinson attended many meetings at which imported Communist speakers talked and was arrested at one of these.

It was established before the Jury that the leaders of the WEB DuBois Club and the Communist Youth Party, with interchangeable officers and virtually identical concepts, arrived in Cleveland only a few days before the Hough Area disorders.

They took up residence at 1844 East 81st Street, only a short distance from the Central point of origin of the Hough Area troubles.

These men, who came from Chicago, New York and Brooklyn, were Mike Bayer, otherwise known as Mike Davidow, Daniel Mack, Ronald Lucas, and Steve Shreefter.

They were seen constantly together. They made swift contact with the JFK House leadership, and with Phil Bart, of Middlehurst Road, Cleveland Heights, Ohio, and his wife, Connie, who, the evidence showed, are the leaders of the Communist party throughout the Ohio Valley District including Cleveland.

With specific regard to the WEB DuBois Club, the evidence further showed that Mike Bayer, Daniel Mack, Ron Lucas and Steve Shreefter previously living and residing a large part of their time outside of Cleveland, are currently making plans to move their efforts from the Hough Area over to the West Side: That they are not employed, are now so far as the Jury knows without any visible means of support but nevertheless are able to carry on their advocacy and to maintain themselves with clothing, food and shelter from some undetermined source. Finally, evidence was presented that UJAMA is an organization dedicated to black power and has begun its effort to establish itself in the Cleveland area. Their philosophy is that black people should be governed by themselves in every respect and that anything pertaining to the rights of negroes must be cleared through the central organization of UJAMA which has flourished in New York, and has spread into other places, and is embraced locally by Lewis Robinson and his Lieutenants at JFK House. In attendance at one specific meeting at which plans for UJAMA in Cleveland were discussed were Robinson, Jones and Ware-Bey. Also in attendance at this meeting was Cornelius Freeman from Cleveland and Oserjiman Adefumi, and also known as Serge King, and Gizengaga Latunji, representing New York UJAMA.

It is this Jury's opinion that the investigative authorities have progressed sufficiently to justify the expectation they will ultimately, if either urged or permitted to follow beyond what they have thus far gathered be able to put together all of the pieces to this pattern of lawlessness and disorder.

Because of this Jury's strong judgment in this regard it earnestly urges its successors to pursue the Superior and Hough disorders with the utmost vigor and determination.

Nothing less than this should be permitted in the public interest.

In this section of its report to Judge Thomas J. Parrino the Jury wishes to reiterate the fact that the overall majority of the people living in the Hough area, distressed, frustrated, beset with problems unimaginable to those who do not endure them, had nothing whatever to do with these disorders and destructions, and the Jury, on the contrary, expresses its wholesome admiration for their good citizenship and restraint in these tense and emotional times.

In the course of its investigation, the Grand Jury has learned that police and firemen were targets for snipers and individuals throwing rocks and bricks.

Further, fire equipment was damaged, particularly hoses, which were cut or attempted to be cut so as to render them useless in the protection of persons and property.

These acts were a direct affront to lawful authority and of necessity would lead to justifiable armed self-protection, unfortunately resulting in occasional injury and death to the innocent.

These senseless acts cannot be tolerated and the perpetrators should be subjected to severe penalties.

The police and firemen on the other hand should be commended for their efforts to maintain law and order in the face of great personal danger.

The general conduct of our police and fire departments, we feel, command and receive the highest respect of our law abiding citizens from all groups.

It is the recommendation of this Grand Jury that all decent law-abiding citizens proclaim their support of law and order and their support of policemen and firemen in carrying out their duties toward that end.

This, in turn, will of necessity command a course of conduct on the part of police and firemen and particularly of the police, who have more intimate contact with the public, which will be of the highest caliber of efficiency and decency and patience and will thus contribute to a greater restoration of our American ideal of equal treatment.

As earlier in this section of the Jury's report it was indicated, the Jury now requests that the Cuyahoga County delegation to the next session of the Ohio Assembly give serious consideration to the following suggestions for new and more inclusive legislation covering such situations as the Superior and Hough Area disorders represent.

The Jury suggestions therefore are --

(1) Inciting to riot.

No person with the intent to cause a riot shall do any act or engage in any conduct which urges a riot, or urges others to commit acts of force or violence, or the burning or destroying of property, and at a time and place and under circumstances which produce a clear

and present and immediate danger of acts of force or violence or the burning or destroying of property.

Whoever violates this section shall be imprisoned not less than one nor more than twenty years.

(2) Definition of Riot.

Any use of force or violence, disturbing the peace, or any threat to use such force or violence, if accompanied by immediate power of execution involving two or more persons carrying on such conduct and without authority of law, is a riot.

(3) Enhanced Penalty for Arson or Attempted Arson during a Riot.

An amendment to Revised Code section 2907.06 (this section concerns itself with the attempt to burn or set on fire or to do any act preliminary thereto or the burning of buildings):

"Upon the proclamation of the Governor proclaiming a state of disaster or extreme emergency because of a riot, whoever violates this section during such period covered by said proclamation shall be fined not less than \$5,000.00 and imprisoned not less than five nor more than twenty years or both."

(4) Assault against a fireman or policeman acting in the course of his duty.

No person shall assault a fireman or policeman while such fireman or policeman is acting in the course of his duties. Whoever violates this section shall be fined not more than \$5,000.00 or imprisoned not less than one nor more than twenty years or both.

