

JOHN SINCLAIR: MARIJUANA, POLICING, AND WHITE REVOLUTIONARY  
ACTIVISM IN MICHIGAN, 1950s-1970s

By

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A DISSERTATION

Submitted to  
Michigan State University  
in partial fulfillment of the requirements  
for the degree of

History—Doctor of Philosophy

2021

## ABSTRACT

### JOHN SINCLAIR: MARIJUANA, POLICING, AND WHITE REVOLUTIONARY ACTIVISM IN MICHIGAN, 1950s-1970s

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This is a history of artists and the ways they were policed in Michigan from the 1950s to the 1970s, as told primarily through the experiences of John Sinclair, a poet, writer, journalist, artist, organizer, and activist who served prison time for violations of the state narcotics laws for marijuana in the 1960s and 1970s. John Sinclair's trajectory as an artist-activist was initially shaped by the racially segregated youth leisure culture of the greater Flint, Michigan, area, where Sinclair grew up and went to college. With his subsequent move to Detroit, where he met and married artist Magdalene "Leni" Arndt—a refugee from East Germany one year his senior—and the two entered into a partnership as underground journalists, artists, and community organizers.

The Sinclairs managed their various homes as communes and used them as gathering places for people to get high, listen to music, self-publish their writing, exhibit art and poetry, and in general, serve as an ad hoc youth community center. They became brokers of sorts within an informal fraternity of artists and musicians in Southeast Michigan that came from a diverse range of ages, religions, ethnic backgrounds, and sexualities—many of whom were seeking community in a peer group away from the surveillance of family, church, school, the draft board, their bosses, and the police. The open bartering of marijuana at the Sinclair household and their beatnik sensibilities made them targets of surveillance and arrest by various police agencies that utilized networks of informants and undercover officers, inter-agency information sharing, and mass arrests

to selectively criminalize political and cultural dissenters in the mid 1960s. From the fall of 1964 to the summer of 1969, the Sinclairs were both arrested numerous times for marijuana crimes, but only John was ever convicted—three times in all. In response, the Sinclairs began working to decriminalize marijuana, a movement that was gaining considerable traction among mainstream society as wealthy white parents were increasingly forced to hire lawyers to defend their own children against marijuana charges.

After the 1967 Detroit Rebellion, the Sinclairs moved their commune to Ann Arbor, and helped found the White Panther Party to promote the band John managed, the MC5, and in the hopes of forming a working relationship with the Black Panther Party. When John went to prison in the summer of 1969 following his third marijuana conviction, Leni ramped up efforts to gain mainstream support for decriminalizing marijuana, and to do so, she tapped into reformers within the Michigan Democratic Party who hoped to implement broad criminal justice reforms to regain the confidence of their constituents in the police, the courts, prisons, and government. The Sinclairs leveraged John's experiences as an incarcerated white male dissident to craft a radical critique of law and order politics that influenced mainstream political discourse and popular culture. Their activism continued in the realm of electoral politics in Ann Arbor, where they attempted to harness a youth constituency to support radical causes, but various complications drove them back to Detroit, where they continued to work as artists and community organizers in the rapidly changing city.

*For my family*

## ACKNOWLEDGEMENTS

Many people helped with the research. Caitlin Wells, Julie Herrada, Scott Kamen, Jake Jurss, Rich Mares, Eddie Bonilla, Sara Bijani, Michael Stamm, Pero Dagbovie, Karen Jania, Tim Retzliff, Cary Loren, John Sinclair, Leni Sinclair, Rebecca Derminer, Mike, Al, Gigi, Steve, Bonnie, Andrea, and Gary.

The writing would never have come together without the help of Matthew Miller, Lisa Fine, Pero Dagbovie, Delia Fernandez, Scott Kamen, Andrea, Michael Stamm, and my father Gary Huey, who got out scissors and a glue stick to literally cut and paste sections to bring much-needed coherence to my ideas.

Thanks are due to the Big Rapids intellectuals Marcia Parry, Diane and Rick Griffin, and Teresa and Phil Middleton. Thanks also to LeRoy Ashby. Paul Ayotte. My father, Hollywood Steve, and Andrea.

The staff at the Bentley Historical Library at the University of Michigan gave me vital assistance in making this publication possible through a summer research grant as well as their day-to-day labor that made this dissertation possible. I was also fortunate to receive support at Michigan State University from the Graduate School, University Outreach and Engagement, Lyman Briggs College, and the Department of History. Thanks are due to many people who navigated the bureaucratic channels and processed the paperwork necessary to help me out.

There were a lot of people from Michigan State University who sustained me along the way. Thanks to Diane Doberneck, Howard Bossen, Arthur Ward, and Kendra

Spence Cheruvellil. A special thanks goes to Ed Busch of MSU Archives and Historical Collections for letting me work there so long.

Thanks especially go to Pero Dagbovie for serving as an advisor, mentor, and advocate of mine for years. Thanks to LaShawn Harris for kindness and humor. Thanks to Ken Prouty for welcoming me into the world of musicology. Thanks to Tim Retzliff for the support and for serving as a model community-engaged scholar. Thanks to Peter Knupfer for keeping the office door open. Thanks to fellow Rapidonian Elyse Hansen for keeping me afloat. Thanks to Matt Miller and Vicki Dozier for putting in work for me at the *Lansing State Journal*, and RJ Wolcott for chatting.

A special thanks to my doctoral advisor Michael Stamm for helping guide me through the professional hurdles that arise when anxiety and depression make intellectual work difficult. I could not have made it through without your efforts on my behalf.

Thanks to my East Lansing crew. Liz Timbs, Ken Alleman, and George. Eddie Bonilla and Rich Mares of the Two and a Half Doctors group text. Shout out to Michael Albani. Thanks to Jake, Leah, and James Jurss.

Thanks to my neighbors Ginny, Travis, Anna, Paul, Marianna, June, and also Mike and Carissa. Thanks to my siblings, Steve, Amy, Katie, and Jason, my in-laws, Matt and Ashley.

Thanks to my parents, Bonnie and Gary. I couldn't have finished this without either of them.

Thanks to Wendel and Ranger too.

Marley—

“Do you need help typing?”

kk1 ,uu

“I’ll help you.”

All the love I have to Andrea, my person.

## PREFACE

This dissertation started with my interest in the White Panther Party as a model of interracial revolutionary organizing, and it has mostly stayed true to that original purpose. This work seeks to document the importance of John Sinclair as a focal point for a much larger, and still unfolding story about the counterculture in the Great Lakes region. The existing scholarship on John Sinclair is still wrapped up in mythology, half-told stories, and at times, uncritical analysis of their complex place in the historiography of the Sixties. John Sinclair himself has had a major hand in shaping the narrative of his experiences as a researcher, writer, and independent scholar. His ex-wife Leni Sinclair likewise has continued to give interviews, write essays, and speak publicly in ways that shape the narratives around herself and her ex-husband, but her narrative is still often subsumed by that of her ex-husband. This work is the beginning of a corrective to that trend, but there is still a tendency to linger on John and his white male associates. My hope is that I go about this with a critical eye towards the racial and gender power dynamics imbued in the culture of white men in countercultural Michigan in the 1960s and 1970s. The following is my own attempt to place the Sinclairs' narrative within a new historical framework that respects their legacy of activism, as well as that of the journalists, activists, and various researchers who paved the way for my own work. My point perhaps, is to bring the Sinclairs into a more mainstream lens, without diluting their decades of work as revolutionary activists.



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## KEY TO ABBREVIATIONS

AAPD – Ann Arbor Police Department

ABA – American Bar Association

ADA – Americans for Democratic Action

ADC – Aid to Dependent Children

ACLU – American Civil Liberties Union

AFM – American Federation of Musicians

BEDL – Black Economic Development League

BPP – Black Panther Party

CIA – Central Intelligence Agency

CMI – California Marijuana Initiative

COINTELPRO – Counterintelligence Program

DAC – Direct Action Committee

DAW – Detroit Artists' Workshop

DCEWV – Detroit Committee to End the War in Vietnam

DeHoCo – Detroit House of Corrections

DPD – Detroit Police Department

DPOA – Detroit Police Officer's Association

FBI – Federal Bureau of Investigation

FBN – Federal Bureau of Narcotics

GM – General Motors Co.

HRP – Human Rights Party

LDC – Labor Defense Coalition

LEAA – Law Enforcement Assistance Administration

The League – The League of Revolutionary Black Workers

LeMar – Legalize Marijuana

MBP – Marquette Branch Prison

MC5 – Motor City Five (band)

MMI – Michigan Marijuana Initiative

MSC – Michigan State College of Agriculture and Applied Science

MSP – Michigan State Police

MSU – Michigan State University

NARCO – Narcotics Addiction Rehabilitation Coordinating Organization

NORML – National Organization for the Reform of Marijuana Laws

RDC – Reception and Diagnostic Center (SPSM)

RECALL – Committee to Recall Sheriff Harvey

RIP – Radical Independent Party

RMM – Rainbow Multi-Media

RNA – Republic of New Afrika

RPP – Rainbow People’s Party

SAC – Special Agent in Charge (FBI)

SDS – Students for a Democratic Society

SIB – Special Investigations Bureau (DPD Red Squad)

SIU – Special Investigations Unit (MSP Red Squad)

SPSM – State Prison of Southern Michigan

STRESS – Stop the Robberies, Enjoy Safe Streets (DPD)

UAW – United Auto Workers

UAW/MF – Up Against the Wall Motherfuckers!

UM – University of Michigan

UPS – Underground Press Syndicate

WPP – White Panther Party

WSU – Wayne State University

YPO – Young Patriots Organization

*Libraries and Archival Collections*

AADL – Ann Arbor District Library, Ann Arbor, Michigan.

AAHRCR – Ann Arbor Human Rights Commission Records, BHL.

ARVF – American Radicalism Vertical File, Special Collections, MSU, East Lansing, Michigan.

BEP – Bret Eynon Papers, BHL.

BHL – Bentley Historical Library, UM, Ann Arbor, Michigan.

CTP – Charles J. Thomas Papers, BHL.

DMC – (Gerald M. Kline) Digital Multimedia Center, MSUL.

FPBP – Frank and Peggy Bach Papers, BHL.

HDP – Hugh M. Davis, Jr. Papers, WRL.

IV – Independent Voices, online.

JLSP – John and Leni Sinclair Papers, BHL.

JBSP – John B. Swainson Papers, BHL

JLC – Joseph A. Labadie Collection, Special Collections, UM, Ann Arbor, Michigan.

KSCC – Kenneth V. and Sheila M. Cockrel Collection, WRL.

LM – Library of Michigan, Lansing, Michigan.

MDDA – *Michigan Daily* Digital Archives, BHL.

MSUL – Michigan State University Libraries, East Lansing, Michigan.

PAP – Paul L. Adams Papers, BHL.

PBP – Perry Bullard Papers, BHL.

PPP – Pun Plamondon Papers, BHL.

RCP – Roger Craig Papers, WRL.

UAHC – Michigan State University Archives & Historical Collections, East Lansing, Michigan.

WRL – Walter P. Reuther Library, WSU, Detroit, Michigan.

## INTRODUCTION

This dissertation attempts a detailed case study of the criminal justice response to the counterculture in Michigan, refracted primarily through the experiences of John Sinclair, a well-connected and influential counterculture organizer who was most active in the 1960s-1970s in Southeast Michigan. The work at times verges on a biographical portrait of John Sinclair, but I resist sticking to that formula to cast a wider net and dig into the historical agents who shaped his life directly or indirectly, and whom he shaped as well.<sup>1</sup> In doing so, I reveal the historical contributions of a wide range of stakeholders—some powerful, some not, some mainstream, some outsiders—who took part in the police response to the youth revolt of the 1960s and 1970s. John Sinclair existed within a diverse counterculture of the Great Lakes region that cut across age, ethnicity, gender, class, and sexuality, and this study will not lose sight of that diversity as it seeks to situate Sinclair within a broader context.

### **John Sinclair and the Counterculture**

Most historical scholarship on the counterculture tends to focus on the Beat poets of New York City and the hippies of San Francisco. But this attention on the coasts threatens to oversimplify the diversity and legacy of the counterculture in its various regional and local manifestations. As a result, the Midwest has been overlooked for

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<sup>1</sup> My approach is informed by historian Stephen Ward's dual biography of married Detroit activists James and Grace Lee Boggs. Stephen M. Ward, *In Love and Struggle: The Revolutionary Lives of James and Grace Lee Boggs*. Chapel Hill: The University of North Carolina Press, 2016.

producing a number of important countercultural leaders and communities. In Southeast Michigan, the work and activism of John and Leni Sinclair made them influential countercultural leaders, yet, if they are mentioned at all, they often appear as little more than a passing reference in academic texts. There are a handful of extensive studies on the Sinclairs, but some remain hampered by mythological interpretations and none have attempted to meld a more comprehensive analysis of their involvement in art, music, journalism, marijuana legalization, prison and police reform, and entrepreneurial ventures from the mid-1960s through the 1990s.<sup>2</sup>

The Sinclairs' activism operated on the periphery of the New Left and Black Power movements, among a multiracial coalition of media-savvy artists and anticapitalist organizers. The Sinclair's were contemporaries of New Left college campus activist groups like Students for a Democratic Society (SDS), which was headquartered on UM's campus since its founding in 1962. The Sinclairs were both sympathetic to the New Left, but they largely eschewed the student-government-style meetings favored by such organizations in favor of art as their primary mode of communication and organizing. The belief that whites needed to organize their own communities in service of black self-determination at home and anti-imperialism abroad, rather than interloping in black and nonwhite organizations had become a common refrain among Black Power Era activists by 1968. Many looked to the example set by El Hajj Malik Shabaazz (formerly Malcolm

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<sup>2</sup> For the most relevant works, see Jeff A. Hale, "The White Panthers' 'Total Assault on the Culture'," in *Imagine Nation: The American Counterculture of the 1960s and '70s*, edited by Peter Braunstein and Michael William Doyle, 125-156 (New York; London: Routledge, 2002); Kevin Mattson, "Leather Jackets for Flowers: The Death of Hippie and the Birth of Punk in the Long Late 1960s," *The Sixties* 12, no. 1 (2019): 1-44; David A. Carson, *Grit, Noise, and Revolution: The Birth of Detroit Rock 'N' Roll*. Ann Arbor, University of Michigan Press, 2005; Bret Eynon, "John Sinclair: Hipster," unpublished manuscript, November 21, 1977, BEP, Box 1, Folder – "Topical File, Contemporary History Project Papers, "John Sinclair: Hipster," By Bret Eynon," BHL.



X) after his break with the Nation of Islam. In his 1965 *Autobiography of Malcolm X*, Shabaaz advised “sincere white people” to attack racism amongst their own home communities by forming “all-white groups” to “work in conjunction” with black organizations, “each of us working among our own kind.”<sup>3</sup> Black Power theorists Kwame Ture (then Stokely Carmichael) and Charles V. Hamilton likewise called upon “white people of good will” to provide “educative, organizational, and supportive” assistance to Black Power organizations by organizing among white communities.<sup>4</sup> In their 1967 book, *Black Power: The Politics of Liberation*, the authors called upon sympathetic whites to disseminate pro-Black Power ideas, to build coalitions that linked poor whites with poor blacks, and to offer resources or expertise to black-led organizations.<sup>5</sup> Black Panther Minister of Communications, Eldridge Cleaver, was even more optimistic about working with white youth who were “repudiating their heritage of blood and taking people of color as their heroes and models.”<sup>6</sup> He described such whites as “truly worthy of a black man’s respect.”<sup>7</sup> But white countercultural revolutionaries like the Sinclairs presented problems for serious revolutionaries because of their open advocacy of marijuana use.

In the 1960s and early 1970s, marijuana occupied a space of ambiguity in American culture. Its effects on the human body and the body politic were bitterly disputed along not only generational lines, but also ideological lines. Yet, marijuana was never universally supported by the left nor universally denounced by the right. Many in the New Left experimented with marijuana, especially by the mid-1960s when it became

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<sup>3</sup> Malcolm X & Alex Haley, *The Autobiography of Malcolm X* (New York: Ballantine Books, 1965), 377.

<sup>4</sup> Kwame Ture and Charles V. Hamilton, *Black Power: The Politics of Liberation (With New Afterwards by the Authors)* (New York: Vintage Books, 1992), 81. Originally published as Stokely Carmichael and Charles V. Hamilton, *Black Power: The Politics of Liberation in America* (New York: Random House, 1967).

<sup>5</sup> Ture and Hamilton, *Black Power*, 81-84.

<sup>6</sup> Eldridge Cleaver, *Soul On Ice* (New York: Delta Publishing Co., Inc., 1968), 81.

<sup>7</sup> Cleaver, *Soul On Ice*, 82.

common knowledge that Bob Dylan and the Beatles were regular smokers. However, legalization was rarely discussed alongside other social issues since it was viewed as less serious than problems such as segregation, economic inequality, and discrimination.

The Black Panther Party (BPP) worried that stoned activists were less effective or that drugs were a useful pretext under which police could arrest party members, so they banned marijuana use on party time.<sup>8</sup> Party leadership implemented the rule that “[n]o party member can have narcotics or weed in his possession while doing party work.”<sup>9</sup> In 1968, Black Panther Lee Otis Johnson was handed a thirty-year prison sentence for sale of marijuana after he allegedly passed a joint to an undercover officer at a party in Houston, Texas.<sup>10</sup> Otis’ predicament jumpstarted a fervent campaign to “Free Lee Otis,” which led to Otis’ release in 1972 after serving four years. Others realized that FBI informants and agent provocateurs could easily supply Black Panthers with marijuana—or more detrimentally, with heroin—in an effort to render them sedate.<sup>11</sup>

Still, party members smoked weed while doing party work, including BPP co-founder Huey Newton, and countless others.<sup>12</sup> Eldridge Cleaver had been a weed smoker since the age of thirteen, and he was sent to juvenile hall for selling it. When he was eighteen, Cleaver got caught by police with, in his words, a “shopping ball full of

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<sup>8</sup> Michael “Cetewayo” Tabor, “Capitalism Plus Dope Equals Genocide” (New York: Black Panther Party, 1970), 10, accessed May 2018, Freedom Archives.

<sup>9</sup> The John Brown Society, “An Introduction to the Black Panther Party” (Ann Arbor, Michigan: The Radical Education Project, 1969). 21.

<sup>10</sup> On appeal, it was determined that the location of his trial in Houston had led to prejudicial jury selection. John Schwartz, “Lee Otis, Free,” *Texas Monthly*, August 2002, <https://www.texasmonthly.com/articles/lee-otis-free/>.

<sup>11</sup> Ahmad A. Rahman, “Marching Blind: The Rise and Fall of the Black Panther Party in Detroit,” in *Liberated Territory: Untold Local Perspectives on the Black Panther Party*, edited by Yohuru Williams and Jama Lazerow (Durham, North Carolina: Duke University Press, 2008), 208.

<sup>12</sup> Bobby Seale, quoted in Stephen Shames and Bobby Seale, *Power to the People: The World of the Black Panthers* (New York: Harry N. Abrams, 2016), 67.

marijuana,” and he was sent to Soledad prison for two years.<sup>13</sup> At the time, Cleaver considered himself “unjustly imprisoned” because he “did not for one minute think that anything was wrong with getting high.”<sup>14</sup> When Cleaver ran for president in 1968 for the Freedom Now Party, he openly flouted BPP rules by smoking a joint in front of reporters while giving a speech.<sup>15</sup> Other members of the Oakland BPP recalled that “from early on, most of us smoked marijuana” and some “people in the party sold weed so we could have some money.”<sup>16</sup> “Brother Roogie” became code for marijuana so Black Panthers could discuss getting high without tipping off the police listening in on the wiretap.<sup>17</sup>

John Sinclair considered himself a political prisoner along with the likes of incarcerated Black Panther leaders Huey Newton, Seale, and Cleaver, as he sat in prison on marijuana charges, trying to orchestrate a popular uprising of stoners against the marijuana laws. “I don’t want to make marijuana seem to be a powerful revolutionary weapon,” Sinclair wrote in his 1971 manifesto, *Marijuana Revolution*, “because in and of itself it’s only a relatively harmless little old weed.”<sup>18</sup> But Sinclair believed that the act of inducing euphoria by smoking or ingesting marijuana put “its users in conflict with the dominant culture.” The ostracization and criminalization of marijuana smokers made many realize they had “become an enemy of the state,” Sinclair reasoned, “and as you get

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<sup>13</sup> For when Cleaver started smoking cannabis, see Eldridge Cleaver, interview by Lynn Scarlett and Bill Kauffman, *Reason*, February 1986. For Cleaver’s youthful *institutionalizations*, see Zoe A. Colley, “The Making of Eldridge Cleaver: The Nation of Islam, Prison Life, and the Rise of a Black Power Icon,” *Journal of Civil and Human Rights* 6, no. 1 (Spring/Summer 2020): 69. For “shopping bag full of marijuana,” see Eldridge Cleaver, *Soul On Ice* (New York: Delta Publishing Co., Inc., 1968), 16.

<sup>14</sup> Cleaver, *Soul On*, 16.

<sup>15</sup> Bobby Seale, quoted in Shames and Seale, *Power to the People*, 67.

<sup>16</sup> For “from early on . . .” see Bobby Bowen, quoted in Robyn C. Spencer, *The Revolution Has Come: Black Power, Gender, and the Black Panther Party in Oakland* (Durham, North Carolina; London: Duke University Press, 2016), 169. For “people in the party . . .” see Bobby Jennings, quoted in Spencer, *The Revolution Has Come*, 73. Spencer conducted the interviews with Bowen and Jennings in 1997.

<sup>17</sup> Bobby Seale, quoted in Shames and Seale, *Power to the People*, 67.

<sup>18</sup> John Sinclair, *Marijuana Revolution* (Ann Arbor, Michigan: Rainbow People’s Party, 1971), page 9, JLSP, Box 21, Folder – “Writings, Pre-1978, Published Writings,” BHL.

high you start to think about the nature of the state that considers this wonderfully euphoric and benevolent act a crime.”<sup>19</sup> This discredited the state’s legitimacy in the eyes of many marijuana smokers, he contended, who were drawn to revolutionary politics to make sense of their devalued place in society.

Widely viewed as a fringe movement, the marijuana legalization movement of the late 1960s to mid-1970s built a wide base of support for decriminalizing marijuana. Numerous campaigns to decriminalize marijuana possession succeeded at the local and state level. By 1980, eleven states had decriminalized possession of small amounts of marijuana from a felony to a misdemeanor.<sup>20</sup> Michigan led the way when the college towns of Ann Arbor and East Lansing (1972) as well as Ypsilanti (1974), effectively legalized marijuana possession by reducing the penalty to a civil infraction punishable by a five dollar fine. Outside of their core constituency of white college students, marijuana legalization proponents in Michigan found a receptive audience among a loose coalition of lawyers, judges, activists, and politicians looking for ways to enact meaningful criminal justice reform. A 1976 Gallup Poll found that 28% of Americans supported full legalization, which suggested a modest increase in support from their 1969 poll that indicated 84% of Americans believed marijuana should remain illegal. There were also a vast number of people in the middle who supported some form of decriminalization because they believed marijuana was a relatively harmless euphoriant.

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<sup>19</sup> John Sinclair, *Marijuana Revolution*, 3.

<sup>20</sup> Joshua Clark Davis, *From Head Shops to Whole Foods: The Rise and Fall of Activist Entrepreneurs* (New York: Columbia University Press, 2017), 86.

Even the youthful “conservative” New Right political groups that came of age in the early 1960s found no consensus over the marijuana question.<sup>21</sup> Within the influential organization, Young Americans for Freedom (YAF), libertarian factions called for the legalization of marijuana while traditionalists advocated continued prohibition.<sup>22</sup> William F. Buckley, the public face of the YAF, sought to mediate the split by sailing into international waters to try marijuana for the first time so he could understand its effects on the human body. Buckley found the drug experience rather innocuous, and he ended up advocating a rational drug policy that decriminalized marijuana use.<sup>23</sup> The vast majority of conservatives, however, bolstered by the police union lobby, advocated not only maintaining marijuana prohibition, but also increasing penalties across all controlled substances.<sup>24</sup> Thus, the Sinclairs’ calls for legalization represented a marginal viewpoint, but their localized actions reverberated throughout the nation through the underground and mainstream press, their legal victories, and their commitment to remaking marijuana’s image in American culture as a gentle, beneficial herb.

John Sinclair’s punishment and the marijuana legalization campaign that Leni coordinated to get him out of prison grew out of were an important part of a growing legitimization crisis in American society. The institutions celebrated as the defenders of freedom and democracy in Cold War America—the government, the church, the police,

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<sup>21</sup> For a more in-depth discussion of the politics of marijuana in the late 1960s, see John Kaplan, “Marijuana as a Symbol,” in *Marijuana—The New Prohibition* (New York and Cleveland: The World Publishing Company, 1970), 1-20.

<sup>22</sup> Gregory L. Schneider, *Cadres for Conservatism: Young Americans for Freedom and the Rise of the Contemporary Right* (New York: New York University Press, 1999), 135-136.

<sup>23</sup> John B. Judis, *William F. Buckley, Jr.: Patron Saint of the Conservatives* (New York: Simon & Schuster, 1988), 309.

<sup>24</sup> For more on the political influence of police unions in the 1960s and 1970s, see Megan Marie Adams, “The Patrolmen’s Revolt: Chicago Police and the Labor and Urban Crisis of the Late Twentieth Century” (doctoral dissertation. University of California, Berkeley, 2012).

universities, the nuclear family, the military, consumer capitalism—were now viewed as sources of tyranny. Marijuana legalization became a tactic to check these institutions and help citizens regain a measure of control over their lives. For John Sinclair, marijuana was an integral part of his work, leisure, and identity. Working as a music promoter, poet, and political organizer, the criminalization of marijuana threatened Sinclair’s ability to maintain a livelihood.

The Sinclairs’ White Panther Party (WPP) has proved an enigmatic group for scholars. Several scholars have analyzed the actions of the group through the lens of blackface minstrelsy, and one has described them as “blackface white militants.”<sup>25</sup> Comparing the White Panthers to their contemporaries, the Weather Underground and the Symbionese Liberation Army, these groups donned “revolutionary blackface” through their use of black slang and macho revolutionary posturing.<sup>26</sup> As early as 1970, middle class and elite whites who romanticized Third World Liberation movement revolutionaries became subjects of ridicule. Writers like Tom Wolfe termed this cultural phenomenon, “Radical Chic,” implying that one accrued status within elite social groups by donning this faddish identity. Wolfe poked fun at social elites in Los Angeles and New York, like composer Leonard Bernstein, who donated large sums of money to revolutionary groups like the Black Panther Party not out of genuine solidarity, but because it was stylish to reject middle class culture and romanticize the poor, primitive, or exotic. Scholars of the Sinclairs and the White Panther Party have similarly criticized

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<sup>25</sup> Grace Elizabeth Hale, *A Nation of Outsiders: How the White Middle-Class Fell in Love with Rebellion in Postwar America* (New York: Oxford University Press, 2011), 222.

<sup>26</sup> Laura Browder, *Slippery Characters: Ethnic Impersonators and American Identities* (Chapel Hill: University of North Carolina Press, 2000).

the group for romanticizing black revolutionaries and engaging in racial mimicry to build oppositional white identities.<sup>27</sup>

Academics have tended to analyze the White Panther Party and the MC5 as an example of how performative traditions of blackface minstrelsy were enacted and recontextualized by white artists and political activists in the 1960s and 1970s. This collective work has deconstructed the process by which whites appropriated the fashion, patterns of speech, and aesthetics of an imagined authentic African American culture. This interpretation of blackness fueled profits for whites within the culture industries, even though they wittingly and unwittingly reproduced racist stereotypes that were used to justify the disenfranchisement and exploitation of black Americans. These narratives counter the common opinion of artists, critics, journalists, and everyday people who view cultural appropriation as an innocent expression of cultural hybridity, which fails to grasp the symbolic and material consequences of whites reaping disproportionately high rewards for mimicking and recontextualizing the work of black creatives who are vulnerable to structural racism and state violence.

Scholars of “The Sixties” have generally portrayed the counterculture as a product of disaffected middle class whites, which isn’t wholly inaccurate, but this generalization belies crucial distinctions within the counterculture that tell a fuller story. The counterculture came about in the wake of WWII, in what historian Nell Irvin Painter characterized as an epochal moment that ushered in the “third enlargement of American

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<sup>27</sup> See Steve Waksman, “Kick Out the Jams! The MC5 and the Politics of Noise,” in *Instruments of Desire: The Electric Guitar and the Shaping of Musical Experience* (Cambridge, Massachusetts: Harvard University Press, 1999), 207-236; Katherine E. Wadkins, “‘Freakin’ Out’: Remaking Masculinity through Punk Rock in Detroit,” *Women & Performance: A Journal of Feminist Theory* 22, nos. 2-3 (July-November 2012): 239-260.

whiteness” in U.S. history.<sup>28</sup> Second-generation immigrants—many of whom were Catholics from Italy, Germany, Poland, Puerto Rico, and Mexico—leveraged their service in the war and the wartime industrial economy to claim citizenship rights. Their children grew up knowing they were white, but what they probably took for granted was the novelty of this assumption. As they grew up, these children became alienated from the WASP’y affectations of mainstream American culture and sought out others who validated their sense of alienation.

### **Labor History of the Counterculture**

Few scholars of the counterculture have viewed it as a workers’ movement, but there is a growing list of works that seeks to understand hippies as laborers.<sup>29</sup> When one does so, they seem to become a part of what Herbert Marcuse called “The Great Refusal” among people who wished to “resist and deny the massive exploitative power of corporate capitalism even in its most comfortable and liberal realizations.”<sup>30</sup> The Sinclairs put their energies into the culture industries as artists, managers, and organizers.

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<sup>28</sup> Painter specifically denotes the years following WWII as the “Third Enlargement of American Whiteness.” For Painter, the first enlargement of American whiteness was associated with Jacksonian democracy in the 1820s, which led to the elimination of property ownership. The second enlargement coincided with the first wave of European immigration to the U.S. after the Civil War, in which Irish and German Catholics leveraged animosity towards “new” immigrants from Southern and Eastern Europe to secure white citizenship rights. For how this played out in Detroit, see Matthew Pehl, “Power in the Blood: Class, Culture, and Christianity in Industrial Detroit, 1910-1969,” Vol I & II (doctoral dissertation, Brandeis University, 2009).

<sup>29</sup> Thomas Frank, *The Conquest of Cool: Business Culture, Counterculture, and The Rise of Hip Consumerism* (Chicago: University of Chicago Press, 1997); Tim Hodgdon, *Manhood in the Age of Aquarius: Masculinity in Two Countercultural Communities, 1965–83*, e-book (New York: Columbia University Press & Gutenberg-e, 2007); David Kaiser and W. Patrick McCray, eds. *Groovy Science: Knowledge, Innovation, and American Counterculture* (Chicago, Illinois: University of Chicago Press, 2016); David Farber, “Self-Invention in the Realm of Production: Craft, Beauty, and Community in the American Counterculture, 1964-1978,” *Pacific Historical Review* 85, no. 3 (2016): 408-442; Davis, *From Whole Foods to Head Shops*.

<sup>30</sup> Herbert Marcuse, *An Essay on Liberation* (Boston, Massachusetts: Beacon Press, 1969), vii.



They were activists embedded in a global network linking cultural workers seeking democratic control over the terms of work, leisure, and consumption during the Cold War. The Sinclairs' were part of a growing global movement that used music and art festivals as the basis of mass political organization and social change. The Woodstock Music and Arts Fair, held from August 15-18, 1969, near Bethel, New York, inspired activist Abbie Hoffman to imagine a "Woodstock Nation" that transcended international boundaries and connected a global network of artists, social activists, and communalists, through an alternative culture industry ran for social justice and community development ends rather than profit.<sup>31</sup> John and Leni Sinclair fully embraced the idea of building a node of the Woodstock Nation in Southeast Michigan. They had shared a desire to put their art in dialogue with a "transnational beat generation," whose writing had become a small-scale "model of resistance or dissidence within Cold War cultures" by the early 1960s.<sup>32</sup> The Sinclairs built a beat-inspired artist collective that strove for self-sufficiency so that they did not have to rely on the "culture industry" to subsidize the production and distribution of their art.<sup>33</sup> They worked in Detroit and Ann Arbor as concert organizers and promoters, music journalists, and managers of communal houses in which musicians and their production crews lived and worked. As the counterculture blossomed across the country, the Sinclairs became increasingly confident that their skills and experience were

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<sup>31</sup> For the global counterculture, see "Woodstock Transnational," in Michael J. Kramer, *The Republic of Rock: Music and Citizenship in the Sixties Counterculture* (Oxford: Oxford University Press, 2013), 211-213; Also see Jeremi Suri, "The Rise and Fall of an International Counterculture, 1960-1975," *American Historical Review* 114. No. 1 (February 2009): 45-68; James Harding and John Rouse, eds., *Not the Other Avant-Garde: The Transnational Foundations of Avant-Garde Performance* (Ann Arbor: University of Michigan Press, 2006).

<sup>32</sup> Nancy M. Grace and Jennie Skerl, "Introduction to Transnational Beat: Global Poetics in a Postmodern World," in *The Transnational Beat Generation*, edited by Nancy M. Grace and Kennie Skerl (New York: Palgrave Macmillan, 2012), 1.

<sup>33</sup> For definitions and conceptions of the "culture industries," see Theodor W. Adorno, trans. by Anson G. Rabinbach, "Culture Industry Reconsidered," *New German Critique* 6 (Fall 1975): 12-19; Howard S. Becker, *Art Worlds*, updated and expanded edition (Berkeley and Los Angeles: University of California Press, 2008), 122-129. Originally published in 1982.

transferrable to larger scale intentional community building outside of a corporate capitalist supply chain.

The Sinclairs were among a wave of “activist entrepreneurs” in the 1960s who established small businesses that appealed to countercultural sensibilities with varying levels of interest in making sustainable profits.<sup>34</sup> Many of these activist entrepreneurs relied on informal economic networks (bartering, off the books employment, the illicit drug trade, etc.) to maintain or expand their clientele. Thus, regulation became a serious obstacle to a number of activist businesses, but mostly, the police and anti-communist vigilantes were keen to disrupt any small businesses they suspected were being used as “fronts” for what they perceived as undesirable politics or culture. African American activist businesses—especially book stores—came under the most intensive surveillance, but countercultural book stores run by dissident whites also became targets for police, especially those that advocated an end to marijuana prohibition. In Cleveland, poet Darryl Levey (aka “d. a. levy”) began self-publishing the *Marrahwanna Quarterly* in 1966, prompting the Cleveland Narcotics Bureau to raid the Asphodel Bookstore, where his literature was sold. In Detroit, the Sinclairs’ distribution of self-published literature and their early advocacy of marijuana legalization in 1965 also put them on the radar of local narcotics detectives.

The counterculture in Detroit grew out of the city’s well-funded Cold War education system that inadvertently produced nonconformists by trying to instill respect for the U.S. political economy. Artsy youth often rejected the functionalism of education intended to fill the ranks of the auto industry and the consumerist demands of Detroit’s upwardly mobile wage earners. People who, for one reason or another, felt alienated and

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<sup>34</sup> Davis, *From Head Shops to Whole Foods*.

were looking to remake themselves and their environs formed pan-ethnic social networks within Cold War educational institutions like high schools, colleges, and universities. These pan-ethnic connections, in some cases, produced exogenous relationships and marriages. More than that, they added up to vast pools of financial resources and niche workers that drove the creation of an antiestablishment workers' movement. Youth started newspapers, activist organizations, and artist collectives to channel their energies, and in doing so, they joined a global antiestablishment youth movement that countered state-sponsored media that served to reify the legitimacy of the Cold War state.

Cultural workers were not simply those who worked within the cultural industries as artists and writers, or as producers of knowledge and media. The worker's movement that accompanied the counterculture took form both within and outside of the wage-labor system and their efforts to organize as workers did not typically involve unionization. Cultural workers gravitated or were dragged towards informal economies—that is, economies unregulated by the state—and only a portion of their creative labor went into the production of commodities. Countercultural women, for example, were often artists in their own right, but they did the bulk of the work involved in childrearing, cooking, and household maintenance, which frequently subsidized their male partners to work as full-time artists. Although the term “drudgery” described housework for many women in the counterculture, women also saw the domestic economy as the creative engine needed to build an artistic movement. Furthermore, women devised resistance strategies to limit their exploitation as domestic laborers.<sup>35</sup>

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<sup>35</sup> Gretchen Lemke-Santangelo, *Daughters of Aquarius: Women of the Sixties Counterculture* (Lawrence: University Press of Kansas, 2009).

Labor historians have largely overlooked the counterculture's significance to labor history since its workers weren't organizing shop floors and unionizing. Often cast as a spiritual, philosophical, or artistic movement, the counterculture is rarely thought of in economic terms. It is even more rarely discussed as a workers' movement. Timothy Leary's famous exhortation to "Tune in, Turn On, and Drop Out," has generally been given the counterculture a reputation for evading hard work and embracing naïve hedonism.<sup>36</sup> But scholars looking at the Sixties—narratives that center the social justice movements and cultural ferment between the mid-1960s and mid-1970s—have demonstrated the importance of the counterculture in organized community activism, creating self-sufficient communes, and fostering entrepreneurial ventures such as the internet, organic agriculture, and music festivals.<sup>37</sup> Those in the counterculture sought less alienating work and more hours of meaningful leisure time than what was offered by most careers by the early 1960s. White countercultural men in particular sought what C. Wright Mills termed "the unity of work and leisure," whereby workers adopted a "craftsmanlike style of life" in order to turn what others might consider "hobbies" or "fun" into a more authentic work experience.<sup>38</sup> John Sinclair certainly sought this in his work as a poet and music promoter, and his 1965 marriage to Leni aided his efforts

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<sup>36</sup> See Todd Gitlin, *Sixties: Years of Hope, Days of Rage* (New York: Bantam, 1987); Alice Echols, *Shaky Ground: The '60s and Its Aftershocks* (New York: Columbia University Press, 2002); Edward Morgan, *What Really Happened to the 1960s?: How Mass Media Culture Failed American Democracy* (Lawrence: University Press of Kansas, 2010); John McMillan, *Smoking Typewriters: The Sixties Underground Press and the Rise of Alternative Media in America* (New York: Oxford University Press, 2011).

<sup>37</sup> Farber, "Building the Counterculture, Creating Right Livelihoods; Connor Hannan, "'We Have Our Own Struggle: Up Against the Wall Motherfucker and the Avant-Garde of Community Action, the Lower East Side, 1968,'" *The Sixties* 9, no. 1 (2016): 115-144; Timothy Miller, *The 60 Communes: Hippies and Beyond* (Syracuse, New York: Syracuse University Press, 1999); Boden C. Sandstrom, "Performance, Ritual and Negotiation of Identity in the Michigan Womyn's Music Festival" (doctoral dissertation, College Park: University of Maryland, 2002); Fred Turner, *From Counterculture to Cyberculture: Stewart Brand, The Whole Earth Network, and the Rise of Digital Utopianism* (Chicago: University of Chicago Press, 2006); Davis, *From Head Shops to Whole Foods*.

<sup>38</sup> C. Wright Mills, "The Unity of Work and Leisure," in *Power, Politics, and People: The Collected Essays of C. Wright Mills* (New York: Ballantine Books, 1963), 348.

because she was similarly committed to living as an artist. But, like other countercultural women, Leni's own pursuits were partially subsumed by the daily household labor of cooking, cleaning, and by 1967, childcare. But rather than simply subsidize her husband's artistic endeavors, Leni reimagined their household as an artistic space that blurred the lines between the public and private, between work and leisure, and between the secular and religious. Leni's experience as a domestic laborer were valuable skills that she employed to transform the American household from a self-contained unit for the nuclear family to enjoy, into a communal institution that served the interests of artists and social activists.

John Sinclair, like many young petit bourgeois white men in Michigan's counterculture, sought to avoid the assembly line, compulsory military service, or white-collar desk jobs of the upwardly mobile, instead opting for unstable work in the gig economy that gave them more control over their working hours and leisure time. Many of the young petit bourgeois white women that Leni Sinclair first encountered in college were seeking independence from parental and community surveillance, which were not as legally punitive as that directed at young men, but were intertwined in social networks and cultural institutions that sought to curb women's rebellious tendencies. The so-called "dropouts" the Sinclairs became associated with in Detroit, Ann Arbor, and around the world did not decline work altogether, but rather redefined work by blurring its distinction from leisure and politics. The stories and experiences of women are becoming a larger part of the scholarship on the counterculture, but this has not yet translated into a sweeping reevaluation of what defined the countercultural experience from the mid-

1960s onward. For women, the constrictions of new domestic ideals were accepted and resisted to differing degrees.

Writer Joan Didion conducted a participant-observer investigation for the *Saturday Evening Post* on the problems affecting teenage runaways who came to the Haight-Ashbury neighborhood during the 1967 Summer of Love in San Francisco. Didion portrayed countercultural gender politics as regressive, especially for young women. Didion told of a young woman, Barbara, who explained her supposed satisfaction with the “woman’s trip,” which seemed to Didion to mostly involve Barbara working as an unpaid domestic laborer, keeping house, and baking, all so that her partner, Tom, could pursue his interest in writing.<sup>39</sup> Such dynamics between men and women of the counterculture certainly existed, and a less perceptive observer might have missed it, but it’s only one facet of the “woman’s trip.” Women, for example, did not simply accept idea that “free love” meant they were expected to be sexually available to the all the men of the commune. Men and women continued to form sexually exclusive partnerships or mutually agreed upon non-monogamy, many got married and had children—just as their parents’ generation did—in the midst of the sexual revolution. Some arrangements were understood as a temporary practicality, not necessarily a lifelong legal partnership.<sup>40</sup>

Women and men forged social bonds that built and sustained a particularly powerful musical community amongst non-unionized white rock musicians in 1960s-

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<sup>39</sup> Joan Didion, “Slouching Towards Bethlehem,” in *Slouching Towards Bethlehem* (New York: Farrar, Straus and Giroux, 1968), 113. Originally published as “The Hippie Generation: Slouching Towards Bethlehem,” *Saturday Evening Post*, September 23, 1967.

<sup>40</sup> Rosabeth Moss Kanter, “Commitment and Social Organization: A Study of Commitment Mechanisms in Utopian Communities,” *American Sociological Review* 33, no. 4 (August, 1968): 499-517; Rosabeth Moss Kanter, “Coupling, Parenting, and the Presence of Others: Intimate Relationships in Communal Households,” *The Family Coordinator* 24, no. 4 (October, 1975): 433-452; Beth Bailey, *Sex in the Heartland* (Cambridge, Massachusetts: Harvard University Press, 2002); Judy Kutulas, *After Aquarius Dawned: How the Revolutions of the Sixties Became the Popular Culture of the Seventies* (Chapel Hill: The University of North Carolina Press, 2017).

1970s Michigan, at a time when white men held a near monopoly on the means of production that drove the music industry. Men largely controlled local venues and radio stations, and male gatekeepers mostly determined what kind of music was played. They owned recording studios and the equipment needed to create music. Men's access to technical training meant they were more likely to possess the technical knowledge necessary to maintain instruments, especially ones that ran on electricity. Women in this musical community were encouraged to engage with the music industry, but mainly as consumers, not producers of content.<sup>41</sup>

This male-dominated music did not simply reflect the counterculture. This music produced the counterculture. Popular music is often fashioned as the “soundtrack” to the political and social upheaval of the 1960s and 1970s, but popular music is not just a product that is passively consumed. Musical recordings and performances are the end results of considerable labor, and they tend to mask the arduous process that brought them to fruition. The political economy that produced the music under the umbrella of the Sinclairs demonstrates that countercultural values were enacted and instilled through the day-to-day work of laborers who built and sustained an indigenous music infrastructure in Southeast Michigan. Bands played free concerts, political rallies, and partook in a sharing economy in exchange for an audience, advertising, and maybe some cash to cover some expenses. Women sewed stage outfits, cooked healthy meals, and took care of children, but they also partied, went to concerts, did drugs, got odd jobs, went to school, and some ran away when circumstances didn't suit their desires anymore. This informal music economy, driven by the labor of women and men, made it possible for

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<sup>41</sup> Sheila Whitley, *The Space Between the Notes: Rock and the Counterculture* (London: Routledge, 1992).

people to live communally, share profits, smoke marijuana, and blur work with leisure to produce a functioning community that could be viewed as “countercultural.”

## The Carceral State

Scholar and activist Michel Foucault referred to “the carceral” as the societal institutions that defined who was a “delinquent,” and how they should be managed. In his 1974 book, *Discipline & Punish*, Foucault wrote about a “carceral archipelago” of schools, psychiatric hospitals, and prisons that sought to suppress specific behaviors that had been deemed delinquent at a particular historical moment.<sup>42</sup> The changes in the carceral system in post-WWII Michigan were inextricably linked to the interests of private corporations to reestablish control over workers following the major gains of the labor movement before and during the war. Michigan’s citizens, police, and lawmakers, by and large, bought into the pro-capitalist logic of the Second Red Scare that justified reinvestments in community surveillance to police the boundaries of appropriate human behavior. In the 1950s, Michigan pushed to criminalize a wide variety of behaviors that seemed incompatible with a pro-capitalist agenda or Judeo-Christian sexual morality.<sup>43</sup> A

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<sup>42</sup> Michel Foucault, *Discipline and Punish: The Birth of the Prison*, 2nd ed., trans. Alan Sheridan (New York: Vintage Books, 1995), 300-301; For scholarly works in the vein of Foucault’s carceral, see Gresham Sykes, *The Society of Captives* (Princeton, New Jersey: Princeton University Press, 1958); Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts, *Policing the Crisis: Mugging, the State, and Law and Order* (London: Macmillan, 1978); David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford: Oxford University Press, 2001); Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (Cambridge: Cambridge University Press, 2006); Ruth Wilson Gilmore, *The Golden Gulag: Prisons, Surplus, Crisis and Opposition in Globalizing California*. Berkeley: University of California, 2007; Heather Ann Thompson, “Why Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *Journal of American History* 97, no. 3 (2010): 703–34.

<sup>43</sup> In 1954, the *Indiana Law Journal* criticized U.S. sex crime laws for “confound[ing] sin with crime.” A footnote on the same page asserted “[m]orals have achieved a connotation of sexual purity to be enforced



series of laws, blue ribbon commissions, and constitutional amendments were enacted during the American War in Korea that attempted to criminalize membership in the Communist Party, marijuana and heroin use, and sex outside of marriage.<sup>44</sup> Carceral logic borrowed heavily from “industrial relations” experts who rose to prominence using their humanistic training in psychology, sociology, and communications at well-funded public educational institutions to craft pragmatic strategies for large corporations to placate the more modest worker demands and regain widespread public confidence. Humanists gained considerable power within public and private institutional bureaucracies in order to reform them to create less alienating working conditions.

After WWII, community educational institutions cultivated creatives with practical skills and a desire to work within Detroit. As the automobile industry expanded exponentially in Metro Detroit from the 1910s-1920s, the classical model of public education gradually gave way to commercial educational programs that taught specialized skills to pupils so they could fill the ranks of the industrial workforce. By the 1950s, the federal government made an enormous investment in the nation’s public high school system to ensure the employability of the expansive baby boom generation. Young people found themselves in programs designed to professionalize them by imparting communication skills and financial savvy, while also offering wholesome recreational opportunities. The educational model sought not only to prepare youth for a

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with penal sanction.” See “The Function of Law in the Regulation of Sexual Conduct,” *Indiana Law Journal* 29, no. 4 (1954): 556.

<sup>44</sup> Michigan’s “Registration of Subversives” or “Trucks Act”—Act 117 of 1952, named after state Rep. Kenneth O. Trucks—barred Communists from running for public office and required members of Communist and Communist-Front organizations to annually report their whereabouts to the MSP, along with lists of names of everyone they knew who might be members of Communist or Communist-Front organizations, as well as financial records of their organization. The law was declared unconstitutional by the Michigan Supreme Court in 1956. The Suppression of Illegitimate Narcotic Drugs Act of 1952 will be dealt with in more detail in chapter one. The 1951 Report of the Governor’s Study Commission on the Deviated Criminal Sex Offender helped initiate the Lavender Scare in Michigan in which public officials

healthy, productive life under capitalism, but also impose community-level surveillance and disciplinary mechanisms to manage those who were exhibiting behaviors deemed unhealthy or unproductive.<sup>45</sup> Such programs were not simply geared towards filling the ranks of the automobile industry, but also the growing market for workers in the culture industries. These cultural workers were not just the artists or performers who produced culture, but administrators who functioned primarily to preserve and distribute the cultural products of others. After WWII, the ranks of the culture industries swelled with teachers, photographers, journalists, intellectuals, librarians, and musicians, and by 1950, more than two million Americans worked full time in the culture industries.<sup>46</sup>

Cold War-era education sought to advance the ideals and perpetuate the material conditions necessary for market capitalism to function properly. Student newspapers and humanistic liberal arts educational programs in colleges and universities promised to emphasize the independence of intellectual thought from state intervention, unlike the way the Soviet Union functioned. Of course, the goal of such endeavors was to lead students to the conclusion that the U.S. political economy could more confidently guarantee happiness, prosperity, and peace than could Soviet communism. However, by the mid-1960s, it was apparent that a growing number of baby boomer students had refashioned student newspapers to critique the American establishment. Their humanistic college educations led them to question, not affirm, the legitimacy of the U.S. Cold War state. The so-called underground press that coalesced in the formation of the

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<sup>45</sup> For more on the construction of the Cold War education system, see Jeffrey Mirel, "The Rise of the Liberal-Labor-Black Coalition, 1949-1964," in *The Rise and Fall of an Urban School System: Detroit, 1907-1981*, Second Edition (Ann Arbor: University of Michigan Press, 1999), 217-292. See Ellen Herman, *The Romance of American Psychology: Political Culture in the Age of Experts* (Berkeley: University of California Press, 1995), 273-275.

<sup>46</sup> Michael Denning, *The Cultural Front: The Laboring of American Culture in the Twentieth Century* (London; New York: Verso, 1996), 49.

Underground Press Syndicate (UPS) in 1966 drew strength from individuals with experience producing and distributing student newspapers, and from college students in liberal arts programs. The counterculture in Michigan grew out of a racially segregated Cold War education system that was subsidized by corporate welfare from the automobile industry, federal grants, and property taxes, all of which inadvertently produced nonconformists by trying to instill respect for the U.S. political economy.

Sociologists in the late 1950s-early 1960s increasingly highlighted the gray area that existed between the black and white categories of illicit and licit behaviors. Sociologist Howard S. Becker emerged as one of the most articulate critics of the concept of “deviance,” a term criminologists used as a category of analysis in “juvenile delinquency” research. Becker understood that the growing scholarly literature on juvenile delinquency was based on the premise that “there [was] something inherently deviant (qualitatively distinct) about acts that break (or seem to break) social rules.”<sup>47</sup> The fault in this logic, for Becker, lay in how it uncritically accepted the “values of the group making the judgment.”<sup>48</sup> There was considerable power invested in the act of labeling a social behavior as deviant, and it had major consequences for recipients of the label. When someone was labeled “deviant” by the state, they were assumed to have “other undesirable traits,” which made them likely to commit other crimes. This potential for further deviance justified increased surveillance and stricter forms of punishment if the person was caught committing further deviant acts.<sup>49</sup> Becker specifically looked at

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<sup>47</sup> Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance* (New York: The Free Press, a division of Collier-Macmillan Ltd., 1963), 3.

<sup>48</sup> Becker, *Outsiders*, 4.

<sup>49</sup> For how this labeling played out on the streets between the police and the counterculture, see Risa Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (New York: Oxford University Press, 2016).

black and white jazz musicians who smoked marijuana for his study. Becker himself was a musician and weed smoker, and he increasingly

The Michigan carceral state encountered by the “deviants” of the counterculture in the 1960s and 1970s came of age in the 1930s under Governor Frank Murphy, a New Deal liberal, and Democratic legislators who spearheaded the creation of the Michigan Department of Corrections (MDOC) in 1937 to centralize and rationalize the management of prisons, parole, and probation in the state. The effort intended to undermine the patronage system that dominated Michigan’s carceral system, and replace it with professionalized civil service.<sup>50</sup> Previously, Michigan State College of Agricultural and Applied Science (MSC) greatly aided law enforcement professionalization efforts by establishing the School of Police Administration and Public Safety within the School of Science and Arts in 1935. The Michigan State Police were already headquartered on the MSC campus in East Lansing, so the university program was geared towards training Michigan state troopers in the ways of crime investigation, interpreting city codes and state laws, and the basics of bureaucratic administration and labor management. The school soon developed into a government-subsidized intellectual think-tank concerned with new approaches to “criminology,” a relatively new field of inquiry pioneered by the School of Criminology at the University of California, Berkeley, established in 1916.

Embarrassed by the widespread disdain for law enforcement and the criminal justice system during the era of alcohol prohibition and the Great Depression, U.S. policymakers believed the country’s economic prosperity after WWII had opened an

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<sup>50</sup> Charles Bright, *The Powers That Punish: Prison and Politics in the era of the ‘Big House’, 1920-1955* (Ann Arbor: University of Michigan Press, 1996), 136-137.

opportunity to reestablish the legitimacy of the police, courts, and penal institutions. A major push for legitimacy came through the suppression of the “illicit economy,” a term that policymakers used to describe poor and working class economic activity not condoned by U.S. law. Prostitution, gambling, and narcotics trafficking were singled out as particularly immoral practices that police and courts needed to suppress through the power of criminal law.<sup>51</sup>

By the mid-1950s, Michigan State’s enrollment skyrocketed through the G. I. Bill, so the institution reorganized itself as an international research university and it became a trusted partner to the federal government in what one historian has called the “unconventional Cold War,” which involved the manipulation of public opinion to promote US foreign policy objectives mainly through propaganda, psychological warfare, and covert operations.<sup>52</sup> The Department of Police Administration moved to the School of Business and Public Service and the department head, Arthur F. Brandstatter, became an international advocate for “community policing,” a concept espoused by his colleague, criminologist Louis Radelet, who founded the National Institute on Police and Community Relations at Michigan State. Radelet contributed to the “Police in the Community” section of the President’s Commission on Law Enforcement report (1968) and in the same year, he co-edited the first sourcebook dedicated to “community policing” with Brandstatter.

Brandstatter was among the earliest class of graduates from MSC’s newly created Police Administration program in 1938 and after military service in WWII, he returned to

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<sup>51</sup> Holly Karibo, *Sin City North: Sex, Drugs, and Citizenship in the Detroit-Windsor Borderland* (Chapel Hill: The University of North Carolina Press, 2015).

<sup>52</sup> Kenneth A. Osgood, “Hearts and Minds: The Unconventional Cold War,” *Journal of Cold War Studies* 4, no. 2 (Spring 2002): esp. 88-91, & 95.

MSC in 1946 as a faculty member, chief of the East Lansing Police Department, and director of the Department of Public Safety. Brandstatter also served as a consultant to the American occupation police forces in Germany and South Korea after the war. Brandstatter advised John J. McCloy, the U.S. High Commissioner to the newly formed Federal Republic of Germany (1949)—commonly referred to as West Germany—and the two formulated a plan to use Michigan State’s campus as an international training center for police in strategic military locations like West Germany and South Korean.

A few years later, Brandstatter helped coordinate the federally-funded Vietnam Advisory Group, an expansive project that intended to help cultivate political legitimacy for the fledgling anticommunist government of the newly created Republic of Vietnam (1955)—or South Vietnam. The U.S. Department of State funneled millions of dollars into MSU to gain access to President Ngô Đình Diệm’s administration in South Vietnam, and covertly insert CIA agents into his inner circle of advisors. As part of the Vietnam Advisory Group, the Police Advisory Group—made up of MSU faculty and a handful of new hires, some of whom were CIA agents—consulted and trained high-ranking members of the Diệm government in the science of modern police organizations. The group also provided Diệm with government-subsidized military equipment, strengthening the state’s capacity to surveil, disrupt, and punish political resistance. The reciprocity between domestic and foreign policing during the Cold War is not a new topic in historical scholarship. Much has been made of the “domestic containment” policies that characterized the Second Red Scare within American borders.

