

BATTLE OF THE CORNER: URBAN POLICING AND
RIOTING IN THE UNITED STATES, 1943-1971

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ABSTRACT

Battle of the Corner: Urban Policing and Rioting in the United States, 1943-1971

provides a national history of police reform and police-citizen conflicts in marginalized urban neighborhoods in the three decades after World War II. Examining more than a dozen cities, the dissertation shows how big-city police brass and downtown-friendly municipal elites in the late 1940s and 1950s attempted to professionalize urban law enforcement and regulate rank-and-file discretion through Police-Community Relations programs and novel stop-and-frisk preventive patrol schemes. These efforts ultimately failed to produce diligent yet impartial street policing. Beginning in the late 1950s, and increasing in severity and frequency until the early 1960s, young black and Latino working-class urban residents surrounded, taunted, and attacked police officers making routine arrests. These crowd rescues garnered national attention and prepared the ground for the urban rebellions of 1964 to 1968, many of which began with a controversial police incident on a crowded street corner.

While telling a national story, *Battle of the Corner* provides deeper local context for postwar changes to street policing through detailed case studies highlighting the various stakeholders in reform efforts. In the 1950s and 1960s, African-American activists, block clubs, residents, and politicians pressured police for effective but fair and accountable tactical policing to check rising criminal violence and street disorder in neighborhoods increasingly blighted by urban renewal. Rank-and-file police unions fought civilian review boards and used new collective bargaining rights to stage job actions to obtain higher wages. They also obtained “bill of rights” contract provisions to shield members from misconduct investigations. Police management took advantage of

newly-available federal and local resources after the riots to reorganize their departments into top-down bureaucratic organizations capable of conducting stop-and-frisk on a more systematic scale. By the early 1970s, a rising generation of urban black politicians confronted skyrocketing rates of criminal violence, armed militants intent on waging war on the police, and a politically-empowered rank-and-file angry and combative over the more intense threats and pressures they faced on the job.

Battle of the Corner breaks ground in telling a national story of policing that juxtaposes elite decision-making and street confrontations and that analyzes a wide range of actors who held a stake in securing order and justice in urban neighborhoods. In chronicling how urban police departments emerged from the profound institutional crisis of the 1960s with greater power, resources, and authority, *Battle of the Corner* provides a history and a frame for understanding policing controversies today.

For Lindsay and Rosa

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This dissertation began as a study of two urban riots in the 1960s but over time grew and grew and grew to examine urban policing in a dozen cities in the three decades after World War II. Lots of people and institutions over many years helped me complete this work.

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CHAPTER 1: INTRODUCTION

In the summer of 1966, a team of researchers visited Philadelphia to study the operations of the police department. Joseph D. Lohman and Gordon E. Misner, both longtime urban sociologists, were to produce a report for President Lyndon B. Johnson's Commission on Law Enforcement and Administration of Justice. A grant from the recently created Office of Law Enforcement Assistance was supporting their work. Lohman and Misner arrived in the city two summers after a serious riot in the predominantly black, working-class area of North Philadelphia. The uprising had lasted three days, caused significant property damage, led to a few hundred arrests, and resulted in two deaths, both at the hands of police. Young black men had been the main participants—and white patrolmen their chief adversary.¹

While in Philadelphia in 1966, the veteran sociologists noticed that young black men and the primarily white police force were engaged in a quasi-ritualized struggle over the street corner. “Many of the participants—both police and youth—view the developments on the corner as part of the ‘grand strategy,’” Lohman and Misner wrote.

Both apparently see these encounters as challenges to their manhood. Neither party expresses a willingness to allow the corner to go to the other by default....Part of the young policeman's lore is the fact that losing the battle is seen as one of the most serious ‘defeats’ a policeman can suffer. The researchers further contended that the “battle of the corner” had deeper roots in the neighborhood. “‘The drawing of the battle lines,’” they argued, “has apparently been as much the consequence of public pressure as it has been the

¹ Joseph D. Lohman and Gordon E. Misner, *The Police and the Community: The Dynamics of Their Relationship in a Changing Society*, Field Surveys IV, Vol. 2 (Washington, D.C.: Government Printing Office, 1966); Matthew J. Countryman, *Up South: Civil Rights and Black Power in Philadelphia* (Philadelphia: University of Pennsylvania Press, 2007), 154-160.

product of the policeman’s action.” The young men of color who gathered on corners to wait for day work, socialize, or engage in criminal enterprise often annoyed passersby and elicited resentment from the surrounding community. Patrol officers thus frequently confronted so-called “corner-lounging,” commonly in ways that were explicitly racist or physically brutal, because they had been asked to by the primarily black inhabitants of North Philadelphia.²

The “battle of the corner” was the most visible piece of a decades-long struggle between African Americans and Latinos and urban police departments over rights, justice, and order in U.S. cities after World War II. As the opening anecdote attests, several factors were at stake in street-corner encounters between residents and police officers. Young men fighting male cops is perhaps the most iconic example of urban policing in the 1960s. Indeed, the urban rebellions of that decade grew out of prior clashes between young black and Latino men and white male police officers. While these actors have taken center stage in histories of the big-city unrest in places like Watts, Newark, and Detroit, this dissertation draws in an equally important supporting cast. Working-class and middle-class African-American and Latino residents, liberal reformers, activists, police brass, and rank-and-file officers also had a stake in the battle of the corner, and were directly instrumental in attempting to regulate police-citizen street encounters in the two decades preceding the urban rebellions. As Lohman and Misner discovered in Philadelphia, many residents of color desired more diligent policing of street disorder and crime that had roots in systemic poverty and racist public policy. The

² Lohman and Misner, *The Police and the Community*, 142-147, 156.

“battle of the corner” thus took place on a much bigger stage with a wider set of participants trying to secure a modest degree of justice in unjust circumstances.

Battle of the Corner: Urban Policing and Rioting in the United States, 1943-1971 describes how different actors and institutions sought to create through policy, politics, and power a safe, equal, and just city. I term this struggle over public order “street sovereignty.” In the three decades after World War II, low-income urban residents of color increasingly employed street violence to assert their rights and dignity against police forces that too often used their discretion to enforce an oppressive social order. *Battle of the Corner* chronicles the efforts of poor urban communities to regulate police discretion and improve police responsiveness to manage the greatly worsening problems of order and crime arising from concentrated urban poverty. Police executives and patrol officers responded to these countervailing pressures by reasserting the prerogatives of the state to dictate to the citizen the permissible uses of public space. These competing visions of street sovereignty laid the foundation for the urban rebellions of the 1960s. *Battle of the Corner* argues that the street insurgencies against over-policing ultimately put the police rank-and-file on the defensive and undermined the attempt to rectify under-policing. As a result, low-income urban residents of color by the early 1970s felt themselves increasingly unprotected by alarming levels of criminal and state violence.

Hundreds of cities in the United States experienced at least some rioting in the 1960s. Some large metropolitan centers like New York or Cleveland or Jacksonville, Florida,

suffered multiple riots within the span of a few years. Across the country, residents of color took to the streets in angry, violent protest. Most of these rebellions, as some people called them, lasted less than a day and involved no more than a few dozen youngsters throwing bricks and bottles at police officers and store windows. Some looted, some set trash cans on fire. In many of the large disturbances, a core group firebombed neighborhood stores with Molotov cocktails, sometimes decimating entire blocks. According to the National Advisory Commission on Civil Disorders—known as the Kerner Commission after its chair, Illinois Governor Otto Kerner—the typical rioter was an unmarried black man between fifteen and twenty-four years old, a lifelong resident of the city, employed in unskilled labor though chronically without work, and somewhat better educated than his peers, having completed at least ten years of school.³

Battle of the Corner underscores that the typical rioter was a young man of color locked in daily struggle with the patrolman. Relatively few African Americans rioted, of course, and many chose to protest racially discriminatory policies through electoral politics, lobbying, and direct action. But in a significant, dramatic departure, beginning in the late 1950s, tens of thousands of young men of color fought police in the street by resisting arrest and physically attacking officers. Almost without exception, the immediate triggering event for an urban riot in the sixties was a police action, and the top grievance given by residents of riot-torn neighborhoods was the police. In their Supreme Court *amicus* brief written in 1967 for the stop-and-frisk case *Terry v. Ohio*, the National

³ In its sample of 164 disorders in the first months of 1967, the Kerner Commission calculated that eight, or five percent, were “major,” thirty-three were “serious,” and 123, or three-quarters, were “minor.” The eight major riots, most notably in Newark and Detroit, lasted at least two days; had extensive looting, arson, reports of sniping, and large crowds; and involved the use of National Guard or federal troops. National Advisory Commission on Civil Disorders, *Report* (Washington, D.C.: Government Printing Office, 1968), 65, 73 (hereafter, *Kerner Report*); Robert B. Hill and Robert M. Fogelson, *A Study of Arrest Patterns in the 1960s Riots* (New York: Bureau of Applied Research, 1969), 21-22.

Association for the Advancement of Colored People gave voice to these day-to-day experiences in observing: “‘Hey, there’ to the man likely to be stopped—the man on the street in a ‘bad’ neighborhood, the man in the ghetto—is a challenge, an act of dominion by the Fuzz, a thinly veiled threat of force.”⁴

Rioters in the 1960s primarily were protesting the racially-exclusive policies of white-dominated municipal government, specifically unjust policing. In this way, the dissertation departs from the influential formulation of the Kerner Commission in 1968. “Thus, to many Negroes,” the Commission said, “police have come to symbolize white power, white racism, and white repression.” For the Commission, policing was merely a trigger. “In a fundamental sense, however, it is wrong to define the problem solely as hostility to police,” the report claimed. “In many ways, the policemen only symbolizes much deeper problems.” Alluding to the range of social ills plaguing segregated low-income neighborhoods, the Commission contended that the thousands arrested—mainly for looting-related offenses—and the many thousands more who sympathized were not simply angry at police: they looted, burned, or cheered to protest their almost total exclusion from white society and to assert, collectively, their humanity in the face of white brutality and indifference.⁵

As this dissertation documents, however, young African-American and Latino men—to a far greater degree than any other segment of poor and marginalized communities—encountered arbitrary, brutal, and explicitly racist policing. They complained of being routinely stopped and frisked in a flagrant and emasculating attempt,

⁴ *Kerner Report*, 69-70, 81, 83; Brief of Amicus Curiae of the National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund, Inc., *Terry v. Ohio* 392 U.S. 1 (1968) (Nos. 63, 74, and 67), 35.

⁵ *Kerner Report*, 93, 157, chapter 7.

in their view, at racist social control rather than crime control. Police further subjected them to “retaliatory arrests” and “alley justice” to punish perceived disrespect. A comprehensive study of 20,000 arrest sheets from nearly three dozen riots between 1964 and 1968 found that on average two-thirds of the young men had been arrested at least once before. A much smaller percentage of those arrested had been convicted of a crime. The President’s Commission on Law Enforcement and Administration of Justice estimated that between fifty and ninety percent of “slum males” had an arrest record. These data indicate the vast scope of dragnet policing in poor urban neighborhoods. Young male rioters to a large degree saw themselves as defending their manhood and asserting their dignity against a regime of baseless street stops, unchecked violence, and constant jailing without cause.⁶

At the start of the 1960s policing in many cities was still an amateur vocation dominated by white men. The Detroit Police was ninety-five percent white in a city that was forty-percent black. Even in majority-black Washington D.C., only one in five officers was African-American. A 1967 survey of twenty-eight departments in large and medium-sized cities revealed an almost-entirely-white command structure. Ninety-five percent of black employees were in uniformed patrol. In the middle of the decade, before the police labor movement had achieved historic gains and reformers had instituted stricter hiring and promotion standards, big-city policing was a working-class job akin to

⁶ Although focusing primarily on relations between young working-class black men and white patrolmen, responsible for the most explosive urban street-corner confrontations of the 1960s, this dissertation acknowledges that black police shared many of the prejudices of their white colleagues against poor and marginalized urban residents. And, further, late in the decade and into the early 1970s, a growing number of urban riots were led by young working-class Latinos, who had similar experiences of the police as young black men. Hill and Fogelson, “A Study of Arrest Patterns in the 1960s Riots,” 20; President’s Commission on Law Enforcement and Administration of Justice, *Task Force Report: The Police* (Washington, D.C.: Government Printing Office, 1967), 147, 178-189.

manual labor. Fewer than one in ten officers had completed college. The median base police salary in cities with at least 500,000 population was \$7,000, substantially less than the skilled trades. A typical recruit in a large city received at least eight weeks of training at the academy but almost none on the job. Patrol officers were virtually unsupervised in the field and received little training and oversight in the use of their service weapon. Most, however, had strong job security under civil service rules.⁷

The urban patrol officer became a focus of public policy after World War II—and a prominent voice in urban politics by the late-1960s. Over this period, big-city police departments introduced reforms to regulate the discretion of front-line officers and implement efficient, colorblind, and apolitical patrol. Many of these initiatives dated to the anti-corruption “good government” campaigns of the Progressive era, dominated by native-born, Protestant reformers who set out to weaken the power of urban political machines. The machines ran on patronage through a network of ward leaders who doled out police appointments to predominantly Irish and Italian Catholic immigrants who in turn were expected to repay the machine by ensuring victory on election day and collecting payola from vice establishments. By the 1930s, the campaign to end police graft joined a broader professionalization program, led by police officials, to raise hiring and training standards to attract college-educated candidates, allocate patrol on a rational basis using prior crime trends, and reorganize the command structure along military lines.⁸

⁷ The typical big-city patrol officer in 1965 was a thirty-seven-year-old white male from a working-class family whose wages had stagnated over the past decade. *Kerner Report*, 169; *Task Force Report: The Police*, 9-11, 126, 134-135, 138-140, 171-172, 189-190; Arthur Niederhoffer, *Behind the Shield: The Police In Urban Society* (Garden City, N.Y.: Anchor Books, 1969), 39; Ed Cray, *The Enemy in the Streets: Police Malpractice in America* (Garden City, N.Y.: Anchor Books, 2nd Ed., 1972), 243-244.

⁸ Robert Fogelson, *Big-City Police* (Cambridge: Harvard University Press, 1977), chapters 1-3; Egon Bittner, “The Rise and Fall of the Thin Blue Line,” *Reviews in American History* 6, no. 3 (1978): 421-428;

After World War II, coalitions of liberal and business interests swept to power in many large cities and pursued a program of police professionalization. Downtown-friendly elites believed a “clean force” trained in aggressive crime prevention would help attract outside investment and retain desirable white heterosexual middle-class families who had begun moving in large numbers to the rapidly-expanding suburbs.⁹ The major 1943 riots also renewed calls for professionalization. In Detroit, Los Angeles, and dozens of other cities over the summer of ’43, white youths and servicemen harassed, attacked, and even lynched African Americans. In many instances, police officers were passive bystanders or active accomplices to white brutality. During a war in which federal and local governments were anxious to present a unified, pluralistic front to fascist enemies, urban liberals and professionalism advocates introduced the first riot control training for front-line officers emphasizing swift, firm, and impartial responses to inter-group conflict.¹⁰ Only a dozen cities at first adopted the training, and to a superficial degree, but many more would over the 1950s as millions of African Americans migrated to central city areas adjoining white neighborhoods hostile to the newcomers.¹¹

Eugene J. Watts, “Cops and Crooks: The War At Home,” in *Reshaping America: Society and Institutions*, ed. Robert H. Bremner and Gary W. Reichard (Columbus: The Ohio State University Press, 1982), 283-314.

⁹ Christopher Lowen Agee, “Freedom, Policing and Urban Liberalism,” in *The SAGE Handbook of Global Policing*, ed. Ben Bradford, Beatrice Jauregui, Ian Loader, and Jonny Steinberg (Thousand Oaks, Calif.: SAGE Publications, 2016), 282-283; Timothy Stewart-Winter, *Queer Clout: Chicago and the Rise of Gay Politics* (Philadelphia: University of Pennsylvania Press, 2016), 26-27; see also Robert Self, *All in the Family: The Realignment of American Democracy since the 1960s* (New York: Hill and Wang, 2012), chapter 1.

¹⁰ Lila Corwin Berman, *Metropolitan Jews: Politics, Race, and Religion in Postwar Detroit* (Chicago: The University of Chicago Press, 2016), 54-58; Kevin Leonard Allen, “Years of Hope, Days of Rage: The Impact of World War II on Race Relations in Los Angeles” (PhD diss., University of California, Davis, 1992), 158-162; Edward J. Escobar, *Race, Police, and the Making of a Political Identity: Mexican Americans and the Los Angeles Police Department, 1900-1945* (Berkeley: University of California Press, 1999), 260.

¹¹ Samuel Walker, “The Origins of the Police-Community Relations Movement: The 1940s,” *Criminal Justice History* 1 (1980): 225-246.

At the precise moment police departments were struggling to manage rising racial tensions, they sought to control a growing and transient black urban population. Federally-enforced racially-restrictive mortgage-lending and real estate practices created the postwar enclaves where African Americans resided. In the 1950s, under the guise of “slum clearance,” downtown-friendly municipal governments used federal dollars to bulldoze long-established black neighborhoods to build new highways to carry white suburban commuters to downtown employment and high-end attractions. As a result, thousands of black residents were displaced to “second ghettos,” densely-packed areas, where doctors and lawyers lived next door to postal workers, truck drivers, and day laborers, where housing codes were unenforced and uncollected trash created a minor rat epidemic, and where overcrowded schools pushed out black students at a disproportionately high rate.¹² The flight of high-wage, low-skill unionized manufacturing jobs, the increasing pace of automation, and tightening labor markets after 1953 heaped additional material hardship upon urban black communities. At a time when white Americans enjoyed rising wages and near-full employment, the joblessness rate among African Americans was routinely at ten percent and among black youths as high as thirty percent.¹³

¹² Arnold R. Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940-1960* (Chicago: University of Chicago Press, 2011); *Kerner Report*, 29, 138, chapter 8; Jon C. Teaford, *The Rough Road to Renaissance: Urban Revitalization in America, 1940-1985* (Baltimore: Johns Hopkins University Press, 1990), 107-108, 123-126; David McAllister, “Realtors and Racism in Working-Class Philadelphia, 1945-1970,” in *African American Urban History since World War II*, eds. Kenneth L. Kusmer and Joe W. Trotter (Chicago: The University of Chicago Press, 2009), 123-141; Peter Dreier, John Mollenkopf, and Todd Swanstrom, *Place Matters: Metropolitcs for the Twenty-First Century* (Lawrence: University Press of Kansas, 3rd ed., 2014), 143-145; Alison Isenberg, *Downtown America: A History of the Place and the People Who Made It* (Chicago: The University of Chicago Press, 2004), chapter 5.

¹³ Charles C. Killingsworth, “Jobs and Income For Negroes,” *Policy Papers in Human Resources and Industrial Relations* No. 6 (May 1968), 1-2; *Kerner Report*, 124-127.

Despite these hardships—because of them—African Americans used their growing share of the urban electorate to make demands on law enforcement. Black urbanites had two core complaints about the police: on one hand, they were brutal, aggressive, and explicitly racist and, on the other, they were indifferent, slow to respond, and too-often absent when needed. “The strength of ghetto feelings about hostile police conduct may even be exceeded by the conviction that ghetto neighborhoods are not given adequate police protection,” the *Kerner Report* said. Urban black communities encountered over-policing and under-policing simultaneously, albeit differently depending on age, class, and sex. For example, young working-class men and older middle-class black residents frequently lamented that police were overly harsh or too lenient, respectively, complaints that police and urban liberals found challenging to reconcile.¹⁴

In the decade after the 1943 riots, middle-class black activists in large northern cities forged new relationships with reformer police chiefs to introduce police-community relations programs oriented toward regulating the conduct of front-line officers. Police reformers emphasized hiring, training, and discipline hoping to reinforce colorblind norms and improve accountability.¹⁵ By the early 1960s, many big-city police departments offered training in human relations, administered citizen complaints through a specially-trained independent unit, established monthly precinct meetings for residents to attend, and issued general orders explicitly forbidding discriminatory language and

¹⁴ *Report*, 161; *Task Force Report: The Police*, 148.

¹⁵ Alex Elkins, “Liberals and ‘Get-Tough’ Policing in Postwar Detroit,” in *Detroit 1967: Origins, Impacts, Legacies*, ed. Joel Stone (Detroit: Wayne State University Press, 2017), 106-116; Samuel Walker, *Popular Justice: A History of American Criminal Justice* (New York: Oxford University Press, 2nd Ed., 1998), 195-199; Marilyn S. Johnson, *Street Justice: A History of Police Violence in New York City* (Boston: Beacon Press, 2003), chapters 6-7.

conduct. Black activists also agitated for independent civilian review boards, although with a few notable exceptions, they generally failed in this aim.

Many of the same middle-class black activists who fought racist police tactics also demanded more robust police protection from the worsening problems of street disorder and violent crime. In the postwar years, community groups and black elected officials coordinated and sometimes led grassroots campaigns to hire more police, especially black police; to obtain youth curfew laws and strict enforcement of them; to secure more diligent police response to calls for service; and to crack down on vice trades like gambling and prostitution that many black residents believed, often correctly, were permitted to operate in their neighborhoods due to the complicity of indifferent or corrupt police. Black residents, both working-class and middle-class, saw inadequate police protection as a moral affront, a violation of their right to equal protection, and, more broadly, a consequence of the systemic social exclusions of segregation. Yet, unavoidably, in demanding a greater police presence on the street corner, black urbanites also exposed certain community members to the indiscriminate, often racist and brutal tactics that frequently accompanied street policing in their neighborhoods.

Young men of color began a more overt rebellion against this aggressive dragnet policing in the late 1950s through what I call crowd rescues during street arrests. These events were partly inspired by the civil rights movement in the South, where black picketers were brutally beaten by white posses and sheriff's deputies. Many of these bloody scenes were transported into northern and western urban living rooms through the national press. Continuing a longer tradition within black communities, civil rights organizations portrayed police killings in the North and the West as the moral equivalents

of Jim Crow justice in the South. Proponents of civilian review boards further politicized street-corner police incidents involving black victims that otherwise would have been ignored by the mainstream press.¹⁶ At this same moment, lawmakers, police officials, and academics began to advocate abolishing the longstanding right to resist unlawful arrest. Then, appearing as if out of nowhere but in fact following a decade of intensifying police aggression, a growing number of primarily young men of color began attacking police officers making routine street stops—at first alone and then collectively. Patrol officers complained of crowds gathering at every arrest in poor urban areas. Spectators shouted civil rights slogans such as “Freedom Now!” Some threw rocks. Some attempted to free the prisoner. Some started riots.

The crowd rescues from 1957 to 1963 were, in retrospect, dress rehearsals for the urban uprisings during their most intense period of 1964 to 1968. Since the 1960s, most historians have argued that the riots were violent protests against unjust social conditions. Whether “uprisings,” “riots,” or “rebellions,” they say, the disorders were primarily motivated by a rational desire to remediate legitimate grievances, rather than the chaotic, chiefly lawless work of criminal “riff-raff,” as asserted by prominent conservatives (and some liberals) in the 1960s and since. These opposing interpretations arose in the 1960s as partisan and ideological disagreements over the policies that would best prevent and suppress popular disruptions by marginalized populations. These concerns continue to predominate in scholarly debates today.¹⁷

¹⁶ Historians have likewise chronicled the ways that police violence spurred political formations in Chicano, gay, and black politics. See Stewart-Winter, *Queer Clout*, 1, 5-6; Escobar, *Race, Police, and the Making of a Political Identity*, 14, 16; 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), 9-10.

¹⁷ Amanda Seligman, “‘But Burn—No’: The Rest of the Crowd in Three Civil Disorders in 1960s Chicago,” *Journal of Urban History* 37, no. 2 (2011): 232, 248; Heather Ann Thompson, “Understanding

Rather than attempt to resolve the impasse, this dissertation seeks to show how the riots changed from 1964 to 1968 and how different actors used social tumult to advance particular social and political ends. The young men who typically started a riot and who propelled it forward through escalating actions were most likely to have been previously arrested and were the demographic who most complained of police harassment. Young men expressed anger and bitterness toward police in terms of manhood, honor, and dignity. For this cohort, rioting was an opportunity to prove their masculine toughness and their humanity.

Political bargaining played an increasingly prominent role in the unrest of 1967 and 1968, indicating that urban rioting by then had achieved a durable quasi-ritualistic form. Black activists intervened to negotiate the terms of truce and with surprising frequency achieved tangible if superficial concessions from public officials. Public authorities used a variety of strategies to restore order. In some cities, state and local police and National Guardsmen perpetrated extreme violence often intending to degrade and intimidate people of color. Many cities, however, responded more cautiously, partly to avoid emboldening the Black Power activists who were using the unrest to demand radical reforms. The federal government responded to the threat of continued urban rioting by initiating an unprecedented campaign to assist local law enforcement.

Rioting in Postwar Urban America,” *Journal of Urban History* 26, no. 3 (March 2000): 391-402; Alex Elkins, “Review Essay: Stand Our Ground: The Street Justice of Urban American Riots, 1900 to 1968,” *Journal of Urban History* 42, no. 2 (2016): 422-423; Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in North* (New York: Random House, 2008), 334, 324-34; Kevin Boyle, “The Ruins of Detroit: Exploring the Urban Crisis in the Motor City,” *Michigan Historical Review* 27, no. 1 (Spring 2001): 118-120; Kenneth L. Kusmer, ed., *The Ghetto Crisis of the 1960s: Causes and Consequences* (New York: Garland Publishing, 1991).

Although the dollar amounts were trivial, Great Society liberals bolstered the paramilitary model of urban street policing.¹⁸

African Americans responded to the serious dangers on their doorstep by demanding more diligent police protection. Black activists advocated structural remedies to crime, while recognizing that the redistributive policies they desired were both politically unrealistic and unlikely to help in the short-term. Thus many prescribed police solutions. In some of the first public polling on the issue in 1966, African Americans in Harlem, Watts, and other primarily black urban areas listed crime as a much greater problem than police brutality.¹⁹ Black residents of Boston, Philadelphia, Detroit, and Cleveland led campaigns to wage a more aggressive war on crime in their neighborhoods. Some black activists demanded that police and prosecutors get tough on drug pushers and violent criminals, without mercy. Many others asserted their right to adequate police protection as a public service that should be distributed equitably, according to need. Local governments indeed supplied more police but black residents found it increasingly difficult to monitor and discipline brutal officers.

Over the same years as the urban rebellions, rates of violent crime skyrocketed. Between 1964 and 1974, the national rate for homicide more than doubled.²⁰ Certain cities—and specific neighborhoods within them—experienced a shocking rise in criminal violence. Detroit had 125 homicides in 1964 and 800 in 1974, despite losing 160,000

¹⁸ Michael B. Katz has noted that federal expenditures accounted for no more than 5 percent of “total spending on criminal justice” during the existence of the Law Enforcement Assistance Administration from 1968 to 1980. Katz, *Why Don't American Cities Burn?* (Philadelphia: University of Pennsylvania Press, 2012), 91.

¹⁹ *Boston Globe*, September 4, 1966; John F. Kraft, Inc., “The Attitudes of Negroes in Various Cities,” in Senate Committee on Government Operations, *Federal Role in Urban Affairs: Hearings before the Subcommittee on Executive Reorganization*, 89th Congress, Second Session, Part Six (September 1, 1966), 1395.

²⁰ Franklin E. Zimring, *The Great American Crime Decline* (New York: Oxford University Press, 2015), 5.

residents in the interim. Cleveland's 122 homicides in 1964 were the most in the city's history. It would close the decade with 295, after shedding 126,000 residents since 1960. In 1970, the national homicide rate for men 25 to 34 years old in metropolitan areas was 36 per 100,000. In Cuyahoga County, home to Cleveland, the rate was sixty-seven. For young black men in the city, the rate was 344.²¹ The first criminal victimization surveys published in 1966 and 1967 revealed that the official crime statistics published by the Federal Bureau of Investigation based on police reporting dramatically undercounted major violent crimes like rape, robbery, and assault.²²

Stagnating wages, the rising number of ambush attacks on police officers, and the increasing militancy of Black Power activists spurred a counterrevolution within police departments that dramatically increased the power of the rank-and-file. In 1959, the Fraternal Order of Police (FOP), one of the largest national police organizations, had 194 lodges. Ten years later, the union had 733 lodges with 80,000 members. This growth owed in large part to new collective bargaining laws and police mobilization in response to more acute public hostility. In the second half of the 1960s, militant police unions engaged in strikes or "Blue Flus" to win higher wages, formal grievance rights, and due process during disciplinary hearings. They endorsed political candidates, promoted ballot initiatives, and pursued litigation. Through statewide and national organizations, police

²¹ U.S. Bureau of the Census, *Census of Population: 1970*, Vol. 1, Characteristics of the Population, Part 24, Michigan (Washington, D.C.: U.S. Government Printing Office, 1973), Table 6, 24-11; U.S. Bureau of the Census, *Census of Population: 1970*, Vol. 1, Characteristics of the Population, Part 37, Ohio-Section 1 (Washington, D.C.: U.S. Government Printing Office, 1973), Table 6, 37-12; Norman B. Rushforth et al, "Violent Death in a Metropolitan County: Changing Patterns in Homicide (1958-1974)," *The New England Journal of Medicine*, 297, no. 10 (1977): 531, 533-534, 536.

