

taken.

of the neighborhood.

The Board of zoning Appeals made an alleged "inspection" During this "inspection", only one picture was This was a closely cropped slice of the front of my house. The bank, the store, the driveway in bank, both parking lots. the traffic signals, the parking meters, and the parking signs were all cropped Neither were they mentioned in the written re-

out of this picture.

port.

The bus stops, doctors office, and the Y.M.C.A. were also not

Instead, two non-existent businesses materialized.

mentioned.

On the petition. the owners of these firms names couldn't be found, neither on the "inspection" report.

Members of the board. just the blacks, asked me such questions as what kind of books would I sell and where did I learn photography.

I testified, sworn testimony, that I leaned on my own and at college... that I wanted to sell literature. consumer, educational, technical books and magazines.

Wayne State, U. of Detroit, Cass tech,

and The Detroit Public Library are on the same bus line that passes my front door.

I responded to the inaccuracies, omissions. and forgeries in the "documents", pointing out their lack of fact or truth. I was then informed that my appeal would "be taken under advisement". It seems funny that Rev. Charles Adams. Rev. H. Coleman McGee, and Laura E. Mosely would engage in such deontology, but perhaps not.

The

Son of a major real estate businessman was also on this administrative body, a Mr. Vigliotti.

After a few weeks, I was "advised" by mail that my request was denied because I lived in a residential neighborhood.. I thought that I had a right to be present, and to have this board determine true facts instead of non-facts.

Well..... The next step was to seek counsel.

I had been

acquainted with an officer of the law school's black student organi-

zation. who,,at this time was in prauĩ-\201tee..

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I approached

Adam Shakoor

to represent me, but he referred me to a Mr. Noel Saleh.

Mr. Saleh

The business that I had chosen, consistent with my skills, was a combination of a bookstore, photo developing lab, gallery, and studio.

On my same side of the street, on my block was a moving company with three trucks, a barber shop, and a pharmacy.

My research

into this venture consisted of finding and planning the correct equipment, chemical processes. suppliers, professional organizations, technical manuals. possible markets. and local and state ordinances.

As

my research went forward, I accumulated all the equipment that I needed, spent \$5000. traveled to New York and Chicago, and ordered through mail order houses.

Since there are no specific ordinances or restrictions in photographic concerns, or the type of books that I was intending to sell. I was sure that I would be able to establish. Location did not seem to be a problem as the zoning ordinance stated that a variance could be granted as long as there was a separate entrance and address adjoining a business district.

That entrance, my

side door, is less than 15 feet from the side walk and the aforementioned business activity.

Major volumes of traffic passed my house daily, along with all the other patrons of these concerns who blocked my driveway, parked alongside my house, and denied parking spaces to myself and friends.

The police used to write many. many tickets to me.

I went to the Board of Zoning Appeals to seek this variance on my house, and paid \$75 to notify the neighbors within 300 ft.. This is when I seemed to lose all of my fights.

At the hearing, February 12th, Lincoln's Birthday. many irregularities occurred and incorrect information was given.

I was

confronted with an alleged "petition" against my request.

Obtaining

a copy of this "document", I discovered that most of the signatures were remarkably similar to each other.

Many of the named lived far-

ther than the legally prescribed limit of 300 ft.

The owners of the

barber shop and the moving company were prominently signed.

Quincey Troupe. Jr.
George Trower-Subira
Gary Trudeau
Pierre E. Trudeau
Desmond Tutu
McCoy Tyner
Cicely Tyson
Ralph Uwechue
Robert F. Van Lierop
Melvin Van Peebles
Ivan Van Sertima
Alice Walker
Val Gray lard
Anita M. Waters
Maxine Waters
Ngugi Wa Thiongo
John E. Wideman
Hosea Williams
Robert L. Williams
Walter E. Williams
Fred (The Hammer) Williamson
Paul Winfield
Douglas Turner Ward
Ministry of International Trade & Ind
"Growing a Business", KQED
Horboru Yakeshita
Justice Education Center
Lawyers Committee for Human Rights
Andrei Sakharov
Jonathan Kozol

Herman S. SimmE, Jr.
6591 Pirwood
0/0
Detroit, Michigan
Tele =
__1.:2.1.2:Â§25.:3.LLZ2