The expansion of the carceral from the 1930s-1960s manifested in the enforcement of narcotics prohibition, the criminalization of certain forms of political

dissent, and various social controls aimed at stemming juvenile delinquency, non-procreative sex outside of a legal marriage. Scholars have started mapping out role of the state in suppressing countercultural insurgents, but such narratives remain a vaguely understood as a part of the overall countercultural experience.<sup>53</sup> Studies of social movements in the 1960s emphasize the importance of political surveillance—justified as “subversion” through local red squads and the disruptive tactics employed by the national covert FBI program, COINTELPRO. However, this focus on behind-the-scenes bureaucratic police work has obscured the importance of on-the-street law enforcement that directly interacted with the participants in the social movements of the Sixties. Red squads employed detectives who worked largely behind the scenes, collecting extensive files on suspected subversives and sharing information with powerful international police networks. But Narcotics Bureaus, riot squads, and uniformed patrols dealt face-to-face with participants in the social movements of the Sixties on a much more regular basis, profoundly shaping activists’ perception of the state. The power of arrest, regardless of whether the charges could hold up in court or not, and the physical violence and verbal insults that often accompanied an arrest, were a powerful tool of police.<sup>54</sup>

On the surface, John and Leni Sinclair’s combined activism on behalf of mainstreaming marijuana culture seems to confirm Matthew D. Lassiter’s contention that the expansion of the carceral state since the 1970s depended on creating legal “exemptions” for middle class whites who participated in the “underground marketplace”

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<sup>53</sup> For firsthand accounts, see Abe Peck, *Uncovering the Sixties: The Life and Times of the Underground Press* (New York: Citadel Press, 1991). Originally published in 1985 by Pantheon Books, New York; Brian Burroughs, *Days of Rage: America’s Radical Underground, the FBI, and the Forgotten Age of Revolutionary Violence* (New York: Penguin Press, 2015).

<sup>54</sup> For specifics on the changing enforcement of marijuana prohibition from the 1930s-1970s, see Richard J. Bonnie and Charles H. Whitebread II, *The Marijuana Conviction: A History of Marijuana Prohibition in the United States* (Charlottesville: University Press of Virginia, 1974).

of the marijuana economy.<sup>55</sup> Indeed, the impossibility of fully enforcing drug prohibition put immense discretionary power in police to enforce the law on certain targets and while underenforcing the laws on others.<sup>56</sup> Nonetheless, the Sinclairs' marijuana use made them targets of the police, and their legal challenges to the specific character of marijuana prohibition expanded legal protections to all people arrested for marijuana crimes. As time went on, however, these legal protections were whittled away and the severe consequences of this landed most heavily on working class black people in urban centers who had been scrutinized by intensive police surveillance for generations. Scholars like Michelle Alexander have made it clear that three strikes rules, mandatory minimum prison sentences, and the economic and political penalties imposed on felons convicted for non-violent drug-related offences (most of which were for marijuana use and sale) drove the dramatic rise in African American incarceration since the 1970s, amounting to a legal system that resembled the Jim Crow South.<sup>57</sup> Punishment was important for policing the counterculture, but perhaps more significant was how punishment was strategically withheld by authorities. Hippies were certainly the targets of police, prosecutors, and judges who found their behavior objectionable, but an unofficial policy of leniency came to mark the criminal justice system's treatment of hippies by the mid-1970s.<sup>58</sup> This differed markedly from the treatment of non-whites in the Black Power,

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<sup>55</sup> Matthew D. Lassiter, "Impossible Criminals: The Suburban Imperatives of America's War on Drugs," *Journal of American History* 102, no. 1 (June 2015): 127.

<sup>56</sup> For more on the discriminatory aspects of police's discretionary power to make or not make arrests, see Joseph Goldstein, "Police Discretion Not to Invoke the Criminal Process: Low-Visibility Decisions in the Administration of Justice," *Yale Law Journal* 69, no. 4 (March 1960): 543-594; John M. Junker, "Criminalization and Criminogenesis," *UCLA Law Review* 19, no. 5 (June 1972): 707; Sandra Bass, "Control Imperatives and Police Discretionary Decisions," *Social Justice* 28, no. 1 (Spring 2001): 156-176.

<sup>57</sup> Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: The New Press, 2010).

<sup>58</sup> The racialization of space through legal segregation and enforced by police and vigilantes has been identified as an important precursor to the wave of so-called "urban crises" of the late 1960s and early



Chicana/o, and Red Power movements, who, on the whole, were viewed as unredeemable threats and were subjected to much harsher forms of state violence.

## Chapter Outlines

This dissertation pulls all of these threads together over the course of five chapters. Chapter one traces the profound transformation of “whiteness” as a racial identity from the 1930s to the early 1960s by John Sinclair and Magdalene Arndt’s very different intellectual development as white people into context. Both became enamored with Beat literature and jazz music around 1960 and the primitivist romanticism of black artists and scaffolding upon which they could construct new urban identities that disavowed the politics of white solidarity and liberal consensus in the Cold War. Sinclair’s parents migrated to Flint during the Great Depression and were able to secure financial stability through the largesse of General Motors’ (GM) corporate welfare schemes. As native-born whites who remained loyal to the company during a period of labor insurgency, the Sinclairs achieved upward mobility and settled in the all-white Flint suburb of Davison, where their children grew up. Their oldest son, John Alexander Sinclair, Jr., became an enthusiastic participant in the thriving leisure culture of Flint, which, for him, centered around record collecting and attending rock and roll dances. At

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1970s. Rebellions against police brutality and racism became pretexts for whites to physically and economically withdraw from cities with large black working class populations like Detroit and Flint. See, Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (Oxford: Oxford University Press, 1985); Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*, Princeton Classic Edition. Princeton: Princeton University Press, 2005. Originally published 1996; Stephen High, *Industrial Sunset: The Making of North America’s Rust Belt, 1969-1984* (Toronto, Ontario: Toronto University Press, 2003); Andrew R. Highsmith, *Demolition Means Progress: Flint, Michigan, and the Fate of the American Metropolis* (Chicago, Illinois: University of Chicago Press, 2015).

Albion college, Sinclair became an avid reader of beatnik literature and he started learning about jazz. Sinclair returned to Flint to continue college and begin making connections with jazz musicians and drug dealers.

Chapter two follows John Sinclair to Detroit, where he started attending graduate school at Wayne State University and became ensconced in the pan-ethnic neo-Beatnik scene on campus. This artists' community was produced by workers of many different ages and backgrounds who wrote, published, painted, partied, organized, played music, took mind-altering substances, utilized informal and underground economic networks, sought exogenous sexual relationships and marriage, and questioned state legitimacy. Most influentially, in 1964 Sinclair met Magdalene Arndt, a jazz fanatic, beatnik, and anti-Stalinist communist who originally came from a family that fled East Prussia in the closing stages of WWII and eventually resettled in the Soviet-controlled German Democratic Republic (GDR). Arndt's parents helped manage the collective farm they lived on and she attended school with the intent to become a teacher. Arndt fled East Germany and came to the United States as a political refugee in 1959, settling in Detroit, where she worked and attended WSU. She had discovered jazz through the radio in East Germany and she soon worked her way into a global network of dissident poets and artists loosely connected by the Beat movement. As marijuana dealing and consumption became more common among white college students and local artists, police targeted "subversives" and "beatniks"—especially those living in communes—on or near college campuses for surveillance and arrest under the narcotics laws. The Sinclairs were among those caught up in the police's newfound zeal for exercising surveillance powers and mass warrantless arrests on white middle class marijuana users, techniques that had

become standard practice in black communities by the early 1950s.

Chapter three follows the Sinclairs to Ann Arbor, where they moved their commune in early 1968. The Detroit Rebellion of July 1967 convinced a great number of lawmakers, judges, and police that “law and order” policies were necessary to resolve this legitimization crisis, and one way to reestablish state authority was through vigorously enforcing the drug laws. John Sinclair was arrested third time for marijuana possession, but he secured the legal aid from UM Law School alumni Justin Ravitz, who agreed to challenge the constitutionality of the state’s marijuana laws on Sinclair’s behalf. The Sinclairs expanded their work as artists, community organizers, and producers of alternative media, largely through their association with the local Detroit band, the MC5. Once in Ann Arbor, the Sinclairs helped form the White Panther Party in an effort to channel their art into organizing white youth to support the self-determination politics of the Black Panther Party. Their revolutionary propaganda and efforts to build a working alliance with the BPP drew the attention of federal investigators who ramped up efforts to surveil, disrupt, and ultimately undo the White Panthers. When John Sinclair was sent to Jackson prison in July 1969 for his third marijuana conviction without appeal bond, the WPP found themselves backed into the position of being not much more than a legal defense organization, at which point they made deliberate efforts to package their revolutionary ideology in a way that made them more acceptable to mainstream tastes. This brought them into alliance with people like Michigan Senator Roger Craig, who had championed decriminalizing marijuana back in 1967, and Michigan Representative Jackie Vaughn III, who proposed a bill that would remove all drug prohibition laws from Michigan’s criminal statutes.

Chapter four follows John Sinclair's experiences as a political prisoner in Michigan's penal system and the efforts of Leni Sinclair and others to build support for John's appeal, which argued that the state marijuana laws were unconstitutional. The spectacle of a huge benefit concert, the John Sinclair Freedom Rally in December 1971, demonstrated the Sinclairs' ability to mobilize popular support despite the efforts of police to thwart them. When John's case came before the Michigan Supreme Court, he was fortunate that the newest justice, John B. Swainson, had come prepared to strike down the marijuana laws. Swainson's son had been arrested for marijuana in 1967 and he later struggled with opiate addiction, prompting his father—a former state senator and governor of Michigan—to found the Narcotics Addiction Rehabilitation Coordinating Organization (NARCO), which conducted extensive research into drug prohibition and had convinced Swainson that marijuana was relatively harmless, contrary to popular belief. Swainson wrote the majority opinion that ruled in favor of Sinclair, and allowed him to leave prison after over two years behind bars.

Chapter five examines the Sinclairs' efforts to capitalize on their organizing successes by rebranding as the Rainbow People's Party (RPP) and focusing on local electoral politics to gain control over the levers of power at the community level. Their wide-ranging efforts included petitioning to legalize and decommmodify marijuana, running candidates for Ann Arbor City Council and other local offices, sponsoring large concerts, and coordinating various community institutions and programs such as a food co-op, a community newspaper, an alternative school, a safe house for runaways, and a free clinic. However, internal disputes, tensions with political allies, and a resurgence of law and order politics eventually took their toll on their activities, and the RPP commune

dissolved in 1974, leading the Sinclairs to return to Detroit to pursue various community business ventures together until their legal separation in 1977.

The story of the Sinclairs' counterculture activism reveals understudied contours of Cold War policing, in particular, its effort to contain political and cultural dissent, especially when such dissent sought to build anti-capitalist interracial coalitions and solidarity with anticolonial movements around the world. Marijuana was a constitutive element of the revolutionary movements of the 1960s and the strategic and selective enforcement of marijuana prohibition against revolutionaries proved a fairly effective strategy for a U.S. government struggling to maintain its moral weight in the Cold War as the civil rights movement and anti-Vietnam war protests magnified America's shortcomings as global superpower. A close examination of the Sinclairs' development as revolutionary activists provides a complex narrative about the political history of an American counterculture that was constantly changing as young men and women reinvented themselves as dictated by circumstances. The Sinclairs represent a movement of countercultural workers who sought economic self-determination through the production of music. And while this effort was never fully realized, their attempts had a profound influence on portions of mainstream American culture.

CHAPTER ONE  
JOHN SINCLAIR: WHITE REBELLION IN COLD WAR MICHIGAN, 1950s-1964

This chapter provides background information on John Sinclair in order to situate his experiences and intellectual development as an artist and activist within a regional history of Michigan. The Cold War political economy of Michigan at this time invested heavily in racial segregation, corporate welfare, and social control mechanisms aimed at juveniles, but Sinclair's experiences point to how such measures were constantly resisted and renegotiated in the course of daily life. Sinclair's identity as a well-educated, heterosexual, and native-born white male from a nuclear family offered him a level of freedom not typically afforded to youth who were nonwhite, female, or less secure economically. Under the logic of the U.S.'s Cold War educational system, Sinclair's upbringing seemed to exemplify how liberal education, corporate loyalty, and nuclear families would produce outstanding American citizens with a desire to better their communities and uphold American values and ideals. But rather than leverage his social status to follow his father's footsteps as an auto industry executive or similar profession, Sinclair went to college and became an artist who intended to teach English literature like his mother. Sinclair researched, collected, and internalized anti-capitalist consumer products such as Beat generation publications, cannabis, and free jazz, forming a new identity as a homegrown dissident against racism, capitalism, and sexual repression. Sinclair was no Red Diaper Baby, but he was on his way to becoming a homegrown dissident, a "sensitive man" who renounced his Christian faith, transgressed racial segregation and idolized black musicians, and espoused anti-capitalist populism. Individuals like John Sinclair renegotiated the common expectations of middle class

white masculinity by embracing the complex sexual politics described by male beat writers.

In a way, John began the process of divesting his white identity from the virulent racism he grew up around in Davison, and the more subtle forms of white liberal racism that prevailed among the well-educated, while still largely retaining the economic, social, and legal advantages of whiteness. Nevertheless, John Sinclair's early anti-racist activism idealized nonconformist black male artists, and he became a "propagandist" for black and white artists seeking self-determination within the exploitative culture industries. As a music critic and poet, John Sinclair functioned almost as a secular proselytizer, pressing white audiences to break down their identities and rebuild them anew through experiential learning. Euphoric drugs, guilt-free sex, and dancing to rapturous music, in a sense, promised to completely transform white sensibilities and bring about a spiritual awakening that would unravel white racism from the inside. The story of John Sinclair's formative years and the cast of characters who influenced him speak to a strain in the white counterculture that sought to escape whiteness. Whites crafted trans-racial identities that formed drew from beyond the color line. Through illicit marijuana networks in Flint and the few beatnik intellectuals on college campuses, Sinclair fashioned himself as an urban neobeatnik who sought prestige largely through his consumption, appreciation, and creation of avant-garde art, especially as it related to black artists. By the early 1960s, Sinclair came to idealize the "noncommercial" New Music most associated with the Free Jazz movement, which—even if played by whites—

was interpreted as a corollary to the politics of black self-determination that were taking hold in Michigan cities like Flint and Detroit.<sup>1</sup>

### **White Life in Segregated Flint**

John "Alexander Sinclair, Jr., was born on October 2, 1941, at the Women's Hospital in Flint, Michigan. He was the first child of Elsie and John "Jack" Sinclair Sr., and was followed two years later by sister Kathleen, and brother David in 1945. When John was born, his mother Elsie stopped working as an elementary school teacher in the Flint public school system to raise her children.<sup>2</sup> In the early 1930s, before her marriage to Jack Sinclair, Elsie Newberry had waited tables at restaurants like Hedge's Wigwam—a restaurant that boasted air-conditioning and kitsch Indian décor—to pay her way through Michigan State Normal College (MSNC), a four-year teacher's college in Ypsilanti.<sup>3</sup> At MSNC Newberry was a member of the theater and English clubs and she worked as an editor for the school newspaper, the *Normal College News*, in her senior year.<sup>4</sup> From 1930-1933, while Newberry took English and elementary education courses in preparation to teach, the state of Michigan lost approximately 3,000 teaching jobs. As

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<sup>1</sup> Iain Anderson, *This is Our Music: Free Jazz, the Sixties, and American Culture* (Philadelphia: University of Pennsylvania Press, 2007); Thomas Barker, "Music, Civil Rights, and Counterculture: Critical Aesthetics and Resistance in the United States, 1957-1968" (doctoral Dissertation. University of Durham, 2016).

<sup>2</sup> Elsie went back to work as a teacher in 1959, when her youngest child David entered the eighth grade. John Sinclair, interview by Ryan Huey, video chat, January 13, 2021.

<sup>3</sup> Her waitressing in college was mentioned by John Sinclair (see interview by Ryan Huey, January 13, 2021) and corroborated by the 1933 city directory for Pleasant Ridge, Michigan. *Polk's Pleasant Ridge City Directory 1932* (Detroit, Michigan: R. L. Polk & Co., Publishers, 1933), 806, accessed January 2020, Ancestry Library Edition.

<sup>4</sup> For Newberry's participation in various clubs, see Margaret Hamill, ed., *Aurora*, yearbook (Ypsilanti: Michigan State Normal College, 1932), 118, accessed January 2020, Ancestry Library Edition. For her work on the school newspaper, see *Polk's Ypsilanti City Directory 1933* (Detroit, Michigan: R. L. Polk & Co., Publishers, 1933), 152, accessed January 2020, Ancestry Library Edition.



school budgets tightened and children dropped out to work during the depression, many newly certified teachers like Newberry—who graduated in 1933—struggled to find work.<sup>5</sup> Newberry ended up moving back in with her parents for a few years in Berkley, Michigan.

The Newberrys had not been in Berkley that long, but it was a stable living situation. They first came to the Detroit area during WWI so that Elsie’s father, Clyde Newberry, could find all-season industrial work. By the time Elsie was born in 1912, Clyde had already been working as a farm hand for years, so the family rented by the season and moved frequently. When he secured work as a machinist around 1918, the family was able to settle in the mixed-class, all-white village of Berkley near the intersection of Woodward Avenue and Twelve Mile Road. Elsie’s mother Edyth (née Dudley) had worked as a rural schoolteacher for a few years prior to her 1903 marriage to Clyde, but official records do not list an occupation for her in ensuing years.<sup>6</sup> After Elsie finished high school, she decided to pursue a teaching degree, something her mother was never able to do.

Elsie Newberry probably met Jack Sinclair sometime after her graduation and by 1936, she had moved to Flint and married Sinclair in a ceremony officiated by an Irish Catholic priest.<sup>7</sup> Jack Sinclair came from a Canadian-Irish Catholic mother, Anna (née O’Malley), and his father, Albert E. Sinclair, was the child of parents of Scottish descent,

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<sup>5</sup> Newberry’s graduation year in 1933 is presumed based on her being listed as a junior in the 1932 yearbook for Michigan State Normal College. For the Report of the Council of Teachers College Presidents, see “Michigan State Teachers Colleges: A Statement Bearing on their Origin, Legal Status, Control and Development in Relation to the Demands upon them by the Public Schools of Michigan” (Lansing, Michigan: State Board of Education, 1934), 50.

<sup>6</sup> “Return of Marriages in the County of Clare (Michigan) for the Quarter Ending June 30, 1903,” Clare County Clerk’s Office, no date [c. June 30, 1903].

<sup>7</sup> Marriage License, no. 28415, between John A. Sinclair and Elsie D. Newberry, August 15, 1936, Genesee County Clerk’s Office, Flint, Michigan.

one of whom was Catholic.<sup>8</sup> Jack Sinclair was born in 1910 and he grew up on his parents' farm that they owned outright in Kinde, Michigan, where they were part of a loose Scottish, Irish, Polish, German Catholic community in Michigan's Thumb region that centered around St. Michael's Parish, eight miles north of Kinde in Port Austin, Michigan.<sup>9</sup> Elsie was raised Protestant, not Catholic. Her mother had a Canadian-Irish father who married a Protestant Englishwoman, and her father's side consisted of Anglo Protestants who had come to Michigan from New York around the 1850s.<sup>10</sup> Despite the resurgence of anti-Catholic nativism and the violent enforcement of "100-percent Americanism" by Anglo-Saxon supremacist groups like the Black Legion in 1930s Detroit, interfaith marriages between Protestants and Catholics were becoming more common.<sup>11</sup> Catholics were becoming a more accepted part of mainstream American culture, even if recent immigrants from Italy and Eastern Europe, in addition to *Tejano* and Mexican migrants, continued to be ostracized. Michigan in the 1930s had an Irish

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<sup>8</sup> Albert's mother, Celia Sinclair (née McLean) was buried in the Catholic St. Michael's cemetery in Port Austin, Michigan, but there's no digital record of her husband, John Sinclair (c.1838-c.1927), being buried there. It seems likely that John Sinclair was not Catholic and therefore, was ineligible to be buried in a Catholic cemetery (a rule not changed until 1967). See Celia Sinclair, memorial, accessed January 2021, Find A Grave, <https://www.findagrave.com/memorial/122327572/celia-sinclair>.

<sup>9</sup> Albert and Anna Sinclair were both buried in St. Michael's Cemetery. See Albert Sinclair, memorial, accessed January 2021, Find A Grave, <https://www.findagrave.com/memorial/122327532/albert-sinclair>, and Anna Sinclair, memorial, accessed January 2021, Find A Grave, <https://www.findagrave.com/memorial/122327553/anna-sinclair>.

<sup>10</sup> Edyth Dudley's parents, James Dudley and Esther Smith were married on New Year's Eve in Sault St. Marie in 1881, and Edyth was born there less than nine months later. James E. Dudley was raised in the large Irish community in Saint John, New Brunswick, which was sharply divided between Protestants and Catholics. Records do not give a clear idea of his religious affiliation. Clyde Newberry's grandparents Nathan Newberry and Rhoda (née Butterfield) were both born in New York then relocated to Macomb County, where Clyde's father, Alfred E. Newberry, was born in 1851.

<sup>11</sup> In May 1936, only a few months before Jack and Elsie were married, members of the Black Legion kidnapped and murdered Charles Poole, a French Catholic, allegedly for marrying a Protestant woman. The Michigan Chapter of the Black Legion was founded in Highland Park, located only eight miles down Woodward Ave from the Newberry's home in Berkley. For the rising rate of Catholic-Protestant interfaith marriage in metro Detroit, see Paul H. Besanceney, "Unbroken Protestant-Catholic Marriages Among Whites in the Detroit Area," *American Catholic Sociological Review* 23, no. 1 (Spring 1962): 13-14. Note that Table 1 on page 14 suggests that interfaith marriages between Catholics and Protestants before 1944 happened with some frequency, but it became even more common after 1944.

Catholic governor, Frank Murphy, and the Catholic priest Father Charles Coughlin delivered popular radio sermons to millions of Americans each week. Religion was perhaps less important to Jack and Elsie than work, which both of them did for their first five years together.

Elsie arrived in Flint at a time when General Motors was investing heavily in Flint's public education system as a multi-pronged means to curb juvenile delinquency in the surrounding community, prepare a specialized workforce for future employment, and promote loyalty to the company through corporate welfare. Another MSNC alumni who taught in Flint's public schools, Frank Manley, had been instrumental in convincing the Flint Board of Education and GM's leading proponent of corporate welfare, Charles Stuart Mott, to invest in an ambitious community education project in the mid-1930s. Manley drew from the work of two MSNC physical education professors to implement a "neighborhood school" system that would turn public schools into racially homogeneous community centers open for adult and youth vocational training, wholesome recreation, healthcare, and whatever other civic-minded activities a neighborhood needed. This pilot program was implemented in five all-white schools in Flint, was hailed as a success, and plans to expand commenced.<sup>12</sup> Qualified teachers who could carry out such an ambitious program were needed, and Elsie Newberry had the training they were looking for. Elsie first secured a job teaching at Dwight School in Flint. The elementary school lay just south of downtown Flint and east of Saginaw Street, where it served a HOLC-redlined neighborhood with significant African American and immigrant populations, most of

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<sup>12</sup> Highsmith, *Demolition Means Progress*, 54-60.

whom worked at the nearby Fisher Body Plant #1.<sup>13</sup> Newberry worked at Dwight for a year, then transferred to Clark Elementary, another school that brought together Black, immigrant, and native-born white children near Fisher Body.<sup>14</sup>

In late December 1936, workers at Fisher Body #1 refused to leave the factory premises unless GM recognized the UAW as the workers' collective bargaining representative. At the time, Flint was, in the words of historian Sidney Fine, a "laboring man's town, but it was not a union town," and it boasted only 150 UAW members among tens of thousands of GM employees in the city in as of June 1936.<sup>15</sup> Around this time, Jack Sinclair was promoted from the shop floor to a foreman position.<sup>16</sup> It's not clear if Sinclair was a foreman during the forty-four day strike, but like the majority of GM employees, Sinclair was not an active participant in the demonstration. Since 1930 Sinclair had been employed at the The Buick—the name given to the company's massive manufacturing and assembly complex on Flint's north side—a place where the UAW struggled to organize the relatively well-paid workers. In Fine's words, workers at The Buick "were far more inclined to identify with Flint and with the company," than with the UAW.<sup>17</sup> If Sinclair was a foreman at the time, he was certainly spied on by private detectives or informants employed by GM and he would have been expected to organize

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<sup>13</sup> For more on redlining in Northern cities, see David M. P. Freund, *Colored Property: State Policy and White Racial Politics in Suburban America* (Chicago: Chicago University Press, 2007); Karen R. Miller, *Managing Inequality: Northern Racial Liberalism in Interwar Detroit*. New York: New York University Press, 2015.

<sup>14</sup> For the listing of Elsie's occupation as a teacher at Dwight School, see *Polk's Flint (Genesee County, Mich.) City Directory 1936* (Detroit, Michigan: R. L. Polk & Co., Publishers, 1936), 566. See the same source, page 1100, for the address of Dwight School. For Elsie's employment at Clark Elementary, see *Polk's Flint (Genesee County, Mich.) City Directory 1937* (Detroit, Michigan: R. L. Polk & Co., Publishers, 1937), 846.

<sup>15</sup> Sidney Fine, *Sit-Down: The General Motors Strike of 1936-1937* (Ann Arbor: University of Michigan Press, 1969), 108-109.

<sup>16</sup> For the listing of Sinclair's address, see *Polk's Flint . . . 1936*, 694.

<sup>17</sup> Fine, *Sit-Down*, 119. For "The Buick," see Highsmith, *Demolition Means Progress*, 26-27.

workers to sign loyalty pledges to the company.<sup>18</sup> Even after the strike ended in February 1937 and GM recognized the UAW, foremen were given strict orders to represent the interests of management and speedily resolve worker grievances to avoid further work stoppages and to prevent unresolved grievances from reaching the collective bargaining table.<sup>19</sup> Elsie's proximity to the Fisher strikers' children may have made her more sympathetic to the workers' demands than her husband, but it is doubtful that either had much animosity towards GM's management. GM's anti-union corporate welfare schemes were specifically designed to benefit native-born white workers and families by providing housing and income security.

When Elsie moved in with Jack, he had been living in the same house at 400 Mary Street since 1932, in a neighborhood constructed by GM to accommodate native-born whites working at The Buick.<sup>20</sup> The home lay on the southeastern edge of GM's sprawling planned community made up of rows and rows of single-family houses built mostly between 1919-1933 to address a severe housing shortage in Flint. The vast majority of migrants to Flint between 1900-1930 were native-born whites from the Great Lakes states, and they fed the expansion of Flint's population from 13,103 in 1900 to 156,492 by 1930, the year Jack Sinclair first moved to town to board at the home of a Buick Motor Company engineer and work at The Buick.<sup>21</sup> Racial covenants strictly forbid

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<sup>18</sup> Fine, *Sit-Down*, 42 for corporate-sponsored espionage directed towards foremen, and 185-187 for loyalty pledges.

<sup>19</sup> Fine, *Sit-Down*, 326.

<sup>20</sup> *Polk's Flint (Genesee County, Mich.) City Directory 1932* (Detroit, Michigan: R. L. Polk & Co., Publishers, 1936), 603.

<sup>21</sup> For Sinclair Sr.'s dwelling and employment information, see United States Bureau of the Census, *Population Schedule. Fenton Township, Genesee County, Michigan*, enumerated by Ray L. Parker on April 19, 1930, and prepared by Department of Commerce as a part of the Fifteenth Census of the United States (Washington, D. C.: Government Printing Office, 1930); Highsmith, *Demolition Means Progress*, 26-27. Attesting to Flint's racial and ethnic homogeneity, Highsmith writes ". . . Flint was much less diverse than most urban centers. As of 1930, over 80 percent of Flint's residents were native-born whites . . .

any “persons not wholly of the white or Caucasian race” from occupying GM-built homes.<sup>22</sup> Sinclair seems to have enjoyed fairly steady employment during the depression since he managed to keep possession of his home, unlike numerous GM employees who were intermittently or permanently laid off in the 1930s. GM’s Modern Housing Corporation offered deferred payment mortgages to employees living in their neighborhoods, so native-born white workers like Sinclair were more likely to meet their minimum payments in the midst of economic turmoil.<sup>23</sup> By 1940, Sinclair had worked his way up to an office manager’s position in the Sales Division of the GM Headquarters building on Hamilton Avenue. When John Jr. was born a year later, the young family decided to move out of Flint to the country. They bought a small house in Elba township, east of Flint, and Jack commuted to work while Elsie stayed home to care for her child. As their family grew, they relocated to a single-family light-frame house built in 1918 in Davison, a rural “city” about eight miles east of Flint with a dirt road running through downtown and a population of just over one thousand people.

### **The Formative Years of John Alexander Sinclair Jr.**

Around the time when the Sinclairs moved to Davison, it was the fastest growing city in Genessee County. After Davison incorporated as a city in 1938, its boosters aggressively followed Federal Housing Administration guidelines for economic

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Approximately three-quarters of Flint’s people hailed from either Michigan, or the nearby states of Ohio, Indiana, Illinois, and Wisconsin . . . foreign-born residents accounted for just 14 percent of the city’s overall population on the eve of the Depression. Among these immigrants, the largest numbers were from England, Scotland, and Anglophone sections of Canada.”

<sup>22</sup> The original language of the deed restriction is quoted in Highsmith, *Demolition Means Progress*, 32.

<sup>23</sup> For GM Housing Division, see Fine, *Sit-Down*, 23.

development to attract further capital investment. In the 1940s and 1950s, Davison invested in major infrastructure improvements like paved roads, a sewage treatment plant, and updated educational facilities, all the while refusing to sell homes to Black people and enacting zoning codes that all but precluded affordable housing development.<sup>24</sup> Historian Andrew Highsmith described Davison as “model for development” within the logic of “suburban capitalism,” a growth strategy that followed FHA guidelines closely by favoring exclusionary housing, concentrating investment in suburban infrastructure and city services, and severing political dependence on nearby metropolises.<sup>25</sup> By the time Jack Sinclair—an Eisenhower Republican—joined the Davison city council in 1957, Davison had more than doubled its population and nearly achieved the same with the number of businesses in the area.<sup>26</sup>

Although the Sinclairs lived within walking distance of St. John the Evangelist Catholic church and parish in Davison, they were not heavily involved in church functions. Jack took the kids to mass every Sunday, but Elsie did not join them. Even after the church established a parish school in 1946, the Sinclairs kept John Jr. in the public school system and did the same when Kathy and David became school-age.

Elsie continued to use her training as an elementary school teacher with a specialty in English literature to substitute teach in Davison’s schools. She was also able to foster a love of reading and learning in her children.<sup>27</sup> John Jr. became an avid reader

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<sup>24</sup> Highsmith, *Demolition Means Progress*, 112-114.

<sup>25</sup> Ibid. For Davison as a “model of development,” see 110. For suburban capitalism definition, see 11-12.

<sup>26</sup> Ibid., 113-114. “Eisenhower Republican” is the term John Sinclair has frequently used to describe his parents’ political ideology in the 1950s and early 1960s.

<sup>27</sup> For Elsie’s substitute teaching, see John Sinclair, interview by Ryan Huey, January 13, 2021, 11:42-12:05; John Sinclair, “Reading Thrills with John Sinclair,” The Book Beat, blog, May 17, 2020, <https://www.thebookbeat.com/backroom/2020/05/17/reading-thrills-with-john-sinclair/>. The essay is tagged under the “Book Reviews, Mysteries” category, but to access it requires a keyword search of “John Sinclair” in the search bar at the bottom right-hand corner on the website’s homepage:

of anything he could find in the Davison branch of the Genesee County Library including crime novels by the likes of Raymond Chandler and comic books.

Jack indulged his children's interest in radio and popular entertainments without much regard for upsetting established Catholic morality. When John Jr. turned seven, his father built him a radio from a kit and let his son listen to it in his own room. John listened to after school western-themed programs like *The Lone Ranger* and *Sky King*. In the evening, he tuned into crime dramas such as *The Fat Man*, *The Shadow*, and *The Green Hornet*.<sup>28</sup> He would also catch the "racial ventriloquy" of the sitcom *Amos 'n' Andy*, which was led by white voice actors mimicking Black dialect and intonation, but also boasted a diverse cast of Black voice actors by the 1950s.<sup>29</sup> John Jr. listened to Frantic Ernie Durham's R&B radio program on Flint's WBBC station and Detroit's WJLB. He also caught WABC Nashville's nightly lineup of R&B programs.<sup>30</sup>

When John Jr. turned fourteen in 1955, Jack bought his son a 45 record player and customized John's radio so it would work as an amplifier when John plugged his new record player into it and tuned the dial all the way to the end.<sup>31</sup> At his son's behest, Jack

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<https://www.thebookbeat.com/backroom/>. "The Back Room" is the digital repository for news, events, essays, interviews, and reviews produced for the brick-and-mortar bookstore, Book Beat, located in Oak Park, Michigan.

<sup>28</sup> John Sinclair, "Radio Love," *This Long Century*, August 26-27, 2010, accessed April 2019, <http://www.thislongcentury.com/?p=3579>; John Sinclair, interview by Michael Erlewine, transcript, 13-14, self-published, no date [c. March 2003], accessed November 2020, <http://spiritgrooves.net/e-Books.aspx>. To access, click the "Free e-Books" tab on the left side of homepage for <http://spiritgrooves.net>. This section of the website holds a publicly accessible archival collection curated by Michael Erlewine that holds interviews, posters, biographies, photographs, books on astrology and religious philosophy, blog entries, and data in downloadable .PDF files. I have in my possession a .PDF file of Erlewine's interview with Sinclair. Michael Erlewine owns the 2020 copyright for this material and I will share it in accordance with Erlewine's stipulation: "You are free to share these blogs provided no money is charged."

<sup>29</sup> Mel Watkins, *On the Real Side: A History of African American Comedy from Slavery to Chris Rock* (Chicago, Illinois: Lawrence Hill Books, 1999), 271. Originally published as *On the Real Side: Laughing, Lying, and Signifying: The Underground Tradition of Black Humor that Transformed American Culture, from Slavery to Richard Pryor* (New York: Simon & Schuster, 1994).

<sup>30</sup> J. Sinclair, "Radio Love."

<sup>31</sup> J. Sinclair, interview by Erlewine, 21.



would go to Ernie Durham's store, Ernie's Record Rack #1 every week, and purchase a couple new 45s from his son's curated list of the best singles he heard promoted on Durham's radio program. John also obtained records by mail order from Randy's Record Shop in Gallatin, Tennessee, as well as Ernie's Record Mart and Buckley's Record Mart of Nashville, Tennessee.<sup>32</sup> Soon, he was walking through aisles in Flint DJ-promoter Bill Lamb's record shop stuffing 45s under his arms, in his pants, or in his coat so he could sneak out without paying. Elsie caught him stealing records once and she made him return them to the store and apologize, but John kept stealing "hundreds" of records, by his account.<sup>33</sup>

In high school, John started regularly attending recreational dances as well as R&B and rock and roll concerts, and he became a "fanatical dancer," going to as many as six dances a week.<sup>34</sup> The Mount Morris Roller Rink and the local Catholic Youth Organization held closely chaperoned dances every week.<sup>35</sup> John found dance partners among a number of young white women from his high school with whom he went steady.<sup>36</sup> John was at the IMA Auditorium on April 13, 1958 when Cleveland DJ and promoter Alan Freed brought his "Big Beat Show" that was opened by Jalacy "Screamin' Jay" Hawkins and co-headlined by Jerry Lee Lewis and one of young Sinclair's idols, Charles Edward Anderson "Chuck" Berry.<sup>37</sup> When other R&B revue acts came to the Auditorium, John would buy tickets for both the early performance reserved for the white audience as well as the later show intended for the black attendees who were barred from

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<sup>32</sup> J. Sinclair, "Radio Love."

<sup>33</sup> John Sinclair, interview by Huey, January 13, 2021, 22:35-24:10.

<sup>34</sup> John Sinclair, interview by Dimitri Mugianis, "The Poet Behind the White Panthers: An Interview with John Sinclair," *Reality Sandwich*, August 25, 2016, accessed April 2020, <https://realitysandwich.com/the-poet-behind-the-white-panthers-an-interview-with-john-sinclair/>.

<sup>35</sup> Susan Whittall, "'A John Sinclair Reader' – 50 Years of Poetry, Prose," *Detroit News*, November 4, 2015.

<sup>36</sup> John Sinclair, interview by Huey, January 13, 2021, 36:40-37:30.

<sup>37</sup> John Sinclair, interview by Erlewine, 31.

the earlier performance.<sup>38</sup> Sinclair guesses he was one of twenty or thirty other white kids his age who joined the thousands of black attendees of all ages who came to hear the music and dance. He watched black dancers to learn the steps to the Shim Sham Shimmy line dance, or the Chicken.<sup>39</sup> Sinclair remembered that he and his white friends usually got drunk and competed with each other to “dance with colored girls” doing variations of bop and other post-jitterbug swing dancing moves. Pretty soon, Sinclair recalled he became “such a good dancer I could clear the floor at a Negro dance . . . and make everyone stop and watch.”<sup>40</sup> Sinclair and his white friends tried to “dress like Negroes,” with “pointed-toe shoes,” “sunglasses at night,” and “Tuffies” Out of the West jeans, which they thought distinguished themselves from the farmers’ kids in Davison who preferred Wrangler or Levi’s jeans.<sup>41</sup> In Sinclair’s rendering, he was profoundly transformed by these brief voyeuristic forays into Flint’s black community.

Elsie and Jack did not seem to discourage their son’s racial voyeurism, and in fact, they were readily willing to lend him the car or give him spending cash for the jukebox, tickets, records, food and drink, and whatever else he needed. John started DJing small events as “Frantic John” and he would perform at formal dances in high school. When he attended house parties, Sinclair would bring a case of beer and a box full of 45s and set up a chair next to the record player for the night.<sup>42</sup> When he went away in the fall of 1959 to Albion College—a small Methodist college in southern Michigan—

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<sup>38</sup> For the IMA Auditorium’s two-show policy, see Highsmith, *Demolition Means Progress*, 34.

<sup>39</sup> John Sinclair, interview by Huey, January 13, 2021, 32:57-33:30.

<sup>40</sup> John Sinclair, interview by Erlewine, 31-32.

<sup>41</sup> *Ibid.* 33-34.

<sup>42</sup> For Sinclair’s house party conduct, see J. Sinclair, interview by Erlewine. For “Frantic John,” see John Askins, “Where did John Sinclair Come From?,” *Detroit Free Press*, December 14, 1969, incomplete copy, CTP, Box 4, Folder – “Topical. John Sinclair and the White Panther Party, 1969-72,” BHL. MSU Special Collections holds another copy in John Sinclair’s “file of clippings and miscellanea” within the American Radicalism Vertical File (ARVF). See ARVF, Folder – “Sinclair, John,” Special Collections, MSU, East Lansing, Michigan.

he brought along his 45s and got a morning show on the campus radio station, playing rock and roll, blues, and R&B as “Tuffie” Sinclair.<sup>43</sup> The show got the attention of Rodney Coates, another Albion student who wore sandals, read Beat literature, studied Zen Buddhism, and had a good collection of jazz records. Coates tracked down Sinclair early in John’s freshman year and invited him to his dorm room to listen to the likes of Miles Davis, Charlie Parker, and Sonny Rollins. Sinclair went to the local record store and would bring a stack of jazz records into a listening booth so he could read the liner notes and personnel lists while listening. Sinclair started ordering beat literature like Jack Kerouac’s *The Subterraneans*—an erotic exploration of a white man’s fetishistic sexual relationship with a biracial black and Native American woman—from Bob Marshall’s Books in Ann Arbor, and when he read Allen Ginsberg’s poem *Howl*, Sinclair started writing poetry of his own.<sup>44</sup> Sinclair and Coates sought out relationships with young black people living in Albion who had hitchhiked to the Detroit jazz clubs on weekends. They partied off campus together on the weekends and Coates ended up taking a young black woman to Albion’s prom.<sup>45</sup> These voyeuristic forays into the lives of real and imagined black people challenged the segregationist design of Michigan communities, and helped Sinclair and Coates reinforce their oppositional white identities.

On top of that, shortly after John’s arrival on Albion’s campus he, in essence, renounced his Catholic faith. John’s apostasy, he later recounted, derived from an epiphany in which he realized Catholic rituals were things “humans had dreamed up” and

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<sup>43</sup> J. Sinclair, “Radio Love.”

<sup>44</sup> For an analysis of the racial and gender politics of Kerouac’s *Subterraneans*, see Eftychia Mikelli, “A Postcolonial Beat: Projections of Race and Gender in Jack Kerouac’s ‘The Subterraneans,’” *ATLANTIS* 32, no. 2 (December 2010): 34. Mikelli’s analysis touches upon “the subversive power of interracial romance” that marked Kerouac’s unconventional love story, and how white stereotypes .

<sup>45</sup> Askins, “Where Did John Sinclair Come From?,” CTP, BHL. For information on Rodney Coates, see John Sinclair, interview by Erlewine, 33.

“God didn't have anything to do with this stuff.”<sup>46</sup> John stopped attending mass and confessional.<sup>47</sup> His grades weren't great, except in his English classes, and he started taking dextroamphetamine to stay up all night and write. Jack secured a job for his son fighting wild fires in California one summer, so Elsie drove John out there with his records, record player, and books.<sup>48</sup> John worked long days, grew a beard like Fidel Castro, and had premarital sex, something he used to regard as a “mortal sin.”<sup>49</sup> When he returned to Albion, Sinclair became an English major and pledged Sigma Nu, where he wrote papers for his fraternity brothers, drank and partied, and served as the rush chairman in 1961. Sinclair recalled his fraternity brothers celebrating with chants of “there will never be/a nigger Sigma Nu” in the spring of 1961 when representatives of the national Sigma Nu convention announced its intention to resist desegregating in its chapters. Sinclair returned to his parents' home in Davison that summer and dropped out of Albion.<sup>50</sup> At some point around this time, Sinclair's sister Kathy graduated high school and announced to her family her intention to attend Marygrove College to pursue a religious education and perhaps become a Catholic nun. Jack Sinclair responded by downplaying his own religious commitment, explaining that he brought the children up in the church to appease the wishes of his devoutly Catholic mother, who died shortly before John's birth in 1941. Kathy ended up attending Eastern Michigan University, her mother's alma mater, instead.<sup>51</sup>

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<sup>46</sup> John Sinclair, interview by Erlewine, 11.

<sup>47</sup> For more on the changes in American religion wrought by the counterculture, see Mark Oppenheimer, *Knocking On Heaven's Door: American Religion in the Age of Counterculture* (Binghamton, New York: Vail-Ballou Press, 2003); Rossinow, *The Politics of Authenticity*.

<sup>48</sup> Askins, “Where Did John Sinclair Come From?,” CTP, BHL.

<sup>49</sup> Askins, “Where Did John Sinclair Come From?,” CTP, BHL. For comment on Fidel Castro, see John Sinclair, interview by Erlewine, 39.

<sup>50</sup> Askins, “Where Did John Sinclair Come From?,” CTP, BHL; J. Sinclair, interview by Erlewine, 39-40.

<sup>51</sup> John Sinclair, interview by Huey, January 13, 2021.

Sinclair's parents paid for him to go back to college and they gave him space and support to continue venturing beyond the color line. While living at his parents' house, Sinclair enrolled in Flint Community Junior College and got a part-time job as the curator of the jazz section of Hatfield's Musical Tent Shop in Flint because he knew the daughter of the owners. Sinclair placed record orders for the shop, and he would often add extra records for his own personal collection and charge it to the store account.<sup>52</sup> He got to know some of the black customers who had extensive knowledge of jazz music and its history, and a drug dealer known as Bimbo offered Sinclair some barbiturate pills and an invitation to join him and his friends to listen to jazz records and get stoned. Sinclair took him up on his offer and started regularly hanging at their North side house, often drinking Robitussin cough syrup for the euphoric effects produced by one of its active ingredients, dextromethorphan. One of his friends worked at Sweetie's Barbershop, a black barbershop where the men would go hang out, listen to music, and converse. It was there that Sinclair met Tom Allen, a hustler a little older than himself, who made money in the informal economy mainly selling weed and pimping his wife. Allen convinced Sinclair that the downers he was taking were dangerous and that marijuana would be better, so Sinclair started smoking weed and buying regularly from Tom. Sinclair started taking tickets at a jazz club and moved out of his parents' house and into a cheap hotel near downtown Flint.<sup>53</sup>

John moved back in with his parents in Davison in for the summer of 1962 and got a job on the assembly line, working days, and he enrolled in night classes. He quit

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<sup>52</sup> John Sinclair, interview by Huey, January 13, 2021.

<sup>53</sup> Askins, "Where Did John Sinclair Come From?," CTP, BHL.

working the line after a few months when model changeover occurred.<sup>54</sup> Sinclair soon met another Flint Junior College student, Lyman Woodard, a talented jazz pianist from a wealthy white family in Owosso. Sinclair and Woodard moved in together near campus and Sinclair soon turned him on to weed. The two also met Ike Stein, a black entrepreneur who lived on Flint's south side and self-published his own pocket guide to where and when music would be played in the city. It became a ritual for Sinclair and Woodard to go over to Stein's house every Sunday to listen to jazz records on Stein's impressive sound system and smoke reefer.<sup>55</sup> For John's twenty-first birthday, Tom Allen gifted him an ounce of high quality marijuana that Allen had planted from seed and cultivated along the banks of the Flint River.<sup>56</sup> Through Allen, Sinclair met members of the Nation of Islam and an esoteric mystic, which combined to encourage him to explore Islam as a spiritual path. Sinclair stopped eating pork, he grew his beard out, he greeted his brothers with the customary NOI "Salaam alaikum," he read the NOI's newspaper *Muhammad Speaks*. Sinclair was among the "200-300 devils" (white people) who attended an NOI rally on October 27, 1963, held at the IMA Auditorium to hear Malcolm X and Elijah Muhammad speak. Muhammad eventually cancelled the event when armed Flint police demanded entry, apparently upon orders from city officials. After the event, Muhammad banned whites from attending further NOI gatherings.<sup>57</sup>

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<sup>54</sup> Askins, "Where Did John Sinclair Come From?," CTP, BHL.

<sup>55</sup> John Sinclair, "Nuf Sed," *three fold*, no. 1, winter 2020. Originally written July-August 2005.

<sup>56</sup> John Sinclair, "Free the Weed 40," *Michigan Marijuana Report*, June 21, 2014, <http://mmmmmag.blogspot.com/2014/07/free-weed-40-by-john-sinclair.html>; John Sinclair, "Free the Weed 04," *Michigan Marijuana Report*, June 22, 2011, reprinted on John Sinclair's personal website, <http://johnsinclairseeds.com/universe/localhost/backup/columns-and-reviews/19-columns/963-free-the-weed-04.html>.

<sup>57</sup> Elijah Muhammad, "Open Letter to Non-Whites: Right to Peaceful Assembly Denied Black Americans," *Muhammad Speaks* November 22, 1963, accessed April 2021, IV.

Around that time John enrolled in UM-Flint Senior College to work towards a degree in American literature, and as a part of his coursework, he worked on the college's student newspaper, the *Word*. He wrote an arts column called "The Splitting Image" that he modeled after Ike Stein's street sheet, and in the fall of 1963 he assumed editorial duties for the paper. As the paper's creative arts editor, Sinclair downplayed his own ability to remain objective, editorializing that he was an "emotional human being who has somehow gotten himself in a position where he can publicly voice his feelings."<sup>58</sup> Two days prior to Malcolm X's visit to Detroit for the Northern Negro Grass Roots Leadership Conference in 1963, John Sinclair wrote an editorial for the *Word* challenging the white mainstream consensus that black leaders in the mold of Malcolm X or writer James Baldwin were "bitter" or "full of hate." Sinclair wrote that it was the "moral duty" of sensitive white men like himself "to affirm James Baldwin, Malcolm X, and Martin Luther King . . . and stop talking and start doing something about it." Sinclair declined to "advocate Malcolm's solution," but he questioned the premise of Martin Luther King Jr.'s "appeal to the white man's moral sense," because he believed "the white man has overlooked his decadence for such a long time that he may never feel ashamed of himself in the face of passive resistance."<sup>59</sup> Sinclair joined the Unitarian Universalist church in Flint, where many of his secular humanist professors worked on social justice and desegregation campaigns in coordination with the local National Association for the Advancement of Colored People (NAACP) and Congress of Racial Equality (CORE).

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<sup>58</sup> John Sinclair, "The Function of the Critic," *The Splitting Image*, *Word*, September 18, 1963, JLSP, Box 21, Folder – "Writings, Pre-1978, Flint College Student publications," BHL.

<sup>59</sup> John Sinclair, "Dance and Sing Nigger," *Word*, November 8, 1963, JLSP, Box 21, Folder – "Writings, Pre-1978, Flint College Student publications," BHL.

Sinclair soon dropped out of these groups, but continued making connections in the Michigan jazz scene as well as the weed scene.

### **Narcotics Prohibition in Michigan**

In the early 1960s, the reefer madness hysteria that surrounded marijuana in the late 1930s had calmed considerably, and it was not a high priority for most police agencies. But the enforcement of marijuana prohibition gave police legal protections to subject black people to surveillance through informants, and undercover officers. Many of the first African Americans recruited to work for police departments were specifically hired to work undercover for narcotics investigations. The “interzones” of jazz clubs were especially vulnerable to narcotics police because they were places where non-normative sexuality was expressed, and whites and blacks mixed on stage and in the audience.<sup>60</sup> Enforcing the color line was often easily justified under the guise of enforcing the narcotics laws. Thanks to the lobbying efforts of people like Harry Anslinger—the long-serving director of the Federal Bureau of Narcotics (FBN) and the most vocal proponent of marijuana prohibition in the U.S. in the 1930s and 1940s—police had legal protections to conduct investigative searches and warrantless arrests in the interest of narcotics prohibition. Anslinger singled out black jazz musicians for opprobrium, testifying to Congress in 1949 that the FBN observed “a lot of [narcotics] traffic among these jazz musicians, and I’m not speaking about the good musicians, but the jazz

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<sup>60</sup> Kevin Mumford, *Interzones: Black/White Sex Districts in Chicago and New York in the Early Twentieth Century* (New York: Columbia University Press, 1997).



type.”<sup>61</sup> Narcotics police took the cue, and enforced narcotics laws on black jazz musicians *carte blanche*.<sup>62</sup>

As bandleader of Klein’s Show Bar on Twelfth Street in Detroit, Yusef Abdul Lateef was beaten and arrested without charge by DPD detectives in the late 1950s under the pretext of searching for narcotics. Lateef recalled walking from his car to enter Klein’s when he was suddenly pushed to the ground by a police officer who jumped out of an unmarked van without announcing himself. Lateef was frisked, arrested, and put into a police van with other officers who rapped his knuckles with their blackjacks. The arresting officer claimed Lateef fit the description of a person who was seen selling narcotics in the area. The officers found no drugs on Lateef and they released him without charge.<sup>63</sup> Lateef suspected his ordeal was motivated by the fact that a white woman attended almost every show of his, and a police detective sometimes came in to keep her under observation. It appeared to Lateef that the officer “resented her appreciation of or music,” and Lateef bore the brunt of his anger.<sup>64</sup>

On the national level, the narcotics laws underwent a drastic period of change in the midst of the Second Red Scare in the 1950s, during which anti-communists charged that “Red China” was intentionally flooding the U.S. with heroin to attack American morale. At the federal level, the Boggs Act of 1951 set higher federal penalties for narcotics offenses. It stipulated that people convicted by federal courts or grand juries of narcotics possession and sales would serve a minimum sentence of two years in prison

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<sup>61</sup> Harry J. Anslinger, quoted in Sloman, *Reefer Madness*, 148.

<sup>62</sup> For more on the history of jazz and drug use, see Merrill Singer and Greg Mirhej, “High Notes: The Role of Drugs in the Making of Jazz,” *Journal of Ethnicity in Substance Abuse* 5, no. 4 (2006): 1-38.

<sup>63</sup> Yusef Lateef with Herb Boyd, *The Gentle Giant: The Autobiography of Yusef Lateef* (Irvington, New Jersey: Morton Books, Inc., 2006), 77-78.

<sup>64</sup> *Ibid.* 77.

for a first offense—though judges could suspend sentences or place offenders on probation—five for a second offense, and ten for a third. Maximum sentences were five years for a first offense, ten years for the second, and fifteen for the third. Importantly, the Act included marijuana among other addictive “narcotics” such as cocaine and heroin. The FBN hoped that state legislatures would use these provisions as guidelines for their own narcotics bills.

In Michigan, two Republicans and one Democratic Senator, Harold Ryan, sponsored Public Act 266, the Suppression of Illegitimate Traffic in Narcotic Drugs Act, which would dramatically increase penalties for people convicted of possession or sales of narcotics. Ryan wrote the bill and proposed that those convicted of narcotics possession for the first time should face up to ten years behind bars, though probation was an option at the judge’s discretion. Those convicted of selling, manufacturing, producing, administering, dispensing (giving away), or prescribing without a license faced a mandatory minimum sentence of twenty years in prison, but no more than a life sentence. The differing penalties for possession versus sales reflected the legislators’ hopes that the laws would target peddlers and traffickers, more than addicts. A second conviction for any narcotics offense could engender up to twenty years in prison and a third conviction was a minimum of twenty years and a maximum of forty years in prison. “What we have set out to do with our new law,” explained Ryan, “was to make it so rough, so tough, that those who are going to engage in the handling of narcotics would think not only once, but twice, or three times, before they decided to plunge into that

venture.”<sup>65</sup> In conjunction with the passage of Public Act 266, Michigan voters agreed to add “any narcotic drug or drugs” to a list of items—all of which were dangerous weapons—that could be entered into evidence in court, even if they were discovered by an illegal police search outside of someone’s dwelling or curtilage.<sup>66</sup> While other states created similar legal exceptions through statutes, Michigan was the only state to enshrine them in the state constitution.<sup>67</sup>

In practice, these legislative changes in the narcotics laws became convenient justifications to intensify policing in black neighborhoods to reinforce the color line as the civil rights movement kicked into gear.<sup>68</sup> Even though illicit drug use and sales were not confined to African Americans, Detroit police targeted narcotics law enforcement in black neighborhoods, putting black men and women at a higher risk of arrest. Inspector Russell McCarty of the DPD claimed that 70% of the city’s narcotic traffic was concentrated in an area that roughly corresponded with Detroit’s black ghetto, but this area was determined by where police enforced the narcotics laws, not necessarily

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<sup>65</sup> Senate Committee on the Judiciary, *Illicit Narcotics Traffic (Detroit, Michigan and Cleveland, Ohio): Hearing before the Subcommittee on Improvements in the Federal Criminal Code of the Committee on the Judiciary*, 84<sup>th</sup> Cong., 1<sup>st</sup> sess., (November 23, and 25, 1955), 4506.

<sup>66</sup> The 1908 Michigan Constitution included the following provisions related to search and seizure in Article II, Section 10: “The person, houses, papers and possessions of every person shall be secure from unreasonable searches and seizures. No warrant to search any place or to seize any person or things shall issue without describing them, nor without probable cause, supported by oath or affirmation.” In 1936, the following language was tacked on to Article II, Section 10 of the 1908 Constitution: “Provided, however, That the provisions of this section shall not be construed to bar from evidence in any court of criminal jurisdiction, or in any criminal proceeding held before any magistrate or justice of the peace, any firearm, rifle, pistol, revolver, automatic pistol, machine gun, bomb, bomb shell, explosive, blackjack, slungshot, billy, metallic knuckles, gas-ejecting device, or any other dangerous weapon or thing, seized by any peace officer outside the curtilage of any dwelling house in this state.” In 1952, the “any narcotic drug or drugs” was inserted into the list of exceptions. Citizens Research Council of Michigan, “A Comparative Analysis of the Michigan Constitution, Volumes I & II, Articles 1-XVII,” Report 208, October 1961.

