

TAKE THE BLINDFOLD OFF THE LADY
Fire from the pulpit

by

Thomas B. Hargrave Jr.

Historical note:

David Hilliard Eaton served as the senior minister of All Souls Church, Unitarian from 1969 until his death in October, 1992, just short of his 60th birthday. Rev. Eaton was the first African American minister to ever serve a large Unitarian Universalist congregation. This sermon was delivered with passion to express his concern about the pending "No Knock Detention" bill under consideration in 1971. Because the bill had some similar provisions to the Patriot Act which became law soon after the September 11, 2001 terrorist attacks, this story is especially of interest.

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In January, 1969 newly elected president Richard Nixon instructed his attorney general John Mitchell to draft and send to Congress a crime bill specifically targeted to address the problems of crime in the Nation's capital. The proposed legislation fulfilled a campaign promise made during the 1968 Presidential campaign in response to the civil disorders and escalating crime rate in the District of Columbia following the assassination of Dr. Martin Luther King, Jr.

The riot that followed Dr. King's death had a profound effect on the economic and social life of the city. Downtown Businesses experienced a serious slump and in many neighborhoods, middle income families, both Black and white, began a steady exodus to nearby suburban communities. To compound the problems, the Nixon administration signaled an end to the government's War on Poverty, yet at the same time continued to funnel billions of dollars into the Vietnam War. Among the nation's poor, hope gave way to despair.

Six months later, on July 12 the Nixon administration presented its anti-crime package for the District of Columbia that called for major changes in the structure of the court system, civil and criminal, as well as "major changes in the substance of the criminal law that applies in the District." After reviewing the 349 page package, Washington Post editors published an editorial the same day entitled "A Crime Package-or a Bomb?" which concluded "The question immediately posed by this comprehensive and controversial crime package is whether it may not prove so explosive that it will destroy itself."

On May 1, 1970, Reverend David Eaton retired to his study at All Souls Church, Unitarian to prepare his sermon. He began by reading the proposed legislation called the D.C Crime bill. The Senate and the House of Representatives had passed different versions and a House-Senate conference committee was working on the final bill.

In the early hours of the morning, Eaton was shocked and deeply disturbed to learn that what was being written into law could pose a serious threat to rights guaranteed under the 4th, 5th and 7th amendments to the U.S. Constitution. What was even more alarming was the apathy and lack of concern on the part of business and civil leadership in Washington. The influential Board of Trade, Chamber of Commerce as well as other civic and religious leaders had been silent on the proposed bill.

Two provisions in the bill were of particular concern. The House version had a "no-knock" provision which allowed police to enter homes with or without warrants and without knocking. The preventative detention sections of the bill would deny bail for certain categories of crimes where the Court considered the accused to be "a danger to the community."

The bill also required that plaintiffs who wish to file civil suits against the police would be required to pay the defendants' attorneys fees, even if they won. Other provisions in the bill expanded the use of wiretapping, required additional mandatory sentences for some crimes and allowed for compulsory blood and urine tests and fingerprinting without the necessity of an arrest.

David Eaton realized at this early juncture in his ministry he faced a major crisis that called for bold and imaginative action. Outraged by the content of the bill he recalled and reflected on the life of one of his heroes, the German theologian Dietrich Bonhoeffer, whose strong opposition to Nazism cost him his life. In 1943, Bonhoeffer, outraged over Nazi atrocities, joined in a plot to kill Hitler but was arrested and later hanged. In his book "Prisoner for God" he wrote that German "churches were no longer vital because they had not condemned Nazism." His faith and heroism, as well as his ideas written from a German prison, made Bonhoeffer one of the most influential Christian philosophers of the twentieth century.

Eaton had served as a Second Lt. with the newly integrated Forth Infantry Division in Germany in 1954 and learned first hand about Nazi atrocities as well as racism within the United States army. When a Mississippi born General referred to Lt. Eaton as a "boy" Eaton stepped forward, saluted and stated " Sir, I will kick your ass if you ever call me a boy again, Sir." Eaton was placed under house arrest for 24 hours but the General decided not to press charges. Impressed by his courage and "guts" the General made Eaton his Inspector General.