²² President's Commission on Law Enforcement and Administration of Justice, *Task Force Report: Crime and Its Impact—An Assessment* (Washington, D.C.: Government Printing Office, 1967), 17-19; Donald J. Mulvihill, *Crimes of Violence: A Staff Report Submitted to the National Commission on the Causes and Prevention of Violence* (Washington, D.C.: Government Printing office, 1969), 19-23.

launched an ambitious legislative program to obtain stop-and-frisk laws, harsher penalties for resisting arrest or assaulting a police officer, and antiriot materiel. Of great consequence for adjudicating street-corner incidents, the unions also secured contracts with special “bill of rights” provisions giving officers far more expansive due process rights than afforded ordinary criminal suspects.²³

By the early 1970s, when *Battle of the Corner* concludes, many jurisdictions had abolished the citizen’s right to resist unlawful arrest while granting patrol officers the right to stop and frisk citizens on reasonable suspicion. These intersecting trends indicate a deeper change arising from the era of urban rebellion: wider acceptance of police sovereignty in street-corner encounters. In subsequent decades, cash-strapped municipal governments would rely to an ever greater degree upon a militant police rank-and-file to manage a fraying social order.²⁴

Battle of the Corner joins a growing chorus of scholars of criminal justice and specifically policing in U.S. cities in the twentieth century. Over the past ten years the scholarship on mass incarceration has exploded. Heather Ann Thompson’s watershed 2010 article “Why Mass Incarceration Matters” and the two recent special journal issues she co-edited have given the field great prominence and purpose. Collectively, these scholars have probed the reasons for the globally unprecedented expansion in U.S. imprisonment since 1970. Today, the U.S. has five percent of the world’s population but

²³ Hervey A. Juris and Peter Feuille, *Police Unionism: Power and Impact in Public-Sector Bargaining* (Lexington, Mass.: Lexington Books, 1973), 17, 28.

²⁴ Kim Philips-Fein, *Fear City: New York’s Fiscal Crisis and the Rise of Austerity Politics* (New York: Metropolitan Books, 2017); Julily Kohler-Hausman, *Getting Tough: Welfare and Imprisonment in 1970s America* (Princeton: Princeton University Press, 2017); Max Felker-Kantor, “Liberal Law-and-Order: The Politics of Police Reform in Los Angeles,” *Journal of Urban History*, first published April 28, 2017, doi: 10.1177/0096144217705462.

nearly one-fourth of its prisoners. The number of Americans under correctional supervision skyrocketed from 780,000 in 1965 to seven million in 2008, including 2.2 million in prisons and jails. Over this period, the incarceration rate rose from 100 to 502 per 100,000 population. In 2008, the rate per 100,000 for African Americans was 1,661 and for black men, 3,119. One in seven black men born in 1940, who did not finish high school, spent time in jail. For their counterparts born in 1970, it was closer to seven in ten.²⁵

Although differing in certain respects, the recent scholarship on mass incarceration has coalesced around a few core conclusions to explain an imprisonment boom without global peer. First, the punitive turn of the past fifty years has been a bipartisan project. Since at least the 1940s, politicians from both parties have attempted to bolster urban police forces and introduce race-neutral reforms to administer tough punishment for interracial violence and urban crime. These policies gave the police a more aggressive role in municipal governance. Second, the War on Drugs has dramatically exacerbated racial disparities in arrest and incarceration and produced devastating collateral consequences for poor urban communities, increasing rates of poverty and gun violence. Third, the federal government since the mid-1960s has provided resources and incentives for local authorities to use arrest and jail instead of social services in low-income urban areas. Scholars have highlighted how, from 1968 to 1980, the Law Enforcement Assistance Administration supplied billions of dollars to

²⁵ Heather Ann Thompson, "Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History," *The Journal of American History* 97, no. 3 (2010): 703-734; Heather Ann Thompson and Donna Murch, eds., "Special Issue: Urban America and the Carceral State," *Journal of Urban History* 41, no. 5 (2015): 751-861; Kelly Lytle Hernandez, Khalil Gibran Muhammad, and Heather Ann Thompson, eds., "Special Issue: Historians the Carceral State," *The Journal of American History* 102, no. 1 (2015): 18-184.

state and local authorities to militarize the police and build new jails and prisons, while increasingly conservative federal administrations have abandoned liberal commitments to welfare assistance. Finally, many scholars date the punitive turn to the mid-1960s, when white liberals and conservatives engineered a “law-and-order” response to urban rebellion, Black Power, and the prisoners’ rights movement. Mass incarceration was in these ways a bipartisan project forged in local-federal partnership largely in response to postwar black urban protest and riots.²⁶

Battle of the Corner refines this story of mass incarceration in several key respects. First, recent scholarship places insufficient emphasis on class, crime, and contingency. The new literature paints the prison boom as the deliberate project of white Americans to lock up poor black and brown urban youth. Crime, in this telling, was a convenient pretext to erect a “New Jim Crow” rather than a real material condition eliciting legitimate public concern. This scholarship overlooks or under-emphasizes black law-and-order politics. African Americans play surprisingly little role in this history, except as activists or victims of police abuse. Black activists and politicians who supported tough punishment are treated as outliers, coopted by white elites and out of step with prevailing sentiment in urban black communities.²⁷ *Battle of the Corner*,

²⁶ The recent academic literature on mass incarceration is sprawling, covering the operations of field detentions and arrest, jail and prison, and the border patrol to the collateral consequences for families, communities, the economy, and electoral democracy. The discussion here is far from comprehensive, but rather focuses on the dominant causal explanations for the prison boom. See, in particular, Elizabeth Kai Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016); Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014); Kohler-Hausman, *Getting Tough*; National Research Council, *The Growth of Mass Incarceration in the United States: Exploring Causes and Consequences* (Washington, D.C.: The National Academies Press, 2014); Melanie Newport, “Jail America: The Reformist Origins of the Carceral State” (PhD diss., Temple University, 2016); Kelly Lytle Hernandez, *Migra!: A History of the U.S. Border Patrol* (Berkeley: University of California Press, 2010).

²⁷ Donna Murch, “Crack in Los Angeles: Crisis, Militarization, and Black Response to the Late Twentieth-Century War on Drugs,” *The Journal of American History* 102, no. 1 (2015): 168-169; Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2012).

alongside recent publications by Michael Javen Fortner and James Forman, Jr., demonstrates instead that working-class and middle-class black residents were deeply anxious about drugs, violent crime, and public safety, and that, by the early 1970s, solid majorities supported aggressive policing and tough sentencing laws. African Americans did not intend to create “mass incarceration” but to fix perceived weaknesses in criminal prosecution.²⁸ In the pivotal period of 1965 to 1975, furthermore, incarceration rates slackened while violent crime skyrocketed. It is little wonder that low-income urban communities, most affected by this dramatic increase, reacted with alarm and calls for tougher treatment of criminals—in fact, it would be surprising if they had not.²⁹

In addition, *Battle of the Corner* provides deeper historical background on urban street policing, which figures prominently in the new histories of mass incarceration. Recent scholarship has greatly emphasized the tactical squads that many large urban departments introduced in the 1960s and then expanded with federal support, such as Detroit’s Stop the Robberies, Enjoy Safe Streets (STRESS), whose officers killed twenty-two civilians, almost entirely young black men, between 1971 and 1974. As a result, the now-standard accounts typically date the War on Crime to President Johnson’s declaration in 1965 and track its subsequent trajectory largely through the federal War on

²⁸ Although Michael Fortner gives too much power to the role of African Americans in producing the punitive turn in public policy in the early 1970s, his research on the prevalence of law-and-order sentiment within postwar urban black communities remains valuable. Michael Javen Fortner, *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment* (Cambridge, Mass.: Harvard University Press, 2015); Michael Javen Fortner, “The Carceral State and the Crucible of Black Politics: An Urban History of the Rockefeller Drug Laws,” *Studies in American Political Development* 27, no. 1 (2013): 14-35; James Forman, Jr., *Locking Up Our Own: Crime and Punishment in America* (New York: Farrar, Straus and Giroux, 2017); Randall Kennedy, *Race, Crime, and the Law* (New York: Pantheon Books, 1997), 159.

²⁹ John F. Pfaff observes that the “‘effective’ incarceration rate” dropped between 1960 and 1980, meaning the rate of “prisoners per crime” declined. See Pfaff, “Escaping from the Standard Story: Why the Conventional Wisdom on Prison Growth is Wrong, and Where We Can Go From Here,” *Federal Sentencing Reporter* 26 (2014): 271; William J. Stuntz, *The Collapse of American Criminal Justice* (Cambridge, Mass.: Harvard University Press, 2011), 33.

Drugs.³⁰ *Battle of the Corner*, by contrast, chronicles a local war on crime that began several decades before—prior iterations date at least to Prohibition.³¹ The postwar history of street policing further reinforces the phenomenon well-understood by social scientists that arrest does not always lead to imprisonment.³²

Rather than a history of incarceration, this dissertation chronicles how urban police forces erected a regime of preventive detentions, many of which were technically “off the books.” In recent years scholars have rushed to identify the origins of the American prison explosion. Vesla Weaver has identified a “frontlash” by conservative politicians who, experiencing defeat in the triumph of national civil rights legislation beginning in the late 1950s, seized upon black urban migration and street crime as their path to retain political power. Heather Thompson and Elizabeth Hinton, most prominently, have located the start of mass incarceration in the March 1965 speech by President Lyndon Johnson in which he declared a “War on Crime.” In September Congress created the Office of Law Enforcement Assistance, the first federal commitment of its kind to support the beat cop whom Johnson called “the frontline

³⁰ Hinton, *From the War on Poverty to the War on Crime*, 1-2, 191-203; Thompson, “Why Mass Incarceration Matters,” 730-731; for a contrary empirical assessment of the role of federal policies and the War on Drugs, see Pfaff, “Escaping the Standard Story,” 267-269, 278.

³¹ Jeffrey S. Adler, “Less Crime, More Punishment: Violence, Race, and Criminal Justice in Early Twentieth-Century America,” *The Journal of American History* 102, no. 1 (2015): 34-46; Nathan Douthit, “Police Professionalism and the War Against Crime,” in George L. Mosse, ed., *Police Forces in History* (Beverly Hills, CA: Sage Publications, Inc., 1975), 317-333; Nora Krinitsky “The Politics of Crime Control: Race, Policing, and State Power in Modern America” (PhD diss., University of Michigan, 2017).

³² Recent empirical research demonstrates the important role of prosecutors in prison growth since 1980. John F. Pfaff, “The Micro and Macro Causes of Prison Growth,” *Georgia State University Law Review* 28, no. (2012): 1248-1253; Steven Raphael and Michael A. Stoll, *Why Are So Many Americans in Prison?* (New York: Russell Sage Foundation, 2013), 80. Issa Kohler-Hausmann has written: “The era of mass incarceration might more accurately be called the era of mass conviction and correctional supervision, as parole and probation populations have grown at an even faster rate than the incarcerated population.” See Kohler-Hausmann, “Managerial Justice and Mass Misdemeanors,” *Stanford Law Review* 66 (March 2014): fn. 2, 612-613.

soldier in our war against crime.”³³ Yet, this dissertation demonstrates, what defined urban street policing in the 1950s and 1960s was its reliance upon temporary detentions. As Risa Goluboff has recently documented, urban police departments used catch-all charges like vagrancy to detain criminal suspects and social undesirables alike.³⁴ Young urban African-American men, although hardly the only victims of this regime, were routinely subject to its abuses, and fiercely resented the constant jailing as an extension of Jim Crow.³⁵

The new mass incarceration literature also tends to give a top-down view of street policing, focusing preponderantly on statements made by police chiefs and final outcomes as measured by arrests, prosecutions, and injuries and fatalities. These accounts thus largely ignore the enormous discretion of front-line officers. As Christopher L. Agee has argued, large urban police departments in the 1960s gave broad instructions to patrol officers on the duties they were expected to fulfill but almost no guidance on how to perform them. “Autonomous police discretion was a signature feature of day-to-day, street-level enforcement,” Agee writes in his book on postwar San Francisco policing.

³³ Vesla M. Weaver, “Frontlash: Race and the Development of Punitive Crime Policy,” *Studies in American Political Development* 21, no. 2 (2007): 230-231; Thompson, “Why Mass Incarceration Matters,” 727, 729-730; Elizabeth Kai Hinton, “Creating Crime: The Rise and Impact of National Juvenile Delinquency Programs in Black Urban Neighborhoods,” *Journal of Urban History* 41, no. 5 (2015): 811.

³⁴ Risa Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (New York: Oxford University Press, 2016), 2-3.

³⁵ This dissertation focuses primarily on the experiences of African Americans. That was a choice I made early on. The project began as a study of urban rioting in the 1960s, and the primary participants were young black men. Over time, as I widened the lens to consider street policing practices, a central cause of the riots, I continued to focus on African Americans with occasional research forays into the experiences of Latinos and whites. So let me state here that I am aware of this blind spot and intend to research other groups, especially Latinos, when I revise the manuscript. Let me also state that based on my own preliminary research and that of others I believe that many of the examples I produce here of aggressive policing toward African Americans would apply to Latinos and to working-class and non-conforming whites. Edward J. Escobar, “Bloody Christmas and the Irony of Police Professionalism: The Los Angeles Police Department, Mexican Americans, and Police Reform in the 1950s,” *Pacific Historical Review* 72, no. 2 (2003): 177-178; Goluboff, *Vagrant Nation*, 18-19, chap. 7; Marc Stein, *City of Sisterly and Brotherly Loves: Lesbian and Gay Philadelphia, 1945-1972* (Philadelphia: Temple University Press, 2004), chap. 6.

Patrol officers deciding how to enforce the law, he continues, “often considered their own personal interests within the police department.” True of front-line state agents in the border patrol or federal welfare agencies, the police rank-and-file had the discretion to pursue their own agenda. They could easily bypass the postwar mandate of colorblind policing to enforce communal norms of white heterosexual male superiority. Urban liberals, top police executives, and activists thus focused reform efforts on restraining rank-and-file discretion. *Battle of the Corner* extends Agee’s key insights for San Francisco to more than a dozen cities across the country, and emphasizes the role of police unions in organizing collective front-line interests into a powerful force both inside and outside police departments.³⁶

Battle of the Corner foregrounds the different interests at stake in street-corner interactions between cops and citizens in postwar cities. There is a tendency among scholars and activists to write about street policing, then and today, primarily in the mode of critique.³⁷ That has served a useful purpose in highlighting a history of brutality and prejudice otherwise suppressed by police and ignored by mainstream news outlets and white Americans. Yet this narrative mode can give a misleading historical picture by

³⁶ Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* (Chicago: The University of Chicago Press, 2014), 8-11; Kenneth Culp Davis, *Police Discretion* (St. Paul, Minn.: West, 1977); Samuel Walker, “Origins of the Contemporary Criminal Justice Paradigm: The American Bar Foundation Survey, 1953-1969,” *Justice Quarterly* 9, no. 1 (1992): 68-69; Karen Tani, *States of Dependency: Welfare, Rights, and American Governance, 1935-1972* (New York: Cambridge University Press, 2016), 18-19; Hernandez, *Migra!*, 5-6; Margot Canaday, *The Straight State: Sexuality and Citizenship in Twentieth-Century America* (Princeton: University of Princeton Press, 2009), 5-6.

³⁷ The political scientist Naomi Murakawa, for example, criticizes northern white Democrats who proposed police reforms to protect racial minorities from white lynch mobs after World War II for promoting “liberal law-and-order.” Murakawa argues that these efforts to ensure due process for black victims only served to sanitize state violence with “the legitimating logic of proceduralism.” Murakawa, *The First Civil Right*, 43.

distorting, or eliding, the practical constraints low-income urban residents confronted in their day-to-day lives, namely whether the police should take a proactive role in ensuring equitable access to public spaces.³⁸ Many African Americans living in the 1950s and 1960s answered this question in the affirmative since they viewed policing—for all its potential harm—as a public good worth claiming. *Battle of the Corner* brings these hard facts into view as it mines the tension intrinsic to the demand for police protection made by people long stigmatized and brutalized by the agents of the state who would fulfill the request.

Within this larger framework, *Battle of the Corner* chronicles how poor urbanites of color wrestled with both sides of the under- and over-policing paradox. The central question as defined by urban liberals, police professionalism advocates, and low-income urban communities was how to implement the seemingly contradictory demands for procedurally fair policing and effective, diligent policing. In the 1950s and 1960s, young people of color, determined to assert their rights and dignity, began to challenge even the most routine police intrusions and commands. Against this popular upsurge from below, police professionals, patrol officers, and urban liberals reasserted state prerogatives to maintain order. And as federal policy turned away from redistributive programs by the early 1970s, black urban residents, besieged by crime, turned increasingly to the police to keep the peace in their neighborhoods. *Battle of the Corner* is thus a story of the historical predicament of low-income communities in U.S. cities, where residents have

³⁸ David Thacher has fruitfully engaged this question in his scholarship. See, in particular, David Thacher, “Order Maintenance Policing,” in *The Oxford Handbook of Police and Policing*, ed. Michael D. Reisig and Robert J. Kane (New York: Oxford University Press, 2014), 122-147.

had to rely, to a far greater degree than more privileged areas, on the violence-dispensing agents of the state to resolve problems of public order.

The dissertation pursues these questions in eight thematic chapters, which follow a rough chronology from 1943 to 1971. After Chapter 1, which introduces the argument and historiographic contributions, Chapter 2 examines the regime of dragnet street policing erected by downtown-friendly elites, liberal reformers, and police chiefs in the 1950s. This cohort embraced the rational, top-down coordinated patrol policy that professionalism experts had long advocated, which emphasized a more confrontational, proactive street presence to intimidate would-be criminals and assert control over neighborhoods in the midst of racial transition. Chapter 3 tracks the field of Police-Community Relations from the training manuals in colorblind policing introduced by liberal reformers after the 1943 race riots, to the novel training programs of the 1950s and 1960s that liberal police chiefs used to foster cooperation between police and an increasingly minority urban population, to the tactical policing supported by middle-class activists of color who wanted impartial yet diligent crime control. Chapter 4 examines the problem of police brutality, as understood by the brass and rank-and-file, African-American and Latino citizens, and civil rights and civil liberties groups. By the 1960s civilian review boards had become the dominant technocratic solution that liberal activists offered to resolve the hard-to-prove allegations of brutality that engendered bitter resentment among residents of color. The boards in turn spurred rank-and-file police unions to launch highly-partisan, often racially-charged opposition campaigns.

In the next four chapters young African-American and Latino men take center stage as they engage in an escalating retaliatory cycle of violence with the police. Chapter

5 chronicles the problem of crowd rescues, which began to attract public notice as a growing and national phenomenon in 1961, around the time that legal experts were debating whether to retain the common-law right to resist unlawful arrest. Conservatives and liberals alike argued that “cop-fighting” in declining urban communities illustrated the challenge of maintaining order among residents who were geographically and culturally isolated alienated from mainstream society, and thus government and the public had no choice but to bolster the authority of the police. Chapter 6 examines some of the major riots from 1964 to 1968 from the perspective of the young men who physically fought the police, raided and firebombed neighborhood stores, and swarmed the streets in a display of collective power and defiance. The chapter also probes the rebellious character of the unrest by closely investigating the use of political bargaining by activists in over a dozen riots to extract concessions from local authorities by promising to end the violence. And it documents the various tactics deployed by the state to crack down on the street insurgencies. Altogether the chapter demonstrates how diverse constituencies—young male rioters, looters from the very young to the elderly, police brass, rank-and-file officers, and local, state, and federal authorities—helped to create the unrest, set its trajectory, and define its aftermath.

The dissertation concludes on a note of tragedy. Chapter 7 examines the efforts of the primarily African-American activists and politicians who labored, often in vain, to stem the worsening problem of violent street crime and disorder in urban neighborhoods increasingly beset by an influx of guns and drugs and the exodus of manufacturing jobs and white taxpayers. By the mid-1960s liberal reformers, including activists and politicians of color, began to recognize inadequate police protection as a growing and

more urgent concern than the headline-grabbing controversy of police brutality. They sought to pass stricter gun control laws and to secure more diligent tactical policing, especially foot patrols, to deter public drug dealing and corner-loitering. Rank-and-file police unions, however, succeeded in focusing public attention on the Black Power activists threatening to start riots and shoot police officers. The unions exploited public anxiety about violent crime rates and urban riots to demand greater resources and legal authority to physically dominate street encounters in high-crime areas and more stringent civil service rules to shield their actions from public accountability. In the late 1960s and early 1970s, when black nationalists did bomb police stations and assassinate police officers, the rank-and-file unions had won enough power within the department to frustrate the plans of liberal reformers and liberal police chiefs to ensure diligent, colorblind policing in segregated urban areas.

CHAPTER 2

“CHEAP URBAN RENEWAL”: DRAGNET STREET POLICING IN U.S. CITIES AFTER WORLD WAR II

On November 28, 1951, Philadelphia mayor-elect Joseph S. Clark, Jr., appointed Inspector Thomas J. Gibbons, Jr., as the first police commissioner under the new Home Rule Charter. Clark praised Gibbons as an honest professional policeman who would reinforce the administration’s reform agenda and its program of streamlined governance. “Our objective is to provide the citizens of Philadelphia with a first-class police service,” Clark said in a joint statement with the city’s new managing director Robert K. Sawyer, who had led the subcommittee that had appointed Gibbons. “The morale of the force must be built up, illegal combinations of racketeers, politicians and members of the force must be broken up, and a courteous, helpful and humane attitude towards the everyday law enforcement problems of the people must be established all the way down the line.”¹

Since June 1948, multiple grand juries had exposed graft top to bottom in the GOP-controlled city government. In just over two years, five city employees—including the chief of the Vice Squad—had committed suicide rather than face public scrutiny. In May 1951, a federal investigation of the local numbers rackets led by Democratic Senator Estes Kefauver of Tennessee alleged a “politico-gambler-police tieup,” involving payoffs to police captains amounting to \$1,000 per month. In mid-October, a mere three weeks before the mayoral election, a special grand jury publicized its finding of extensive payola doled out by racketeers to patrol officers up to divisional inspectors. Gibbons had been a lead investigator in the graft probe. In November, Clark and the Democrats won

¹ *Philadelphia Inquirer*, November 29, 1951, 1, 13.

by a landslide, ending sixty-seven years of GOP machine rule. They took charge of a revamped city government. In April 1951, voters had overwhelmingly approved a new city charter proposed by a liberal-corporate reform coalition to end the ward-leader spoils system and redevelop downtown.²

Philadelphia's poor and marginalized communities, however, were not served by the aggressive dragnet tactics instituted under Gibbons to advance the agenda of the reformers and their downtown-friendly interests. At public hearings held by city council over two days in January 1958 to determine whether police were obeying constitutional protocols for search-and-seizure, more than a dozen black residents of West and North Philadelphia testified to illegal home raids, street frisks done on flimsy pretense, explicitly racist verbal harassment, among other flagrantly abusive practices seemingly done to intimidate African Americans. Mayor Richardson Dilworth, former district attorney under Clark and a leading Democratic voice in the GOP graft investigations, dismissed the "blanket accusations of brutality" and praised Gibbons for his enlightened reform of the department over the past six years. What chiefly mattered to the business-aligned elites in Philadelphia, and elsewhere, was that the police pursued a scandal-free and efficient war against the vice rackets and street crime.³

Downtown-friendly urban reformers were at the forefront of promoting the vision of police as modern technocrats who employed sophisticated crime-fighting techniques free of political interference. Since the 1930s, coalitions of liberal and business interests

² *Philadelphia Inquirer*, April 18, 1951, 1, 2, October 29, 1951, 2-3; *Evening Bulletin*, November 28, 1951; Ernest Havemann, "Rebirth of Philadelphia: City is living proof of what citizens can do to secure good government, civic renaissance," *National Civic Review* 51 (November 1962): 541-542; Joseph S. Clark, Jr., and Dennis J. Clark, "Rally and Relapse, 1946-1968," in *Philadelphia: A 300-Year History*, ed. Russell F. Weigley (New York: W. W. Norton, 1982), 652-657.

³ *Philadelphia Inquirer*, January 21, 1958, 1, January 22, 1958, 33; *Philadelphia Tribune*, November 14, 1959, 1, 2.

had taken the reins of municipal government in Los Angeles, San Francisco, Cincinnati, and Philadelphia, typically following public disclosures of police graft implicating high-ranking administration officials. Upon taking office, reform mayors promised to implement the principles of police professionalism by appointing an honest, technocratic police chief, often someone who had risen from the lower ranks uncontaminated by machine politics, with a mandate to destroy the vice rackets and to make downtown areas safe for tourists and merchants. Managerial growth politicians asserted that downtown redevelopment would benefit all city residents equally. In this vein, downtown-friendly administrations endorsed non-discrimination ordinances and impartial street policing as a complement to their social vision of a pluralistic citizenry harmonized around commerce unrestricted by corruption or discrimination.⁴

The postwar reformers elevated the professional police chief as the linchpin holding together an increasingly diverse and unequal urban polity. Yet these chiefs were typically savvy politicians, intensely aware of whose interests they served. Given a mandate to advance downtown interests and implement aggressive crime control, all the new-style big-city police chiefs introduced headline-grabbing special tactical squads and top-down patrol operations. In late fall of 1958, Cincinnati Police Chief Stanley R. Schrotel promoted his innovative tactical unit oriented around field interrogations as “cheap urban renewal.”⁵

⁴ Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* (Chicago: The University of Chicago Press, 2014), 18-22; Reuel Schiller, *Forging Rivals: Race, Class, Law, and the Collapse of Postwar Liberalism* (New York: Cambridge University Press, 2015), 6-7; Robert Fogelson, *Big-City Police* (Cambridge: Harvard University Press, 1977), 173-176; Jon C. Teaford, *The Rough Road to Renaissance: Urban Revitalization in America, 1940-1985* (Baltimore: Johns Hopkins University Press, 1990); Peter Dreier, John Mollenkopf, and Todd Swanstrom, *Place Matters: Metropolitcs for the Twenty-First Century* (Lawrence: University Press of Kansas, 3rd ed., 2014).

⁵ *Cincinnati Enquirer*, November 21, 1958, 10B; Agee, *The Streets of San Francisco*, 36-37.

Low-income segregated urban communities were mainly ambivalent about the new aggressive patrol schemes. Urban residents of color complained that downtown areas slated for investment and renovation appeared to attract stricter enforcement than their overcrowded neighborhoods increasingly blighted by slum clearance and urban renewal. And when tactical squads did start to arrive on their blocks, some residents, typically young men of color, accused police of targeted racial harassment and using rough, discriminatory tactics, while older middle-class or white-collar residents protested dragnet tactics that failed to distinguish between those deserving and undeserving of police attention. That is, regardless of all the innovations produced under the aegis of technocratic colorblind professionalism, urban communities of color still felt both under-protected and over-policed. For them the disparity was obviously political. Balancing the demands of managerial-growth politicians and more influential middle-class black activists, ambitious police chiefs sold their ideas about aggressive preventive patrol to an eager press, even as these schemes stoked controversy among low-income residents.

The Image of the Professional Police Force

In the 1950s the mainstream press uncovered payola scandals in many large urban police departments that called into question police claims to professionalism. Following revelations of graft, reformers usually followed the same formula set down by the canonical texts of police professionalism authored by Progressive-era reformers and their proteges. The mayor selected an honest technocratic police chief to shake up the force by instituting procedures to tighten command oversight of the ranks and improve administrative efficiency to implement rational or data-driven allocation of preventive

patrol. The mayor and the chief further bolstered their image of the professional police by vowing an all-out war against the vice syndicates.⁶

Chicago offers an exemplary case of a police force reinventing itself as a professional organization. In the bad, old days, so the story went, the Chicago Police Department was corrupt, incompetent, and brutal. Politicians and mob bosses gave the orders. Graft was a thriving local economy unto itself. “Everyone in town knew that \$5 was the going rate on a traffic ticket, and the traffic cops would even make change for you,” a local businessman said in 1965. That all changed in 1960, when Orlando W. Wilson became Superintendent of Police. A longtime advocate of higher pay and college education for recruits and an innovator in police organization and patrol methods, Wilson was a legendary reformer. He was a protégé of August Vollmer, an early and influential adopter of professionalization, and in 1950 he published *Police Administration*, which became the standard text of the reform movement. When the public learned in early 1960 that eight Chicago police officers had participated in a burglary scheme, Mayor Richard Daley asked Wilson to chair the search for the city’s new top cop. Wilson so impressed the committee and Daley that he got the job.⁷

⁶ Eugene J. Watts, “Cops and Crooks: The War At Home,” in *Reshaping America: Society and Institutions*, ed. Robert H. Bremner and Gary W. Reichard (Columbus: The Ohio State University Press, 1982), 286-287, 290-292; Robert Fogelson, *Big-City Police* (Cambridge: Harvard University Press, 1977), 159-161, 177-178; David A. Sklansky, *Democracy and the Police* (Cambridge: Harvard University Press, 2007), 59-60.

⁷ Bernard J. Ward, “Orlando W. Wilson and the Development of His Education and Training Policies While Superintendent of the Chicago Police Department, 1960-1967” (PhD diss., Loyola University of Chicago, 2000), 9-11, 67-71; Jude Wanniski, “A City Turns the Tide With Its Chief of Police,” *The National Observer*, September 6, 1965, 7; O. W. Wilson, *Police Administration* (New York: McGraw-Hill, 1950); Wilson’s 1950 text commonly is referred to as the “bible” of police management. See Samuel Walker, *Popular Justice: A History of Criminal Justice* (New York: Oxford University Press, 2nd ed., 1998), 172.