<sup>67</sup> For more on how Cold War liberals in the Democratic and Republican parties set the stage for mass incarceration, see Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014).

<sup>68</sup> For a history of how scientific racism and flawed statistical models have functioned to intensify policing black people, see Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, Massachusetts; London, England: Harvard University Press, 2010).

revealing exactly where the problem existed.<sup>69</sup> The proclivity of police to conduct narcotics “raids,” in which mass arrests occurred created the false impression that dealers were exclusively black (even though non-black dealers operated in black neighborhoods), and it makes no effort to trace the consumers of narcotics, who lived all over metro Detroit.<sup>70</sup> Raids made for dramatic headlines, but most of the bystanders arrested in raids had their charges thrown out once brought in front of a judge.

In the years leading up to 1952, the DPD reported annual increases in arrests for violations of the narcotics laws. In 1949, 768 arrests were made, followed by 1,142 in 1950, and 1,741 in 1951. After a drop in 1952, the Detroit Police Department reported annual increases in narcotics arrests for the next seven years. The numbers belied a simple truth about narcotics policing: the vast majority of arrests did not lead to convictions. This was not a symptom that the courts weren’t harsh enough in dealing with drug offenders, but a signal that police often arrested people for narcotics violations when they had no probable cause. From 1949-1955, the Detroit Police Department as a whole made 10,319 arrests for narcotic law violations. Of this number, only 2,449 of these arrestees actually went to court. Judges threw out the vast majority of narcotics arrests (5,007) in preliminary hearings because police officers could not provide sufficient evidence to justify arrests. In addition, judges denied police warrants after the arrest in another 134 cases. The DPD explained that the high proportion of discharged cases was due to the “nonusers who were arrested in most instances merely as associates of users

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<sup>69</sup> Bound by Woodward Ave. on the west, Lafayette on the south, and East Grand Boulevard on the North. Detroit Police Department, “Map Showing Areas in the City of Detroit with the Heaviest Concentration of Narcotic Traffic,” no date [c. 1955], reprinted in Senate Committee on the Judiciary, *Illicit Narcotics Traffic*, 4489.

<sup>70</sup> The DPD provided addresses for all thirteen narcotics offenders under the age of 17 in 1955, and they came from all over the city. Detroit Police Department, Detective Division, Narcotic Bureau, “Compilation of Statistical Reports of Persons Arrested and Processed by Narcotic Bureau,” Section V, no date [c. November 1956], reprinted in Senate Committee on the Judiciary, *Illicit Narcotics Traffic*, 4494.

and peddlers.” The high rate of arrest for innocent bystanders in drug cases was symptomatic of how arrest dragnets were a routine part of ghetto policing.<sup>71</sup> Moreover, DPD statistics on narcotics omitted the offences of “prescription forgeries, small addict possession, [or] possession of hypodermic equipment,” which made up a significant portion of state narcotics law violations, but were more likely to be committed by middle or upper class addicts who had access to legal medical supplies.<sup>72</sup>

The Pontiac Police Department viewed narcotics as a problem unique to Pontiac’s black community. Police enforced narcotics laws most aggressively in “the Corner,” the economic and cultural hub of black life in Pontiac. They made a string of successful busts at the Mellow Lane Club, a blues and jazz club that stood near the corner of Bagley Street—the main thoroughfare of the black business district—and Hibbard Court. To catch narcotics pushers and users, police cultivated an informant networks and used undercover officers to set up “buys” so that they could get a samples to send to a regional crime lab for analysis. Marijuana was mainly identified through microscopic observation, to identify its trichomes—tiny hair-like structures—and a chemical substrate test, both of which were not performed by trained botanists. Both tests were capable of producing false positives, as was the case with twenty-nine year old Benton Harbor resident, Henry Sanders, who was convicted of selling marijuana and sentenced to 20-30 years in prison in 1954, even though the plant he was selling was not marijuana, but senna, a

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<sup>71</sup> Detroit Police Department, Detective Division, Narcotic Bureau, “Compilation of Statistical Reports of Persons Arrested and Processed by Narcotic Bureau,” Section I, no date [c. November 1956], reprinted in Senate Committee on the Judiciary, *Illicit Narcotics Traffic*, 4495.

<sup>72</sup> Senate Committee on the Judiciary, *Illicit Narcotics Traffic*, 4625. For white opiate addiction, see *Detroit Free Press* issues from February 1, 2, 3, 4, 1954. Sylvia J. as told to Miller Hollingsworth, “Dope Slave Bares Fight to be Free,” *Detroit Free Press*, February 1, 1954; Sylvia J. as told to Miller Hollingsworth, “Suicide Attempt Starts Shy Girl Path of Dope,” *Detroit Free Press*, February 2, 1954; Sylvia J. as told to Miller Hollingsworth, “Plumbs Depths of Addiction,” *Detroit Free Press*, February 3, 1954; Sylvia J. as told to Miller Hollingsworth, “Is She Cured? Dope Sufferer Doesn’t Know,” *Detroit Free Press*, February 4, 1954.

legally traded herb commonly used as a laxative. Sanders said he picked it from the city dump and sold it as reefer and the state crime lab hypothesized it was “very low grade” cannabis and police testified it was a “composite substance” that contained only “10 per cent marijuana.”<sup>73</sup>

In Oakland County, the stiffer penalties under Public Act 266 made an immediate impact but quickly fell into disrepute among judges who felt the punishment far outweighed the crime. After the law went into effect in May 1952, a handful of people were convicted for sale of narcotics and were sentenced to the minimum 20-year prison term. In 1953, a Detroit heroin dealer received a 20-25 year prison sentence, even though the presiding justice believed him to be “a small operator” who would have received a lesser sentence had the judge not been obligated to follow the “mandatory provision of the statute.”<sup>74</sup> In another instance in 1956, a 19 year-old marijuana peddler in Pontiac with no prior criminal record received a 20-25 year sentence. The presiding judge wrote in his sentencing statement, “[i]t is my feeling that this man is not a vicious type criminal,” but in handing down the 20-25 year sentence, the judge stated that “probation was not considered” because the new law disallowed it.<sup>75</sup> The growing disdain among Oakland County Circuit Court judges for this mandatory minimum did not automatically translate into sympathetic treatment of narcotics criminals, many of whom were black and viewed as undesirables, even within their own communities.

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<sup>73</sup> For “low grade,” see “Warrants Issued in Dope Case,” *News-Palladium*, February 12, 1954. For “10 per cent marijuana,” see “Dope Seller Facing Long Prison Term,” *News-Palladium*, May 12, 1954.

<sup>74</sup> Hon. George B. Hartwell, “Statement,” May 11, 1953, case no. 14049, Oakland County Circuit Court, State of Michigan, Records Retention, Oakland County Courthouse, Pontiac, Michigan.

<sup>75</sup> Hon. Clark J. Adams, “Statement,” April 11, 1956, case no. 15749, Oakland County Circuit Court, State of Michigan, Records Retention, Oakland County Courthouse, Pontiac, Michigan.

Harold Ryan may have helped erect the punitive approach to narcotics policing in Michigan, but he soon came to appreciate the importance of medical intervention to treat drug addiction as a social problem, not as a criminal offense.<sup>76</sup> Ryan was sole author of Public Act 60 in 1954, a bill passed by the Michigan legislature with the intention of decriminalizing narcotics addiction. The bill sought to divert narcotics offenders away from prisons and into hospitals. It gave judges the discretion to send anyone who was convicted of “narcotic addiction” into drug rehabilitation programs run by the Michigan Board of Health rather than incarcerating them in Michigan jails or prisons.<sup>77</sup> The problem was that the law was not meaningfully enforced. Police and prosecutors rarely pursued “narcotic addiction” convictions instead of the more familiar and easily proved “possession,” “dispensing,” or “sales” charges.<sup>78</sup> On top of that, the bill had negligible budgetary support from the legislature. Michigan still had no designated drug treatment centers—there were only two in the entire U.S. at the time—and the state’s hospitals had little to no personnel or facilities to provide the treatment that drug addicted peoples needed.

Ryan was prompted to rethink the standard approach to narcotics law enforcement by an investigative series published in the *Detroit Free Press* in early February 1954. The series focused on Sylvia J., the pseudonym given to a middle-aged white woman who spoke with reporter Miller Hollingsworth about her experiences with heroin addiction

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<sup>76</sup> For more on the early medical movement to decriminalize drug addiction, see Caroline Jean Acker, *Creating the American Junkie: Addiction Research in the Classic Era of Narcotic Control* (Baltimore, Maryland: Johns Hopkins University Press, 2001); Nancy D. Campbell, JP Olsen, & Luke Walden. *The Narcotic Farm: The Rise and Fall of America’s First Prison for Drug Addicts*. New Yorks: Abrams, 2008.

<sup>77</sup> Senate Committee on the Judiciary, *Illicit Narcotics Traffic*, 4506-4512.

<sup>78</sup> *Ibid.*, 4513.

and the treatment options available in Southeast Michigan.<sup>79</sup> The Sylvia series represented a humanistic portrayal of narcotics addiction that contrasted sharply with the dehumanizing propaganda put forth by the likes of the Harry J. Anslinger and the Federal Bureau of Narcotics. In the article, Sylvia J. downplayed heroin addiction as a problem only afflicting African Americans, saying “dope knows no discrimination and is capable of destroying the rich and poor alike.” She knew hundreds of addicts “from all walks of life, your neighborhood and mine,” and personal failings were only a part of the reason why people took drugs. “I have not once met an addict who wanted to be an addict,” Sylvia explained, and no addict she met “felt adequate to meet the requirements of our present society.”<sup>80</sup>

On June 10, 1962, all ten judges serving on the Detroit Recorder’s Court released a joint statement calling upon Michigan’s Congress to do away with section two of Public Act 266, the Suppression of Illegitimate Traffic in Narcotic Drugs Act. Section two stipulated that those convicted of selling narcotics were to receive a mandatory minimum sentence of twenty years in state prison. The law had been on the books for a decade but had done little to deter illicit drug trafficking and consumption. Intended to target wholesale distributors of illicit drugs, the law mainly gave police an excuse to arrest and imprison small-time brokers and consumers. “This law was designed to get the big fellow,” Judge W. McKay Skillman explained, “but we are only getting the little fellows

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<sup>79</sup> See *Detroit Free Press* issues from February 1, 2, 3, 4, 1954. Sylvia J. as told to Miller Hollingsworth, “Dope Slave Bares Fight to be Free,” *Detroit Free Press*, February 1, 1954, accessed July 2020, *Newspapers.com*; Sylvia J. as told to Miller Hollingsworth, “Suicide Attempt Starts Shy Girl Path of Dope,” *Detroit Free Press*, February 2, 1954, accessed July 2020, *Newspapers.com*; Sylvia J. as told to Miller Hollingsworth, “Plumbs Depths of Addiction,” *Detroit Free Press*, February 3, 1954, accessed July 2020, *Newspapers.com*; Sylvia J. as told to Miller Hollingsworth, “Is She Cured? Dope Sufferer Doesn’t Know,” *Detroit Free Press*, February 4, 1954, accessed July 2020, *Newspapers.com*.

<sup>80</sup> Sylvia J. as told to Hollingsworth, “Dope Slave . . .”



and it has failed.”<sup>81</sup> Skillman first became a justice on the Recorder’s Court in 1925, amidst the state’s experiment with some of the harshest alcohol prohibition laws in the country, and by the early 1960s, Skillman argued that the narcotics law gave “judges no leeway,” “put innocent people in jail,” and were simply “wrong on principle.”<sup>82</sup> It became a common practice among prosecutors to offer plea bargains to those charged with sales, dispensing, or possession of marijuana. Most of the time, prosecutors would drop the sales charge for first-time offenders if they accepted a guilty plea to the possession charge. This gave judges wide discretion to sentence offenders to as little as probation and as much as ten years in prison. In the Detroit Recorder’s Court, not one person was convicted of sales of narcotics between 1961-1967.<sup>83</sup> One prosecutor noted that jury trials for sales offenses routinely ended in acquittal. “When juries find out that the mandatory penalty is twenty years to life,” he explained, “they just won’t convict.”<sup>84</sup>

John Sinclair was among those who got out of any significant punishment for his marijuana use. His parents helped financially and emotionally subsidize his brand of white rebellion and his self-guided tour into what it felt like to be an outsider. Jack and Elsie defended their son when old friends called their house to warn them that John Jr. had been seen hanging around with black people. This wouldn’t be the first or last time John’s parents would come to their son’s defense for his rebellious actions. Through his relationships with black jazz musicians and drug dealers in Flint, John Sinclair’s writing

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<sup>81</sup> John Griffith, “Judges to Ask Easing of Dope-Sale Penalty,” *Detroit Free Press*, June 11, 1962.

<sup>82</sup> John Griffith, “Judges to Ask Easing of Dope-Sale Penalty,” *Detroit Free Press*, June 11, 1962; Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (New York: W. W. Norton, Inc., 2016).

<sup>83</sup> “Brief in Support of Defendant’s Motion to Quash Information,” no date [c. October-December 1967], page 77, JLSP, Box 19, Folder – “Legal and Prison Files, State of Mich. vs. Sinclair, Detroit Recorder’s Court, A134588, Motion to Quash Information, Brief and Opinions,” BHL.

<sup>84</sup> Quoted in Donald J. Newman, *Conviction: The Determination of Guilt or Innocence Without Trial* (New York: Little, Brown and Company, 1966), 71.

as a journalist and poet increasingly pondered his feelings of personal detachment from mainstream white culture and his belief that he could transcend his racial identity and actually become black, culturally speaking. Marijuana and other drugs were central influences on John's development as an intellectual and they served the practical purpose of putting John in touch with a wide range of workers and students who turned to marijuana for a relatively mild high that enhanced their sensory experiences when they listened, danced to or played music. By getting back in touch with their bodies through the ecstatic experience of smoking weed, listening to good music, and dancing, young whites reinvented their spiritual and social selves through ostensibly mundane secular activities that became imbued with religious significance.

## CHAPTER TWO

### POETRY IS REVOLUTION: PAN-ETHNIC RADICALISM IN DETROIT, 1964-1968

When John Sinclair came to Detroit in 1964 to attend Wayne State University for graduate school, he tapped into the network of alternative journalists, artists, musicians, anti-Vietnam War activists, and anticapitalists that had been coalescing for several years in and around the Wayne State campus. The Detroit counterculture took shape in areas such as the block between Cass Avenue and Second Avenue, where musicians and artists could find work in a record store, coffee shop, bar, or restaurant, and nearby housing units were affordable for working class residents and students at Wayne State University. Detroit's jazz community was thriving despite the fact that many of the area's top musicians had to travel to centers of the culture industry like New York to find work. But many stayed behind to teach music in Detroit's public schools, work at start-up record labels like Motown Records, or play music part time while working a day job, and some started to gain foothold in Wayne State University as American institutes of higher education started to embrace jazz as a symbol of American racial liberalism. By the mid-1960s, white college students, especially those into jazz and beatnik culture, were becoming more and more commonly arrested and hauled into court for marijuana charges. The phenomenon shocked observers who associated narcotics with the criminal class and black people. Judicial leniency characterized this early wave of college marijuana arrests, but with the emergence of a distinctly countercultural youth movement by 1967, police and judges became more and more convinced that the penalties should be more punitive. This shift is most noticeable through John Sinclair's experiences with the DPD's Narcotics Bureau and the Detroit Recorder's Court, both of which increasing

targeting political and cultural dissidents for surveillance, mass arrests, and unwarranted search and seizures, using Michigan's narcotics laws as legal justification.

For the first few months upon his arrival in Detroit in the late summer of 1964, Sinclair acknowledged he was “dealing quite a bit of weed” that he got from wholesalers he knew through the jazz scene. He was among the few white retailers who had a “steady reefer supply in the campus area,” so any artists, writers, and students who wanted to get some could come to Sinclair's apartment to get high, listen to records, and converse.<sup>1</sup> John had an apartment a block away from the WSU campus, and he soon met a young jazz musician, Charles Moore, who played the cornet and studied music at the university. Moore recalled that the two spent “hours and hours” listening to records together.<sup>2</sup> They would smoke weed and Moore would play along to the records, trying to emulate the sounds of Miles Davis in particular. Moore came to Detroit an alumni of the Sheffield High School marching band in his hometown Sheffield, Alabama. The small town in northern Alabama lay on the southern shore of the Tennessee River, just across from Florence, Alabama, the birthplace of composer and cornet player, William Christopher “W. C.” Handy, whose “blues” compositions of the 1920s melded his work as a bandleader for the Mahara Colored Minstrels and his training in classical European

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<sup>1</sup> John Sinclair, interview by Peter Steinberger, “The Penitentiary Ain't Shit to be Afraid of: Interview with Peter Steinberger,” Marquette Branch Prison, May 22, 1970, reprinted in John Sinclair, *Guitar Army: Rock & Revolution with MC5 and The White Panther Party* (Port Townsend, WA: Feral House/Process Books, 2007), 164. Originally published as *Guitar Army; Street Writings/Prison Writings* (Douglass Book Corp.; distributed by World Publishing Co., 1972).

<sup>2</sup> Charles Moore, interview by Cary Loren, “Growing Up and Being Serious in Detroit: Charles Moore and Robin Eichele in Conversation with Cary Loren,” Los Angeles, California, November 29, 2004, page 5. Published in Cary Loren, ed., *The Workshop Box: A 50th Anniversary Momento of the Detroit Artists' Workshop*, second ed. (Detroit, Michigan: The Museum of Contemporary Art Detroit (MOCAD)/Mobile Homestead & The Detroit Artists Workshop, 2014).

music.<sup>3</sup> This music cast a large shadow over Moore's musical education in Northern Alabama and beyond. In 1957, his aunt in Detroit convinced him to live with her and study music at the Detroit Conservatory of Music. Shortly after his arrival, Moore saw Miles Davis perform at the Minor Key jazz club and got in to trouble with his aunt for staying out so late.<sup>4</sup> The following year, Moore received a scholarship to play music at Mississippi Vocational College, a predominately Black institution with a jazz band and marching band that had been established as a state institution in 1950 just outside of Itta Bena, a small town just outside of Greenwood, Mississippi.<sup>5</sup> After a year there, Moore opted to return to Detroit to study music at WSU, citing threats by white supremacists in Itta Bena as a motivating factor.<sup>6</sup> He became immersed in the Detroit jazz community, regularly attending late-night jam sessions at the Minor Key, a small store-front music venue that hosted national touring acts like Sonny Rollins, Charles Mingus, and John Coltrane.<sup>7</sup> Moore discovered the Red Door Gallery in the summer of 1963—an art exhibit space run by students at WSU's Montieth College— and he would use it as an occasional practice space by setting up his portable record player inside and playing along with his

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<sup>3</sup> Charles Moore's doctoral research used linguistics, musicological analysis, and a transnational biography of W. C. Handy, to retroactively locate *Uraeus mi*, or "the blues," as it was known among the Bantu peoples of Senegal, where Handy's ancestors came from. Charles E. Moore, "Uraeus Mi and William Christopher Handy: A Bantu-Centered Philosophical and Intracultural Assessment," doctoral dissertation, University of California, Los Angeles.

<sup>4</sup> Moore, "Growing Up and Being Serious," 3.

<sup>5</sup> Kenneth Milton, Sr. and Tomisha Brock, *Mississippi Valley State University Mean Green Marching Machine Marching Band Handbook, 2016-2017* (Itta Bena: Mississippi Valley State University, 2016), 6.

<sup>6</sup> Moore remembers his decision to leave Mississippi Valley College as such: "I was walking on the sidewalk in this small town by the college, and a bunch of guys rolled up in a cap and say to me, 'we don't like y'all and we're gonna kill all a y'all.'" Moore, "Growing Up and Being Serious," 8.

<sup>7</sup> Moore, "Growing Up and Being Serious," 3. For more on this period in Detroit jazz history, see Lars Bjorn and Jim Gallert, *Before Motown: A History of Jazz in Detroit, 1920-1960* (Ann Arbor: The University of Michigan Press, 2001); Mark Stryker, *Jazz from Detroit* (Ann Arbor: University of Michigan Press, 2019).

cornet.<sup>8</sup> Moore also reconnected with Kenneth Louis Cox II, a music student at WSU who had attended the Detroit Conservancy at the same time as Moore in the late 1950s.<sup>9</sup>

Moore ran into John Sinclair at Wayne State in 1964 and they started smoking weed and listening to records together from Sinclair's vast collection. Moore soon moved into Sinclair's apartment and it became an informal rehearsal space for the Detroit Contemporary Five (sometimes "Four"), an ensemble of young white jazz musicians that had coalesced around and gained experience from playing with bandleader Benny Poole in Jackson, Michigan.<sup>10</sup> Sinclair started reviewing records and writing articles for *Jazz* magazine and, with the help of local pianist, composer, and educator Harold McKinney—a self-proclaimed former beatnik—Sinclair garnered the most votes among Detroit's jazz community to serve as the Detroit correspondent for *Down beat* magazine, arguably the most influential jazz criticism publication of the time.<sup>11</sup>

Through his associates in the Detroit jazz scene, John Sinclair gained access to the wholesale marijuana distribution network and he soon became a broker for the young artists and radicals around Wayne State University who wanted to get high. In the 1950s, a can of marijuana—which typically came in something like a 14-ounce tin can of Prince Albert pipe tobacco—ran about fifteen dollars.<sup>12</sup> By the early 1960s, one could get a pocket-sized matchbox's worth (including the detritus—seeds and stems) for ten dollars. The larger tobacco container had jumped in price to around twenty to twenty-five

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<sup>8</sup> George Tysh, "Blues & Roots: Fragments of a History of the Detroit Artists Workshop," *DetroitResearch* 2 (Spring/Fall 2016): 142, available free online at <https://www.detroitresearch.org/blues-roots/>.

<sup>9</sup> Moore, "Growing Up and Being Serious," 5.

<sup>10</sup> The performers within the Detroit Contemporary Five (DC5) sometimes revolved, but most often included Danny Spencer on drums, Ron English on guitar, John Dana on bass, and Larry Nozero on tenor saxophone, each of whom went to have careers in jazz performance and/or education.

<sup>11</sup> For "beatnik" reference, see Harold McKinney, quoted in Jim Semark, "Y O U ! ! Part II," *Change* 1 (Fall/Winter 1965): 10. For Harold McKinney's recommendation, see John Sinclair, interview by Huey, January 23, 2021, 1:17:30-1:18:00.

<sup>12</sup> Jerry Tipton, testimony in front of Senate Committee on the Judiciary, *Illicit Narcotics Traffic*, 4705.

dollars.<sup>13</sup> Although this was pricey for most individuals, split among a group of people it became fairly affordable. Sinclair's involvement in the marijuana economy afforded him status within WSU's bohemian artist community and through him, weed smoking became much more accessible to white college students on WSU's campus than ever before.

John experienced what might have been a major setback in his budding career when he was arrested for sale of narcotics on October 7, 1964. The arrest was carried out by the Narcotics Squad of the Michigan State Police (MSP) who first learned about Sinclair when he traveled to Jackson, Michigan, to see a concert featuring his friend from Flint Junior College, Lyman Woodard, in the fall of 1964. Sinclair brought some weed to sell at the show and Woodard's usual dealer, who claimed he was out of weed at the time, introduced Sinclair to a black person working undercover for the MSP, and Sinclair sold him about ten dollars worth of weed.<sup>14</sup> As it turned out, the MSP had recently busted Woodard's dealer and he, in turn, gave them Sinclair's name. Under Michigan law, a conviction for sale of narcotics garnered a mandatory minimum sentence of twenty years in prison, regardless of one's prior offenses or the amount of drugs involved, so those arrested for sales were usually eager to plea bargain to avoid going to trial for sales. For black people, plea bargains might require them to become informants, since the MSP did not recruit black people to be State Troopers—they didn't graduate a black State Trooper from their training program until 1967—and the MSP Narcotics Squad needed insiders to

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<sup>13</sup> John Sinclair, interview by Ryan A. Huey, Detroit, Michigan, August 24, 2016.

<sup>14</sup> John Sinclair, interview by Huey, January 23, 2021, 19:00-21:25. Sinclair insisted the person who arrested him was a black MSP officer, and the same person came to Detroit to carry out his arrest on October 7, 1964. The MSP did not officially employ black State Troopers at this time, but this does not mean they did not employ black people in other capacities, which may have included undercover or informant employment. The two MSP officers' names who arrested Sinclair were redacted from his Red Squad file, so the identity of the person in question remains unclear. See the MSP's index card summing up Sinclair's arrest and trial outcome. MSP office report index card, File no. 14059, John Alexander Sinclair Jr., December 8, 1964, in JLSP, Box 46, Folder – "Legal and Prison Files, Red Squad & Police Files, MI State Police Files." BHL.

build narcotics cases. At trial, a cleanly shaven Sinclair listened to his lawyer and pled guilty to possession, and he received a sentence of two years probation and \$250 in court costs. Sinclair's lenient treatment in the Recorder's Court was more the rule than the exception for first-time narcotics offenders whether it was heroin or marijuana. As a white middle class college student with two supportive parents and no prior record, Sinclair's background did not raise any red flags that he might become a repeat offender. John stopped selling weed after his case was finished, but since he only received a slap on the wrist, he soon resumed smoking it and sharing it with others while on probation.<sup>15</sup>

### **Magdalene "Leni" Arndt**

Magdalene Arndt, who lived in the apartment complex next to Sinclair's on Second Avenue, remembered hearing about his first arrest for marijuana because "[g]irls were running around collecting money for him" to pay a bail bondsman.<sup>16</sup> Soon thereafter, she arranged to visit Moore and Sinclair's apartment to talk merging their artistic resources. Arndt was already the leader of a WSU student group called the Artists' Society, which had been coordinating events for the few beatniks on campus. Before anyone could discuss business, they passed a joint around and put on some records while Moore played along on his cornet. This was Arndt's first time getting high on marijuana for and she remembered that the "music all of a sudden hit me as I had

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<sup>15</sup> Magdalene [Leni] Sinclair, "'I Just Wanna Testify': Magdalene Sinclair," *Ann Arbor Argus*, August 13-29, 1969, accessed May 2020, IV.

<sup>16</sup> John Sinclair, "An Introduction, John Sinclair in his own words," interview portion by Sensi Seeds Interview Team, "John Sinclair – Interview with a Counter-Culture Legend," *Sensi Seeds*, blog, May 2, 2020, accessed February 15, 2021, <https://sensiseeds.com/en/blog/john-sinclair-interview-with-a-counter-culture-legend/>.



never heard it before.” Listening to John Coltrane’s song “Alabama”—about the Sixteenth Street Baptist Church bombing—brought her to tears and compelled her to get up and leave the apartment.<sup>17</sup> “John Coltrane’s music and John’s beautiful sacrament had played their magic on me,” she surmised, “I became a believer.” Not much later, Arndt moved in with Sinclair and Moore and they joined a dozen or so other artists to create the Artists’ Workshop, a strictly “non-commercial venture” intended to provide a kind of communal clubhouse environment for campus-area artists.<sup>18</sup>

In early 1945, when Magdalene Arndt was only five years old, her mother Olga was forced to gather her children and flee their ten-acre family farm in Königsberg (now Kaliningrad), the capital city of The Free State of East Prussia. By that time, the family had been well aware that the Red Army were sweeping across East Prussia from the Southeast and that the avenues of escape were constricting. Nevertheless, local Nazi officials promised to execute civilians fleeing early. By the time the Arndts embarked westward, desperate to reach the Free City of Danzig, the only viable escape route was across the *Frisches Haff*, a fifty-six-mile long lagoon bordering the southern coast of the Baltic Sea that froze over in the winter, allowing the Arndts and others to cross it by foot. With Soviet air strikes and starvation a significant threat, the Arndts reached Danzig and boarded a passenger ship as a part of the German Navy’s Operation Hannibal to continue westward towards the German refugee camps in Denmark or Northern Germany. Arndt’s father, Ernst, had been conscripted into the *Wehrmacht*, the German military, during the war, and he was taken prisoner by the Red Army. After the war’s conclusion, like many

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<sup>17</sup> Leni Sinclair, “I Just Wanna Testify.”

<sup>18</sup> John Sinclair, “Strictly Ad-Lib . . . Detroit,” unpublished draft, intended for publication in *Downbeat*, no date [c. October 1964], JLSP, Box 9, Folder – “Artists’ Workshop Press, Manuscripts, John Sinclair, Downbeat: letters . . .,” BHL.

other able-bodied German POWs, Ernst Arndt was sentenced to work in a steel mill for five years.

In the winter of 1945, Olga and her children were assigned permanent residence within the German Soviet occupation zone in Vahldorf, a small village near the city of Magdeburg, which, before numerous Allied bombings, was an industrial powerhouse of the Nazi war economy.<sup>19</sup> Nazi sympathy remained a powerful cultural force among farmers who controlled small and mid-sized acreage in Germany's agricultural hinterlands, in places like Vahldorf.<sup>20</sup> The Arndts were one of the two refugee families from East Prussia assigned to Vahldorf, and upon their arrival, Olga Arndt approached the largest landowner's estate to beg for bread. Olga later remembered that the landowner ran them off and called them "dirty pollacks."<sup>21</sup> The Arndts were ethnic Germans, but East Prussia and Königsberg were home to an influential Polish minority before the war, and they had become a popular scapegoat for local and national leaders in the *Nationalsozialistische Deutsche Arbeiterpartei* (NSDAP) or Nazi Party the aftermath of WWI. It's not clear where the Arndts stood politically before WWII, but afterward, they emerged as community leaders during the Sovietization of agriculture in the *Deutsche Demokratische Republik* or German Democratic Republic (GDR) during the 1950s and early 1960s.

Ernst Arndt joined the council in charge of managing the collectivization effort on the ground, and Arndt's mother took on major day-to-day responsibilities like egg

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<sup>19</sup> Sue Levytsky, "Leni Sinclair: Back in the Picture," in *Leni Sinclair: 2016 Kresge Eminent Artist*, ed. Susan Levytsky (Troy, Michigan: The Kresge Foundation, 2016), 11-12.

<sup>20</sup> Norman M. Naimark, *Russians In Germany: A History of the Soviet Zone of Occupation, 1945-1949* (Cambridge, Massachusetts: Harvard university Press, 1995), 156.

<sup>21</sup> Magdalene Arndt [Leni Sinclair], "Going Home," *Journal* (Monteith College), April 1965, JLSP, Box 9, Folder – "Textual records. Publications: Magazines. The Journal, April 1965," BHL

collection, but also helped organize food distribution for the district. Magdalene and her siblings took advantage of compulsory public education while helping with chores around the farm. Magdalene once received a cash prize for collecting the most potato beetles in a jar one summer, allowing her to purchase a radio for the family.<sup>22</sup> Magdalene listened to illicit radio broadcasts from West Germany that played American jazz, the cultural arm of the U.S. Cold War's "hearts and minds" foreign policy near the Iron Curtain. Magdalene was a gifted child who was fast-tracked to become a teacher, something the GDR desperately needed to train the next generation of communist youth. Arndt made it all the way to her graduation ceremony, and all she needed to do to get her elementary teacher license was to sign an oath stating she did not believe in God and did not belong to a church. Arndt and her friends were the only ones in the entire auditorium who refused to sign. She was disallowed from taking the finals and thus, she could not get a teaching job in the GDR. She soon took the subway from East Berlin into West Berlin and applied for refugee status so she could go to the United States and try to find jazz musicians and beatniks.<sup>23</sup>

In preparation for her travel to the U.S., Arndt spent a year taking intensive English-language classes and working in a factory in West Germany. Arndt was inspired to come to the U.S. by her cousin, Otto Klemm, who had spent time studying abroad in America and Canada. He shared with Arndt beautiful photos of the North American

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<sup>22</sup> Arndt [Leni Sinclair], "Going Home."

<sup>23</sup> Leni Sinclair, interview by J. Christian Greer, "Sisters of the Psychedelic Revolution: A Conversation with Leni Sinclair and Genie Parker," transcript, Center for the Study of World Religions, Harvard Divinity School, November 18, 2020, <https://cswr.hds.harvard.edu/news/2020/11/24/video-sisters-psychedelic-revolution-conversation-leni-sinclair-and-genie-parker>; Levytsky, "Leni Sinclair: Back in the Picture," 12; Chelsea Noble, "Leni Sinclair & Lessons from the 60s/70s Era" (undergraduate honor's thesis, Western Michigan University, 2014). For more on the politics of jazz in East Germany, see Edward Larkey, ed. *A Sound Legacy?: Music and Politics in East Germany* (Washington, D. C.: American Institute for Contemporary German Studies, 2000); Harald Kisiedu, "European Echoes: Jazz Experimentalism in Germany, 1950-1975" (doctoral dissertation, Columbia University, 2014).

landscape that he took himself. Arndt had an Aunt and cousins in Detroit willing to house, feed, and find work for her. Before Arndt departed for Detroit, she bought a high quality camera with the idea of doing landscape photography of the American West, once she was able to take a road trip. She moved in with relatives who helped her find work as a live-in maid for an affluent family, which she described as “some awful [sic] home in Grosse Pointe.” Arndt described these as the “two most difficult years of my life,” and she turned to Beat literature to get through them.<sup>24</sup> Arndt started carrying around Allen Ginsberg’s *Howl* in public in order to meet other poetry aficionados and she took more English classes in the evening with other German maids who also worked in Grosse Pointe.<sup>25</sup> In 1959, she applied successfully to WSU’s Monteith College, and she declared as a journalism major.

WSU opened Monteith College in 1958 as a small liberal arts college that would offer more personalized education than the large-scale university could offer. Wayne State had only become a state institution a couple years before that and thus received far fewer federal dollars from the U.S. Department of Defense for human and military research than the University of Michigan or Michigan State University. WSU retained much of its character as a municipal institution catering to commuters within the metropolitan Detroit community, even as its administration wanted the institution to be competitive in the scramble for federal grants.<sup>26</sup> The university certainly wished to show demonstrable successes by making students into careerists with practical training in fields

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<sup>24</sup> Magdalene Arndt [Leni Sinclair, untitled review of *White Jacket*, page 4, JLSP, Box 9, Folder – “Artists Workshop Press, Manuscripts, Sinclair, Leni,” BHL.

<sup>25</sup> Sue Levytsky, “Leni Sinclair: Back in the Picture,” in *Leni Sinclair: 2016 Kresge Eminent Artist*, ed. Susan Levytsky (Troy, Michigan: The Kresge Foundation, 2016), 12.

<sup>26</sup> David Riesman, *Academic Values and Mass Education: The Early Years of Oakland and Monteith* (Garden City, New York: Doubleday, 1970), 39.

with commercial appeal, but it also wished to promote humanistic values, civic pride, and a sense of responsibility to one's community. Wayne State administrators viewed Monteith—named after the Presbyterian abolitionist Reverend John Monteith—as playing an important role in humanizing the institution for students with artistic and activist leanings.

The faculty at Monteith were invested in re-conceptualizing undergraduate education at large educational institutions. Some were disillusioned academics who gave up careerist ambitions as researchers within their respective departments in favor of teaching and project-based scholarship.<sup>27</sup> Student advocacy and mentorship were fundamental to scholars like Otto Feinstein, who co-founded the influential journal *New University Thought* in 1960, taught political science at WSU, and advised students attending Monteith. Magdalene Arndt served as Feinstein's student assistant after he read her essay in the Monteith student newspaper, the *Journal*, about her trip the GDR in 1963 to vote in the first "democratic" election in the country's young life. Under Feinstein's wing, Arndt became more involved in student life at Monteith and its small activist and artist community. Arndt joined the March on Washington in 1963, worked at the beatnik hangout the Cup of Socrates, a coffee shop on WSU's campus, and also helped organize the Artists' Society, a registered student group at Wayne State.<sup>28</sup> She switched her major to geography because she found that the language requirements for her journalism degree were too onerous, but she took a range of art, literature, sociology, and history courses to round out her liberal arts education. She wrote essays that decried the decadence of

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<sup>27</sup> Riesman, *Academic Values and Mass Education*, 96.

<sup>28</sup> Cary Loren, "Monteith College: Roots of the Workshop," DetroitArtistsWorkshop.com, n.d., <http://www.detroitartistsworkshop.com/monteith-college-roots-of-the-workshop/>. Loren notes that the online version of this essay is an excerpt from a publication in progress titled *Panic in Detroit*; John Sinclair, interview by Erlewine, 37.

American consumer society and the fragility of American middle class white womanhood.<sup>29</sup> Through the *Monteith Journal*, Arndt became friends with a group who opened an art gallery called the Red Door Gallery.

John Sinclair became friends with the Red Door Gallery crowd and later recalled that they all collectively “started talking about *doing* something about the fantasies we were steadily smoking up together,” and the idea for an artists’ collective started to take form.<sup>30</sup> When the Artists’ Workshop opened on November 1, 1964, it brought together the literary and visual artists who had worked on the *Monteith Journal* and the Red Door Gallery, with the musicians interested in the New Music. The founders envisioned the Workshop as a “totally cooperative organization designed and structured to draw upon the resources of every participating individual in order to perpetuate itself—and promote community thinking on an artistic and personal level—through its own cohesive community nature.”<sup>31</sup> The Artist’s Workshop started publishing their own work using the Gestetner mimeograph machine set up in a large house on Second Street that served as the Monteith College Student Center.<sup>32</sup> Arndt and the other *Monteith Journal* writers and editors had already been using the machine for years and they were eager to put it to use outside the sphere of the university. Arndt Sinclair assumed editor duties for *Work*, their first collective effort to publish a quarterly art journal that included poetry, reviews, and a running anthology of their prior self-published material. Sinclair did the typing and editing while Arndt did the actual printing—changing out each typewritten “stencil,”

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<sup>29</sup> JLSP, Box 9, Folder – “Artists Workshop Press, Manuscripts, Sinclair, Leni,” BHL.

<sup>30</sup> John Sinclair, “The Penitentiary Ain’t Shit,” in *Guitar Army*, 164.

<sup>31</sup> Robin Eichele and John Sinclair, “Getting Out From Under,” *New University Thought* (Summer 1965): 23, JLSP, Box 21, Folder – “Writings, Pre-1978, Published Writings,” BHL.

<sup>32</sup> Loren, “Monteith College.”

adding ink, and collating the pages—usually in mass quantities late at night.<sup>33</sup> The spatial and visual aspects of printing appealed to Arndt, who had already taken numerous art classes at Wayne State in drawing, design, and photography between 1959-1962.<sup>34</sup>

On June 12, 1965, John Sinclair and Magdalene Arndt were legally married in a ceremony of their own design. Neither being tied to an organized religion, they were not wed in a church, but in the backyard of their commune. A Unitarian Universalist minister officiated, and the couple wrote their own vows. Charles Moore served as John's best man.<sup>35</sup> Their friends from the Workshop played music, read poetry, and sipped Kool-Aid.<sup>36</sup> John and Leni's union held pragmatic significance since it strengthened exogenous kinship bonds and pooled their economic resources. Moreover, it provided legal protection for John, since he was on probation and could be charged under Michigan's "lewd and lascivious cohabitation" law that made it a misdemeanor offense for an unmarried man and woman to live together and have sex.<sup>37</sup> More simply put, perhaps, their marriage solidified a working partnership between two artists whose daily life would become inextricably bound for years to come.

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<sup>33</sup> *Work*, no. 1 (Summer 1965): no page number, accessed March 2021, IV. See the publisher notes immediately following the Table of Contents, which states "WORK is edited by John Sinclair and is printed by Sinclair and Magdalene Arndt." For the process of running the mimeograph machine, see John Sinclair, "The Greatness of Leni Sinclair," in *Leni Sinclair: 2016 Kresge Eminent Artist*, ed. Susan Levytsky (Troy, Michigan: The Kresge Foundation, 2016), 46; Cary Loren, "The Mimeograph Revolution," *thedetroiter.com*, November 4, 2004, accessed February 2014, <http://www.thedetroiter.com/nov04/mimeograph.html>.

<sup>34</sup> Registrar's Office, "University Record of Magdalene Arndt Sinclair," Student Copy, November 12, 1965, JLSP, Box 50, Folder – "Personal, school, family (2)," BHL.

<sup>35</sup> John Sinclair, "Strictly Ad-Lib . . . Detroit," draft, to be published in *Downbeat*, July 29, 1965, JLSP, Box 9, Folder – "Artists' Workshop Press, Manuscripts, John Sinclair, Downbeat: letters . . ." BHL.

<sup>36</sup> Leni Sinclair, "I Just Wanna Testify"; John Sinclair, Dragon Teeth, column, *Ann Arbor Sun*, June 11-17, 1971.

<sup>37</sup> Leni Sinclair, "I Just Wanna Testify." Sinclair stated, "[w]e were legally married so John wouldn't be in violation of probation because of illegal cohabitation with me." For Michigan's criminal cohabitation law, see Mich Comp. Laws § 750.335 – Lewd and lascivious cohabitation and gross lewdness. Public Act 328, 1931.

They immediately set off in John's Opel towards California with a car-full of friends to get to the Berkeley Poetry Conference, a two-week series of lectures, readings, and critical discussions of poetry from July 12-25, 1965. Although sponsored by the University of California at Berkeley, the conference was a celebration of anti-academic poets, many of whom, like Allen Ginsberg and John Wieners, were directly involved in the Beat literary movement of the previous decade. Others, like Robert Creeley and Charles Olson, were alumni of the experimental Black Mountain College in Asheville, North Carolina. At the invitation of Creeley, John had been asked to read a half hour's worth of poetry on Saturday, the nineteenth. They soon returned to Detroit energized to expand the scope of the Artists' Workshop from a clubhouse to a community center.

They dropped acid for the first time in August 1965 and went to the Downbeat Festival in Chicago where they saw the likes of Muddy Waters, Cecil Taylor, Archie Shepp, Thelonious Monk, and John Coltrane perform. John Sinclair bought a saxophone and started rehearsing with Charles Moore's band. Unsatisfied with his role at Downbeat, Sinclair started a new magazine called *Change* that he co-edited with Moore, to provide a forum for jazz criticism devoted to the New Music.

### **Marijuana Legalization Movement**

Days after returning from the Downbeat Festival in Chicago where she photographed her heroes, Magdalene now posed for a police camera taking her mugshot. She and John had been smoking weed and playing and listening to music with their friends, when twenty-five police officers burst into the room, guns drawn. The police



arrested all nine people inside for possession of marijuana, and John also got charged with sale of marijuana.<sup>38</sup> For three weeks prior to the arrest, police worked with officials from Wayne State University to target the Artists' Workshop, which was believed to be the center of the campus' growing marijuana culture.<sup>39</sup> Sinclair's prior conviction put him on the police's radar, but his writing also brought the attention of Detroit's Red Squad, a unit dedicated to uncovering subversive elements in the city. John had recently assumed editorial duties over the music section in the *Fifth Estate*, one of the founding newspapers of the Underground Press Syndicate (UPS), after regularly contributing as a jazz critic. The *Fifth Estate* served as a mouthpiece for various civil rights organizations, as well as the Detroit Chapter of the Committee to End the War in Vietnam (DCEWV), a national organization formed in response to the U.S.'s escalating bombing campaigns in North Vietnam. The *Fifth Estate* rented a storefront office that it shared with the DCEWV, and the Sinclairs had recently brought members of the DAW to move into the offices above the storefront. The arrangement helped keep the *Fifth Estate* afloat at a time when it was financially struggling, but the move caught the attention of the Red Squad, who started carefully following Sinclair's writings in the *Fifth Estate* to track his whereabouts and his subversive activities.<sup>40</sup>

Warner Stringfellow of the Detroit Narcotics Bureau assigned patrolman Vahan Kapagian to go undercover, assuming the name "Eddie" to hound Sinclair for about three

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<sup>38</sup> "Would-Be School Teacher Defends Marijuana Habit," *Detroit Free Press*, August 18, 1965, JLSP, Box 46, Folder -- "Legal and Prison Files, Red Squad & Police Files, Detroit Police Files, Primarily 1966-1970," BHL; "8 Arrested," *Detroit News*, JLSP, Box 46, Folder -- "Legal and Prison Files, Red Squad & Police Files, Detroit Police Files, Primarily 1966-1970," BHL.

<sup>39</sup> Robert DeWolfe, "7 Students Seized in Dope Raid," *Detroit Free Press*, August 17, 1965, JLSP, Box 46, Folder -- "Legal and Prison Files, Red Squad & Police Files, MI State Police Files" BHL.

<sup>40</sup> Peter Werbe, "History of the *Fifth Estate*: The Early Years," *Fifth Estate* no. 368-369, Spring-Summer, 2005; "Card #2-4 -Sinclair, John Alexander," JLSP, Box 46, Folder "Legal and Prison Files, Red Squad & Police Files, MI State Police Files," BHL.

weeks.<sup>41</sup> John later remembered that he had quit dealing after his first arrest, but Eddie incessantly bothered him for marijuana. John decided to have Eddie drive him to a wholesale dealer's house and overcharge him for some "worthless weed."<sup>42</sup> Shortly after Kapagian dropped Sinclair back off at home, twenty-five policemen raided the Sinclairs' upstairs apartment and arrested all nine people inside.<sup>43</sup> Lieutenant James Raley of the Detroit Narcotics Bureau reported that they interrupted a "smoking session of beatniks" and it was noted that one of the arrestees was a high school student.<sup>44</sup> Press coverage of the event emphasized Sinclair's negative moral influence on youth, a trend that would continue in the ensuing years. He was described as a "bearded University of Michigan graduate student working on his teaching degree," who told police "I don't see anything wrong with smoking pot."<sup>45</sup> Another report entitled "Would-Be School Teacher Defends Marijuana Habit," also emphasized his "bearded" appearance and his "hopes to teach young children in Detroit-area schools."<sup>46</sup> As the police brought those arrested in the drug raid outside, they reported that they were "harassed verbally" by members of the DCEWV, who demanded the police to produce arrest warrants for all those inside the apartment.<sup>47</sup>

Around this time, Sinclair obtained a copy of a pamphlet published by a group calling itself LeMar (for Legalize Marijuana) entitled the *Marijuana Puff In*. The

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<sup>41</sup> John Sinclair, "Take Two Joints—Go Directly to Jail," *Michigan Daily*, October 8, 1969, accessed March 2021, MDDA; "8 Arrested in Campus Dope Raid," *Detroit News*, August 17, 1965, JLSP, Box 46, Folder – "Legal and Prison Files, Red Squad & Police Files, MI State Police Files," BHL; "Bond Increased for Student in Dope Raid," *Detroit News*, September 16, 1965, JLSP, Box 46, Folder – "Legal and Prison Files, Red Squad & Police Files, MI State Police Files," BHL.

<sup>42</sup> J. Sinclair, "Take Two Joints."

<sup>43</sup> "Would-Be School Teacher . . .," JLSP; "8 Arrested . . .," JLSP.

<sup>44</sup> "8 Arrested . . .," JLSP.

<sup>45</sup> Ibid.

<sup>46</sup> "Would-Be School Teacher . . .," JLSP.

<sup>47</sup> Detroit Narcotics Bureau to District [redacted], memo regarding Sinclair, John Alexander, August 17, 1965, JLSP, Box 46, Folder – "Legal and Prison Files, Red Squad & Police Files, MI State Police Files," BHL.

pamphlet contained the trial transcript of an appeal argued by attorney James White III, who published it and distributed it locally to build support for a movement to remove all penalties for marijuana possession.<sup>48</sup> Sinclair read about the evening of August 16, 1964, when Inspector Howard Whitman of the San Francisco Police Department was working at his desk in Room 100 of the Hall of Justice when he heard a commotion at the front desk. He saw a young man pounding on the counter and repeating, “Hey, I’m smoking a marijuana cigarette.” Inspector Whitman walked over and noticed the man was smoking a cigarette wrapped in brown paper. “I demand to be arrested,” the man continued, so Inspector Whitman led him back to his office. “Is that a marijuana cigarette you are smoking?” asked Whitman. The man confirmed and handed it to Whitman, saying, “I want to make a test case of this. I want to legalize marijuana smoking in San Francisco or in public.” Whitman booked and detained Lowell Eggemeier, a young resident of San Francisco’s Haight-Ashbury neighborhood, and brought the marijuana cigarette to the Narcotics repository for analysis.<sup>49</sup>

At his trial, Eggemeier was convicted by a Grand Jury of possessing marijuana without a license, a felony offense that carried the possibility of a one-to-ten-year prison sentence, though first offenders like Eggemeier tended to be released on probation. Eggemeier and his attorney, James R. White III, appealed the decision on the grounds that the trial court “erred in overruling” the defense’s claim that marijuana was

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<sup>48</sup> Joshua Clark Davis, “The Business of Getting High: Head Shops, Countercultural Capitalism, and the Marijuana Legalization Movement,” *The Sixties* 8, no. 1 (2015): 36.

<sup>49</sup> Howard Whitman, quoted in James R. White, III, *Marijuana Puff In* (San Francisco: LeMar, no date [c. 1965]), pages 22-24, JLC, UM. Under the title *Marijuana Puff In*, White reprinted the transcript of the opening brief for the trial, *People of the State of California v. Lowell F. Eggemeier*, at the District Court of Appeal of California, First Appellate District. For brief accounts of Eggemeier’s actions, see Martin A. Lee, *Smoke Signals: A Social History of Marijuana – Medical, Recreational and Scientific* (New York: Scribner, 2012), 97; Davis, “The Business of Getting High,” 36.

misclassified as a narcotic under section 11530 of California's Health and Safety Code.<sup>50</sup>

At the appeals hearing, the defense argued that smoking marijuana did not harm Eggemeier or anyone else, which called into question the constitutionality of California's Penal Code that stipulated harsh sentences for use, possession, and sale of marijuana.<sup>51</sup> Under California state law, marijuana possession was punishable by a mandatory minimum felony sentence, with no possibility of parole, of one to ten years for the first offense, two to twenty years for the second, and five years to life for a third offense. Only a first offender, like Eggemeier, was eligible for probation.<sup>52</sup>

Through this appeal, White hoped to prove that marijuana was a harmless, beneficial herb. White was not trying to prove Eggemeier's innocence, but he was hoping he could appeal the case to the Supreme Court to challenge the constitutionality of the marijuana laws. Eggemeier's motivation was less clear, but he told the presiding judge that "something inside my mind said, if you do that you will be happy for the rest of your life."<sup>53</sup> Judge Francis McCarty, responded that this was the "strangest case" he had encountered in his thirty-plus years of experience as a lawyer and judge.<sup>54</sup> McCarty was receptive to their arguments, but was hamstrung by Eggemeier's guilty plea, which effectively gave the appeals jury no choice but to affirm the lower court's decision. Moreover, McCarty noted that California's marijuana possession laws were not unreasonably harsh for first offenders, so a trial for a second or third offender would

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<sup>50</sup> White III, *Marijuana Puff In*, page 4, JLC, SC-UM.

<sup>51</sup> White III, *Marijuana Puff In*, pages 4-5, JLC, SC-UM.

<sup>52</sup> Edgar Paul Boyko and Michael W. Rotberg, "Constitutional Objections to California's Marijuana Possession Statute," *UCLA Law Review* 14 (1966-1967): 784-785.

<sup>53</sup> White III, *Marijuana Puff In*, page 39, JLC, UM.

<sup>54</sup> Francis McCarty, quoted in White III, *Marijuana Puff In*, page 58, JLC, UM.

make a better test case. McCarty believed Eggemeier was “sincere” but that he hoped that he would “not do anything further in a foolish way.” He recommended probation.

In the spring of 1966 the American Bar Association (ABA) took note of Eggemeier and White’s efforts and warned about “more persistent efforts to legalize marijuana.” The ABA cautioned that recent events seemed to “indicate that many of the same protestants for a ‘free university’ and ‘free speech’ also are articulators of reasons for free sex and legal marijuana and dope.” When the Free Speech Movement launched on the University of California-Berkeley’s campus in the fall semester of 1964, students fought administrators to demand greater political freedoms for college students on campus. The main thrust of the protest came from white college students who had become involved in the civil rights movement and wanted to raise funds and pass out literature for groups like the Congress of Racial Equality. Among the pamphlets showing up on campus around 1965 was the *Marijuana Puff In*. The ABA warned that such “dissident factions” were threatening “to tear down the legal and moral structure” of American society by advocating illicit drug use. They concluded that marijuana legalization activists were “people who flout the law by doing illegal acts,” and their protests were merely an attempt “to twist the law to fit their self-interest.”<sup>55</sup> Such sentiments were quite common among legislators and law enforcement at the time, but such an attitude had a tougher time dominating the judiciary, where judges routinely acknowledged that the stiff penalties for marijuana and other illicit drugs rarely fit the crime.

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<sup>55</sup> “Report of the Narcotic Committee of the Criminal Law Section of the American Bar Association,” *American Criminal Law Quarterly* 4, no. 3 (Spring 1966): 151.

John Sinclair was persuaded enough by the arguments presented in the *Marijuana Puff In* to ask his attorney to fight the charges on constitutional grounds. Sinclair's attorney knew full well that the Recorder's Court rarely claimed jurisdiction in cases that brought to light constitutional questions, since that was more the purview of the Michigan Court of Appeals or the Michigan Supreme Court. It was also possible that fighting the sales charge instead of plea bargaining down to a possession charge unnecessarily risked incurring the twenty-year mandatory minimum sentence, whereas a possession conviction would likely end with probation and minimal, if any prison time. Sinclair ended up pleading guilty to possession and the judge decided to sentence Sinclair to six months in the Detroit House of Corrections (DeHoCo), to be served from February to August of 1966.<sup>56</sup>

John wrote a poem, "Weathering," for Leni two days before he was sentenced to a six-month prison sentence on February 22, 1966.

If I have to leave you, god that you can weather  
this awful cold, that you can make it with  
out me, that I can make it there in jail with  
out you too, we have been that long together  
& that close

(when the first big snow came, Ron's  
first week here, & him with a bad  
back, we're out shoveling snow, you  
& me, him marvelling  
at your endurance--& I tell him  
like I told you once what is by now  
a long time ago -- "these

are primitive times, man, there's a  
whole new civilization  
has to be built, & a man's got to have  
a strong woman  
help him get the work done"

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<sup>56</sup> John Sinclair, "Ten Years for Two Joints," JLSP BHL.

as you have worked so long now  
right beside me

shoveling all the snow & shit of this world  
out of our way”<sup>57</sup>

John was admitted to DeHoCo on the twenty-fourth of February and took on a position of a clerk working at the front desk.<sup>58</sup> John had access to a typewriter so he could continue writing. Magdalene took on more work typing stencils for *Change*, while also taking over John’s arts column in the *Fifth Estate*. On top of that, she corresponded with John frequently and made bi-weekly visitations to him in DeHoCo all while collecting rent payments for the Artist’ Workshop storefront, a housing co-operative, and their print shop.<sup>59</sup> Leni would sometimes go days without sleep trying to get all their work completed.<sup>60</sup> They celebrated their first wedding anniversary while John was incarcerated. Of his time in prison, John wrote “the blues here are of such depth there’s no color to them.”<sup>61</sup> John ended up serving five months and eighteen days.<sup>62</sup>

### **Rock and Roll and The MC5**

To celebrate John’s release from DeHoCo Magdalene organized a “Festival of People” event in early August at the Artist’s Workshop that included poetry readings, art

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<sup>57</sup> John Sinclair, “Weathering,” *Work*, no. 3 (Winter 1965/1966), 5-6. Poem dedicated to “Leni” and dated February 20, 1966.

<sup>58</sup> For Sinclair’s work as a clerk in DeHoCo, see John Sinclair, interview by Huey, January 23, 2021, 40:10-41:05.

<sup>59</sup> For “bi-weekly visitations,” see editorial, *Change* 2 (Spring/Summer 1966): no page numbers (begins on the page after the table of contents).

<sup>60</sup> Leni Sinclair, quoted in John Sinclair, “When Will the Blues Leave?,” *Journal* (Monteith), winter 1966-1967, 27.

<sup>61</sup> John Sinclair, “When Will the Blues Leave?,” 27.