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William Marshall
Hugh Masekela
Quett Masine
C.Vernon Mason
Julian Mayfield
ï¬\20lobert C. Maynard
Ali mazrui
ï¬\20lussell Means
Francois Mitterrand
Askia Muhammad
Garrett Morris
Edwin Moses
Es'kia Mphalele
Hosni Mubarak
Robert G. Mugabe
Ali Hassan Mwinyi
Ozier Muhammad
Rex Nettleford
Eleanor Holmes Norton
Julius K. Nyerere
Imari Abubakari Obadele
Olusegun Obasanjo
Organization of African Unity
Organization of American States
Daniel Ortega Saavedra
Les Payne
Sterling D. Plumpp
Alvin F. Poussaint
Sidney Poitier
Richard Pryor
Jerry Rawlings

Max Robinson
Randall S. prinson
Louis B. Rukeyser
Carl E. Sagan
Anthony T. S. Sampson
Hank Sanders
Andrew Salkey
Adelaide L. Sanford
Thomas Sankara
Carlos Santana
Denis Sasso-Nguesso
Gil Scott-Heron
Robert Sculley
Bobby Seale
Aisha Shabazz
Alton Sharpton
Nina Simone
Thomas Sowell
Walter Stafford
Robert Staples
Steele Pulse
I.F. Stone
Sterling Stuckey
Oliver Tambo
Susan L. Ta lor
Robert Towngend

of the law school librarian), and held meetings and seminars with various prominent attorneys.

I had to resign from that organization

and cease attending university in 1975. in order to help care for my father; who grew increasingly ill until his death in 1977.

In 1970, during the Vietnam War. I enlisted in the U.S.

Marine Corps Reserve.

I was trained as an 0341 mortarnan.

My basic

duty was in the fire direction center; where I plotted fire missions, Aligned the unit to our location, aligned each gun in the unit, commanded the fire line, and trained others.

I waasalso an instrctor of

various military subjects, assisting in written. video, and field ex-
ceftâ\200\230ses.

I served six years in the reserve and I received an honorâ\200\224~
able discharge in 1976.

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Upon my father's death, I decided that I should go into
business for myself. before returning to finish my degree.

My father

had left me a large house, in a B-â\200\2242 district, immediately adjacent
to numerous other businesses.

The house is located at the intersec-

tionĩ-\201of two major streets, with traffic lights at either end of my
block.

Across the street from my front door is a doctor's office.

Across the street from my side door are a branch of the largest bank
in Detroit (NBD), and a True Value hardware.store, probably doing a
quarter of a million dollars (UaS.) of business each day.

Parking

meters and/or regulated parking streche. alongside my house and all
the way down the street.

Another maier intetsection is located on!

block south, with a former Y.M.C.A. and two bus stops.. I felt that

I could build a sucessful venture here.

My father had his real estate.

home improvement~ and notary public office.at this 3809 location.

was familiar to me, as he had represented a latin-american social agency at the hearing I had just attended.

meeting in his downtown

office. I paid Mr. Saleh \$250 to represent me at a rehearing that I was entitled to.

Several weeks passed and I happened to visit my mother's house.

There I noticed a letter from the Zoning Appeals Board secretary, Mrs. Mosely. saying that as I hadn't attended the rehearing, my request had been denied.

Mrs. Mosely had failed to send me a notice of this next meeting to my house, the only house that had appeared on every form, request or document, the only address that was ever mentioned.

The lawyer got his notice. but didn't go himself or call or even send a postcard!

As a result, my rights to a fair hearing, that I had paid for, were violated and I was consequently left unprotected as to law. Public notice was given as to my plans, but lies and innuendos were not put to rest, but propagated. allowing me to become vulnerable to misguided community sentiment.

I have lost thousands of dollars, in equipment, vandalism. potential profits, and personal property. in at least 10 burglaries and thefts.

When I confronted Mr. Saleh, he only gave me back \$200 dollars, keeping \$50 as a "retainer"?

The police have yet to apprehend neither burglars, property, or produce any neighbor who might have witnessed these crimes.

I had actually , seen two men who might have been armed, at my house in 1984.

I took their license number down (671-LUT), but the police didn't even right this down.

In the last two weeks. my house has again been vandalized and burgled.

"But there comes a time. as it came in my life, when a man is denied the right to live a normal life, when he can only live the life of an outlaw because the government has so decreed to use the law to impose a state of outlawry upon him.

I was driven to this sit-

uation, and I do not regret having taken the decisions that I did take..

Other people will be driven in the same wag in this country, by the

o

very same force of police persecution and/administrative action by

the government, to follow my course, of that I am certain."