In pondering his options, Eaton knew that any radical course he took would pose a real test for his ministry as well as for All Souls Church. Although the congregation was fully aware they had hired an activist as their senior minister, there was a minority of whites in the church who, while silent, were not ready to accept an African American no matter how well qualified he was. At best, they expected him to perform in the accepted liberal Unitarian traditions established by his white predecessors.

Eaton, who graduated from Boston Theological seminary and studied at Queens College in Oxford England, had been in the thick of many civil rights battles. While in Selma with Dr. Martin Luther King Jr., his close friend and fellow Unitarian minister, Rev. James Reeb, was killed by Klansmen shortly after the two friends departed after lunch in a downtown restaurant. Reflecting on the death of his friend, Eaton later stated "America hasn't learned to bring about change without some kind of confrontation and violence."

Assured of the rightness of his cause, David Eaton began preparation of a sermon that he felt was needed to break the apathy of Washington leaders and alert the Nation's Capital to the dangers inherent in the legislation. On Sunday May 3, 1970 the Church bulletin announced the sermon topic "Take the Blindfold off the Lady: The D.C. Crime Bill."

At eleven o'clock, almost 400 members arrived for the worship service. Twenty five minutes later, after the congregation had listened to beautiful and inspiring music by the choir accompanied by choirmaster Karl Halvorson playing the new internationally renowned Rieger organ, Eaton took the pulpit and began his sermon:

"High in the Alps of Austria there is a flower that blooms in the most difficult places to reach, deep in the crevices, on lofty peaks, and under rocks and formations. The flower I speak of is the Edelweiss.

The people of Austria, during the Nazi oppression, sang about this flower and the music and words about the flower became one source of renewed faith and spiritual comfort. The members of the Austrian resistance movement sang the songs in their hearts; the melody, as you have heard, is moving and hardy.

A few days ago I read the proposed legislation passed by the House of Representatives commonly called the D.C. Crime bill. Its better name would have been the D.C. Ominous Oppression Bill. While reading this proposed legislation, it dawned on me that I was reading one of the most oppressive pieces

of legislation devised by man. Its only comparison in the 20th Century would be the legislation passed under the tenure of Adolph Hitler...

Some of you will remember three years ago I rejected any concept of law and order that does not first deal with the concept of justice. Where there is no justice there can never be real law and order. No order of the spirit. No law of reciprocal decency...

Now, in this city, we have oppression in proposed legislative form... From all indications the House version of the D.C. Crime Bill will pass and become law unless we do something radical. Our liberal 'fair-minded' position up to this point has done nothing to slow down this proposed legislation. This legislation was passed in the House of Representatives and is now in what is called the House -Senate Conferee Hearings. As of this date, no one from either the Senate or the House has attended the Conferee sessions except the backers of this oppressive legislation...

The search and seizure provision of the House bill states that it will allow police officers to break into houses without knocking whenever there is "reasonable belief" as to the likelihood that evidence will be destroyed or an officer endangered. Once persons have entered the home, any evidence they find can be seized even if it is not listed on the warrant. Any officer can perform chemical, medical or scientific tests on the premises. Needless to say, this provision drastically increases the power of the police to violate privacy and dignity of all citizens..."

With all the indignation David Eaton could muster, he leaned over the pulpit and stated:

"Now hear this carefully. If this legislation is passes, I suggest to you and I instruct myself, because of the oppressive nature of the legislation, any time persons break into your home unannounced, SHOOT THEM..."