<sup>62</sup> John Sinclair, interview by Huey, January 23, 2021, 39:58-40:04.

exhibits, and musical performances. Rebecca “Becky” Derminer heard about the event from someone who was a mutual friend of hers and the Sinclairs, and she asked if her husband’s band could play a set.<sup>63</sup> Becky had only been married to her husband Robert “Rob” Derminer for a few months by this time, and their apartment in Canfield had become a hangout for Rob’s band, the MC5 (short for the Motor City Five). The band was struggling to get gigs outside of the poorly-paying teen circuit, where many non-union musicians in Detroit were relegated. The Derminers were already friends with Peter Werbe of the *Fifth Estate* and members of the DCEWV, so the MC5 had no problem getting on schedule to play the Festival of People. At about 3:00 am, the MC5 plugged in their guitars, turned up their amps, and started playing their set after the Sinclairs had already gone to bed. Leni Sinclair recalled that one of their neighbors brandished a shotgun and demanded the noise come to an end, so she unplugged their gear and asked them to leave.<sup>64</sup> “We were stunned,” remembered Michael Davis, the band’s bass player at the time, who recalled that the band packed up and “flipped our hostess the bird on the way out.”<sup>65</sup>

Michael Davis had known the Sinclairs for a few years by this point, ever since he started art school at WSU and met Sandra “Sandy” Whitehouse, who was a year older than Michael and from a wealthy family who lived in the Detroit suburb of Birmingham. Sandy had recently returned to Michigan with her boyfriend, a young daughter, and a dog named Dog after living in the bohemian Lower East Side of Manhattan for a short period of time. Becky Derminer—who was still Becky Daniels when she met Sandy—

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<sup>63</sup> Michael Davis, *I Brought Down the MC5* (Los Angeles, California: Cleopatra Books, 2018), 86.

<sup>64</sup> Leni Sinclair, quoted in David A. Carson, *Grit, Noise, and Revolution: The Birth of Detroit Rock 'N' Roll* (Ann Arbor, University of Michigan Press, 2005), 110. Carson interviewed Leni Sinclair August 15, 2003.

<sup>65</sup> Davis, *I Brought Down*, 86.



remembered that Sandy “made sure you knew she was the coolest chick on earth.”<sup>66</sup> “She was very confident, she was very cool, she was just absolutely amazing,” Derminer recalled, “she had a wonderful, large ego.”<sup>67</sup> Sandy quickly inserted herself into the WSU neobeatnik scene, which included community activists, the Artists’ Workshop crowd, and other faces in the informal leisure economy. Sandy boasted that Charles Moore had described her as the “only true hedonist around.”<sup>68</sup>

When Michael Davis met Sandy, he recognized he was “in the presence of a truly avant-garde mind,” and he claimed she brought to an end his “twenty-one years of being a straight, upstanding middle class kid.”<sup>69</sup> Sandy taught Michael how to roll joints and get high and she teased him for wearing underwear.<sup>70</sup> When Sandy’s boyfriend moved out of her apartment, she couldn’t pay rent, so Michael arranged for her and her child to move in to his apartment with his roommate, WSU art student Doug James. Sandy cooked and cleaned for the household and had friends over that included artists, sex workers, and illicit drug users. James was the only person with a steady job, so he paid rent and bought food for everyone until he burned out and moved.<sup>71</sup> Michael and Sandy soon decided to get married at the Detroit courthouse for what one of her friends reportedly described as “the mismatch of the century.”<sup>72</sup> Sandy became pregnant soon thereafter, but she did not want another child, so she instructed Michael to press a sterilized kitting needle into her cervix to induce menstruation.<sup>73</sup> They soon left Detroit for Florida, then New York,

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<sup>66</sup> Rebecca “Tyner” Derminer, “Robin Tyner: Early Days/Final Days,” in *Heaven Was Detroit: From Jazz to Hip-Hop and Beyond*, edited by M. L. Liebler (Detroit: Wayne State University Press, 2016), 235.

<sup>67</sup> Rebecca Derminer, interview by Ryan Huey, Detroit, Michigan, February 2, 2020.

<sup>68</sup> Charles Moore, quoted in Davis, *I Brought Down*, 22-23.

<sup>69</sup> Davis, *I Brought Down*, 11, 19.

<sup>70</sup> Davis, *I Brought Down*, 23.

<sup>71</sup> Douglas S. James, “Downtown Western Plain,” *Journal* (Monteith), winter 1966-1967, 14-17.

<sup>72</sup> Jim Semark, quoted in Davis, *I Brought Down*, 25.

<sup>73</sup> Davis, *I Brought Down*, 25-26.

where they began regularly using heroin.<sup>74</sup> Upon their return to Detroit the following winter, Michael and Sandy moved into a basement duplex on Hobart Street. They both continued using heroin with some frequency at this point and Sandy took on work as a prostitute.<sup>75</sup> At some point, Sandy left for New York and came back with a new lover, so she kicked Michael out. Michael started working at a steel mill, he dropped acid for the first time, bought a pair of Beatles boots—a style of black leather, pointed-toe, Chelsea boots—and started hanging out with Rob Derminer, a fellow artist and weed smoker, who also owned a pair of Beatles boots and had just become the lead singer of a rock and roll band.

Derminer had never taken singing lessons, but he was used to performing in front of audiences. He joined the Dramatics Club at Lincoln Park High School and acted in the senior play as a sophomore.<sup>76</sup> He played flute in the school band for a time and in his senior year in 1964, Derminer was voted “class cut-up”—the funniest male student in the class.<sup>77</sup> Derminer was also a talented cartoonist, poet, and musician, and he had dreams of attending art school after high school, but instead he lived in his parents’ basement in Lincoln Park and went to work. He busted up concrete barricades and then got a job filling orders for a tool and dye company. On the weekends, he started slipping on his

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<sup>74</sup> The exact timeline of their relationship is not certain. Michael Davis recalls they were married in January 1964 and left for Florida in February. See Davis, *I Brought Down*, 24. Rebecca Derminer recalled meeting Sandy in the fall of 1964, when Sandy had just moved back to Detroit from New York, which would put her marriage to Davis in January 1965. See Derminer, “Robin Tyner: Early Days/Final Days,” 233, 235.

<sup>75</sup> Rebecca “Becky” Derminer, interview by Angelique Slater, Detroit, Michigan, November 14, 2011, transcript, page 6, Cass Corridor Documentation Project, Oral History Project, published by Wayne State University Libraries.

<sup>76</sup> *LOG* (Lincoln Park High School yearbook) (Detroit, Michigan: Lincoln Park High School, 1962), page 70, accessed February 2020, Ancestry Library Edition.

<sup>77</sup> *LOG* (Lincoln Park High School yearbook) (Detroit, Michigan: Lincoln Park High School, 1962), page 223, accessed February 2020, Ancestry Library Edition.

new Beatles boots and heading over to the WSU campus area to find fun.<sup>78</sup> He knew of some younger Lincoln Park High School students who were trying to form a rock and roll band called the MC-5.

His little brother was friendly with one of the guitarists Wayne Kambes, whose mother, Mabel Evelyn Dyell, provided an economic launching pad for Wayne and his band mates in the early stages of their career as professional musicians. After Dyell divorced her second husband, she bought a house from relatives in Northwest Detroit and relocated her three kids and herself out of their Lincoln Park home. Dyell owned three successful beauty salons in Detroit and leveraged her success into providing more direct support to her children, the youngest of whom was born blind. Dyell hired a housekeeper and held appointments with clients in her home, freeing her to provide more direct support to her son Wayne in the early stages of his career as a professional musician. Dyell had already paid for guitar lessons for Wayne when he was in his early teens. Once he started playing gigs regularly, Dyell allowed his band to use her basement as a rehearsal space and she would cook meals for them. Pat Burrows, the MC5's original bassist, described Dyell as a source of "stability" who boarded him for a summer and chauffeured the band around in her large Buick convertible.<sup>79</sup> Dyell also boarded MC5 band mate, Fred Smith, who had dropped out of high school and left his parents' home to escape his physically abusive father.<sup>80</sup> Smith's father, Dewey Smith, sang country music in Fred's birthplace of Lincoln County, West Virginia, and he brought his family to

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<sup>78</sup> Derminer, "Robin Tyner: Early Days/Final Days," 233-234.

<sup>79</sup> Pat Burrows, interview by Ken Shimamoto, July 24, 2002, accessed January 2020, MC5 Gateway, <http://makemyday.free.fr/mc5.htm>. To locate interview, click on "MC5 Timeline," scroll down to Winter 1964, and click the link labeled "Pat Burrows Interview."

<sup>80</sup> Wayne Kramer, *The Hard Stuff: Dope, Crime, The MC5 & My Life of Impossibilities* (New York: De Capo Press, 2018), 54-55.

Detroit when Fred was a young child so he could find wage labor in the auto industry. The Smiths settled in the heavily Baptist white southern migrant neighborhood of Lincoln Park, a segregated suburb of Detroit near the Ford Motor Company's massive River Rouge complex. Smith took up the guitar when he was twelve and started playing in a band called the Bounty Hunters with Wayne Kambes in high school.<sup>81</sup>

Derminer joined the group as the main vocalist and the band started doing a few shows a month at record hops, parties, weddings, and wherever else they could get work. They picked up a drummer they knew from Lincoln Park High School, Dennis Tomich, who was studying mathematics at Wayne State University. As anglophiles who enjoyed British Invasion bands like the Beatles, the Rolling Stones, the Kinks, and the Yardbirds, Rob Derminer renamed the band members to rid their names of non-Anglo pronunciations that announcers routinely mispronounced. Derminer became Rob "Tyner" after pianist McCoy Tyner, Wayne Kambes became Wayne Kramer, Dennis Tomich became Dennis Thompson, Michael Davis kept his family name—which had already been Anglicized a generation before him when his father arrived in the United States as a refugee from the Jewish pogroms in the Kingdom of Yugoslavia during WWII—and Fred Smith simply became Fred "Sonic" Smith, after the model of his guitar. The band thought they could expand their audience by playing to the mostly white, multi-ethnic beatnik crowd in the WSU area, so they sought out John Sinclair.

After John got out of DeHoCo, WSU prohibited him from registering for a French language course and thus prevented him from obtaining his master's degree, even though

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<sup>81</sup> Written by Mary Lee, Michael Lipton, and Gavin Wissen, "Fred 'Sonic' Smith 2018 West Virginia Music Hall of Fame Induction Vignette," video, Brainwrap Productions, [https://www.wvmusichalloffame.com/hof\\_sonic.html](https://www.wvmusichalloffame.com/hof_sonic.html).

he had already completed a thesis entitled “William Burroughs’ Naked Lunch: An Essay.”<sup>82</sup> The Sinclairs agreed to stop smoking weed and instead reinvigorate the Detroit chapter of LeMar and work to change the marijuana laws. Leni became pregnant, so she and John moved to a tiny attic apartment over the *Fifth Estate*’s new bookstore on Street, a government-subsidized bohemian market that city officials hoped would draw suburbanite dollars into Detroit to visit the various hip storefronts. During the three months that they lived there—the only time the couple lived alone—Leni took a job at the post office to save some money to buy a new camera.<sup>83</sup> In early October, Detective Lieutenant Warner Stringfellow of the DPD Narcotics Bureau turned up at their apartment and spoke with John while Leni was at work. The exchange was bitter and, according to Sinclair, Stringfellow stated “when I get you again, you ain’t gettin’ off so easy,” among other threats.<sup>84</sup> When Leni returned home and heard John’s side of the story, she said something to the effect of “that poor man . . . he must spend all his time thinking of how he’ll get us—doesn’t he have anything better to do with his life?”<sup>85</sup> John wrote a “Poem for Warner Stringfellow” that night and he read it publicly at a WSU Artists’ Society event later in the month, which was attended by two undercover officers starting an assignment for the Narcotics Bureau under the direction of Stringfellow.

The Sinclairs moved back into the Artists’ Workshop space near the John C. Lodge Freeway, and they decided to turn it into a semi-public community space. They

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<sup>82</sup> For WSU rejection, see John Sinclair, interview by Huey, January 23, 2021, 34:00-34:20. For John Sinclair’s master’s thesis, see John Alexander Sinclair, Jr., “William Burroughs’ Naked Lunch: An Essay,” JLSP, Box 21, Folder – “Writings, Pre-1978, Master’s Thesis, 1966,” BHL.

<sup>83</sup> For “the only time the couple lived alone,” see Leni Sinclair, “The Evolution of a Commune,” AADL, no date [c. 2011], [https://aadl.org/freeingjohnsinclair/essays/evolution\\_of\\_a\\_commune](https://aadl.org/freeingjohnsinclair/essays/evolution_of_a_commune). For Leni’s post office job, see John Sinclair, interview by Steinberger, in *Guitar Army*, 172.

<sup>84</sup> Warner Stringfellow, quoted in John Sinclair, “The Poem for Warner Stringfellow,” *Ann Arbor Sun*, May 28, 1971, accessed August 2015, AADL. Originally published by Artist’s Workshop Press, 1966.

<sup>85</sup> Leni Sinclair, quoted in John Sinclair, “The Poem for Warner Stringfellow.”

arranged with some Chaldean gang members to bring in some vending machines, a jukebox, and a pinball machine to place in the front lobby area.<sup>86</sup> Officer Vahan Kapagian, a fifteen-year veteran of the Detroit Police Department, had worked for the narcotics bureau for the previous five and a half years, much of which involved undercover work.<sup>87</sup> As “Eddie” in the summer of 1965, Kapagian worked Wayne State University’s campus and the Plum Street neighborhood in Detroit. He bought weed from a number of individuals, and he even convinced John Sinclair—still on probation from his first marijuana possession arrest—to get some for him. After Sinclair served his six months in jail, Kapagian grew a beard, let his hair grow long, and donned a beret for his next assignment as “Louis “Louie” Cory.”<sup>88</sup> Lieutenant Stringfellow instructed Kapagian to infiltrate the Artist’s Workshop. Officer Jane Mumford, who had been on the force for three years in the Women’s Division, was loaned to the Narcotics Bureau to work as Kapagian’s partner for the investigation.<sup>89</sup> Mumford dressed stylishly, donning a miniskirt to mark herself as a hip young woman and introducing herself as “Pat Green.”<sup>90</sup> They attended the inaugural meeting of the Detroit chapter of LeMar and were among the dozen or so first recruits to the organization. They both started working as typists at the Artist’s Workshop, in addition to putting together poetry booklets and manuscripts, sweeping the floor, and doing any other small tasks that needed to be done.<sup>91</sup>

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<sup>86</sup> Leni Sinclair, “‘I Just Wanna Testify’”; Pun Plamondon. *Lost from the Ottawa: The Story of the Journey Back* (Victoria, British Columbia, Canada: Trafford Publishing, 2004), 65.

<sup>87</sup> Detroit Recorder’s Court, Trial transcript, Case A-134588, pages 32-33, JLSP, Box 46, Folder – “Legal and Prison Files, State of Mich. vs. Sinclair, Detroit Recorder’s Case, A-134588 Transcript, July 22, June 24, July 24, 1969,” BHL.

<sup>88</sup> Detroit Recorder’s Court, Trial transcript, Case A-134588, pages 32-33, JLSP.

<sup>89</sup> *Ibid.*, 123.

<sup>90</sup> *Ibid.*, 33, 126, 160.

<sup>91</sup> *Ibid.*, 33-34.

Kapagian consistently pressed John Sinclair for weed during this time, but he was unsuccessful. Magdalene Sinclair remembered thinking that “Louie couldn't possibly be a cop,” because he gave her “the creeps,” but “Pat always was so open and friendly and helpful.” On the evening of December 22, 1966, Kapagian once again asked John Sinclair for weed, but to no avail. Mumford gave it a try, and eventually Sinclair agreed to share. The two agents sat down at Sinclair’s kitchen table as he pulled a brown porcelain bowl from his shelf and poured a little of his stash onto the dining table. Sinclair sprinkled his pre-ground weed onto a piece of cigarette paper and rolled into a ready-to-smoke joint. Detective Lieutenant Warner Stringfellow, a commander in the Narcotics Bureau, and another officer sat in a surveillance vehicle nearby and listened through an audio transmitter device attached to Kapagian to ensure the officers remained safe. Back inside, Sinclair gave the joint to Kapagian, who passed it to Mumford. She slipped it into a half-empty pack of Kool brand cigarettes as Sinclair started rolling another. Once finished, he lit it and offered it to Kapagian, who took the joint but declined to smoke, saying it made him dizzy and he had to drive. He handed the still burning joint back to Sinclair, who asked Mumford if she would like to smoke it. Kapagian intervened, saying he did not want her to smoke any until they had driven away. Sinclair butted the joint, handed it to Kapagian, and the two left. Mumford and Kapagian rendezvoused with Stringfellow, and returned to the Narcotics Bureau station to submit the joints to evidence.<sup>92</sup>

Police raided the Sinclairs’ apartment complex while they jammed at the Artists’ Workshop on January 24, 1967.<sup>93</sup> WSU administrators coordinated with the Detroit

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<sup>92</sup> Detroit Recorder's Court, Trial transcript, Case A-134588, 33-40; 126-130, JLSP.

<sup>93</sup> Fred Manardo, “56 Arrested in Drugs Raids in WSU Area,” *Detroit News*, January 25, 1967, JLSP, Box 46, Folder — — “Legal and Prison Files, Red Squad & Police Files, Detroit Police Files, Primarily 1966-1970,” BHL.

Narcotics Bureau, the Federal Narcotics Bureau, U.S. customs agents, three members of the Detroit State Police Intelligence Bureau, and one agent representing the Food and Drug Administration to orchestrate a series of raids aimed at the “narcotics” trade within the Wayne State University community. In total, the raids led to the arrest of fifty-six persons between five and eleven o’clock pm. Police raided the Artists’ Workshop about a month later and arrested everyone inside.<sup>94</sup> They searched the house and found a small amount of marijuana, so they charged a five-months pregnant Magdalene Sinclair with possession of marijuana.

Soon thereafter, Sinclair began publicizing his effort to legalize marijuana and was joined by a crew of artists and supporters who felt similarly. Sinclair started sporadically self-publishing a underground magazine, the *Warren-Forrest Sun* with Rob Tyner’s best friend, graphic artist Gary Grimshaw. Freshly back in Detroit after tour of duty in Vietnam with the U.S. Navy, Grimshaw had been stationed in San Francisco in 1967, and he witnessed psychedelic rock concerts at music promoter Bill Graham’s Fillmore Theater and the visual art that accompanied the productions: the promotional materials that showed up in the form of concert posters and hand-drawn advertisements in underground magazines, as well as the live action light shows that were projected on the wall during musical performances. Grimshaw was an exceptional graphic artist who grew up drawing cars. Grimshaw recalled his friends would challenge him to draw brands from any year and he generally could do it from memory.<sup>95</sup> Grimshaw’s talents were utilized by the Sinclairs for the *Warren-Forrest Sun*, where he did layouts, hand-drew

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<sup>94</sup> Manardo, “56 Arrested . . .,” JLSP.

<sup>95</sup> Gary Grimshaw, interview by Robin Derminer, November 7, 2011, Detroit, Michigan, transcript, page 4, Cass Corridor Documentation Project, Oral History Project, published by Wayne State University Libraries.



advertisements for local businesses at only a dollar fifty per inch. The magazine promoted Trans-Love events and products, reprinted leftist essays and interviews, and reported on the local art and hippie scene. Larry Belcher, a former alcoholic who gave up booze for weed, contributed a regular column called “Dope-o-Scope” that told stories of people “busted” by the police for marijuana crimes. Belcher analyzed the arrests and court proceedings, creating a record of questionably or sometimes blatantly illegal practices used by police in their effort to enforce marijuana prohibition.

Soon the MC5 and Grimshaw were tapped by local disc jockey and schoolteacher Russell “Russ” Gibb to work at his new secular youth dance hall opening up in Detroit called the Grande Ballroom. Gibb had also visited the Fillmore Theater in San Francisco, and he decided to create a similar space in Detroit and promote it as a rock-oriented music venue. Gibb had heard about the MC5 from a promoter friend and he hired them as the house band for his weekend concerts, and through them, he hired Grimshaw to create the concert posters and advertising for the venue. John Sinclair convinced Gibb to let him work as a consultant and organize events and handle aspects of the stage production. John and Leni founded a non-profit organization they dubbed Trans-Love Energies, Unlimited, to produce shows at the Grande, and they wanted to organize the Grande workers into a housing and artists’ co-operative. Grimshaw soon moved in and the small commissions from his Grande Ballroom posters were put into the general fund controlled by the Sinclairs. The group organized a large free festival, a “Love-In,” on Belle Isle in April 1967 featuring musical performers—including the MC5—speakers, food, and art. After the sun went down, members of the Outlaw motorcycle gang provoked DPD mounted police and a fight broke out. Police called in backup and riot police proceeded to beat and

club the crowd that still remained on the island. Days later, Leni gave birth to their first daughter, Marion Sunny Sinclair, named after their friend saxophonist Marion Brown and John Sinclair's favorite artist at the time, Sun Ra. Detroit police continued collecting files on the Sinclairs, including news coverage of the Belle Isle Love-In that praised the actions of the police and denounced the crowd and the event's organizers.<sup>96</sup>

### **Constitutional Questions Raised by the Marijuana Laws**

Sinclair's attorney, Dennis James, prepared a motion to quash information—or, dismiss the charges—on his client's behalf, based on several claims that his charges were unconstitutional. The motion contended that Public Act No. 266 of 1952, Michigan's Suppression of Illegitimate Traffic in Narcotic Drugs Act, violated the equal protection clause of the Fourteenth Amendment of the U.S. Constitution because Section 1 of the Act labeled marijuana a "narcotic," which meant, from a legal standpoint, it was indistinguishable from other narcotics like heroin and cocaine. Moreover, Sections II and III, which outlined penalties for sale and possession of narcotics, respectively, did not take into account the amount possessed or sold. From a legal standpoint, Sinclair pointed out that "a person convicted of giving away two marijuana cigarettes is subject to the same sentence—20 years to life—as a man who is convicted of selling 300 tons of pure heroin to 6 year-old schoolgirls."<sup>97</sup>

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<sup>96</sup> Allan Blanchard, "Riot at Love-In: 10 Jailed, [headline cut off]," *Detroit News*, May 1, 1967, JLSP, Box 46, Folder – "Legal & Prison Files, Red Squad & Police Files, Detroit Police Files, Primarily 1966-1970," BHL.

<sup>97</sup> John Sinclair, "One or Two Joints Don't a Pusher Make," *Michigan Daily*, October 9, 1969, MDDA.

Sinclair's defense further argued that there was no clear evidence from a public health perspective as to why marijuana should be illegal. Without sound medical reasoning to back them up, legislators violated the right to due process under the Fourteenth Amendment, because marijuana prohibition infringed upon citizens' right to privacy as well as their fundamental rights to life, liberty, and the pursuit of happiness. Lastly, the motion argued that a mandatory minimum prison sentence of twenty years for two or more narcotics violations, with a possible maximum sentence of forty years and a \$5,000 fine, constituted cruel and unusual punishment. Sinclair's defense later pointed out such a punishment was only exceeded by that for murder under Michigan law.<sup>98</sup>

After James took a job with the National Lawyers Guild (NLG) headquarters in New York City, attorneys Justin C. Ravitz and Sheldon Otis took over Sinclair's defense. On October 4, 1967, they submitted a brief to support James' motion to quash information. Recorder's Court Judge George W. Crockett requested affidavits from both the defense and prosecutors to directly address the constitutional questions, so Ravitz and Otis prepared an 80-page brief with supporting testimony from four medical doctors.<sup>99</sup> The major constitutional questions brought up by the brief convinced Crockett to convene a three-judge panel on December 18, 1967, to consider the constitutional questions of the case, the first time this had ever been done at the Recorder's Court of Detroit.<sup>100</sup> They heard oral arguments on January 12, 1968, and after several months of deliberation, they

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<sup>98</sup> "Brief in Support of Defendant's Motion to Quash Information," no date [c. October-December 1967], JLSP, Box 19, Folder – "Legal and Prison Files, State of Mich. vs. Sinclair, Detroit Recorder's Court, A134588, Motion to Quash Information, Brief and Opinions," BHL.

<sup>99</sup> "Brief in Support of Application for Leave to Appeal," July 1971, pages 3-4, JLSP, Box 19, Folder 9 – "Legal and Prison Files, State of MI vs. Sinclair, State Supreme Court, 53550 Brief in Support of Application for Leave to Appeal 7/71," BHL.

<sup>100</sup> "Emergency Application for Appeal Bond," JLSP, Box 19, Folder 5 – "Legal and Prison Files, People of Mich. vs. Sinclair, State Court of Appeals, Emergency Application for Appeal Bond, July 28, 1969," BHL.

denied the request to dismiss Sinclair's charges.<sup>101</sup> Another freshman justice, Judge Joseph E. Maher, prepared the principle opinion rebutting each one of the defense's arguments. Judges Crockett and Colombo concurred with Maher's decision.

The panel members' written opinions reveal their skepticism that harsh punishments for marijuana were justified, but it also showed that they were adamant in their belief that marijuana was a social problem that needed to be curbed. Judge Crockett firmly stated that "the possession, use and traffic in marijuana does affect adversely legitimate societal interests which the State has a right and a duty to protect." Though he admitted the mandatory minimum sentence of twenty years imprisonment for the sale of marijuana was "uncommonly severe."<sup>102</sup> Judge Maher considered marijuana a "harmful and dangerous drug" based on a 1964 report of the World Health Organization Expert Committee On Addiction that stated marijuana produced "dependence." Maher determined that "marijuana users customarily use the drug with the specific intent on becoming intoxicated," therefore disqualifying it as a fundamental right protected by the Fourteenth Amendment.<sup>103</sup> Maher chose not weigh in on the defense's claim that the current punishments set for marijuana crimes were cruel and unusual, since he thought it was a question reserved for a higher court. He cited *People v. Stark* to argue that the issue was not "justiciable" in the Recorder's Court until someone was convicted. Further putting the issue beyond their purview of the Detroit Recorder's Court were several legal precedents in Michigan that limited the judiciary's oversight of legislation setting the

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<sup>101</sup> "Brief for Defendant-Appellant," page 3, JLSP, Box 19, Folder 6 – "Legal and Prison Files, State of Mich. vs. Sinclair, State Court of Appeals, 5194 Brief for Defendant-Appellant, Feb. 4, 1970," BHL.

<sup>102</sup> George W. Crockett, Jr., "Concurring Opinion," no date [c. April 17, 1967], page 1, JLSP, Box 19, Folder – "Legal and Prison Files, State of Mich. vs. Sinclair, Detroit Recorder's Court, A134588, Motion to Quash Information, Brief and Opinions," BHL.

<sup>103</sup> Joseph E. Maher, "Opinion," no date [c. April 17, 1967], page 3, JLSP Box 19, Folder – "Legal and Prison Files, State of Mich. vs. Sinclair, Detroit Recorder's Court, A134588, Motion to Quash Information, Brief and Opinions," BHL.

length of punishments for felonies. Maher concluded it was up to the legislature to change sentencing laws.

Judge Colombo, who practiced as a defense attorney for many years, was the most sympathetic to the defense's case. Colombo acknowledged the "great deal of difference in opinion concerning the use and possession of marijuana." He labeled Sinclair's contention that marijuana use should be legal "extreme," but he also criticized the opposing view that "no punishment is severe enough for a violation of any Narcotic Law."<sup>104</sup> Colombo was compelled, however, to bring up an issue not covered in Judge Maher's or Judge Crockett's opinions; the issue of police entrapment. At Sinclair's preliminary examination on March 21, 1967, the Assistant Prosecuting Attorney and the magistrate advised dropping the sale of narcotics charge because Sinclair was entrapped by police to complete the transaction.<sup>105</sup> Up to this point, Sinclair's defense had not made "unlawful and illegal entrapment" a part of their legal strategy.<sup>106</sup> Yet, Colombo agreed that the Recorder's Court had no authority to question the constitutionality of punishments for marijuana crimes. "No matter how this writer feels about how the Statue should read," Colombo wrote, "I am duty bound, as well as my fellow Judges in this case, to interpret the law as it is and not as I think it should be."<sup>107</sup> After the three-judge panel

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<sup>104</sup> Robert J. Colombo, "Concurring Opinion," no date [c. April 17, 1967], page 1, JLSP, Box 19, Folder – "Legal and Prison Files, State of Mich. vs. Sinclair, Detroit Recorder's Court, A134588, Motion to Quash Information, Brief and Opinions," BHL.

<sup>105</sup> For the date of Sinclair's preliminary examination, see "Brief in Support of Defendant's Motion to Quash Information," JLSP; For the magistrate's recommendation, see Robert J. Colombo, quoted in Detroit Recorder's Court, trial transcript, Case A-134588, page 275, JLSP. For the Assistant Prosecuting Attorney's suggestion, see Colombo, "Concurring Opinion," page 2, JLSP.

<sup>106</sup> Colombo, "Concurring Opinion," page 2, JLSP.

<sup>107</sup> Ibid., 1.

rendered their decision to deny Sinclair's motion to quash information, the defense filed an appeal with the Michigan Court of Appeals, further delaying Sinclair's trial.<sup>108</sup>

The Recorder's Court judge's decision to avoid considering the constitutional questions involved in Sinclair's case meant that any move to decriminalize marijuana would have to come from the legislature. Lawmakers were in the process of revising the state criminal code in a way that differentiated between different types and different amounts of narcotics in sentencing, but they were far from concluding this work. Only one Michigan senator, Roger Craig, a member of the liberal anti-communist Americans for Democratic Action (ADA) lobbyist group, seemed interested in seriously taking on marijuana law reform by the spring of 1967. Senator Roger Elder Craig was the youngest member of the Michigan Senate when he was elected in 1964, and as the Democratic representative of the mostly suburban Wayne County Tenth District—which included the almost all-white city of Dearborn. A lawyer by training, Craig became emboldened to change the narcotics laws by the February 1967 report of the Commission on Law Enforcement and Administration of Justice. President Lyndon B. Johnson appointed the Commission through Executive Order 11236 on July 23, 1965, due to “the urgency of the Nation's crime problem,” or the perception that there was an increase in crime based largely on arrest data provided by the FBI's annual Uniform Crime Reports.<sup>109</sup> In the section on “Narcotics and Drug Abuse,” the authors acknowledged that the laws concerning marijuana had “come under attack on all counts,” and that such criticisms

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<sup>108</sup> John Sinclair, “One or Two Joints Don't a Pusher Make,” *Michigan Daily*, October 9, 1969, accessed March 2021, MDDA.

<sup>109</sup> President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society: A Report by the President's Commission on Law Enforcement and Administration of Justice* (Washington, D. C.: U.S. Government Printing Office 1967), foreword.

contained some validity.<sup>110</sup> The report called for extensive research and to grant judges more flexibility to sentence marijuana offenders as mercifully or severely as they saw fit. After reading the document, Craig set about drafting revisions to the state's narcotics statutes and in April 1967, he introduced them to the Senate Judiciary Committee for consideration.<sup>111</sup>

News of Craig's action spurred Trans-Love Energies to hold a Sunday benefit concert in the Senator's honor at the Grande Ballroom. Trans-Love's brief report on the benefit—likely penned by John Sinclair—opined that few people attended the concert because “nobody told anybody who Roger Craig is or what he does.”<sup>112</sup> The writer praised one of Craig's proposals to reduce the minimum sentence for sale of narcotics from twenty to five years, even if this change would most likely benefit heroin dealers who were much more susceptible to the 20 year mandatory minimum sentence than sentence than a marijuana dealer.<sup>113</sup> Nevertheless, the law seemed like a promising turn for “grass smokers” since the bill would drop marijuana from the narcotics statutes altogether, opening the door to lowering punishments for simple possession.

After his proposal hit the Senate floor, Craig received numerous letters from his constituents and others in support of his efforts. He also received a great deal of criticism from church groups, parental associations, and concerned citizens. Of this “adverse mail,” Craig noticed that many people simply did not “know the difference between marijuana and heroin,” so they assumed he was trying to decriminalize “hard drugs.”<sup>114</sup>

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<sup>110</sup> President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society*, 224.

<sup>111</sup> Roger Craig to Jerold S. Maxmen, May 7, 1967, RCP, Box 26, Folder 18 – “Marijuana – Correspondence April 13, 1967-July 25, 1967,” WRL.

<sup>112</sup> Flashes from the Sun, *Sun* (Warren-Forrest), April 1967.

<sup>113</sup> Ibid.

<sup>114</sup> Roger Craig, quoted in “Pot-Pourri,” *Ann Arbor Argus*, January 24-February 7, 1969.

Some thought he was trying to legalize marijuana, so Craig countered that his proposal was “less ambitious.”<sup>115</sup> Craig simply hoped to raise “intelligent discussion” so that he could convince his colleagues that “marijuana should not be grouped with more harmful drugs such as heroin.”<sup>116</sup> Craig drafted a set of bills in the summer of 1967 that would downgrade marijuana possession from a felony to a misdemeanor, while greatly reducing penalties for the sale or dispensation of marijuana. He submitted them to the Senate Judiciary Committee, chaired by Democrat Basil Brown, who was also the Senate majority leader. Craig made a motion within the committee to bring the bill to the senate floor for discussion, but only Brown voted in favor, so the motion was denied and a follow-up hearing ended similarly.<sup>117</sup> Brown and Craig were actually roommates in the Lansing rental house they occupied along with Democratic Senator Coleman Young, all of whom would become the public supporters of marijuana law reform in the coming years. But with Roger Craig’s bill defeated, it became unclear how marijuana decriminalization efforts should proceed.

Attention quickly became diverted to more pressing matters when on July 23, 1967, the DPD’s “cleanup squad”—or “vice” detail—raided a “blind pig” that doubled as a political gathering place at 9125 12<sup>th</sup> Street in the heart of Detroit’s black community, where party-goers had gathered to celebrate the return of soldiers from active duty in Vietnam. As the four raiding officers arrested eighty-two people inside the building, a crowd gathered outside, tensions rose, and violence erupted, sparking the Detroit

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<sup>115</sup> Roger Craig to Jack Gutkin, July 25, 1967, RCP, Box 26, Folder 18 – “Marijuana – Correspondence April 13, 1967-July 25, 1967,” WRL.

<sup>116</sup> Roger Craig to Dennis Podden, July 25, 1967, RCP, Box 26, Folder 18 – “Marijuana – Correspondence April 13, 1967-July 25, 1967,” WRL.

<sup>117</sup> Craig, quoted in, “Pot-Pourri.”



Rebellion of 1967.<sup>118</sup> Writer Bill Harris later remarked that for black Detroiters, the rebellion turned “a lot of A&P’s [a grocery chain] into basketball courts and burned out a lot of rats, roaches and owners who infested their neighborhood.”<sup>119</sup> White radicals like the Sinclairs celebrated, offering free rides to looters and stealing rolls of high quality fabric that would be used for the MC5’s stage costumes in the coming years. The inexperienced National Guard came in to serve as a military occupying force and guardsmen cracked down on rioting through unwarranted search and seizures, mass arrests, and extralegal violence.<sup>120</sup> Thousands of black people were swept up in the dragnet, and many were sent to a makeshift detention center on Belle Isle, where they were kept in animal pens until they could be formally charged with a crime and arraigned. Some contracted illnesses because of the crowded unsanitary conditions, and one prisoner died in Washtenaw County Jail after contracting pneumonia on Belle Isle.<sup>121</sup>

Whites were increasingly caught in the dragnet as well, but they were afforded much more leniency from police and judges. National guardsmen raided Wayne Kramer’s apartment because the police mistook a telescope he had near a second-floor bay window for a sniper rifle, but they found a bunch of marijuana seeds that Kramer’s roommate tried to throw out the window, so they arrested all four people in the apartment. Kramer

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<sup>118</sup> For more on the Detroit Rebellion, see Sidney Fine, *Violence in the Model City: The Cavanaugh Administration, Race Relations, and the Detroit Riot of 1967*. Ann Arbor: University of Michigan Press, 1989; Joe T. Darden and Richard W. Thomas. *Detroit: Race Riots, Racial Conflicts, and Efforts to Bridge the Racial Divide*. East Lansing: Michigan State University Press, 2013; Joel Stone, ed., *Detroit 1967: Origins, Impacts, Legacies* (Detroit, Michigan: Wayne State University Press, 2017).

<sup>119</sup> “A&P” was short for The Great Atlantic & Pacific Tea Company, a “supermarket” grocery retailer that was the largest retail company in the U.S. at the time. Bill Harris, “Black Detroit, 1970,” in *Bill Harris: 2011 Kresge Eminent Artist*, edited by Sue Levytsky (Troy, Michigan: The Kresge Foundation, 2011), 48-52. Quote appears on 48. Originally published as Bill Harris, “Black Detroit,” *Detroit: A Young Guide to the City* (Detroit, Michigan: Speedball Publications, 1970), 206-213.

<sup>120</sup> Michael Jackman, “A Radical’s Oral History of Detroit in 1967,” *Metro Times*, July 19, 2017, accessed April 2021, <https://www.metrotimes.com/detroit/a-radicals-oral-history-of-detroit-in-1967/Content?mode=print&oid=4618445>.

<sup>121</sup> Douglas Harvey, interview by Amy Cantú and Andrew MacLaren, no date [c. 2011], 17:30-18:50, AADL, [https://aadl.org/files/AADL\\_Talks\\_To-Doug\\_Harvey.mp3](https://aadl.org/files/AADL_Talks_To-Doug_Harvey.mp3).

recalled walking by the holding cells at the DPD's Central Booking center at 1300 Beaubien Street and walking past "cells of full of mostly young black men who were bloodied." The next afternoon Kramer complained to investigators about the raid on their apartment and they were released without charge.<sup>122</sup> National Guardsmen also kicked in the door of the Sinclairs' communal apartment and pointed shotguns at John as he held a three-month old Sunny and screamed at them to leave. The guardsmen left without arresting or hurting anybody and the Sinclairs' decided to escape Detroit in favor of Pun Plamondon's hometown of Traverse City, where they stayed until early August when the National Guard and the other federal forces were removed from the city.<sup>123</sup>

In the midst of the Detroit Rebellion, President Lyndon B. Johnson issued an executive order that established the National Advisory Commission on Civil Disorders, commonly known as the Kerner Commission, after its chair, Otto Kerner, Jr., the Democratic governor of Illinois.<sup>124</sup> The Kerner Commission investigated the causes of the Detroit "racial disorder," among 163 others in the summer of 1967. The report denounced racially discriminatory housing, job opportunities, education, and policing as the underlying motivating factors. Published in March of 1968, the report called for broad economic and political reforms to prevent another disorder, and its authors argued that the "police bear a major responsibility for making needed changes."<sup>125</sup> But by the summer of 1968, police throughout the state of Michigan—but especially in Detroit—were already preparing for another full-scale "riot." Police bureaucracies lobbied the government for large injections of capital to fund professionalized training programs,

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<sup>122</sup> Kramer, *The Hard Stuff*, 76-77.

<sup>123</sup> Plamondon, *Lost From the Ottawa*, 90-91.

<sup>124</sup> Johnson issued Executive Order 11365 on July 28, 1967, to create the Kerner Commission.

<sup>125</sup> National Advisory Commission on Civil Disorders, *The Report of the National Advisory Commission on Civil Disorders* (New York; Toronto; London: Bantam Books, 1968), 300.

update equipment and expand their arsenal, and hire more bodies to manage the complex tasks involved in law enforcement. Some of these funds trickled into “community policing” initiatives endorsed by prominent criminologists at Michigan State University, the Michigan State Police, and some rank and file officers. However, funds distributed to county police often went towards the development of “Tactical Squads,” such as that in Oakland County that were trained specifically in “riot control” and equipped with military-grade weapons and gear. In August 1968, the city of Detroit followed Dearborn’s lead by enacting a “stop and frisk” ordinance that followed the June 1968 U.S. Supreme Court decision in *Terry v. Ohio*, which set an important precedent for legitimizing warrantless police searches. *Terry v. Ohio* empowered the courts to admit evidence obtained from warrantless police searches of anyone’s person or vehicle as long as the officer demonstrated “reasonable suspicion”—not probable cause—that the person was a threat to the officer or that they were about to commit a crime (or already had). The Detroit Police Department had already been conducting “investigative” searches—meaning, they were without warrant and did not result in criminal charges—on a wide scale for years. An ACLU report from 1958 noted that DPD statistics showed that roughly one third of non-traffic-related police arrests from 1947-1956 were investigative.<sup>126</sup> After the 1967 Detroit Rebellion, investigative searches on black people and white hippies escalated. Whites were certainly harassed, but they had more freedom of movement to escape their dragnet.

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<sup>126</sup> Harold Norris, “Arrests Without Warrant,” *Crisis*, October 1958, accessed March 2021, Police & Social Justice HistoryLab, “Exposing Police Brutality and Misconduct,” under subheading “Jim Crow Detroit” and heading “Police Brutality (1957-63), in *Detroit Under Fire: Police Violence, Crime Politics, and the Struggle for Racial Justice in the Civil Rights Era*, digital exhibit, edited by Matt Lassiter, Nicole Navarto, Lily Johnston, and Gregory Parker, <https://policing.umhistorylabs.lsa.umich.edu/s/detroitunderfire/page/police-policing-themselves>.

In the aftermath of the Rebellion, John Sinclair insisted that police harassed long-haired white men because white hippies like himself had essentially become “niggers” of sorts, in that that they, like black people, “look[ed] different from those in power.” Both groups, Sinclair noted, “had come to want nothing to do with” mainstream white culture and it was in the best interest of each group to “transform the present social structure by infiltrating and manipulating its various popular institutions to their ends.”<sup>127</sup> Sinclair’s analysis certainly conflated the vastly different experiences with law enforcement between whites and African Americans in Detroit, but he did so knowing full well that there were separate justice systems for whites and for black people. For example, the DPD Narcotics Bureau continued targeting black youth and long-haired white men for marijuana crimes, but each were dealt with very differently. In one case, Lawrence “Pun” Plamondon—who had partnered with John Sinclair to open the 100 Camels Bookstore on Plum Street—was pulled over by narcotics detectives for an investigatory search and was charged with driving without a license when no weed was uncovered. At Plamondon’s court hearing, the judge offered to suspend his sentence (initially a \$50 fine or ten days in DeHoCo) if Plamondon would cut his hair and shave his beard. This kind of leniency was commonly offered to youth countercultural whites appearing in court, but the same generosity was rarely granted to black youth. The *Fifth Estate* defined this form of “white man’s justice” as a “legal blindness which punishes black people equally and allows errant white middle-class youths the chance to redeem themselves in the eyes of their society.” The newspaper noticed it was especially apparent in marijuana cases in which judges would avoid sending white youth to jail if they made superficial efforts to

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<sup>127</sup> John Sinclair, “The Coat Puller,” *Fifth Estate*, September 15-30, 1967, accessed May 2020, Fifth Estate Online Archive, <https://fifthestate.anarchistlibraries.net/category/topic/fifth-estate-38-september-15-30-1967>.

conform, such as cutting their hair, putting on appropriate clothing, or promising to continue their educations or get a steady job.<sup>128</sup>

To someone like Pun Plamondon, who had only been in Detroit since May 1967, the infrastructure created by anti-racist whites like the Sinclairs and the *Fifth Estate* gave him a solid foundation to understand his own personal struggles against authority as linked with struggle of African Americans and other outsider groups against that same authority. Plamondon had been born Lawrence Robert Aiken in 1945, and was subsequently adopted as an eighteen-month-old by a devout Roman Catholic couple, George and Evelyn Plamondon, who had struggled to conceive a child for years. After Lawrence's adoption, Evelyn ended up giving birth to three more children and Lawrence recalled being treated differently from his siblings at an early age, and he was still not aware that he was adopted. Labeled a "hyperactive child," Lawrence became increasingly defiant against his parents, who, in 1960, petitioned the Catholic Service Bureau for help because, according to his father, "Larry refused to accept any kind of authority either from parents or from school."<sup>129</sup> They sent Lawrence to a Catholic reform school in Indiana, the Father Gibault School for Boys, where he was routinely paddled for insubordination. Plamondon dropped out of high school and hitchhiked across the country, working odd jobs and at one point, serving as a labor organizer among Michigan's fruit pickers, and another, he turned tricks at gay bars for drinks.

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<sup>128</sup> Fifth Estate Collective, "Long-Hairs Harassed," *Fifth Estate*, September 15-30, 1967, accessed May 2020, Fifth Estate Online Archive, <https://fifthestate.anarchistlibraries.net/category/topic/fifth-estate-38-september-15-30-1967>.

<sup>129</sup> Quoted in Arthur E. Albright, Presentence Report of Probation and Parole Agent, District Court, Cadillac, Michigan, reproduced in Plamondon, "Appendix A," *Lost from the Ottawa*. The report includes a note that states it was compiled in 1974 largely from an investigation conducted by the Behavioral Science Division of the Federal Bureau of Investigation in 1969-1970.

Unbeknownst to Plamondon, his real father—Louis Aiken, a military veteran and laborer from a French and Ottawa lineage—had suffered from debilitating alcoholism that led to him being committed to Traverse City State Hospital in 1943. It was there that Aiken conceived Lawrence with an Ojibway woman named Spring Cota, who had been committed to the hospital for a syphilis diagnosis. A few months after Lawrence was born in the State Hospital, the state took custody away from his parents and placed him in a foster home for close to a year.<sup>130</sup> The mass adopting out of native children from their immediate families and tribes by government or private agencies without tribal consent had become commonplace across the U.S. in the twentieth century. A study conducted in 1969 determined that in 16 states with significant native populations, state-run welfare bureaucracies were responsible for adopting out 25-35% of all native children to non-native families.<sup>131</sup> When the U.S. government passed the Indian Child Welfare Act of 1978 to limit such practices, experts identified these adoptions as a root cause for high rates of dropping out of school, alcoholism and drug abuse, suicide, and crime among native youth. Plamondon had become aware of his native ancestry in his teenage years, but he still considered himself white, for all intents and purposes. In Detroit, Plamondon became good friends with the Sinclairs and soon, he was serving as a roadie for the MC5, making leather sandals, and living in the Trans-Love Energies commune.

The MC5 asked to use one of the Sinclairs' former living quarters and storefront as a rehearsal space and place to move in all the band members as well as their girlfriends and wives. By the summer of 1967, John Sinclair assumed managerial duties for the MC5, and their \$100-125 per show at the Grande Ballroom went to the Sinclairs' general

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<sup>130</sup> Plamondon, *Lost From The Ottawa*, 16; 379-380; 397-398.

<sup>131</sup> Donna J. Goldsmith, "In the Best Interest of an Indian Child: The Indian Child Welfare Act," *Juvenile and Family Court Journal* 53, no. 4 (September 2002), 11.

fund for the whole Trans-Love operation. Women were enlisted to economically and emotionally support their men's career ambitions on the non-unionized music circuit. Leni and the other women took up seamstress work for the band, creating flamboyant tight-fitting custom stage outfits that they produced cheaply, and that visually accentuated the sexual politics of the band, whose members celebrated non-procreative sex in songs like "Come Together." The women planned large meals and took care of the laundry and house cleaning as well, freeing up the band to devote more time to rehearsals, original songwriting, and more extensive touring. Through the Sinclairs' collaboration with the MC5, the band became vocal proponents of marijuana legalization. Their signature song, "Kick Out The Jams," started with Rob Tyner shouting "Kick out the Jams motherfucker," before his lyrics touted the benefits of "getting in tune" by smoking weed in their dressing room before their live performances.<sup>132</sup> Russ Gibb almost fired the band for one performance at which they burned an American Flag and proceeding to raise a "freak flag" adorned with a large pot leaf.

Despite their inroads into the cultural fabric of the city, the Sinclairs still remained largely relegated to the outskirts of the local culture industry and the increased police surveillance and disruption of the Sinclairs' activities made their situation even more precarious. In the spring of 1968 the Sinclairs took baby Sunny and relocated the Trans-Love commune to Ann Arbor, where they would be safer from police, vigilante, and street violence that enveloped post-Rebellion Detroit. The Sinclairs left Detroit for a number of reasons. Printers were refusing to publish their newspapers, the city of Detroit

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<sup>132</sup> "Kick Out the Jams," *Kick Out The Jams*, Elektra Records, 1969.

invoked zoning ordinances evict the Sinclairs' from their apartment.<sup>133</sup> In early 1968, Pun Plamondon was severely injured with a straight razor when he got into a fight with two drunken soldiers who were harassing their commune one night.<sup>134</sup> The MC5 had all of their instruments and equipment stolen from their practice room over the course of a couple weeks and the curfew imposed in Detroit after the April 4, 1968, assassination of Martin Luther King Jr. kept the band from performing at the Grande Ballroom, their steadiest source of income. The MC5 and their girlfriends, some reluctantly, moved in with the Sinclairs into their run-down mansion on Hill Street in the college town of Ann Arbor, Michigan.

The Sinclairs' Detroit experience spoke to the increased willingness of law enforcement to specifically target the white counterculture of the 1960s for surveillance and disruption, but also the ways in which their whiteness shielded them from much worse fates at the hands of the police and courts. In spite of police harassment, or perhaps, because of it, the Sinclairs began to cultivate a pan-ethnic network of artists and activists that became increasingly vocal in its collective disdain for "law and order" politics through their art, writings, and lifestyle. Their open advocacy of marijuana smoking seemed to best crystalize the Sinclair's disillusionment with the ways in which the state sought to punish cultural and political dissidents. At the same time, this early effort at marijuana legalization largely reflected the masculine priorities of the counterculture. Police mainly targeted men for violations of the marijuana laws, and when women were arrested, as was the case with Leni, the charges rarely stuck. Thus, the arguments forwarded by Sinclair and his legal team in reference to marijuana were

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<sup>133</sup> "Trans-Love Moves," *Fifth Estate*, June 4-18, 1968, accessed April 2021, Fifth Estate Archive (online) <https://www.fifthestate.org/archive/55-june-4-18-1968/trans-love-moves/>.

<sup>134</sup> Plamondon, *Lost From The Ottawa*, 97-100.



shaped by white male discourses concerning the sanctity of individual freedom as guaranteed by the U.S. Constitution. But more than that, the marijuana question did bring to light the intentionality of the Sinclairs' efforts to build anti-racist community-based institutions that served the interest of both men and women who, for whatever reason, had rejected mainstream American culture and were looking for alternatives.

### CHAPTER THREE

#### PARTY CULTURE: ORGANIZING WHITE YOUTH IN ANN ARBOR, 1968-1970.

The Sinclairs and Trans-Love Energies came to Ann Arbor in May 1968 prepared to continue their work as concert promoters, artists, underground journalists, and community organizers, but they were met with resistance from many. Sinclair was especially impressed by a band calling themselves the Psychedelic Stooges, who had already played a few shows at the Grande Ballroom. Sinclair had been high on Freon and weed when he saw the band's first performance at a party on Halloween night in 1967 thrown by local promoter and schoolteacher, Ron Richardson, who also handled bookings for the MC5. At the Grande Ballroom, the Psychedelic Stooges' multi-instrumentalist lead singer, James Osterberg, danced wildly and played the microphone, placing it near vacuum cleaners, blenders, and inside a large oil tank that their manager, Jimmy "Silver" Silverman, hit with a rubber mallet to create immense sounds and hopefully not harm the equipment. Sinclair and his brother David, who was managing the band, The UP, were friends with Silver, a UM graduate student studying public health who became the Stooges' manager after the 1967 Halloween party. The MC5 enjoyed the "avant-rock" of the Psychedelic Stooges, where the spectacle of the live performance depended upon experimental sounds, improvisation, and building energy with an audience.<sup>1</sup>

The previous summer, an informal fraternity of local Ann Arbor bands—mostly young white men playing their version of folk revivalism and urban blues—started

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<sup>1</sup> See oral testimony quoted in Per Nilsen, *The Wild One: The True Story of Iggy Pop* (London, UK: Omnibus Press, 1988), 11, 15. For "playing the microphone" and "avante-rock," see Rob Tyner (Derminer), interview by John Sinclair, no date [c. early May 1967], published in *Warren-Forrest Sun*, no. 3, no date [c. May 1967].

putting on free concerts every Sunday in Ann Arbor's West Park, which boasted an inviting grassy hill for spectators and a large band shell for performers that could be reserved with the purchase of a ten-dollar city permit. At the end of the summer of 1967, Trans-Love brought the Grateful Dead to play a free show in Ann Arbor after they played the Grande Ballroom on their first national tour. Nearby residents called in a complaint when they observed the Grateful Dead stand barefoot on an American flag to stop their equipment from shocking them. Over the winter of 1967-1968, the Ann Arbor City Council passed an ordinance banning amplified music in city parks.<sup>2</sup>

When summer came around the following year, the concert organizers and musicians decided to resist the ban and resume the free Sunday concert series in West Park. In the summer of 1968, a resident near West Park lodged a formal complaint with the police alleging that the MC5 created "unreasonable and disturbing noise," so AAPD opened an investigation.<sup>3</sup> Days later, the Sinclairs, the band, and the road crew went to Leonard, Michigan, in rural Oakland County for a show at a teen club called the Loft. When Tyner yelled "motherfucker" into the microphone, private security tried to stop the show and called for backup from the Oakland County Sheriff's Department. The band ended early and then packed up to leave while Sinclair negotiated with the club owner, who owed them money from previous appearances by the MC5 and The UP. When six Oakland County deputies arrived, they demanded Sinclair leave, and when he refused, they grabbed him to drag him out. Sinclair struck an officer in the face, prompting the other police to beat him, spray mace in his face, and handcuff him. Fred Smith jumped

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<sup>2</sup> John Sinclair, "Back in the Day: An Abbreviated Memoir of Ann Arbor, 1968-1975," AADL, October-November, 2011, [https://aadl.org/freeingjohnsinclair/essays/back\\_in\\_the\\_day](https://aadl.org/freeingjohnsinclair/essays/back_in_the_day).

<sup>3</sup> "MC5 Arrested in Ann Arbor for Playing Free Music in West Park: Charged with Disturbing the Peace," *Sun*, July 28, 1968, accessed April 2021, AADL.

into the fight and was beaten and arrested as well, both for assault and battery of a police officer.<sup>4</sup> Leni Sinclair took pictures of the two in Oakland County jail, just before an inmate was ordered to shave Sinclair's long hair while police held his arms behind his back.<sup>5</sup> The two posted \$2,500 bond each and went back to Ann Arbor, where a couple days later, the AAPD arrested all five members of the MC5 for "disturbing the peace" based on the noise complaint from the previous week. The Ann Arbor Kiwanis Club started circulating a petition to support the efforts to prevent the White Panthers from distributing literature in high schools and to minors.<sup>6</sup> Trans-Love organized their own petition drive to challenge the ban on electronic music in the parks, and they collected over 3,000 signatures. Armed with the signatures, a few dozen people showed up at a city council meeting to pressure them to revise the ordinance. The council relented and agreed to allow amplified music in the parks.<sup>7</sup> The MC5 agreed to plead guilty to their disturbing the peace charges and pay their fines as an act of good faith. The city council then granted Trans-Love permission to hold concerts at Gallup Park, an outdoor recreational area on the southern bank of the Huron River towards the eastern edge of the Ann Arbor city limits.<sup>8</sup>

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<sup>4</sup> "MC5 Deposition 7/23/68" *Sun*, July 28, 1968, accessed April 2021, AADL.

<sup>5</sup> "Sinclair's Hair No Longer There," *Ann Arbor News*, June 12, 1969, accessed April 2021, AADL.

<sup>6</sup> "Schools to Host Concert?," *Ann Arbor News*, June 12, 1969, accessed April 2021, AADL.

<sup>7</sup> Lawrence "Pun" Plamondon [Pun Plamondon], "'Ann Arbor Report' with Pun Plamondon," *Ann Arbor Michigan*, July 1969, digital audio, 03:00-03:30, AADL. Physical copy can be found in JLSP, Box 28e, Sound Cassettes series, Unit III, no. 4, BHL.

<sup>8</sup> "Flash! Ann Arbor Administration Grants Use of Park to Rock and Roll Fiends in a Gesture of Cooperation! Free Music For All," *Ann Arbor Sun*, August 1, 1968, accessed March 2021, AADL.