Nelson Mandela --

Ibid..p. 157.

I thank you for your audience and your indulgence.

I would

appreciate any assistance that you are able to offer.

Again, thank you.

fTLZUw9

Herman S. Simms, Jr.

February 6. 1988

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that's somebody in South Africa.. They can always find two or three people whose ambitions, whose greed and lack of commitment will allow them to play whatever role needed to be played."

Sen. Hank Sanders - "Defending Voting Rights in the Alabama Black Belt",

The Black Scholar, Oakland,CA, vol. 17, no. 3. May-June 1986, p.30.

"

... To... those who inherit the formal offices of state, symbolic political independence is critical as a strategic manipulative device... (It) strengthens the prestige of incumbent post-independence leaders vis-a-vis those who seek to challenge their authority, and to increase the capacity of these leaders to maintain a status quo in which they inherit not simply the titles, but also a good deal of the benefits and rewards formerly enjoyed by the metropolitan overlords

-- Louis Lindsay - "The Myth of Independence: Middle Class Politics and Non-Mobilization in Jamaica", as quoted in Bachel Class, Aggrey, Anita M. Waters, Transaction Books: New Brunswick, New Jersey. 1985 p.55..

This is the heart of the matter.

Collaborators never want their own people to know of, or seek, alternatives.

In this way they are able to distort reality and history in the minds of their own people.

Overseers are given their tasks in order to maintain the status quo and keep everyone in lockstep.

Thus, they serve to oppress rather than to develop.

This is what has happened to myself, at the hands of an administration that I helped to elect.

Every African-American(?) for their enterprises, they should be allowed to make a living for themselves and advance their culture and society.

This is the "American Dream", isn't it?

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"It is essential if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by rule of law."

"In it's proper meaning equality before the law means the right to participate in the making of laws by which one is governed, a constitution which guarantees democratic rights to all sections of the population, the right to approach the court for protection or relief in the case of violation of rights guaranteed in the constitution, and the right to take part in the administration of justice as judges, magistrates, attorneys-general, law advisers, and similar positions.?"

NELSON MANDELA- ghe Struggle is Mi Life. 1986 International Aid and Defence Fund, Pathfinder Press. p. 135.

If my situation were atypical. if this appeal were unworthy, then the facts of life in Detroit would not support my claim.

Detroit,

Michigan is a city that has been suffering from massive social pathology (crime, drugs. alcoholism, economic dislocation, discrimination- racism- and physical destruction) for the last two decades.

During

this period there has been tremendous industrial upheaval: beginning with the Detroit riots of 1967-68, white flight to the suburbs, the oil embargo, and the collapse of the domestic automobile industry. Recently. 40,000 workers have lost their jobs at General Motors.

The

business climate is such that major insurance companies will not issue policies in the core of the city. Banks have also "red lined" our city , to the point that only fast food stands, gas stations. party stores, and medical offices are predominate.

Thousands out of work

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My name is Herman S. Simms, Jr., and I was born in 1949.

I am a man of African-American descent, and have lived in Detroit, Michigan my whole life.

My family has lived in Detroit since, ap-

proximately 1915, when my father's mother came to Detroit from Ala:

bama, during the northward migration of Africanâ\200\224Amerioans(?), to escape the feudalistic, segregaiñ-\20lionist, oppressive society of the southern United States.

My mother came to Detroit in 1943, during

the Second World War. for similar reasons.

When I was born, my grand-

unole, two grand-aunts, several uncles and aunts, and a few cousins were already property owners and working people established here.

When I was younger, I was a member of the Boy Scouts of

America, attaining_the rank of Eagle Scout._ I graduated from Cass Technical High School ln91967, majoring in the highest curriculum, Science and Arts, with a specialization in the Automotive-Astronautic sub-curriculum.

Cass was the most respected high school at the time.

I have obtained higher education at Wayne State University, majoring in History and Political Science.

Although not graduated, I have ac-

cumulated mote than enough credit hours, lactmng a few required English courses and senior level classei.

Lavier â\200\234y

During my university days (1967-75), I took photography

and was president of The Minority Pre-Law Students Association (Black American Law Students Association),

I took photography in order to

have a concrete and-practicalâ\200\230skill.

As presâ\200\230dent of the pre-law

group, '74-5. I contacted over 100 U.S. law schools.