From the stunned congregation came an audible gasp from one member. Fully aware of the shock value of his words he continued uninterrupted:

"... I further recommend that if this legislation is passed, any government official in Congress or in the municipal government who attempts to implement this legislation should be socially ostracized by the community... Someone may say 'Well, Mr. Eaton how can you as a clergyman suggest that these things be done? How can you as a clergyman suggest that persons who batter down homes and enter unannounced be shot...?' I answer that in order to understand true morality, one must understand that oppression must be stopped at all cost. I hope some of these statements may prevent passage of the D.C. Crime bill. However if they do not, I am prepared to implement my suggestions myself. I very well understand that at some point if you are not willing to die for something, then life may not be worth living..."

The shock waves from the sermon immediately reverberated in the press as well as the TV and radio media. The Monday, May 4th edition of the Washington Post carried the story with the by-line 'PASTOR SAYS SHOOT POLICE WHO BREAK IN: No Knock bill is scored.' The Associated Press sent the story on the wire services to newspapers throughout the nation.

With the sermon's contents being reported in the press and television, Eaton was interviewed on radio and on the Martin Agronsky T.V. show. In a spirited defense of his position he said, "I'm not endorsing violence. I'm

endorsing a reaction to violent oppression." He concluded that if such forceful stands as his polarize the country "Then so be it. Evil and good always have been polarized..."

On May 8, 1970 the Washington Post printed an angry editorial entitled "Shooting on Sight":

Most members of his congregation, some of whom consider themselves Christians, will be disinclined, we presume, to obey the somewhat primitive injunction given to them in a "sermon" last Sunday by the Rev. David Eaton, senior minister at All Souls Unitarian Church . "I suggest to you," Mr. Eaton suggested in a rhetorical flourish which must have been as effectual as a sudden obscenity in waking up his audience "and I instruct myself that, because of the oppression that is growing in this country, any time a person breaks into your home without a warrant, shoot him."

Mr. Eaton had in mind the operation of the "no knock" provision of the District omnibus crime bill. He considers this provision of the bill, and certain other provisions as well, undesirable and indeed as he put it in his somewhat apocalyptic style, "symptomatic of the same kind of repression that existed in Hitler's Germany." This newspaper as it has said rather redundantly, also considers the no-knock provision of the crime bill undesirable and probably unconstitutional-and in addition extremely dangerous precisely because it is likely to induce trigger-happy hotheads, an appalling number of who may now have pistols ready at hand for just such a purpose, to follow Mr. Eaton's maudlin, homicidal suggestion.

He says heroically, "If you are not willing to die for something, then life is not worth living. I am willing to die..." But what he is asking his parishioners to do is to kill."

In the weeks that followed, David Eaton and the content of his sermon became the center of debate within the Church, the community and in the halls of Congress. For some of the more conservative members of All Souls Church, ministerial stands on social issues are nothing new, but talk of guns and counter-violence from the pulpit was unacceptable. While some members openly expressed outrage and shock, however the majority stood firmly behind their new minister.

However, in the firestorm of negative publicity that followed, members of the Board of Trustees were not sure how to respond or what course of action to take. Sensing a void in the leadership of the church, Ms. Maurine Mulliner a prominent and highly respected member, drafted a letter to the editors of the Washington Post. Mulliner, who served on the search committee and had recommended David Eaton, shared her letter with Board chairman James T. Brown. Without hesitation Brown presented the letter to the All Souls Board of Trustees which after lengthy and spirited debate approved it.

On May 1, 1970, the letter to the editor signed by board chairman James T. Brown was published under the by-line "Shooting at Sight":

"We request the courtesy of your columns to respond to the May 8 editorial which you titled "Shooting at Sight" concerning the District Omnibus Crime Bill and the Rev. David Eaton. The Board of Trustees of All Souls Church stands with David Eaton in his efforts to stop the enactment of the D.C Crime Bill. The President said last year that "by searching for new ways of applying the resources of the federal government to the war against crime in Washington we may discover new ways of advancing the war against crime elsewhere." Thus the D.C. bill may be a "model" for repression in the states of this nation.