## The White Panther Party

The MC5 were tapped by the Yippies to play a set at the “Festival of Light,” the unauthorized music and arts festival at Chicago’s Lincoln Park on August 25, 1968, the day before the Democratic National Convention was set to begin. The MC5 were ecstatic to play before a national audience, something they had yet to do in their fledgling career on the regional teen dance circuit. When their group van arrived in Chicago, the city was essentially under martial law, though that had not been officially declared. Electrical workers and taxi drivers in the city were both on strike and the telephone systems were shut down. The band got permission from a nearby hot dog vendor to plug a 100-foot extension cord into their concessions stand to power their amplifiers.<sup>9</sup> For writer Norman Mailer, who was on an assignment from *Harper’s* magazine, the MC5’s performance was a powerful experience that sounded like what he imagined hippie dissent to be. For Mailer, the band’s rendition of Sun Ra’s “Starship” was a metaphorical “roar of the beast in all nihilism” that seemed like “some variety of true song for the hippies and adolescents in the house.”<sup>10</sup> Mailer elaborated in abstract and expository prose in a “music as violence” vein, pinning the MC5’s music to a vaguely menacing anarchic future,

there was the sound of mountains crashing in this holocaust of the decibels, hearts bursting, literally bursting, as if this were the sound of death by explosion within, the drums of physiological climax when the mind was blown, and forces of the future, powerful, characterless, as insane and scalding as waves of lava, came flushing through the urn of all acquired culture and sent the brain like a foundered carcass smashing down a rapids, revolving through a whirl of demons, pool of

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<sup>9</sup> John Sinclair, interview by Ryan Huey, Detroit, Michigan, November 2, 2016.

<sup>10</sup> Norman Mailer, *Miami and the Siege of Chicago: An Informal History of the Republican and Democratic Conventions of 1968* (New York: World Publishing Co., 1968), 142.

uproar, discords vibrating, electric crescendo screaming as if at the electro-mechanical climax of the age.<sup>11</sup>

For the MC5, it was a fairly typical no-pay gig in front of a tame crowd of a few thousand young people and some families from the neighborhood. The band had driven to Chicago the night before to sleep uncomfortably in the seats of an empty theater and they had just enough gas to get home. The electrical current generated by their equipment sitting on the wet ground shocked them throughout their performance.<sup>12</sup> When the MC5 finished their set and started packing up, Chicago police had already begun to clear the crowd from Lincoln Park. CPD officers took this opportunity to clear the entire field in Lincoln Park where spectators had gathered for the MC5's performance. Sinclair's friend Abbie Hoffman approached the band while they were packing up and asked to use the microphone. As Hoffman urged the crowd to resist the police, so the band quickly demanded the microphone back and sped away directly across the grassy field to head back to Ann Arbor. Sinclair recalled that they had been warned by police prior to their performance that if they used the microphone for any "incendiary speech," the police wouldn't be able to ensure the safety of their equipment.<sup>13</sup> On their way out of town, the Five spotted their friends in the band The UP, who were coming to play a gig, but they advised them to turn around to avoid any trouble with the police.<sup>14</sup> Less than a month later, the MC5 signed a major recording contract with Elektra Records, while Hoffman and other protest organizers faced a federal indictment for crossing state lines to incite a riot.

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<sup>11</sup> Mailer, *Miami and the Siege of Chicago*, 142-143.

<sup>12</sup> Rob Tyner (Derminer), interview by Doug Sheppard, Berkley, Michigan, March 22, 1988, transcript published as "Put that Mike in his Hand: A Vintage Interview with Rob Tyner of the MC5," *Ugly Things*, no. 26 (Winter/Spring 2008): 18.

<sup>13</sup> John Sinclair, interview by Ryan Huey, Detroit, Michigan, November 2, 2016.

<sup>14</sup> *Ibid.*

In October 1968, the MC5 and their team of roadies, artists, and underground media contacts decided to rebrand the MC5 fan club and market themselves as the “White Panther Party” in solidarity with the Black Panther Party (BPP). The band were certainly sympathetic to the BPP, but they seemed to consider the decision to bill themselves as a vanguard revolutionary force as a Yippie-esque joke. The decision to reconstitute Trans-Love Energies as the White Panther Party (WPP) fit within the Sinclairs’ continued desire to build community infrastructure that would support their political and economic goals. On November 1, 1968, the WPP issued a press release stating that the group had smoked joints and hammered out a plan to bill Rob Tyner as the “Minister of Culture” the rest of the MC5 as the “Ministers of War” and install an associate nicknamed “Panther” whose last name happened to be “White” as the chairman. John Sinclair served as Minister of Information and Pun Plamondon, who was one of the few people who knew how to use firearms, became Minister of Defense. The only woman on the Central Committee, Genie Plamondon, was named the “communications secretary.”<sup>15</sup> For their debut album on their major record label, the MC5 recorded a live album in the Grande Ballroom across two nights. Gary Grimshaw designed the album cover featuring a marijuana leaf flag burning through an American flag, but this design was rejected by the label. Leni Sinclair took promotional photos of the band members shirtless with White Panther buttons stuck to their chests, brandishing weapons and their instruments. John Sinclair wrote a manifesto for the liner notes that outlined the MC5’s fraternal bond without mentioning the women’s labor that was essential for the MC5 to function. In Sinclair’s rendering, the record was “a living testimonial to the absolute power of these men,” who “lived together to work together . . . eat together, fuck

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<sup>15</sup> “White Panthers Name Central Committee,” *Sun*, December 5, 1968, accessed April 2018, AADL.

together, get high together, walk down the street and through the world together.” The Sinclairs were selling the sexual politics of the band as macho toughs, even though they were sensitive artists who derived confidence from a craftsman-like dedication to their music and the adulation they received from sexually adventurous youth, whether male or female.

The Black Panther Party began modestly enough in Oakland, California, in October 1966 as a small anti-police brutality organization that grew out of a black Marxist study group at Merritt College. Under the supervision of SNCC veteran, Kathleen Cleaver (née Neal), the BPP gained considerable media exposure through the Free Huey! campaign to release their co-founder, Huey Newton, who was imprisoned after an altercation with Oakland Police in April 1967 that left Officer John Frey dead from gunshot wounds. Underground newspapers covered the ensuing legal battle launched by the Black Panther Party to exonerate Newton of criminal charges, and the Sinclairs soon sought ways to support Newton’s cause. The SNCC-sponsored California periodical, *The Movement*, interviewed the incarcerated Newton in August 1968 and asked him if it was a good idea for sympathetic white people to form a “white Panther Party” to support his cause. Newtown affirmed that the Black Panther Party would welcome and provide political education for “white revolutionaries or white mother country radicals,” but it was up to whites to organize themselves.<sup>16</sup> All whites had to do to work with the BPP was to prove they were “genuine revolutionaries,” in a Marxist-Leninist sense.<sup>17</sup> John Sinclair came across the article and told Genie Johnson about it.

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<sup>16</sup> Huey Newton, “Huey Newton Talks to The Movement About The Black Panther Party, Cultural Nationalism, SNCC, Liberals, and White Revolutionaries,” *Movement*, August 1968.

<sup>17</sup> Peniel Joseph, *Waiting 'Til the Midnight Hour: A Narrative History of Black Power in America* (New York: Henry Holt and Co., 2006), 220.



Genie had been trying to send underground papers to Pun Plamondon was in Grand Traverse County Jail for a marijuana distribution charge for which he could not post a \$20,000 bond. The jail initially refused to let Plamondon receive the large stacks of underground papers Johnson sent, and she was unable to visit Plamondon because they were not immediate family or married. In Johnson's frequent correspondence with Plamondon, she hand-wrote the transcription of the entire Huey Newton interview for the *Movement*. The two wrote each other about the idea of forming the first "chapter" of a "White Panther Party" in Ann Arbor. Johnson worked to find a lawyer that would try to reduce Plamondon's exorbitant appeal bond, and after three months, they successfully reduced it to \$4,000. Genie raised ten percent of the bond and paid a bail bondsman a \$100 fee to get Plamondon out.<sup>18</sup> Once Plamondon came back to Ann Arbor, he and Genie Johnson signed a marriage license without ceremony in a local coffeeshop. After Pun talked with John Sinclair about the White Panther idea, Sinclair pitched it to the MC5 to promote their upcoming album, *Kick Out the Jams*, and their first tour on Elektra's dime, and everyone agreed it was a great idea.<sup>19</sup>

John Sinclair typed a White Panther statement and Ten-Point Program and had the documents published across the underground press. "Our culture," wrote Sinclair, "our art, the music, newspapers, books, posters, our clothing, our homes, the way we walk and talk, the way our hair grows, the way we smoke dope and fuck and eat and sleep—it is all one message, and the message is FREEDOM!" He declared that the MC5 were "totally committed to the revolution," and were ready to use the money from their record deal to fund it and "revolutionize" white children. Sinclair's revolution was informed by a sexual

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<sup>18</sup> Genie Plamondon [Genie Parker], "Genie—," *Ann Arbor Argus*, March 17-30, 1970, accessed May 2020, IV.

<sup>19</sup> Plamondon, *Lost From the Ottawa*, 116-119.

politics that encouraged the unbridled pursuit of sexual pleasure, whether through “jacking off” or trying to “fuck everybody you can get your hands on.” The MC5’s high-energy, often erotic performances would be a means to “drive people crazy out of their heads and into their bodies.”<sup>20</sup> The original White Panther Ten Point-Program called for:

1. Full endorsement and support of Black Panther Party’s 10-Point Program.
2. Total assault on the culture by any means necessary, including rock and roll, dope and fucking in the streets;
3. Free exchange of energy and materials – we demand the end of money!
4. Free food, clothes, housing, dope, music, bodies, medical care – everything! free for everybody;
5. Free access to information media – free the technology from the greed creeps!
6. Free time and space for all humans – dissolve all unnatural boundaries;
7. Free all schools and all structures from corporate rule – turn the buildings over to the people at once!
8. Free all prisoners everywhere –they are our brothers;
9. Free all soldiers at once – no more conscripted armies;
10. Free all the people from their “leaders” – leaders suck – all power to all the people – freedom means free everyone!<sup>21</sup>

In February 1969, William Leach of the Detroit chapter of the Black Panther Party penned an article that sharply criticized the fledgling White Panthers for “perverting the movement.” “A revolutionary paper doesn’t deal with sex,” Leach wrote, it “deals with political issues.” “You give the oppressor a chance to show how dopey you are and to get people to think we’re all crazy.” Leach challenged the WPP to “get off your ass” and go into white communities to “eliminate racism where it exists.”<sup>22</sup>

Certainly, the WPP had been founded in a not so serious manner, but that did not mean they were not willing to become more serious. The Sinclairs at this time were not formally Marxist-Leninists, but Leni Sinclair’s formal education in the GDR already gave

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<sup>20</sup> “White Panther Statement,” *Sun*, no date [c. November-December 1968], accessed March 2021, AADL. For an earlier iteration of their platform of “rock and roll, dope, and fucking in the streets,” see “The Sun Rises & Shines,” *Warren-Forest Sun*, March 1-14, 1968, accessed August 2020, AADL.

<sup>21</sup> “White Panther Party 10-Point Program,” *ibid*.

<sup>22</sup> William Leach, “Perspective—White Left: Serious or Not?,” *Seed*, February 1, 1969, accessed March 2021, IV.

her a background in Hegelian dialectical materialism and the Marxist canon, even if she needed refresher. John Sinclair's longtime indulgence in radical art and literature coupled with his support for black artistic self-determination meant that his thinking did not need to take large leaps to reach the conclusion that the dual oppression of racism and capitalism necessitated a working class revolution. By the winter of 1968, the White Panther Party had formalized relations with the Black Panther Party national headquarters, and they were regularly speaking on the phone with Sam Napier, circulation manager for the *Black Panther* newspaper.<sup>23</sup> The WPP placed bulk orders of the *Black Panther* newspaper and became an important regional supplier. Napier traveled extensively to increase distribution routes for the newspaper, and he personally visited the Ann Arbor chapter of the WPP to secure their political support.<sup>24</sup> The White Panthers established an informal reading group for *Quotations from Chairman Mao Tse-Tung*, better known in the English-speaking world as Mao's *Little Red Book*, usually "stoned on grass or acid," as Leni Sinclair remembered.<sup>25</sup>

The implementation of Maoist theory into the daily lives of people at the White Panther commune was met with resistance by a number of communards, especially the MC5 band members and their partners. Michael Davis recalled reading the first few pages of the *Little Red Book* and thinking it was "made for a regiment of ants." while Rebecca Derminer recalled "I was not that into Mao."<sup>26</sup> Maoism held potential as a

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<sup>23</sup> Pun Plamondon and Genie Plamondon, [Genie Parker] "Forever Live the Spirit of Sam Napier," *Ann Arbor Sun*, May 21, 1971, accessed January 2021, AADL.

<sup>24</sup> For Napier's work as the *Black Panther*'s circulation manager, see Jonina M. Abron, "'Raising the Consciousness of the People': The Black Panther Intercommunal News Service, 1967-1980," in *Insider Histories of the Vietnam Era Underground Press, Part 2*, edited by Ken Wachsberger (East Lansing, Michigan State University Press, 2012), 347-348.

<sup>25</sup> Magdalene [Leni] Sinclair, "Why We Study Mao," *Sun/Dance*, Feb-March 1971, accessed May 2020, AADL.

<sup>26</sup> Davis, *I Brought Down the MC5*, 138; Rebecca "Becky" Derminer, interview by Slater, 44.

means to address male chauvinism and empower women to take on more leadership within their organization, but it also became a tool to criticize womens' appearances, etiquette, and sense of individualism, the very things many women in the counterculture found detestable about growing up in mainstream American culture. In the White Panther commune, for example, tension developed between women who rejected wearing makeup and those who continued to apply makeup as form of creative expression.<sup>27</sup> The situation was further complicated by other ongoing conflicts. All money and possessions were supposed to be communal property, but some members pilfered cash here and there to buy personal items. John Sinclair handled all the finances for the commune, but he was not transparent about how he distributed the funds. Verbal and physical fights broke out, though most of the time, people did not express their frustrations to the group and tensions simmered.<sup>28</sup> Shortly before Becky Derminer gave birth to her and Rob's first child, she and the rest of the band moved out of the Hill Street commune into a house in rural Hamburg, Michigan.<sup>29</sup>

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<sup>27</sup> See Kathy Asheton, quoted in Legs McNeil & Gillian McCain, *Please Kill Me: The Uncensored Oral History of Punk* (New York: Grove Press, 1996), 46-47. Interview by McNeil & McCain, no date [c. 1990s]; Derminer, interview by Slater, 44. For an early perspective on the peculiarity and sexual exploitativeness of the white women's beauty industry that informed the WPP's rejection of makeup, see Betty Friedan, *The Feminist Mystique: Annotated Text, Contexts, Scholarship*, edited by Kirsten Fermaglich and Lisa M. Fine (New York: W.W. Norton & Co., 2013), 172-194. Jennifer Scanlon, *Bad Girls Go Everywhere: The Life of Helen Gurley Brown* (New York: Oxford University Press, 2009), 94-95.

<sup>28</sup> Ben Fong-Torres, "Shattered Dreams in Motor City: The Demise of the MC5," *Rolling Stone*, June 8, 1972, <https://www.rollingstone.com/music/music-news/shattered-dreams-in-motor-city-the-demise-of-the-mc-5-232278/>.

<sup>29</sup> Rebecca Derminer, interview by Ryan Huey, Detroit, Michigan, February 2, 2020..

## **Law and Order in Ann Arbor**

In mid-June 1969, white youth and White Panthers spontaneously sought to close down the street of South University Avenue to create a party zone one night. People set off fireworks, motorcyclists did wheelies (and got ticketed by police), and a young woman gave a young man oral sex in front of a cheering crowd. Ann Arbor Police Chief, Walter Krasny had requested the presence of Sheriff Douglas Harvey's deputies from Washtenaw County, but instructed them to not intervene unless further notified. Harvey's officers were lined up and ordered not to make any actions. As the deputies lined the southern face of the U of M Quad, Harvey recalled that "students were going by and calling them pigs, spitting at my officers." With no word from the Ann Arbor Police to activate, Harvey decided to withdraw his deputies to put an end to their humiliation. "A lot of the boys really took offense to that," Harvey said years later. The following night, Tuesday June 17, 1969, these same deputies were put in riot gear and given approval to clear the streets and enact arrests with near impunity. The revelers from the night before largely returned to try to block off South University again for another street party, but this time Harvey was in command of around 200 police officers from Washtenaw, Oakland, Livingston, and Monroe counties that each unit acted somewhat autonomously. Young people were taunting the police when someone threw a large chunk of concrete at the police from high up on a building. The police were given the green light to clear the streets and make arrests. Police beat children with billy clubs and arrested almost fifty people, including a UM professor who was not a part of the rebellion, but was clubbed and booked while standing on the sidewalk. "You got some that get carried away,"

Harvey remembered about the police under his command, but he plainly stated that it was impossible for him to control all the individuals in the disparate units. “You can’t do it,” he stated.<sup>30</sup>

The Recall Sheriff Harvey Campaign originated with activist Charles Thomas Jr., a retired Marine sergeant living in Ypsilanti. Thomas cut his teeth as a leader within Ann Arbor’s Direct Action Committee (DAC), a black protest organization that engaged in “wildcat” picketing and criticized the NAACP for its polite, gradualist approach to civil rights work. The group coalesced in July 1962 around the case of Leroy Juide, a young black man pulled over by police while driving in Ann Arbor for an investigative stop that resulted in Juide driving away and police shooting him. After Juide went to the hospital for his wounds, police prevented his mother from visiting. DAC picketed Ann Arbor City Hall to demand that a black judge preside over Juide’s trial, which they reasoned was the only chance he had to get a fair trial.<sup>31</sup> DAC soon became involved in electoral politics by petitioning to get the all-black Freedom Now Party on the ballot for the 1964 elections in Washtenaw County and Ann Arbor.<sup>32</sup> Thomas became involved in teach-ins at UM in October 1967 concerning racism in Ann Arbor, and he called for a “Marshall Plan” created by and for black people so as to avoid an outbreak of violence among Ann Arbor’s oppressed black population.<sup>33</sup>

Washtenaw County Sheriff Douglas Harvey appeared on Thomas’ radar in the wake of a series of welfare protests at the Washtenaw County building in September

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<sup>30</sup> Douglas Harvey, interview by Amy Cantú and Andrew MacLaren, AADL, no date [c. 2011], [https://aadl.org/files/AADL\\_Talks\\_To-Doug\\_Harvey.mp3](https://aadl.org/files/AADL_Talks_To-Doug_Harvey.mp3).

<sup>31</sup> “Pastor Hits Local NAACP Stand,” *Ann Arbor News*, August 21, 1963, accessed April 2021, AADL.; “NAACP Again Hits ‘Wildcat’ Picketing,” *Ann Arbor News*, August 19, 1963, accessed April 2021, AADL.

<sup>32</sup> “All-Negro Party to Seek Offices,” *Ann Arbor News*, November 18, 1963, accessed April 2021, AADL.

<sup>33</sup> “Negro Aid Discussed,” *Ann Arbor News*, October 5, 1967, accessed April 2021, AADL.

1968. Black women welfare activists occupied the county offices to demand they allocate more money to provide clothing for the Aid to Dependent Children (ADC) program. Around forty black women representing the Ypsilanti Welfare Action group had exhausted the existing channels of redress without any success, so they took their cause directly to the Washtenaw County Board of Supervisors who had the authority to shift funds from a general pool of money to the ADC clothing fund. On Tuesday September 3, 1968, the activists came to the Washtenaw County building to meet with the supervisors' Ways and Means Committee, but they were rebuffed, so the women sat in the hallways and offices of the Social Services Department. After several hours, the supervisors agreed to meet, but only offered token payoffs to the mothers present, saying that their hands were tied by state regulations. When the activists rejected this offer, the supervisors agreed to meet the following day, but the office was closed when the women arrived to meet. Then, on Thursday, sit-ins ensued after another round of negotiations stalled, and this time, the mothers were joined by a number of UM students. Under the command of Washtenaw County Sheriff Douglas Harvey, police from Washtenaw and Livingston Counties, Ann Arbor, and the nearby towns of Milan, Howell, Saline, and Dexter responded by dragging out the protestors and arresting fifty-two persons for trespassing. The Oakland County Tactical Unit was called in that evening to provide security at the Washtenaw County jail where a crowd had gathered outside in support of the jailed protestors.<sup>34</sup>

Sheriff Harvey commended his forces for acting "very properly," but Shirley Haywood, the chairwoman of Ypsilanti Welfare Action, stated otherwise. Haywood

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<sup>34</sup> Bill Ayers and Terry Robbins, "Welfare Mothers and Students," *Movement*, October 1968, accessed January 2020, Freedom Archives. Philip Block and Steve Nissen, "28 'U' Students Jailed at Protest," *Michigan Daily*, September 6, 1968, accessed January 2020, Freedom Archives.

decried the “consistent harassment of women and children in their own court house by helmeted and armed deputies.” “While we are meeting as peaceful and orderly citizens,” Haywood continued, “we are surrounded by sneering and snickering police officers as if to remind us that we are not really citizens like everyone else.”<sup>35</sup> The next day, Friday, negotiations once again broke down while a large crowd demonstrated outside the county building. Well over a hundred students joined the welfare activists in another sit-in inside the building. After a couple of hours, Sheriff Harvey ordered the 150 or so police under his command to clear the building. Demonstrators were dragged out and 182 people were arrested on the charge of trespassing. The following Monday, the county board of supervisors finally agreed to the demands of the activists, opening up emergency funds to allow each mother to determine their own needs.<sup>36</sup>

Coverage of the ADC protests in the *Michigan Daily*—the UM student newspaper—brought the issue of police harassment home to a large white student population. In the first issue of the *Ann Arbor Argus* from February 1969, editor Kenneth “Ken” Kelley printed a lengthy interview with Sheriff Harvey that revealed his deep antipathy for leftist protest activity in Ann Arbor. In one exchange, Kelley asked Harvey “Do you think that there is any kind of an international student organizational conspiracy starting many of the protests?” to which Harvey responded, “Yes, I do . . . this is nothing on the local basis.” Harvey believed half of the UM students who protested with the ADC mothers “could have cared less what happened to them people,” because they were

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<sup>35</sup> Shirley Haywood, quoted in “ADC Recipients Define Stand,” *Michigan Daily*, September 6, 1968, accessed January 2021, MDDA.

<sup>36</sup> Ayers and Robbins, “Welfare Mothers and Students.”



“professional protestors.”<sup>37</sup> Harvey also weighed in on the AAPD’s handling of the MC5’s West Park concerts, stating he wanted to claim jurisdiction and send in deputies to prevent people from “exposing themselves on a stage, providing intoxicants to minors and smoking marijuana in a public park.”<sup>38</sup>

Although this made Harvey particularly unpopular with young radicals and black people in Ann Arbor, his public persona attracted supporters among Ann Arbor’s conservatives in the Republican Party, which had dominated local politics in the previous decade. Harvey criticized UM President Robben Fleming and Ann Arbor Mayor Robert J. Harris, both Democrats, for treating protestors leniently, scoring points with law and order advocates. Harvey had won a second term as Washtenaw County Sheriff as a Democrat in 1968 by gaining considerable support from Republican donors as well as campaign workers from George Wallace’s American Independent Party.<sup>39</sup> By the time of the South University Uprising in mid-June 1969, Sheriff Harvey was a polarizing figure in Ann Arbor politics who blurred traditional political distinctions.

Despite Harvey’s contentious relationship with President Fleming, the university readily furnished the Sheriff with intelligence reports gathered on radicals by the Detroit Red Squad, the MSP, the Detroit SAC for the FBI, and the CIA. By late 1967, the CIA implemented Project RESISTANCE to furnish their recruiters on college campuses with political surveillance records in order to avoid publicity and maintain their undercover operation. CIA field agents were permitted to contact local FBI offices for information—

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<sup>37</sup> “Doug Harvey: Ann Arbor’s Finest,” *Ann Arbor Argus*, January 24-February 7, 1969, accessed July 2020, IV.

<sup>38</sup> William B. Treml and Mary Wallace, “Political Restraints on Arrests Denied,” *Ann Arbor News*, July 1, 1969. Charles J. Thomas Papers, Box 4, Folder – “Topical. Douglas Harvey. South University Demonstrations 1969, 1969-72,” BHL.

<sup>39</sup> Howard Kohn, “Porker as Politician,” *Ann Arbor Argus*, July 29-August 13, 1969, accessed April 2021, IV.

something that had previously been strictly forbidden—and they were instructed to collect New Left and underground press publications and forward them to CIA Headquarters, especially anything pertaining to radicals’ “ability to mobilize students of only passive or curiosity-seeking interests.”<sup>40</sup> The CIA was initially most worried about SDS, but the Sinclairs arrived in Ann Arbor shortly after Project RESISTANCE hit its stride, and they certainly caught the agency’s attention.<sup>41</sup> When an explosive trashed the undercover CIA recruitment office in downtown Ann Arbor in September 1968, the authorities responded with nearly unprecedented inter-agency cooperation in their investigation, and the White Panthers emerged as prime suspects. The AAPD assigned undercover officers to the Sinclairs’ commune and the FBI developed an informant network within the White Panther circle by September 1969, probably with the help of the MSP’s SIU.<sup>42</sup>

As the birthplace of SDS, which FBI Director J. Edgar Hoover viewed as a dangerous Communist front organization, Ann Arbor was already a primary location for political surveillance and disruption, and it was hardly contained to the White Panther Party. Another prime target became the *Ann Arbor Argus*, an underground newspaper founded in early 1969 that affiliated with the UPS and Liberation News Service (LNS), a New York-based media collective that helped coordinated the distribution of news

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<sup>40</sup> Central Intelligence Agency, untitled draft of CIA memo, BEP, Box 1, Folder – “Topical File, Government Intelligence Activities, CIA, Project Resistance,” BHL.

<sup>41</sup> For a general overview of Project RESISTANCE, see Central Intelligence Agency, CIA memorandum to Deputy Director of Security, “Office of Security Support to Agency Recruiters – Project RESISTANCE,” January 17, 1975, BEP, Box 1, Folder – “Topical File, Government Intelligence Activities, CIA, Project Resistance,” BHL.

<sup>42</sup> For undercover AAPD officers, see Douglas J. Harvey, interview by Amy Cantú and Andrew MacLaren, “AADL Talks to: Doug Harvey,” June 26, 2012, blog, AADL, 22:23-23:00. For FBI informants, see Jeff A. Hale, “Wiretapping and National Security: Nixon, The Mitchell Doctrine, and the White Panthers,” vol. I and II (doctoral dissertation. Louisiana State University and Agricultural and Mechanical College, 1995), 402 (footnote 140). For MSP SIU informants, see *ibid.*, 416.

bulletins, photographs, and essays for the underground press. The *Argus* covered local politics as much as national and international news, and it covered the arts extensively. The Sinclairs were only occasionally publishing the *Sun* as a broadside at this point, so they hitched to the *Argus*. Leni's photographs and an occasional essay or interview of hers appeared in the *Argus* and John Sinclair had a semi-regular column. The paper closely followed the activism of the WPP, and the music of the MC5 from a revolutionary perspective.

Ken Kelley was only nineteen when he co-founded the *Ann Arbor Argus* in early 1969, having just left the *Michigan Daily* and dropped out of UM on a full scholarship to study chemistry. Kelley worked at the New York Free Press one summer to learn how to use an offset printer and do the work of a reporter. A devout Catholic and Barry Goldwater supporter in high school, Kelley quickly became an opponent of the Vietnam War and proponent of sexual liberation in college.<sup>43</sup> Kelley remembered an MC5 show at the Grande Ballroom in 1968 as a moment of sexual awakening for him as a gay person. Fred Smith's "orgiastic gyrations" in particular drew Kelley's attention, and he stated that when Fred performed music, "sex itself exploded on stage."<sup>44</sup> Kelley made his way to the Trans-Love commune on Hill Street and became friends with the Sinclairs and others.

The MC5 played a benefit concert for Kelley to help get the *Argus* off the ground and they bought ad space in the paper, including one that read "Fuck Hudsons" because

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<sup>43</sup> Michael Thorn and Howard Kohn, "The Argus: A 100-Eyed Monster Comes Alive," *Michigan Daily*, March 23, 1969, accessed March 2020, MDDA.

<sup>44</sup> Ken Kelley, quoted in Jeff A. Hale, "The White Panthers' 'Total Assault on the Culture'," in *Imagine Nation: The American Counterculture of the 1960s and '70s*, edited by Peter Braunstein & Michael William Doyle (New York; London: Routledge, 2002), 137. Originally published as Ken Kelley, quoted in "MC5: Kick Out the Jams," *Addicted to Noise*, no. 1.02 (February 1995): 2. Although Kelley never publicly identified himself by the term "gay," his close friend Genie Parker remembered Kelley as quite open about being gay when she knew him. See, Genie Parker, interview by Cary Loren, no date [c. 2010s], accessed August 2018, [DetroitArtistsWorkshop.com](http://DetroitArtistsWorkshop.com)

the Detroit department store refused to sell their album *Kick Out the Jams*, ostensibly because of their use of the word “motherfucker” at the beginning of the title track.<sup>45</sup> Hudson’s decided to pull all Elektra records from their shelves. By that time, the MC5 had also been blackballed by the influential promoter, Wulf “Bill Graham” Grajonca, a child refugee from Nazi Germany who opened the Fillmore Auditorium in San Francisco utilize local psychedelic artists to operate a rock and roll youth dance hall for local and regional artists that would also attract national and international touring acts. The financial success of this model convinced Graham to open the Fillmore West in a larger ballroom in San Francisco and the Fillmore East in New York City. However, the East Village revolutionary group, Up Against the Wall Motherfuckers (UAW/MF) had been arguing with Bill Graham for months to allow them to hold free Wednesday community events. Graham had reluctantly agreed, but after several free events, the police threatened to take away Graham’s dance hall license because people were openly smoking marijuana and his insurance company threatened to cancel his policy because the theater was trashed after each event.<sup>46</sup>

When the MC5 arrived in New York, John Sinclair met with UAW/MF and agreed to have the band play the free Wednesday concert—which happened to be the last one approved by Graham—then go ahead with the performance after Christmas that Elektra had already scheduled. After the free concert, UAW/MF demanded that Bill Graham provide 500 free tickets for the next MC5 performance, which was planned as

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<sup>45</sup> For the MC5’s benefit concert, see Thorn and Kohn, “The Argus: A 100-Eyed Monster.” For more on the MC5’s “Fuck Hudson’s” ad, see Brett Callwood, *MC5: Sonically Speaking*, 81-82.

<sup>46</sup> Osha Neumann, *Up Against the Wall Motherfucker: A Memoir of the '60s, with Notes for Next Time* (New York: Seventh Stories Press, 2011), 104-111; Bill Graham and Robert Greenfield, *Bill Graham Presents: My Life Inside Rock and Out*, illustrated edition (Cambridge, Massachusetts: De Capo Press, 2004), 254-257. Originally published in 1992.

their big New York debut when writers, critics, and perhaps some celebrities would be in attendance. Sinclair and the band were determined to use Elektra's resources for community projects, so they negotiated to have the label cover the costs of the 500 tickets. The night of the concert, the venue filled to capacity but people left outside demanded to be let in, and when Bill Graham came to mediate, he was hit in the face with a bike chain. During and after the performance, UAW/MF stormed the stage and cursed the MC5, who left in limousines. Graham never booked the MC5 again and other local promoters were pressured by police to censor, cancel, or otherwise terminate their contracts with the MC5. More record outlets refused to carry the album because of the word "motherfucker," so Elektra unilaterally recalled *Kick Out the Jams* to censor it, and rerelease it. By April, Elektra and the band came to an agreement to terminate the MC5's contract with the label.<sup>47</sup>

### **Interracial Coalition Building**

Back in Ann Arbor, Ken Kelly attended the inaugural meeting of what became the Committee to Recall Sheriff Harvey (RECALL) on June 18, 1969, and he pledged to use the *Ann Arbor Argus* as a platform for Thomas and RECALL, and to help organize the recall petition drive.<sup>48</sup> Kelley published scathing articles about Harvey's conduct at South University and provided a space for testimonials that exposed other instances of police misconduct. The *Argus* reprimanded Harvey for antagonistically questioning Ann Arbor

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<sup>47</sup> Michael DeWitt Cary, "The Rise and Fall of the MC5: Rock Music and Counterculture Politics in the Sixties" (doctoral dissertation. Lehigh University, 1985), 97-106.

<sup>48</sup> For Ken Kelley's attendance at the first meeting of RECALL, see Committee to Recall Sheriff Harvey, contact sheet, June 18, 1969, CTP, Box 4, Folder – "Topical, Douglas Harvey, Committee to Recall Sheriff Harvey," BHL.

hippies in connection with a string of murders directed against young white women in the Ypsilanti-Ann Arbor area over a two-year span. By July 1969, six women had been killed, one of whom had hung around the Hill Street Commune, and the White Panthers were processing complaints made by women who did not feel safe and men who were treated like suspects by police rather than allies who wanted to bring the responsible parties to justice. Later on in the fall, the White Panthers published a thirty-two page research report entitled “Youth Culture, the South University ‘Disorders’, and the Community Interaction Project,” that documented police misconduct during the South University Rebellion. The WPP submitted copies to each member of the Ann Arbor City Council and sold them as dollar pamphlets on the street and on campus, and in friendly storefronts. The report detailed, among other things, Leni Sinclair’s investigative reporting as a photographer during the uprising. Her testimonial and documentation in addition to the other informers for the report essentially served as a street affidavit that put forth a chronology of events from their collective perspective. The Panthers reported numerous examples of police misconduct and concluded that the city should create a liberated zone for youth to engage in self-government without interference from the police.<sup>49</sup>

The White Panthers struggled to get other radical groups on UM’s campus on board with their plan to create a “People’s Park” in Ann Arbor, as activists attempted in Berkeley. They shifted gears and started figuring out ways to consolidate the resources of the local underground media and connect them with a wider audience. Shortly after the

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<sup>49</sup> John Sinclair, Skip Taube, Genie Plamondon [Genie Parker], Ken Kelley, David Sinclair, Terry Sheldon, “The White Panther Report: Youth Culture, the South University ‘Disorders’, and the Community Interaction Project,” November 17, 1969, incomplete copy (all even number pages are missing), PPP, Box 1, Folder – “Plamondon, Activism, WPP/RPP, RPP Cadre Meeting Notes,” BHL.

South University Uprising, The White Panther Party organized and hosted a “Radical Media Conference” on July 10-12, 1969, in the hopes of better coordinating the political work of the nationwide underground press.<sup>50</sup> The conference drew mostly white attendees from publications in the UPS and LNS, with the exception of Chicana representatives from *La Raza*, whose newspaper headquarters in East Los Angeles had recently been raided by police based on trumped up conspiracy charges levied against four of the newspapers’ male staffers. Also in attendance was a contingent of BPP leadership including BPP Minister of Education Masai Hewitt, *Black Panther* circulation manager Sam Napier, as well as *Black Panther* editor and Deputy Minister of Information, Elbert “Big Man” Howard.<sup>51</sup> Howard’s brief presentation plugging the BPP’s upcoming “United Front to Combat Fascism” conference was interrupted by an ad hoc group of women journalists who put forth a set of demands to address sexism within the underground press. Their White Panther hosts apparently objected to discussing it immediately, preferring to prioritize discussion of a strategy to combat police surveillance, infiltration, and disruption. In particular, they hoped to convince the others that the marijuana laws were in dire need of reform, for the sake of John Sinclair, but also Pun Plamondon, who had a “dispensing” marijuana charge hanging over his head at the time.

Abraham “Abe” Peck, the editor of the Chicago underground paper the *Seed*, and two women staffers were stopped by police once they crossed into Michigan on their way to the conference and they were taken to the police station because they had two joints in the car. Peck was released on bond and he and the other two passengers—both of whom were white women not charged with a crime—were instructed to return to the police

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<sup>50</sup> For more on the White Panther Party’s alternative media conference, see McMillan, *Smoking Typewriters*, 120-123; Plamondon, *Lost from the Ottawa*, 132-136.

<sup>51</sup> Plamondon, *Lost From the Ottawa*, 132, 220.

station the next day. None of them returned, choosing to attend the conference in Ann Arbor instead.<sup>52</sup> On the second day of the conference, an AAPD car drove up to the conference looking for Peck and the two women, but they did not have a warrant, so Pun Plamondon turned them away. That night, AAPD patrolmen arrested Plamondon for indecent exposure when they observed him tuck behind the WPP's Volkswagen Bus and the wall of the Flame Bar to urinate in downtown Ann Arbor. Plamondon made bond in the morning and returned to the conference for the last day. That day, Washtenaw County deputies and AAPD police surrounded the house where the conference was being held, and they brought and a warrant for Peck's arrest. Peck had left the night before, so after a search of the premises, the police withdrew without further incident.<sup>53</sup>

The following week, Plamondon and another WPP delegate took a cheap flight to Oakland to attend the Black Panthers' United Front Against Fascism Conference. The conference encouraged attendees, many of whom were white, to return to their communities and work towards reforming the police. William "Preacherman" Fesperman—field secretary for the Young Patriots Organization (YPO), a group serving poor whites in the Appalachian migrant community in the Uptown neighborhood of Chicago as a part of the local Black Panthers' "Rainbow Coalition"—spoke at the conference on the meaning of white solidarity with the Black Panthers. Fesperman first validated the reality of police repression against working class white people in Chicago, asking rhetorically, "have any white people before ever known what oppression is?," He answered, "Five pig cars on a square block. White pigs murdering brutalizing white brothers." Fesperman recalled how poor whites in Chicago were "forgotten" until they

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<sup>52</sup> Abe Peck, *Uncovering the Sixties: The Life and Times of the Underground Press* (New York: Citadel Press, 1991), 185.

<sup>53</sup> Plamondon, *Lost From the Ottawa*, 133-136.



“met the Illinois Chapter of the Black Panther Party.” Fesperman surmised that “a gun on the side of a pig means two things: it means racism and capitalism. A gun on the side of a revolutionary, on the side of the people, means solidarity and socialism.”<sup>54</sup> Plamondon returned to Ann Arbor prepared to organize local gangs to combat police brutality and set up meetings with Fesperman and other groups within Chicago’s Rainbow Coalition that also included the Puerto Rican group, the Young Lords, and various street gangs and student radicals.<sup>55</sup> He and Ken Kelley—who now served as the WPP Minister of Information—traveled to Chicago in September to meet at the Young Lords’ headquarters to coordinate a regional Rainbow Coalition to share newspaper distribution, community organizing, and fundraising. On their way out of the meeting, Plamondon and Kelley were tackled by Chicago police. They found a pocket knife and joint in Plamondon’s pocket, so they arrested him and charged him with possession of marijuana and carrying a concealed weapon. Abe Peck at the *Seed* put up the \$1,500 bond to get Plamondon out of jail.<sup>56</sup>

Back in Ann Arbor, the White Panthers made strides to connect with the Black Berets, a group of black teenagers from Ann Arbor who applied for chapter affiliation with the BPP. Black Panther Sam Napier came to Ann Arbor to help the Black Berets organize community programs and generate funds, but the White Panther Party was meant to serve as crucial ground support for the fledgling group. Charles Thomas Jr. also served in a mentor capacity for the group as the Minister of Education. After a Black

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<sup>54</sup> William Fesperman, United Front Against Fascism Conference, speech, Oakland, California, transcript, page 13-14, July 19, 1969, quoted in Patrick King, *Viewpoint*, August 10, 2015, accessed January 2021, <https://viewpointmag.com/2015/08/10/young-patriots-at-the-united-front-against-fascism-conference/>. For a downloadable PDF format with page numbers, see <https://www.printfriendly.com/p/g/eBiNYj>.

<sup>55</sup> Plamondon, *Lost From the Ottawa*, 127-130.

<sup>56</sup> Plamondon, *Lost From the Ottawa*, 141.

Beret member was charged with assault with intent to commit murder for shooting a motorcycle gang member at one of the White Panthers' free concerts in Gallup Park, the WPP were spurred to try to mediate the antagonistic relations between poor whites and poor blacks.

On Sunday August 2, 1969, roughly 6,000 people started filing out of Gallup Park at the conclusion of a free concert sponsored by the Ann Arbor Community Parks program. As people walked by a soft drink vendor, they saw a person later identified as David Hunter, a member of the local Black Berets, asking for a free can of soda pop. The vendor refused and a member of the God's Children Motorcycle Club, Richard Morris, reportedly intervened and confronted Hunter. At his trial, Hunter claimed the vendor summoned several nearby members of God's Children and they started chasing him. Genie Plamondon later wrote that the motorcycle gang included "openly racist" members, and it was plausible they were threatening Hunter, though the God's Children members denied this.<sup>57</sup> Hunter wound up pulling out a revolver and shooting Morris at point blank range, hitting him in the abdomen and upper leg. Members of God's Children tracked down a police officer and pointed out Hunter, who dropped the gun and surrendered. Police at the scene commended the Psychedelic Rangers and other witnesses for being "very cooperative in rounding up witnesses for the police to talk to at the scene."<sup>58</sup> Morris was rushed to the hospital, where he underwent hours of surgery to save his life. Hunter ended up going to trial for assault with intent to commit murder and attorney Kenneth Cockrel took on his case and argued that Hunter acted in self-defense. A jury would later agree with Cockrel's argument that Hunter reasonably feared for his

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<sup>57</sup> Genie Plamondon [Genie Parker], "Skonk Shoot-Out Judged," *Ann Arbor Sun*, July 23, 1971, accessed July 2018, AADL.

<sup>58</sup> "Cyclist Shot at Rock Fete," *Ann Arbor News*, August 3, 1970, accessed October 2019, AADL.

life because of the openly racist and violent conduct of the motorcycle gang members, and he was found not guilty.<sup>59</sup> Only a few days after the shooting, Pun and Genie Plamondon organized a press conference to announce a formal alliance between God's Children, the Black Berets, and an assortment of other communes and gangs. Nobody in attendance addressed the shooting and God's Children did not send a representative for the event. The groups voiced concerns over police harassment, the increasing prevalence of heroin and amphetamines in the illicit drug market, and the political imprisonment of John Sinclair. Their collective aims were to recall Washtenaw County Sheriff Douglas Harvey and start a petition drive to put "community control of the police" on the November ballot.<sup>60</sup> The effort normalized communications between the various groups, but ultimately struggled to bring about an effective organization both due to internal conflicts, but also to the efforts of law enforcement to dissuade such activity.

The AAPD and Washtenaw County Sheriff's deputies coordinated a raid on the Black Beret's office at 203 Ann Street, the same office where Charles Thomas ran the RECALL Harvey campaign. After staking out the office and observing David Hunter enter, twenty police officers demanded entry under the pretext of serving a warrant on Hunter, who had violated the terms of his parole. The Black Berets attempted to stop the police from entering, saying the police needed to show them the warrant. Police produced no warrant but forced their way inside and a fight broke out in which one Black Beret hit an officer over the head with a chair. The police arrested five of the fifteen Berets present and took a list of names of the people working on the RECALL campaign.<sup>61</sup>

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<sup>59</sup> AP News Briefs, *Michigan Daily*, July 23, 1971, accessed October 2019, MDDA.

<sup>60</sup> Jeannene Seeger, "Street People's Alliance Forms 'Working Unit'," *Ann Arbor News*, August 12, 1969, accessed October 2019, AADL.

<sup>61</sup> "Pig Roust," *Ann Arbor Argus*, accessed March 2021, IV.

## **John Sinclair's Marijuana Case Goes to Trial**

With John Sinclair's marijuana trial in the Recorder's Court impending in the summer of 1969, his attorney Justin Ravitz crafted a new motion to quash information on grounds of illegal entrapment. Colombo heard this motion in court on June 3, 1969, and he agreed that Sinclair was entrapped, but believed it only applied to the sales charge (Count I), not to the possession charge (Count II). The 1952 amendment to the Michigan Constitution firmly entrenched the power of prosecutors to use evidence gathered by means of illegal police conduct in narcotics cases, and the courts were bound by law to admit evidence of this nature. Colombo dismissed Count I on June 20, but refused to do the same for Count II.<sup>62</sup> The trial began a few days later, but Colombo ruled a remark by Officer Vahan Kapagian to be "prejudicial" to the jury. During cross-examination, Kapagian remarked that Sinclair sold him marijuana on more than one occasion. Ravitz objected and motioned for a mistrial. Colombo agreed with Ravitz's contention that Sinclair was on trial for the one transaction for which he was arrested, and Kapagian's statement unfairly prejudiced the jury against Sinclair. Colombo declared a mistrial, a new jury was selected, and a new trial date was set for a month later. This was a crucial step, since it removed the possibility of the 20-40 year prison sentence that was reserved for second or third narcotics convictions.<sup>63</sup>

At trial, Ravitz was hamstrung by Colombo's refusal to hear arguments related to whether or not the punishments on the books in the Michigan legislature were illegal because they constituted cruel and unusual punishment or violated a person's right to due

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<sup>62</sup> "Brief in Support of Application for Leave to Appeal," pages 7-8, JLSP.

<sup>63</sup> Detroit Recorder's Court, "Trial transcript," Case A-134588, page 3, JLSP.

process. Ravitz' arguments had to be geared towards casting doubt upon the charge that John Sinclair had in his possession the same *cannabis sativa* that police submitted to evidence in his arrest record, which gave Ravitz very little recourse so he attacked the credibility of the police and the laboratory that tested the plant matter. On July 25, 1969, the jury found John Sinclair guilty of marijuana possession.

At the pre-sentencing hearing the following day, the clerk asked John Sinclair if he wished to say anything for the record, and Sinclair took the opportunity to accuse the DPD Narcotics Bureau and Colombo of "conspiracy" to "manufacture" the case against him and he vowed to fight the "ridiculous" sentence, "whatever it is."<sup>64</sup> Sinclair invoked his constitutional protection against cruel and unusual punishment to question the legitimacy of the police and court system as fair arbiters of justice. Up to that point, Colombo had gone out of his way to mitigate the charges against Sinclair, but by this point, his mercy had run out. "It's interesting to me," Colombo remarked, that Sinclair was claiming his constitutional rights were violated when, as Colombo saw it, "all of the rights he's entitled to as any citizen is under the Constitution, have been asserted in his defense." Colombo admonished Sinclair as someone who "represents a person who has deliberately flaunted and scoffed at the law," and who thought "they can violate the law with impunity."<sup>65</sup> Colombo ordered Sinclair to the State Prison of Southern Michigan (SPSM) at Jackson to begin serving a term of no less than nine-and-a-half years and no more than ten years. On top of that, Colombo denied bond to Sinclair during the appeals process, an action usually reserved for the most dangerous criminals.<sup>66</sup> In post-Rebellion

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<sup>64</sup> Detroit Recorder's Court, Trial Transcript, Case A-134588, 310-311, JLSP.

<sup>65</sup> Ibid., 317-318.

<sup>66</sup> Ibid., 310-319.

Detroit, it seemed necessary to reassert the power of the state on middle class whites who did not recognize the legitimacy of the police and courts.

Almost immediately, concerned citizens took the initiative to write letters to Judge Colombo, chiding him for imposing such a harsh sentence on John Sinclair. David C. Huntington of Ann Arbor, a forty-six year old father of three who claimed that he “never used marijuana” was nonetheless “deeply troubled” by Sinclair’s sentence. “A man can get drunk at a bar or club, drive off in his car and kill someone, and, despite such gross social irresponsibility, suffer at the hands of the law only a fraction as much as Mr. Sinclair will suffer,” Huntington reasoned. He worried that Colombo’s decision would “make the young people all the more convinced that they lived in a society of double standards,” which would exacerbate the “division between generations” and reduce “[r]espect for the law.”<sup>67</sup> Colombo may have been swayed by the writer years earlier, but the 1967 Detroit Rebellion had marked a crucial turning point in Robert J. Colombo’s career in the Detroit criminal justice system.

When Robert J. Colombo ran for a judgeship on the Detroit Recorder’s Court in 1966, he ran on a reformist platform that sought to undo the Recorder’s Court’s reputation as a “police court” where prosecutors litigated against defendants without questioning the means by which police acquired evidence to justify their arrests.<sup>68</sup> Some of his contemporaries termed it “assembly line justice.”<sup>69</sup> Colombo stated that his “greatest disappointment” while working for the Recorder’s Court was that he had to

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<sup>67</sup> David C. Huntington, “Letter to Recorder’s Judge Robert Colombo,” August 5, 1969, JLSP, Box 46, Folder – “Legal and Prison Files, Red Squad & Police Files, MI State Police Files,” BHL.

<sup>68</sup> Robert J. Colombo, “New Approach to Justice,” As Our Readers See It, *Detroit Free Press*, August 7, 1966, accessed September 2018, *Newspapers.com*

<sup>69</sup> George Walker, “Recorder’s Race: A Free-for-All,” *Detroit Free Press*, July 26, 1966, accessed September 2018, *Newspapers.com*.

“cope with a system of justice wherein the accused is pitted against the police, prosecutor's office and even the trial judge.”<sup>70</sup> The Recorder's Court handled all criminal trials for Detroit— both misdemeanors and felonies—a massive institutional undertaking for a city boasting well over a million residents. Such a heavy caseload meant they were always running behind. In 1965 alone, each of the ten Recorder's Court justices handled an average of 525 felonies and 2,000 misdemeanors. There was an urgency to stem the growing backlog of cases by speeding up trials, which led to prosecutors, police, and trial judges working closely together to hear and process cases. As a result, the accused were not always informed of their rights or offered counsel, and some defense attorneys entered guilty pleas without even challenging the charges.<sup>71</sup> Colombo vowed that in his courtroom, “the accused will know and respect the fact that his rights have been protected and that he has had a fair trial.”<sup>72</sup>

When Colombo ran for a spot on the Recorder's Court, he joined what one reporter described as a “Big Scramble” of over two hundred candidates vying for thirteen open slots on the Recorder's Court.<sup>73</sup> Most of the Recorder's Court justices planned to retire, and voters had approved the addition of three new judgeships to the Court. The second highest number of votes for a non-incumbent went to Colombo, whom the Detroit Bar Association had rated as “outstanding” in the lead up to the election.<sup>74</sup> The DPOA had recently hired Colombo to defend police officers called in front of a grand jury

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<sup>70</sup> Colombo, “New Approach to Justice.”

<sup>71</sup> Sidney Fine, “Rioters and Judges: The Response of the Criminal Justice System to the Detroit Riot of 1967,” *Wayne Law Review* 33 (1987): 1729-1730.

<sup>72</sup> Colombo, “New Approach to Justice.”

<sup>73</sup> Walker, “Recorder's Race.”

<sup>74</sup> For the number of votes, see “Election Results,” *Detroit Free Press*, September 5, 1966, accessed September 2018, *Newspapers.com*. Gary Blonston, “New Recorder's Court Judges Take Aim at Backlog,” *Detroit Free Press*, November 11, 1966, accessed September 2018, *Newspapers.com*. For “outstanding” rating, see James M. Mudge, “Bar Gives 33 Top Rating for Judge,” *Detroit Free Press*, October 6, 1966, accessed September 2018, *Newspapers.com*.

investigating corruption within the Detroit Police Department, but Colombo proclaimed that he wished to “herald a new approach to justice” that would not “rubber stamp” police actions uncritically.<sup>75</sup> Colombo took the bench on January 1, 1967, and quickly established a reputation as an efficient judge concerned with conducting speedy trials without compromising the rights of the accused.<sup>76</sup> Colombo rarely postponed hearings and he did not tolerate excessive objections from attorneys. Colombo outpaced most his peers by disposing of between twenty to thirty examinations a day.<sup>77</sup>

Colombo’s conduct earned him praise for cutting into the Court’s mountainous backlog of cases, but his approach faced a considerable challenge in July of 1967, when police arrested 7,231 people during the five-day rebellion in Detroit. About half of these arrests were for charges specific to the riot—most frequently, “entering without breaking in with intent to commit a felony or larceny therein,” a felony charge that the prosecutors’ office believed would justify high bonds and keep people off the streets.<sup>78</sup> Without questioning police officers’ perceptions of what constituted “intent” to commit a felony, prosecutors issued warrants for ninety-eight percent of those charged with riot-related offenses, in effect, green-lighting the police’s use of mass arrests. In the span of five days, the Recorder’s Court had to process about one thousand misdemeanors and 3,230 felonies, the latter of which was equivalent to a typical six-month workload.<sup>79</sup>

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<sup>75</sup> For Colombo serving as counsel for the DPOA, see Don Lenhausen, “Piggins Quizzes 2 Officers,” *Detroit Free Press*, March 30, 1966, accessed September 2018, *Newspapers.com*; For Colombo quotes, see Colombo, “New Approach to Justice.”

<sup>76</sup> For the start date of Colombo’s term, see Gary Blonston, “Recorder’s Court Full of Ambition,” *Detroit Free Press*, January 4, 1967, accessed September 2018, *Newspapers.com*; For efficiency, see Gary Blonston, “New Judges Pruning Recorder’s Court Deadwood,” *Detroit Free Press*, February 27, 1967, accessed September 2018, *Newspapers.com*.

<sup>77</sup> “Recorder’s Court Speeds Up Justice,” *Detroit Free Press*, March 5, 1967, accessed September 2018, *Newspapers.com*.

<sup>78</sup> Fine, “Rioters and Judges,” 1728.

<sup>79</sup> Fine, “Rioters and Judges,” 1723-1727, 1730.



On the first night of the rebellion, Colombo helped arraign detainees through the night. The next day, he fully embraced the directives of Wayne County Prosecutor William L. Cahalan and the executive justice of the Recorder's Court, Vincent Brennan, who urged judges to set exorbitant bail bonds of \$10,000-\$25,000 for suspected rioters. With the exception of George Crockett, every Recorder's Court justice followed the directive. Colombo regularly set bail on the high end of that suggestion, and even went as far as setting a \$100,000 bond for an accused rioter from out of state.<sup>80</sup> Colombo and others justified the high bail based on the potential threat that the alleged rioters would return to further fuel the riot. This precedent was already used in the Watts and Newark Rebellions of 1965 and 1967, respectively, but the bonds issued in Detroit were exponentially larger in many cases.<sup>81</sup> Richard Bragaw of the *Detroit Free Press* characterized a "typical" hearing in front of Colombo as such:

"How do you plead?" Colombo's clerk barked.  
"Not guilty," responded the disheveled defendant.  
"Set the examination for Aug. 3. Bond is \$25,000, two sureties. Next case," Colombo snapped.<sup>82</sup>

Bragaw thought Colombo's "fast, decisive, and unyielding" handling of those arrested for riot-related charges would "enrage civil libertarians," but that it helped the Recorder's Court deal with the situation with "maximum efficiency short of martial law."<sup>83</sup> By adopting a policy of "preventative detention," Colombo and the Detroit Recorder's Court Recorder's Court Justice George W. Crockett found his colleagues' actions appalling since they seemingly gave police carte blanche to arrest any black person on the streets

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<sup>80</sup> Richard Bragaw, "Courts Deal Tough Justice to Looters," *Detroit Free Press*, July 25, 1967, accessed September 2018, *Newspapers.com*.

<sup>81</sup> Fine, "Rioters and Judges," 1734-1736.

<sup>82</sup> Bragaw, "Courts Deal Tough Justice."

<sup>83</sup> Bragaw, "Courts Deal Tough Justice."

and charge them with the vague crime of “rioting.” Crockett personally visited the jail and ordered the release of hundreds of arrestees who had not been given due process. The action sparked outrage from police and the DPOA started circulating a petition to remove Crockett from the Recorder’s Court for his actions.

Precisely two years after the 1967 Detroit Rebellion, Colombo presided over the case of John Sinclair, a repeat violator of the state narcotics laws who had been caught selling or giving away marijuana to undercover police three times over the course of three years. Sinclair showed little interest in ending his illicit marijuana use, and he even advocated for its legalization. The scientific and medical community seemed split as to whether marijuana was a relatively safe euphoriant or whether it was a dangerous hallucinogen. Colombo was confronted with a defense team who wished to put the American criminal justice system on trial, but in post-Rebellion Detroit, that system needed defenders to uphold its legitimacy.