Wilson immediately restructured the department to improve organizational efficiency and minimize political influence. He consolidated and redrew the districts to bypass the Ward Committeemen, who formerly had sponsored top-level officials. He moved the superintendent's office from City Hall, where it adjoined the mayor's, to police headquarters. Wilson shuttered station houses and updated the rest with new furniture and equipment. The department partnered with Illinois Bell Telephone to centralize and automate dispatch. Within five years, officer response times fell from two hours to under two minutes. Wilson introduced computers to store and interpret crime data to assign officers based on need. One-man patrol, smaller beats, and a larger fleet of squad cars, which more than doubled by 1965, greatly increased police presence. With these reforms, Wilson hoped to achieve the main aim of "aggressive preventive patrol": convincing the potential criminal that police lurked around every corner. In Wilson's first five years, Chicago's crime rate actually decreased. Chicago was one of the few cities where it did.⁸

Within a few years, Chicago's department had gone from a local embarrassment to a national model of proactive, efficient policing. In a 1962 interview with *U.S. News and World Report*, Wilson explained how his signature style of scientific crime detection worked. "If you took a map of Chicago, for instance, and spotted on it all the armed robberies that occurred between 9 p.m. and 1 a.m. in the year 1960, and then did the same for 1961, you would find the patterns identical....Then if your records are good enough—and we have them here now—you can determine where crime is going to be committed, and when it's going to be committed, not only the hour of the day, but the day of the

⁸ Ward, "Orlando W. Wilson and the Development of His Education and Training Policies While Superintendent of the Chicago Police Department, 1960-1967," 90, 177-184

week...[and] with this knowledge, you can place policemen where the criminal is most likely to be.”⁹

The *Chicago Tribune* had published a three-part series on the city’s police one year before Wilson’s appointment as superintendent in which local reporter Robert Wiedrich accompanied a crew of city detectives on overnight tours. On the first night, a young motorcycle patrolman was shot during a routine traffic stop and Wiedrich observed police as they pursued their suspect. The procedure was always the same: “Line the patrons up at the bar and frisk them. Ask for identification.” The dragnet continued on the second and third tours, as detectives stopped and frisked seemingly everyone from “known criminals” to ordinary motorists.¹⁰

Wilson did not touch this basic police strategy. Instead, he streamlined aggressive tactics, made them routine and legitimate. In particular, he gave the time-honored frisk a coherent rationale couched in the rhetoric of professionalism. It was efficient, preventive, scientific crime detection. And in light of recent judicial restraints on routine police methods, it was necessary. Thus, in 1964, Wilson explained at a department meeting that “as the number of street stops increases, the number of good arrests will also increase.” As legal professionals, including staff members of the president’s Crime Commission, had advocated, Wilson brought the frisk out into the open where its use could be studied, debated, and controlled by the brass. Through the careful use of crime statistics, Wilson could justify the frisk as a colorblind technique that targeted areas saturated with proven

⁹ William Bowen, “Crime in the Cities: An Unnecessary Crisis,” *Fortune*, December 1965, 141-145, 259-260, 263-264; Ward, “Orlando W. Wilson and the Development of His Education and Training Policies While Superintendent of the Chicago Police Department, 1960-1967,” 102-103; *U.S. News and World Report*, March 12, 1962, 85;

¹⁰ *Chicago Tribune*, May 10, 1959, 6, *Chicago Tribune*, May 11, 1959, 3, May 14, 1959, C9.

criminal activity, populated with “suspicious” characters. In brief, Wilson helped make the dragnet more palatable and acceptable in the civil rights era.¹¹

By the time Wilson had taken charge in Chicago, many urban police departments had suffered serious graft scandals involving officers collecting payola from vice operators or committing outright thievery. Officials in Nashville, Tennessee, discovered an illicit arrangement between police and bar-owners violating city liquor laws within blocks of police headquarters. Local vice and gambling operators in New Orleans bribed city police along a graduated scale according to rank, offering \$2 for patrolmen up to \$50 for captains. Perhaps the worst offenders were Denver-area law enforcement. For over a decade, the press revealed in the fall of 1961, fifty city police officers and county sheriffs’ deputies had become burglars themselves while conducting burglary investigations. They had stolen private property from crime scenes and helped local businessmen file fraudulent insurance claims. They had also committed over 200 safe-crackings. Their total proceeds from this criminal enterprise were valued at over \$250,000.¹²

The press found a success story in Cincinnati under Police Chief Stanley R. Schrotel. A glowing 1957 *Life* magazine profile described a department that “understands the basic purpose of police work, is well-trained to perform it, and is dedicated to the job.” Law enforcement’s reputation was in tatters, but here was an organization to restore

¹¹ Minutes of the Chicago Police Department Staff Meeting, 20 March 1964, Chicago Police Department collection, Chicago History Museum, Chicago, IL, quoted in Simon Ezra Balto, “‘Occupied Territory’: Police Repression and Black Resistance in Postwar Milwaukee, 1950-1968,” *The Journal of African American History* 98, no. 2 (2013): 237; O. W. Wilson, “Police Arrest Privileges in a Free Society: A Plea for Modernization,” *Journal of Criminal Law and Criminology*, 51, no. 4 (1960): 395-401.

¹² *Life*, September 16, 1957, 71, November 3, 1961, 18, 21, May 18, 1962, 108-110, 113-114, 116, 119-120; *Time*, November 3, 1961, 17; Christopher Lowen Agee, “‘Gayola’: Police Professionalization and the Politics of San Francisco’s Gay Bars, 1950-1968,” *Journal of the History of Sexuality* 15, no. 3 (2006): 462-489; Fogelson, *Big-City Police*, 148-149, 171-174.

public trust. Schrotel had become chief in 1951 after a minor scandal. He cleaned house and modernized the department. He updated facilities and introduced one-man patrol cars. The department began to use crime statistics to assign patrol officers and more top-down coordinated schemes such as distributing personnel to the city exit points after a holdup. Earning the magazine's praise for their all-out war on crime, Cincinnati police routinely used arrests "on suspicion," the Felony Registration Act, and a broad anti-loitering ordinance to harass "the professional criminal," solve low-level crimes, and clear street corners. What made Schrotel a model police executive, however, was his attention to public relations. As *Life* explained, he "knows the real victims of police brutality are the police themselves." Thus, Schrotel mandated prompt internal review of each citizen complaint to preempt public controversy.¹³

In these years, big-city police chiefs positioned themselves as the last bulwarks against a rising crime wave. In 1955, California's Supreme Court, in *People v. Cahan*, established the exclusionary rule when it forbid the use of evidence at trial obtained in violation of the Fourth Amendment. In 1957, the U.S. Supreme Court decided *Mallory v. United States*, which required federal agents and D.C. police to bring a prisoner to a magistrate "without unnecessary delay." In brief, the decision forbid prolonged secret detention. Both cases, *Mallory* and *Cahan*, involved so-called career criminals accused variously of murder, rape, and robbery. Indeed, once freed by the courts, Andrew Mallory and Charles Cahan had returned to a life of crime. In other words, their case histories perfectly reinforced the police argument that the courts had handcuffed the police and

¹³ *Life*, September 16, 1957, 71-73, 83-84, 86, 91-92, 94; *Time*, September 15, 1961, 25. The 1956 anti-loitering ordinance forbid public assemblies of three or more persons who "conduct themselves in a manner annoying" to people in the vicinity. In 1971, the U.S. Supreme Court found it unconstitutionally vague on its face. *Coates v. Cincinnati*, 402 U.S. 611, 91 S. Ct. 1686, 29 L. Ed. 2d 214 (1971).

freed dangerous criminals. As a result, Chief Parker said, the police were powerless to stop “the vast predatory criminal army that exists in this country today.”¹⁴

For mainstream press outlets and the police, Washington, D.C., was a national bellwether. In the majority of states as late as 1960, criminal defendants had recourse to Bill of Rights protections only in federal trials. State and local police departments generally operated under a patchwork of lax constitutional restraints—except for the federally-controlled Metropolitan Police Department. In a 1963 interview with *U.S. News and World Report*, Police Chief Robert V. Murray identified the special burdens of this arrangement. Since *Mallory*, he said, criminals had flocked to D.C., expecting more lenient treatment since the police could not hold suspects until they confessed. The latest insult was a recent ban on investigative arrests. “For 101 years we’ve been allowed to bring people in for investigation of a felony,” he said. Murray observed that the liberal reforms had unintended racial implications. The vast majority of the city’s crime was committed by African Americans against African Americans. But in a sign of things to come, Murray said, black criminals had lately been attacking whites more.¹⁵

The Racial Dragnet and Twentieth-Century Vagrancy-Related Policing

¹⁴ *People v. Cahan*, 44 Cal. 2d 434, 282 P.2d 905 (1955); *Mallory v. United States*, 354 U.S. 449, 77 S. Ct. 1356, 1 L. Ed. 2d 1479 (1957); William H. Parker, “The California Crime Rise,” *Journal of Criminal Law and Criminology*, 47, no. 6 (1957): 721-729; O. W. Wilson, ed, *Parker on Police* (Springfield, IL: Charles C. Thomas Publisher, 1957), 115; *The Washington Post*, August 2, 1957, A8, April 23, 1960, A1.

¹⁵ The exclusionary rule, for example, had been in effect in the city since 1914, though it would not apply nationwide until 1961. *Weeks v. United States*, 232 U.S. 383 (1914); *Mapp v. Ohio*, 367 U.S. 643 (1961); Michael J. Klarman, “The Racial Origins of Modern Criminal Procedure,” *Michigan Law Review* 99, no. 1 (Oct., 2000): 48-97; *U.S. News and World Report*, May 29, 1961, 50-52, October 21, 1963, 94; Yale Kamisar, “On the Tactics of Police-Prosecution Oriented Critics of the Courts,” *Cornell Law Quarterly* 49 (1963-1964): 436-477; Josh Segal, “‘All the Mysticism of Police Expertise’: Legalizing Stop-and-Frisk in New York, 1961-1968,” *Harvard Civil Rights-Civil Liberties Review* 47 (2012): 582-584.

Since the early twentieth century, the “good government” coalitions vying to abolish urban machine rule had endorsed police reforms to enhance efficiency on the beat, institute merit-based hiring and promotion to minimize political influence, and destroy the vice syndicates. With this agenda, reformers embraced a range of police tactics intended to harass and intimidate so-called gangsters, from the bootleggers and rum-runners of Prohibition to the gambling rackets common in every large city until the creation of legal state-run lotteries in the 1960s and 1970s, to the burgeoning interstate and global trade in illicit narcotics from the 1940s forward. A signature tactic of the reformers’ war against crime was the use of vagrancy-related laws, which punished status rather than conduct. From the 1920s to the 1960s, judges, politicians, and police chiefs used overly-drawn statutes to apprehend “public enemies.” Less visibly, police forces aggressively used dragnet tactics in poor urban neighborhoods.¹⁶

During Prohibition, dozens of states enacted recidivism laws that punished persons for a criminal past and ongoing association with “known criminals.” In 1926, New York passed a law that punished for a fourth felony conviction with life imprisonment. Within four years, twenty-three states had done the same. In 1935, New York State updated its expansive Public Enemy Law to criminalize “an evil reputation” and “consorting with persons of like evil reputation.” Two years earlier, Los Angeles had passed the first criminal registration ordinance, which required persons with prior felony

¹⁶ Risa Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (New York: Oxford University Press, 2016); Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (New York: W. W. Norton and Company, 2015), chapter 3; Matthew Vaz, “‘We Intend to Run It’: Racial Politics, Illegal Gambling, and the Rise of Government Lotteries in the United States, 1960-1985,” *The Journal of American History* 101, no. 1 (2014): 77-78; Jerome Hall, “Law of Arrest in Relation to Contemporary Social Problems,” *The University of Chicago Law Review* 3, no. 3 (1936): 369-370; John H. Lyle, *The Dry and Lawless Years* (Englewood-Cliffs, NJ: Prentice-Hall, 1960), 228-232; Carl V. Eimbeck, “Some Recent Methods of Harassing the Habitual Criminal,” *St. Louis Law Review* 16 (1931): 155-158.

convictions to contact police about any changes to their name, employment status, home address, and the like. By the early 1950s, at least forty-seven cities had criminal registration ordinances. Although rarely enforced, these laws, in theory, presented the police with a pool of “known criminals” whom they could pick up and question at their convenience. Their purpose was to deter crime with the specter of police omniscience. A study of these laws in the early 1950s observed an African American woman in Philadelphia stop at the local precinct to inform the police that she was leaving town to attend a funeral.¹⁷

Public authorities used vagrancy-related laws as a means to harass, control, and even expel transients and unpopular minorities. They justified the practice as an expedient of state authority and a necessary response to poverty. A federal court in 1947 said of a local D.C. law: “A vagrant is a probable criminal; and the purpose of the statute is to prevent crimes which may likely flow from his mode of life.” A 1972 Florida statute was typical in criminalizing a wide range of states of being and behavior adopted seemingly verbatim from 14th-century English poor laws: “rogues and vagabonds...persons who use juggling or unlawful games or plays, common drunkards, common night walkers...persons wandering or strolling around from place to place without any lawful purpose or object, habitual loafers, disorderly persons.” Another

¹⁷ Nathan Douthit, “Police Professionalism and the War Against Crime,” in *Police Forces in History*, ed. George L. Mosse (Beverly Hills, CA: Sage Publications, Inc., 1977), 321; Ronald C. Kramer, “From ‘Habitual Offenders’ to ‘Career Criminals’: The Historical Construction and the Development of Criminal Categories,” *Law and Human Behavior* 6, nos. 3-4 (1982): 280-282; Note, “Court Treatment of General Recidivist Statutes,” *Columbia Law Review*, 48 (1948): 238-252; David Fellman, “Association with ‘Bad People,’” *The Journal of Politics* 22, no. 4 (1960): 620-628; Herbert J. Adlerberg and Arnold Chekow, “Disorderly Conduct Law in New York Penal Law,” *Brooklyn Law Review* 46 (1958-1959): 59-60; Note, “Criminal Registration Ordinances: Police Control over Potential Recidivists,” *University of Pennsylvania Law Review* 103, no. 1 (1954): 63-64; Khalil Gibran Muhammad, “Where Did All the White Criminals Go?: Reconfiguring Race and Crime on the Road to Mass Incarceration,” *Souls* 13 (2011): 72-90.

common vagrancy charge was “failure to give a good account of oneself,” which police could use to justify an arrest in virtually any encounter with a member of the public.¹⁸

In a 1957 survey of dragnet policing in select cities, legal scholar Caleb Foote discovered widespread use of vagrancy-related charges such as “held for investigation,” “released by police—no formal charge,” “no prosecution,” or “suspicion of burglary.” From 1952 to 1955, the Baltimore police arrested 10,000 people for “suspicious character” or “investigation,” and released ninety-five percent without charge. In response to dragnet arrests, a local reporter observed in 1957, Baltimore residents had coined the phrase “indicted corners.” Following a series of teenage assaults upon women in Atlanta in the summer of 1954, the local black newspaper demanded tough action. “If the churches and Sunday Schools have failed,” the paper said, then police ought to “flush out the ‘corner generals.’” Three years later, after a stretch of five murders in thirteen days, Atlanta Police announced “a crackdown on hoodlums.” Police Chief Herbert T. Jenkins, widely considered a racial liberal and professionalism advocate, warned idle Atlanta residents to “go to work or face arrest.” Under “Operation Cleanup,” hundreds of people were detained on vagrancy charges.¹⁹

¹⁸ Scholars cite the English Statute of Labourers, enacted in 1349, as the first vagrancy law. The statute punished the refusal to work. Note, “Use of Vagrancy-Type Laws for Arrest and Detention of Suspicious Persons,” *The Yale Law Journal* 59, no. 7 (1950): 1351-1364; Forrest W. Lacey, “Vagrancy and Other Crimes of Personal Condition,” *Harvard Law Review* 66, no. 7 (1953): 1203-1226; Arthur H. Sherry, “Vagrants, Rogues and Vagabonds—Old Concepts in Need of Revision,” *California Law Review* 48, no. 4 (1960): 562; William O. Douglas, “Vagrancy and Arrest on Suspicion,” *The Yale Law Journal* 70, no. 1 (1960): 6; *Mayor of New York v. Miln*, 36 U.S. (11 Pet.) 102 (1837); Harry Simon, “Towns Without Pity: A Constitutional and Historical Analysis of Official Efforts to Drive Homeless Persons from American Cities,” *Tulane Law Review* 66, no. 4 (1992): 631-676; *District of Columbia v. Hunt*, 163 F.2d 833 (D.C. Cir. 1947) at 835-836; *Papachristou v. Jacksonville*, 405 U.S. 156, 92 S. Ct. 839, 31 L. Ed. 2d 110 (1972) at 158.

¹⁹ Caleb Foote, “Vagrancy-Type Law and Its Administration,” *University of Pennsylvania Law Review* 104 (March 1956): 614; Foote, “Safeguards in the Law of Arrest,” *Northwestern University Law Review* 52 (1957): 27, 20, 29; *The Sun*, June 4, 1957, 9; *Atlanta Daily World*, July 21, 1957, 1, July 23, 1957, 5, August 17, 1954, 1.

In the late 1950s, local bar associations and civil liberties organizations challenged urban dragnet policing. In 1957, the American Civil Liberties Union of Illinois published a report finding that “lengthy secret detentions” were “regular police practice” in Chicago. Racial minorities and the poor were disproportionately victimized. The report estimated that roughly 20,000 defendants in 1956 had been detained without charge for at least 17 hours. Two thousand were held for at least two days, 800 for over 60 hours, and 350 for at least three days. The report conceded that the actual extent of secret detention in Chicago probably far exceeded these numbers, since almost a third of the time police failed to complete the arrest slip. Police officials were well aware of the issue—they had encouraged it. A few years earlier, Chicago Police Commissioner Timothy J. O’Connor had boasted: “My policy has always been that while it may be illegal, and I have received some complaints from the civil-liberties group relative to orders to pick up criminals, simply because they are criminals, I still think they should be picked up and locked up on every occasion.”²⁰

Investigative arrests were likewise a common police tactic in Detroit. In 1957 the Civil Liberties Committee of the Detroit Bar Association reported that more than one in three arrests since 1947, averaging 20,000 each year, had been for “investigation.” Of the 73,827 persons arrested in 1956, the DPD had formally charged only 40,641. The remaining 33,186, or 45 percent of the total, were held for investigation, while more than a third, or 26,696, were “released without charge.” One in four DPD investigative arrests in 1956 was for “commercialized vice” like gambling, narcotics, and prostitution. Three-quarters of all arrests for crimes like murder, rape, and robbery were for “investigation.”

²⁰ American Civil Liberties Union, Illinois Division, *Secret Detention by the Chicago Police* (Glencoe, Ill.: The Free Press, 1959), 19, 5-6.

The committee with great prescience warned that flagrant, systematic unconstitutional policing would engender “understandable cynicism toward ‘law enforcement’” in high-crime-rate poor neighborhoods, inhabited primarily by African Americans. “Where community support is lacking and respect and cooperation are replaced by suspicion and bitterness,” the report continued, “law enforcement tends to degenerate into a form of guerrilla warfare between the police and the people.”²¹

Police Commissioner Edward S. Piggins responded to the committee’s report with frank acknowledgment that investigative arrests, although illegal, were nevertheless necessary and proper to prosecute the war against crime. Piggins said police routinely held sex workers on open charges to administer medical examinations as mandated by a 1942 law permitting detentions lasting up to five days for this purpose. Likewise, Piggins claimed, a sizable number of the 1,018 persons arrested for narcotics in 1956 were in fact transferred to the Board of Health. As for gambling and booze, the commissioner offered another candid assessment. “The only effective type of police enforcement,” Piggins said, “is by constant harassment of known gamblers or liquor law violators.” For Part I crimes, like aggravated assault, police as a matter of custom detained the alleged perpetrator “to prevent further bodily harm to him or to some other person.” Thus it is hardly surprising that investigative arrests continued, and even increased, in Detroit. In 1963, the final year

²¹ Report of the Detroit Bar Association Committee on Civil Liberties on Detroit Police Department Policy of “Arrests for Investigation,” n.d., 1-2, 4, Box 66, Folder 27, Series VI, Part III, Detroit Commission on Community Relations (DCCR), Walter P. Reuther Library, Wayne State University; also see, Harold Norris, “Arrests Without Warrant,” *The Crisis*, October 1958, 481-486. Sex workers and gays and lesbians received similar police treatment in Atlanta. American Civil Liberties Union of Georgia, “Police Procedures in Atlanta: An ACLU of Georgia Report,” May, 1966, 28-31, American Civil Liberties Union (ACLU) Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1082, Folder 10, Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library (Princeton).

of official data on the practice, police made 38,812 investigative arrests—a total number more than four thousand greater than in any year since 1949.²²

In December 1960, the U.S. Commission on Civil Rights held a public hearing on the police in Detroit. Black critics of the DPD almost uniformly referred to a “policy of containment.” Arthur Johnson, executive director of the Detroit NAACP, listed the following as the core complaints of black Detroiters: “unreasonable and illegal arrests, indiscriminate and open searching of their person on the public streets, disrespectful and profane language, derogatory references to their race and color, interference with [interracial] personal associations,” and “violent, intimidating police reactions to their protests against improper treatment.” Joynal Muthler, a black former Detroit police officer, described an informal practice of over-ticketing black motorists as a pretext to search their cars—because of this “open-season philosophy,” a white colleague in the department had confessed that if he were black he would not drive in Detroit. Jesse Ray, the second black former city cop to testify that day, also described a racial dragnet. White cops, he said, believe “that if you stop and search 50 Negroes and you get one good arrest out of it that’s a good percentage; it’s a good day’s work.”²³

The DPD left little doubt about the “open-season philosophy” during the

²² Piggins also defended investigative arrests as consistent with a 1953 Michigan Supreme Court decision that secret interrogation was not facially unconstitutional. Detroit Police Department, Re: Report of the Detroit Bar Association Committee on Civil Liberties, January 29, 1959, 1-4, Box 66, Folder 27, Series VI, Part III, DCCR, Reuther; Loukas Loukopoulos, *The Detroit Police Department: A Research Report on Previous Studies; Criminal Statistics; and Police Technology, Productivity and Competence* (Detroit: Committee on Public Awareness, 1970), Graph 44; *People v. Louzon*, 338 Mich. 146, 61 N.W.2d 52 (1953); also see, Kermit Bailer and Charles W. Quick, “Evidence and Criminal Law” *Wayne Law Review* 7, no. 1 (1960): 51-72.

²³ During his testimony Commissioner Hart dismissed police brutality allegations as “uninformed.” At this black residents in the gallery gasped. Testimony of Herbert W. Hart, *Police and the Blacks: U.S. Civil Rights Commission Hearings* (New York: Arno Press, 1971), 399. In this volume, also see Testimony of Willis Ward, 387, Testimony of Arthur L. Johnson, 304, 312, Testimony of Joynal Muthler, 323, Testimony of Jesse Ray, 375-378.

crackdown lasting from late December 1960 until January 1961. Two white professional women, a stenographer and a nurse, were murdered weeks apart in December 1960—homicides that year reached 157, the highest total since 1931. Both suspected killers were black men. Police Commissioner Herbert W. Hart initiated a “crash program.” He put police on a six-day work week and ordered them to “arrest all suspicious individuals.” Mayor Louis C. Miriani encouraged officers “to alert themselves to those persons who were in odd places at odd hours without any reasonable expectation.” The *Detroit News* offered a large cash reward for information that led to the killers’ capture. On January 4, officers interrogated Arthur L. Johnson, the executive director of the Detroit Branch of the NAACP, while he was seated in his car outside his home. They demanded identification and searched Johnson and his car for concealed weapons. In the first forty-eight hours police made 600 arrests. Over two weeks, they arrested up to 1,500 black men—780 for investigation. Most were held overnight for questioning, some for days. The DPD also made 150,000 “street contacts,” field interrogations in black neighborhoods. On January 11, Hart ended the “state of emergency.” The killers had not been found.²⁴

²⁴ *Detroit Free Press*, December 29, 30, 1960, January 1, 2, 6, 15, 1961, February 4, 1961; “Detroit NAACP Charges Bias; Pastor Raps Wealthy Negroes,” *Pittsburgh Courier*, January 7, 1961, 19; Ed Cray, *The Enemy in the Streets: Police Malpractice in America* (Garden City, N.Y.: Anchor Books, 1972), 51; for Miriani quote, see Harold Norris, Recent Detroit Police Policies Versus the Rule of Law and Constitutional Law Enforcement, Address, January 16, 1961, ACLU Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1082, Folder 20, Princeton; for the experience of one man picked up and tortured during the crackdown, see Carl Fitzpatrick to U.S. Commission on Civil Rights, February 7, 1961, Folder OGC/FPP Detroit-Incidents, Box 2, Police-Community Relations in Urban Areas, 1954-1966, Records of the Commission on Civil Rights, NARA; Mary M. Stolberg, *Bridging the River of Hatred: The Pioneering Efforts of Detroit Police Commissioner George Edwards* (Detroit: Wayne State University Press, 1998), 17-24; Sidney Fine, *Violence in the Model City: The Cavanagh Administration, Race Relations, and the Detroit Riot of 1967* (East Lansing: Michigan State University Press, 2nd ed., 2007), 15.

The ten-day crackdown returned investigative arrests to the spotlight. Mayor Miriani dismissed allegations of police racism and sweeping rights violations, while acknowledging that “a small minority of policemen” may have violated constitutional rights. “The orders given to our policemen were that they should check only on those persons who were in odd places at odd hours without a good explanation,” he said. “This does not violate constitutional rights.” Police officials, however, argued that the ends had justified the means. The program had been effective—official statistics indicated crime had dropped 30 percent during the crackdown—and productive, since a single day of intensive patrols had yielded charges in sixty-three felony cases. When initiating the crackdown, Commissioner Hart had expressly authorized the “old-fashioned method of police patrol,” by which he meant stopping pedestrians and searching them for weapons. Deputy Chief of Detectives Walter J. Wyrod said the manhunt had concentrated in black neighborhoods because the suspects were black. To clarify that this was general police practice, Wyrod mentioned a separate case involving a white female victim and an alleged white male perpetrator in which “we have made 1,500 investigation arrests of white men.”²⁵

Leading civil rights and civil liberties activists sharply condemned the crackdown as reflective of everyday dragnet policing in Detroit. At a meeting in the aftermath, seventy-five organizations, including the NAACP and the Metro Detroit branch of the ACLU, drafted a five-point program, including a public campaign to reframe crimes committed by African Americans as the outcome of social conditions not biology, a civilian review board, and an independent commission to review department policy and

²⁵ *Detroit Free Press*, December 29, 1960, 9, January 15, 1961, 3a.

officer misconduct. In his criticism of Police Commissioner Herbert W. Hart's "crash program," Wade H. McCree, a prominent Wayne County judge, decried the "dragnet" tactics that had targeted people "whose only offense was being colored." In referencing the mayor's statement, McCree said, "From the consequences of the drive it seems that 'odd persons' are Negroes and 'odd places' are anywhere a given officer thinks a Negro should not be." Harold Norris, chairman of the Metro Detroit ACLU, in a lengthy speech denouncing the "dragnet program," contended that the "old-fashioned" methods repeatedly praised by city officials was tantamount to "a declaration of policy" to "arrest and search for weapons on suspicion" rather than the constitutional standard of probable cause.²⁶

Even the federalized Metropolitan Police Department (MPD) in Washington, D.C., which operated under the tighter federal judicial restraints, relied upon the dragnet to target African Americans. In its annual report for 1939, the Washington Criminal Justice Association condemned the "evil" of "dragnet" arrests. The report dismissed the MPD's defense that these tactics improved "efficiency." Investigative detentions were unconstitutional for bringing "into custody too many innocent people." After World War II, the MPD led "cleanup drives" in minority neighborhoods, booking suspects for disorderly conduct, vagrancy, and "illegal presence," a law targeting people found in vice establishments. On January 20, 1958, after a white waitress was assaulted during a restaurant robbery, a precinct captain ordered a dragnet arrest of three "stocky Negroes."

²⁶ Community Leaders Express Concern Over Recent Police Practices, February 1961, ACLU Metropolitan Detroit Chapter, Box 1082, Folder 20, ACLU Records; Statement Proposing The Establishment of a Public Police Review Board in Detroit, n.d., ACLU Metropolitan Detroit Chapter, *ibid*; Wade H. McCree, Letter on 'Crash Program,' January 9, 1961, *ibid*; Norris, Recent Detroit Police Policies Versus the Rule of Law and Constitutional Law Enforcement, 1-3, *ibid*.