It is frightening to consider how little opposition to these proposals has surfaced in either house of Congress and among the clergy. The religious leaders as a whole did not speak out forcefully in Germany as the Nazi measures of repression escalated. We, with our minister, believe that it is crucial to alert the people to the dangers of legislation which repudiates our rights and liberties. The poor could have told us years ago about the inequities of American justice. This bill should frighten all of us in D.C. into doing whatever disfranchised citizens can to prevent its enactment or to drastically alter its provisions with regard to no-knock entrance, preventive detention, wire-tapping etc. Contrary to the implication of your editorial, David Eaton is a compassionate man whose life style is that of a healer."

Within weeks the press, television and radio were filled with stories covering the D.C. Crime bill. In a series of articles, columnist William Raspberry, taking his cue from Eaton's sermon, called to the public's attention the lack of safeguards in both the No-knock plan and the prevention detention provisions which he predicted would be found unconstitutional.

Within days, public debate over the sermon's contents heated up. On May 14 six prominent Washington African American leaders rallied to Eaton's defense. A press conference was called by the Rev. Channing Phillips, chairman of the District's Democratic National Committee, civil rights activist Julius Hobson, Rev. Walter Fauntroy, Marion Barry, director of Pride Inc., Dick Jones, president of Concerned Citizens of Central Cardoza, Etta Jones, a welfare activist and David Eaton. In a confrontational forum, they urged the public to take "appropriate action" against any attempt to enter their homes under the No-Knock provision of the D.C. crime bill. When asked by an inquiring reporter what constituted "appropriate action" the fiery Julius Hobson responded that anyone breaking into his home, with or without a warrant "I would shoot him down in cold blood just like I would swat a fly."

In addition to a feature story on the news conference, the Washington Post ran another critical editorial entitled "Appropriate Action" on May 14:

"...There is a distinction between flies and human beings which, at least, in the interest of humanity, it would be well to bear in mind... And it is somewhat surprising to us that three members of the clergy, among the seven leaders, men peculiarly committed to the service of humanity should experience so little compunction about extinguishing a human life... This newspaper has consistently opposed the "No-Knock" feature of the crime bill and continues to oppose it..."

On May 20, Senator George McGovern (D- Mo.) stated in Congress that "We ought to call it (the D.C. Crime bill) the Big Brother bill of 1970." McGovern singled out for criticism sections of the House version that would allow mandatory sentences on those convicted of a third violent crime and would allow 16- year- old youth charged with serious crimes to be tried as adults."

Encouraged by the rising tide of publicity and growing public concern over key sections of the bill , the seven leaders drafted and approved a blistering response to the May 14 editorial which was printed in the Post under the signature of Rev. Channing E. Phillips:

"Your editorial ... "Appropriate Action," is a quite inappropriate reaction. It is a supreme call for a humane reaction to inhumane action. We believe our reaction was most humane. What could be more humane and preservative of life than to announce beforehand the reception that awaits unannounced intruders into our homes..."

Black people (and Jewish people) at least vicariously, are much closer to the history that produced the Fourth Amendment, and we therefore take its projections seriously. Your problem may be that you are linked more with the perpetrators than to the victims to understand or appreciate the Fourth Amendment. If Kent State has not given you an idea of how basic freedoms can be eroded, even to include oppression of whites... then obviously you don't know for whom the bell tolls, and will never understand our statement of defense. The only hope is that just as you finally came to understand the immorality of our oppression and genocide in Vietnam, you may eventually become enlightened about the Fourth Amendment..."

By May 23, President Nixon and the White House staff were fully aware that the resulting publicity over key provisions in his D. C. Crime Bill was producing opposition in Congress and in the general public.. Nixon asked the American Bar Association to help urge Congress to pass the crime package.

Press and television coverage of David Eaton's sermon and the reaction by Washington's African American leaders were followed with keen interest by Nixon, his staff and the F.B.I. To them Eaton's challenge presented a "clear and present danger" that could not go unanswered. Within months, J. Edgar Hoover, head of the F.B.I. gave the authorization for an undercover agent to be recruited to work within the Church with the objective of "Separating the senior minister from the All Souls congregation."

