

DTE, Detroit authorities launch legal vendetta against “energy thieves”

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The Wayne County prosecutor’s office, operating on behalf of and in conjunction with DTE Energy, is pursuing charges against a Detroit landlord and his handyman for allegedly using illegal means to restore heat and electricity to tenants whose service was cut off by the utility company.

The case is part of the company’s claim that “energy theft” is the chief cause of a series of disasters, including the deaths of nearly a dozen Detroit residents last winter in house fires that occurred after DTE cut off service. The victims included disabled workers, small children and senior citizens.

The legal vendetta is taking place as criticism of DTE grows in the aftermath of the September 7 fire that swept through several city neighborhoods. Poorly maintained power lines that fell in high winds were the chief cause of the fires, which destroyed and severely damaged 85 structures. In the days leading up to the fire DTE ignored repeated warnings from residents about dangerously malfunctioning equipment.

Over the last week, a preliminary examination took place in Detroit’s 36th District Court in the case of Darnell Jackson, 50, and James “Bo” Sand, 57. The two are charged with six counts of malicious destruction of utility property, a felony punishable by four years in prison and/or \$5,000. Because of previous run-ins with the law, Sand could be forced to spend up to 20 years in prison if convicted.

It is expected that Judge Ruth Ann Garrett will rule to bind the case over to trial at her next scheduled session on Tuesday, September 21.

The case against the two men has been in preparation since the March 2, 2010 fire at one of Jackson’s homes located at 4964 Bangor Street on the city’s west side. The fire claimed the lives of three children. On that day DTE shut off gas and electric service to Sylvia Young, a 31-year-old single mother with seven children, including a four-month old infant.

After her service was cut, Young contacted Jackson, who sent his handyman to restore electricity. Later that evening, as temperatures plummeted, she went out to purchase electric space heaters from a nearby discount store, leaving her 12-year-old in charge. A fire broke out shortly afterwards, which quickly engulfed the home, claiming the lives of three of her children, Travión, 5, Fantasia, 4, and Selena, 3.

Detroit authorities and DTE officials are seeking to portray the court case as an effort to punish unscrupulous “energy thieves” and protect the safety of Detroit residents. The company also

claims that losses from illegal hookups force them to raise rates.

In reality, the widespread phenomenon of unauthorized utility connections is a product of the crushing levels of poverty in the city, where the real unemployment rate is 50 percent. After decades of factory closures and mass layoffs, the majority of the population cannot afford the exorbitant rates charged by the multi-billion dollar energy giant. Many residents have back bills amounting to hundreds if not thousands of dollars.

While not condoning the activities of those who jerry-rig electrical connections, it is clear their services are in high demand in a city where tens of thousands of working class and poor families are going without the basic right to utilities. It is entirely hypocritical to charge Jackson and Sand when the real criminals are the top executives of DTE.

The claim that city officials and the police are concerned with the plight of working class and poor renters is no less farcical. On the contrary, they have never showed anything but contempt for the victims of utility shutoffs. Within hours of the March 2 Bangor Street fire, authorities and the news media launched a vicious campaign of slander against Sylvia Young, accusing her of abandoning her children. Even before her children were released from the hospital, homicide police dragged her in for an interrogation. State authorities then stripped the grieving mother of custody of her surviving children, compelling her to wage a month-long fight to win them back.

Once these efforts to blame Young for the death of her own children failed, the authorities sought to find an easier target. Within days of the fire, DTE reportedly positioned secret cameras at all of Jackson’s properties. The company’s security department, headed by director Michael Lynch, went out with police escort to interrogate residents at these addresses about “illegal hookups” and intimidate them into providing testimony against Jackson and Sand.

One young mother, who had been granted immunity in exchange for testifying, took the witness stand Monday. She said DTE had cut off her gas and lights in March, saying there was a “block” on the house. Shortly after contacting Jackson and having the connection restored, the police showed up at her door.

The following exchange took place during cross-examination by Jackson’s attorney.

Defense Attorney: Do you want to be here?

Mother: I was subpoenaed. I don’t want to be here.

Defense Attorney: Did they threaten to take away your kids?

Mother: They said I could be charged with a crime.