In eight hours, police rounded up over 90 young black men. They charged them under the loitering law, as persons “who could not give good accounts of themselves.” Sixty-seven were held overnight. All were released without charge.²⁷

The MPD made several thousand arrests for “investigation” per year, far in excess of the roundup. For 1960 and 1961, one-third of all felony arrests were for investigation. The vast majority, or 75 percent, were African American. In July 1962, a special committee appointed by D.C.’s Board of Commissioners issued a report on the practice. They recommended an immediate end to investigative detentions in the Federal City. They argued that they were unconstitutional and totally ineffective. On average, only 5.7 percent were ever charged with a crime. That is to say, 17 out of 18 arrested for investigation were ultimately released. Police detained over 70 percent for two hours or more, and 55 percent for more than 4 hours. Longer detentions in fact were less effective. In 1960, 690 were held for more than 12 hours; one percent were charged. One in five investigative arrests took place at someone’s home or apartment. Every person detained for questioning was photographed and fingerprinted, and almost always denied counsel. The police rarely notified a relative or friend, and almost never a lawyer. One minute, the person was standing on the corner. The next, she was gone—the only trace a record barring her from federal employment.²⁸

Downtown Redevelopment and “Professional” Dragnet Policing in Philadelphia

²⁷ Current Notes, “Civil Rights and the Police,” *Journal of the American Institute of Criminal Law and Criminology*, 31, no. 2 (July-August 1940): 217; *Washington Post*, July 25, 1941, 1, March 24, 1954, 3, April 29, 1954, 21, January 22, 1958, A15, March 3, 1958, B1; *Trilling v. United States*, 260 F.2d 677, 104 U.S. App. D.C. 159 (1958) at 696.

²⁸ *Report and Recommendations of the Commissioners’ Committee on Police Arrests for Investigation* (District of Columbia, 1962), 34, 39, 9, 13-15; also see Yale Kamisar, “Review,” *Harvard Law Review* 76, no. 7 (1963): 1502-1516.

The downtown-friendly reform coalitions that came to power in many cities after World War II saw tough, professional street policing as a necessary complement to revitalizing downtown areas. They had access to a great deal more federal money to assist in this project.

Title I of the Housing Act of 1949 made available millions of dollars for municipal governments to redevelop declining central city areas. The federal government covered two-thirds of the cost to purchase blighted areas to sell the land to private developers. Although subsequent amendments mandated greater consultation with affected community members, the federal urban renewal program soon garnered critical press and protest when much-heralded projects became bogged down in red-tape delays. The average urban renewal project took ten to thirteen years to complete, meaning bulldozed tracts were left standing for a decade or more, lowering property values of surrounding areas and producing the conditions for crime and poverty. Often, cities used federal money to demolish established low-income neighborhoods, displacing thousands of predominantly black residents to overcrowded areas and fortifying residential segregation. In their place, urban planners built high-end apartments and office buildings and new highways as part of a broader aim to attract white suburbanites to return to the city for work or entertainment and facilitate their commute by car. As a result, critics began referring to these federal policies as “Negro Removal.”²⁹

Philadelphia offers an exemplary case of how aggressive professional policing served as an adjunct of downtown redevelopment but at the expense of poor and

²⁹ Jon C. Teaford, “Urban Renewal and Its Aftermath,” *Housing Policy Debate* 11, no. 2 (2000): 448; Arnold R. Hirsch, “Searching for a ‘Sound Negro Policy’: A Racial Agenda for the Housing Acts of 1949 and 1954,” *Housing Policy Debate* 11, no. 2 (2000): 405-410.

marginalized residents. Thomas Gibbons eagerly took the helm of the reorganized Philadelphia Police Department in January 1951. Within six weeks, he reduced the number of districts from 35 to 24 and moved hundreds of patrolmen out of their “home territories.” As Gibbons said, “We do not think that a man can do efficient work working among his neighbors and friends.” Gibbons also abolished the compromised Vice Squad. In coordination with Crime Commission experts, Gibbons experimented with motorized patrol in the 17th District, at 20th and Federal Streets. Nine months later, on the recommendation of the Commission, he expanded the “pilot” project to the rest of the city. He also folded the ad hoc tactical squads previous chiefs had created and gave the new division commanders more autonomy and power. To prevent corrupt officers from notifying vice operators about upcoming raids, Gibbons established a secretive planning process and he made sure to invite the press to the predawn pre-raid briefings.³⁰

The Police Department provided the necessary street enforcement for downtown urban renewal. The new Democratic administration, and their anti-Republican allies in the business community, set out to rebuild Center City with high-end homes, modern office-buildings, and heritage sites to attract capital and tourists to the city. Gibbons therefore directed his district captains to target Center City speakeasies, strip clubs, and bohemian coffeehouses, and the homeless people and drug addicts huddled together on street corners.³¹

³⁰ *Evening Bulletin*, November 28, 1951, January 15, 29, 1952, February 14, 1952, March 4, 1952, December 15, 1952, February 4, 7, 15, 1953, April 18, 1953, December 7, 1953; *Philadelphia Inquirer*, February 14, 1953; *Philadelphia Tribune*, February 2, 5, 1954.

³¹ S. A. Paolantonio, *Frank Rizzo: The Last Big Man in Big City America* (Philadelphia: Camino Books, 1993), 55-56, 61-62, 65; Clark, Jr., and Clark, “Rally and Relapse, 1946-1968,” 652-657.

To head this effort, Gibbons selected an ambitious officer from South Philadelphia named Frank L. Rizzo. Since joining the force in October 1943, Rizzo had garnered a reputation as an old-style tough cop due to his large size and penchant for using the nightstick. Within a month, Gibbons promoted Rizzo to Acting Captain of the 16th District in West Philadelphia. Soon the press was reporting on seemingly every move of the young district commander. In perhaps the first entree to the emergent news genre of glowing Rizzo profiles, from March 1952, the *Philadelphia Inquirer* revealed that “the district cops and the neighborhood kids” had started referring to Rizzo as “The Cisco Kid,” a reference to a popular TV show about a cowboy. “Rizzo, who could become one of those legendary figures on the force, is a good officer, we understand—earnest, serious and efficient,” the paper said. “But he is also something of the General Patton type—flashy, aggressive, a strict disciplinarian.” Rizzo became the stand-in on the street for the tough, professional policing of the Gibbons era.³²

In typical fashion for postwar police professionals, Gibbons early in his tenure declared war on “hoodlums, gamblers and racketeers.” He ordered police to “pick them up and bring them in, so that they eventually can be driven out of town.” In June 1952, Gibbons distributed a “Rogue’s Gallery” of twenty-five “public enemies” for police to arrest “on sight.” As part of this campaign, officers occasionally fabricated charges such as “public nuisance.” After a series of jointly executed raids by federal agents and city police in October 1955, Gibbons declared that “we intend to keep hammering at the dope business until the people in it finally understand that Philadelphia is just too hot for them

³² Despite promoting his “tough” captain to the press, Gibbons in private grew increasingly frustrated with Rizzo’s offensive, violent tactics. *Philadelphia Inquirer*, March 5, 1952, 33; Paolantonio, *Frank Rizzo*, 46-47, 50-68.

to make it worthwhile.” City magistrates, political appointees typically with little or no legal training, balked at the blatantly illegal tactics. They proved far more willing, however, to support the war on downtown vagrants.³³

In late May 1952, Gibbons transferred Rizzo to the 19th District, at 12th and Pine Streets, to lead the urban renewal efforts downtown. For the next seven years, Rizzo’s Raiders, as the press called them, led a department-wide effort to “clean up” Center City of Skid Row vagrants and petty vice operations. The press relished the “crackdown.” In June, the owner of a machine repair shop at Darien and Wood Streets complained to the department about “unsavory characters” gathered outside his business. That month, Rizzo and his crew hauled in 795 people for intoxication, corner-lounging, and disorderly conduct. Magistrate E. David Keiser sentenced 290 to the House of Correction. In July, the department set up a Center City “prowl squad” composed of plainclothes detectives to target “small fry racketeers, petty thieves, loiterers and suspicious characters.” The aim was to preempt serious crime. Gibbons called a vagrant’s life on the street “finishing school” for becoming a professional criminal. The squad for the most part stopped loiterers, recorded their names for police files, and told them to stay out of downtown.³⁴

The war on vagrants peaked over the winter of 1954. After complaints from tourists, business leaders, and residents, Inspector Franklin P. Luckman ordered the Center City captains, including Rizzo, to “spread the net.” The 11th and Winter Street station house already brought in 1300 to 1600 persons on vagrancy each month. Rizzo, at 12th and Pine, and the other captains averaged closer to 500 monthly. The Chamber of

³³ *Philadelphia Inquirer*, June 26, 1952, 1, July 9, 1952, 42, July 16, 1952, 31, October 20, 1953, 1; *Evening Bulletin*, January 20, 1955, *Evening Bulletin*, October 19, 1955.

³⁴ *Philadelphia Inquirer*, July 11, 1952, 25, July 13, 1952, B1; Paolantonio, *Frank Rizzo*, 52, 56-58; Foote, “Safeguards in the Law of Arrest,” 34-36.

Commerce urged more action: “Nothing makes a more unfavorable impression on a visitor than a vagrant sprawled on a park bench or a beggar seeking a handout.” The Chamber wanted to protect Philadelphia’s “New Look,” as embodied by the recently completed Independence National Park and Mall, at 5th and Chestnut Streets. City papers backed up the campaign with headlines such as “Get Bums Off the Street and Into Prison Cells” and “Clean Up the Squares.” In a typical summary hearing, a magistrate would sentence as many as sixty defendants to three months up to a year at the House of Correction, and add the reprimand: “What are you doing in this part of town? You stay where you belong; we’ve got enough bums down here without you.”³⁵

In the 1950s Philadelphia police used dragnet statutes interchangeably to patrol the streets and maintain the dominant racial order. One study from 1952 speculated that seventy-five percent of disorderly conduct arrests were illegal “in that the charge is used to cover lawful conduct of which the police disapprove.” In the guise of enforcing this statute, police harassed mixed-race social gatherings and left-leaning political groups. When raiding gambling operations, 85 percent of the time the officers illegally entered the premises. Police treated the official booking as an afterthought. Instead, their practice, in part driven by department pressure to make quotas, was “arresting first and building a case later.” They did not view investigative detentions and roundups, which were “prevalent,” as actual arrests. Based on their sample, the researchers estimated that over 95 percent of arrests were made without a warrant.³⁶

³⁵ *Philadelphia Inquirer*, February 1, 3, 5, 1954, July 13, 1954, 12; Foote, “Vagrancy-Type Law and Its Administration,” 606-607; Foote, “Safeguards in the Law of Arrest,” 34-36.

³⁶ Paula R. Markowitz and Walter I. Summerfield, Jr., “Philadelphia Police Practice and the Law of Arrest,” *University of Pennsylvania Law Review*, 100 (June 1952): 1183, 1194, 1199, 1201-2, 1204.

Police even showed contempt toward residents of low-income neighborhoods who reported crime or were themselves crime victims on the premise that anyone who affiliated with “a ‘hotbed of crime’ assumes the risk of being arrested.” On one occasion, the researchers accompanied police to the scene of a shooting where they met a “well-dressed” African American man. He had seen the gunman and had been the one to call police. The officers exited the car and “roughly frisked” the man. When he protested, they placed him in the back seat and drove him around on the pretense that he might identify the shooter. After they let him out, one officer turned to the researchers and said: “You can’t treat them with kid gloves.”³⁷

Almost routinely, captains in the majority-black sections of North, West, and South Philadelphia ordered wholesale arrests, either in the wake of serious crimes or as part of a general “clean-up.” After youths attacked a female social worker, in mid-November 1953, police in three North Philadelphia districts rounded up 745 young black men. Magistrates held thirty-seven for further investigation. The *Tribune* criticized the action as a “dragnet.” One officer rationalized the large number of dismissals as intentional strategy: “the innocent youths will now stay off the street corners and only the malefactors will remain at large.” Inspector John Driscoll promised more roundups because North Central had become a “regular jungle.”³⁸

Driscoll held to his word. The following weekend, police raided hotels, taprooms, and speakeasies and arrested an additional 400 African Americans. The next sweep through North Philadelphia, from 4 p.m. on Saturday, December 5, to 8 a.m. Sunday morning, police questioned 750 individuals, took 500 into custody, and arrested 265.

³⁷ *Ibid*, 1203-1206.

³⁸ *Philadelphia Tribune*, November 24, 1953, 1.

Ultimately, magistrates held thirty for trial. In each raid, charges ranged from carrying concealed deadly weapons and violating the criminal registration act to drunkenness and disorderly conduct.³⁹

Gibbons thus early on established a formula for responding to violent street crime in predominantly black districts. He appointed special heavily-armed “ranger squads” to conduct tactical stop-and-frisk operations. After a series of holdups of smalltime merchants, Gibbons unveiled the Shotgun Squad in September 1954. The patrolmen and detectives who made up the unit were each given sawed-off shotguns and assigned to West and North Philadelphia, predominantly black neighborhoods, where grocers and druggists had recently been victimized by armed robberies. Days after creating the Shotgun Squad, Gibbons waived an “unwritten law” barring uniformed officers from entering bars, an anticorruption policy in effect since Prohibition, to direct the heavily-armed unit to “make routine checks of all poolrooms...all-night movies, bus terminals, and subway stations,” or, basically, any place “where hoodlums congregate.” The tactical units patrolled the predominantly African American areas of the city. The department said that each “whole section could be blanketed.” In October, after the representative for a national merchants association pleaded for additional protection, Gibbons gave “shoot-to-kill” orders to the special unit. “The shotgun has a definite psychological effect,” Gibbons said. “It may sound cold-blooded, but I hope a gunman walks in while one of my men are there. I think that would end this crime wave then and there.”⁴⁰

³⁹ *Philadelphia Tribune*, December 1, 1953, 2; *Evening Bulletin*, December 7, 1953.

⁴⁰ *Philadelphia Inquirer*, September 20, 1954, 1, 2, October 12, 1954, 25; see also, *Philadelphia Inquirer*, February 1, 1956, 29, February 3, 1956, 25, February 4, 1956, 13, February 5, 1956, 2b.

Agreeing with Gibbons's rationale for shotgun-toting patrol teams, the white press offered enthusiastic coverage. The *Inquirer* praised the squad as a necessary antidote to the fear-inducing rise in armed robbery, although the paper wondered whether the Philadelphia Police might not devise methods to apprehend "the thugs before they can rob—and shoot people down." Even the *Philadelphia Tribune*, the city's main black newspaper, praised the new squad as welcome relief against violent street crime, declaring it would give "law abiding citizens a chance to breathe easier." When the paper asked why the Shotgun Squad focused almost exclusively on black neighborhoods, a police official said "that most crime among whites took a different direction."⁴¹

Over time, however, the *Tribune* began to doubt the wisdom of "arming police officers with repeater shotguns" as the answer to "teenage warfare." The department had too many "trigger-happy police." The paper's opinion began to shift as the squad's strong-arm tactics assumed a cast of racial intimidation. The owner of the Blue Note, a popular jazz nightclub that attracted an interracial crowd, complained about frequent raids by shotgun-wielding police. Repeatedly over the last several weeks, teams of twenty officers had frisked hundreds of patrons. They never made an arrest. Instead, their intent, the owner believed, was to embarrass the patrons of an integrated club.⁴²

Over the course of 1957, black residents grew increasingly concerned about deadly store robberies committed by young black men and in turn the aggressive dragnet police threw up for each one. Shortly before 1 p.m. on January 25, 1957, a young man

⁴¹ An anonymous letter to the editor signed "Ex-Sergeant," however, mocked the squad as a public-relations stunt. "What we need is foot police all over the city," he said, "not just where the public sees them on busy streets." *Philadelphia Inquirer*, September 20, 1954, 12, September 23, 1954, 10; *Philadelphia Tribune*, September 25, 1954, 1, October 12, 1954, 3.

⁴² *Philadelphia Tribune*, September 5, 1954, 1, December 11, 1956, 1, December 15, 1956, 10.

walked into a real estate office in South Philadelphia and shot and seriously wounded the broker Joseph DeCicco and his wife Carmella. Police quickly rounded up 100 teenagers on school grounds as classes let out and at popular “hoagie” or sandwich shops. That night, police raided taprooms frequented by African Americans. Although searching for juvenile suspects, “heavily armed” officers frisked and questioned the adult male patrons at each club. By the end of the night, according to press accounts, police had “netted” 200 teenage boys.⁴³

Gibbons returned to intense street patrols in late March partly at the request of the Druggist Association after a trio of young African American men killed a white North Philadelphia druggist during a robbery. Over the next two nights, police stopped, frisked, and questioned hundreds of young black men—in black neighborhoods all over the city. In West Philadelphia, police stopped cars driven by young black men, ordered them out, frisked and questioned them, and if they failed to give satisfactory answers, brought them to City Hall for further interrogation. In total, police detained 400 young black men and released all without charge. The three perpetrators, between eighteen and twenty years old, were eventually apprehended and sentenced to death. Then, in late July, Gibbons resorted to his ready, tested solution to reassure the business community and calm a fearful public when he revived the Shotgun Squad. Early one morning, three black teens had killed an elderly North Philadelphia druggist named Jacob Wallfield seemingly with no robbery motive. In the fall, Isaiah Green, only fifteen years old, was sentenced to the electric chair while his two young accomplices were given life terms.⁴⁴

⁴³ *Philadelphia Inquirer*, January 26, 1957, 1, 9, January 27, 1957, 24; *Philadelphia Tribune*, January 29, 1957, 13.

⁴⁴ *Philadelphia Tribune*, March 30, 1957, 1, August 10, 1957, 1, 3, August 24, 1957, 4. Green appealed his death sentence to the Pennsylvania Supreme Court, which reversed. *Philadelphia Tribune*, August 10,

Throughout 1957, Gibbons applied similar tactics of raids and roundups against the gambling syndicates—except police took the war into private homes. At the start of his tenure, Gibbons had declared “arrest, arrest, and arrest” the dominant tactic of the war on vice, specifically the “little fellows” who were easier to apprehend than the crime bosses. District captains ordered a crackdown in poor and marginalized neighborhoods while avoiding the outcry from the white press they likely would have faced in wealthier areas. Police targeted “numbers writing,” an illegal lottery whereby the syndicate furnished a list of combinations based on a sports score or a stock price. The players placed their bets and at the end of the day the syndicate published the winning number. When raiding suspected gambling houses or arresting for “numbers writing,” police often were looking for a “policy slip,” which resembled any marked-up scrap of paper. The standard for criminal guilt was thus lax. And the magistrates, political appointees who for the most part had no legal training, typically approved the search warrants when police bothered to request them.⁴⁵

In February 1957, police launched a major drive against the numbers rackets that continued through the following winter. In the last two weeks of February and the first week of March police picked up 215 suspects. Some cases were clearly bogus. One 64-year-old black man was arrested while holding his gas bill. Police said it was a policy

1957, 1, 3, September 10, 1957, 3; *Philadelphia Inquirer*, December 19, 1957, 25, March 18, 1958, 29; *Commonwealth v. Green* 396 Pa. 137, 151 A.2d 241 (1959).

⁴⁵ *Philadelphia Tribune*, February 12, 1957, June 29, 1957, 20, July 2, 1957, 16, July 6, 1957, 1, July 16, 1957, 4, September 3, 1957, 3, November 18, 1958, 9; Markowitz and Summerfield, Jr., “Philadelphia Police Practice and the Law of Arrest,” 1183, 1199; Vaz, ““We Intend to Run It,”” 72-73. According to one study from 1966: “Only one-fourth of the magistrates in 1958 had post-high school degrees. The average magistrate had had over twenty years of political party activity before being nominated for a magistrate’s position.” Joseph D. Lohman and Gordon E. Misner, *The Police and the Community: The Dynamics of Their Relationship in a Changing Society*, Field Surveys IV, Vol. 2 (Washington, D.C.: Government Printing Office, 1966), 26.

slip. In each raid, two-thirds of the arrestees were African Americans. The police kept up this pace through the summer. In June, District Attorney Victor Blanc admitted that city magistrates ultimately released 95 percent of all gambling suspects for lack of evidence. Police were arresting people on the “common gambler” charge, a vagrancy-related offense requiring only evidence of past crimes, instead of probable cause of discrete criminal activity.⁴⁶

Middle-class black activists frequently criticized police for selecting undeserving targets and overemphasizing the war on vice while failing to address criminal violence. Indeed, black neighborhood block associations praised the broader crackdown on vice but loudly protested the seemingly indiscriminate use of aggressive tactics for non-violent offenses. In Germantown, a neighborhood adjoining North Central that was transitioning from predominantly white to predominantly black, African-American residents grew increasingly frustrated by the constant raids on the homes of the law-abiding, while police appeared to ignore muggings and rowdy teenagers congregated on street-corners. Dorothy Anderson, the most vocal critic of Gibbons’s war on vice, used her platform at the *Tribune* to highlight the special injury caused African Americans by the dozens of “phoney numbers raids” made against “respectable homes.”⁴⁷

In one “Gestapo-like raid,” on May 29, 1957, the police invaded the home of Alfreda Belville. Her husband James worked for the Veterans Administration, giving the family a solid middle-class wage, at least relative to area residents. Alfreda was home alone when three plainclothes police officers arrived at her door. They did not present a

⁴⁶ *Philadelphia Tribune*, February 23, 1957, 4, February 26, 1957, 1, March 9, 1957, 3, March 30, 1957, 3, June 29, 1957, 1, 14.

⁴⁷ *Philadelphia Tribune*, March 26, 1957, 16, April 30, 1957, 1, 2, July 13, 1957, 20, July 20, 1957, 16.

warrant but entered anyway. “They went into all my personal possessions including my family Bible, hoping to find numbers slips,” she said. Finally, the officers claimed they had enough to arrest Alfreda. By then, James and their son Francis had returned home and pleaded with the officers without success. At the station house, she was fingerprinted and almost placed in a cell with a male suspect, before she refused. She spent the night in a holding cell at City Hall. At the preliminary hearing in the morning, the police produced a pencil and a blank notepad as their only evidence. The magistrate, apparently satisfied, held Alfreda on \$300 bail for court. The Belvilles were distraught and dumbfounded. They said: “Maybe it’s because we’re Negroes. We can’t think of any other reason.”⁴⁸

When Councilman Samuel Rose announced that council would hold public hearings on police procedures in search-and-seizure cases, the *Tribune* put together “a list of Negro people—decent, respectable, and law-abiding—whose homes have been invaded by policemen” to testify. Over 200 people attended the two-day hearings held in late January. About half of them were African American. Residents from across the city described a police force that conducted itself more like a street gang than professional law enforcement. People told stories of officers climbing through windows and breaking down doors, destroying furniture and clothes, and even stealing money surrendered with personal property at the station house. Many testified to the fear and embarrassment of home invasions that were both highly public and private. After police ransacked her North Philadelphia row home, Anna Sherman said: “I thought burglars had been there and I was scared to death.” Sherman later was informed by neighbors that it had been the

⁴⁸ *Philadelphia Tribune*, June 29, 1957, 1.

police. Eventually, she “found a John Doe warrant on a table.” During one raid, a woman said police busted down the door of the bathroom while she sat on the toilet. Another woman said she was frisked in her own home. The officer groped her entire body. Several witnesses accused police of planting numbers slips as retaliation for challenges to their authority. One North Philadelphia home had been raided by police five times.⁴⁹

Gibbons refused to acknowledge that the aggressive professional tactics he had instituted had harmed the public. “It’s very nauseating for me to sit here and hear the police department stigmatized,” he said. But in November 1959, city councilmembers, including Council President James H. J. Tate, who would succeed Dilworth as mayor, finally denounced the illegal home raids. After another seventeen months of unremitting mass arrests, council concluded that the preponderance of anti-vice raids were illegal. Backing away from his previous flat denials, Gibbons admitted some officers had been “overzealous” in exaggerating, even fabricating evidence to obtain the necessary warrants. But he also blamed the Civil Service Commission for obstructing his efforts to discipline misconduct, and the rank-and-file for failing to follow orders. “I have tried, both by fining and firing these men, to get them to comply with the regulations,” the commissioner said.⁵⁰

Throughout the Gibbons era, black residents of Philadelphia struggled to obtain the desired protection from brutal officers and violent street crime, partly because they resided in segregated neighborhoods that the police and the press stigmatized as lawless enclaves. In February 1957, at the start of a year of druggist killings and home raids, the

⁴⁹ *Philadelphia Inquirer*, October 22, 1957, 1, 3, January 16, 1958, 17, January 18, 1958, 1, January 21, 1958, 1

⁵⁰ *Philadelphia Inquirer*, January 21, 1958, 1, January 22, 1958, 33, November 11, 1959, 49; *Philadelphia Tribune*, November 14, 1959, 1, 2.

Evening Bulletin ran a feature on North Philadelphia called “The Jungle: Seven Square Miles That Shame—and Menace—Our City.” North Central had transformed after World War II to become nearly seventy percent black. Over 200,000 of the city’s 588,000 African American residents now lived there. Thirteen percent were unemployed and twelve percent of the homes had been declared overcrowded by the city. Charles Shaw, the reporter, explained these changes through the staples of pathology commonly cited by sociologists and policymakers to stigmatize low-income urban neighborhoods: fatherless families, high rates of out-of-wedlock births and juvenile delinquency, high unemployment and ramshackle overcrowded housing, a seeming acceptance of criminal violence. After Isaiah Green killed Jacob Wallfield in late July 1957, a *Bulletin* editorial said: “It must be apparent to respected leaders of the Negro race that much of the manifest animosity against their race stems from the crimes of violence so frequently committed by Negro youths.”⁵¹

Many black residents in Philadelphia were equally alarmed over the state of their neighborhoods even if they rejected racially-charged notions of pathology. The *Tribune* published several rejoinders to Shaws in a series they called “The Jungle Speaks,” which blamed city housing inspectors, landlords, and realtors for the deplorable conditions of North Philadelphia. The first article blamed police for “aligning too closely with speakeasy operators, numbers writers, and others who operate outside the law.” Two months before Shaw’s article appeared, the *Tribune* had run a series urging a “crusade” against crime, depicting it as “the noose that’s strangling the Negro.” After Wallfield’s death, the paper concluded that the “mechanization of the local police force has not

⁵¹ *Evening Bulletin*, February 3, 1957; *Philadelphia Tribune*, August 10, 1957, 4; Countryman, *Up South*, 52.

worked out.” “Most of the men riding around should be pounding a beat,” the *Tribune* said. “It’s harder, of course, but their presence would constitute a warning to would-be violators.”⁵²

Where are the Cops? Urban Renewal and Rising Demand for Police Protection

For the decade leading up to the urban riots of the mid-1960s, low-income urban neighborhoods experienced a different but no-less-consequential upheaval. Federal urban renewal projects in the 1950s relocated tens of thousands of people of color, predominantly African Americans, to segregated enclaves that scholars have termed “second ghettos.” Many black neighborhoods slated for demolition experienced deliberate blighting by the city partly to lower property values for acquisition and resale to private developers. The residents forced from their homes resettled in other predominantly black areas, contributing to already significant overcrowding problems, while longtime white residents increasingly departed for the suburbs.⁵³

During this demographic and infrastructural transformation, block clubs and area councils in the “second ghettos” became a force for stability and improvement. These local organizations, led primarily by black professionals in law, medicine, and real estate, demanded an equitable voice in the renewal process. Short of that, they sought to forestall rapid neighborhood deterioration, leading campaigns to regulate more tightly liquor licensing and to pressure city housing inspectors to enforce safety codes and to penalize

⁵² *Philadelphia Tribune*, December 18, 1956, 1, 3, December 22, 1956, 1, 2, April 2, 1957, 1, 2, April 6, 1957, 1, 2, August 10, 1957, 4, December 10, 1957, 2, September 20, 1958, 1, 2, March 25, 1958, 16, May 30, 1959, 1, 2.

⁵³ Jon C. Teaford, *The Rough Road to Renaissance: Urban Revitalization in America, 1940-1985* (Baltimore: The Johns Hopkins University Press, 1990), 123-126; Peter Dreier, John Mollenkopf, and Todd Swanstrom, *Place Matters: Metropolitcs for the Twenty-First Century* (Lawrence: University Press of Kansas, 3rd ed., 2014), 143-145.

landlords who failed to maintain safe and sanitary dwellings. As part of this broader effort, these organizations also advocated impartial yet diligent policing. Black neighborhood organizations specifically asked that police clear the street corners of habitual congregants and crack down on vice activity. As one black anti-vice activist complained about Chicago's West Woodlawn neighborhood in 1958: "Lawlessness was rampant and unchallenged."⁵⁴

By fall of 1958, the residents of the Avondale neighborhood in Cincinnati were greatly concerned about rising crime in the wake of mass displacement caused by urban renewal. Between 1950 and 1960, 30,000 African Americans moved to Cincinnati. In just five years, from 1955 to 1960, 44,000 whites left the city for the suburbs. Blacks' share of the total population rose over this period from thirteen to twenty-two percent. This demographic change was particularly dramatic in Avondale: rising between 1950 and 1957 from five percent to seventy-one percent African American. In the middle of the decade, the city approved a \$9 million bond to redevelop 745 acres of the West End, an industrial basin on the northern bank of the Ohio River, driving thousands of predominantly black residents north into once-stable middle-class districts in the hills, including Avondale. Planners anticipated that over the next eight years urban renewal and highway construction would displace some 20,000 families—6,300 from Kenyon-Barr and 4,500 from Avondale. When the \$20 million in matching federal funds dried up due to congressional inaction, city plans to rehabilitate Avondale and adjoining Corryville

⁵⁴ Dominic A. Pacyga, "Responding to the Second Ghetto: Chicago's Joe Smith and Sin Corner," *Journal of Urban History* 37, no. 1 (2011): 75-77; Joe Smith, *Sin Corner and Joe Smith: A Story of Vice and Corruption in Chicago* (New York: Exposition Press, 1963), 22. In Philadelphia, several civic and neighborhood organizations were particularly active in blocking liquor permits in black neighborhoods in the late 1950s. See Countryman, *Up South*, 84-86; *Philadelphia Tribune*, October 11, 1958, 1, 3, February 28, 1959, 11.

ground to a halt. Taking stock in October 1958, the *Enquirer* observed: “If the city isn’t careful, it may simply lift slums from the basin area and transplant them to the hilltops.” That month, after much pleading by the Avondale Community Council (ACC), the city agreed to restart housing inspection after over a year of waiting for federal aid.⁵⁵

The ACC and the Avondale Business Association also complained of increased thefts and corner-loitering, and asked for stepped-up foot patrols. Police statistics indicated that the number of felonies in Avondale had nearly doubled in five years. In response, Cincinnati’s police chief Stanley R. Schrotel introduced tactical patrols to Avondale in November 1958. Schrotel referred to the novel top-down program as “cheap urban renewal.”⁵⁶

From the first night it was clear that Schrotel’s tactical squad would focus its intensive surveillance disproportionately on the African-American residents of Avondale. On November 17, an extra eighteen “hand-picked” officers were placed under the command of Captain Tolbert Francis with orders to “stop and question” almost anyone found on the street and in places of amusement between the hours of 9 p.m. and 5 a.m. Clergy and women with small children were exempted, police said, while “everyone else should be questioned.” At each stop, police were to record the person’s name, address, physical description, and answers given to questions related to where they had been and where they were going. The officer then submitted the form to a central database kept by

⁵⁵ *Cincinnati Enquirer*, November 5, 1957, 7, October 12, 1958, 11D, October 12, 1958, 12D, February 22, 1959, 1J, February 24, 1959, 3B, February 25, 1959, 8B, March 25, 1962, 4E, June 17, 1967, 22, May 26, 1968, 4E; William H. Hessler, “Refugees from Civic Progress,” *The Reporter*, July 9, 1959, 27-29; Robert A. Burnham, “Reform, Politics, and Race in Cincinnati: Proportional Representation and the City Charter Committee, 1924-1959,” *Journal of Urban History* 23, no. 2 (1997): 150-151; Charles F. Casey-Leininger, “Making the Second Ghetto in Cincinnati: Avondale, 1925-1970,” in *Race and the City: Work, Community, Housing, and Protest in Cincinnati, 1820-1970*, ed. Henry Louis Taylor Jr. (Urbana: University of Illinois Press, 1993), 233, 243.