A few months later, on October 7, 1969, a federal grand jury—at the behest of the Detroit Red Squad—issued an indictment against White Panthers John Sinclair, Pun Plamondon, and John “Jack” Forrest, a leader in the Detroit chapter of the WPP. Each was charged with conspiracy to destroy federal property, while Plamondon was additionally charged with detonating the dynamite that destroyed the Ann Arbor CIA office.<sup>84</sup> The charges stemmed from an explosion of a handful of dynamite sticks that trashed a covert CIA recruitment office located on Ann Arbor’s Main Street just before midnight on September 28, 1968. The blast was fairly small and contained, knocking over furniture, breaking glass, and bending a piece of steel framing within the small office. It occurred in the front of the building, far away from any gas lines, and late at

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<sup>84</sup> Hale, “Wiretapping and National Security,” 285-286.

night when the whole building was unoccupied. There were minor damages to nearby windows, a few of which belonged to the Michigan Glass Co., a window manufacturer. Right away, local police suspected the explosion was perpetrated by the same person or persons in Detroit who, over the past two months, had bombed unoccupied government buildings, a police scout car, and a military recruiter's vehicle. Ann Arbor Police Department Chief Walter E. Krasny quickly requested the presence of the two Special Agents in Charge (SAC) of FBI operations in Detroit and members of the Detroit Police Department's Special Investigation Bureau (SIB) who had been investigating the Detroit bombings. In the morning, two bomb experts from the FBI in Washington flew to Ann Arbor to inspect the scene.<sup>85</sup>

They soon agreed upon a likely suspect, David J. Valler, who had already been placed under surveillance since the beginning of September in a joint effort between the Michigan State Police's Special Investigations Unit (SIU) and the DPD's Special Investigations Bureau (SIB). Detective Lieutenant William R. McCoy led the investigation of the Valler Bombings as head of the Demonstrations Department of the SIB, which handled surveillance and arrests arising from "public protest demonstrations and civil disobedience."<sup>86</sup> On the twentieth of September, *Detroit News* reporter Steve Cain published an investigation of the bombings in which Valler expressed his sympathies with the viewpoint of the bomber. Such a perspective could have described many of the radicals living in the Warren-Forrest area, but Valler was one of the few to

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<sup>85</sup> Jim Heck, "Bombing of CIA Office Linked to Detroit Blasts," *Michigan Daily*, October 1, 1968, accessed March 2021, MDDA.

<sup>86</sup> William R. McCoy, testimony during proceedings of March 22, 1968, before Senate hearing, *Riots, Civil and Criminal Disorders: Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations*, "Ninetieth Congress, Second Session (Washington, D.C.: U.S. Government Printing Office, 1968), 1386.

openly speak to Cain, a mainstream news reporter. A week later, Valler sold weed to an undercover officer, and on the ninth of October police served a warrant for David Valler's arrest for marijuana possession and distribution. This was Valler's second arrest for marijuana, so his bond was set at \$35,000 and he was placed in Wayne County Jail.<sup>87</sup> By November 1968, Detective McCoy had enough evidence to secure a federal indictment against Valler, along with twelve other co-conspirators, for eight separate bombings including the CIA office in Ann Arbor.<sup>88</sup>

The indictment against Valler was the most pressing topic of conversation when the White Panther Party convened their first formal meeting of the central committee on December 5, 1968. Valler had previously been involved in Sinclair's chapter of LeMar and he had written articles for the *Fifth Estate*. David Sinclair assisted with Valler's 1968 campaign for president, which took up space in an issue of the *Warren-Forrest Sun* in early March of 1968. Valler penned "A Message from the Next President of the United States of America," that expressed an anti-capitalist populism certainly shared by the editors of the *Sun*:

the Underground has begun its attack on American government of greed. It has laid the foundation for the overthrow of government in the United States. For the taking of its control from the men of greed and returning it to the people of this nation. The people only wait to live their lives in happiness. The people don't want wars, because it's the people that are going to get killed.<sup>89</sup>

The *Fifth Estate* and *Sun* newspapers coordinated benefits to raise money for Valler's bond and legal expenses.<sup>90</sup> After weeks in Wayne County Jail, a "sophisticated torture chamber" as Valler put it, he put up a show of bravado and wrote to the *Fifth Estate* that

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<sup>87</sup> Hale, *Wiretapping and National Security*, 267 (footnote 133), 408-410.

<sup>88</sup> *Ibid.*, 677.

<sup>89</sup> David [Valler], "A Message from the Next President of the United States of America," *Warren-Forrest Sun*, March 1-14, 1968, accessed April 2015, AADL.

<sup>90</sup> "White Panthers Name Central Committee," *Sun*, December 5, 1968, accessed April 2015, AADL.

he had “found freedom,” and that it was “state of awareness” that transcended his confinement. He also bluntly stated, “I want out. I want my liberty back.”<sup>91</sup> The Valler bombing trial began on November 22, 1968, with the *Detroit News* reporting that Judge Thomas J. Poindexter denied all defense motions and surmised that a conspiracy existed, Valler was certainly a part of it, but not everyone had yet been implicated.<sup>92</sup> By late December, Valler submitted statements to the FBI that explained each of the bombings he undertook. When they got to the clandestine Ann Arbor CIA office, Valler implicated Pun Plamondon as the detonator and himself as the dynamite broker along with Detroit White Panther John “Jack” Forrest. Valler stated John Sinclair declined to take any dynamite from him when offered. In the spring of 1969, Valler pled guilty to marijuana possession in the Detroit Recorder’s Court, and he was handed a seven-to-ten-year prison sentence to be served in SPSM.<sup>93</sup>

Valler submitted another statement to the FBI soon thereafter that went even further in implicating John Sinclair in the Ann Arbor CIA office bombing.<sup>94</sup> Valler also started writing a weekly column in the *Detroit News* in which he renounced his former radicalism, commended the police for the difficulty of their work, and denounced organizations that advocated the overthrow of the U.S. government. If the articles were not commissioned or co-written by COINTELPRO agents as part of Valler’s plea agreement, then at the very least COINTELPRO agents saw to it that Valler’s articles

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<sup>91</sup> David [Valler], “David Valler: Letter From Jail,” *Fifth Estate*, November 28-December 1968, accessed April 2021, IV.

<sup>92</sup> Hale, “Wiretapping and National Security,” 267-268. Hale quotes from a November 22, 1968, issue of the *Detroit News*.

<sup>93</sup> David Spurr and Bill Dinner, “White Panther Leaders Indicted in Bombing,” *Michigan Daily*, October 9, 1969, MDDA

<sup>94</sup> Hale, Wiretapping and National Security,” 408-411.

were distributed to “friendly” sources around the country.<sup>95</sup> The *Fifth Estate* distanced themselves from their former writer. “The next time a ‘hippie’ starts sounding like a hog,” wrote one *Fifth Estate* writer about Valler, “look behind his back to see who’s twisting his arm.”<sup>96</sup> In April 1970, the grand jury found Valler guilty of illegal possession of explosives, which only carried a two-to-five year sentence, and was to be served concurrently with his marijuana sentence.<sup>97</sup>

When the White Panthers learned of the federal indictment for the CIA office bombing, they decided to secret Plamondon away in Elsie Sinclair’s car, who was lending it to her son David. By that time, Plamondon was out on bond on three separate marijuana charges in three different states, each of which could carry a lengthy prison sentence. Plamondon cut his hair and shaved his face and Genie Plamondon orchestrated her husband’s escape to the West Coast, then to Canada, and from there to Scandinavia then Algeria. Genie coordinated with Kathleen Cleaver at the Black Panther Party’s International Chapter in Algiers, Algeria, to help Pun gain political asylum like Eldridge Cleaver had done. Genie rendezvoused with her husband in Stockholm for the International Peace Conference in the spring of 1970, and from there, Pun flew to Algiers, and Genie to Moscow, en route to Hanoi at the invitation of the North Vietnamese government.<sup>98</sup>

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<sup>95</sup> Hale, “Wiretapping and National Security,” 410. In footnote 156, Hale identifies two sources that corroborate his assertion that the *Detroit News* was a front for COINTELPRO propaganda and that Valler’s articles were written expressly so COINTELPRO could distribute them across the country. Frank J. Donner, *The Age of Surveillance: The Aims and Methods of America’s Political Intelligence System* (New York: Vintage Books, 1981), 238-240; Neil J. Welch and David M. Marston, *Inside Hoover’s FBI: The Top Field Chief Reports* (Garden City, New Jersey: Doubleday and Company, 1984), 162-164.

<sup>96</sup> David Gaynes, “‘President Dave’ joins *News*’ Staff,” *Fifth Estate*, September 4-17, 1969.

<sup>97</sup> Hale, “Wiretapping and National Security,” 410.

<sup>98</sup> Plamondon, *Lost from the Ottawa*, 143-189.

Through the Plamondons especially, the White Panther Party labored on numerous fronts to create an organizational model that valued the white and black lumpenproletariat and sought creative ways to bring them to a place of political solidarity, even if this project was left incomplete. Police viewed such activism as a significant threat and conducted surveillance and disruption accordingly. The judiciary equivocated slightly, but the mood of the country had shifted following the Detroit Rebellion, and a punitive turn hit the counterculture with force. Despite John Sinclair's attorney's best efforts, he was given an exorbitant sentence that seemed to temporarily erase the legal protections afforded by whiteness, if that whiteness was put into the service of urgent revolutionary change in solidarity with nonwhite people. Similarly, Pun Plamondon was placed on the FBI's Ten Most Wanted List after he went underground and Genie Plamondon raised serious alarms among the intelligence community when she visited North Vietnam and returned to the U.S. with nothing but glowing remarks for the communist regime and its constituents. While it may be easy to dismiss the White Panthers for not accomplishing many concrete objectives or building sustainable political coalitions, the immense effort put into disrupting their interracial coalition-building must be kept in mind. Their violent rhetoric certainly caught the attention of various police agencies, but what was even more frightening was the fact that they were actually starting to carry out the arduous daily work of answering phones, writing correspondence, traveling to meetings, and organizing benefits that were necessary to build and sustain revolutionary organizations and coalitions.

## CHAPTER FOUR: FREE JOHN SINCLAIR: POLITICAL PRISONERS AND PUBLICITY, 1969-1972.

When John Sinclair entered the State Prison of Southern Michigan (SPSM) outside Jackson, Michigan, in early August of 1969, Michigan's prison system had been feeling the effects of the increased cooperation between police, prosecutors, and judges in the wake of the 1967 Detroit Rebellion. In 1966, Michigan's prison population was just under 7,000, its lowest point since the apex year of 1958, when some 10,000 people were confined in the state prison system. After another drop in 1967, the prison population climbed in 1968, approaching 8,000 persons. Judges were sentencing more people to longer sentences than in the previous couple of years.<sup>1</sup> Between 1967 and the summer of 1969—when Sinclair was sentenced—the average prison sentence imposed by Michigan courts had almost doubled from twenty-six months to four years.<sup>2</sup> The year 1969 was also the first in which African Americans became a majority of those incarcerated at SPSM, making up 52% of inmates, up from 43% in 1965.<sup>3</sup>

The 1967 Rebellion was still fresh in the minds of prison administrators in 1969, especially those at SPSM, whose inmate population included many people with ties to Detroit. When Michigan Governor George Romney declared a state of emergency at midnight on the second night of the Rebellion, SPSM was called upon to house over a thousand people swept up in the mass arrests.<sup>4</sup> Prisoners in Jackson openly spoke of

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<sup>1</sup> A. F. Mahan, "Prison Population Rising," *State Journal* (Lansing), December 17, 1968.

<sup>2</sup> "Prisons Bulge," *Escanaba Daily Press*, June 23, 1969.

<sup>3</sup> Adrienne Eaton, John Knox, Frank Sudia, Marianne Carduner, Roy Doppelt, Jody George, Ellen Leopold, Charles Bright, "A History of Jackson Prison, 1920-1975," (self-published digital edition, 2013), 89. Original version was an unpublished manuscript created for a University of Michigan Residential College class project in the winter of 1979.

<sup>4</sup> Perry M. Johnson, *Jackson: The Rise and Fall of the World's Largest Walled Prison: A History and a Memoir* (San Bernardino, California: self-published by Perry M. Johnson, 2014), 164.



storming the cell blocks to liberate those charged with riot crimes, so administrators pressed informants for gossip and planted gun squads in strategic locations to stamp out any sign of rebellion. A small fire broke out in the textile factory on July 28th, but it was put out quickly and no major uprising occurred. By early August, every one of the rioters was removed from the prison, but SPSM Deputy Warden Perry M. Johnson, recalled that administrators were worried that any attempt by inmates to politically organize would lead them to commit violence and property destruction.<sup>5</sup>

Johnson and many other prison administrators in the 1950s and 1960s largely viewed organized political action as an illegitimate means to achieve rehabilitation, even as they implemented a more humanistic penology that sought to build self-respect and civic pride among inmates. Influenced by the work of Garrett Heyns, the director of the Michigan Department of Corrections in the 1940s and an active leader of various prestigious penologist associations in the 1940s and 1950s, SPSM administrators offered programs for music, education, athletics, vocational training, gardening, and mental health treatment for inmates.<sup>6</sup> Heyns advocated well-stocked libraries and recreation programs to channel “potentially destructive forces into healthful pursuits.”<sup>7</sup> As a close observer of the 1952 inmate rebellion at SPSM, Heyns later argued that “cheerful acceptance of a regimen is far better than forced compliance—and much cheaper.”<sup>8</sup> After 1952, SPSM’s rehabilitation programs focused heavily on building self-esteem and communication skills among individual prisoners, hoping to curb feelings of inadequacy or isolation that could ultimately result in disruptive behavior.

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<sup>5</sup> Johnson, *Jackson*, 166-168.

<sup>6</sup> Most notably, Heyns served as president of the American Prison Association in 1945.

<sup>7</sup> Garrett Heyns, “Penal Institutions,” *Journal of Correctional Education* 10, no. 2 (April 1, 1958): 36.

<sup>8</sup> Heyns, “Penal Institutions,” 36.

When Perry Johnson took a job with the state government as deputy director of the Michigan Bureau of Corrections Facilities in 1968, he had been steeped in rehabilitative training for years. In the early 1950s, Johnson went through the State Trooper training program and studied prison administration at Michigan State University. After graduation, he joined the SPSM staff as a counselor from 1955-1959. He then became superintendent of a minimum-security prison camp near Waterloo, Michigan, before returning to SPSM as an administrative assistant to Warden George Kropp in 1963. After a few years working at Marquette Branch Prison, he briefly served as deputy warden of SPSM in 1967 before taking his government appointment in Lansing from 1968 to April 1970. Johnson's experiences led him to understand the importance of prison psychiatrists properly classifying inmates by their potential to be rehabilitated, and placing them accordingly into the proper unit and treatment program.

### **John Sinclair Goes to Prison**

Upon John Sinclair's admittance to SPSM in early August of 1969, Sinclair first went to the prison's Reception-Diagnostic Center (RDC) to undergo "classification." At SPSM, this referred to the psychological evaluation of inmates by prison counselors and administrators who were tasked with recommending work assignments, evaluating the perceived risks the individual might pose to security, and where to ultimately place the inmate, either within SPSM or at a different state corrections institution.<sup>9</sup> Sinclair and

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<sup>9</sup> At the time, Michigan's state prison system included the mixed-security SPSM, the maximum-security Marquette Branch Prison, the Ionia Reformatory for youthful offenders, the medium-security Michigan Training Unit, a dozen or so minimum-security work camps dotted across the Upper and Lower Peninsulas,

other new inmates remained at the RDC for a month in “quarantine block” to undergo a physical examination and take intelligence and personality tests. Classification served the dual purposes of allowing inmates to have some input in their prison experience, but at the same time, it legitimized the power of prison administration to place inmates in whatever circumstances they saw fit. Inmates had no power to appeal such decisions, and without the benefit of legal counsel or an independent review board, prisoners ultimately had to accept the decisions of the classification administrators. Admissions summaries written by RCD caseworkers—who may have interviewed each of their hundreds of constantly rotating inmate clients only one time—could either profoundly curtail or boost an inmates’ ability to advocate on their own behalf in terms of housing, employment, disciplinary matters, and parole.<sup>10</sup>

The RDC opened in Seven Block of SPSM in 1957 to centralize and professionalize the intake and classification process within the institution. The RDC handled that process for the entire Department of Corrections, so it contained expansive housing for new inmates during their initial month-long quarantine period. While in quarantine, inmates saw physicians for medical screenings and counselors for psychiatric evaluations. By 1969, when Sinclair came to the RDC, each inmate was tested using the Wechsler Adult Intelligence Scale (WAIS) to measure intelligence, the Wide Range Achievement (WRA) test to gauge one’s level of academic training, the House-Tree-Person (HTP) test to glean insight into one’s personality, and the revised Bender-Gestalt

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the Cassidy Lake Technical School that offered vocational training to lower-risk youthful inmates, and the Detroit House of Corrections.

<sup>10</sup> My discussion of admissions summaries and the importance of creating a paper trail is gleaned from Perry M. Johnson’s description of his brief experience as a student intern working on counselors’ row in 1955, just before Johnson finished his bachelor’s degree as a Michigan State Police cadet in the Police Administration program at Michigan State College of Agriculture and Applied Science. See Perry M. Johnson, *Jackson*, 134-135.

exam, designed primarily to screen for neurological impairments. These tests were crucial to the rehabilitative model of the prison, which sought to place inmates in appropriate educational and therapeutic programs based on the test results. But perhaps more importantly, they served a custody function in the institution. Counselors were expected to screen out politically conscious prisoners who might try to organize prisoners to collectively challenge the terms of their confinement, but they were also generally more sympathetic to prisoners' grievances than the custody staff.<sup>11</sup>

Counselors' first impressions of an inmate in a face-to-face interview could hold considerable sway in their ultimate fate behind bars. Sinclair's first interviewer, Alfred Grzegorek—a young psychologist with a master's degree in Rehabilitation Counseling from the esteemed Department of Psychology of the State University of New York at Buffalo—viewed Sinclair as “extremely disillusioned” and “frustrated with what he sees as contradictions in society, i.e. constitutional laws against prejudice and what he sees as prejudice occurring in the country.”<sup>12</sup> Grzegorek characterized Sinclair as a “well-educated, verbal, and determined person,” who would likely not pose a physical threat to security, but he would likely “try to persuade other people to his way of thinking,” and “propagate his beliefs wherever he is placed.”<sup>13</sup> Overall, Grzegorek did not view Sinclair as much of a custodial risk, and he recommended Sinclair remain at SPSM. The following day, another counselor interviewed Sinclair and predicted that he would

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<sup>11</sup> Dan Berger, *Captive Nation: Black Prison Organizing in the Civil Rights Era* (Chapel Hill: University of North Carolina Press, 2014), 5-6; For counselors' sympathy for prisoners, see James B. Jacobs, *Stateville: The Penitentiary in Mass Society* (Chicago, Illinois, & London: University of Chicago Press, 1977), 93-100.

<sup>12</sup> Alfred Grzegorek, “Psychological Report, John A. Sinclair, A-123507,” August 7, 1969, Reception-Diagnostic Center, Jackson, Michigan, JLSP, Box 20, Folder – “Legal Materials, Unindexed Prison Files,” BHL.

<sup>13</sup> Ibid.

“undoubtedly” become “a ‘model’ inmate.”<sup>14</sup> Another of Sinclair’s caseworkers warned that Sinclair might cause problems given his conviction for assaulting a police officer, his courtroom outburst in which he called Judge Colombo a “punk,” and his political activities, but the writer still recommended Sinclair for “reduced custody” or “special parole” if his good behavior continued. Nevertheless, this counselor recommended Sinclair should be subjected to “close” monitoring, the highest level of security. This did not mean he was a physical threat per se, but the caseworker viewed Sinclair as a part of the “inmate intelligentsia,” who might “attempt to ‘get back’ through correspondence and legal maneuvering at correctional administrators.” To stymie Sinclair’s potentially disruptive behavior, prison administrators screened all of his incoming and outgoing mail and counselors closely monitored him.<sup>15</sup> Sinclair was soon disciplined for “proselytizing” when a young inmate in the RDC quarantine block was supposedly overheard discussing the White Panther Party program with other inmates. Prison authorities started flagging letters between Sinclair and his family and friends about the injustices of prison life. Within a couple months of entering prison, the administration accused Sinclair of starting a petition to protest institutional regulations, and he was hurried off to the maximum-security block for administrative segregation.<sup>16</sup>

Alerted to the scenario, Perry M. Johnson, the deputy director of the Michigan Bureau of Corrections Facilities at the time, recommended that Sinclair be transferred to the State House of Correction and Branch Prison in Marquette, Michigan—also known as Marquette Branch Prison (MBP). The maximum-security facility lay roughly 430 miles

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<sup>14</sup> Paul Shelley, “Reception and Diagnostic Center Recommendation,” August 8, 1969, Department of Corrections, State of Michigan, JLSP, Box 20, Folder – “Legal Materials, Unindexed Prison Files,” BHL.

<sup>15</sup> Ibid.

<sup>16</sup> “Sinclair ‘Ways’ Lead to Prison Switch,” *Detroit News*, September 19, 1969, JLSP, Box 46, Folder – “Legal & Prison Files, Red Squad & Police Files, Detroit Police Files, primarily 1966-1970,” BHL.

northwest of Jackson in Michigan's Upper Peninsula and it held only around 600 prisoners rather than the 1,200-1,400 that resided at SPSM. Prison administrators considered it routine to relocate politically conscious prisoners like Sinclair to limit prisoner organizing.<sup>17</sup> Open criticism of prison policy had the potential, in Johnson's words, to put "lives and property inside the prison in jeopardy."<sup>18</sup> In Johnson's 2014 memoir, he plainly stated that the decision to transfer Sinclair to Marquette was a calculation to stifle political dissent at SPSM. Johnson wrote that when he received a tip that Sinclair's WPP comrades were "exploring setting up demonstrations on Cooper Street in front of the prison, I decided to move Sinclair."<sup>19</sup> On August 15, 1969, Johnson traveled from his Lansing office to the SPSM RDC because Sinclair had objected to his transfer. Johnson sat down for an interview to explain to Sinclair that he was free to believe whatever he wanted, but he was forbidden from sharing his political views with other inmates or assisting in organizing them.<sup>20</sup>

After John's transfer to Marquette on September 16, 1969, Elsie Sinclair, John's mother, spoke to Perry Johnson over the phone to lodge a complaint against her son's transfer. Johnson was adamant in his decision to transfer John since he was still spreading his "gospel against authority." Johnson expressed to Elsie that John's "defiance of authority" in a large institution like SPSM might "easily snowball out of proportion to their ability to handle it."<sup>21</sup> Elsie wrote to Governor William Milliken, stating that her son's case "stinks to the skies," and that John was blatantly "singled out for cruel and

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<sup>17</sup> SPSM Classification Committee, "Recommendation of Classification Committee – Sinclair, 123507," September 16, 1969, JLSP, Box 19, Folder – "Legal Materials, Unindexed Prison Files," BHL.

<sup>18</sup> "Sinclair 'Ways' . . ."

<sup>19</sup> Johnson, *Jackson*, 182.

<sup>20</sup> Charles E. Egeler, affidavit, November 19, 1970, JLSP, Box 19, Folder – "Legal Materials, Unindexed Prison Files," BHL.

<sup>21</sup> Elsie Sinclair to John Sinclair, no date [c. September 18-22 1969], JLSP, Box 19, Folder – "Legal Materials, Unindexed Prison Files," BHL.

unjust treatment.” “In Russia, political prisoners are shipped to Siberia,” she wrote, “in Michigan, in these United States of America, they are shipped to Marquette!”<sup>22</sup> Despite Sinclair’s transfer, Leni continued paying regular visits, frequently corresponding with John, and sending him underground press papers, news clippings, and books often.

Sinclair’s transfer certainly strained his ability to carry on his business affairs and activism. The MC5 continued playing benefit concerts for John’s legal defense, but the band let him go as their manager. A couple months before his imprisonment, Sinclair had helped the band land a new recording contract with Atlantic Records. When the band received a \$50,000 signing bonus, they each took \$1,000 and gave Sinclair \$5,000 up front. Danny Fields, who helped sign the band to Elektra, and then set up the deal with Atlantic, also got \$5,000. The remainder of the money went to Sinclair to cover various band debts, a down payment on their house in Hamburg, and equipment loans, but the band was never fully aware of where the money was being spent. Before Sinclair went to prison, he and the band met with an accountant to figure out a way to divvy up the band’s earnings. They offered Sinclair fifteen percent of performance earnings, twenty percent from Elektra royalties, and no percentage from royalties accrued from their future recordings on Atlantic. Sinclair had expected more, but the band only countered with an offer of five percent of all future earnings. Offended by the low offer, Sinclair walked out of the meeting and essentially severed relations with the band. By the time he was in Marquette, Sinclair publicly denounced members of the band for spending their money on sports cars—though Rob Tyner merely leased a station wagon.<sup>23</sup> Cut off from their

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<sup>22</sup> Elsie Sinclair to William Milliken, September 7, 1969, JLSP, Box 19, Folder – “Legal Materials, Unindexed Prison Files,” BHL.

<sup>23</sup> Fong-Torres, “Shattered Dreams in Motor City.”; Kramer, *The Hard Stuff*, 108-117; Davis, *I Brought Down the MC5*, 136.

primary source of income, the Sinclairs' funds gradually depleted, but they continued working to change the marijuana laws and keep the White Panther Party afloat.

Within days of his transfer to Marquette, Leni, John's brother David, Sunny, Genie Plamondon, and another comrade drove eight hours overnight to visit John. They tried to bring him a record player and books, but they were notified that prison policy no longer allowed music, and all books needed to be sent directly from the publisher.<sup>24</sup> Over the next year, MBP Warden Raymond Buchkoe marveled that Sinclair had "more visits" and carried on "more correspondence than any inmate out of the 800 men here."<sup>25</sup>

Buchkoe made sure that all of Sinclair's incoming and outgoing mail—with the exception of letters to and from Sinclair's attorneys—was photocopied and forwarded to the Michigan Department of Corrections to be made available to various police agencies. Sinclair was permitted to keep his Underwood Olivetti portable typewriter in his cell, but unbeknownst to the prison authorities, he was using it to type up materials for a small contingent of Black Panthers and their sympathizers who were seeking to politically organize inmates. In September 1970, Sinclair joined a small group calling themselves the Society for the Advancement of Educational and Rehabilitative Opportunities that petitioned Warden Buchkoe for permission to establish a Black Studies Program, and specifically a black history course, within the prison's academic school. The Society asked for textbooks that covered "Black humanitarians, intellectuals, artists, freedom fighters, etc.—the ones who can serve as models to us, but whom the white historians

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<sup>24</sup> Mary Wreford, "A Visit to Brother John," *Ann Arbor Argus*, October 8-22, 1969, accessed March 2021, IV

<sup>25</sup> Raymond J. Buchkoe to Andrew M. Wickham, Michigan Department of Corrections, August 10, 1970, JLSP, Box 20, Folder – "Miscellaneous Legal Materials, Unindexed Prison Files, 1969-1970," BHL.



lightly brush over as ‘minor’ characters.”<sup>26</sup> The inmates also presented a list of twenty grievances that spoke more generally to longstanding prisoner complaints. Beyond the first demand for a Black Studies Program, other demands included more access to medical treatment, freedom of correspondence, conjugal visits, an end to the use of tear gas and beatings to subdue inmates, an end to long-term solitary confinement, and a “permanent, inmate-elected grievance committee with the right to present directly to the Warden all inmate complaints.”<sup>27</sup> Administrators learned from informants that some inmates wished to conduct a general strike for the following day, September 8, 1970. Rather than meet with the group, prison administrators rounded up the apparent leaders of the petition, including John Sinclair, placed them in administrative segregation in the quarantine block and searched their cells for evidence. Sinclair and the other inmates refused food and beds, with Sinclair reportedly saying “the only power they have is isolation,” “refuse anything they offer.” When the prisoners took turns singing songs, Sinclair chose the “Motor City’s Burning,” the John Lee Hooker song about the Detroit Rebellion that the MC5 frequently played in their live performances. Prison officials’ internal investigation determined that Sinclair typed up all the documents and they suspected he played a large role in planning the boycott.<sup>28</sup> By the end of the week, Sinclair was put on a bus back to SPSM to be placed indefinitely in administrative

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<sup>26</sup> Leon Morgan, Marvin Holden, and Robert Shipp to Raymond J. Buchkoe, September 7, 1970, JLSP, Box 20, Folder – “Miscellaneous Legal Materials, Indexed Prison File no. 1,” BHL.

<sup>27</sup> Society for the Advancement of Educational and Rehabilitative Opportunities, “Summary Statement (in short form) of the 20 Grievances being presented to the Warden,” September 7, 1970, JLSP, Box 20, Folder – “Miscellaneous Legal Materials, Indexed Prison File no. 1,” BHL.

<sup>28</sup> E. L. Riopello to Raymond J. Buchkoe, Department of Corrections memo, “Summary of Events, investigations and actions concerning an alleged sit-down and boycott by a group of black inmates which was reported to happen on September 8, 1970,” September 9, 1970, JLSP, Box 20, Folder – “Miscellaneous Legal Materials, Indexed Prison File no. 1,” BHL.

segregation and have all of his mail censored.<sup>29</sup>

Only months before that incident, the MSP had captured Pun Plamondon in Northern Michigan on his way to a new hideout to avoid being tried for the CIA bombing indictment in addition to several outstanding cases. He was sent to the maximum-security section of Wayne County Jail on the seventh floor to await trial on a \$100,000 appeal bond. He was soon informed that William Kunstler and Leonard Weinglass, the attorneys who defended the Chicago Seven at the conspiracy trial stemming from the demonstrations at the 1968 Democratic National Convention. Assisting Kunstler and Weinglass as local counsel would be Hugh “Buck” Davis, a draft dodger from Richmond, Virginia, who had recently graduated from Harvard Law School and established the Detroit Chapter of the National Lawyers Guild in 1970. Davis had received the Reginald Heber Smith Community Lawyer Fellowship from the federal government, which underwrote his work on behalf of antiwar and civil rights activists in Detroit, including the Detroit Black Panthers.<sup>30</sup> While Plamondon read and did push-ups in his seven-by-ten foot cell for the next eleven months he joined a class action lawsuit as one of five plaintiffs represented by Justin Ravitz charging that the unsanitary conditions of Wayne County Jail constituted cruel and unusual punishment. Ravitz won the case and Wayne County Jail was tasked with major renovations to improve the quality of life for its inmates.<sup>31</sup>

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<sup>29</sup> Charles E. Egeler, Custodial Intelligence Report, September 9, 1970, JLSP, Box 20, Folder – “Miscellaneous Legal Materials, Indexed Prison file no. 1,” BHL.

<sup>30</sup> Hugh “Buck” Davis, interview by Amy Cantú and Andrew MacLaren, “AADL Talks to: Hugh ‘Buck’ Davis,” 00:25-10:00, December 9, 2011, AADL, [https://aadl.org/files/AADL\\_Talks\\_To-Hugh\\_Davis.mp3](https://aadl.org/files/AADL_Talks_To-Hugh_Davis.mp3).

<sup>31</sup> Plamondon, *Lost From the Ottawa*, 255.

## **Marijuana Decriminalization Gains Support in High Offices**

Back in Lansing in the state legislature, the Michigan House of Representatives took up the issue of decriminalizing marijuana, largely due to the increasing number of their constituents who smoked marijuana and became educated about the injustices inherent in the enforcement of prohibition. Senators Basil Brown, Coleman Young, and Roger Craig were joined in their rental home by John Swainson, a former governor of Michigan who now held a judgeship with the Wayne County Circuit Court but remained active in the Democratic Party. Swainson and Brown were old friends, having roomed together since the late 1950s when he and Brown first began their senatorial careers.<sup>32</sup> In the fall of 1967, Swainson's son, John Swainson, Jr.—who went by his middle name Stephen—was arrested for selling marijuana to undercover police. When Stephen began using heroin, probably sometime between 1968-1969, that his father fully threw his influence into drug addiction research and what he could do as a judge to help people like his son. After founding the Narcotics Addiction Rehabilitation Co-ordinating Organization (NARCO), a policy research and government lobbyist group, Swainson became convinced that the marijuana laws were unjust and the prohibition of narcotics did little to help drug-addicted individuals live happy, healthy lives. Swainson's experiences as a Purple Heart veteran who, at one time, relied on opiates as painkillers, certainly understood the ease with which one could slip into addiction. Swainson frequently spoke to Alcoholics Anonymous groups and disabled veterans organizations, so he knew that veterans in particular were prone to addictive painkillers. On the other

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<sup>32</sup> Hugh MacDiarmid, "The Hard Times and High Style of Bad Basil Brown," *Detroit Free Press*, June 6, 1976, accessed August 2018, *Newspapers.com*. Lawrence M. Glazer, *Wounded Warrior: The Rise and Fall of Michigan Governor John Swainson* (East Lansing: Michigan State University Press, 2010), 41.

hand, Swainson learned from marijuana activists like the Sinclairs that marijuana had no such addictive quality to it, and the harsh penalties reflected irrational policymaking that diverted attention from the greater problem of drug addiction. His Lansing roommates' earlier efforts to decriminalize marijuana also certainly also had an influence on Swainson's decision to try to change the state narcotics laws himself.

John Swainson had quickly risen through the ranks of the Democratic Party and proved popular with the UAW and the NAACP. In 1955, he became the youngest Michigan Senator at the age of twenty-nine, representing the Eighteenth District in northwest Wayne County. Within a couple years, he took the reins of the Senate minority leader position from Harold M. Ryan, reportedly at the behest of Michigan Democratic Governor G. Mennen Williams.<sup>33</sup> Swainson soon ascended to the position of lieutenant governor, and when Williams decided not to run again in 1960, Swainson put together a campaign for the governorship. He consulted with John F. Kennedy's presidential campaign in Michigan to portray both men as youthful and strong. Swainson had always refused to use a wheelchair when campaigning and he could walk so well on prosthetic legs that passersby could hardly detect a limp. As a nineteen-year-old private in C Company, 378<sup>th</sup> Regiment, Ninety-fifth Infantry Division, U.S. Army, in Thionville, France, just after the Allies' D-Day Invasion in November 1944, Swainson's legs were amputated below the knee after an anti-tank Teller mine blew up a jeep full of munitions no more than fifty yards from Swainson. The shock wave threw Swainson to the ground breaking his jaw and a rib, while shrapnel amputated one leg immediately and badly

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<sup>33</sup> Owen C. Deatrick, "State Dems In Senate Drop Ryan," *Detroit Free Press*, January 10, 1957, accessed August 2020, *Newspapers.com*; Glazer, *Wounded Warrior*, 39.

mangled the other.<sup>34</sup> Field surgeons stationed at a U.S. Military Hospital in Verdun performed a bilateral amputation below each knee, wired his jaw shut, and treated him for a lacerated tongue and deep shrapnel wounds in each hand. Swainson moved to another hospital in Paris where anesthetics were in short supply and then to Wales, where Swainson penned a letter with a numb hand to assure his parents “the pain is quite bad, but there are guys here worse off than me.”<sup>35</sup> While in Wales, Swainson experienced multiple hemorrhages in his thigh. It took three surgeries to uncover a two-inch piece of iron chain that had propelled into Swainson’s thigh and traveled upwards about ten inches, where it remained undetected for weeks.<sup>36</sup>

By February 1945, Swainson returned to Michigan to convalesce and rehabilitate at the Percy Jones Hospital, an expansive military hospital built on the grounds of what was formerly the Battle Creek Sanitarium. The hospital specialized in treating Purple Heart amputees, and for Swainson, the setting was crucial to his rehabilitation since he developed a fraternal bond with other amputees for an extended period of time. The solidarity that developed among a pan-ethnic cohort of amputees with a shared struggle was reportedly a powerful influence on Swainson. Swainson’s long and painful recovery included a series of surgeries to create even stumps that would be as amenable to prosthetics as possible.<sup>37</sup> Through these experiences, Swainson gained a deeper knowledge than most about the dangers of painkilling medications, but also their necessity as effective medicine.

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<sup>34</sup> Glazer, *Wounded Warrior*, 8-12.

<sup>35</sup> John B. Swainson to father, December 2, 1944, quoted in *ibid.*, 14.

<sup>36</sup> *Ibid.*, 12-14.

<sup>37</sup> *Ibid.*, 16.

While campaigning for Governor of Michigan in the early 1960s, Swainson put on a happy face and charming demeanor despite grueling fourteen-hour workdays filled with meet-and greets, speeches, and various functions. It became an evening ritual for Swainson to soak in hot baths with salts to alleviate the painful swelling and open wounds that developed on his stumps.<sup>38</sup> Swainson won the governorship at the remarkably young age of thirty-five. He served two years with a large Republican majority in the senate, all the while struggling against Republican and even some Democratic legislators to push through a state income tax to replace revenue generated from sales taxes. After these travails, he went on to lose reelection to Republican George Romney in 1962.

As Swainson intimated in 1970, the 1962 election campaign left him “both physically and psychologically depressed” for years afterward.<sup>39</sup> Along with his ongoing problems with his stumps, Swainson also spent long stretches of time away from his wife and three young children.<sup>40</sup> He was known to keep alcohol in his office, chain smoke tobacco cigarettes while at work, and he had multiple affairs. He would sometimes speak at meetings of Alcoholics Anonymous, but it’s not clear whether or not he was ever a member of the addiction rehabilitation group. Swainson remained active as a Democratic Party leader, and even considered another run for governor in 1964, but doctors discovered a small piece of shrapnel still lodged in one of his stumps, and so Swainson announced he would not seek reelection.<sup>41</sup> In the spring of 1965, Swainson ran

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<sup>38</sup> Glazer, *Wounded Warrior*, 8-12.

<sup>39</sup> John B. Swainson, quoted in *Ibid.*, 108. For original source, see John B., Swainson, interview by William W. Moss, Detroit, Michigan, January 26, 1970, John F. Kennedy Library Oral History Program, transcript, 16.

<sup>40</sup> Glazer, *Wounded Warrior*, 108-109.

<sup>41</sup> *Ibid.*, 109.

unopposed and won a six-year term as a judge for the Third Judicial Circuit Court serving Wayne County, probably the busiest circuit court in the state.<sup>42</sup>

Swainson had taken the job in 1965 just as his oldest son Stephen was finishing high school at Lake Leelanau School for Boys, a private boarding school in Glen Arbor, Michigan.<sup>43</sup> After graduation, Stephen moved back in with his parents in their downtown Detroit apartment in Lafayette Towers. Soon thereafter, Stephen's behavior started alarming his parents. He grew his hair and beard long and would reportedly stay away from home for days at a time to seek out opportunities to get high on various drugs. The Swainsons feared Stephen had started using heroin and they sought out the advice of a drug counseling service, who suggested they stop taking Stephen in, feeding him, giving him money, all of which helped him maintain his lifestyle, they argued. On November 1, 1967, officers with the St. Clair County Vice Squad and the Michigan State Police Narcotics Bureau arrested Stephen Swainson in Port Huron for selling several ounces of marijuana to undercover police officers. Like most first-time offenders, the younger Swainson escaped the twenty-year mandatory minimum sentence, instead pleading down to possession of marijuana. East Detroit Circuit Court Judge Howard R. Carroll handed Stephen Swainson a light sentence of probation for eighteen months and a \$400 fine. Carroll even offered to suspend the fine on the condition that Steve returned to college, completed at least ten hours of credits, and did not "associate with any known narcotic users."<sup>44</sup> The extension of judicial leniency for a privileged white youth was fairly

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<sup>42</sup> John Swainson, interview by Roger F. Lane, Lansing, Michigan, October 19, 1990, Michigan Supreme Court Historical Society, accessed August 2020, <https://archive.lib.msu.edu/MMM/JA/02/a/JA02a025.html#topic3>. Also accessible through MSU Libraries digital repository at <https://n2t.net/ark:/85335/m5736m39j>.

<sup>43</sup> Glazer, *Wounded Warrior*, 115; Swainson, interview by Lane.

<sup>44</sup> "Gets Probation, Court Costs on Drug Charge," *Port Huron Times Herald*, December 31, 1969, JSP, Box 70, Folder - "Correspondence 1970," BHL.

predictable, but Stephen's punishment could have been much more severe, even for a first-time offender.

In late 1969, Swainson was appointed to the Special Committee on Drug Dependence and Abuse for the Michigan Commission on Law Enforcement to advise the governor on what legislative actions could be taken to address illicit drug use. Swainson was among the committee members who advocated reducing the penalty for marijuana from a felony to a misdemeanor. This provision would protect people like his son Stephen, who could be prohibited from following professional careers if they were convicted of a felony. In the committee's report on the "marijuana question," they surmised,

What concerns the Committee the most is that thousands of these people arrested for use, possession and/or sale of marijuana are not hardened criminals leading lives of law-breaking and violence. They are college students, often children of parents who suffer from no lack of opportunity in the economic and education sense. Quite often they are young people on the road to professional careers as lawyers and teachers. Indeed, today, there are even cases of young school teachers, college professors, and ministers being arrested on marijuana drug charges.<sup>45</sup>

Swainson himself, in a confidential memo to the office of Michigan Democratic Senator Stanley Novak, revealed how the publicity surrounding John Sinclair's imprisonment for marijuana was instructive. Quoting almost verbatim from the brief prepared largely by Sinclair's attorney, Justin Ravitz, Swainson flatly stated that marijuana was misclassified as a narcotic, and the penalty for sale or dispensing marijuana was "only exceeded by the penalties provided for treason and first degree murder in Michigan." Swainson remembered his time in the Michigan Senate in 1952 when Senator Harold Ryan

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<sup>45</sup> Michigan Commission on Law Enforcement and Criminal Justice, "Part V. Marijuana," in the Report of the Special Committee on Drug Dependence and Abuse, n.p., unpublished draft, no date [c. December 17, 1969], JSP, Box 70, Folder – "Michigan Commission on Law Enforcement and Criminal Justice, 1969-1970," BHL. See section D "Summation and Recommendations."



conjured up for the collective legislative mind a scene where a sinister character in a long black coat with his collar turned up and hat pulled down, was leaning over the schoolyard fence, enticing our children to engage in the forbidden pleasures provided by “dope.”

Although Swainson was persuaded by Ryan at that time, he now understood that recent surveys indicated marijuana was now mostly bartered among high school and college students, not by the “so-called ‘pusher’.” Swainson noted that John Sinclair’s imprisonment for marijuana possession made “the young people feel he is a ‘political prisoner’,” so he suggested making the penalty for “the abuse of marijuana” a misdemeanor punishable with up to ninety days in jail and/or a \$100 fine, on par with offences related to alcohol abuse.<sup>46</sup>

In 1970, two vacancies opened on the Michigan Supreme Court, and Swainson jumped at the opportunity to run alongside former governor G. Mennan Williams for the positions. They both won, and the Swainson family eagerly moved into a farmhouse they had purchased in 1964 but had yet to occupy near Manchester, Michigan.<sup>47</sup> The Swainsons likely hoped it would serve as a bucolic safe house for Stephen, who was reportedly using heroin while still on probation.<sup>48</sup> At the age of forty-five, John Swainson was by far the youngest justice on the bench. “I was sitting with my father’s generation,” Swainson remembered.<sup>49</sup> These were people who had little direct contact with rebellious youth, unlike Swainson, whose children were educating him on the complexities of the counterculture. The research he supervised on behalf of NARCO made him believe the

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<sup>46</sup> John B. Swainson to “Doc” Robbins, confidential memo, no date [c. 1970], JSP, Box 70, Folder – “NARCO— Correspondence, 1969-70,” BHL.

<sup>47</sup> Swainson, interview by Roger F. Lane.

<sup>48</sup> Swainson’s Supreme Court colleague Paul L. Adams recalled in 1976 that when Swainson joined the court in “a better environment for their youngest child. One of his boys had been on drugs and he was anxious to get his family out of the city.” Paul L. Adams, unpublished letter to children, page 36, PAP, Box 1, Folder – “Memoranda, 1976, Concerning Michigan Supreme Court Career,” BHL.

<sup>49</sup> Swainson, interview by Roger F. Lane.

youth drug culture had its pitfalls, but, in Swainson's words, Michigan's "draconian" drug laws were more likely to cause "real harm" to young people like his son.<sup>50</sup> NARCO won a grant to expand their operations at the end of 1970. They used the money to purchase and renovate an abandoned Veterans Hospital in Detroit, which they turned into a drug rehabilitation center.

### **The Free John Now! Campaign**

After John's move up north, Leni and her daughter, Sunny (their second daughter, Celia, was born in January of 1969, about five and a half months after John's sentence began), usually hitched car rides with John's brother David Sinclair or John's parents for the long drive several times every month. John remained the *de facto* leader of the White Panther Party, but he relied more and more on Leni to coordinate and carry out tasks to keep the Party solvent and relevant. Leni worked as his liaison, visiting and corresponding with him frequently to keep him informed on his legal issues, local politics, and party operations.

By the time of John's imprisonment, the MC5 had already moved out of the Hill Street commune and to a house in Hamburg, Michigan, and once John was behind bars, the band agreed they needed a different manager. They offered to continue supporting Sinclair through benefit concerts, but they decided against giving John a percentage of their recording contract with Atlantic. Prior to this, the band was the main source of revenue for the commune, so without the MC5, they fell behind in rent and the utility company eventually cut off their phone service. John's brother, David Sinclair—who ran

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<sup>50</sup> Swainson, interview by Roger F. Lane.

the commune next door at 1520 Hill Street—invited everyone from 1510 to move in and consolidate their resources. The rock band The UP replaced the MC5 as the house band of the commune and played benefits concerts to generate income.<sup>51</sup> When The UP's lead singer, Frank Bach, gained sole custody of his young child, the housemates devised a collective childcare scheme that allowed Bach to continue playing concerts and making money for the commune. Shifts were two hours and everyone had to take a turn. This arrangement freed Leni from her own childcare duties enough to supervise the "Committee to Free John Sinclair," which started coordinating a "Free John Now!" publicity campaign.<sup>52</sup>

The campaign devised pragmatic schemes to get Sinclair out of prison and the organizers used their skills as marketers to carry it out. Leni focused much of her attention not necessarily on getting donations but on changing John's public image from a dangerous revolutionary to a non-violent dissident. On top of this, they focused on obtainable goals such as overturning Judge Colombo's ruling that disqualified Sinclair from posting bond while he appealed his conviction. The specific goal of the campaign was not to legalize marijuana, but to get John Sinclair out of prison, though the two were not mutually exclusive.<sup>53</sup>

The commune designed bright yellow t-shirts with a large green marijuana leaf silkscreened over a red background and sold them for \$2.50. They printed similarly bright colored "Free John Now!," posters that could be purchased for less than a dollar.

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<sup>51</sup> Leni Sinclair, "The Evolution of a Commune."

<sup>52</sup> Ibid.

<sup>53</sup> Committee to Free John Sinclair, "The 10 year sentence of John Sinclair," pamphlet, no date [c. 1970-1971], JLSP, Box 46, Folder – "Legal and Prison Files, Red Squad & Police Files, MI State Police Files (2 of 2)," BHL.

“Free John Sinclair” or “Legalize Marijuana” Bumper stickers were twenty-five cents.<sup>54</sup>

The funds obtained were less important than the exposure gained from the items, which were designed with striking aesthetics to maximize their visual appeal. The Committee encouraged voters to write letters to Governor Milliken and their congress-people. They coordinated a petition calling for John Sinclair’s release and gathered over 1,000 signatures.<sup>55</sup>

On Tuesday April 29, 1970, the White Panthers held a press conference to urge Michigan senators to consider the package of bills that would revise the state’s narcotics laws. The bills reduced the threshold of penalties for selling marijuana and ended mandatory minimum sentences, while reclassifying possession or use of marijuana as a misdemeanor.<sup>56</sup> Leni Sinclair gave a statement on her husband’s situation, noting that his lawyers appealed the decision to the state’s Supreme Court, but their case was still low on the docket. “We’ve waited too long already,” Leni Sinclair told a group of reporters. “We just want to advise these people in this building to move fast on this issue,” and she added that, “if the laws are not changed, we will declare our own independence, and call for free grass for everybody and the release of all political prisoners.”<sup>57</sup>

Senator Roger Craig had reserved the room for the White Panthers, and he joined them at the press conference to strike a moderate position that nonetheless supported their

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<sup>54</sup> “Free John Now Stuff!,” *Sun*, May 28-June 3, 1971, accessed March 2015, AADL.

<sup>55</sup> For the letter writing encouragement, see “Free John Sinclair: An Appeal for Letters and Donations in Support,” photocopy of flyer, no date [c. 1970-1971] JLSP, Box 46, Folder – “Legal and Prison Files, Red Squad & Police files, MI State Police Files (2 of 2),” BHL. For the petitions, see the photocopies of the petition signature forms, no date [c. 1970-1971], JLSP, Box 36, Folder – “Legal and Prison Files, Red Squad & Police files, MI State Police Files (2 of 2),” BHL.

<sup>56</sup> Marcia Van Ness, “Drug Laws Unchanged,” *State Journal*, July 12, 1970, accessed August 6, 2018, *Newspapers.com*.

<sup>57</sup> Lansing AP, “Group Seeks Release of Marquette Inmate,” *Escanaba Daily Press*, April 29, 1970, accessed August 28, 2018, *Newspapers.com*; Larry Lee, “White Panthers to rally,” *State News*, April 29, 1970, DMC, MSUL.

cause. “I submit alcohol is no worse than marijuana,” Craig told reporters, but he added that he did not want his “14-year-old daughter” smoking or drinking, which is why marijuana would only be legal for twenty-one year olds and over.<sup>58</sup> But Craig did agree with the White Panthers’ claims that the state’s harsh marijuana laws were employed as a cynical tool by the police and government to punish political dissidents. “It is my firm conviction,” Craig stated, that John Sinclair “is in prison only because he was a funny looking person who said funny things.”<sup>59</sup> Craig believed law enforcement faced a legitimization crisis of its own making. “Two Detroit policemen got no penalty or prosecution for paying off a rape charge with a \$5,000 check,” Craig said, reminding reporters of a revelation from the previous week, meanwhile “John Sinclair got 9 ½ to 10 years for giving away one marijuana cigarette.”<sup>60</sup> “These are the kind of contradictions that cause young people to not believe in the political process.”<sup>61</sup>

Senator Craig hoped to pressure the Senate to finally pass the changes in the marijuana laws he had recommended and drafted more than two years earlier. The new moderate bills had strong bipartisan support. They were drafted by two Republican representatives, one of whom, James F. Smith, had ran on the same ticket and served on the Davison City Council with Jack Sinclair in the late 1950s. The bills had already passed the House, they had the support of the Senate Judiciary Committee, and

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<sup>58</sup> For Craig’s statement that alcohol is no worse than marijuana, see Lee, “White Panthers to Rally”; For 14-year-old daughter remark, see “Group Seeks Release of Marquette Inmate.” For more on how male legislators have appealed to protectionist arguments in the formulation of drug policy, see Nancy D. Campbell, *Using Women: Gender, Drug Policy, and Social Justice* (New York: Routledge, 2000).

<sup>59</sup> “Group Seeks Release . . .”

<sup>60</sup> Craig was referring to a recent civil settlement orchestrated by the legal team of the Detroit Police Officers Association to halt criminal charges brought against two members of the Detroit Vice Squad—who were subsequently forced to resign—for rape and assault against a twenty-one year old Detroit woman, Marva Ham. Tom Rieke, “Witness Is Paid to Drop Charges,” *Detroit Free Press*, April 23, 1970, accessed August 2018, *Newspapers.com*.

<sup>61</sup> “Group Seeks Release . . .”

Michigan's Republican Governor William Milliken had already agreed to sign them. When the bills came up for a vote in the Senate in June, they passed one bill, but "immediately after the roll call," noted capitol reporter Marcia Van Ness, "lawmakers began switching votes." Ultimately, the senate decided to delay action on the bills and void the roll call, expunging it from senate records.<sup>62</sup>

Senator Craig did not realize it at the time, but in a couple days he would receive an envelope—marked with the WPP letterhead—that included two joints and an R. Crumb comic explaining how to smoke them to "get stoned."<sup>63</sup> The act was part of the White Panthers' "Grasses for the Masses," campaign, which called upon all drug dealers and pot smokers to join the "great Marijuana Mail-In," which aimed to mail joints to as many prominent people across the country as possible.<sup>64</sup> Leni and her comrades donned rubber gloves, hand-rolled hundreds of joints, and packed them up to send to Governor Milliken, Wayne State University President William Keast, MSP Director Col. Frederick Davids, and every Michigan representative and senator. Each mailing had an enclosed note explaining to the recipient that they were now in possession of two joints and thus could be sentenced to ten years in prison under the current Michigan law.<sup>65</sup> The day before the joints arrived in the mail, about 100 protesters marched to the state capitol in Lansing, smoked weed on the capitol steps for a couple hours and then entering the

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<sup>62</sup> "Bill Would Ease 'Pot' Penalty," *State Journal*, March 22, 1969, accessed August 2018, *Newspapers.com*; Van Ness, "Drug Laws Unchanged."

<sup>63</sup> To see a copy of the comic, see Exhibit 11, proceedings of September 25, 1970, United States Senate, *Extent of Subversion in the 'New Left', Hearings Before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws Hearings Before the Subcommittee, Part 8, Ninety-First Congress, Second Session* (Washington, D. C.: U.S. Government Printing Office, 1971), 1208.

<sup>64</sup> *Ibid.*, Exhibit 10, 1206.

<sup>65</sup> "Marijuana Sent to Officials" *Ann Arbor News*, May 1, 1970, JLSP, Box 46, Folder – "Legal & Prison Files, Red Squad & Police Files, Detroit Police Files, primarily 1966-1970," BHL; Leni Sinclair, "Evolution of a Commune."

capitol to meet with Governor William Milliken.<sup>66</sup> With Milliken absent, they entered the Senate chambers, heckling and cheering their legislators from the gallery. A Senator called in the capitol police to clear them out, which was objected to by Senator Roger Craig who said the demonstrators were “like it or not, citizens.” Brown voiced his displeasure with the “unnecessary display of police force in this capital.”<sup>67</sup> Most of the joints sent to legislators were turned over to the police, but some remained unaccounted for at the end of the day.

Later that summer, Leni Sinclair organized a cocktail party fundraiser to bring the White Panthers in contact with local doctors, lawyers, and faculty from the University of Michigan. The concept was borrowed from composer Leonard Bernstein, who organized cocktail parties in New York City to solicit funds from wealthy donors to the Black Panther Party.<sup>68</sup> The White Panthers’ cocktail party only netted \$137 in donations, but Leni was satisfied that they achieved their bigger goal of humanizing their cause. “We have a reputation for being far-out militants,” Leni told a *Detroit News* reporter, “but labels don't mean much when people get to know each other.”<sup>69</sup>

In the fall of 1970, the case of *People of the State of Michigan v. John Sinclair* came before the Supreme Court. In September, the court denied Sinclair’s attorney’s motion for appeal bond and then prison administrators refused to release Sinclair from administrative segregation to attend his first hearing in Lansing. The Supreme Court declined to intervene and denied a motion Sinclair submitted from prison that would have

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<sup>66</sup> Sharon Templeton and Larry Lee, “Police Guard Capitol; White Panthers Rally,” *State News*, May 1, 1970, DMC, MSUL.

<sup>67</sup> “Marijuana Sent to Officials.”

<sup>68</sup> Tom Wolfe, “Radical Chic: That Party at Lenny’s,” *New York*, June 8, 1970. Online copy published April 15, 2008 on *New York* magazine’s website.

