

Hugh M. Davis, Jr. Papers
4.5 linear feet
(4 storage boxes, 1 manuscript box)
(3 audiotapes)
1968-1990

Walter P. Reuther Library, Wayne State University, Detroit, MI

Finding aid written by Byron S. Collier on May 13, 2010.

- Accession No.:** 1881
- Creator:** Hugh M. Davis, Jr.
- Acquisition:** The papers of Hugh M. Davis, Jr. were placed in the Walter P. Reuther Library in March 2006 by Mr. Davis and were opened for research in May 2010.
- Language:** Material entirely in English.
- Access:** Papers are open for research.
- Use:** Refer to the Walter P. Reuther Library *Rules for Use of Archival Materials*.
- Notes:** Citation style: "Hugh M. Davis, Jr. Papers, Box [#], Folder [#], Archives of Labor and Urban Affairs, Wayne State University"
- Related Material:** The Damon J. Keith Papers have materials regarding U.S. v. Sinclair, et al. (the Keith Case) and the Detroit Revolutionary Movements Records have materials relating to counter culture organizations.

History

Hugh M. "Buck" Davis, Jr. was born in 1943 and graduated from Hampden-Sydney College with a B.A. in 1965 and from Harvard Law School in 1968. Mr. Davis was in private practice and associated with the National Lawyer's Guild Detroit Chapter while serving as local counsel in *U.S. v. Sinclair, et al.* He is the co-founder of the Constitutional Litigation Associates firm in Detroit and continues, as of 2010, to practice in civil rights, discrimination, and criminal defense cases.

John Sinclair, Lawrence Robert "Pun" Plamondon, and John Waterhouse "Jack" Forrest were members of the White Panther Party (WPP), later the Rainbow Peoples Party, which was formed in 1968 in Ann Arbor, Michigan to assist in furthering the cause of cultural revolution and the Black Panther Party. John Sinclair was a well known figure in the period's youth movement and during this period was also involved in a challenge to Michigan's marijuana law due to his arrest and sentencing to 9-10 years in prison for the possession of two marijuana cigarettes. The challenge resulted in "Free John Sinclair" concerts and paraphernalia and garnered the support of several celebrities, including John Lennon and Yoko Ono. The Michigan Supreme Court ultimately struck down Michigan's marijuana law.

On the night of September 29, 1968, a bomb exploded in front of a CIA office in Ann Arbor, Michigan. It was one in a series of anti-establishment bombings in the Detroit area. John Sinclair, Pun Plamondon, and Jack Forrest were indicted in connection with the Ann Arbor bombing in December 1969. Facing charges, Pun Plamondon was placed on the FBI's ten most wanted list and traveled overseas for a time before returning to Michigan.

In 1970, Pun Plamondon and two other men were pulled over in a routine traffic stop near Mackinac in northern Michigan. Upon discovering Pun Plamondon's identity, the local police turned him over to the federal authorities. Pun Plamondon was brought to trial for damaging government property and Pun Plamondon, John Sinclair, and Jack Forrest were brought to trial for conspiracy to damage government property. The case was brought in the U.S. District Court for the Eastern District of Michigan (*U.S. v. Sinclair, et al.*). Judge Damon Keith was ultimately assigned to the case.

Hugh Davis was counsel for Jack Forrest and served as local counsel in Michigan while Leonard I. Weinglass and William M. Kunstler represented John Sinclair and Pun Plamondon. Mr. Kunstler was affiliated with the Center for Constitutional Rights and both Mr. Weinglass and Mr. Kunstler were heavily involved in representing political dissidents. As the case proceeded, defendants' counsel filed a series of motions as part of their defense. One such motion was an attack on the jury selection process that asserted that the process resulted in a lack of young people in the jury pool. Another was a request for the disclosure of electronic surveillance. Although the defense was unaware of any electronic surveillance, they did know that it had occurred in other cases involving counter culture figures.

Attorney General John N. Mitchell filed an affidavit stating that Pun Plamondon had been overheard in wiretaps established under the government's inherent power to authorize warrantless electronic surveillance in national security cases. Judge Keith ruled that the

warrantless electronic surveillance was illegal and he ordered that the United States “make full disclosure to defendant Plamondon of his monitored conversations.”

The United States appealed Judge Keith’s ruling to the U.S. Court of Appeals for the Sixth Circuit. Also, Attorney General John N. Mitchell presented an affidavit to the Sixth Circuit asserting that he had approved the wiretaps as necessary for the national security of the United States. In their opinions in *U.S. v. U.S.D.C.*, also known as the “Keith Case”, the Sixth Circuit and ultimately a unanimous U.S. Supreme Court ruled that Judge Keith had properly found that the warrantless wiretaps were illegal and unconstitutional under the Fourth Amendment and his order that the resulting tapes must be disclosed to the defendants was not an abuse of judicial discretion.