⁵⁶ *Cincinnati Enquirer*, January 11, 1957, 8, November 18, 1958, 1, November 21, 1958, 10B.

detectives to check past criminal records. Police further believed the information could help solve future crimes. In their first tour—a mere eight hours—the tactical unit questioned 138 people on the street, 114 of them black. They made no arrests.⁵⁷

After initially expressing enthusiasm, Avondale residents and organizations soon complained of a racial dragnet. On the second day, Wednesday, James N. Givens, ACC president, called Schrotel's tactical units "a much-needed effort to protect the people of Avondale" and urged community support. That night, police stopped 102 people and made one arrest. By Thursday, however, the chief was forced to convene meetings with the NAACP, the ACC, and Avondale residents to explain the purpose of the program. Schrotel seemed taken aback by the uproar, especially since, as he reported, crime had fallen by 200 percent in three days. "We were told that the virtuous people of Avondale would support our attempts to support virtue there," he said, noting that similar tactical patrols in adjoining areas had caused no controversy. In early December, 150 Avondale residents, most of them African American, attended a community discussion of the tactical units. Eliciting the night's loudest applause, a spokesperson for the Fellowship House in Avondale criticized "police abuse" that treated "everyone who lives in the area as a criminal." Schrotel rose to defend his program, citing, as evidence in its favor, the 1,400 public contacts police had made in the three weeks since November 17. Five days later, however, the chief reduced the patrols and shifted their duties into a flexible response force.⁵⁸

⁵⁷ *Cincinnati Enquirer*, November 18, 1958, 1, November 19, 1959, 1.

⁵⁸ *Cincinnati Enquirer*, November 21, 1958, 10B, December 5, 1958, 6C, December 10, 1958, 2C, December 14, 1958, 6A, December 15, 1958, 9A

Depending on local political arrangements, low-income urban communities had varying power to affect police policy in their neighborhoods. In 1957, amid the upheavals of urban renewal and African-American migration, Cincinnati passed a charter amendment to institute an at-large electoral system. The measure had been proposed by the GOP to protect their consistent majorities on city council and to disempower the growing number of heavily-Democratic black residents. In subsequent years, despite blacks' ever-increasing share of the total population, typically only one or two members of city council were African American. But even in cities that used ward voting that was more favorable to proportional representation—as in Cleveland—nonwhite districts still struggled to obtain adequate and impartial police protection.⁵⁹

The 1960 U.S. Census revealed that Cleveland's population had fallen by more than four percentage points since its all-time peak in 1950 to a level just below its 1940 total. In that time the share of the black population rose from nine to sixteen to twenty-nine percent. Black Clevelanders lived mainly in the East Side districts. In 1950, the middle-class two-square-mile area of Hough had almost 66,000 residents. Ninety-five percent were white. Five years later, the population grew to over 82,000 people and became majority-black. By 1960, Hough was almost three-quarters black. In Hough and Glenville, another formerly middle-class white area that became majority-black by 1960, seventy percent of African Americans rented their lodgings, due to low incomes and an

⁵⁹ Burnham, "Reform, Politics, and Race in Cincinnati," 151-152. As field interviewers for the Kerner Commission discovered in the fall of 1967, many black civic leaders and activists greatly resented the 1957 reform, which they partly blamed for the riot since it had diminished black political power and thus engendered the buildup in resentment and anger that had fueled the unrest. At the time of the June 1967 riot, Cincinnati had one black councilmember, Myron B. Bush. See Interview with Myron B. Bush, September 23, 1967, Kerner Commission Microfilm, Reel 23, frame 0564; Field Research Report, Cincinnati, Ohio, June 12-19, 1967, 1-3, Embargo Series 10, Box 44, Records of the National Advisory Commission on Civil Disorders, LBJ Library; *Report*, 26, 78, 154.

acute housing shortage. By contrast, seventy percent of whites citywide were homeowners. One in four moderate to upper income blacks lived in overcrowded dwellings, compared to one in ten whites.⁶⁰

The rapidly changing neighborhood demographics were largely precipitated by migration and urban renewal. The city designated over 6,000 acres—the largest allotment in the country—for demolition and renovation but never received funds adequate to the task and were never able to retain the desired moderate-income tenants. As a result, razed tracts sat empty for years while dilapidated housing in poor black areas was left standing. At a public hearing held after the 1966 Hough riots, residents complained about the blight and abandonment created by urban renewal. Daisy Craggett, a black sociologist, Hough activist, and reporter for the *Call and Post*, the city's main black newspaper, accused the city of “forcing the Negro out” to make way for high-end private development. Craggett was interrupted multiple times by applause from the 500 people assembled. In 1962, city planners had in fact ordered inspectors to stop enforcing housing codes in the University-Euclid area of Hough to suppress property values and lower the acquisition costs. The city also reduced garbage removal in areas slated for demolition, letting trash pile up in

⁶⁰ U.S. Bureau of the Census, *Sixteenth Census of the United States: 1940*, Vol. II, Characteristics of the Population, Part 5: New York – Oregon (Washington, D.C.: Government Printing Office, 1943), 709; U.S. Bureau of the Census, *Census of Population: 1950*, Vol. II, Characteristics of the Population, Part 35, Ohio (Washington, D.C.: Government Printing Office, 1952), 35-51; U.S. Bureau of the Census, *Census of Population: 1960*, Vol. 1, Characteristics of Population, Part 37, Ohio (Washington, D.C.: Government Printing Office, 1963), 37-48; Daniel R. Kerr, “Open Penitentiaries: Institutionalizing Homelessness in Cleveland, Ohio” (PhD diss., Case Western Reserve University, 2005), 334; Carol Poh Miller and Robert Wheeler, *Cleveland: A Concise History, 1796-1990* (Bloomington: Indiana University Press, 1990), 166-167; Testimony of Mr. F. Barnard Sellers in *Hearing Before the United States Commission on Civil Rights: Hearing in Cleveland, Ohio, April 1-7, 1966* (Washington, D.C.: Government Printing Office, 1966), 95-98.

alleys and the street, attracting rats. In 1964, Hough residents were arrested for dumping rats on the steps of City Hall in protest.⁶¹

Few would have considered the Cleveland Police a professional department by the standards of the 1960s. Top police officials made no pretense about respecting the rights of criminal suspects. At the hearings held by the U.S. Commission on Civil Rights in Cleveland in early June, 1966, the police chief acknowledged that it was unconstitutional to deny prisoners a phone call but that under “certain circumstances,” namely during an investigation, it was acceptable and judicious. John A. Ronayne, former New York City police inspector hired by the Commission to investigate Cleveland police practices, discovered that although police were aware it was illegal to detain suspects seventy-two hours before arraignment, many officers he interviewed defended the practice on the basis of “custom.” People held as “suspicious persons” were often forced to sign a waiver, abrogating their right to sue, in exchange for their freedom.⁶²

Cleveland Police applied these patently illegal practices primarily against black residents. In 1965, one in five blacks arrested in the fifth district in Hough was released without charge as opposed to one in twenty whites. More than three-quarters of the investigative arrests of black people in 1965 was for prostitution, amounting to 1,000 black women. Seventy-six, or fewer than eight percent, were charged. To explain this large disparity, police said they were bending to public pressure to suppress prostitution even though they often lacked adequate evidence for prosecution. Black men faced a

⁶¹ Miller and Wheeler, *Cleveland*, 161; Jon C. Teaford, *The Rough Road to Renaissance: Urban Revitalization in America, 1940-1985* (Baltimore: The Johns Hopkins University Press, 1990), 146-148, 159-162, 215; Craggett, 79-80; Kerr, “Open Penitentiaries,” 345-347; Testimony of Mrs. Hattie Mae Dugan, *U.S. Hearings*, 25.

⁶² *Hearings*, 601, 551, 577, 581.

similar disparity for robberies. In 1965 police made fifty-seven arrests of black men on suspicion of robbery in the fifth district but made only eight such arrests of white men for the low-crime first and second districts combined. “It may be surmised,” Ronayne said, “that these arrests [of black men] are made in a drag-net type operation to permit the victim of the robbery to see and try to identify the suspects.” Often the only description given over the police radio was “a male Negro.”⁶³

Despite these flagrantly unconstitutional practices, black Clevelanders demanded from their police better protection from crime and street disorder. African American residents lamented weak or nonexistent law enforcement and requested order-maintenance policing in neighborhoods visibly scarred by urban renewal. Residents of Hough and Glenville, beginning in the 1950s, elected black city councilmen to crack down on disorderly and criminal behavior associated with blight and abandonment: corner-loitering, prostitution, vandalism, robbery, and teenage gangs. In 1966 the U.S. Commission on Civil Rights found that for black Clevelanders “the most frequent complaint is that policemen fail to respond to calls and fail to provide other services to the community.”⁶⁴

The Commission found empirical evidence of slow police service in black neighborhoods. The fifth district was the city’s smallest, only 6.2 square miles, but it had the greatest population density and the largest volume of recorded crime. On Saturday,

⁶³ Arthur V. N. Brooks and David M. Liebenenthal, “Arrest and Detention Procedures: Implementing the Recommendations of the U.S. Civil Rights Commission,” *Cleveland Bar Journal*, (March 1967): 85, fn. 4; John A. Ronayne, “An Analysis of Police Practices in Cleveland, Ohio, With Regard to Their Effect Upon Civil Rights: A report prepared for the United States Commission on Civil Rights,” March 1966, 9, 18-19, 22, 32, Records Relating to Race Relations in Cleveland, Ohio, 1964-1966, Folder 1, Box 11, Records of the U.S. Commission on Civil Rights (USCCR), National Archives and Records Administration (NARA), College Park, MD.

⁶⁴ “Police-Community Relations,” 4.

the busiest day for police, the volume of calls for service in the fifth district were one and a half times greater than in the first district and more than double than in the second district—both predominantly white West Side neighborhoods. But dispatch times were generally slower in the fifth than in the first or second districts. This held true for almost every type of call for service, from traffic accident to larceny to drunkenness. In the 5th, it took police four times longer to respond to a robbery and twice as long for burglary and auto theft.⁶⁵

By the early 1960s, two changes pushed police protection into the forefront of city politics. In 1962 Cleveland received over \$16 million in federal funds—the largest federal grant in the country—to transform the 837-acre area of Hough into a model working- and middle-class community. Three years into the five-year plan, however, the city had acquired fewer than half of the selected 632 homes and rehabilitated only 137 of 2,000 homes, or six percent. As slumlords carved up single-family dwellings into multiple units, firms cancelled fire insurance. Without it, home-owners were unable to obtain home-improvement loans. And with thirty percent of housing sold on land contract by 1966, property values and rents skyrocketed. Consequently, hundreds of families fled to nearby districts. Large sections of Hough became, in the words of one resident, “a ghost town.” Meanwhile, inhabitants of Glenville, a popular destination for the displaced, grew concerned that they were about to become the next Hough.⁶⁶

⁶⁵ In 1964, in the fifth district, police recorded fifty-three murders, thirty-nine rapes and sexual assaults, 775 robberies, over 1,100 assaults, more than four thousand burglaries and larcenies combined, and 1,110 car thefts. See Ronayne, 5; Staff Report Comparing the Speed with Which Police Officers Respond to Calls for Assistance in the 1st, 2nd, and 5th Police Districts in Cleveland, Ohio – 1965, 3, 7, Police-Community Relations in Urban Areas, 1954-1966, Folder “Cleveland, Ohio – Police-Community Relations,” Box 6, USCCR, NARA.

⁶⁶ The city for years had held onto “unused and untaxed” land—up to seventy acres in downtown Erievue alone, valued at \$20 million—while in the process displacing thousands of families without ensuring their

In 1963 Cleveland redrew ward boundaries for the first time in sixteen years after the state Supreme Court ordered the city to accommodate population changes revealed in the 1960 federal census. Redistricting was a boon for black political power. That fall, ten of thirty-three wards elected black representatives—an increase of two. Two years later, city council gained an eleventh black member, giving African Americans proportional political representation. Then, in 1967 Carl Stokes, state legislator and former city police prosecutor, became the first black big-city mayor in the country. Before and after redistricting, black politicians centered challenging the slow, uneven pace of urban renewal and improving the woeful state of public services in black districts, including abusive as well as lax street policing.⁶⁷

The more prominent black political focus on inadequate police protection was evident in the career of one of the city's new black councilmen. M. Morris Jackson first ran for city office in 1961. A real estate broker, a jeweler, and a watchmaker, Jackson was chair of the Hough Area Council's safety committee, a position he parlayed into a two-decade career in city and state politics. In April 1961, about 200 Hough residents packed Emmanuel AME Zion Church to complain about local conditions, principally inadequate police protection and absentee landlords. They "drafted" Morris Jackson to represent black Hough residents in the fall election. In November, Jackson ran for the Ward 22 seat held for over a decade by a white fellow Democrat Margaret McCaffery. He lost by 117 votes. Redistricting changed his political fortunes—and his opponent's. McCaffery, a tough-on-crime white lawmaker and one of two councilmembers to oppose

relocation to housing. For urban renewal in Hough, see *Plain Dealer*, November 28, 1965, February 14, 1965, July 26, 1966.

⁶⁷ *Plain Dealer*, April 10, 1963; September 10, 1963;

redistricting, lost her seat, while Jackson ran unopposed in the new Ward 20. His core issue during the campaign was improving police response times. He highlighted a routine liability of life in Hough through a public-relations stunt. After apprehending a burglar in his backyard, the watchmaker called police and recorded—on a stopwatch—how long it took for them to arrive: one hour and thirty-five minutes.⁶⁸

Early in his career, Morris Jackson led spirited campaigns for police protection. When Community Action for Youth, a Hough-based anti-delinquency organization, revealed “a sudden increase in vandalism and unprovoked attacks” at the start of June 1964, Daisy Craggett, a CAY trustee, asked Public Safety Director John N. McCormick for more stringent enforcement of the juvenile curfew and better police protection. In the final council session before the July 4th break, Morris Jackson delivered an impassioned plea to Mayor Ralph S. Locher and Safety Director McCormick. “There is gambling on the sidewalks and women and children are assaulted not at night, but during the daytime,” Jackson said. “We want the same type of vigorous enforcement that any other community gets.” Locher said the city could not afford to hire more police and McCormick dismissed the idea of foot patrol as antiquated. “Don’t tell me that you haven’t got the policemen,” Jackson said. “When there are 12 pickets parading in front of City Hall, I have counted as high as 75 policemen standing around.” Clarence Gaines, black councilman from Glenville’s Ward 25, said his constituents had begun to organize anti-crime vigilante committees “because they feel the city has let them down.”⁶⁹

⁶⁸ *Call and Post*, April 29, 1961, October 7, 1961, November 11, 1961; *Plain Dealer*, November 9, 1961, April 10, 1963, October 4, 1963, September 25, 1963, November 7, 1963.

⁶⁹ *Plain Dealer*, June 26, 1964, June 27, 1964, June 30, 1964, July 9, 1964; *Call and Post*, May 11, 1963, June 8, 1963, July 4, 1964.

In the weeks after Jackson's stand, largescale rioting erupted in black neighborhoods in seven northern cities, including New York and Philadelphia. Fearing unrest in Cleveland, councilmembers huddled together with officials of the Community Relations Board, a city agency, on September 10. Charles V. Carr, a black East Side councilman, warned that Jackson's intensive police patrols in Hough might cause "more friction" and "set off pent-up emotions." Jackson and other black East Side representatives were so outraged by this comment that they passed a resolution requesting an FBI probe into the "allegation" that Hough was a "racial powder-keg." "The majority of those who live in the Hough area are law-abiding citizens," Jackson said. "A threat of riots for increased law enforcement is not going to frighten us and cause us to give up on our determination to have a good and respectable community." In late July, council agreed to put a small tax increase on the ballot to hire 200 police officers, and in November voters approved the measure by a 53,000-vote margin. Mayor Locher, who had denied a police shortage, backed the millage. Jackson had won his coveted cops.⁷⁰

Black city councilmen had long demanded legislative change to address street crime in black neighborhoods. In his second month in office, in February 1952, John Kellogg, a Republican from Ward 18 on the far east side and the well-known nephew to a sitting councilman, introduced an ordinance banning the sale of switch-blades longer than two and a half inches. On a tour through his ward, he showed reporters and police all the retractable knives displayed in store windows. The *Call and Post* embraced Kellogg's cause as their own—because it was. A decade earlier, the paper's editor, former city councilman William O. Walker, had won passage of a switchblade registration ordinance.

⁷⁰ *Call and Post*, October 3, 1964, October 17, 1964, November 14, 1964; *Plain Dealer*, July 31, 1964, October 5, 1964, October 6, 1964, September 29, 1964, November 1, 1964, November 5, 1964.

Ever since, the paper lamented, enforcement had been non-existent. The *Post* thus greeted Kellogg's law "as one more C-P victory." Kellogg's law, his first as a councilman, won support from the Hough Area Council and the police and became the template for a state statute passed the following year and a federal law introduced in 1954, amid rising national panic over juvenile delinquency.⁷¹

Passing the switchblade ordinance launched Kellogg's almost two-decade career in city politics. The following fall, in November 1952, Kellogg demanded more foot patrol in response to violence at East Side schools. A recent graduate about to start his Army tour had stopped by his old high school, got into an altercation, and punched the principal. City Council and East Side residents erupted over this latest instance of violence on school grounds. A few weeks before, a police captain in the Juvenile Bureau had released a "Special Report on School Assaults" highlighting violence at predominantly black East Side schools. In response, Police Chief Frank Story confessed as a teen he too had belonged to a gang. Black councilmen erupted in anger over official unconcern for black children victimized by gang violence. Kellogg demanded police protection at "every school where there is any sign of hoodlumism." After he pressed the chief again in December, a white West Side representative named William J. Hart forced Story to acknowledge that "preventive" foot patrol might reduce burglaries.⁷²

Kellogg's idea soon prevailed. In late January 1955, Chief Story responded to news that crime had risen by over fifteen percent the previous year by assembling a squad

⁷¹ *Call and Post*, October 10, 1942, February 9, 1952, June 21, 1952, November 1, 1952, September 26, 1953, February 6, 1954; *Plain Dealer*, May 23, 1952, December 23, 1952, May 29, 1953, June 1, 1953, January 21, 1954.

⁷² *Call and Post*, November 1, 1952, November 8, 1952; *Plain Dealer*, November 25, 1952, December 2, 1952;

of twenty-five uniformed foot patrolman. Two weeks later, Story revealed that street robberies and sexual assaults had stopped entirely in the designated areas. The unit had made fifty-five arrests, issued 344 tickets for double-parking, and cleared corners of twenty-nine juveniles. Residents offered mixed feedback. The Glenville Veterans Council objected to police entering taverns and frisking patrons, while the Glenville Area Council praised the “hard-hitting campaign.” Charles Carr, who had also demanded foot patrols, complained about the “frisking” of innocent citizens. But police were pleased with the results. In mid-April, Story announced that foot patrols had suppressed crime by more than a quarter. The *Call and Post* highlighted the advocacy of black councilmen in this triumph. Kellogg, in fact, deemed the patrols inadequate. He had waited over an hour for police to arrive at a constituent’s home that had been burglarized. At the next council meeting, Kellogg let loose a thunderous attack that he would repeat throughout his career. He noted that eighty percent of his constituents were tax-paying homeowners. “We demand that they be given the same kind of police protection that other sections get,” he said. A year later, Chief Story enlarged the unit and ordered it to “flush out hoodlums” and “get tough.”⁷³

Black councilmen frequently found that the police assigned to patrol their wards abused their discretion. Some officers appeared to enforce racist social norms. One year after Kellogg helped establish the tac squads, he denounced officers for repeatedly raiding the home of a working-class black married couple in the days after they moved into an integrated area. Four years after demanding more police be stationed at East Side

⁷³ *Plain Dealer*, January 27, 1955, January 29, 1955, January 31, 1955, February 16, 1955, March 2, 1955, April 14, 1955, May 3, 1955, May 6, 1955, July 25, 1956, March 23, 1957; *Call and Post*, March 19, 1955, April 9, 1955.

schools, Kellogg criticized police for performing a “mass interrogation” of black boys after the alleged rape of a white student. “These boys were forced to stand and be questioned by police in the classroom,” Kellogg said, rather than “quietly in an office or outside the class.” The councilman further criticized police for recent raids on black-owned businesses searching for policy slips. Charles Carr, at the same council meeting, denounced indiscriminate frisking. “If the police searched West Side residents the way they go through my ward,” Carr said, “the city would be up in arms.”⁷⁴

Aggressive police actions not only angered Hough residents—they failed to satisfy pent-up demand for police protection. By fall of 1964, after years of demolition, abandonment, and overcrowding, one-fourth of welfare recipients in the entire county resided in Hough. Edward Cabell, a prominent local anti-blight activist, said long-term economic aid was the solution to rising crime in the area. “But in the meantime, decent citizens live in fear,” he said. “No woman is safe.” The *Plain Dealer*, in a fall 1964 profile of Winebottle Alley at 79th Street and Hough Avenue, the corner where the 1966 riot would begin, declared: “Evidence of crime breeding was everywhere.” A businessman acting as local guide pointed out drug users and dealers, prostitutes, even a warehouse filled with stolen merchandise. Some residents wanted more police protection. “You’d think the police were at fault when they came out here to investigate a crime,” said one. “The people gather around and actually prevent them from doing their job.”⁷⁵

In demanding faster response times, low-income urban residents were at least requesting a service that police executives were seeking to improve and offer at a reduced

⁷⁴ *Call and Post*, January 31, 1959; *Plain Dealer*, December 11, 1956.

⁷⁵ *Plain Dealer*, September 7, 1964, September 14, 1964, September 15, 1964; *Call and Post*, August 15, 1964.

cost. Citizen groups had less success, however, in obtaining more foot patrols, which police professionalism experts rejected as wasteful and inefficient in favor of motorized solo patrols where an officer rode alone rather than with a partner. Professional-oriented police chiefs thus preferred to deploy tactical teams in a heavily-publicized show of deterrent strength, even as many residents felt that squad cars zipping through neighborhoods projected less street presence than foot patrols. In the early 1960s, many chiefs received this advice from the International Association of Chiefs of Police (IACP) who surveyed departments typically after a graft scandal.

The city of Boston hired the IACP after suffering the embarrassment of having the corruption of its police broadcast to the entire country. The overhaul began in November 1961 in the days after Columbia Broadcasting System (CBS) aired a television special titled “Biography of a Bookie Joint” showing uniformed Boston police officers visiting a betting house every day to collect payola. Some cops even fetched coffee for the operators. The governor, John A. Volpe, who had the power to appoint the police commissioner, initiated an investigation and the district attorney convened a grand jury, which ultimately returned twelve indictments—none against police even though twelve officers were identified in the CBS footage. In March, 1962, Police Commissioner Leo J. Sullivan resigned, days before the state legislature was to hold a vote to remove him. On April 5, Governor Volpe signed a home rule bill restoring control over police to the Boston mayor. Within hours, Mayor John F. Collins appointed FBI agent Edmund L. McNamara police commissioner. Quinn Tamm, president of the International Association of Chiefs of Police, praised the choice, describing McNamara as a “pro’s pro.”⁷⁶

⁷⁶ *Biography of a Bookie Joint* (New York: CBS News Archives, 1961), available at: <http://www.cbsnews.com/news/from-the-vault-biography-of-a-bookie-joint/>; *Boston Globe*, September 30,

In one of his last acts as commissioner, Sullivan agreed to hire Tamm and the IACP to conduct a thorough audit of the Boston Police Department. The survey was initially arranged by Boston Finance Commission chairman Edward W. Brooke III, a future U.S. senator—the first black senator ever elected by popular vote—and future member of the Kerner Commission. While waiting for the IACP study, McNamara implemented reforms to enhance mobility and streamline command. He ordered tough enforcement against vice operators, muggings, and littering—addressing graft, violence, and public order. McNamara also asked all officers older than sixty-five to submit their retirement papers. The changes recommended by the IACP in their 452-page report released in late November aligned with McNamara’s vision, emphasizing cost-cutting measures like consolidating the seventeen police districts down to five, ending the police ambulance service, and reducing the force by 640 officers through attrition. Once the department had lowered costs, the IACP recommended raising annual patrol salaries by \$800. The smaller, more mobile police force would rely on tactical patrols and one-man scout cars.⁷⁷

McNamara’s preventive patrol plan was tested after the tragic death of a black 16-year-old named Daniela Saunders on January 5, 1963. Saunders had been strangled in an alley near her home in the predominantly African-American Roxbury neighborhood. Although police would discount this theory, many immediately wondered if Saunders

1961, 1, December 1, 1961, 1, 2, December 2, 1961, 1, 2, December 4, 1961, 1, December 16, 1962, 1, 20, January 15, 1962, 1, February 18, 1962, 1, March 8, 1962, 1; *Washington-Post*, December 2, 1961, A3, March 16, 1962, A8, March 21, 1962, 1, 3, March 26, 1962, 20, April 5, 1962, 24, April 6, 1962, 1, April 8, 1962, 1, 63, June 28, 1962, A3.

⁷⁷ *Boston Globe*, December 14, 1961, 4, December 15, 1962, 19, April 6, 1962, 1, 15, April 7, 1962, 1, 2, April 8, 1962, 1, April 10, 1962, 12, April 25, 1962, 4, June 16, 1962, 1, 2, November 13, 1962, 7, November 18, 1962, 1, 3, November 20, 1962, 1, 2, 24, November 21, 1962, 1, November 22, 1962, 1, 54, January 1, 1963, 1, 24, January 6, 1963, 1, 52, .

was the latest victim of the so-called Boston Strangler, accused of eight similar killings—all of women—since June 1962. Against this background, Saunders’s death sparked mass outcry for greater police protection from black residents. Within days, 500 Roxbury residents convened a meeting on how to respond to criminal violence. Edward Brooke came to grieve for Daniela—who had been playmates of his daughters—and to stir the residents of Roxbury to action. “We must not look upon the police as our enemy,” Brooke said. “We must start a crusade to help this community that’s suffering from so many social ills that it is itself near death.”⁷⁸

At a much larger, second meeting, black Roxbury residents criticized lax police attention to their crime concerns. A thousand people filled a high school auditorium in Roxbury on January 9. The meeting became raucous as angry-audience members interrupted the police commissioner with loud boos and shouting. Kenneth Guscott, the new president of the Boston NAACP, placed Saunders’s death in the context of the geographic isolation and poverty of black neighborhoods. She died “because she lived in Roxbury,” Guscott said, a “no-man’s land” and “a segregated community.” “Had she been a resident of another community, one with properly lit streets and an adequate police force” he continued, “she might be alive today.” Guscott proposed setting up anti-crime “vigilante committees” to patrol black neighborhoods. Many in the audience demanded better, more courteous protection. The Boston NAACP invited residents to submit their grievances about police and within days they had received “hundreds.”⁷⁹

⁷⁸ Police eventually arrested a 15-year-old boy in the killing of Daniela Saunders. The boy, a friend of the victim, explained that he had attacked Saunders after she refused to kiss him. *Boston Globe*, January 6, 1963, 9, January 7, 1963, 1, 2, January 18, 1963, 1, 6.

⁷⁹ *Boston Globe*, January 9, 1963, 1, 5, January 13, 1963, 1, 19.