My organization

received law school catalogues, gave LSAT practicals. conducted and videotaped legal research classes in the-law library (with the help

Chinua Achebe
Adebayo Adedeji
Na 'lm Akbar
American Civil Liberties Union
American Council for Human Relations
Americas Watch
Amnesty International
John Amos
Maya Angelou
Oscar Arias Sanchez
Aye Kweh Armah
Kofi Awoonor
Kareem A. Aziz
Ibrahim Babandgida
Toni Cede Bambasa
Amini Baraka
Denis Banks
Harry Belafonte
Yosef ben-Jochannan
Lerone Bennett
Mary Frances Berry
Dave Bing
Black Scholar Magazine
Allan Boesak
Edward Broadbent
Hubert R. Brown
James Brown
James N. Brown
Tony Brown
Horace Campbell
Fidel Castro Ruz
Aime Cesaire
Bendjedid Chadli
Robert Chrisman
Chinweizu
Joaquim Chissano
Benjamin Chavis
John Henrik Clarke
Albert Cleage
Jimmy Cliff
Charles E. Cobb, Jr.
Johnetta B. Cole
John Conyers
Frances Cress-Welsing
Harold w. Cruse
Angela Davis
Ossie Davis
Miles Davis
Javier Perez de Cuellar
Ruby Dee
Samuel R. Delaney
Miguel de la Madrid
Ronald V. Dellums
Den: Xiaoping
Abdou Diouf
Ivan M. Dixon
Jose Eduardo Dos Santos

J.G. St. Clair Drake, Jr.
Ramona Hoage Edelin
Harry Edwards
Lonnie Elder III
Mari Evans
Louis Farrakahn
Ernest J. Gaines
Rajiv Gandhi
Addison Gayle
Nikki Giovanni
Whoopi Goldberg
Michael Gooden
Mikhail S. Gorbachev

Eddy Grant
Herman Gray
Richard C. Gregory
Alex Haley
Herbie Hancock
Vincent Harding
Nathan Hare
Hafeez al Hassad
James Holley
John Lee Hooker
Robert Hooks
Gloria House
Charlayne Hunter-Gault
International Court of Justice
International Defence and Aid Fund
International Federation For Hum.
Kareem Abdul Jabbar
Jesse Jackson
John E. Jacob
Ahmad Jamal
Alphine W. Jefferson
James Earl Jones
Barbara C. Jordan
June Jordan
Kenneth Kaunda
Forence Kennedy
Yusef Na'im K13
Johari Amini Kunjufu
Yusef Lateef
Spike Lee
William Kunstler
Cleavon Little
Pearl Cleage Lomax
Joseph Lowery
James McEachin
Naomi Long Madgett
Haki B. Madhubuti
Ihechukwu Madubuike
Taj Mahal
Michael Manley
Manning Marable
Rita Marley
Camila Marquez
Thurgood Marshall

Hts

thrown onto the already burdened welfare system, and we receive only sloganeering:: "Moving Detroit Forward", "3enaisaanoe City", "Power for Tomorrow", and "Tell 'Em Your From Detroit".

Yeah, I'm from Detroit.

alright.

Whole neighborhoods have been abandoned and/or stripped to the ground.

The massive Housing and Urban Development t HUD)

scandal of the middle seventies has caused or contributed to homelessâ\200\224ness.. Also. it is now said that thousanda of newly abandoned or unfit dwellings now shelter crack, cocaine, and heroin dealers.

These

dealers move frequently, spreading addiction and crime in their wake.

Youth are are exposed to crime and violence, suffering 3â\200\234 dead and 350 wounded, but still only about 5-10% of the assault and homicide rates.

'How did this terrible situation come to pass?

In 1973 black people were a majority in Detroit, and elected the city's first black mayor.

We voted for hope, political represen-
tation. and economic development.

Instead. our jobs. neighborhoods,
and our lives have been diminished.

A sort of internal neo-colonial-

ism seems to have devebbped, in place of self determination or economic fulfillment.

Hotels, arenas, office towers, and halfâ\200\224used

factories have been built, while our neighborhoods. schools, small shops,
have been allowed to decline.

In this envionment was I denied the

right to start an educational. ethical. cultural, technologically ad-
vanced business directly across the street from a bank!?!?!

"First, historically, when yoanhave one group of people

who have all the resourcesm or most of the resources - most of the

money, communications resources. most of the economic resources â\200\224

theyv'e always been able to peel off some people from an oppressed

population to get them to take whatever stance they would want to;
whether that's a Clarence pendleton in Washington D.C.. or whether

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