On August 8, 1972, the case against John Sinclair, Pun Plamondon, and Jack Forrest was, upon motion of the United States, dismissed with prejudice. The Keith Case continues to stand as a restriction on the government’s ability to listen in on the private conversations of citizens by asserting national security interests that it alleges the judiciary is unable to adequately assess and protect.

In 1973, John Sinclair, Pun Plamondon, and Jack Forrest engaged Hugh Davis and the Center for Constitutional Rights to represent them in a civil action brought against the current and former U.S. Attorney General, the current and former FBI Director, the President of the United States, unknown FBI agents, and the United States of America for violations of their Constitutional rights and unlawful criminal prosecution.

This case, *Sinclair, et al. v. Kliendienst, et al.*, originated in the U.S. District Court for the District of Columbia and was appealed three times to the U.S. Court of Appeals for the D.C. Circuit before the identities of the actual FBI agents involved in the wiretapping of the WPP were identified. In the intervening years, the original defendants were dismissed from the case with qualified immunity or for other reasons, including Richard Nixon, John Mitchell, the original FBI agents, and the United States. At a point in 1983 when only three FBI agents known to have participated in the wiretapping remained as defendants, the D.C. Court of Appeals ordered the case to be transferred to the U.S. District Court for the Eastern District of Michigan. This was ruled to be a more convenient venue to continue the case against the FBI agents who were involved in the wiretapping of the WPP in Ann Arbor. After additional proceedings in the Eastern Michigan District Court and two appeals to the U.S. Court of Appeals for the Sixth Circuit, the Sixth Circuit ruled in 1990 that the remaining defendants had qualified immunity and the District Court was correct to dismiss the case. After 17 years and five appeals, the plaintiffs, lacking the resources to continue, declined to appeal the case and it was dropped.

Scope and Content

The materials in these papers consist largely of pleadings, briefs, research, and correspondence related to the four court cases described in the “History” above, U.S. v. Sinclair, et al., U.S. v. U.S.D.C., Sinclair, et al. v. Kliendienst, et al., and Sinclair, et al. v. Schriber, et al. (full case names given below). Series I, Subseries B contains materials ancillary to U.S. v. Sinclair, et al., including documents from related court cases and materials relating to the WPP and the John Sinclair Freedom Fund. The documents consist of correspondence, motions, briefs, orders, other court pleadings, court transcripts, some clippings, research notes, and wiretap logs. The three audiotapes are in the manuscript boxes.

Full case names with abbreviations used in this guide:

John Sinclair, Lawrence “Pun” Plamondon, and John Waterhouse Forrest v. Richard G. Kliendienst, L. Patrick Gray, III, John N. Mitchell, Clyde Tolson, Richard M. Nixon, and United States of America (Sinclair, et al. v. Kliendienst, et al.)

John Sinclair, Lawrence R. Plamondon, and John W. Forrest v. Kenneth L. Schriber, James Sullivan, and Charles Wagner (Sinclair, et al. v. Schriber, et al.)

United States of America v. John Sinclair, Lawrence Robert Plamondon, and John Waterhouse Forrest (U.S. v. Sinclair, et al.)

United States of America v. United States District Court for the Eastern District of Michigan, Southern Division and Honorable Damon J. Keith (U.S. v. U.S.D.C.) (Keith Case)

Important Subjects:

Government liability – United States
Radicalism – United States – History – 20th Century
Rainbow People’s Party
United States. Constitution. Fourth Amendment
White Panther Party
Wiretapping – United States

Important Names:

Forrest, John Waterhouse “Jack”
Keith, Damon J.
Kunstler, William M.
Mitchell, John N.
Nixon, Richard M.
Plamondon, Lawrence R. “Pun”
Sinclair, John
Weinglass, Leonard I.

Series I: United States v. Sinclair, Plamondon, and Forrest, 1968-1972

Subseries A: U.S. v. Sinclair, et al.

Case notes, correspondence, discovery materials and pleadings, research on jury selection, pre-trial pleadings, court orders, general research, and a partial transcript relating to the United States' case against Sinclair, Plamondon, and Forrest for the bombing of the CIA recruiting office in Ann Arbor, Michigan.

Subseries B: Matters Relating to U.S. v. Sinclair, et al.

Partial legal records regarding other cases against the U.S. v. Sinclair, et al. defendants, general correspondence, materials relating to the WPP and correspondence to other members in jail, materials relating to the John Sinclair Freedom Fund, and unidentified case notes and recorded interviews.

Series II: United States v. United States District Court, 1971-1972

Pleadings, briefs, correspondence, orders, and writs relating to the United States' appeal of Judge Keith's ruling on warrantless wiretaps, i.e. the Keith Case.