Citizen groups in low-income urban neighborhoods frequently discovered that police officials were receptive to demands for more officers but resisted any attempts to define how those officers should be used. On the same day in mid-January 1963, two Roxbury groups formed to fight for more diligent police protection from, alternately, brutal officers and violent criminals. The Citizens' Council on Police Practices, primarily an advocate of the former, delivered the top Roxbury complaints to McNamara: slow response times, discourtesy, physical violence, and too-few black officers patrolling black neighborhoods. Focusing on toughening discipline meted out by the Police Trial Board, the Council hoped to address the prevailing view among Roxbury residents that "the Boston Police 'couldn't care less.'" The Roxbury Citizens Committee, the second group, would lead the crime crusade desired by Brooke. In response to mounting citizen protests, McNamara deployed two dozen extra officers to Roxbury to perform "saturation patrols." In the view of a *Boston Globe* reporter, "it seemed as if the area was under military occupation." But the commissioner refused to consider the request of the Citizens Committee to reassign a precinct captain much-disliked by black residents.⁸⁰

Preventive Policing, Mobile Task Forces, and Racial Harassment

One week into Cincinnati's preventive policing dragnet in November 1958, local ACLU president James C. Paradise wrote a letter to the city manager requesting that police halt the patrols at once. "We are not aware of any authority vested in the Police Department to place an entire community under its control in this fashion," he said. It appeared to Paradise as if police had "combined elements of a curfew and a criminal

⁸⁰ *Boston Globe*, January 12, 1963, 1, 5, January 15, 1963, 7, 25, January 16, 1963, 1, 4, January 17, 1963, 33, January 25, 1963, 15, March 6, 1963, 28.

registration ordinance with a dragnet-like campaign of indiscriminate accosting and interrogation of the citizens.” The “element of compulsion” at each street stop was troubling and reminiscent of “martial law.”⁸¹

Paradise was hardly alone in his confusion over the precise legal standards governing police street contacts. In 1958 the courts had mainly avoided the constitutional question of whether a police officer had the right to stop, question, and frisk a citizen without the probable cause required to make an arrest, and the rights of a citizen in those encounters. It was not at all clear to judges, law scholars, and least of all police whether the legal standard of probable cause—or “reasonable grounds to believe”—should apply to the street stop or field interrogation and the frisk for drugs or weapons. Yet stop-and-frisk was routine police practice nationwide—and bitterly resented by low-income urban residents of color for the “element of compulsion” and presumption of criminality the stop-for-questioning often carried.⁸²

Over the next decade, big-city police brass would continue to experiment with top-down preventive policing schemes premised on a tangle of tenuous legal pretexts and

⁸¹ *Cincinnati Enquirer*, November 26, 1958, 1B; Letter from James Paradise to C. A. Harrell, City Manager, November 25, 1958, 1-2, ACLU Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1074, Folder 31, Princeton. The Cincinnati Police Department probably drew from a number of laws as the basis for the field interrogations. Police might have found legal justification for their program in various statutes and local ordinances. The Habitual Criminal Act of 1929 made repeat offenders “liable to arrest on suspicion of criminal intentions.” The city’s 1952 Felony Registration Act permitted surveillance of “known criminals.” The sweeping 1956 anti-loitering ordinance, moreover, forbid “conduct...annoying to persons passing by,” effectively making it a misdemeanor to disobey police. Habitual Criminal Act, 1 Throckmorton’s Ohio Code, Annotated, Baldwin’s 1948 Revision, Complete to January 1, 1948 (William Edward Bladwin, ed.) 357 (1948) Code of Criminal Procedure; Note, “Criminal Registration Ordinances,” 67, 73-74, 79, 81-82, 84, 108; “A Really Good Police Force,” *Life*, September 16, 1957, 73; *Coates v. Cincinnati*, 402 U.S. 611, 91 S. Ct. 1686, 29 L. Ed. 2d 214 (1971) at 611-612; Letter from Martha Thomas to Alan Reitman, December 1, 1958, Folder 31, Box 1074, ACLU; National Advisory Commission on Civil Disorders, *Report* (Washington, D.C., Government Printing Office, 1968), 26.

⁸² Frank J. Remington, “Law Relating to ‘On the Street’ Detention, Questioning and Frisking of Suspected Persons and Police Arrest Privileges in General,” *Journal of Criminal Law and Criminology* 51, no. 4 (1960): 386, 390; Sam B. Warner, “Investigating the Law of Arrest,” *Journal of Criminal Law and Criminology* 31, no. 1 (1940): 111-121; Sam B. Warner, “The Uniform Arrest Act,” *Virginia Law Review* 28, no. 3 (1942): 315-347.

in a manner that caused tremendous controversy within low-income urban communities who desired more diligent but fair and focused policing rather than the indiscriminate dragnet. The California legislature, for example, addressed the widespread abuse of vagrancy laws in routine street policing during a 1958 hearing. Between 1952 and 1957, the state's highest court had imposed the exclusionary rule barring the use of illegally obtained evidence at trial while permitting police to make misdemeanor arrests without a warrant on reasonable suspicion alone thereby ending the requirement that the act must have been committed in the presence of the officer. A 1957 amendment to the criminal code further authorized police to downgrade an arrest to a detention so they could release a suspect without charging that person with a crime. These changes prompted outcry from a San Francisco NAACP official at the 1958 hearings who bemoaned "the new tendency with regard to arrests for misdemeanors" by which police rounded up young black men, held them for investigation, and then released them without charge.⁸³

On the heels of the critical publicity arising from the 1958 hearings, the San Francisco Police Department reduced their reliance on vagrancy-related arrests and instead shifted to a similarly expansive scheme of stop-and-question street detentions. In October—mere weeks before Schrotel unveiled his program—new police chief, Thomas J. Cahill, a career cop appointed by a reform mayor for his clean, tough reputation, introduced San Francisco's version of "cheap urban renewal."⁸⁴

⁸³ *Coverstone v. Davies*, 38 Cal. 2d 315, 239 P.2d 876 (1952); *People v. Cahan*, 44 Cal. 2d 434, 282 P.2d 905 (1955); Assembly Interim Committee on Judiciary, Subcommittee on Constitutional Rights, *A Public Hearing, San Francisco, July 28 and 29, 1958* (Sacramento, Calif., 1958), 18, 81; Sherry, "Vagrants, Rogues and Vagabonds—Old Concepts in Need of Revision," 562; *A Public Hearing*, 26; *1959-61 Report of Assembly Interim Committee on Criminal Procedure*, 10-11.

⁸⁴ *1959-61 Report of Assembly Interim Committee on Criminal Procedure*, 11; *Police and the Blacks: U.S. Civil Rights Commission Hearings* (New York: Arno Press, 1971), 742; Agee, *Streets of San Francisco*, 35-36.

Invoking the usual stated rationale for preventive patrol given by professionalism experts like O. W. Wilson, Cahill called his program Operation S, for *saturation*. The department instructed S Squad officers to focus on “those persons observed loitering, either on the street or in vehicles, who might be possible burglary or robbery suspects.” The plainclothes details were to stop and question suspicious persons, to gather identifying personal details, and to record their answers on a form called the Field Investigation Check. They were instructed to do this each time, regardless of whether they simply questioned someone or made an arrest. Over time, theoretically, these cards would help police identify patterns of suspicious behavior that would inform patrol assignments. Individuals repeatedly stopped in high-crime areas would enter a database that police could cull to solve future crimes. By the end of 1958, Operation S had stopped and questioned 20,000 people, filed 11,000 reports, and arrested 1,000 persons.⁸⁵

The S Squad targeted African-American neighborhoods slated for urban renewal, and the young black men who lived there. Twice a week, fifty plainclothes officers fanned out to “hot-spot” areas so designated by prior crime trends. According to historian Christopher Agee, the squad attracted young, ambitious officers eager to make arrests and advance their careers. Embracing the war against crime framing, local reporters referred to the S Squad as “shock troops” and the Field Investigation Checks as “tactical weapons.” Over the course of a night spent patrolling with the S Squad in December 1959, Ernest Lenn of the *San Francisco Examiner* saw two officers stop and question ten black men, forcing each “to fill out Operation S interrogation cards.” Lenn credited the officers’ judgment as sound law enforcement, even though they released every so-called

⁸⁵ William W. Turner, *The Police Establishment* (New York: G. P. Putnam’s Sons, 1968), 145-146; Fogelson, *Big-City Police*, 188; Agee, *Streets of San Francisco*, 35-37.

suspect without charge. In his telling, the effect of Operation S was “to bolster the thin blue line” between anarchy and civilization.⁸⁶

Police presented the field interrogation as a promising alternative to investigative arrests. They placed the tactic at the forefront of proactive policing, which held that the best way to fight crime was to preempt it. Orlando W. Wilson, the dean of postwar police professionalism, made this strategy its hallmark. As Chicago Police Superintendent in the 1960s, Wilson developed what he called “aggressive preventive patrol.” Saturation was its key, as was proper planning. Wilson believed that past crime rates had predictive value. By flooding an area with squad cars at the particular hours when crime historically was heaviest, police could deter crime and make residents feel safer. Wilson referred to this strategy as “psychological warfare” since it “gives the impression of the police being everywhere.” In 1964 Chicago police made 250,000 street stops. They also continued to use vagrancy-related arrests. The following year, police arrested 75,000 for disorderly conduct; over half were African American.⁸⁷

On the advice of reformers like August Vollmer, O. W. Wilson, and Bruce Smith, many police administrators in the 1950s had set up research and planning divisions to reorganize the department along functional lines and maximize overall efficiency. Consultants reviewed internal processes to eliminate redundancies and update the record-keeping system. Departments conducted experimental patrol schemes according to neighborhood crime data—each assigned a “hazard rating” in Wilson’s formula—to allocate resources more efficiently. Saturation patrols were a piece of this postwar

⁸⁶ Agee, *Streets of San Francisco*, 36-37, 39.

⁸⁷ *Task Force Report: The Police*, 190-191; “A Really Good Police Force,” *Life*, September 16, 1957, 91-92; Jude Wanniski, “A City Turns the Tide With Its Chief of Police,” *The National Observer*, September 6, 1965, 7; Turner, *The Police Establishment*, 113, 119.

specialization. Police used them to address a number of crises, such as juvenile gangs, corner-lounging, Skid Row populations, gambling, and drugs.⁸⁸

The white press generally praised the saturation patrols. In August 1956, the Chicago Police Department created an elite task force to roam the city in response to crime. Their purview included traffic violations and criminal violence. Soon after their debut, the *Chicago Tribune* lauded the “tough cops...who don’t wait for trouble—they go looking for it.” The 225 officers who comprised the “Crime Commandos,” according to the paper, “terrorize[d] Chicago hoodlums by striking unannounced in different parts of the city.” The leaders of the Task Force explained their directive was to search every vehicle they stopped, seemingly without concern for citizens’ constitutional rights. The point was to harass “undesirables.” The city paper commended the “raiders” for having torn “a page from the cavalry strategy of Confederate Gen. Nathan Bedford Forrest: ‘Get there fustest with the mostest.’” Comparing the Task Force to the founder of the Ku Klux Klan that had terrorized African American Southerners after the Civil War aligned more closely to black residents’ perceptions than perhaps the paper realized.⁸⁹

Despite an official purpose of responding to serious crimes or disorder, the new tactical squad primarily used preemptive tactics and overwhelmingly applied them in black neighborhoods. In April 1958 the department revealed that over the past two years the Task Force had visited the majority-black districts of Englewood, Woodlawn, Lawndale, and Fillmore over twenty times more frequently than wealthier white districts. The *Chicago Defender*, the city’s main black weekly, explained that the unit operated by flooding an area with a dozen officers who “are to be seen stopping all vehicles, frisking

⁸⁸ Fogelson, *Big-City Police*, 177; Watts, “Cops and Crooks,” 290-292.

⁸⁹ *Chicago Daily Tribune*, August 12, 1956, F20.

the occupants and searching the cars.” The paper was left to conclude that the unit “preys upon racial districts.” Another African-American newspaper, the *Chicago Crusader*, encouraged black residents to “sue the hell” out of the department and the city to end “police terrorism.” In 1959, the *Defender* reported, a contingent of black Chicagoans had observed Operation S in San Francisco where they noticed motorists “are only stopped when there is positive evidence” of a crime. “At no time,” the paper continued, “do the officers embarrass and humiliate car occupants.” Although an inaccurate assessment of Cahill’s Operation S, the Chicago activists nonetheless suggest that at least some residents might have tolerated a roving task force that treated citizens with respect and fairness rather than indiscriminately stopping every black person.⁹⁰

A coordinated campaign of investigative street stops was novel enough that in December 1963 the *Boston Globe* had to educate city residents on the legal authority behind the more intrusive style of policing. In the coming weeks, the paper warned, readers might be stopped by a police officer asking for identification, and they should comply. Boston police had for some time made arrests on suspicion. For the field interrogations, they would reply in part upon a state statute authorizing police to stop suspicious persons at night to ask their business and make an arrest if they failed to “give a satisfactory account of themselves.” The modern “abroad-in-the-nighttime” statute dated to the nineteenth century, although its roots, like other vagrancy-type laws, went back much further. Recently, civil rights leaders had accused Boston police of using the law to harass interracial couples. The new campaign therefore threatened an already

⁹⁰ *Chicago Defender*, April 26, 1958, 9; *Chicago Defender*, March 31, 1956, 2; Simon Ezra Balto, “‘Occupied Territory’: Police Repression and Black Resistance in Postwar Milwaukee, 1950-1968,” *The Journal of African American History* 98, no. 2 (2013): 236; *Chicago Defender*, March 8, 1958, 12; *Chicago Defender*, April 11, 1959, 4.

delicate relationship with black residents, whose top complaints about the BPD were discourtesy during arrests and neglect of serious crime.⁹¹

The BPD's seemingly selective use of the statute had provoked controversy the year before, following a use-of-force incident. On December 3, 1962, at 2:10 a.m., two police officers came upon a young black man walking alone. John "Jackie" Washington, a student at Emerson College and a folk singer, was returning home from a friend's apartment. The encounter was peaceful at first. Washington explained who he was and what he was doing on the street at that hour. When an officer grabbed him to search him, however, Washington balked. He said he raised his knee in self-defense—police said he kicked—and hit one of the officers in the groin. The officer punched him in the face, and in the scuffle Washington suffered a hemorrhaged eye, a fractured nose, and a badly injured ankle. The initial booking of "abroad-in-the-nighttime" was later changed to "assault and battery" upon a police officer. In the morning police offered Washington a "release," whereby he could waive his right to sue the department in exchange for having the charges dropped. Washington chose jail to challenge the arrest. A closed Police Trial Board hearing exonerated the officers, although a Suffolk Superior Court judge doubted the police version of events and reversed Washington's guilty verdict.⁹²

Police executives billed the task forces as the vanguard of the crime-fighting focus of postwar urban departments. In the summer of 1960, George Eastman, Public

⁹¹ *Boston Globe*, January 2, 1963, 10, December 29, 1963, 20; Alan Gartner, *The Police and the Community: Police Practices and Minority Groups* (Waltham, Mass.: Brandeis University, 1964), 10-11; Albert B. Brown, *Massachusetts Police Procedure* (New Bedford, Mass.: Reynolds Printing Co., 1931), 49; Chap. 591, Section 24, General Court, Acts and Resolves, 632 (1920). In 1967, the Massachusetts Supreme Court found the statute unconstitutionally vague. *Alegata v. Commonwealth* 231 N.E.2d 201 (Mass. 1967).

⁹² *Boston Globe*, December 12, 1962, 31, December 13, 1962, 16, December 16, 1962, 1, 10, December 24, 1962, 2, January 2, 1963, 10, January 9, 1963, 40, January 10, 1963, 5, February 8, 1963, 1, 5, 20; Gartner, *The Police and the Community*, 15-16, Appendix A (Case 20).

Safety Director of Pontiac, Michigan, described the Flexible Unit as an essential supplement to routine patrol operations. A 1958 survey of existing beat arrangements first identified the need for additional manpower, especially at night, to suppress house burglaries and certain vice activities. The patrol bureau already emphasized field interrogations as a deterrent and an aid in future crime investigation. At each stop, the officer recorded the person's identifying information and sometimes frisked for weapons. Individuals stopped repeatedly would rise to the top of the list of police suspects in the event of a crime in the area. In September 1959, the Flexible Unit, comprised of five patrolman and one sergeant, recorded 121 field interrogations, an average of nearly four a night. Extended over the year, that amounted to 1,452 checks in a city of 85,000. This represented only a small portion of the patrol bureau's total output. Eastman beamed that the combination of field interrogations and the "special striking force" had resulted in "a greatly reduced incidence of people just wandering the streets at late hours."⁹³

Through field interrogations and vagrancy-related arrests, urban police departments found new authority to monitor and control a more transient urban population without simply holding people on open charges. In the mid-1950s, the St. Louis Police Department created the Mobile Reserve Division to suppress and solve serious crimes. Yet the police continued to make blatant dragnet arrests. Between 1949 and 1963 "suspicion" apprehensions ranged from thirty to forty-two percent of the annual total, greatly exceeding the ratio of one in four the department had maintained since 1921. Under this booking, according to historian Eugene Watts, the police held "suspected felons for up to twenty hours without obtaining a warrant," targeting "police

⁹³ George D. Eastman, "The Flexible Unit—A Unique Striking Force," *Police*, July-August 1960, 14-17.

characters,” or people known to police through previous contacts like a field interrogation.⁹⁴

By 1963, St. Louis had zero instances of arrest and release without prosecution. That year, the department also abolished the “suspicion” charge to comply with a recent ban on investigative arrests. But they did not abandon dragnet tactics. In 1955, the city made it a misdemeanor to refuse a police command to disperse from a public area. The ordinance was almost identical to a predecessor that had been deemed unconstitutional by the Missouri Supreme Court fifty years earlier. In 1959, according to one study, 85 percent of all loitering arrests took place in “lower income neighborhoods and neighborhoods slated for slum clearance and rehabilitation.” In the ledger, arrest and prosecution for loitering would appear as a “good arrest.” Yet this official statistic obscured how police used the statute for a catchall order-maintenance purpose such as removing undesirables from urban renewal areas.⁹⁵

Within a few years of the San Francisco and Cincinnati experiments, every major city had set up a tactical mobile unit. Perhaps best-known was New York’s Tactical Patrol Force (TPF), created in December 1959. Membership in the TPF was voluntary. An applicant had to be at least six feet tall, under the age of 30, and trained in judo. The department characterized the TPF as a means to control unruly crowds and disperse “teen-age gang rumbles.” A former member of New York’s “Ass-Kicking Squad” described their philosophy as “bare-knuckle law enforcement with cops getting as down

⁹⁴ Donald H. Whaley, “The Constitutionality of Loitering Ordinances,” *Saint Louis University Law Journal* 6 (1960): 252-253; *City of St. Louis v. Gloner*, 210 Mo. 502, 109 S.W. 30 (1908); Eugene J. Watts, “Police Response to Crime and Disorder in Twentieth-Century St. Louis,” *The Journal of American History* 70, no. 2 (1983): 343, 354.

⁹⁵ Whaley, “The Constitutionality of Loitering Ordinances,” 9-250. In 1957, New York City had over 70,000 disorderly conduct arrests compared to 26,107 total felony arrests. Herbert J. Adlerberg and Arnold Chekow, “Disorderly Conduct in New York Penal Law 722,” *Brooklyn Law Review* 25 (1958): 47, 70.

and dirty as the criminals.” They were fast, aggressive, and mobile. In contrast to the machine era, when patrol assignments were territorial, after World War II special units like the TPF went wherever they were needed. As the *New York Times* explained, the “unit can be called into any crime-plagued area quickly and can remain in the area until fears or tensions subside.” By 1968, the TPF had grown from 75 to 944 members.⁹⁶

Despite glamorous press clippings depicting the unit as elite combatants against serious crimes, closer analysis revealed that like similar squads in other cities the TPF mainly focused on traffic enforcement. In 1963 veteran *Washington Post* reporter Alfred E. Lewis came to New York to investigate the city’s “remarkable success in cutting street crimes,” which he attributed to the TPF’s flexible design and the creative leadership of its commander, Inspector Michael J. Codd, who had enlarged the unit’s original crowd-control mandate to include preventive patrol. To this end the NYPD had developed an IBM “crime index” that in theory would predict future crimes. According to Lewis, the “Analysis Squad” was the “heart” of the TPF. “We can saturate a precinct and at the same time work as a reserve force,” Codd declared. In 1963 the TPF had doubled in size and now had 250 members. They still used a “show of force” to clear corners, but the “brawny giants,” in Lewis’s words, spent countless hours stopping motorists. The sheer variety and volume of traffic violations meant that police had little trouble finding the legal pretext to stop a car to search for weapons or stolen property. In 1962, according to Lewis, the unit had made more than 4000 arrests from car stops alone.⁹⁷

⁹⁶ *Los Angeles Times*, February 23, 1964, H5; *New York Times*, December 1, 1959, 41; Jim O’Neill, *A Cop’s Tale: NYPD, the Violent Years* (Fort Lee, NJ: Barricade Books, 2009), 15; *New York Times Sunday Magazine*, July 21, 1968, SM6.

⁹⁷ *Washington Post*, April 28, 1963, E3.

“The Power to Investigate”: From Investigative Arrests to Stop-and-Frisk

The New York stop-and-frisk statute—the first in the country enacted under that name, in March 1964—illustrates how advocates of the law hoped to restore legal authority partially curtailed by liberal court rulings, while critics fought the law precisely because it seemed to reconstitute dragnet street policing. Young working-class men of color in particular resented the stop-for-questioning and physical pat-down as a demonstration of white male supremacy.

Sociologists observing police on patrol in San Francisco in the early 1960s noted how certain officers used the street stop-and-frisk as a tool of racial power in high-crime neighborhoods. The young black men principally targeted by this tactic resented the rude and demeaning treatment. But, surprisingly, the overt racism that they repeatedly encountered only partially explained their anger. The street stop itself was the problem. During these encounters, the sociologists explained, police wielded not so much their “authority”—at least that is not how either the officer or the youths saw it—but their “power to investigate.” Before 1964, in fact, only a few states had authorized the stop and the frisk. Young black men resented the tactic, however, for more fundamental reasons. For them the power to investigate was a statement about them by white society, that they were somehow presumptively guilty of criminal intent. It was, furthermore, arbitrary and discriminatory—both impersonal and an act of disrespect.⁹⁸

San Francisco police officers relied upon a combination of physical and less tangible qualities like “character” when deciding to make a street stop. Often, they looked for gang identifications, like a club jacket. A refusal to say “yes, sir” might elicit a frisk.

⁹⁸ Carl Wertham and Irving Piliavin, “Gang Members and the Police,” in *The Police: Six Sociological Essays*, ed. David J. Bordua (New York: John Wiley & Sons, Inc., 1967), 87-88 [emphasis in original].

As the researchers observed, young black men were less likely to convey these markers of respectability and respect. The following statement made by one officer about African Americans was typical: “They have no regard for the law or for the police...They say the damnedest things to you and they seem to have absolutely no respect for you as an adult.” Officers thus generally adopted a more disciplinary approach toward young black men almost by default—it was a self-fulfilling prophecy, fueled by tactics like street stops and frisks.⁹⁹

Eighteen of the twenty-seven officers interviewed by the researchers said they were prejudiced against African Americans, largely as a result of their street contact with young black men. Police hostility toward this cohort was plainly evident during field interrogations, and it had yielded bitter consequences. One youth said, “Man, they always shouting, ‘Do this! Do that! Gimme your identification!’ All that old bull-shit. They talk to you like you already in prison and that gets me mad!” San Francisco police, like police elsewhere, used arrests on vagrancy, loitering, and “suspicion of” to maintain control of the street corner and to keep troublemakers in line. Many young men told similar stories of being arrested for simply standing on street corners, or “congregating.” Winding up on the “list” kept by police noting persons previously arrested was a guarantee of future stops and detentions. As one man said, “Every time something happens in this neighborhood, them mother fuckin’ cops looking for me!”¹⁰⁰

⁹⁹ The authors concluded that “a youth’s demeanor was a major criterion for determining what police disposition he would be given. Officers estimated that 50-60 per cent of first offense dispositions were based on this criterion. Irving Piliavin and Scott Briar, “Police Encounters with Juveniles,” *American Journal of Sociology*, 70, no. 2 (1964), 206, 209-211. Quote appears on p. 213; Carl Wertham and Irving Piliavin, “Gang Members and the Police,” in *The Police: Six Sociological Essays*, ed. David J. Bordua (New York: John Wiley & Sons, Inc., 1967), 56-98.

¹⁰⁰ Wertham and Piliavin, “Gang Members and the Police,” 88, 91, 70.

Some police were explicitly racist in their interactions with African Americans. Researchers observed officers say “Nice tan” to a black man and ask another, “Where were you born? Mississippi?” Young black men who entered a white neighborhood or kept white company were invariably stopped. In those instances, police picked them up and took them to the station house “to run checks” against the profiles of suspects wanted for recent robberies. During one street stop, two white officers forced a group of young black men to the side of a road. The encounter began like this: “All right, God Damn you! All you black Africans up against the mother-fucking wall!” After checking their I.D. cards, the officer sent the boys on their way with the following warning: “Now all you black Africans pick up your spears and go home! I don’t want you guys walking up the street!” The young man who told this story said, “That shit happens all the time. There ain’t a day we don’t get roused like that.”¹⁰¹

A set of U.S. Supreme Court decisions in the late 1950s and early 1960s brought the critical investigative street stop to the attention of legal analysts and public authorities, and pushed the police to define its scope and purpose. The essential thrust of these rulings was to protect citizens from unlawful detentions and seizures by mandating that police obey the same standard of probable cause when making arrests that was required to obtain a search warrant from a judge under the Fourth Amendment. In the 1961 decision of *Mapp v. Ohio*, the Supreme Court imposed a national penalty known as the exclusionary rule, which barred from trial any evidence obtained in violation of a defendant’s Fourth Amendment right to be free from “unreasonable searches and seizures.” *Mapp* was groundbreaking. In Minneapolis, according to officials there, the

¹⁰¹ *Ibid.*, 88-89, 76-80.

city had authorized at most two search warrants between 1929 and 1961—both before 1954. On the eve of the decision, a majority of states permitted evidence obtained through illegal means at trial. As the assistant district attorney of Philadelphia observed one year after *Mapp*: “Prior to 1961 it was commonplace to see police officers obtain search warrants from magistrates at divisional police courts before hearings, without being sworn and with very little, if any, information being given to establish probable cause.”¹⁰²

The exclusionary rule placed a burden on proponents and critics of the field interrogation to establish whether the tactic fell within the ambit of the Fourth Amendment. “The basic issue,” said one legal scholar in 1960, “is whether police have the right to frisk a suspect whom they have no right to arrest.” Furthermore, legal analysts argued over whether the courts should obey the exclusionary rule for contraband “seized”—some disputed whether this was even the correct term—during street frisks. After all investigative street stops frequently served a broader deterrent aim than conviction. Police used the field interrogation to keep checks on an increasingly transient urban population. Many legal analysts found this catch-call purpose legitimate and indispensable to police work and therefore argued that requiring probable cause for all street stops and frisks was unrealistic and potentially disastrous.¹⁰³

¹⁰² *Mapp v. Ohio*, 367 U.S. 643 (1961); Yale Kamisar, “On the Tactics of Police-Prosecution Oriented Critics of the Courts,” *Cornell Law Quarterly* 49 (1963-1964): 441, 443; Corinna Barrett Lain, “Counter-majoritarian Hero or Zero?: Rethinking the Warren Court’s Role in the Criminal Procedure Revolution,” *University of Pennsylvania Law Review* 152 (2004): 1379; Specter, “*Mapp v. Ohio*: Pandora’s Problems for the Prosecutor,” 24, 42.

¹⁰³ Frank J. Remington, “The Law Relating to ‘On the Street’ Detention, Questioning and Frisking of Suspected Persons and Police Arrest Privileges in General,” *The Journal of Criminal Law, Criminology, and Police Science* 51, no. 4 (Nov.-Dec., 1960): 387; Wayne R. LaFare, “‘Street Encounters’ and the Constitution: *Terry*, *Sibron*, *Peters*, and Beyond,” *Michigan Law Review* 67, no. 1 (Nov. 1968): 51-61; Wayland D. Pilcher, “The Law and Practice of Field Interrogation,” *The Journal of Criminal Law, Criminology, and Police Science* 58, no. 4 (1967): 470-473; Caleb Foote, “The Fourth Amendment:

Field interrogations thus assumed a new prominence in an era of stricter judicial scrutiny and top-down patrol policy. Yet, mirroring judges' own reluctance, police often failed to define the legal parameters. In *The Practical Patrolman*, published in 1959, David H. Gilston and Lawrence Podell counseled the beat officer to "learn what is normal on his beat." The "unusual" is suspicious, and vice-versa. Police should investigate the person "who does not 'belong'" or who is "out of place." The New York Police Department similarly advised the patrolman to "give a quick toss to the guys you spot in the darkened doorway" and to make sure that the "vagrant, the ne'er-do-well, the suspicious are halted and checked." At an illegal search trial in New York City in the fall of 1962, a defense lawyer asked for a demonstration of a frisk and the officer "grabbed" the lawyer and "practically lifted him to his feet" in an attempt to shake loose personal items. Writing in *Police* magazine in 1963, Thomas F. Adams, a police sergeant in Santa Ana, California, explained field interrogations as important data-gathering tools and a crime deterrent since they indicated police "omnipresence." Like Gilston and Podell, Adams advised patrol officers to investigate anyone "who do not 'belong' where they are observed."¹⁰⁴

The legal scholar Samuel B. Warner had anticipated the coming legal conflict over stop-and-frisk two decades earlier. Warner wrote: "Police officers will continue to be governed by the instinct for self-preservation and to 'frisk' suspects whether or not

Obstacle or Necessity in the Law of Arrest," *Journal of Criminal Law and Criminology* 52, no. 4 (Winter 1960): 403, 407-408; Herman Schwartz, "Stop and Frisk (A Case Study in Judicial Control of the Police)," *The Journal of Criminal Law, Criminology, and Police Science* 58, no. 4 (Dec. 1967): 433-434; Loren G. Stern, "Stop and Frisk: An Historical Answer to a Modern Problem," *The Journal of Criminal Law, Criminology, and Police Science* 58, no. 4 (Dec. 1967): 532.