<sup>69</sup> Stephen Cain, “Party Nets \$137 for Sinclair,” *Detroit News*, July 25, 1970, JLSP, Box 46, Folder – “Legal & Prison Files, Red Squad & Police Files, Detroit Police Files, primarily 1966-1970,” BHL.

granted him the right to appear in court.<sup>70</sup> The first hearing with oral arguments was coming up in early November, so Sinclair handwrote reams of instructions on yellow legal pads to his WPP comrades on how to create spectacle in the courtroom.<sup>71</sup> They packed the courtroom with dozens of supporters while local television and radio stations recorded the proceedings for broadcast, a rarity for the Supreme Court.<sup>72</sup> Activist Rennie Davis, who was still appealing his conviction for “crossing state lines to incite a riot” for his role in organizing the demonstrations at the 1968 Democratic National Convention in Chicago, showed up to support Sinclair, as did House Representative Jackie Vaughn III, who was pushing House Bill No. 5487 to end criminal penalties for all drugs, instead of just reducing penalties for marijuana.<sup>73</sup> It was agreed upon that Leni Sinclair would sit in a chair right outside the Supreme Court chambers with handcuffs, chained feet, and a gag placed over her mouth, evoking the image of Bobby Seale in Julius Hoffman’s courtroom. David Sinclair read a statement from his brother, and Sunny said “Free John Now!” into the microphone. A photo of Leni, bound and gagged, sitting next to Sunny graced that week’s issue of the *Ann Arbor Sun*. The same issue declared that they intended to make December 3-10 “Free John Sinclair Now! week” and they had initiated plans to hold a “huge” John Sinclair Freedom Rally in Crisler Arena with “speakers and bands from all over the country.”<sup>74</sup>

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<sup>70</sup> David Fenton, “John Sinclair vs. State Supreme Court,” *Ann Arbor Sun*, November 12-25, 1971, accessed January 2021, AADL.

<sup>71</sup> David Fenton, interview by Amy Cantú and Andrew MacLaren, “AADL Talks to: David Fenton,” Ann Arbor District Library blog, March 28, 2012, [https://aadl.org/files/AADL\\_Talks\\_To-David\\_Fenton.p3](https://aadl.org/files/AADL_Talks_To-David_Fenton.p3).

<sup>72</sup> State Journal Capitol Bureau, “State Supreme Court ‘On the Air’,” *State Journal*, November 3, 1971, ARVF, Folder – “Sinclair, John,” Special Collections, MSUL.

<sup>73</sup> Dave Hanson, “High Court Weighs Sinclair Appeal,” *State Journal*, November 3, 1971, ARVF, Folder – “Sinclair, John,” Special Collections, MSUL.

<sup>74</sup> “Paper Radio.” *Ann Arbor Sun*, November 12-25, 1971, accessed March 2021, AADL.



## Rainbow People's Party

As a part of the Free John Now! campaign's overall effort to get John out of prison and stop police harassment, the White Panther Party sought to change its public image from that of by-any-means-necessary revolutionaries to gradualist revolutionaries who embraced legal reforms. In late April 1971, the White Panther Party rebranded itself as the Rainbow People's Party (RPP) and their newspaper became the *Ann Arbor Sun*, a deliberate effort to make the paper a more effective local community news source. The name of the new organization came about after considerable internal debate among the central committee. They considered the Sun/Dance party, or Woodstock Nation Party, or the Rainbow People's Party. When "Rainbow" seemed like the preferred choice, some central committee members like David Sinclair worried the name could alienate the party's base of support among white youth, remarking "we're not rainbow, you know, we're white people."<sup>75</sup> Typing from Wayne County Jail, John disabused his brother of this notion, writing "[i]f I've said ANYTHING it's that we are NOT 'white people'!" Sinclair viewed himself as a person who transcended the social construct of race to become a "post-Western (post-Euro-Amerikan) youth," which he construed as a distinct class of people with white skins who were "antithetical" to the "Euro-Amerikan" ruling class. "To speak of 'white people' or 'the white community' is simply to talk nonsense," Sinclair explained, arguing that post-Western youth in America represented a national minority and internal colony that was oppressed by imperialist culture and institutions.

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<sup>75</sup> David Sinclair, quoted in John Sinclair, "Preliminary Statement on Ideology," unpublished letter, page 27, April 19, 1970, PPP, Box 1, Folder – "Plamondon, Activism, Ideology," BHL.

Sinclair went as far as to say “I myself was ‘black’ for a period of time, if you can dig that?,” referring to his time living in Flint in the early 1960s.<sup>76</sup>

Sinclair argued that culture was more important than race in terms of how people understood their place as dissidents within the United States. Hiawatha Bailey, the only African American member of the White Panther Party national chapter, was an obvious literary device. “Hiawatha has black skin,” Sinclair wrote, “but he is a ‘rainbow brother’ and NOT a ‘black brother’.” Sinclair rhetorically divorced Bailey from the black community to make the point that white youth still tended to imagine black people as a racial group, that is, a genetically distinct group with fundamentally different phenotypic features and social behaviors. Instead, Sinclair urged white youth to think of Bailey as a class ally with common interests and a shared stake in the future.<sup>77</sup> This made sense as a strategy for organizing white youth into an antiracist political platform, but it seems to have done little to attract more black recruits to the group.

The shift from White Panthers to Rainbow People was a change initiated by women within the organization, who criticized male leaders for their confrontational and often brash leadership style, which tended to land them in trouble with the law.<sup>78</sup> Leni Sinclair, Genie Plamondon, and a handful of women had already founded the Red Star Sisters in the summer of 1970 to collectively advocate for the women within the White Panthers and recruit more revolutionary women. Gayle S. Rubin, a UM honor’s student at the time who was pursuing an anthropology degree in “Women’s Studies”—an independent major she created—remembered the Red Star Sisters’ Marxist ideology as

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<sup>76</sup> Sinclair, “Preliminary Statement on Ideology,” 27.

<sup>77</sup> Ibid.

<sup>78</sup> RPP Central Committee, “The Lessons of July 23: The Transformation of a Revolutionary Culture,” July 23, 1971, in *Guitar Army*, 287-293.

“pretty reductive” in that there was no approach to “specifically address gender oppression,” because it was merely viewed as “a precipitate of class oppression and imperialism” that would disappear once the working class overthrew the bourgeoisie.<sup>79</sup> Certainly, the Red Star Sisters were born out of formative Marxist feminist interpretations that came out of their stoned reading groups. They pondered foundational Marxist theories on the “woman question” in works like Frederick Engels’ *Origins of the Family, Private Property, and the State*, which, among other things, argued that monogamy was inherently oppressive against women, something that resonated with Leni Sinclair and Genie Plamondon, both of whom married their husbands, at least in part, to provide them with legal protection because both were on probation.<sup>80</sup> By 1971, the consciousness-raising work done by the Red Star Sisters forced a marked change in the culture and leadership of the commune. Women gained control of editorial positions within the *Ann Arbor Sun* newspaper as well as the *Ann Arbor Argus*, and Genie Plamondon set about recruiting young feminists from other WPP chapters to join the RPP headquarters in Ann Arbor.<sup>81</sup>

The Central Committee added more women, who then used it as a platform to publicly criticize their male leaders for causing various problems deriving from male chauvinism. The Central Committee singled out John Sinclair’s demeanor during his July 25, 1969, sentencing in the Recorder’s Court when he threatened the judge and his arresting officers. The Central Committee declared that John “was acting out of a warped

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<sup>79</sup> Gayle S. Rubin, interview by Judith Butler, “Sexual Traffic,” *differences: A Journal of Feminist Cultural Studies* 6, no. 2-3 (1994): 63.

<sup>80</sup> The earliest and probably most famous of Marxist-feminist discussions of monogamy, is in Frederick Engels, *The Origin of the Family, Private Property and the State, Introduction by Pat Brewer* (Chippendale, Australia: Resistance Books, 2004, originally published in 1884), 76.

<sup>81</sup> Leslie Brody, *Red Star Sister: Between Madness and Utopia* (St. Paul, Minnesota: Hungry Mind Press, 1998), 104-107.

sense of ‘politics’ which said that it was ‘revolutionary’ to talk real bad and come on super-defiant,” but this posturing mainly hurt his family because he guaranteed he would not be granted bond during his appeal process.<sup>82</sup> The restructured party became more deeply imbued with Maoist concepts that collectivized decision-making and implemented formal self-criticism sessions, both of which women leveraged to take on a greater influence on political strategy. The RPP Central Committee expressed a desire to “build a collective leadership structure” because up to that point, “most if not all of the most important decisions of our ‘organization’ were made individually and spontaneously with little or no thought of the consequences of those decisions.”<sup>83</sup> To combat John Sinclair’s tendency to have an “antagonistic attitude,” the Central Committee adopted the Maoist principle of “unity-criticism-unity.” Each member agreed to operate from the position that everyone’s “interests are basically the same,” so even if individuals had “serious disagreements on specific issues,” the differences could be worked out as political issues—not personal differences—that produced a new collective unity.<sup>84</sup> Leni Sinclair, in particular, had a key role in formulating the group’s interpretation of Maoism, especially after early 1970 when she took over as the Minister of Education for the White Panthers. Sinclair developed and enforced guidelines for creating a revolutionary culture within their commune, policies that sought to address inequities within the commune’s sexual division of labor and the lack of women in public leadership positions.

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<sup>82</sup> RPP Central Committee, “The Lessons of July 23,” 287-288.

<sup>83</sup> *Ibid.*, 290.

<sup>84</sup> *Ibid.*, 292. Mao defined “unity-criticism-unity,” as “starting from the desire for unity, distinguishing between right and wrong through criticism or struggle, and arriving at a new unity on a new basis.” Mao Tse-tung, “On the Correct Handling of Contradictions Among the People,” speech, Eleventh Session of the Supreme State Conference, Beijing, People’s Republic of China (PRC), February 27, 1957. Revised and published in *People’s Daily*, June 19, 1957, transcribed by Maoist Documentation Project, revised 2004, published on “Marxists.org,” accessed March 15, 2021, [https://www.marxists.org/reference/archive/mao/selected-works/volume-5/mswv5\\_58.htm](https://www.marxists.org/reference/archive/mao/selected-works/volume-5/mswv5_58.htm).

Maoism held special significance to Leni Sinclair because of its importance to the resistance movement within the GDR, where her parents and siblings still resided. As a member of the Soviet Bloc, the GDR increasingly sought to suppress Maoist thought within their borders throughout the 1960s as the Sino-Soviet split widened between Beijing and Moscow. As early as December 1960, GDR leader Walter Ulbricht had declared that Mao's version of Marxism-Leninism was invalid. The Chinese Embassy in East Berlin became a gathering place for East German dissenters who viewed the GDR government. By 1967, it was made illegal to possess the *Little Red Book* in the GDR, and the Stasi began seizing and destroying copies. Leni Sinclair tried to mail her brother Erhard a copy of the book in 1970, but authorities confiscated it along with a Rolling Stones record his sister sent.<sup>85</sup> Rather than characterize the conditions in East Germany as exceptionally repressive, Sinclair instead emphasized the similarities between the Stalinist regime in the GDR and the U.S. surveillance state. Sinclair quipped,

the only difference between East Germany and Marquette Prison is that my brother can have Woodstock Nation (but not the Red Book) and John can have the Red Book (but not Woodstock Nation). My brother can't have the Rolling Stones and John can't have the MC5 record.<sup>86</sup>

Her brother Erhard was just like an American teenager, Sinclair argued, because he disdained compulsory military service, was a rock and roll fanatic, and he dreamed of starting a chapter of the "Red Panthers" to channel the discontent of East German youth into a political organization. Sinclair drew further similarities in the interest of eliciting international solidarity, writing:

The young people in East Germany are watching us. They know all about the Black Panther Party, they know all about the Conspiracy trial, they know about

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<sup>85</sup> Magdalene [Leni] Sinclair, "The Red Panthers: 'The Young People of E. Germany are Watching Us'," *Sun/Dance*, July 4, 1970, accessed January 2021, AADL.

<sup>86</sup> Leni Sinclair, "The Red Panthers."

Timothy Leary. And they know that Rock ‘n’ Roll is not a decadent Western art form, as their government tries to tell them. They’re living in the middle of the same old honky death culture, themselves, that we live with, only it’s a couple of thousand miles away and they speak a different language.<sup>87</sup>

Leni Sinclair found practical value in Maoism because it demonstrated the need to base revolutionary theories “on our own real-life experiences.” She singled out “paper revolutionaries” who “read all the ‘right’ books and can talk and argue about theory from morning to midnight,” but had no inkling of how to put revolution into practice in their day-to-day lives.<sup>88</sup> When Leni gave birth to her and John’s second daughter on January 17, 1970, they named her Celia Sanchez-Mao Sinclair. When Leni met with Huey Newton after his release from prison in August 1970, Leni made sure to snap a picture of Newton holding baby Celia for the newspaper.<sup>89</sup>

The Rainbow People’s Party initially struggled to create meaningful political alliances with local radical groups representing the nascent women’s liberation and gay liberation movements. But many in the Ann Arbor chapters of the Gay Liberation Front and Radicalesbians were skeptical of the RPP’s motives. Many still remembered how John Sinclair had been called out in 1970 by poet and activist Robin Morgan, who had helped organize women staffers at the New York-based underground newspaper, the *Rat Subterranean News*, to demand complete editorial control. The resulting issue of the *Rat* was entirely conceived of and produced by women, and Morgan wrote a polemic “Goodbye to All That” in which she meticulously documented instances in which male figures in the underground press and New Left exhibited chauvinistic tendencies, and

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<sup>87</sup> Leni Sinclair, “The Red Panthers.”

<sup>88</sup> Leni Sinclair, “Why We Study Mao.”

<sup>89</sup> *Sun/Dance*, October 1970. Photo appears on page 33.

John Sinclair was among them. Morgan heeded her readers to “Free Leni Sinclair” (along with twenty-four other women) and wrote,

Was it my brother who listed human beings among the *objects* that would be easily available after the Revolution: Free grass, free food, *free women*, free acid, free clothes, etc.? Was it my brother who wrote ‘Fuck your women till they can’t stand up and said that groupies were liberated chicks ’cause they dug a tit-shake instead of a handshake? The epitome of male exclusionism—men will make the Revolution—and make their chicks. Not my brother. No. Not my revolution. Not one breath of my support for the new counterfeit Christ—*John Sinclair*. Just one less to worry about for ten years. I do not choose my enemy for my brother.<sup>90</sup>

Morgan certainly had read the transcript of John Sinclair’s tape-recorded dialogue between himself and *East Village Other* writer Dean Latimer in May 1969. Sinclair boasted that the MC5 were “notorious ass-grabbers, tit grabbers” and they had been carrying on an “anti-bra, anti-underwear” campaign in Detroit. When “chicks” came backstage, the band would criticize them if they had on a brassier and try to convince them to take it off. “We just explain,” said Sinclair, that “if they don’t wear one they’ll really feel good, and besides, when a boy walks up to them he can reach under and feel a real tit.”<sup>91</sup> He also praised “high school girls” in Detroit who “love to fuck” and who were the “farthest-out ones” in their home communities in the suburbs.<sup>92</sup> Sinclair’s sexual politics were unabashedly concerned with enhancing men’s and—to some extent—women’s access to sexual pleasure, but it had become a routine practice in countercultural Detroit to pressure young women to accede to male sexual fantasies.<sup>93</sup>

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<sup>90</sup> Robin Morgan, “Goodbye to All That,” *Rat*, February 9, 1970. Morgan later stated that underground papers in Michigan who printed her article cut out the section criticizing John Sinclair, but it’s unclear which papers these were. Robin Morgan, *Going Too Far: The Personal Chronicle of a Feminist* (New York: Random House, 1977), 121.

<sup>91</sup> John Sinclair, interview by D. A. Latimer, *East Village Other*, May 28, 1969, accessed May 2020, IV.

<sup>92</sup> John Sinclair, interview by D. A. Latimer, “Installment Two,” *East Village Other*, June 4, 1969, accessed May 2020, IV.

<sup>93</sup> For one perspective on countercultural Detroit’s sexual exploitation of young women around 1971, see Lorraine Perlman, *Having Little, Being Much: A Chronicle of Fredy Perlman’s Fifty Years* (Detroit, Michigan: Black and Red, 1989), 77.

In late March 1970, the *Fifth Estate* reprinted Morgan's "Goodbye To All That" in full and it then offered space to local writers for rebuttals. Genie Plamondon penned a response to Morgan that circulated throughout the UPS, entitled "Hello to All This." Plamondon criticized Morgan for presenting male chauvinism as a timeless, unchanging force. "She assumes," argued Plamondon, that "since John Sinclair was male chauvinist a year and a half ago, he must be male chauvinist now, and for the rest of his life." Like many other early critics of radical feminism, Plamondon viewed Morgan's rhetoric as divisive and, using Morgan's words, Plamondon resisted the idea of creating a "genderless tribe." "I love to fuck," Plamondon, wrote, "I love being a woman, I love women, and I love MEN."<sup>94</sup> A comrade of hers later recalled that Plamondon's response was like a "young marionette putting her head on the block to save her puppet master," but at the time, the response struck a chord with women who were not ready to separate from men politically, socially, or sexually.<sup>95</sup>

John Sinclair himself did not explicitly address Morgan's critique for well over a year, after he had spent over two and a half years in prison. Sinclair admitted he held chauvinistic beliefs and behaved in a sexist manner in his daily life, but he urged readers consider how consumer capitalism extolled "sexism, racism, smack, competition, authoritarianism, death music, downers, control, greed or fear." Sinclair preached that those features of American culture were "pumped into the bodies" of boys and girls like a "poison" and one had to "purge" themselves to become healthy.<sup>96</sup> The flesh of the human body emerged as the site contestation in Sinclair's cultural revolution, and if one didn't

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<sup>94</sup> Genie Plamondon [Genie Parker], "Hello to All This," *Fifth Estate*, April 16-29, 1970, accessed March 2021, IV.

<sup>95</sup> Brody, *Red Star Sister*, 105.

<sup>96</sup> John Sinclair, "Dragon Teeth," column, *Ann Arbor Sun*, June 11, 1971.



gain control over their own mind and body, someone else would control it for you. Sinclair recalled how he “took for granted” that Leni “should do the housework, take care of the baby, cook my meals, do the laundry for both of us, and do all the traditional ‘women’s work’.” “Leni never complained about it or told me any different,” John Sinclair wrote, so “I just went along with it.” Sinclair laid blame on both men and women for perpetuating sexist culture and he urged both sexes to “work with each other on every level to purify our culture for all people.”<sup>97</sup> Though Sinclair shifted blame onto others for his own sexism, he indicated responsiveness to women’s liberation as long as men remained part of the movement.

Leni Sinclair did not deny the problems of male chauvinism and sexism amongst her husband and peers, but she invested in solidarity with her male comrades. Her analysis of “cock rock”—a pejorative description of music that glorified assertive or aggressive male sexuality—acknowledged the problem of male chauvinism in the counterculture, but she saw it as a temporary setback that would be corrected by women who could explain the concept of sexism to men and make them more conscious of their chauvinism.<sup>98</sup> Sinclair agreed that aspects of post-Western youth culture were “horribly sexist,” but she did not believe that women would always be excluded from working in rock and roll bands. Instead, Sinclair emphasized that the revolution was still in an early stage of the process, so the “next step” would necessitate “the gradual replacement of

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<sup>97</sup> John Sinclair, “Dragon Teeth,” column, *Ann Arbor Sun*, June 11, 1971.

<sup>98</sup> “Cock Rock: Men Always Seem to End Up on Top,” in *The Rock History Reader*, edited by Theo Cateforis (New York: Routledge, 2007), 119-123. Originally published under the same title in *Rat Subterranean News* (New York), October 27-November 18, 1970. Another anonymous underground press writer defined cock rock as “man’s music, music that exalts the power of the cock” and depicted women as either passive sexual conquests or fiendish seductresses that led men astray. See “Cock Rock,” *Seed* (Chicago), March 1, 1971, accessed January 2021, IV.

stupid sexist lyrics with revolutionary lyrics.”<sup>99</sup> Leni Sinclair argued that by listening to the Rolling Stones, she “might get turned off by the lyrics, but still get super turned on to their music.” She pointed out that a global community listened to rock and roll music, and “most of them don’t even understand English.” In Sinclair’s understanding, the lyrics of rock and roll were secondary to the “rock” and “roll” rhythm, which had always meant to evoke the rhythms of sex. “The FORM is the predominant characteristic of rock and roll,” Sinclair argued, so rather than suppress the sexual energy imbued in the music, it needed to be transformed to reflect a more egalitarian sexual revolution for women too, not just men. “Cock rock is not inherently wrong or evil or oppressive,” Sinclair added, the problem was that it was not “equally matched by the emergence of strong liberated women’s bands (cunt rock?).”<sup>100</sup> By this time, DJ Barbara Holliday, a Detroit-bred musician, was hosting a freeform rock and roll show on the Detroit FM radio station WRIF and she sometimes performed with the Detroit all-women rock and roll band, Pride of Women, who were becoming a staple of the Ann Arbor Sunday Free Concert series and the Grande Ballroom.<sup>101</sup> Later in 1971, Holliday was fired for playing songs with the word “fuck” in them and for editorializing the news, in particular to discuss John Sinclair’s marijuana case during her programs.<sup>102</sup> It is not clear what happened to Pride of Women, but they dropped off of the *Ann Arbor Sun*’s radar by 1972.

Women musicians playing rock and roll in Michigan had a much more difficult time keeping their bands together, since parents and partners were much less likely to

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<sup>99</sup> Leni Sinclair, “Cock Rock,” *Ann Arbor Sun*, May 21-27, 1971, accessed January 2021, AADL. A draft version of this article can be found in JLSP, Box 9, Folder – “Artists’ Workshop Press, Manuscripts, Sinclair, Leni,” BHL.

<sup>100</sup> Leni Sinclair, “Cock Rock.”

<sup>101</sup> Barbara Holliday, interview by Ken Kelley, “Interview with Barbara Holliday,” *Ann Arbor Sun*, July 23-August 5, 1971, accessed April 2021, AADL

<sup>102</sup> “Scandal at WRIF: ABC and You,” *Ann Arbor Sun*, November 26, 1971, accessed April 2021, AADL.

financially or emotionally support their desire to be musical performers in a male-dominated industry. Parents tended to be more protective of their daughters than their sons, and boyfriends or husbands easily became jealous of the attention female musicians received from male spectators. Many a talented woman musician ended their career early to pursue higher education, to get married and have children, or to otherwise appease their spouse or family.<sup>103</sup> Moreover, women musicians on the road endured sexually-charged heckling and were targeted with other forms of sexual assault. The white male fraternal network that powered of the Michigan rock and roll scene in the mid-late 1960s had developed largely outside of union channels, but they developed their own code of boys' club exclusionism that put men in the spotlight, and left women working behind the scenes. This aspect of the Michigan culture industry started to change with the founding of Goldrenrod Records in 1974, which exclusively produced and distributed music made by women artists with a special focus on lesbian artists. The establishment of the annual Womyn's Music Festival in 1976 also helped solidify Michigan as a leading regional force in a lesbian feminist arts movement.<sup>104</sup>

### **John Sinclair Freedom Rally**

In late November 1971, Leni and David Sinclair enlisted the help of promoter Peter Andrews—who had worked with John promoting large festivals and the free

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<sup>103</sup> Suzi Quatro, *Unzipped*, e-book edition (London, U.K.: Hodder and Stoughton, 2007), no pages. See chapter two and the beginning of chapter three for Quatro's discussion of an early bandmate, Nan Ball, a talented drummer in Quatro's all-women band, The Pleasure Seekers, whose parents forbid her from continuing, so that she could attend college. Later in chapter two, Quatro tells how another band member, Diana Baker, left the band at the behest of her boyfriend.

<sup>104</sup> Boden C. Sandstrom, "Performance, Ritual and Negotiation of Identity in the Michigan Womyn's Music Festival," Ph.D. dissertation, College Park: University of Maryland, 2002.

concerts in Gallup Park—to produce what they envisioned as a huge benefit concert for the Sinclairs’ legal defense fund. Just over a week before the event was scheduled to take place, Leni Sinclair received word that John Lennon and Yoko Ono agreed to play a set. Sinclair flew to New York with Andrews and they went to the couple’s apartment to finalize the agreement. Ono and Lennon agreed to headline the show and donate their \$500 performance fee to the John Sinclair Freedom Fund. Andrews and Sinclair tape-recorded a spoken promotional message from Ono and Lennon, which they played at a press conference two days later. This caused a rush for the three dollar tickets, which were available in cities across Michigan.<sup>105</sup> They ended up selling well over 10,000 tickets—probably closer to 15,000—maxing out the capacity of the venue.

Lennon’s former band, The Beatles, had become perhaps the most successful commercial expression of the counterculture by the mid-1960s. The Beatles’ 1967 album, *Sgt. Pepper’s Lonely Hearts Club Band*, seemingly distilled the aesthetics and values of bohemian cultural centers in London and the California Bay Area into innovative pop songs and a new “psychedelic” public image. John Sinclair had previously commended the Beatles for *Sgt. Pepper’s* because it seemingly “legitimized the dope scene for the popular media and have consequently been super-instrumental in bringing about the hugest change in a generation’s consciousness in history.”<sup>106</sup> Like a number of critics of the Beatles’ politics, Sinclair bemoaned the fact that the band members seemed hesitant to put their “money and power” to fund worthy causes, but he was encouraged by John Lennon’s emergence as quite sympathetic to anti-capitalist revolutionary politics. In the song “Revolution,” released as a single in August 1968, Lennon distanced himself from

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<sup>105</sup> Alan Glenn, “The Day a Beatle Came to Town,” *Ann Arbor Chronicle*, December 27, 2009.

<sup>106</sup> John Sinclair, untitled column, *Ann Arbor Argus*, January 24-February 7, 1969.

revolutionaries who “talk[ed] about destruction” and had “minds that hate,” but who kept asking him “for a contribution.” Lennon also singled out Maoists for condemnation, suggesting “if you go carrying pictures of Chairman Mao/ain’t gonna make it with anyone anyhow.”<sup>107</sup> Lennon’s anti-revolutionary lyrics drew the scorn of underground press reporters in the UK and US.<sup>108</sup>

Sinclair viewed Lennon’s budding relationship with artist Yoko Ono Cox as a strength that would cement Lennon’s commitment to political causes. Just that fall, Ono Cox and Lennon’s London flat was raided by Scotland Yard’s Drug Squad. Drug-sniffing dogs that found a small amount of cannabis resin in a small bag, and though Lennon claimed he had no prior knowledge of its existence, he stated it was in his possession.<sup>109</sup> Both he and Ono Cox were arrested for “possession of a dangerous drug.” At their first court appearance on November 28, 1968, prosecutors dismissed charges against Ono Cox and the magistrate only gave Lennon a £150 fine plus court costs.<sup>110</sup> Sinclair hoped the ordeal would help further radicalize Lennon. The conviction opened the door for Attorney General John Mitchell to open a deportation investigation on Lennon, in the hopes of forcing the couple out of the U.S. to limit their capacity to aid anti-Nixon

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<sup>107</sup> A version of the song first appeared in August 1968 as a single on the b-side of “Hey Jude.” An alternative version titled “Revolution 1” was recorded prior to the single and saved for the November 1968 release of their self-titled album, commonly referred to as “The White Album.” The most widely available recording of the single version can be found on the 2010 remastered compact disc of the compilation album, *1967-1970*, produced by Apple Records. This album was originally released by Apple as vinyl disc in 1973.

<sup>108</sup> For more on Lennon’s public exchanges with the British socialist newspaper, *Black Dwarf*, and in particular, its editor Tariq Ali, see Dorian Lynskey, “Plastic Ono Band / ‘Give Peace a Chance’ / 1969,” in *33 Revolutions Per Minute: A History of Protest songs from Billie Holiday to Green Day* (New York: HarperCollins, 2011), 126-142; Tariq Ali, *Street Fighting Years: An Autobiography of the Sixties* (London: Verso, 2005), 356-360.

<sup>109</sup> For an overview of the drug raid on Lennon and Ono (at that time Ono Cox), see Leon Wildes, *John Lennon vs. the USA: The Inside Story of the Most Bitterly Contested and Influential Deportation Case in United States History* (Chicago, Illinois: American Bar Association Publishing, 2016), 41-49, 172.

<sup>110</sup> Wildes, *John Lennon vs. the USA*, 43-45.

political causes, but this would not get initiated until after Ono and Lennon's appearance at the John Sinclair Freedom Rally.

One day prior to the event, The Michigan State Legislature passed a bill that declassified marijuana as a narcotic, and greatly reduced the penalties for marijuana possession and sale, legal changes that Senator Roger Craig had been pushing for years. A possession charge was downgraded from a felony to a misdemeanor with a maximum prison sentence of one year, while a sales conviction was lessened from a twenty-year minimum mandatory prison term to a four-year maximum sentence.<sup>111</sup> John Sinclair remained in prison for the moment, but the legislative action allowed the Michigan Supreme Court to revisit Justin Ravitz' previously denied motions to grant appeal bond to Sinclair. The Court did not release their ruling until Monday, so the Free John Now! committee continued working behind the scenes to produce the John Sinclair Freedom Rally spectacle. Peter Andrews picked up Yoko Ono and John Lennon from the airport and brought them back to stay in the presidential suite of a local hotel.<sup>112</sup> The printers put together informational brochures, newspaper-sized event programs, merchandise, and anything else that was to be distributed to the thousands of attendees.

Meanwhile, young people from across the state of Michigan congregated to Crisler Arena in Ann Arbor on Friday evening. It was December 10, 1971, and the John Sinclair Freedom Rally was set to begin with a performance by poet Allen Ginsberg. Keith Stroup remembered driving over 500 miles to Ann Arbor from Washington, D. C., to buy a ticket and attend the event. Stroup was the founder of the National Organization for the Reform of Marijuana Laws (NORML), a marijuana decriminalization-legalization

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<sup>111</sup> John Sinclair, "Free the Weed 37," *Michigan Medical Marijuana Report*, April 3, 2014.

<sup>112</sup> Glenn, "The Day a Beatle."

lobbyist firm, so he considered the event of great significance. Stroup took his seat in the upper deck area and he was struck by the sight of “[t]ens of thousands of people openly smoking marijuana and no one being hassled by the police.” Stroup had not brought any weed with him because he was worried about the police making mass arrests, but his fears proved unfounded as he witnessed people “smoking joints openly and passing them around” while several others had “marijuana sitting open on their laps, freely rolling joint after joint, to make sure everyone who attended could get high for the occasion.”<sup>113</sup> This collective flaunting of the law was in many ways a testament to the long-term efforts of the Hill St. commune to have full control over security within their events. Their informal security force, the Psychedelic Rangers, had been policing concerts and festivals for years and always welcomed the sharing and smoking marijuana. The AAPD had never fully assented to this arrangement, but Chief Walter Krasny believed the laissez-faire approach was more appropriate for such events than an interventionist strategy.

The Freedom Rally organizers paid ten off-duty Ann Arbor policemen \$150 to patrol outside the arena in plainclothes, under the condition they do not enter the arena. Firefighters from the Ann Arbor Fire Department were allowed inside to keep aisles clear and monitor other safety hazards.<sup>114</sup> There was a “Drug Help” tent and medical staff on hand, which included four doctors, two nurses, and five medical students. A dozen or so women and men staffed a childcare center.<sup>115</sup> The Psychedelic Rangers handled internal security while the event coordinator, Andrews, sorted out technical issues and made sure

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<sup>113</sup> Keith Stroup, “A Founder Looks at 50: The ‘Free John Sinclair’ Rally; Public Protests Sometimes Matter,” blog, *NORML*, <https://norml.org/blog/2020/07/24/a-founder-looks-at-50-the-free-john-sinclair-rally-public-protests-sometimes-matter/>.

<sup>114</sup> SAC Detroit to FBI Director, confidential informant report, December 27, 1971, reprinted in *Gimme Some Truth: The John Lennon FBI Files*, edited by Jon Wiener (Berkeley and Los Angeles: University of California Press, 1999), 113.

<sup>115</sup> Anonymous officer, confidential SIU report, MSP, December 15, 1971, BEP, Box 1, Folder – “Government Intelligence Activities, COINTELPRO (Michigan) 1969-1970,” BHL.

performers in the backstage area were accommodated.<sup>116</sup> The MC5 were in attendance but were not invited to play, nor were any women musicians, with the exception of Joy of Cooking, a Bay Area band fronted by Toni Brown and Terry Garthwaite and backed up by an all-male rhythm section, who showed up late and never took the stage.<sup>117</sup>

A *Detroit News* reporter observed, “marijuana smoke smelled the strongest during rock musical acts,” like that of Ann Arbor native, Bob Seger.<sup>118</sup> Earlier in the summer of 1970, The Bob Seger System released the song “Highway Child” in which Seger criticized “congressmen” and “senators” and complained, “I seen ‘em send up John Sinclair/you know two joints is all it takes.” At the Rally, Seger concluded his set with “Looking Back,” another song that took specific aim at lawmakers who

could vote/and end the war  
they’re much too busy fitting locks upon the back door  
Give you a foxhole/a place to hide  
’Cause when the war come/the cops’ll be on their side

When Stevie Wonder made a surprise appearance, he spoke in between songs about how “a man can get 12 years in prison for possession of marijuana and another who can kill 4 students at Kent State and come out free.” Wonder asked the crowd rhetorically, “What kind of shit is that?” and stated “sometimes I get very disgusted and very discouraged.”<sup>119</sup> Elsie Sinclair, John’s mother, looked poised when she told the crowd “I can tell you young people—you can teach more to your parents than your parents could’ve ever

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<sup>116</sup> Glenn, “The Day a Beatle.”

<sup>117</sup> Andrews, *The Joint Was Jumpin’*, see chapter 6, “John Lennon in Flyover Country,” for Andrews’ brief discussion of the Joy of Cooking at the John Sinclair Freedom Rally.

<sup>118</sup> Bill Gray, “15,000 at Ann Arbor Rally to Aid John Sinclair,” *Detroit News*, December 11, 1971, JLSP, Box 46, Folder – “Legal & Prison Files, Red Squad & Police Files, Detroit Police Files, primarily 1966-1970,” BHL.

<sup>119</sup> “‘Ten For Two’ (John Sinclair Freedom rally film).” JLSP, Box 53, BHL. The film was never released by Joko productions, but John Sinclair posted the film on YouTube in two parts on September 9, 2011. For part one, see <https://www.youtube.com/watch?v=UMTNNEgBUg4>; for part two, see <https://www.youtube.com/watch?v=3FJ-CGhlrNk>.



taught you,” before pausing, raising her fist, and stating, “I’m speaking of course from personal experience.” Jerry Rubin envisioned this as the first of many prisoner’s rights rallies “demanding that they lay down the bars and let all the prisoners out.” Leni summed up the event as “one of the most beautiful things to ever happen.” “Nothing like this has ever happened before in history, I think,” Leni Sinclair said to the crowd, unable to contain her excitement, “and we know this isn’t going to be the last time, because it’s too much fun.” Later in the evening, they arranged a phone call with John Sinclair from his cell in SPSM and projected his voice over the speaker system in Crisler Arena. Leni held four-year-old Sunny up to the microphone and she said “hi dad, what’chu doing?.” Afraid of getting caught and sent into isolation, John held back tears as he said “they try to keep us apart, they tried to isolate us, they drive us crazy . . . [but] we can’t do it alone and we aren’t doing this alone.” When Ono and Lennon finally came on the stage at around 3:00 am, Ono’s song “Sisters O’ Sisters” was booed and Lennon’s performance lasted less than fifteen minutes, but their appearance in Ann Arbor was duly reported by the undercover MSP and FBI agents in the audience, who estimated that the event brought in over \$40,000, leaving just under \$15,000 of profit once the production expenses of the event were accounted for. The majority of these funds were used to pay John’s legal expenses, fund the Rainbow People’s Party, and provide a \$3,000 loan to the Michigan Committee for Prisoners’ Rights.<sup>120</sup> Upon learning of John Lennon’s involvement in the event, U.S. Senator Strom Thurmond wrote a letter urging the Justice

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<sup>120</sup> “The White Panther Party,” MSP Information Digest, August 28, 1970, see page 7, titled “Radical Accounting – RPP,” dated February 11, 1972, JLSP, Box 46, Folder – “Legal and Prison Files, Red Squad & Police Files, MI State Police Files (1 of 2),” BHL.

Department to seek ways to deport Ono and Lennon in order to prevent them from financing any further radical causes.<sup>121</sup>

The whole event was broadcast live by Andrews' contacts at WABX, a Detroit FM station, and on television by WDET, attesting to the increasing reach of the Free John Now! campaign to recruit powerful media in service of their political causes.<sup>122</sup> Only three days after the John Sinclair Freedom Rally and four days after the passage of the new marijuana bill, the Michigan Supreme Court granted John Sinclair the right to be free on \$1,000 bond for the remainder of his appeal process. The effort to get John out of prison reflected the growing pragmatism that characterized the organizations' leadership under David and Leni Sinclair. They directed their propaganda at the mainstream and in the process, they convinced a wide swath of influential and regular people that John's imprisonment was unjust. The scope of Leni's work still largely involved accommodating John's many big and small needs as he sat behind bars for over two years, but in the process, Leni emerged as a strong public spokesperson and political thinker in her own right. The Free John Now! publicity campaign indicated the ability of revolutionary activists to mobilize immense resources in service of more than just legal defense funding. If the model of the John Sinclair Freedom Rally could be replicated and sustained, rock concerts might become a sustainable way to fund various alternative community projects. However, it remained to be seen whether such a model would make much of an impact beyond the white mostly middle class youth who provided the lifeblood for the music festival circuit in Michigan and who benefitted the most from the

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<sup>121</sup> Wildes, *John Lennon vs. the USA*, 3-8.

<sup>122</sup> "Ten For Two," JLSP; Will Stewart, "John Sinclair Recalls Impact of Freedom Rally," *Ann Arbor News*, December 2, 2011, accessed April 2021, <http://www.annarbor.com/entertainment/sinclair-sidebar/>; Andrews, *The Joint Was Jumpin'*, no pages. See end of chapter 6.; Gary Grimshaw, interview by Michael Erlewine,

easing of penalties for the marijuana laws. Certainly, mainstream figures like Judge John Swainson, who threw their whole weight behind marijuana decriminalization, were less likely to support the more radical demands of the Sinclairs, who envisioned creating a semi-autonomous “tribal” society within America that would develop its own rules and regulations based on collectively defined communitarian values. To bring about such a society, the Sinclairs needed money, dedicated servants, and sustained engagement with a public at large, over half of which wanted to see them fail.

CHAPTER FIVE  
RADICAL INSIDERS: COMMUNITY CONTROL AND MICHIGAN ELECTORAL  
POLITICS, 1972-1977.

Upon John Sinclair's release from prison, the Rainbow People's Party (RPP) sought to insert themselves into electoral political organizing in order to gain access to the resources of key local institutions. Putting anti-capitalist and anti-imperialist revolutionaries on the city council or the school board promised to put them in control of budgets that could be funneled into radical causes. Moreover, the shift to more conventional political activism might make radical causes more acceptable to mainstream America. By the spring of 1972, the Black Panther Party in Oakland commenced an extensive voter registration campaign aimed at the local black electorate in preparation to run Minister of Information Elaine Brown for city council and Chairman Bobby Seale for mayor the following year.<sup>1</sup> The move coincided with the Party leaders decision to denounce offensive revolutionary violence as advocated by Eldridge Cleaver in exile, and their move to shut down all chapters across the country and consolidate membership in Oakland. In particular, black women with organizational expertise flocked to Oakland to manage the party's survival programs and ultimately create a base of support for Panthers to become local officeholders.<sup>2</sup> Seale had been a speaker at the National Black Political Convention in Gary, Indiana, in March 1972, at which thousands of black politicians, intellectuals, and activists of many political persuasions sought to develop a coherent national strategy to achieve black political power through electoral politics. The resulting

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<sup>1</sup> Donna Murch, *Living For the City: Migration, Education, and the Rise of the Black Panther Party in Oakland, California* (Chapel Hill: University of North Carolina Press, 2010), 212.

<sup>2</sup> Ashley D. Farmer, *Remaking Black Power: How Black Women Transformed an Era* (Chapel Hill: University of North Carolina Press, 2017), 81.

“Gary Declaration” represented a compromise primarily between black nationalists and Democratic insiders, among them a powerful Michigan caucus that included Senator Coleman Young and Representative Charles Diggs, who co-chaired the conference. The Gary Declaration asserted that “the American system does not work for the masses of our people, and it cannot be made to work without radical fundamental change.”<sup>3</sup> The Black Panthers advocated an “independent Black politics” that hinted at the idea of forming a national all-black third party outside of the Democratic and Republican parties, but in the end, delegates who caucused for actually founding a third party that the convention, were left disappointed.<sup>4</sup>

White radicals largely remained on the sidelines of these debates, but people like the Sinclairs who were attuned to the Black Panthers and the multi-pronged black self-determination movement in Detroit applied similar ideas and principles to their work in the predominately white college town of Ann Arbor. After John spent over two years in prison, the Sinclairs had no desire to give the police any more excuses to arrest and imprison either of them. They took to heart Kenneth Cockrel’s criticism of radical organizations that amounted to nothing more than legal defense fundraisers.<sup>5</sup> With the ratification of the Eighteenth Amendment to the U.S. Constitution lowering the legal voting age from twenty-one to eighteen, the Sinclairs saw an opportunity to join youthful revolutionary third parties that would transform the government from the inside out.

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<sup>3</sup> “The Gary Declaration: Black Politics at the Crossroads,” reprinted in Leonard N. Moore, *The Defeat of Black Power: Civil Rights and the National Black Political Conference* (Baton Rouge: Louisiana State University Press, 2018), Appendix VI, 162.

<sup>4</sup> For “independent black politics,” see “The Gary Declaration,” in Moore, *The Defeat of Black Power*, Appendix VI, 164. For the disappointment of no third party, see *ibid.*, 128-131; Joseph, *Waiting 'Til The Midnight Hour*, 281.

<sup>5</sup> Ken Cockrel [Kenneth V. Cockrel], “On Repression,” speech, January 30, 1970, PPP, Box 2, Folder – “Ken Cockrel, League Rev. Blk. Worker,” BHL.

Laws and policies could be radically transformed to reflect revolutionary values by working through the courts, legislature, and local, county, and state elections, venues they had already been working in for years in their struggle against the marijuana laws. The Sinclairs placed their hopes in utilizing the strength of a radical third party, the Human Rights Party (HRP), in Ann Arbor and aligning themselves strategically with sympathetic Democrats. Their efforts bore some successes, but they were also confronted with the limitations of working as a minority interest group within the electoral realm. The counterculture struggled to institutionalize their politics in financially stable ways and for the Sinclairs and the MC5, the music business proved a volatile as a career choice that left most indebted and intermittently employed by the mid-1970s.

### **The Politics of Prison**

When John left prison in December 1971, he and Leni set about integrating John into the operations of the RPP, which was involved in a variety of community projects and activist fronts. The Sinclairs hoped to channel their energies into local efforts to implement radical change, but first, John still had to deal with the CIA bombing conspiracy case. Shortly after John Sinclair got out of prison, he and Leni headed to Washington, D. C. wearing purple White Panther t-shirts to attend the February 27, 1972, hearing of oral arguments at the U.S. Supreme Court in the case of *United States v. United States District Court for the Eastern District of Michigan, Southern Division, et al.*; *Lawrence Robert 'Pun' Plamondon et al.*—which commonly became referred to as

the “Keith Case.”<sup>6</sup> The defendant was Damon Keith, the federal judge in the Eastern District of Michigan who had demanded prosecutors disclose the contents of the warrantless wiretaps they had gathered on John Sinclair, Pun Plamondon, and Jack Forrest and submitted as evidence of their guilt in the Ann Arbor CIA office bombing in 1968. Assistant U.S. Attorney General Robert Mardian, representing Attorney General John Mitchell’s office, headed the prosecution. Mardian supervised two powerful surveillance bureaucracies, the Inter-Divisional Intelligence Unit and the Intelligence Evaluation Committee, both of which sought to centralize domestic political surveillance within the White House, independent of J. Edgar Hoover’s FBI.<sup>7</sup> Mardian sought to legitimize the wiretapping section of the Omnibus Crime Control and Safe Streets Act, passed by Congress in 1968, which specifically gave the executive branch authority to conduct electronic surveillance on any individual or group that posed a “clear and present danger to the structure or existence of the Government” without a judicial warrant. Moreover, Mardian argued, the evidence from such surveillance was admissible in “any trial hearing” as long as the wiretap was deemed reasonable and the government should not be required to disclose the contents of such wiretaps.<sup>8</sup> Mardian had an uphill battle considering the U.S. Supreme Court had made two rulings related to warrantless electronic surveillance in 1967 that privileged citizens’ right to privacy over government. Supreme Court Justice William Rehnquist had recused himself from the case because when Rehnquist was serving as Assistant U.S. Attorney General under John Mitchell, his

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<sup>6</sup> Hugh “Buck” Davis, “A People’s History of the CIA Bombing Conspiracy (the Keith Case); Or, How the White Panthers Saved the Movement,” no date [c. 2010-2014], digital publication, AADL, [https://aadl.org/freeingjohnsinclair/essays/peoples\\_history\\_of\\_the\\_cia\\_bombing\\_conspiracy](https://aadl.org/freeingjohnsinclair/essays/peoples_history_of_the_cia_bombing_conspiracy).

<sup>7</sup> Hale, “Wiretapping and National Security,” 391-392.

<sup>8</sup> Title III of the Omnibus Crime Control and Safe Streets Act, 18 U.S.C. § 2511(3), accessed April 2021, Homeland Security Digital Library, <https://www.hsdl.org/?view&did=727015>.

office helped prepare the federal government's appeal briefs challenging Damon Keith's initial ruling in the CIA conspiracy case.<sup>9</sup> The U.S. Supreme Court unanimously ruled 8-0 that the federal government had no constitutional grounds to bring evidence to bear in court that was obtained from warrantless "national security" wiretaps on American citizens. They ruled in favor of Keith and, in the process, the White Panthers.<sup>10</sup> Under the direction of NLG attorney Hugh Davis, Sinclair, Plamondon, and Forrest started preparing a countersuit against the federal government for subjecting them to illegal surveillance.<sup>11</sup>

While imprisoned in the Jackson State Prison of Southern Michigan, Davis helped Sinclair bring suit against the Michigan Department of Corrections because he was placed in solitary confinement for trying to organize a prison union based largely on evidence gathered from reading Sinclair's mail and raiding his cell. Sinclair argued that such practices violated his First Amendment rights to free speech. Prison policy ensured that the incoming and outgoing mail of potentially disruptive inmates was thoroughly screened by corrections officers. They were to notify their superiors if material was suspected of violating prison regulations, which forbade writing that was "threatening, untruthful, obscene, derogatory or criminally conspiring."<sup>12</sup> At the time, reporters remarked that Sinclair's lawsuit against the Michigan penal system would be the first ever to be heard in court, since complaints against the prison system were handled through an internal grievance procedure.<sup>13</sup> The case was headed to trial after a federal

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<sup>9</sup> Hale, "Wiretapping and National Security," 150.

<sup>10</sup> Davis, "A People's History."

<sup>11</sup> For details on the countersuit, see HDP, Series III, Box 2-4, WRL.

<sup>12</sup> Perry Johnson to William Mullaney, draft response to lawsuit *Sinclair v. Perry Johnson and Gus Harrison*, no date [c. 1971], JLSP, Box 20, Folder – "Legal Materials, Indexed Prison file no. 2," BHL.

<sup>13</sup> For more on internal prison grievance procedures, see Kitty Calavita and Valerie Jenness, *Appealing to Justice: Prisoner Grievances, Rights, and Carceral Logic* (Oakland: University of California Press, 2015).



judge refused to dismiss the suit at the behest of Michigan's assistant attorney general, but when Sinclair was released from prison, it voided the lawsuit and the case was dropped.<sup>14</sup>

Soon, Michigan U.S. Representative John Conyers invited Sinclair to testify at the eighth federal hearing on "Prisons, Prison Reform, and Prisoners' Rights," which focused solely on the state of Michigan. Sinclair used his time to discuss how Michigan's prisons violated inmates' constitutional and human rights "as a matter of policy."<sup>15</sup> Sinclair continued,

Three or more inmates meeting in the yard to discuss politics is regarded as an illegal meeting and those inmates are rounded up and are locked up and held for indeterminate sentences in a segregation ward. Books are confiscated. Letters are confiscated and copied and sent to various government agencies, detailing people's political activity and their political development.<sup>16</sup>

Hugh Davis also testified at the hearing and recommended the implementation of inmate self-determination and ultimately, the abolition of the U.S. prison system. Davis suggested forming "prison unions or associations" that would allow prisoners to "self-organize and self-regulate themselves" and "freely bargain with the authorities with regard to the actual conditions of their lives." Without such a system, Davis argued, prisoners were denied "relevant practical living experience" that might better rehabilitate and prepare the inmate for reentry into their communities.<sup>17</sup>

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<sup>14</sup> For the suit's hearing in federal court, see Leni Sinclair, interview by *Ann Arbor Sun*, "John Sinclair Behind Bars: Interview with Leni Sinclair," Free John Now! Supplement, *Ann Arbor Sun*, no date [c. 1971].

<sup>15</sup> John Sinclair, testimony during proceedings of March 31, 1972, before United States House of Representatives, *Prisons, Prison Reform, and Prisoners' Rights: Michigan, Part 8, Hearings Before Subcommittee No. 3 of the Committee on the Judiciary, House of Representatives on Corrections, Ninety-Second Congress, Second Session* (Washington, D. C.: U.S. Government Printing Office, 1972), 63.

<sup>16</sup> Sinclair, testimony "Prisons, Prison Reform," 64-65.

<sup>17</sup> Hugh M. "Buck" Davis, Jr., testimony before U.S. House of Representatives, "Prisons, Prison Reform, and Prisoners' Rights: Michigan," Part 8, *Hearings Before Subcommittee No. 3 of the Committee on the*

Perry Johnson, by this time serving as Warden of SPSM, testified on the same day and was himself very critical of the function of prisons in society. Johnson desired to do away with the warehouse architecture of SPSM and replace it with “social—living-housing-leisure units,” that would house no more than 150 inmates and be located in clusters with a common space for rehabilitation programs.<sup>18</sup> Johnson thought prison should only be a “last alternative” to other rehabilitative measures, and he advocated for more oversight of prison parole boards, and the implementation of more scientific criteria for granting prisoners parole.<sup>19</sup> Johnson further added that he supported an increased minimum wage for prison workers, more fulfilling jobs, and that “prisoners’ rights and privileges should be curtailed only where good order and security are endangered or individual safety or rehabilitation programs are jeopardized.”<sup>20</sup> Michigan Representative John Conyers remarked that Johnson and John Sinclair should exchange testimony because “as strange as it seems, you are not too far apart in your evaluation of the system as might have been thought.”<sup>21</sup>

The Sinclairs started receiving numerous invitations across the country to speak about John’s experiences in prison and Leni’s effort to get him out. The Sinclairs gave interviews to reporters and spoke to student groups, professors, and activists. In February of 1972, Sinclair was tapped by UM’s experimental “Program for Educational and Social Change,” which sponsored a series of courses that were free to local residents and focused on community action projects. John served as an instructor for a course called

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*Judiciary, House of Representatives n Corrections*, Ninety-Second Congress, Second Session, March 31, 1972 (Washington, D. C.: U.S. Government Printing Office, 1972), 55.

<sup>18</sup> Perry Johnson, testimony during proceedings of March 31, 1972, *Prisons, Prison Reform, and Prisoners’ Rights*, 71.

<sup>19</sup> *Ibid.*, 72.

<sup>20</sup> *Ibid.*, 68.

<sup>21</sup> John Conyers, quoted in *ibid.*, 73.

“Community Control of Prisons.” John joined the likes of Charles Thomas—who co-led a study on community control through the Black Economic Development League (BEDL). For the previous couple of years, Thomas begun visiting each of Ann Arbor’s white churches to read James Forman’s “Black Manifesto,” a speech Forman delivered at the Black Economic Development Conference in Detroit in April of 1969. Among other things, Forman’s speech exhorted white churches to begin contributing money to black self-determination projects as part of a plan to secure reparations for all African Americans. Thomas co-founded the Washtenaw County branch of the BEDL to collect and distribute donations and coordinate subsequent community projects.<sup>22</sup>

The Sinclairs continued publicizing the problems inherent in Michigan’s prison system in the interest of educating whites about the day-to-day policies and regulations that amounted to a “whole dehumanization process.”<sup>23</sup> Leni Sinclair explained that from a visitor’s perspective, she and their children were treated so “insensitive as to be emotionally shattering.” She explained that guards would end a visitation if children cried or tried to touch their father.<sup>24</sup> The traumatic experiences wrought upon John and his family by his imprisonment were not healed when he got out, and John and Leni’s relationship had suffered as a result. When John returned to the Hill Street commune, his comrades found him withdrawn and prone to fits of anger.<sup>25</sup> RPP meeting notes from this time revealed that other central committee members felt it was necessary to subject John

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<sup>22</sup> Liz Cobbs, “This ‘Rebel’ Had a Cause: Fighting for Reparations for Blacks, Support of Needy,” *Ann Arbor News*, accessed March 2021, AADL.

<sup>23</sup> John Sinclair, quoted in James A. Crate and Barbara Ellsworth, “Out to Reform Prison System,” *Huron Valley Advisor*, January 5, 1972, CTP, Box 4, Folder – “Topical. John Sinclair and the White Panther Party, 1969-72,” BHL.

<sup>24</sup> Leni Sinclair, quoted in Crate and Ellsworth, “Out to Reform Prison System.”

<sup>25</sup> Haiwatha Bailey, interview by Todd McGovern, “Haiwatha Bailey: Panther, Punk, Cult Hero,” Pleasekillme.com, <https://pleasekillme.com/hiawatha-bailey/>.

Sinclair to “criticism from all of us constantly,” because “he’s as fucked up as everyone else.”<sup>26</sup>

Mere weeks before his release from SPSM, Sinclair had sought out the prison’s psychiatric clinic because he reported experiencing depression and little control over his thoughts. Sinclair had been in solitary confinement for over a year by that point, ever since his transfer from Marquette in September 1970. Sinclair’s hair had grown back out by this time, and his long hair flouted the grooming regulations that were necessary to qualify him for the Trustee Division, which would grant him special privileges and put him in more regular contact with other people. Eventually, authorities agreed that Sinclair was no longer a security risk, so they moved him out of his segregation cell shortly before the John Sinclair Freedom Rally.<sup>27</sup>

Pun Plamondon got out of prison in July 1972 and he and Sinclair joined the Michigan Committee for Prisoner’s Rights (MCPR), an advocacy group seeking to establish inmate unions independent of the prison trustee system, among other goals. After the Prisoner’s Labor Union at SPSM unsuccessfully sued the Michigan Department of Corrections for the administrations union-busting actions, the MCPR lobbied the state legislature to authorize inmate collective bargaining in Michigan’s prison system and legalize strikes if inmate grievances were not adequately addressed. Introduced on February 20, 1973, as House Bill No. 4193 “a bill to provide labor unions for prisoners” immediately faced stiff resistance and it stalled out.<sup>28</sup> The Sinclairs’ efforts to organize

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<sup>26</sup> Pun Plamondon, notes, no date [c. 1972-1973,] PPP, Box 1, Folder – “Plamondon Activism, WPP/RPP, RPP Cadre Meeting Notes,” BHL.

<sup>27</sup> See the series of psychological reports found in JLSP, Box 20, Folder – “Legal Materials, Unindexed Prison File, 1971, [20-18],” BHL.

<sup>28</sup> “House Bill No. 4193,” February 20, 1973, PPP, Box 1, Folder – “Plamondon, Activism, Prison/Prisoners, Prison Labor Union,” BHL. For more on the prison union movement, see Heather Ann Thompson, “Rethinking Working-Class Struggle through the Lens of the Carceral State: Toward a Labor

behind prison walls and use the courts to gain satisfaction largely failed to materialize. The Michigan prison system did not institute a prison labor union or permanent inmate-governed grievance council, but Michigan's prison guards did gain union representation, and leveraged that to get funding for more staff, better training, pay, and an expansion of prisons across the state to limit overcrowding. Michigan's prison population almost doubled from 1973-1978 as prosecutions against habitual offenders intensified and prison sentences lengthened.<sup>29</sup>

### **Michigan Marijuana Initiative**

In a hearing on March 9, 1972, the Michigan Supreme Court officially declared aspects of Michigan's marijuana laws unconstitutional. The justices agreed with John's defense that marijuana was misclassified as a narcotic (which violated the Equal Protection Clause of the Fourteenth Amendment), that the long prison sentences for marijuana possession and sale were cruel and unusual, and that the Detroit Police had entrapped John. Sinclair's sentence was vacated and between 120-130 people with prison sentences for marijuana convictions were granted immediate release. Ann Arbor's marijuana enthusiasts reveled in the Supreme Court's decision to strike down the marijuana laws. The new marijuana bill was not scheduled to go into effect until the first of April, so Michigan had no marijuana restrictions for a twenty-two day period. People

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History of Inmates and Guards," *Labor: Studies in Working-Class History of the Americas* 8, no. 3 (2011): 21-25; Dan Berger and Toussaint Losier, *Rethinking the American Prison Movement* (New York & London: Routledge, 2018), 111-124.