In addressing itself to the second of Judge Parrino's directives, namely, the conditions of life prevailing in the Hough Area, this Jury finds:

Poverty and frustration, crowded by organized agitators, served as the uneasy backdrop for the Cleveland riots.

Unfortunately, it is the overwhelming mass of innocent and law-abiding citizens who pay the greatest penalty in any cross-fire of violence.

The following inequities and practices contributed as a feeding ground for disorder:

- a. The density of population in the Hough Area.
- b. Inadequate and sub-standard housing.
- c. Charging of exorbitant rents by absentee landlords.
- d. Non-enforcement of the housing code.
- e. Woefully inadequate recreational facilities for children whose uncertain homelife calls for this kind of wholesome community outlet, and for the constructive guidance and counsel to offset their regrettable environment.
- f. Sub-standard educational facilities as a consequence of long neglect, which, in substantial fairness, have been greatly improved in recent years but which still call for further effort on the part of officials and community leaders.
- g. Excessive food prices in most instances accompanied all too frequently with foodstuffs found to be inferior in freshness or quality.
- h. The denial of equal economic opportunities.
- i. Diminished incentives by repressed and neglected people.

- j. The present system of paying women for having children, frequently out of wedlock, or under a relationship loosely described as "common-law" - which enables the father to walk out of his "marital arrangement" to escape his proper responsibilities.

(The current welfare system should be challenged in this respect for its effect upon the very people who are supposed to benefit. Children brought into the world under such callous and financially expedient circumstances are rarely seen by their father. This system the Jury believes is anything but helpful either to the mothers, or the fathers, or the children, or the community. Surely, this Jury believes, those charged with social and moral responsibility in this community are capable of devising a much more equitable and effective formula than the prevailing one.)

- k. Regardless of how the very large addition of negroes formerly widely dispersed throughout the deep and mid-South have migrated to the large northern cities, like Cleveland, the fact is that these men, women and children are here.

(In many instances the mode of life they find in such large cities as Cleveland differs substantially from that which prevailed in the places whence they came. Frequently they find themselves bewildered and unable quickly to adjust themselves to the demands of their new surroundings and thus find themselves frequently at cross purposes with the authorities and the older residents of the areas in which they find themselves currently.)

Impatience among the negro people for the improvement of their citizenship is understandable but the opinion has been expressed they may be attempting to exact too much too fast for the community to bear within an arbitrarily fixed time limit.

The fact, nevertheless, is that too many human beings, however they arrive in our midst, or whence they came, or why, are living under such completely intolerable conditions in the Hough Area at the present time, that inevitably the consequences must be futility, frustration, bitterness, and exposure to the abrasive forces advocating violence.

These factors make them prone to the almost immutable by-products of such prevailing conditions; crime, delinquency, looseliving, tragic deterioration of moral behavior, and the brittle, bitter, hyper-sensitivity which emerges therefrom; and in the aggregate these effects represent potential danger not only to themselves but to the community as a whole.

There are no longer moats complacently situated in which any citizen can live under modern conditions safely removed from the turmoil and anxiety and bitterness of others, irrespective of skin color, or religious identification or political inclinations or economic and social environment.

Whatever happens in the large cities of America, as in the community of Greater Cleveland, eventually affects all citizens in one way or another.

Now, all these complex social evils are used as subtle and inflammatory provocations by resident and non-resident organizers who exploit riots such as both the Superior and Hough Area riots in Cleveland.

Where possible, as earlier indicated, this Jury has diligently sought to pinpoint the causes of these riots.

At this time the return of any additional indictments based upon community vengeance and not upon evidence sufficient to convict in a court of law would not do credit to our democratic society.

Realistic and productive goals must now be set by this community, and that near term emphasis be directed toward:

1. - Improvement in Housing Code Enforcement.
2. - Improvement in Police Action and Court Findings against prostitutes, cheat spots, gambling, and the profusion of the numbers of liquor license outlets.
3. - Continuing drive for improved garbage and rubbish collection; stronger measures against landlords and tenants to make this task easier for the City.
4. - Put the Urban Renewal Program back on the track with the full cooperation of the Federal Government as quickly as possible.

Our total resources must be marshalled to prevent a recurrence of this enormous tragedy -- a potentiality which this Jury strongly counsels is still present.

Where prejudice and injustice are cast aside, the wilful and malicious agitator finds little support for his provocative and destructive acts.

This Jury does not attempt in this report, while sorely tempted to do so, to fix responsibility upon either individual or individuals, or on pressure groups or organizations for the community's failure to more adequately to meet its responsibilities.

It does, however, wish to make unmistakably clear that it does not believe this community has adequately measured up to its responsibilities.

By the same token it does not believe that the influential leaders in either the Hough Area or in other areas of this community have measured up to their responsibilities.

This Jury does at this time urge upon the Mayor, upon the City Council, upon the business, financial and industrial leaders, upon the educators and the civic organizations to act now either individually or in concert to put Cleveland in the forefront in meeting the sociological and moral challenges of our times, as in the past this community has so conspicuously risen to meet the challenges of the past.

This Jury cannot conclude its report without paying wholehearted tribute to those wise and long-range leaders of this community who in their great wisdom saw and recognized a situation which now rests uneasily on the conscience of the entire country, and it applauds them for their selfless work, their patience, their substance, their cooperative efforts, and the many tangible results of their good and wise leadership.

They have set for the rest of us a plateau of good citizenship for which we should all strive.

The time for total community action is now.

LOUIS B SELTZER

GRAND JURY FOREMAN

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