¹⁰⁴ David H. Gilston and Lawrence Podell, *The Practical Patrolman* (Springfield, Ill.: C. C. Thomas, 1959), 43; Segal, "All of the Mysticism of Police Expertise," 584-585; *New York Times*, September 13, 1962, 54; Thomas F. Adams, "Field Interrogations," *Police* (March-April, 1963): 26-28.

such actions are legal.” Section 2 of his proposed Uniform Arrest Act therefore authorized police to “stop any person abroad who he has reasonable ground to suspect is committing, has committed or is about to commit a crime.” Police could further detain that person at the stationhouse for up to two hours. Section 3 granted authority to “search” a suspect when the officer “has reasonable ground to believe that he is in danger if the person possesses a dangerous weapon.” By 1960, three states had adopted a version of Warner’s UAA.¹⁰⁵

By more effectively banning illegal seizures in private spaces, *Mapp* revived law enforcement interest in the provisions of the Uniform Arrest Act authorizing the street frisk and preventive detentions. The ACLU grew sufficiently concerned that in the fall of 1962 they asked local affiliates to comment on the constitutional implications of Section 2 and 3. Spencer Coxe, executive director of the Philadelphia chapter, called the two-hour detention proposal a “disaster.” He said it had taken a decade to convince local police to abolish arrests “for investigation.” Key to this struggle was educating police officials and the public “that a detention is an arrest no matter what you call it.” Coxe predicted that adopting Section 2 would reverse this progress. Once the tactic was made available police would treat the investigative arrest effectively as a street stop, and would resume routinely jailing persons for questioning. Indeed, Chicago Police Superintendent Orlando Wilson in 1965 endorsed Section 2 and 3 and argued that police should have a 24-hour window to grill a suspect under arrest before taking him to a magistrate. Wilson said

¹⁰⁵ Sam B. Warner, “The Uniform Arrest Act,” *Virginia Law Review* 28, no. 3 (1942): 325, 344; also see Jerome Hall, “Law of Arrest in Relation to Contemporary Social Problems,” *The University of Chicago Law Review* 3, no. 3 (1936): 365-366; Orlando W. Wilson, “Police Arrest Privileges in a Free Society: A Plea for Modernization,” *Journal of Criminal Law, Criminology, and Police Science* 51, no. 4 (Nov.-Dec. 1960): 399-400.

these prescriptions would create “effective” as opposed to “emasculated” law enforcement.¹⁰⁶

New York was one of two dozen states that introduced the exclusionary rule only as a result of the 1961 *Mapp* decision. Leonard E. Reisman, Deputy Commissioner for Legal Matters in the NYPD, noted that the number of search warrants issued in New York City rose from “negligible” before *Mapp* to 5,132 in 1963. Shortly after the Supreme Court’s decision, the attorney Milton Rosenberg anticipated that “the lawless land of Harlem will now have some semblance of law.” He was referring to lawless police officers, not residents. William C. Chance, a criminal lawyer, told the *Amsterdam News*, a black newspaper, that *Mapp* would “preclude the police from taking unfair advantage of citizens by chopping down doors and breaking windows without a warrant.” “The Gestapo tactics must go,” Chance said.¹⁰⁷

Yet an empirical study of drug policing showed that patrol officers had adapted to *Mapp* by shifting the preponderance of proactive street enforcement from private spaces to the urban street-corner. The analysis of 4,000 misdemeanor narcotics arrests in the six months before and after June 1961 found patrol officers increased these arrests by twenty-five percent largely by finding ways to bypass the search warrant requirement. They made more arrests in semi-public places, such as hallways, basements, and roof landings, and they more frequently claimed that suspects had dropped the contraband in view of the officer. “Dropsy” claims rose among patrolmen by almost eighty percent.

¹⁰⁶ Warner, “Uniform Arrest Act,” 344; Letter from Spencer Coxe to Melvin L. Wulf, November 2, 1962, ACLU Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1077, Folder 25, Princeton.

¹⁰⁷ Legal scholar Josh Segal has said of the NYPD in the late 1950s and early 1960s: “The temporary detention of suspicious persons was central to this policing regime.” Josh Segal, “‘All of the Mysticism of Police Expertise’: Legalizing Stop-and-Frisk in New York, 1961-1968,” *Harvard Civil Rights-Civil Liberties Law Review*, 47 (2012), 584; *New York Amsterdam News*, July 8, 1961, 9.

Harlem, moreover, had the “highest concentration” of post-*Mapp* misdemeanor narcotics arrests, many of them made during roundups.¹⁰⁸

Top criminal justice officials in New York began lobbying the state legislature for a law granting police officers formal authority to conduct stops and frisks one year after *Mapp* was decided. Their efforts bore fruit on January 21, 1964, when Republican Governor Nelson A. Rockefeller, surrounded by law enforcement officials in Albany, introduced two bills expanding the search powers of police. A gift for prosecutors and police in post-*Mapp* America, the bills, Rockefeller argued, were “urgently needed because the present law in these two areas is uncertain and because the police must be provided now with sound tools.” The stop-and-frisk bill would authorize police to stop and question a person they reasonably suspected had committed, was committing, or was about to commit a crime, and to frisk that person for concealed weapons if they reasonably feared for their own safety. The second proposal, known as No Knock, authorized police to enter private property on a search warrant without the owner’s consent. Proponents argued the law gave police the necessary element of surprise to prevent suspects from disposing of drug contraband. Governor Rockefeller, over the objections of the NAACP, CORE, and the New York Civil Liberties Union, signed the bills into law on March 3, 1964, to take effect on July 1.¹⁰⁹

¹⁰⁸ *New York Times*, September 19, 1962, 35; July 16, 1962; Sarah Barlow, “Patterns of Arrests for Misdemeanor Narcotics Possession: Manhattan Police Practices 1960-1962,” *Criminal Law Bulletin* 4, no. 10 (1968): 550, 552, 556, 570-572, 578-579; also see Anders Walker, “‘To Corral and Control the Ghetto’: Stop, Frisk, and the Geography of Freedom,” *University of Richmond Law Review* 48, no. 4 (May 2014): 1224-1225, 1236-1238.

¹⁰⁹ The New York stop-and-frisk statute was more limited than Section 2 and 3 of the UAA in significant respects. New York’s law pertained only to felonies and serious misdemeanors—whereas the UAA applied to all crimes—and the NY law, unlike the UAA, did not permit a two-hour investigative detention. Loren G. Stern, “Stop and Frisk: An Historical Answer to a Modern Problem,” *The Journal of Criminal Law, Criminology, and Police Science* 58, no. 4 (1967): 533-4; “The ‘No-Knock’ and ‘Stop and Frisk’ Provisions of the New York Code of Criminal Procedure,” *St. John’s Law Review*, 38 (1964): 392-405. The

Critics argued that the stop-and-frisk law would result in overly aggressive, discriminatory police tactics against poor and marginalized residents. “Nowhere in the history of Anglo-Saxon jurisprudence,” the State Bar Association said, “have we so closely approached a police state as in this proposal to require citizens to identify themselves to police officers and ‘explain their actions’ on such a meager showing.” Two organizations quickly formed to oppose the laws. The Ad Hoc Committee for Fair Police Practice, a subset of the New York NAACP, and the Committee on Police-Community Relations organized a massive outdoor rally on March 7, at 7th Avenue and 125th Street, in Harlem. Lawyers, activists, and state legislators were among the evening’s featured speakers. State Senator Jerome L. Wilson protested Section 180-a—the stop-and-frisk clauses—on constitutional grounds. “A man must be free to walk down the street and not be subject to arrest and detention on mere suspicion,” Wilson said. The civil rights lawyer Paul Zuber found irony in the new law: “A lot of us folks in Harlem thought that was the law already because they’ve been doing it that way for years.”¹¹⁰

Advocates of stop-and-frisk argued that giving police the formal legal authority to recover contraband in street frisks would help restore the tactical options eliminated by recent court rulings. The New York state legislator Julius Volker supported the state frisk law because it addressed this post-*Mapp* quandary. Although Paragraph 2 restricted searches to those circumstances where police reasonably feared the suspect was armed,

major lobbying organization for the stop-and-frisk and “no-knock” laws, formed shortly after *Mapp*, was the Combined Council of Law Enforcement Officials, led by Richard Kuh, the Administrative Assistant to the New York County District Attorney. The CCLEO was comprised mainly of the state’s district attorneys and other prominent criminal justice officials. Segal, “All the Mysticism of Police Expertise,” 584-587; New York State Combined Council of Law Enforcement Officers, “Police Protection: More or Less?” (1964), ACLU Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1080, Folder 4, Princeton; *New York Times*, January 21, 1964, 18, February 29, 1964, 24, March 4, 1964, 1, March 9, 1964, 24; *New York Herald Tribune*, January 21, 1964.

¹¹⁰ *New York Times*, March 4, 1964, 1, March 8, 1964, 63.

the ultimate outcome, Volker told Rockefeller's chief legal counsel, was "that the police officer may take into his possession evidence found after the search." The bottom line was the law would authorize police to keep whatever contraband they took for use at trial. As Volker explained, the "salutary effect of this bill is to render evidence so obtained [by a frisk] 'legally obtained.'" Giving police the authority to frisk would thus to a meaningful degree reconstitute the older regime of stop-and-search policing.¹¹¹

Stop-and-frisk proponents further justified the tactic partly by emphasizing officer safety concerns, which ironically leveraged growing public crime fears. The majority of justices on the New York Court of Appeals asserted this claim in the first test of the new law nine days after it went into effect. The case, *People v. Rivera*, revolved around an incident from March 1962 in which two detectives who stopped and frisked a pair of burglary suspects spotted during street surveillance. Police recovered a .22-caliber pistol. The judges were satisfied with the officers' stated rationale for the frisk: they had feared for their safety. Indeed, the final ruling cited "the hazards" of police work as a reason to uphold the new law. Judge Stanley H. Fuld in his solitary dissent warned that the frisk law would write the exclusionary rule "off the books."¹¹²

Frisk supporters indeed praised the new law because it protected traditional police authority in high-crime neighborhoods. Irving Lang, lead prosecutor for the district attorney's office, hailed the ruling as a partial reversal of *Mapp*, a decision he characterized as "the emancipation proclamation for the gunman, walking furtively through the streets at night, stalking his prey." The majority had in indeed noted "the

¹¹¹ Letter from Julius Volker to Sol Neil Corbin (Feb. 25, 1964) (on file with New York State Library), quoted in Segal, "All of the Mysticism of Police Expertise," 586-587; *New York Times*, April 19, 1962, 23.

¹¹² *People v. Rivera*, 14 N.Y.2d 441, 201 N.E.2d 32, 252 N.Y.S.2d 458 (1964).

incidence of crime in the neighborhood” in concluding that police actions were “justified.” Although the opinion never mentioned race, the detectives were white and the defendant was Puerto Rican. Not long after the street stop at the center of *Rivera*, over a three-month period from November 1963 to February 1964, police had shot killed three Puerto Rican men in their custody. Both incidents arose when the victims refused to obey police commands to leave a street corner. Two of the men died in the backseat of a patrol car, shot in their chests at point blank. The third was shot in the back as he fled. Each time police claimed they were defending themselves against dangerous criminals.¹¹³

In the two decades after World War II, urban police departments created sophisticated patrol strategies to monitor and control an increasingly transient population displaced by urban renewal projects in neighborhoods bombarded by massive internal and external migrations. The dominant characteristic of this policing regime was the dragnet. During these years, low-income urban residents of color gained enough political influence in many cities to place demands on police chiefs vowed honest and vigilant, that is, professional law enforcement. Black residents in particular sought greater protection from crime and street disorder, although they vigorously protested the indiscriminate tactics that were the norm for traditional and professionalizing police departments alike. In the wake of liberal court rulings restricting the use of investigative detentions and illegal raids on private dwellings, police officials, legal analysts, and state legislators began to advocate stop-and-frisk as a compensatory tool. Despite the professional gloss police gave the new preventive patrol strategies, however, urban residents of color

¹¹³ *New York Times*, November 16, 1963, 13, February 19, 1964, 79, July 11, 1964, 11; *People v. Rivera*, 446.

reacted with alarm and anger when patrol officers appeared to treat everyone in their neighborhoods like criminals.

CHAPTER 3

“A REAL SENSE OF PROFESSIONALISM”: THE PROBLEM OF POLICE-COMMUNITY RELATIONS AFTER WORLD WAR II

By his own account Orazell R. White was polite when two white Detroit patrolmen stopped him on the street one morning in April 1962. When one of the officers asked where he was going, White said he answered: “Why?” This reply, per White, “seemed to have set [the officer] on ‘fire.’” Indeed, Patrolmen Robert Carr and Robert Kanka would write in their report that White had said: “None of your God-Damned business.” Either way, the officers said they had stopped the “lone colored male” around 7 a.m. on April 5 because he was near the site of two truck robberies from the day before. White was in fact walking to his mother’s house for breakfast. Next, in White’s account, the agitated officer got out of the car and, in a single motion, spun White around, asked for identification, and patted down his clothing. Tucking his overcoat behind an exposed revolver handle, the officer scanned White’s driver’s license.¹

“He’s probably been reading the newspaper,” the other officer, now standing at the driver’s side, said. “Listen you, the mayor nor the commissioner runs this department out here in the streets. We run it.” “You’re right, I have read it,” White said. “I’ll see who runs it, I’ll see.” The officers grabbed White and put him into the scout car and drove to the nearest call box to check for traffic warrants. On the way, they asked White if he had ever been arrested. “How can it be avoided with some of these ‘screw-ball’ policemen in Detroit?” White said. The driver pulled to the curb. “Who do you think you are? You

¹ Letter from Orazell R. White to Police Commissioner George Edwards, Jr., April 5, 1962, Part 4, Series XIII, Box 108, Folder 21, George C. Edwards, Jr. Papers, Walter P. Reuther Library, Wayne State University; Patrolmen Robert Kanka and Patrolmen Robert Carr, Letter of Complaint Regarding Street Investigation of Orazell White of 2964 Monroe, July 13, 1962, *ibid.*

must think that you're as good as anybody else." "I am," White said. "Do you know what you are?" the driver said. "You are a nig-ger! A nig-ger! And if you don't shut up in a minute, I'm going to smash your mouth."²

Afterward, White went home and drafted a letter of complaint to the new police commissioner. George C. Edwards had been appointed in January 1962 by recently elected mayor Jerome P. Cavanagh and given a mandate to overhaul the Detroit Police Department and improve its relationship with African Americans. Cavanagh had won eighty-five percent of the black vote in a close-fought contest the previous November against Mayor Louis C. Miriani, who had orchestrated the notorious police crackdown against black residents over the winter of 1960-1961. Edwards, a civil libertarian and former Detroit councilman, left a seat on the Michigan Supreme Court to take the job. "I feel there is a river of hate running through a city which I love," he said of his decision. "I feel that I have been asked to come down to that city to seek to build some bridges over that river."³

White also contacted the Community Relations Bureau (CRB), the police agency created by Miriani after the crackdown to administer civilian complaints. Three weeks later, White told his version of events to two bureau detectives who reported that White was pleased with the meeting and "felt the Department was on the right track to secure a better relationship between the community and the Police Department." At a meeting with the CRB and Inspector Arthur Sonnenburg, Carr and Kanka admitted to using a racial slur but denied ever saying that they "run the streets." "Officers were reprimanded by me," Sonnenburg said in his report, "and were advised on how [to] treat the public

² Letter from Orazell R. White to Police Commissioner George Edwards, Jr.

³ *Detroit Free Press*, July 10, 1962, 5a.

regardless of how obnoxious they may be.” The Seventh Precinct commander and the CRB believed “some good was accomplished by this interview and the Officers were aware that this type of conduct will not be condoned by the Department.”⁴

The kind of street encounter with police that Orazell White experienced became a focal point of postwar reformers in the field of Police-Community Relations (PCR). The core tenets of PCR date to the early-twentieth-century Progressive movement to professionalize the police and enforce strict standards of impartial, courteous treatment of the public, but the field did not coalesce around a specific set of actors and concrete goals until the 1940s, when major interracial unrest prompted liberal academics and police chiefs to conceive and implement a program to train law enforcement to intervene proactively in the social relationships of different racial, ethnic, religious, and nationality groups. Initially, the primary purpose of PCR was to prevent latent intergroup hostilities from escalating into the violent conflict that had caused mass casualties and destruction in Los Angeles, Detroit, and dozens of other cities over the summer of 1943. Over time, advocates broadened the scope of PCR to train patrol officers to recognize how their own conduct might foment resentments among marginalized populations and thereby undermine law enforcement’s efforts at peacekeeping and crime control.⁵

The case of Orazell White would have thus presented postwar PCR advocates with an ideal intervention. From the perspective of these reformers, Carr and Kanka had abused their lawful authority at the moment they became overtly racist and intimidating

⁴ Detective Laurence Bleach, Letter Received on April 20, 1962 For Our Investigation: File #1418, May 15, 1962, Box 108, Folder 21, Edwards Papers, Reuther Library; Arthur Sonnenberg, Letter of Complaint, Orazell R. White, July 20, 1962, *ibid.*

⁵ Samuel Walker, “The Origins of the Police-Community Relations Movement: The 1940s,” *Criminal Justice History* 1 (1980): 231.

to punish the perceived disrespect of an uncooperative citizen. The officers had violated the colorblind ethic of police professionalism, and they had potentially undermined future use of an essential police tactic, the investigative street stop, which depended upon public cooperation. Happily, for PCR reformers, the aggrieved citizen had the opportunity to vent his frustrations through official channels, rather than potentially through street violence. The field of Police-Community Relations was thus principally oriented toward serving traditional law enforcement goals by enforcing pluralistic, professional norms in street contacts between police and the public. The President's Commission on Law Enforcement and Administration of Justice (Crime Commission) summarized this perspective in its 1967 report: "If officers are abusive, insulting, or condescending, the most insignificant contact can become an occasion which arouses hostility against the police. On the other hand, if police officers are polite, forthright, respectful, and, where appropriate, friendly, a field interrogation, a traffic ticket, or even an arrest can actually increase the respect of the citizen, as well as others who see the incident, for the police."⁶

Overall, PCR advocates failed to consider that some citizens might refuse to cooperate with even lawful, respectful policing. In the case of Orazell White, both the brass and the patrolmen had found the citizen's behavior "obnoxious," while White had resented the intrusion from the start. White's recalcitrance—indeed resistance—raised a host of thorny concerns about when and how police should use their powers to investigate. Postwar reformers, however, were in the main far more invested in the procedural, technocratic issue of training front-line officers to act in ways that secured the public's consent in crime control. Yet in treating lawful policing as inherently legitimate,

⁶ *Task Force Report: The Police*, 180.

reformers bypassed the problem of Orazell White and the many thousands like him residing in poor and marginalized urban communities.⁷

An emphasis on procedural justice defined the field of PCR in the two decades after World War II. PCR advocates, above all, hoped to reinforce lawful police authority over the populace by ensuring that front-line police conducted themselves as neutral, courteous professionals to retain citizen support. Typical initiatives included precinct-level meetings with residents, training in human relations, official orders banning prejudicial treatment of the public, informational campaigns about police operations and crime trends, and special police units to conduct timely investigations of civilian complaints. Yet even within this constrained scope and despite several years of serious urban rioting, a 1967 survey of seventy-five police agencies found that only twenty-eight had created formal PCR units. Many of these were weakly supported or outright opposed by the brass. In cities with over 500,000 population, police academy training in PCR remained relatively paltry, at anywhere from four to forty hours in human relations and two to ten hours in civil rights.⁸

Urban residents of color saw both promise and limitation in the PCR model. The millions of postwar black and brown migrants and the thousands more internally displaced by urban renewal increasingly turned to urban police forces to protect them

⁷ In an important criticism of procedural justice, David Thacher has observed: “‘Voluntary’ compliance may be less benign and more coercive than it appears, and it does not obviate the need to develop and monitor clear standards about when police intervention is appropriate.” See David Thacher, “The Limits of Procedural Justice,” in *Police Innovation: Contrasting Perspectives*, ed. David Weisburd and Anthony A. Braga (New York: Cambridge University Press, forthcoming), 3.

⁸ National Center on Police and Community Relations, *A National Survey of Police and Community Relations*, Prepared under a grant by The Office of Law Enforcement Assistance, U.S. Department of Justice, to Michigan State University (Washington, D.C.: Government Printing Office, 1967), 60; President’s Commission on Law Enforcement and Administration of Justice, *Task Force Report: The Police* (Washington, D.C.: Government Printing Office, 1967), 176.

from the vigilante violence of whites anxious to defend neighborhood boundaries and the criminal violence arising from worsening social conditions. Since police were overwhelmingly white and many white officers were rude, demeaning, or explicitly racist towards residents of color, African Americans and Latinos greatly emphasized establishing official standards of colorblind decorum. Urban residents of color pressed these demands through middle-class brokers, mainly clergy and civil rights activists, who in the 1950s and early 1960s helped to initiate and administer new PCR programs to abolish officially-condoned white supremacy. Civil rights and community activists further used this newfound access to obtain more diligent as well as fair and impartial policing, particularly against the young men who gathered on street corners.

Despite their own misgivings about its ultimate value, middle-class brokers from urban communities of color helped to legitimize the PCR project of making policing procedurally neutral. They faced intense resistance, however, whenever they attempted to raise more substantive questions of strategy. Police officials frequently shut down this line of inquiry, claiming exclusive prerogative to set policy. This guiding limitation was present at the birth of PCR, when reformers first articulated a vision of technocratic colorblind professionalism as the antidote to the appalling conduct of police during the urban riots of World War II.

The 1943 Riots and the New Professional Policing

In the fall of 1945, Richmond, California, barely avoided a race riot. Within the white community, news spread that a white boy would need to have his leg amputated after an African American boy had slashed him with a knife. Another rumor stated that

the white child had died from his injury. Then a different white boy claimed that he, too, had been stabbed by a black teenager. As proof, he presented his red-ink-stained chest to his mother. She immediately contacted the police. They dispatched officers from their human relations unit who easily sniffed out the boy's deceit, and handled the entire matter quietly and peacefully. The department then informed the press that the threat of black criminality that had so alarmed the majority-white community was contained to a single, and fairly minor, incident. The facts simply did not support the public outcry and certainly not a vigilante response.⁹

Like many cities at mid-century, Richmond had absorbed a large number of migrants during World War II. Seeking work at the city's new Kaiser shipyards, 75,000 people arrived in the port city. This total included nearly 15,000 African Americans, an increase of 5,000 percent from before the war.¹⁰ Richmond's demographic transformation paralleled similar changes taking place across the country due to the massive wartime demand for labor in defense industries. Millions of African Americans moved to northern and western cities between 1940 and 1945: 100,000 to Chicago, 25,000 to Harlem and Philadelphia, and 60,000 to Detroit. Over the 1940s, more than 200,000 African Americans migrated to Los Angeles; in 1943, their number exceeded six thousand each month.¹¹ Wartime migrants of color fleeing the Jim Crow South discovered segregation

⁹ *Saturday Evening Post*, December 28, 1946, 20, 81-82; Robert Powers, "An Experiment in Race Relations," *Baha'i Faith World Book* (1946-1950).

¹⁰ Shirley Ann Wilson Moore, *To Place Our Deeds: The African American Community in Richmond, California, 1910-1963* (Berkeley: University of California Press, 2000), 8, 40-41.

¹¹ Karl E. Johnson, "Black Philadelphia in Transition: The African American Struggle on the Homefront During World War II and the Cold War Period, 1941-1963" (PhD diss., Temple University, 2001), 28; Josh Sides, *L.A. City Limits: African American Los Angeles from the Great Depression to the Present* (Berkeley: University of California Press, 2003), 43; Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 2nd. ed., 2005), 23, 41; Dominic J. Capeci, Jr., and Martha Wilkerson, "The Detroit Rioters of 1943: A Reinterpretation," *Michigan Historical Review* 16, no. 1 (1990): 52.

reigned in the North and West as well, and whites were willing to resort to violence to defend the racial homogeneity of their neighborhoods.

On June 20, 1943, crowds packed together on the playgrounds and beaches of Belle Isle in Detroit. Ninety percent, some 90,000 people, were African American. Throughout the day, small groups of African American teenagers attacked whites at random. The assaults were part of a cycle of retaliatory racial violence. A week earlier, white youths had stoned black teenagers to repel them from a different park. Around 9:30 p.m., on June 20, two African American men assaulted a white man on the bridge connecting the island—known among local whites as “Nigger Island”—to the city. White sailors witnessed the attack and incited other whites to strike back. Soon, 5,000 people were battling on the bridge. That night, two different rumors spread. Whites said that a black man had raped a white woman. The owner of a black nightclub told his customers: “There’s a riot at Belle isle. The whites have killed a colored lady and baby. Thrown them over the bridge.” Hundreds of African Americans began looting stores and overturning police cars and lighting them on fire. Black rioting mainly stayed in the segregated area of Black Bottom. Looting concentrated on Hastings Street, a popular area for black nightlife which about a decade later was bulldozed by the city, with federal support, to build Interstate 75.¹²

By contrast, most white rioters traveled more than half a mile from home to fight African Americans. White violence centered on Woodward Avenue, a main thoroughfare,

¹² Harvard Sitkoff, “The Detroit Race Riot of 1943,” *Michigan History* 53 (Fall 1969), 47; Earl Brown, “Why Race Riots?” (Public Affairs Pamphlet No 87, 1944), 2; Victoria Wolcott, *Race, Riots, and Roller Coasters: The Struggle over Segregated Recreation in America* (Philadelphia: University of Pennsylvania Press, 2012), 43; Marilyn S. Johnson, “Gender, Race, and Rumours: Re-examining the 1943 Race Riots,” *Gender and History* 10, no. 2 (1998): 263-267.

where as many as 10,000 gathered at the peak of rioting—with little to no interference from Detroit Police. A photograph taken then has captured this relationship. A white bystander slaps a black man while two patrolmen walk him down Woodward flanked by two mounted officers carrying rifles. A large crowd of white onlookers follow closely behind. The black man, a World War I veteran and bank employee named Sam Mitchell, said that eight white bystanders had struck him while in police custody, and moments earlier, white rioters had shot and stabbed him in the presence of four police officers. Mitchell only survived because he fled police custody for a nearby scout car. On the night of June 21, police used the pretext of a sniper to open fire on the Vernor Apartments, a black housing complex. After the fusillade, police forced the tenants outside at gunpoint where officers lined them up against the wall and then searched, beat, and insulted them with racial epithets. Upon returning to their apartments, black residents discovered many personal items were missing. The next day, the riot ended with the help of federal troops.¹³

Black civil rights activists highlighted police passivity toward white rioters and aggression toward African Americans. Thirty-four people had died. Twenty-five of them were African American—seventeen killed by city police. Eighty-five percent of arrested persons were black. The report of Thurgood Marshall, special counsel to the National Association for the Advancement of Colored People (NAACP), interpreted these figures as evidence of a broader pattern of unequal policing in Detroit. In the recent past, notably

¹³ *Chicago Defender*, July 31, 1943, 5; *Collier's*, September 18, 1943, 11; Report of Thurgood Marshall Concerning Activities of Detroit Police During the Riots June 21 and June 22 1943, July 26, 1943, 7-9, Part I, Series I, Box 1, Folder 35, Detroit NAACP Branch Records, Walter P. Reuther Library, Wayne State University; Dominic J. Capecci, Jr., and Martha Wilkerson, "The Detroit Rioters of 1943: A Reinterpretation," *Michigan Historical Review* 16, no. 1 (1990), 57, 59.

at the attempted desegregation of the Sojourner Truth Housing Project in 1942, the Detroit Police had deferred to violent whites and harshly punished innocent blacks. In June 1943, Marshall observed, police had likewise “used ‘persuasion’ rather than firm action with white rioters while against Negroes they used the ultimate in force; night sticks, revolvers, riot guns, sub-machine guns, and deer guns.” White police and white rioters could appear indistinguishable. “The policemen would drive up to a corner, jump out with drawn revolvers, striking at Negroes indiscriminately, oftentimes shooting at them, and in all cases forcing them to run,” he said. “At the same time on Woodward Avenue, white civilians were seizing Negroes and telling them to ‘run, nigger, run.’”¹⁴

The racial conflict over the summer of 1943 indicated overwhelmingly that white urban police officers were unwilling to stamp out white rioting. In June, weeks before Detroit erupted, thousands of white servicemen and civilians stalked the streets of Los Angeles in violent pursuit of Mexican American teenagers dressed in zoot suits, a flamboyant youthful fashion condemned as subversive by authorities for violating wartime clothing rations and a supposed gang affiliation. The “Vengeance Squad” of the Los Angeles Police Department (LAPD) followed close behind, arresting black and brown youth for vagrancy. Later in the month, in Beaumont, Texas, the rumor that an African American man had raped a white woman incited a lynch mob of 3,000 white shipyard workers to attack blacks on the street and to loot their homes.¹⁵

¹⁴ Report of Thurgood Marshall, 2-3; Harvard Sitkoff, “The Detroit Race Riot of 1943,” *Michigan History* 53 (Fall 1969): 183-206; Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 73-74.