<sup>29</sup> Citizens Research Council of Michigan, "Growth in Michigan's Corrections System: Historical and Comparative Perspectives," Report 350, June 2008, 2, <https://crcmich.org/wp-content/uploads/rpt350-1.pdf>.

gathered University of Michigan's Diag the day the law was to go into effect.<sup>30</sup> Despite police's promises to deter such actions, hundreds of people showed up on the snowy Saturday to puff joints in public and no one was arrested.<sup>31</sup>

In California by early 1971, activists were trying to decriminalize marijuana through a state-wide initiative, and after John's release from prison, he and Leni were invited to work on the campaign to pass the California Marijuana Initiative (CMI), which would allow people to grow small amounts of marijuana for their own personal use. The lawyer, scholar, and activist leaders of the CMI hoped to ride the momentum of recent changes to marijuana law on both the local and national scale.<sup>32</sup> By the time John was released from prison, many states had made marijuana possession a misdemeanor and had drastically reduced prison sentences for sale. This was due primarily to the efforts of grassroots activist networks like that of Detroit and Ann Arbor, which pressured state and federal legislators to ease penalties for drug law violations pertaining to marijuana.

A non-profit organization called Amorphia was one of the groups leading the campaign to put Proposition 19 on the November 1972 ballot. If passed, the measure would effectively legalize personal marijuana use for anyone over the age of eighteen in California, but would not allow cultivation and sale for commercial purposes. Michael R. Aldrich, had recently completed his dissertation, "Cannabis Myths and Folklore" at State

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<sup>30</sup> "Diag" is short for diagonal. It is a large outdoor square at which many sidewalks converge in diagonal patterns. A similar "smoke-in" demonstration had taken place one year earlier with activists choosing April first, better known as April Fool's Day, to magnify the foolishness of Michigan's marijuana laws. John Sinclair, "FREE THE WEED 1," *Michigan Medical Marijuana Report*, April 12, 2011.

<sup>31</sup> The exact number of people there is disputed. Police downplayed the event in the *Detroit News*, stating they observed around 150 people at the Diag and there were no signs of marijuana smoking. The UM student paper, the *Michigan Daily* and the *Ann Arbor Sun* reported otherwise, each estimating over 500 people at the event. "No Pot Spotted At Campus Fete," *Ann Arbor News*, April 2, 1972, accessed August 2016, Ann Arbor Hash Bash Archive Project, <http://www.hash-bash.com/annarborhashbasharchiveproject.html>; Mike Minnich, "Prisoners Freed—Free Weed!" *Ann Arbor Sun*, April 13, 1972, accessed October 2016, AADL; Charles Stein, "Cops Stand by as Kids Get High," *Michigan Daily*, April 2, 1972, accessed October 2016, Ann Arbor Hash Bash Archive Project.

<sup>32</sup> "California Marijuana Initiative," *Ann Arbor Sun*, October 5-19, 1972, AADL, accessed March 2021.

University of New York-Buffalo, when he joined Amorphia in 1970. As a graduate student at SUNY-Buffalo, Aldrich started a LeMar chapter in 1967 and thus, had been in communication with the Sinclairs for years.<sup>33</sup> Aldrich's valorization of the Oglala Lakota's version of the sacred ritual, the Sun Dance, had inspired the White Panther Party to rebrand their newspaper *Sun/Dance* in the summer of 1970 under the editorship of Ken Kelley because the ceremony seemed to symbolize the need for white American youth to put their bodies on the line for their revolutionary ideals. Aldrich invited John and Leni Sinclair to join Amorphia's Board of Directors after John got out of prison in the spring of 1972. The board also included LeMar veterans Ed Sanders, and Allen Ginsberg, and James R. White III, and they focused on creating a pro-marijuana public relations campaign in support of California's Prop. 19.<sup>34</sup>

Amorphia advertised that all profits from sales of their "Acapulco Gold" rolling papers would go towards the statewide legalization effort. Amorphia founder Blair Newman hoped that Acapulco Gold papers could capture one-sixth of the market, which would generate roughly half a million dollars for the legalization campaign.<sup>35</sup> Amorphia's market research suggested that consumers spent ten billion dollars on 150 different brands of rolling papers in 1970. The market for marijuana paraphernalia was vast, surmised Amorphia, and they hoped to make money from it in order to fund social and political causes, similar to the Playboy Foundation, but with more focus on

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<sup>33</sup> Aldrich's marijuana research had been published in the Sinclairs' underground newspapers since their earliest years.

<sup>34</sup> Robert Dietch, *Hemp - American History Revisited: The Plant with a Divided History* (New York: Algora Publishing, 2003), 179.

<sup>35</sup> "amorphia," *Sun/Dance*, May 28, 1971, accessed August 2015, AADL; John Sinclair, "Getting NORML: A Brief History of the Movement to Legalize Marijuana," *Detroit Metro Times*, October 27, 2010.

organizations with an anti-capitalist and anti-imperialist bent.<sup>36</sup> The Sinclairs came equipped with considerable legal experience, organizational capacity, and promotional savvy. Also, as a married couple with children, the Sinclairs had first-hand experience countering the portrayal of marijuana users as irresponsible parents.

On November 17, 1968, *Detroit News* reporter Kathleen O'Brien published a story on the Sinclairs' parenting style, dubbed "the psychedelic way."<sup>37</sup> Magdalene freely discussed her use of marijuana and LSD at points during her pregnancy with her daughter Marion Sunny Sinclair. Magdalene Sinclair also told O'Brien that Sunny always accompanied her parents when they were invited to speak in front of civic groups or religious organizations, "so they can see there is nothing wrong with her." She showcased Sunny, a happy and healthy child, as evidence that the cultural fear of pregnant women ingesting the wrong kind of chemicals, or mothers breastfeeding children too long, or feeding them "adult" food too early, were overblown. As Sunny ate oranges and rye bread covered in cream cheese and jelly, Magdalene remarked that Sunny "gets vitamins in what she eats." Sunny never seemed to like puréed baby food in jars, Magdalene said, so she decided to give Sunny "what we were eating." O'Brien openly worried about Sunny's health and well-being, and she consulted psychologist Leland Stott of the Merrill-Palmer Institute to assess the quality of Sunny's care. Stott was mostly supportive of the Sinclairs' decisions as parents and he could "hardly see the freedom this child is being given right now could do any harm." But he did express concern that Sunny could later struggle at "following regulations," such as those imposed in school. Stott conjectured

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<sup>36</sup> For more on Amorphia's plan for "self-determination," see Davis, *From Whole Foods to Head Shops*, 105-108; Joshua Clark Davis, "The Long Marijuana Rights Movement," *HuffPost*, blog, November 6, 2014, updated December 6, 2017, [https://www.huffpost.com/entry/the-long-marijuana-rights\\_b\\_6113894](https://www.huffpost.com/entry/the-long-marijuana-rights_b_6113894).

<sup>37</sup> Kathleen O'Brien, "Child-rearing---the psychedelic way," *Detroit News*, November 17, 1968, JLSP, Box 46, Folder – "Legal and Prison Files, Red Squad & Police Files, MI State Police Files," BHL.



that Sunny would develop a “temperamental nature as do the other people in her sub-culture.”<sup>38</sup> The following year, when the *Ann Arbor News* came to do a story on Leni Sinclair and Sunny, Leni had refined her responses to questions about drug use and the adjustment of children brought up in a revolutionary household. She once again spoke favorably of LSD, but stated that she didn't really need it anymore, and if Sunny had trouble adjusting to a mainstream school, Leni stated they would revive the Children's Community School in Ann Arbor, an alternative primary school that had lost accreditation the previous year.<sup>39</sup> Sinclair ended up doing just that in early 1970, advocating through the Tribal Council to organize an informal group of teachers, parents, and volunteers to run an unaccredited school for two-to-five-year olds for four hours in the afternoon every weekday. The school obtained a rent-free space from the First Unitarian Church in Ann Arbor to hold their lessons.<sup>40</sup> The group sought out anti-racist and anti-sexist children's books and they solicited donations of art supplies and developmentally appropriate toys.<sup>41</sup>

Through these experiences, the Sinclairs understood that the stigma of marijuana use put their parenting under a microscope, but the incarceration of a parent was much more dangerous to a child's well being than their parents' use of relatively safe drugs. This line of argumentation would be taken up by “Mothers for Marijuana,” a San Francisco-based group who advocated voting “yes” on Proposition 19 because “[n]o mother and no child should fear destruction of their family because of the personal use of

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<sup>38</sup> O'Brien, “Child-rearing.”

<sup>39</sup> Connie Tegge, “Alone Now, Mrs. Sinclair Speaks For Husband,” *Ann Arbor News*, November 9, 1969, CTP, Box 4, Folder – Topical, John Sinclair and the White Panther Party, 1969-72,” BHL.

<sup>40</sup> “Ann Arbor Tribal Council's Children's Community School: Let it Grow!,” *Ann Arbor Sun*, May 21-27, 1971, accessed January 2021, AADL.

<sup>41</sup> Advertisement, in “Paper Radio” column, *Ann Arbor Sun*, May 7-13, 1971, accessed January 2021, AADL.

a mild, gentle herb.”<sup>42</sup> The experiences of the Sinclairs were instructive to Mothers for Marijuana, who felt that long prison terms for possession of marijuana was “more dangerous to children than the use of marijuana itself.”<sup>43</sup> Amorphia hoped to make marijuana respectable to mainstream sensibilities, arguing that marijuana use should be reserved for “responsible” adults. Marijuana was not antithetical to middle class respectability, Amorphia argued, it was a safe leisure activity, it did not contribute to domestic violence like alcohol, and decriminalizing marijuana freed police to pursue more dangerous criminals, making communities safer for families.<sup>44</sup>

By May of 1972, the Sinclairs had returned to Michigan help organize a Michigan Marijuana Initiative (MMI) that would—borrowing language from the CMI—amend the state constitution to abolish penalties for possession, use, cultivation, processing, or transportation of marijuana for personal use. John’s mother Elsie Sinclair organized a press conference at the Trinity Methodist Church in Detroit the day before Mother’s Day in 1972 for to mobilize mothers who wished to legalize marijuana. At their news conference they declared their “children should not be harassed and subject to prison life for smoking a harmless herb.”<sup>45</sup> Elsie Sinclair went even further, attesting to the mildness of marijuana by stating that she “smoked marijuana a few times and it didn’t affect me much.”<sup>46</sup> Elsie and the other mothers threw their support behind the MMI to allow people to grow small amounts of marijuana for personal use, effectively legalizing it on a small

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<sup>42</sup> “Mothers for Marijuana Urges You to Vote *Yes* on Nineteen,” 1972, JLSP, Box 21, Folder – “Marijuana Reform, Amorphia, Board of Directors – minutes, memos and financial (1 of 2),” BHL.

<sup>43</sup> Ibid.

<sup>44</sup> “19 points of Amorphia” (San Francisco, CA: California Marijuana Initiative, 1972), JLSP, Box 21, Folder – “Marijuana Reform, Amorphia, Board of Directors – minutes, memos and financial (1 of 2),” BHL.

<sup>45</sup> Walden Simper, Jan Ridgell, and Linda Ross, “MMI Petition Drive Mobilizes,” *Ann Arbor Sun*, May 26, 1972, accessed August 2015, AADL.

<sup>46</sup> Ibid.

scale. The organizers of the MMI only had two months to collect 265,000 signatures by the July 7<sup>th</sup> deadline to put the proposal up to a vote in November.

The RPP's voter registration drive for the MMI coincided with an effort by the local branch of the Human Rights Party (HRP) to run socialist candidates in the Ann Arbor City Council elections in the spring of 1972. The RPP threw their support behind the HRP and Genie Plamondon organized a campaign to run for city council representative for Ward 3 on the HRP platform. The HRP was founded in 1970 when Zolton Ferency, a former attorney general under John Swainson's gubernatorial administration, failed to garner the Michigan Democratic party nomination for governor on an anti-Vietnam War platform. Even before the Twenty-Sixth Amendment to the U.S. Constitution lowered the legal voting age from twenty-one to eighteen-years of age, third party political organizing flourished among UM students. Members from SDS, the International Socialists, and the New University Conference formed the Radical Independent Party (RIP) in December 1970, months before the amendment was passed. They hastily put together a write-in campaign for that year's mayoral and city council elections, but it failed to garner much support among Ann Arbor voters over the age of twenty-one. Two days after the election results were tallied on April 5, 1971, Michigan ratified the Twenty-Sixth Amendment, enfranchising a wide swath of UM's student body many of whom became eligible to register to vote where they went to school, not where their parents lived.<sup>47</sup>

For the following years' city council elections, the RIP affiliated with the state HRP in the hopes of building a broad-based socialist movement among their youth

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<sup>47</sup> Scott Kamen, "The People's Republic of Ann Arbor: The Human Rights Party and College Town Liberalism," *Michigan Historical Review* 46, no. 2 (Fall 2020): 37-40.

constituents. They easily collected the necessary petition signatures to get HRP candidates printed on the ballot for the 1972 spring elections. The party championed decriminalization of marijuana along with abortion, free childcare, and anti-discrimination legislation that covered discrimination on the basis of sexual orientation.<sup>48</sup> The local HRP soon reached out to the Sinclairs' RPP for help organizing an HRP slate to run for positions on the Ann Arbor City Council. Their plan was to run an HRP candidate in each of the city's five wards.<sup>49</sup> The RPP jumped at the opportunity since they had been planning electoral strategies of their own for quite some time. In the fall of 1971, Pun Plamondon argued that the eighteen-year-old vote opened opportunities to take "control of our immediate local communities." Plamondon surmised "we'll be as dangerous as dynamite" once young people could serve on juries, vote for mayor, and run for city council or the board of education. On top of that, Plamondon looked at county-level elections as a crucial means to gain control over resources, such as those controlled by the board of commissioners and office of county Sheriff.<sup>50</sup> The RPP helped register hundreds of voters as a part of the HRP's intensive voter registration drive. The RPP worked in conjunction with the University of Michigan Student Government Council, the Tenant's Union, and the Ann Arbor Tribal Council, to seek out unregistered voters in "the streets," "rock and roll dances," and at "people's homes and hangouts."<sup>51</sup> At twenty four years of age, Genie Plamondon stepped forward from the Central Committee to run as the candidate for the Third Ward, and she was approved at the HRP nominating

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<sup>48</sup> "Rights Party to Select Its Candidate," *Ann Arbor News*, February 4, 1972, accessed March 2021, AADL.

<sup>49</sup> For a detailed discussion of the early history of the RIP on UM's campus and their merger with the HRP, see Kamen, "The People's Republic of Ann Arbor," 37-44; For the RPP's take on these events, see "HRP Makes History," *Ann Arbor Sun*, September 1, 1972, accessed October 2016, AADL.

<sup>50</sup> Pun Plamondon, "Pun on the Vote," *Ann Arbor Sun*, August 21-September 3 1971, accessed March 2021, AADL.

<sup>51</sup> "Voter Registration Week Ends Today HRP Campaign Begins," *Ann Arbor Sun*, March 2, 1972, accessed March 2021, AADL.

convention. Plamondon called her decision to run for city council, “an extension of the work we [were] already doing in the community.” She called for “alternate institutions” modeled on the Tribal Council and the Community Center on Washington Street, where the RPP coordinated with the Free People’s Clinic, the Drug Help center, Ozone House, and the People’s Ballroom music venue and artists’ space.<sup>52</sup> The RPP Central Committee were unsure if Plamondon actually had a chance to win, but they reasoned “winning is not the most important thing.” What was important was to “lay a base for the Human Rights Party and future growth. When the election results were tallied, Plamondon was narrowly defeated, but twenty-two year old HRP candidates, Nancy Wechsler and Jerry DeGrieck, won in the Second and First Wards respectively.

The first action of new councilmembers was to introduce an ordinance that would downgrade possession, use, and sale of marijuana to a \$5 civil infraction within Ann Arbor city limits, akin to a parking ticket. This was the closest to legalization they could get without amending the language in the Michigan Constitution, a much larger undertaking. Also, the HRP viewed marijuana decriminalization as only one component of a larger plan to “repeal all victimless crime laws.”<sup>53</sup> DeGrieck had run on a platform of community control of the police as a way to curb police harassment of homosexuals, black, and poor people.<sup>54</sup> He came out as gay and Wechsler as lesbian shortly after their election to the council, and the HRP pushed a city ordinance that would discrimination on the basis of sexual orientation in all matters of the law. They also set their sights on tenants’ rights by supporting rent control and restricting landlords from evicting people

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<sup>52</sup> Genie Plamondon [Genie Parker], quoted in “Vote Human,” *Ann Arbor Sun*, February 18-March 3, 1972, accessed April 2021, AADL.

<sup>53</sup> Nancy Wechsler, quoted in Linda Ross, “\$5 Weed Law June 5!!,” *Ann Arbor Sun*, May 26, 1972, accessed March 2021, AADL.

<sup>54</sup> Jerry DeGrieck, quoted in “Vote Human.”

for falling behind on payments. The marijuana ordinance was the first major victory for the HRP platform when it passed on May 15, 1972, with the support of all four Democratic councilmembers and against the objections of five Republicans, one of whom, John McCormick, worried that Ann Arbor would soon become the “dope capital of the Midwest.”<sup>55</sup> The ordinance became a model for other local marijuana legalization efforts that wished to circumvent state-level penalties marijuana possession and sales.

The RPP celebrated this legislative victory but also continued pushing the MMI to amend the Michigan constitution. County and state police could easily circumvent the city ordinance if they chose to enforce the state marijuana laws, and there was no guarantee judges would recognize its authority. Rock concerts served as fundraisers and voter registration centers while the *Ann Arbor Sun*—now under a new editorial team that moved out of the basement of the Hill Street commune to offices in the People’s Community Center—coordinated events and educated the public. The RPP printed and sold Gary Grimshaw’s posters that read “Re-Legalize Marijuana!” for fifty cents. The MMI petition drive ended up submitting 125,000 signatures but only 40,000 were considered valid, falling well short of the signatures needed to put the initiative on the ballot. Back in California, organizers collected well over 500,000 signatures in favor of Proposition 19, easily reaching the 360,000 signatures necessary to get on the ballot by the June deadline.<sup>56</sup> In the November election, however, the initiative was defeated by a vote of 66.5% opposed and 33.5% in favor.<sup>57</sup>

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<sup>55</sup> John McCormick, quoted in Kamen, “The People’s Republic of Ann Arbor,” 52.

<sup>56</sup> California Secretary of State, “Proposition 19 Marijuana Ballot Initiative (1972),” Center for Cognitive Liberty & Ethics, Davis, California, 1972, JLSP, Box 21, Folder – “Marijuana Reform, Amorphia, Board of Directors – minutes, memos and financial (1 of 2),” BHL.

<sup>57</sup> Ibid.

Marijuana legalization was just one among many other pressing concerns for the Sinclairs' and the RPP Central Committee, who were interested in community control of local elected offices and institutions. The RPP wanted to run an HRP candidate for Washtenaw County Sheriff against Douglas Harvey in the county elections later that summer, arguing they differed from the liberal candidate, Democrat Fred Postill, on three major fronts. The RPP wanted to push for citizens boards that would be put in charge of policy-making, hiring, budgets, and disciplinary actions within the Washtenaw County Sheriff's office, rather than simply implement an advisory board that only handled complaints against the police. The RPP also sought to "put an absolute moratorium on victimless crimes" and finally, they hoped to implement self-governance in the county jail and not segregate prisoners from their community.<sup>58</sup> The RPP plan was ambitious, but still crafted with a pragmatic approach that sought community control over offices and resources, in line with the HRP's goals.

The victory achieved through the marijuana ordinance masked the divisions developing within the HRP coalition between the RPP, the UM student radical faction, and the liberal democrats.<sup>59</sup> The RPP's proposed campaign for Sheriff was ultimately rejected because the HRP worried that the Sheriff's race that year was already a lost cause, and they would be dumping resources into a losing battle.<sup>60</sup> The RPP also chafed at the HRP for conducting meetings using parliamentary procedure, which stifled the informal atmosphere that they preferred to cultivate when discussing serious issues in a

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<sup>58</sup> "The Sheriff's Campaign," draft, no date [c. 1971-1972], PPP, Box 1, Folder – "Plamondon, Activism, Human Rights Party," BHL.

<sup>59</sup> John Sinclair, "Back in the Day."

<sup>60</sup> "HRP Nominates 6, None for Sheriff," *Ann Arbor News*, August 25, 1972, accessed April 2021, AADL.

public gathering. The RPP ended up abandoning the HRP, and Republicans swept into Ann Arbor local officers over the next couple of years.

On April Fool's Day 1973, the second annual "Hash Bash" on UM's campus attracted thousands of revelers. Among them was Michigan's newest state representative, Winston Perry Bullard, who casually puffed a joint in front of newspaper photographers. "There's nothing wrong with it," Bullard told reporters, who also stated he was an occasional-to-semi-regular smoker who thought it was "a lot less dangerous than alcohol."<sup>61</sup> Bullard had been in Ann Arbor since 1968, when he came to town for law school at UM after a four-year stint in the U.S. Navy, the last two years of which he navigated reconnaissance flights over Vietnam.<sup>62</sup> Bullard served in the Ann Arbor chapter of the ACLU in June 1969 when he helped investigate police misconduct during the South University uprising and attended the inaugural meeting of RECALL.<sup>63</sup> Bullard graduated from UM Law School in 1970 and soon took a position as a clerk for Michigan Supreme Court Justice Paul L. Adams in Lansing, where Bullard did legal research for the majority opinion in John Sinclair's marijuana case when it came before the Michigan Supreme Court in the fall of 1971. In 1972 Bullard ran for a seat in the state legislature as a Democrat and beat out both his Republican opponent and a third-party candidate from the HRP. His actions at Hash Bash encouraged one Republican senator to call for his

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<sup>61</sup> For "there's nothing wrong with it," see "State Rep Tokes at Hash Bash," *Ann Arbor Sun*, April 23, 1973, accessed June 2015, AADL; For his smoking frequency and comparison to alcohol, see "Legislator Joins Smokers at Ann Arbor Pot Party," *Detroit Free Press*, April 2, 1973, accessed October 2016, *Newspapers.com*. For more on Bullard's appearance at Hash Bash, see Dave Dempsey, "Perry Bullard: Liberal Lawmaker, 1972-1992," *Michigan Historical Review* 29, no. 1 (Spring 2003): 101-102.

<sup>62</sup> Dempsey, "Perry Bullard," 100.

<sup>63</sup> For Bullard's work investigating the police, see Pat Materka, "Council Gets Citizens' Disturbance Reactions," *Ann Arbor News*, June 24, 1969, CTP, Box 4, Folder – "Topical, Douglas Harvey, South University Demonstrations, 1969," BHL. For Bullard's attendance at the first RECALL meeting, see Committee to Recall Sheriff Harvey, contact sheet, June 18, 1969, CTP, Box 4, Folder – "Topical, Douglas Harvey, Committee to Recall Sheriff Harvey," BHL.



official censure in the House. Bullard escaped punishment, but his popularity among his colleagues never recovered.

The Ann Arbor marijuana ordinance faced a number of challenges upon its implementation. Police officers often ignored the city ordinance and arrested people under the state marijuana law, which carried a maximum \$1,000 fine and a one-year jail sentence. In 1973, Republicans regained two seats from Democratic councilmembers and were able to repeal the “\$5 Pot Law.” Yet, in April of 1974, Ann Arbor voters amended the city’s charter to approve the five-dollar fine for possession and use, but sale was no longer protected. The narrow victory (15,980 ‘yes’ to 14,617 ‘no’) made a repeal of the law only possible through another public referendum and it included penalties for police officers and attorneys who tried to prosecute marijuana offenders under the harsher state law rather than the city law. The Human Rights Party was also successful in Ypsilanti, Michigan, where voters also implemented a five-dollar fine for marijuana possession the same day as the Ann Arbor vote.<sup>64</sup> However, it was later ruled that Ypsilanti police could use their own discretion in deciding whether to charge marijuana offenders under the city ordinance or under the state law.

In the Michigan House, Perry Bullard introduced a bill to authorize the Michigan Department of Licensing and Regulation to issue \$10 licenses to sell marijuana for no profit, and \$1,000 licenses for anyone wanting to sell it for profit.<sup>65</sup> The bill went nowhere, and police from 1973 to 1974, police arrested almost 2,000 more people for marijuana under the state law.<sup>66</sup> Bullard shifted from trying to legalize weed to passing a

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<sup>64</sup> “\$5 Pot Fines OKd Here, In Ypsilanti,” *Ann Arbor News*, April 2, 1974, accessed August 2015, AADL.

<sup>65</sup> “Bullard Introduces Pot Bill,” *State Journal*, July 14, 1974, accessed August 2018, *Newspapers.com*.

<sup>66</sup> “Lesser Penalties for Smoking Marijuana Suggested,” *State Journal*, September 30, 1975, accessed August 2018, *Newspapers.com*.

more modest decriminalization bill on the state level that would make possession and use of small quantities a civil infraction. In 1976, the bill was narrowly defeated by the margin of a single vote.<sup>67</sup> In 1977, John Sinclair signed on as the coordinator of the Michigan branch of NORML, and he worked on the publicity campaign to pass the newest iteration of Bullard's bill, which was rather watered down by this point. The bill did not seek to change the four-year maximum sentence that was reserved for people convicted of selling higher quantities of marijuana, ostensibly for profit, whereby small amounts not intended for profit would be treated as civil infractions, rather than misdemeanors as the law prescribed at the time.<sup>68</sup> The house initially passed the bill with minor amendments, but soon voted to reconsider, and after a tearful speech given by representative Matthew McNeely about his son who overdosed on heroin after moving on from marijuana, the bill was defeated.<sup>69</sup> When Representative Rosetta Ferguson spoke out against the bill, she heard Bullard call her a "liar" so she attacked him on the Senate floor. A colleague later remarked that "if anybody besides Perry had introduced that bill, it could have gotten out of the House . . . His personality turns a lot of people off on the issue."<sup>70</sup> John Sinclair resigned from his position at NORML and Michigan's marijuana laws remained unchanged.

Although Michigan's marijuana laws remained relatively lax throughout this time period, Michigan took the lead in enacting some of the harshest penalties for "hard drug

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<sup>67</sup> "Let's NORML-ize Michigan," Michigan NORML leaflet, FPBP, Box 1, Folder – "Frank and Peggy Bach Professional Ventures – Rainbow Multi-Media – Michigan National Organization for the Reform of Marijuana Laws (NORML), 1977," BHL.

<sup>68</sup> For more on the series of marijuana decriminalization bills backed by Bullard, see PBP, Box 32, Folders – "Marijuana Hearing," "Drug Statistics/Arrests," and "Marijuana-Decriminalization," BHL.

<sup>69</sup> Ute Auld, "House Overturns Liberalized 'Pot' Penalties," *State Journal*, June 29, 1977, accessed August 2018, *Newspapers.com*.

<sup>70</sup> Rob Wilson, "Rep. Bullard Reflects on Pot Bill Loss," *State Journal*, October 9, 1977, accessed August 2018, *Newspapers.com*

use.” Michigan Governor William Milliken—the same person who endorsed rationalizing Michigan’s marijuana laws in the early 1970s—instituted extremely harsh penalties for possession and sales of heroin and cocaine in 1978 that largely affected working class blacks and whites in deindustrializing cities like Detroit and Flint. Michigan’s infamous “650-Lifer Law” mandated a life imprisonment without the possibility of parole for anyone convicted of possession, manufacture, or sale of more than 650 grams of cocaine or opiates. This move followed the lead of New York State Governor, Nelson Rockefeller, who reestablished harsh mandatory minimum sentences for possession of more than four ounces and sales of more than two ounces of marijuana, heroin, or cocaine in 1973. The Rockefeller Drug Laws were criticized heavily, but also proved politically useful for Rockefeller, who wanted to prove his commitment to tough-on-crime policies. Laws like this and the “650-Lifer” predominately affected poor people of color, who were targeted by local narcotics agents as well as federal agents working for the well-funded Drug Enforcement Administration. Few people were ever convicted under the 650-Lifer law, but it was indicative of return to a more punitive turn in the effort to enforce drug prohibition, one that would fuel a prison overcrowding crisis in the later 1970s that would result in major investments in Michigan’s carceral state in the 1980s.

### **Community Businesses**

In March 1972, the Sinclairs partnered with promoter Peter Andrews—who booked and produced the John Sinclair Freedom Rally—and his father, Cy Andrews—

himself successful music producer—to form Rainbow Multi-Media (RMM). RMM was a non-profit organization that Sinclair envisioned becoming a community media empire that would own television and radio broadcasts and music venues, manage artists, handle advertising and promotions, and organize concerts and festivals, all of which would help fund their community service projects. This model did not depart much from the Sinclairs' previous ventures, but the difference was that now they were getting access to large amounts of capital, likely through Cy Andrews' connections. Sinclair became the manager of William "Mitch Ryder" Levis Jr., a white rock and roll singer who grew up in Warren, Michigan, and landed a recording contract and had hit songs a few years before the MC5. Ryder had played benefit concerts for Sinclair when he was in prison, and Ryder hoped to use Sinclair's cache with the hip crowd to reach a new audience. Sinclair gave Ryder a copy of Mao's *Little Red Book* and Ryder started smoking a joint everyday as soon as he woke up. His Ann Arbor roadie crew doubled as marijuana dealers, but Ryder was unable to cash in on the counterculture market due to voice problems that forced him to take a hiatus from singing in 1973.<sup>71</sup>

Peter Andrews and John Sinclair decided to revive the Ann Arbor Blues Festival, which had taken place in 1968 and 1969, but did not fare well financially in the latter year. Sinclair expanded the program to include jazz musicians, so it became the Ann Arbor Blues and Jazz Festival, and was scheduled for the summer of 1972. The event was a major success and it was broadcast over their friends' community radio program and they recorded the performers with the intention of pressing their own records and distributing them, though it did not happen at the time. During this time, the Sinclairs also

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<sup>71</sup> Mitch Ryder (William Levis, Jr.), *Devils & Blue Dresses: My Wild Ride as a Rock and Roll Legend* (Beverly Hills, California: Cool Titles, 2011), 112-113.

opened the People's Ballroom, a music venue, artists' workshop, and community space that they hoped they could fund with community development grants and other hustles. Andrews and Sinclair prepared to organize another Ann Arbor Blues and Jazz Festival in 1974, but weeks before the event, which already had thousands of dollars tied up in it, the Republican controlled city council denied their permit to hold the festival in Ann Arbor. Andrews and Sinclair scrambled for an alternative site and the best they could come up with was Windsor, Ontario. Border police stopped cars at the border and searched cars for drugs. Sinclair himself was detained on a charge of failing to register as a narcotics felon before leaving the country. The event was poorly attended and it lost a lot of money. Sinclair liquidated his assets in RMM and shortly thereafter, the Rainbow People's Party dissolved too. John's father Jack died in 1973 at the age of sixty three from a heart attack and the People's Ballroom was set on fire and destroyed around the same time.<sup>72</sup>

In the years between the Sinclairs' 1968 departure from Detroit, and their 1974 return to the city, it had become a petri dish for Black Power politics, and white activists had proven valuable allies in helping lay the groundwork for an independent black politics. John's former attorney, Justin Ravitz, had been central to several major legal battles with his law partner, Kenneth Cockrel, to outlaw racially discriminatory policies in the criminal justice system. Ravitz and Cockrel challenged the prejudicial jury selection process that routinely excluded black people for frivolous reasons and led to juries that were disproportionately drawn from affluent white suburbs.

Ravitz and Cockrel were among the defense attorneys representing members of the Republic of New Africa (RNA) who were charged in the shooting death of a rookie DPD patrolman Michael Czapski and the wounding of patrolman Richard Worobec. On

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<sup>72</sup> John Sinclair, "Back in the Day."

March 29, 1969, Czapski and Worobec pulled up to the New Bethel Baptist Church in Detroit at the conclusion of the first anniversary meeting of the RNA, an organization seeking legal recognition as a new black nation with territory in the U.S. South who were the targets of intensive surveillance and disruption under the FBI's COINTELPRO. As the patrolmen approached a group of armed RNA security guards charged with protecting the RNA's de facto leader, vice president Gaidi Obadele, both Czapski and Worobec were open fired upon. Czapski would die from his wounds, but a wounded Worobec was able to call for backup. DPD officers descended upon the New Bethel Baptist Church, open fired through the doors and windows and broke in. Once inside, police shot four people, beat numerous others, and arrested 142 people and brought them to the police station, where they were housed in a garage overnight, most without formal charges brought against them.<sup>73</sup> Recorder's Court Judge George Crockett was alerted to the mass arrest, so he went to the police station and set up a temporary court on the first floor to process those arrested, starting with the thirty-two black women who were held incommunicado. Crockett also ruled that the positive results of nitrate tests—which indicate the presence of gunshot residue—on nine persons were unconstitutional since they were conducted without giving the persons the right to counsel beforehand.<sup>74</sup> Crockett's actions prompted the DPOA to start a petition to force Crockett from the bench. At two separate trials for those accused of shooting Czapski and Worobec, Ravitz

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<sup>73</sup> Christian Davenport, *How Social Movements Die: Repression and Demobilization of the Republic of New Africa* (Cambridge University Press, 2014), 223-243.

<sup>74</sup> George C. Crockett, "Statement by Judge George C. Crockett," April 3, 1969, Committee to Honor Judge Crockett, Detroit Michigan, accessed April 2021, Matthew Lassiter and the Policing and Social Justice HistoryLab, *Detroit Under Fire: Police Violence, Crime Politics, and the Struggle for Racial Justice in the Civil Rights Era*, digital exhibit, edited by Matt Lassiter, Nicole Navarto, Lily Johnston, and Gregory Parker, <https://policing.umhistorylabs.lsa.umich.edu/files/original/cd650a0faf8b07ed7501240d6786e4d3814d0d08.pdf>. For the original document, see KSCC, Box 17, Folder 9, WRL.

and Cockrel challenged the jury selection process, whereby hundreds of jurors were excused for reasons ranging from having a beard, to being on welfare, to wearing a miniskirt. The presiding judge ordered an investigation into the jury selection process for the Recorder's Court and it was found to be prejudicial against black, poor, and young jurors.<sup>75</sup>

After Ravitz successfully sued the Wayne County Sheriff over the inhumane conditions of the Wayne County Jail in 1971, he and Cockrel successfully defended James Johnson Jr., a black autoworker who had brought a gun to the gear and axle Crysler plant he worked at on Eldon Avenue, and murdered two white foremen and a white co-worker in 1970. Ravitz and Cockrel defended Johnson by arguing was driven to insanity by his racist working conditions and his upbringing in the South, where he witnessed the lynching of a black relative by a white mob. The jury acquitted Johnson of murder but institutionalized him at Ionia State Hospital.<sup>76</sup> After internal disagreements reached a boiling point within the League of Revolutionary Black Workers in 1971, Cockrel resigned from the group and co-founded—among other organizations—the Labor Defense Coalition (LDC) with white organizer Sheila Murphy. Murphy, who would later become Cockrel's wife, spearheaded a multi-pronged effort to raise legal defense funds, circulate petitions to abolish the DPD's anti-robbery, anti-black entrapment squad called Stop the Robberies, Enjoy Safe Streets (STRESS), and also manage Justin Ravitz's campaign for a ten-year term as a justice on the Detroit Recorder's Court. Murphy had attended the John Sinclair Freedom Rally to raise support

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<sup>75</sup> Heather Ann Thompson, *Whose Detroit?: Politics, Labor, and Race in a Modern American City* (Ithaca, New York: Cornell University Press, 2004), 134-135.

<sup>76</sup> Dan Georgakas and Marvin Surkin, *Detroit: I Do Mind Dying: A Study in Urban Revolution*, Third edition (Chicago, IL: Haymarket Books, 2012), 10-11.

for the LDC and she had managed to guide Ravitz to a victory to the Recorder's Court bench in 1973, where he now sat alongside Justice Robert J. Colombo.<sup>77</sup>

The previous spring, Michigan Senator Coleman Young had led a small walkout from the National Black Political Convention in Gary to protest the “dogmatic approach” that led to a hasty ratification of the agenda, which Young thought needed more time and consideration.<sup>78</sup> Young had pushed back against the idea of forming a third party at the convention since he drew his political strength from Michigan's Democratic Party and the white-dominated labor unions that buoyed it. But Young's walkout did not represent a wholesale rejection of the agenda. In fact, in the winter of 1972 Young set about using his Democratic connections to legalize his candidacy for mayor of Detroit, something that he had previously been blocked from doing based on a constitutional question. When Young first ran for Detroit mayor in 1969, the Detroit City Clerk refused to accept his candidacy on the grounds that sitting state legislators were not allowed to campaign for another state office, and the Michigan Supreme Court concurred. Four years later, Young again attempted to submit his candidacy but was blocked. Young's legal team—among them Senator Basil Brown and former senator Roger Craig—filed a lawsuit that went all the way to the Supreme Court. The case was given expedient status in early 1973 and by May, Justice John Swainson delivered the majority opinion in favor of Young, citing localist doctrine that considered the office of mayor a servant of a locality, rather than that of the state.<sup>79</sup> In the fall of 1973, Coleman Young was elected Detroit's mayor.<sup>80</sup>

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<sup>77</sup> Thompson, *Whose Detroit?*, 153-154.

<sup>78</sup> Coleman A. Young and Lonnie Wheeler, *Hard Stuff: The Autobiography of Coleman Young* (Detroit: Viking Press, 1994), 191.

<sup>79</sup> Glazier, *Wounded Warrior*, 128.

<sup>80</sup> For more on the context surrounding Coleman Young 1973 run for mayor, see Thompson, *Whose Detroit?*, 194-199.



Young's ability to utilize his Lansing roommates' expertise and power as Democratic insiders certainly demonstrated Young's reasoning in rejecting third party politics at the Gary Convention. By legitimizing Young's campaign for Detroit mayor, Swainson and Craig, as white people, pulled off arguably a more radical act of solidarity with the ideals of Black Power than the White Panthers ever achieved. Yet, without the White Panthers, one wonders whether Craig and Swainson would have gone as far as they did. In a few years, Swainson would be the subject of a bribery investigation while he served on the Supreme Court. He was exonerated of the charge, but in the process committed perjury and was forced to off the bench. A few years later, cops pulled over Swainson's car and found he was drunk and had two joints in his front pocket. He claimed the weed was not his, but he pleaded no contest to both charges. A recent change in the marijuana laws, and the fact that it was Swainson's first offense, made him eligible to expunge the possession conviction from his criminal record.<sup>81</sup>

The Sinclairs decided to invest their money and energy into bringing the *Sun* newspaper to Detroit where they published the writing of local black reporters and music critics looking to reinvigorate Detroit's jazz scene. John legally changed his name to Omowale—Yoruba for “the son has come home”—an ode to Malcolm X who changed his name upon his return to the United States after completing the *haji*. Leni and John rejoined Charles Moore at Strata Records, a venture Moore founded with his collaborator in the Contemporary Jazz Quartet, Kenneth Cox, which sought to create a black-owned record company that would raise funds for community service projects. After the

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<sup>81</sup> “Swainson Fined on Driving, Pot Charges,” *State Journal*, January 18, 1980, accessed August 2018, *Newspapers.com*.

Sinclairs separated in 1977, they worked at the non-profit Detroit Jazz Center, at which John served as executive director and Leni as a photographer.

### **MC5 and the Narcotic Farm**

The MC5 released their second studio album for Atlantic Records in the summer of 1971 called *High Time*, but their label soon withdrew their support, ending their contract with the band. By that time, Michael Davis and his girlfriend, Adele, and her young daughter had moved to East Detroit, where Adele coordinated drug deals for her and Davis' own use, and to serve as a retail supplier various illicit drugs.<sup>82</sup> Davis recalled their house "became the dope Mecca for all the area rock and rollers," and his bandmates were regular customers, with the exception of Rob Tyner.<sup>83</sup> Never a punctual band, they became even more prone to arriving late to performances so promoters gradually stopped seeking them out. Also, Sigrid Smith (née Dobat) had given birth to her husband Fred Smith's son, Clinton Cole Smith, shortly after the band moved out of the house in Hamburg in 1971. At one month old, Clinton Cole Smith passed away as he slept in his crib. Still in shock, Fred Smith boarded a plane for London to begin the tour.<sup>84</sup> The band still had solid connections in the UK, where pirate radio financier Ronan O'Rahilly had seen their performance at the 1970 Phun City Festival and became a devoted fan.

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<sup>82</sup> Davis, *I Brought Down the MC5*, 169-171.

<sup>83</sup> Ibid., 171 and 173.

<sup>84</sup> Rebecca Derminer, interview by Ryan Huey, Detroit, Michigan, February 2, 2020, 1:41:28- 1:42:43. Davis, *I Brought Down the MC5*, 162.

Through O’Rahilly’s contacts, they secured work in England, France, Germany, Denmark, Finland, and Italy throughout the 1972 calendar year.<sup>85</sup>

The first day of the tour, Michael Davis was late for the flight, and he tried to bring a small bag of heroin and a hypodermic needle aboard the plane. He was able to toss away the bag of heroin undetected, thus avoiding arrest, but he missed his flight and missed their first performance of the tour. Davis made it London the next day and immediately sought out his heroin contacts from the last time they were in town. Before the band departed for France for the next leg of the tour, they fired Davis and he returned to Detroit. Soon thereafter, drummer Dennis Thompson quit to join a drug rehabilitation program to kick his heroin addiction. Rob Tyner also quit, leaving Fred Smith and Wayne Kramer to cobble together a band to finish the tour. Italian promoters cancelled their contract when they discovered that only two original members remained. The band regrouped for a one-off show for New Years at the Grande Ballroom, but Wayne Kramer took his portion of the pay and left in the middle of the set.<sup>86</sup>

Both Kramer and Davis were sentenced for selling drugs in the mid-1970s and they ended up being sent to the Lexington Narcotic Farm to take part in the rehabilitative programming offered to the many artists who ended up at the institute. There, they were joined by former White Panther Hiawatha Bailey, who had been busted for selling cocaine and LSD. Bailey used his experience working with the WPP to get a job at the prison newspaper and he got Kramer a job there too. Davis and Kramer kicked their heroin habits in Lexington and after a few years, they rejoined society and began playing music professionally once again. The Derminers raised a family in Berkeley, Michigan,

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<sup>85</sup> Kramer, *The Hard Stuff*, 139-141.

<sup>86</sup> “MC5 Timeline,” MC5 Gateway, <http://makemyday.free.fr/mc5.htm>.

and Becky piled her long hair on her head to work at a bank, while Rob worked in advertising. Rob wrote and performed music for his kids and managed an all-women Detroit rock band, the Vertical Pillows, in the 1980s. Becky later worked at a backstage catering service to provide food for the band and other women performers trying to break into the music scene.<sup>87</sup> All five members of the MC5 never reunited for another show.

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<sup>87</sup> Derminer, interview by Slater, 45-47.

## CONCLUSION

The Sinclairs' victory against the state marijuana laws was an immense accomplishment for them personally and for the countercultural community in which they lived, but the victory was a rather modest gain in the long run. It did little to reverse the trend towards mass incarceration that marked the Michigan carceral system in the 1970s, 1980s, and 1990s. At the time however, the marijuana legalization movement spearheaded by the Sinclairs represented a major radical organizing breakthrough in mainstream American culture. High school students smoked more weed—and higher quality weed—than ever before in the 1970s, despite the continued prohibition against it. The extensive informal economy for marijuana and the lack of enforcement in white suburbs ensured that the drug would remain a mainstay of American popular culture, as did its utility as a brain medicine and tool for artistic expression. Even though marijuana remained illegal despite the best efforts of the Sinclairs, its association with radical activism and experimental music that subverted Cold War conformity remained powerful. The legalization of medical marijuana in Michigan in 2008 and recreational a decade later, may seem like a capitulation of its radical past, but in fact, it is a sign that the radicalism that informed the original legalization movement is still alive and well. Activists have been quick to point out how marijuana legalization has been rolled out unequally, with women and black people all but excluded from joining the burgeoning industry. Moreover, the exorbitant licensing fees and arbitrary criteria used by the government to either accept or decline license applications, mean the very communities hardest hit by the war on drugs in the 1980s, 1990s, and 2000s, have struggled to go

legitimate. Forced into the so-called black market, unlicensed marijuana growers and distributors have remained subject to police surveillance and arrest.

A narrow focus on marijuana as the definitive drug of the counterculture does give a somewhat false impression that it was the catalyst for the social revolution of the Sixties. Other scholars have pointed to LSD as that definitive drug, so my focus on marijuana was my effort to center an alternative—and I think ultimately more influential—commodity in the history of the counterculture.<sup>1</sup> But that does obscure the importance of seemingly mundane drugs like tobacco cigarettes, alcohol, prescription drugs—things that more people used regularly and over longer periods of time than they generally did with weed or LSD. Alcoholism was rampant among the counterculture and people like Pun Plamondon struggled for decades with the disease. More than anything, his desire to break his alcoholism in the early 1980s led to Plamondon's chance encounter with Ottawa Elder Louis Sawaquat, after which he learned he was eligible for tribal membership in the Grand River Bands of Ottawa, since he had records indicating he was born into the Maple River Band of Ottawa as a member of the Turtle Clan.<sup>2</sup> This led to Plamondon's full immersion into the tribe and his ascendancy to a leadership position as a storyteller. If we move on to heroin, it becomes clear that it had a devastating effect on white people as it did in black communities, but on the surface it seems apparent that whites gained fairly easy access to innovative treatments programs and avoided hard time. Thus, to focus solely on one drug and its specific influence decontextualizes how people actually used and experienced the drugs.

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<sup>1</sup> Martin A. Lee and Bruce Shlain, *Acid Dreams: The CIA, LSD, and the Sixties Rebellion* (New York: Grove Press, 1985); David Farber, "Acid Matters: LSD and the Counterculture," *The Sixties* 10, no. 2 (May 3, 2017): 247-249.

<sup>2</sup> Plamondon, *Lost From The Ottawa*, 342-349.

In a similar vein, the narrow focus on countercultural leaders like the Sinclairs gives the false impression that the counterculture was a wholly revolutionary movement, but that was not the case. Taking a cue from Lewis Yablonksi's 1967 "hippie" census, historian Arthur Marwick estimated that there were 200,000 "full-time" hippies in the United States, 200,000 part-time or "weekend" hippies, several hundred thousand young professionals who related closely with dropouts, and a few million "fellow travelers" who lived outside the culture but sympathized with it, and perhaps 200,000 more across Europe.<sup>3</sup> Regardless of whether or not these demographic statistics were accurate, they indicated the mainstream appeal of certain aspects of the counterculture, and the Sinclairs represented only a very small corner of the countercultural universe. Telling the story of the counterculture from the perspective of the rank and file members of the Sinclairs' organizations, or from that of the weekend hippies, or John's fellow traveler parents, changes the story considerably. So would jumping in the car with a young David Alan Grier, who desperately wanted to be Jimi Hendrix as he smoked weed and sang with his friends as a teenager on the way to various rock concerts around Detroit in the late 1960s and early 1970s.<sup>4</sup> It's not clear if such moves render the Sinclairs more or less important to the counterculture as a whole, but the scope of countercultural studies must continue to be pushed in different directions.

The legacy of the Sinclairs' activism reveals the continuity over time of how white countercultural youth romanticize "outsiders" for voyeuristic pleasure, but also how that serves as a launching pad for a deeper, more engaged understanding of how

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<sup>3</sup> Arthur Marwick, *The Sixties: Cultural Revolution in Britain, France, Italy, and the United States, c. 1958-c. 1974* (London, UK: Bloomsbury Reader, 2012), 435.

<sup>4</sup> David Alan Grier with Alan Eisenstock, *Barack Like Me: The Chocolate-Covered Truth* (New York: Touchstone, 2009), 88, 118-119.

outsiders are created and punished by the powerful. For the Sinclairs and many others in the Michigan counterculture, thinking about outsiders helped them develop novel humanistic insight that made them more effective political allies for real people and communities. Cultural appropriation was often the starting point for white countercultural activists, and over time, some developed more nuanced ways of expressing solidarity with nonwhites.<sup>5</sup> The Sinclairs offer an intriguing case study of the difficulties white allies face in developing effective political organizations trying to counter natural schisms within revolutionary political coalitions—schisms that are, naturally, exploited by those in power to render such coalitions untenable. The police reaction to the Sinclairs’ activism perhaps indicates police overreaction, but at the same time, it could be read as an indication that the Sinclairs’ brand of revolutionary politics may have been more persuasive and effective than even they have thought. Organizing whites who might otherwise have been drawn to white supremacist groups to support the Black Panthers certainly was a noble cause, even if it proved difficult to carry out effectively. Nevertheless John and Leni found other ways to support black revolutionaries through their art and their efforts to preserve and document revolutionary movements and the diversity of black culture in Detroit and beyond, perhaps the most important legacy of the Sinclairs. Both were careful self-trained archivists who collected and filed away anything they thought of cultural or political value. Eventually they donated boxes upon boxes of their materials to the Bentley Historical Library in Ann Arbor to make their entire life’s work available free to the public. Leni also became involved in the effort in the early

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<sup>5</sup> For more on the role of cultural appropriation in the counterculture, see Waksman, “Kick Out the Jams!”; Wadkins, “Freakin’ Out . . .”; Sherry L. Smith, *Hippies, Indians, and the Fight for Red Power* (Oxford: Oxford University Press, 2012); Philip Deloria, *Playing Indian* (New Haven, Connecticut: Yale University Press, 1997).



1990s to prevent the Detroit Red Squad from destroying any unclaimed political surveillance files and make them available to the public. Each studied their materials to they could be consulted as fact checkers when researchers come asking about their lives and experiences.

Both Leni and John Sinclair remain active interpreters of their legacy. In the summer of 2015—at the height of renewed national dialogues over public displays of Confederate flags and monuments—at the fiftieth anniversary celebration of the MC5 in Lincoln Park, Leni took the stage and burned a picture she had taken of Fred Smith’s amplifier draped in a Confederate flag. Smith had embraced the “hillbilly nationalism” of the Black Panther allies, the Young Patriots, not out of celebration for white supremacy, but as a symbol of resistance against the federal government. Leni explained to the audience “they were not racist, they were ignorant.”<sup>6</sup> Not a simple act of historical revisionism, Sinclair’s action if anything, sought to contextualize Smith’s actions while also denouncing them as not representative of his, or his band mates’ legacy of revolutionary consciousness. John Sinclair periodically digs into his archives or life history to compose a poem or essay that adds even more richness and drama to his personal story. Together, the Sinclairs offer a useful example for digital-age activists involved in the front-line demonstrations against white supremacy, killer capitalism, and rampant misogyny. Maintaining a physical collection of materials related to such activist activities can provide future generations an invaluable editorialized insight into what’s happening in the streets, not what’s on a screen.

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<sup>6</sup> Leni Sinclair, quoted in Brian Boyer, Tweet, July 12, 2015, @brianboyer, Twitter.com, a screenshot of the tweet is in author’s personal collection.

## EPILOGUE

“Politics to me is the way somebody lives his life.”

—Abbie Hoffman<sup>1</sup>

The first time I interviewed John Sinclair on Wednesday August 24, 2016, we arranged for me to pick him up at his daughter Sunny’s home in Warren, just north of 8 Mile Road. Sunny invited me in and offered me a drink. I pet their cat and sipped a warm beverage. Outside, Leni Sinclair pulled up in her car with her daughter Celia. Once John was ready to go, I drove him to get what he described as the “best eggs in town” at Zeff’s Coney Island near Eastern Market. As I had been briefed to do by a mutual contact, I paid for Sinclair’s meal and we headed to the nearby Germack Coffee to conduct an interview about his life history.

I didn’t have much field experience conducting oral histories, but I remembered from my training that I should make questions as open-ended as possible to encourage interviewees to tell stories about the past. We sat down with our drinks and he helped test the audio level on my computer. We started recording and I asked him to “tell me about your family history and your parents.” John paused and responded “I’m a lot better at answering questions than—expositing.” “It would be better to put these in the form of questions.” John had been giving interviews to journalists and scholars for over fifty years and he knew how to make the terms of his participation dependent upon him getting something worthwhile out of the experience. I can’t remember if it was at the conclusion of this interview or the next that he handed me a signed copy of his book, *It’s*

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<sup>1</sup> Free [Abbie Hoffman], *Revolution for the Hell of It* (New York: Dial Press, Inc., 1968), 59.

*All Good: A John Sinclair Reader*. I thanked him and he said something to the effect of, it's free, but a donation would be welcomed. I gave him twenty dollars even though I already had a copy of that book at home. I can't knock the hustle.

We met up several more times for interviews over the course of a couple years. John sometimes had me drive him around to do errands. He had me drop him off at a Starbucks so he could purchase a *New York Times*. Another time, I dropped him at Whole Foods so he could buy some soap, or something like that. He'd occasionally hand roll a cigarette and smoke as we drove around Detroit. We'd chat about Detroit's desolate neighborhoods, electoral politics, the police, his disdain for rap music, his experiences in Amsterdam, and whatever else came up. During interviews, he'd usually have a couple espressos and take a break or two to smoke a medically-approved joint outside. When I eventually got around to asking John about his experiences in prison, he didn't seem to want to talk about it, so I dropped the subject for another time. Another time, I went to the apartment he had started renting in the Cass Corridor, above his old friend Carl Lundgren's art studio. I came with the intention of pressing him on his prison experiences, but instead, he shared a joint with me and sat in the sun on the rickety old back porch with his daughter Celia and talked about Iggy Pop, Kanye West, and democratic socialism. I eventually got around to talking with him about his prison experiences via a Zoom meeting, but his memories seemed more vague about this experience than other aspects of our interviews, and there were more contradictions between Sinclair's memories and his official prison records that he made publicly available through the John and Leni Sinclair Collection at the Bentley Historical Library.

After writing a newspaper article centered on Sinclair, I ended up receiving a couple emails from people who remembered Sinclair not as a righteous activist, but as an extoller of sexist ideology. Others too, were less flattering in their characterizations of Sinclair. “He’s pretty much an asshole, was then, is now, even though he’s mellowed a lot,” recalled John’s former lawyer, Hugh Davis in a 2011 interview.<sup>2</sup> Former comrade, David Fenton, who lived with Sinclair from 1972-1976, remembered John as an “extremely narcissistic person” who was “abusive” after he returned from prison.<sup>3</sup> In 2014, Leni Sinclair looked back on her marriage to John as if she “lived somebody else’s life,” while also noting that almost fifty years later, she was “still” mostly known as the wife of her ex-husband.<sup>4</sup> It is worth noting that most of the former associates of John Sinclair who have publicly criticized him have also reported that they later made amends and are on friendlier terms. Perhaps it speaks to the ways that Sinclair lives his life as a public person through his art, his work, and his extensive collection of personal papers that he has put on display for the public to look at for their own research purposes. This is not necessarily the easiest way to live, but it is part and parcel of John Sinclair’s desire to live his politics.

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<sup>2</sup> Hugh “Buck” Davis, interview by Amy Cantú and Andrew MacLaren.

<sup>3</sup> Ibid., 34:15-34:20; David Fenton, interview by Amy Cantú and Andrew MacLaren, 35:05-35:12.

<sup>4</sup> Noble, “Leni Sinclair & Lessons . . .”

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