A month later, June 9, a group of 20 former federal prosecutors went on record condemning key parts of the D.C crime bill. They stated that the mandatory sentencing provisions and the proposed changes in the juvenile code would "give the District of Columbia one of the most backward juvenile codes in the United States." On the No-Knock issue, the prosecutors stated that the provision was unclear and posed an infringement of individual's rights. Further, it could create a danger to law enforcement officers. The group concluded "No responsible person can welcome the prospect of shoot-outs between officers and citizens, each acting on the facts as he sees them at the moment."

In the Senate, Senator Joseph D. Tydings (D-MD.), who served as chairman of the District committee, came under heavy criticism from African-American leaders who demanded he change his stand in favor of "no-knock" and preventive detention. By July 12, 1970 the House-Senate conference committee was ready to send the compromise bill to both Houses for a final vote. To answer his critics, Tydings issued a statement outlining his position in support of the bill. His statement, released to the press, pinpointed the problem of racism that had so incensed Eaton:

"...The enormously divisive, insensitive, and sometimes just plain clumsy performance of the (Nixon) Administration itself, however, is most to blame for the fundamental and widespread public misapprehension about the President's crime legislation.

When high Administration officials apparently seriously consider a crackpot idea for testing infants for future criminal tendencies-- and sending some to special camps for "treatment"-- law enforcement catch words like "pretrial detention" and "no knock" take on ominous and unwarranted overtones. In such an atmosphere, even the most scholarly legal drafting of a search warrant law becomes suspect when it would authorize "tests and experiments on persons" as the President's original bill did.

When an Administration seems to pursue a "Southern Strategy" and White House staff memoranda imply school desegregation in a southern state might be scuttled for the sake of the local Republican party, residents of the most heavily Black populated city in America--the District of Columbia--

question whether their interests are considered paramount in the Administration's District of Columbia anti-crime plans.

I do not cite these misunderstandings lightly. Suspicion and even fear of the present Administration's anti-crime proposals goes deep into the hearts of many citizens--especially within minority segments of our population... We must face these facts realistically and honestly if we are to intelligently appraise the opposition to this reasonable, Constitutional, and effective conference version of the crime bill..."

On July 29, 1970 the Congress of the United States passed and President Nixon signed the District of Columbia Court Reform and Criminal Procedures Act which became Public Law 91-358.

On February 1, 1971 Chief of Police Jerry V. Wilson issued a general order to the metropolitan police that all "no knock" searches were solely in his hands. After the chief gives his approval, an officer must then file an application to enter without knocking with the U.S. attorney's office. If approved, the final step is to ask a District judge for authority to make the raid. During the first year the new law was on the books, five no knock raids were authorized.

On October of 1970 the police, searching for drugs, raided the home of Marvin Vincent in the District. When they broke into the house they were met with gun fire. After a three hour gun battle, community leaders arrived and arranged for him to surrender. No drugs were found in the house. Months later a jury believed Vincent had not been given adequate notice and acquitted him.

By the end of 1970 Rev. David Eaton had survived the first major crisis of his ministry. His sermon "Take the Blindfold off the Lady" resulted in awakening the general public to many of the dangers in the original bill, a number of which were eliminated in the House-Senate conference. His courage and conviction resulted in the loss of 40 Church members in 1970, but new members, inspired by Eaton's vision and courage, filled the ranks of what they understood was a reverent community for spiritual growth and social change.

Efforts by the F.B.I. to undermine his leadership through covert undercover activities failed. A decade later the undercover operation was exposed under the Freedom of Information act, and successfully prosecuted.

In 1972 Washingtonian magazine published an article entitled "Washington's Black Leadership" in which David Eaton was listed as one of 10 top African-American leaders. On Eaton's leadership, writer Walterine Swanston wrote "...Eaton has involved his congregation in a variety of community issues and his influence is growing because of his weekly television program on WRC-TV. He's tough and practical and likes to work behind the scenes, but he's willing to take chances, too."