Series III: Sinclair, Plamondon, and Forrest v. Kliendienst, Gray, Mitchell, Tolson, Nixon, and United States of America, 1973-1983

Court docket, correspondence, motions, orders, briefs, other pleadings, research, discovery, appeals, and other material relating to the civil action by Sinclair, et al. against Kliendienst, et al. in both the U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the D.C. Circuit.

Series IV: Sinclair, Plamondon, and Forrest v. Schriber, Sullivan, and Wagner, 1983-1990

Court docket, correspondence, motions, orders, briefs, other pleadings, research, discovery, appeals, and other material relating to the civil action by Sinclair, et al. against Schriber, et al. in the U.S. District Court for the Eastern District of Michigan and the U.S. Sixth Circuit Court of Appeals.

Arrangement

The Hugh M. Davis, Jr. Papers are arranged into four series: Series I, including Subseries A and B (Box 1), Series II (Box 2), Series III (Boxes 2-4), and Series IV (Boxes 4-5). Each Series and Subseries is arranged chronologically and then by subject.

Series I

Subseries A

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- 2 U.S. v. Sinclair, et al.; Valler Statement, c. 1968
- 3 U.S. v. Sinclair, et al.; Attorney Representation, 1970
- 4 U.S. v. Sinclair, et al.; Case Notes, 1970
- 5 U.S. v. Sinclair, et al.; Defense Outlines, 1970
- 6 U.S. v. Sinclair, et al.; Discovery Pleadings and Orders, 1970
- 7 U.S. v. Sinclair, et al.; Explosives Expert, 1970
- 8 U.S. v. Sinclair, et al.; Jury Selection, Pleadings, Jury List, Selection Plan, 1970
- 9-10 U.S. v. Sinclair, et al.; Jury Selection, Statistical Information, 1970
- 11 U.S. v. Sinclair, et al.; Pleadings, Notes, and Statement of David Valler, 1970
- 12 U.S. v. Sinclair, et al.; Pre-Trial Orders, 1970
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- 15 U.S. v. Sinclair, et al.; Correspondence, 1970-1971
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- 17 U.S. v. Sinclair, et al.; Jury Selection, Notes and Research, 1970-1971
- 18-19 U.S. v. Sinclair, et al.; Jury Selection, Research, 1970-1971
- 20 U.S. v. Sinclair, et al.; Pleadings, Electronic Surveillance, 1970-1971
- 21 U.S. v. Sinclair, et al.; Partial Transcript, 1971
- 22 U.S. v. Sinclair, et al.; Notes for Trial, 1971

Subseries B

- 23 Michigan v. Valler, et al.; Examination Transcript Part I, 1968
- 24 Michigan v. Valler, et al.; Examination Transcript Part II, 1968
- 25 Writ of Habeas Corpus, John Forrest, Excessive Bond, 1968
- 26 Case Notes, c. 1970
- 27 Interviews, c. 1970, Audiotapes Labeled: Al Patterson, Debbie Osment, and Slick and McMillin
- 28 U.S. v. Forrest; Pleadings and Correspondence, 1970
- 29 White Panther Party, c. 1970
- 30 Correspondence to Prisoners; Ben Fondren, Chuck Holt, Ronnie Irwin, Tony Norman, Larry Powell, John Sinclair, Ronald Smith, 1971
- 31 Jail Conditions; Correspondence, Transcripts, Notes, 1971
- 32 John Sinclair Freedom Fund; Fundraising and Events, 1971
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- 37 U.S. v. Taube and Forrest; Pleadings, 1972
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- 1 U.S. v. U.S.D.C.; U.S. Sixth Circuit, Decision, 1971
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- 4 U.S. v. U.S.D.C.; U.S. Sixth Circuit, Research and Draft Brief, 1971
- 5 U.S. v. U.S.D.C.; U.S. Supreme Court, Case Notes 1971
- 6 U.S. v. U.S.D.C.; U.S. Supreme Court, Petition for Certiorari and Record, 1971
- 7 U.S. v. U.S.D.C.; U.S. Supreme Court, Pleadings, 1971
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- 9 U.S. v. U.S.D.C.; U.S. Supreme Court, Court Proceedings, Correspondence, 1971-1972

Series III

- 10 Sinclair, et al. v. Kliendienst, et al.; Complaint and Answer, 1973
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- 12 Sinclair, et al. v. Mitchell; Complaint, Removal to D.C. District, 1973-1974
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- 21 Sinclair, et al. v. Kliendienst, et al.; Dismissal and Notice of Appeal, 1975
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- 1 Sinclair, et al. v. Kliendienst, et al.; Schriber and Sullivan Interrogatories, 1981
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- 13 Sinclair, et al. v. Schriber, et al.; Pleadings, Sixth Circuit Court of Appeals, 4th Appeal, 1986-1988
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- 1 Sinclair, et al. v. Schriber, et al.; Correspondence and Court Documents, Sixth Circuit Court of Appeals, 5th Appeal, 1989-1990
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