From the beginning, the Detroit Police Department and prosecutor's office has functioned as a private force for DTE. Security director Lynch reportedly forced his way into homes, under the guise of carrying out DTE business, with the police, who have no warrants, in tow. As one defense attorney put it, "DTE has the police as their Gestapo."

Jackson was lured into Lynch's office last July on the pretext that the utility was going to restore power to one of his homes. Police at the DTE offices promptly arrested him. A few weeks later, Sand was picked up and interrogated in a west side police station. In an audio tape of the questioning, the police officer repeatedly assures Sand, who never had more than an eighth grade education in his home state of Mississippi, that he was simply seeking the "truth" and not looking to lock him up. "It's just you and me here," the cop is heard to say, adding, "I don't have any tape recorder in my pocket."

During arguments before Judge Ruth Garrett, one defense attorney exclaimed, "DTE wants Jackson and they are paying the Detroit Police Department to lock them up." He later told this reporter that the police department has received a large financial grant from DTE. For its part, Wayne County prosecutors have boasted of their collaboration in the successful conviction of "energy thieves."

(For a sample of the thuggish methods used by Lynch's corporate security department, see youtube video at: <http://www.youtube.com/watch?v=B9yyBm32HwU> This should be compared with the methods of the "power police" in New Delhi, India at: <http://www.youtube.com/watch?v=B6pHYzVOhe0&feature=fvw>).

This campaign against so-called energy theft began in earnest last winter as public outrage over deadly fires at homes without utilities was growing. In April the Socialist Equality Party released the findings of the Citizens Inquiry into the Dexter and Bangor fires, which indicted DTE for the deaths. Among its findings, the commission found that that "fire danger starts not when an unauthorized hookup is installed at a home, but when heat or electricity are cut to the home."

On May 6, Gerry Anderson, DTE Energy president and chief operating officer—who pocketed \$4.8 million in compensation last year—said, "We are currently experiencing a serious rash of energy theft, concentrated in Detroit, at levels unique in this country. This theft is not only extremely dangerous, but it also undermines a basic tenet of a well-functioning society."

The company has little concern for the safety of its customers—as witnessed by last winter's deadly fires and the more recent firestorms in Detroit. Instead, DTE, no less than BP or any other major corporation, is driven primarily by the quest for ever higher profits and payouts to its top executives and wealthy investors.

For their part, the Democratic Party officials in Detroit function as little more than puppets in a Banana Republic, entirely at the beck and call of big business. Within a day of the devastating fires—caused by the negligence of DTE—Bing was declaring that the event was a "natural disaster" that could not be planned for. This reaction is not surprising, as the millionaire mayor sat of DTE's board of directors for 20 years, from 1985 to 2005.

In remarks to the WSWS, Sylvia Young denounced the legal vendetta against Jackson and Sand. "I hate it. They shouldn't be the ones going to trial. DTE should be the one on the stand; they are not nervous; they are not busting a sweat.

"The police couldn't blame me for the death of my children but they had to find someone to blame, because they weren't going to go after DTE. That's when they started talking about 'energy theft.' They thought, 'Why not charge the people who turned the utilities back on?'"

"I was still fighting to get my kids back when the police interrogated me, figuring they were getting me while I was vulnerable.

"Jackson is an easy target. But these are the men who turned my lights back on. It was DTE who shut them off and cut heat in the middle of winter.

"DTE is trying to use me and the other tenants to clear their names. If we testify against this man it will make it look like it wasn't DTE. If somebody goes to jail it will take the blame off of DTE. They are trying to use me as a pawn so they can keep turning off people's utilities and make more victims like me. The winter is coming; I can't stand to see some other mother lose her kids in a fire.

"DTE knows people can't afford these bills. They say they'll help with a payment plan—I call that a death plan. I'm a struggling mother. There is no help. The THAW (Heat and Warmth Fund) is designed to let DTE keep an eye on someone. Last year there were thousands waiting on lines to get help but no one got any.

"As for the government, its in the pockets of DTE. When you look at Bing its like the TV show, 'Who wants to marry a multi-millionaire?' When the fires took place he said, 'whoops,' and keeps on going. People are out of their homes; all they get from the Red Cross are toothbrushes, a towel and a bar of soap. The mayor and the councilmen aren't going to do anything—they're all in the pockets of DTE. I bet the wires at Mayor Bing's house are hooked up right," Young added. "His lights don't go out when the wind blows."



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