¹⁵ Eduardo Obregon Pagan, “Los Angeles Geopolitics and the Zoot Suit Riot, 1943,” *Social Science History* 24, no. 1 (2000): 223-256; Kathy Peiss, *Zoot Suit: The Enigmatic Career of an Extreme Style* (Philadelphia: University of Pennsylvania Press, 2011), 110-114, 122-124; Luis Alvarez, *The Power of the Zoot: Youth Culture and Resistance during World War II* (Berkeley: University of California Press, 2008), 168; *Los Angeles Times*, August 10, 1942, 1; Harvard Sitkoff, “Racial Militancy and Interracial Violence in the Second World War,” *Journal of American History*, 58, no. 3 (1971): 671.

The Social Science Institute at Fisk University counted 242 incidents of interracial violence in 47 cities in 1943. In many of the clashes, police officers used the weapons at their disposal—the arrest, the nightstick, and the gun—to help white rioters or harm African Americans. Even among mainstream critics, police conduct drew fire. In its coverage of the Zoot-Suit Riots in June, *Time* magazine faulted all of white officialdom: military authorities for their “lax” treatment of vigilante servicemen, the press corps who for the better part of a year had “helped whip up the mob spirit,” and especially the police department who “apparently looked the other away” during a dire public-order emergency.¹⁶

In August 1943 a different kind of urban riot took place and the police response presented a tidy lesson in contrast to the norm. In Harlem, thousands of African Americans looted white-owned shops after a white police officer shot Robert J. Bandy, a black serviceman, who had taken the officer’s nightstick and struck him with it across the face while defending his mother who had tried to stop the arrest of a black woman accused of sex work. The officer shot Bandy in the left arm as he tried to flee. Walter White, NAACP executive secretary, was in Harlem when trouble broke out and spent most of the night riding around with city and police officials. White was amazed when Mayor Fiorella La Guardia set up a police perimeter to contain the unrest and bar white rioters from entering Harlem, contacted leading black activists to tour the area and dispel the rumors of Bandy’s death, and dispatched integrated teams of Army Military Police. White praised the “magnificent restraint and efficiency of the police.” “I heard not one

¹⁶ Historian Steven Gregory has observed that mainstream news outlets covering the 1943 riots blamed both racial groups and used race-neutral language, whereas during World War I they played up the alleged deviancy of black migrants. See Gregory, *Southern Diaspora: How the Great Migrations of Black and White Southerners Transformed America* (Chapel Hill: University of North Carolina Press, 2005), 68-71; *Time*, June 21, 1943, 20.

word about ‘niggers,’” he said.¹⁷

Elsewhere that summer police had snuffed out incipient racial conflict through swift and impartial demonstration of power. “If a similar affirmative action had been taken by the Detroit police,” Thurgood Marshall said in his report, “the trouble never would have reached the bloody and destructive magnitude which has shocked the nation.” Marshall thus reached a conclusion that he said pertained to “any race riot.” “Very often disturbances reached riot proportions,” Marshall argued, “as a result of inefficiency on the part of the local police.” Reinforcing this emphasis on impartial, decisive police action to protect the public from racial violence, the NAACP proposed a grand jury investigation of the Detroit Police and recommended that the city fire any officer who belonged to white vigilante groups like the Ku Klux Klan and hire more African Americans since “Negroes have confidence and faith in their officers and respect them.” They made this proposal to a new committee appointed by Mayor Edward J. Jeffries, Jr., to lead the effort to foster racial peace in the city.¹⁸

After the summer riots hundreds of local governments established mayor’s committees in intergroup relations that would advance the field of Police-Community Relations. The basic purpose of these provisional bodies was to study the tensions that had caused or might trigger future conflict and to recommend solutions. Many of them sponsored the first efforts to build a bridge between the police and communities of color. Although

¹⁷ *New Republic*, August 16, 1943, 221-222; Cheryl Greenberg, “The Politics of Disorder: Reexamining Harlem's Riots of 1935 and 1943,” *Journal of Urban History* 18 (August 1992): 395-441; Harold Orlansky, *The Harlem Riot: A Study in Mass Frustration*, Social Analysis--Report No. 1 (New York, 1943).

¹⁸ Report of Thurgood Marshall, 1, 10; Statements and Recommendations Made to the Mayor’s Committee, June 29, 1943, 1, Part I, Series I, Box 1, Folder 35, Detroit NAACP Branch Records, Reuther Library; *Detroit Free Press*, June 26, 1943, 3.

these committees typically played a more symbolic role of public relations rather than providing a counterweight with the power to compel city officials to accept NAACP-style reforms, they nevertheless granted activists a key foothold in municipal government which they would use over the next two decades to institute new policies and programs to take colorblind norms from the margins into the mainstream of the police profession.

Several days after the disastrous riots, on June 25, 1943, Detroit Mayor Jeffries appointed a twelve-person committee, known variously as the “interracial peace board” or “the mayor’s committee.” Jeffries, however, never intended to inaugurate the era of Police-Community Relations. In a June 29 speech to Common Council, he declared that the police “cannot prevent a recurrence of racial hostility.” “That is not its function and that is not within its powers,” he continued. “It has the responsibility to stop them when they have started.” As a racial conservative, Jeffries was also unreceptive to NAACP-style reforms. During the fall elections, his campaign stoked white fears by warning that his liberal opponent, backed by an interracial labor-civil rights coalition, would attempt to integrate white neighborhoods. Jeffries’s police commissioner, John H. Witherspoon, blamed the riot on a “tremendous increase of belligerence on the part of the Negro people,” citing black arrest figures and the rising number of violent incidents on public transportation. “If the NAACP devoted the same amount of time to educating these people to the obligations of citizenship that it devotes to the allegations of discrimination and racial prejudice,” Witherspoon said, “it would do much to improve the situation.”¹⁹

The mayor’s “peace board” received little official support to pursue even its

¹⁹ From the Mayor, June 29, 1943, Proceedings of Common Council, 1826, Part I, Series I, Box 1, Folder 35, Detroit NAACP, Reuther Library; *Detroit Free Press*, July 28, 1943, 1, 22; Angela D. Dillard, *Faith in the City: Preaching Radical Social Change in Detroit* (Ann Arbor: University of Michigan Press, 2007), 150-151.

general mandate to facilitate racial harmony. At the start of Jeffries's second term in January 1944 the board was reconstituted and renamed the Interracial Committee, now comprised of six city agency directors and five civilians—of the latter, two were white and three black. But it would continue to serve at the pleasure of the mayor until a city ordinance in 1953 created the independent Commission on Community Relations. From 1945 to 1952, the Interracial Committee was directed by George Schermer, a former federal housing official, who met official resistance to his program, such as establishing a Fair Employment Practices Commission and monitoring interracial tensions arising from neighborhood desegregation. In late 1952 Schermer resigned in protest of political obstructionism and became director of Philadelphia's Commission on Human Relations (CHR), an independent body created by a charter amendment to enforce the city's antidiscrimination ordinances. Following this, he started his own consultancy firm in intergroup relations. Over a distinguished career, Schermer spearheaded many of the defining programs in the field of Police-Community Relations.²⁰

In the fall of 1946, Detroit's Interracial Committee, with Schermer at the helm, organized the inaugural Study Committee on Police-Community Relations to address mounting tensions in the black community over perceived brutal and unfair policing. On the subcommittee sat top police officials and leaders of prominent black churches and civic and civil rights organizations. At a preliminary conference held in October, discussion revolved primarily around hiring more black officers, improving transparency in disciplinary investigations of brutality complaints causing uproar in the black

²⁰ *Detroit Free Press*, June 26, 1943, 3, March 30, 1945, 13, December 9, 1952, 5; Alfred McClung Lee and Norman Daymond Humphrey, "The Interracial Committee of the City of Detroit," *Journal of Educational Sociology* 19, no. 5 (1946): 284-285.

community, and training the rank-and-file in intergroup relations. The first few meetings dealt almost entirely with changing recruiting and selection procedures to hire more black officers. In 1946 the entire Detroit Police Department had forty-six African American members in a city in which blacks made up almost a quarter of the population. At a meeting in early December, black committee members held the floor to criticize several common police practices such as interfering with mixed-racial social gatherings, referring to black adults by their first name, and stopping and searching cars in black neighborhoods. Police Commissioner John F. Ballenger refused to discuss blanket accusations and encouraged residents to submit complaints. According to the meeting minutes, Ballenger defended the concentration of car searches in black residential areas “where a wave of crimes are being committed” on the grounds that police were meeting “their responsibility to see that law and order is maintained.”²¹

The committee quickly discovered that the technocratic adjudication of individual complaints that police and legal procedure required often posed insurmountable evidentiary challenges and, more broadly, would fail to deliver the holistic reparative justice that some residents seemed to desire when they alleged police mistreatment. Many allegations were poorly substantiated by eye-witnesses, if at all. The accused officers frequently charged the victim with resisting arrest which sometimes did happen. In a case from August 1946, a black man named Joseph W. Jones was arrested by police on suspicion of armed robbery and eventually convicted of “reckless driving.” Both the arresting officer and Jones suffered unmistakable physical injury indicating an exchange

²¹ Report of Meeting on Relationship Between Department of Police and Negro Community, October 21, 1946, 2-3, 5, Part I, Series I, Box 18, Folder 8, Detroit Commission on Community Relations Records (DCCR), Reuther Library; Summary of Assignment of Colored Officers, November 29, 1946, *ibid*; Study Committee on Police-Community Relations Meeting Minutes, December 6, 1946, 2-3, *ibid*.

of punches. What began as a broad complaint of existential harm became an increasingly arcane discussion of the legal parameters governing police use of force and citizen resistance. Members sharply disagreed over how to characterize police violence toward African Americans. “Police beat Negroes because of a feeling of prejudice,” said Louis C. Blount, a black life insurance executive and civil rights activist. Perhaps justifying Jones’s resistance, Blount added: “Almost every Negro feels he does not know what is going to happen to him if he is arrested.” Police Superintendent Edwin Morgan replied that “officers are going to meet force with force and that they do not have to take a beating to effectuate an arrest.”²²

The Interracial Committee, in the absence of any power to punish officers or change police policy, early on defined its role as fulfilling a broader social purpose of educating the public about racial street-corner police incidents. “There exists in the community,” Schermer said at a meeting in December 1946, “a feeling that the police do things that are not justified.” “The fact that people think they do,” he continued, “has an important bearing upon the kinds of problems which the police meet in the community.” By proceeding case by case, the subcommittee decided they might alleviate some of the distrust and anger of black residents who believed that police routinely acted, whether within or outside their legally-prescribed authority, to abuse black citizens “because of a feeling of prejudice.”²³

This legalistic, technocratic response to the pervasive feeling of existential harm among residents of color would define the work of the postwar intergroup officials. In the

²² Per the meeting minutes: “The issue rests on the question of whether Jones struck the officer first or whether the officers treated him so roughly as to force him to fight back.” Study Committee on Police-Community Relations Meeting Minutes, December 13, 1946, 5-6, *ibid.*

²³ Study Committee on Police-Community Relations Meeting Minutes, December 13, 1946, 6, *ibid.*

winter of 1944, the city and county of Los Angeles established interracial committees on the Detroit model. By April, fourteen other towns and cities in the county had done the same. In 1945, sociologist Charles S. Johnson counted “over 200 local, state, and national organizations” dedicated to facilitating intergroup harmony. Many of these committees departed from the view articulated by Mayor Jeffries that police could play little role in preventing riots. Rather, the unrest of summer 1943 had led many municipal officials to give central importance to enlightened police policies in relieving racial tensions and quickly suppressing violent outbreaks. This view would ultimately prevail and move to a central place in PCR.²⁴

In California, racial liberals and law enforcement officials articulated this new preventive police function following the Zoot Suit Riots. On June 12, 1943, Governor Earl Warren’s Citizens Committee released a report recommending that police train their officers in race relations with a focus on minority youth. Law enforcement officials raised the alarm about the mass migrations of people of color. At a meeting with statewide county sheriffs in July, Attorney General Robert W. Kenny mentioned the 1.5 million people who had migrated to California since 1941 and said that “peace officers generally are going to have to go through a difficult period of adjusting to these new populations.” Kenny’s Peace Officers Committee on Civil Disturbances made similar observations about “the influx of substantial minority groups.” Their October 1943 interim report recognized that “lax police policies contribute to race riots and antiquated methods of coping with riots can greatly aggravate their consequences.” They thus recommended

²⁴ Kevin Leonard Allen, “Years of Hope, Days of Rage: The Impact of World War II on Race Relations in Los Angeles” (Ph.D. dissertation, University of California, Davis, 1992), 166; *Directory of Agencies in Race Relations: National, State, and Local* (Chicago, Ill.: Julius Rosenwald Fund, 1945), 1.

programs to “train police officers in the special problems and attitudes of racial groups.” The Committee further encouraged law enforcement to “cultivate responsible leaders,” to monitor the black press for signs of trouble, and “to keep close watch of persons believed to be instigating civil disorder so that they may be apprehended at the outset of the disturbances.”²⁵

Many of the early training efforts were rooted in midcentury liberal conceptions of racial prejudice as an irrational belief. During the war the Harvard psychologist Gordon Allport developed propaganda for the federal government to build popular support for pluralistic values and discourage intergroup conflict. Allport wrote pamphlets arguing that broad tolerance of group difference fulfilled the citizen’s patriotic duty during wartime. In his 1944 article “The Bigot in Our Midst,” Allport developed his famous definition of prejudice as the practice of scapegoating marginal groups, especially at times of social crisis. “Public opinion polls show that 85 percent of the population is ready to scapegoat some group or other,” Allport said.²⁶

In 1944, Allport tested his theories in a pioneering police training program. At the invitation of the Boston Police Department, he organized a two-week seminar for a select group of captains and detectives. For the first eight hours he let the officers vent their frustration and anger about different racial and religious groups. Afterward, Allport offered social-scientific explanations for the behaviors and values that the officers had identified as problematic tendencies among African Americans, Jews, Catholics, and the

²⁵ Allen, “Years of Hope, Days of Rage,” 156-160; Edward J. Escobar, *Race, Police, and the Making of a Political Identity: Mexican Americans and the Los Angeles Police Department, 1900-1945* (Berkeley: University of California Press, 1999), 260.

²⁶ Gordon W. Allport, “The Bigot in Our Midst: An Analysis of His Psychology,” *Commonweal*, October 6, 1944, 582; Ellen Herman, *The Romance of American Psychology: Political Culture in the Age of Experts* (Berkeley: University of California Press, 1995), 50-64

foreign-born. Allport would claim the lesson had succeeded since the officers left the session demonstrating less prejudice than they had at the start. Allport's Boston Police experiment became a model for future human relations training programs.²⁷

By 1945, intergroup officials and professionalism experts had persuaded many local governments that the impartial professional police officer was a guarantor of racial peace. The American Jewish Committee, the Anti-Defamation League, and the National Conference of Christians and Jews held seminars, published pamphlets, and partnered with city agencies to educate Americans about the falsehoods of prejudice. It was, inevitably, a long-term project, unable to resolve the crisis at hand. Therefore, reformers pressured urban police departments to take immediate remedial action by training their officers in human relations. These programs would impart the latest anthropological and sociological claims about racial difference—that it was rooted in cultural and economic circumstance not biology—through practical advice tailored to the problems that officers routinely encountered on the beat.²⁸

Within a few years, advocates of police professionalism and intergroup relations management—often the same people occupied both roles—began to articulate a new conventional wisdom on riot prevention. A typical example was an article by Ernest A. Gray, Jr., appearing in *Harper's* in late 1945 called "Race Riots Can Be Prevented." Gray worked in advertising in New York City but had published articles on racial issues for

²⁷ Anti-Defamation League of B'Nai B'rith, "A Study of Police Training Programs in Minority Relations," (Southern California Regional Office, August, 1950), 4, Appendix I: "City-By-City Resume of Minority Relations Training," A-1, Box 24, Folder 13, American Civil Liberties Union of Southern California records (Collection 900), UCLA Library Special Collections, Charles E. Young Research Library, UCLA; Joseph T. Kluchesky, "Race Relations and Police Action in Minority Problems," 5-6, Presented at the 53rd Annual Conference of the International Association of Chiefs of Police at Mexico City, Mexico, September 23-27, 1946, Box 23, Folder 1, Fellowship Commission (Philadelphia, PA.) Records, Acc. 473, 626, 799, Special Collections Research Center (SCRC), Temple University Libraries, Philadelphia, Pennsylvania.

²⁸ Louis A. Radelet, "Police-Community Relations," *Social Order* (May, 1960): 219-224.

federal government propaganda during the war. Using the example of Harlem, his article outlines basic principles for preventing interracial riots. About half of these concern taking “the temper of race relations” through surveys of residents of color, check-ins with prominent community members, mapping racial incidents to anticipate “danger spots,” and quickly stamping out rumors. The rest deal with police. Gray stresses a swift, coordinated, and impartial response to impending trouble. Police then should “isolate the area” and break up and disperse large groupings. Gray had neatly summarized a view recently put into practice and then canonized in training manuals.²⁹

Reformers found a sympathetic audience with advocates of police professionalization. Since the early twentieth century, progressive police officials had claimed that law enforcement should aspire to become a profession no different than medicine and the law. Police officers, no less than lawyers and doctors, should master a body of specialized knowledge and skills measured through merit exams and in-service training. Police officials as distinct in their approaches to fighting crime as August Vollmer and Los Angeles Police Chief William H. Parker nevertheless agreed in their emphasis on prevention as cure. They had faith in the guiding light of reliable statistics, to predict crime and ultimately suppress it. Parker fiercely resisted anti-racist reforms as part of his general aversion to “special interest” groups. But human relations training gained a foothold in postwar police departments because of its promise to prevent

²⁹ *Harper's Magazine*, December 1, 1945, 489-495; see also Kluchesky, “Race Relations and Police Action in Minority Problems,” 10-11; “Police and Minority Groups: A Guide for the Introduction of Training on Race Relations and Minority Groups into Police Departments in the United States,” Preliminary draft by Joseph T. Kluchesky and A. A. Liveright in conjunction with the staff of the American Council on Race Relations, December 1946, 2, Box 23, Folder 1, Fellowship Commission, SCRC, Temple University Libraries.

disorder. Many chiefs ultimately adopted it for its value as public relations.³⁰

In the fall of 1944, Robert B. Powers and Davis McEntire arrived in Richmond, California, to attempt something relatively untested. In those days, Powers would recall, “the only concern police officers had ever had with civil disorders involving Negroes was how to suppress them violently.” Admitting he had been a “bigoted racist” as Bakersfield’s chief of police, Powers explained that the typical police “policy” toward African Americans was: “We kept them in their place.” Following the wartime riots, however, Powers began to revise this traditional approach. In 1945, Attorney General Kenny appointed him California’s first Coordinator of Law Enforcement Agencies. Powers’s counterpart, Davis McEntire, was better prepared to train the Richmond officers. McEntire, an economist, was a field representative for the American Council on Race Relations (ACRR), an organization that also produced pamphlets in human relations training for police.³¹

Powers and McEntire met with twelve Richmond police officers over five two-hour sessions. They emphasized pragmatic advice on how to handle tense interracial street situations over theoretical explanations of prejudice. At the first meeting, the trainers permitted the officers to complain openly about “niggers.” But the next day, they

³⁰ Walker, “The Origins of the Police-Community Relations Movement,” 233; Fogelson, *Big-City Police*, 154-161; Bernard J. Ward, “Orlando W. Wilson and the Development of His Education and Training Policies While Superintendent of the Chicago Police Department, 1960-1967” (PhD diss., Loyola University of Chicago, 2000), 9-11; Nathan Douthit, “August Vollmer, Berkeley’s First Chief of Police, and the Emergence of Police Professionalism,” *California Historical Quarterly* 54, no. 2 (1975): 106-109, 111; Janis Appier, *Policing Women: The Sexual Politics of Law Enforcement and the LAPD* (Philadelphia: Temple University Press, 1998), 160-161; William H. Parker, “Crime Prevention,” in *Parker on Police*, ed. O. W. Wilson (Springfield, IL.: Charles C. Thomas Publisher, 1957); Kluchesky and Liveright, “Police and Minority Groups,” 3.

³¹ Robert B. Powers, “Law Enforcement, Race Relations: 1930-1960,” an interview conducted in 1969 by Amelia Fry (Regional Oral History Office, The Bancroft Library, University of California, Berkeley, 1971), 37-51; Powers, “An Experiment in Race Relations”; Davis McEntire and Robert B. Powers, *Police Training Bulletin: A Guide to Race Relations for Police Officers* (Sacramento: Department of Justice, State of California, 1946); Kluchesky and Liveright, “Police and Minority Groups.”

invited a well-dressed, educated African American man to join the conversation. They repeated this exercise every day thereafter to challenge the roots of unthinking prejudice. Powers suspected that most white police had never talked to a middle-class person of color before but instead had only interacted with low-income nonwhite criminal suspects. The rest of the time the officers attended lectures given by law enforcement and civil rights officials and read sociological texts on the nature of prejudice. The aim was to chip away at traditional biological notions of racial difference that led police to stereotype all people of color as dangerous criminals. In 1946, Attorney General Kenny published the training materials assembled by Powers and McEntire as a manual for other law enforcement agencies in California.³²

The Powers and McEntire manual joined an emergent literature of practical training advice in Police-Community Relations, whose pedigree reflected the pronounced scholarly disposition of postwar police professionalism. In August 1944 the International City Manager's Association published a booklet by J. E. Weckler and Theo E. Hall called *The Police and Minority Groups*. Weckler, an ACRR field representative like McEntire, had obtained a doctorate in anthropology from the University of Chicago, which produced most of the prominent liberal academic research on racial difference, and Hall was the police chief of the small Chicago suburb of Wilmette. Another University of Chicago academic, the sociologist Joseph Dean Lohman, coauthored an influential training manual in 1947 titled *The Police and Minority Groups*. Lohman taught sociology at the University of Chicago and was Associate Director of Race Relations for the Julius Rosenwald Fund, a private philanthropic organization. Lohman and coauthor Roger F.

³² McEntire and Powers, *Police Training Bulletin*, 2-3.

Shanahan had first tested the training materials contained in their manual in the Chicago Park District where Shanahan was chief of police.³³

These three canonical texts in PCR promulgated two basic approaches to mitigating police prejudice on the beat. In the first view, the purpose of human relations training was to teach a police officer how to ignore any internal inclination toward bigotry and instead to project a steadfast neutrality. Lohman was a forceful advocate of this idea. The manual he cowrote with Shanahan encouraged departments to inculcate in police officers “a real sense of professionalism.” “Neutral, impartial, unbiased, inquiring—these are the attributes of the professional,” Powers and McEntire said. Likewise, Weckler and Hall asserted the importance of police “impartiality” in intergroup disputes. For all, it was essential that police did not appear to be taking sides in neighborhood conflicts. “In order that the police officer function in a role that lies outside the area of his personal prejudice,” said Joseph T. Kluchesky, former Milwaukee chief of police, in 1946, “it will be necessary to create in him a real sense of professionalism.”³⁴

In the second view, police were taught how to change their internal makeup to eliminate any trace of private prejudice. This perspective emphasized altering an officer’s attitudes. Every manual mentions this idea and each one relies upon Allport’s theory of

³³ McEntire and Powers, *Police Training Bulletin*; J. E. Weckler and Theo E. Hall, *The Police and Minority Groups* (Chicago: International City Manager’s Association, 1944); Joseph D. Lohman and Roger F. Shanahan, *The Police and Minority Groups* (Chicago: Chicago Park District, 1947).

³⁴ Lohman and Shanahan, *The Police and Minority Groups*, 6; McEntire and Powers, *Police Training Bulletin*, 11; Weckler and Hall, *iii*; Kluchesky, “Race Relations and Police Action in Minority Problems,” 8. Joseph T. Kluchesky never authored a training manual but he was a sought-after national speaker on human relations for law enforcement audiences in the 1940s. As Milwaukee police chief during the war he organized one of the first race relations training programs in the country and afterward worked as a special consultant for the ACRF. He spent ten years on the faculty of the FBI National Police Academy, where he taught a course on “Race Relations.” For a biographical overview, see Letter from Joseph Kluchesky to Maurie Orodener, January 28, 1947, Box 23, Folder 1, Fellowship Commission, SCRC, Temple University Libraries.

scapegoating. Weckler and Hall argue that better-educated officers are less “blindly prejudiced.” They recommend a course in “practical psychology.” Powers and McEntire imagine the ideal patrolman as “a practical psychologist” who understands “how people’s minds work.” Lohman and Shanahan want police to recognize the economic “disappointments” and “childhood insecurities” that underlie mob violence. Lohman, a distinguished urban ethnographer, devotes dozens of pages to the nature and historical roots of prejudice, the social background of ethnic groups, and intergroup disputes in Chicago over employment, housing, and recreation. Even Lohman endorsed the tools of psychology to help police understand and prevent racial conflict. “The effectiveness of a police force,” Kluchesky argued, “is largely determined by the attitude of individual officers.”³⁵

In the two decades after World War II, the authors of the training manuals toured the country as experts in Police-Community Relations. Lohman enjoyed a long career as a consultant. He was invited by the Southern Police Institute to help organize their training curriculum. His manual—which exceeded 100 pages—was condensed and packaged for police officers in Chicago, Jacksonville, Florida, Washington, D.C., Trenton, New Jersey, and other cities. In February 1949, the Denver Police Department invited police experts, including the Federal Bureau of Investigation and Lohman, to write the course plan for a three-week seminar for the brass. The department coordinated its efforts with the Denver Unity Council and the Mayor’s Commission on Human

³⁵ Weckler and Hall, *The Police and Minority Groups*, 7, 11; McEntire and Powers, *Police Training Bulletin*, 15; Lohman and Shanahan, *The Police and Minority Groups*, 78, 80; for further discussion of these two models, see Bernard Weisberg, “Racial Violence and Civil Rights Law Enforcement,” *The University of Chicago Law Review* 18, no. 4 (1951): 778-779; Alan Gartner, *The Police and the Community: Police Practices and Minority Groups* (Waltham, Mass.: Brandeis University, 1963), 29-31; Kluchesky, “Race Relations and Police Action in Minority Problems,” 7.

Relations. As in other cities, however, commitment was lax. The department abandoned these efforts within a year.³⁶

None of the manuals incorporated the diverse interests and perspectives of urban residents of color. The early proponents of human relations training drew upon the model of racial conflict of World War II in which black and white civilians attacked each other and police sided with whites. They ignored the possibility that police tactics in black neighborhoods might themselves trigger disorder. Their emphasis on deterrent force also left a mixed legacy. Lohman and Shanahan, for example, recommended that the police employ “a show of force” to prevent small scuffles from erupting into major rioting. By this they meant dispatching a large number of officers to the scene of trouble—correcting the seeming error police had made over the summer of 1943. Yet Lohman and Shanahan never considered how acts of overt police aggression might provoke violence. More fundamentally, the manuals continued to rely upon racial stereotypes used by police to justify physical violence. Recycling a common police complaint, Powers and McEntire observed that African Americans are “often likely to be rude and arrogant.” Black migrants, they said, do not “know the limits of the new freedom” in the urban North and may be prone to “aggressive reaction” to any police command.³⁷

The experience in Oakland, California, illustrates the limits of the postwar PCR reform model. In April 1949, Oakland Patrolman Spencer Amundsen shot and killed an African American man named Andrew Lee Hines. Hines had been unarmed. The department exonerated Amundsen after finding his actions “reasonable.” Under pressure

³⁶ ADL, “A Study of Police Training Programs in Minority Relations,” Appendix I: City-by-City Resume of Minority Relations Training, A-6.

³⁷ Lohman and Shanahan, *The Police and Minority Groups*, 84; McEntire and Powers, *Police Training Bulletin*, 23, 26.

from the East Bay Civil Rights Congress, however, the Citizens' Committee for Civic Unity, Oakland's human relations agency, initiated a review of the killing and city police practices more broadly. Their final report, completed in June, identified a pattern of police abuse against African Americans, including the frequent use of racial slurs and the routine use of violence during arrests and station-house interrogations, and recommended adding a course in human relations to the police academy curriculum. The city council buried the report and disbanded the committee.³⁸

The state legislature, however, formed its own committee and hired Robert Powers, now a nationally acclaimed PCR expert, to go to Oakland to investigate the allegations. Powers spent a month interviewing residents and police officials. Based on his findings, the state convened public hearings in early January 1950. Powers used the public forum to put the police on trial. Acting like a trial attorney, he produced witnesses, mainly black residents and their lawyers, and cross-examined police officials called to testify.³⁹

Over three days, African Americans recounted personal encounters with brutal Oakland police officers who administered the third degree to elicit "confessions" and made arrests for investigation. Recently, police had smashed a wine bottle against a man's neck, causing a serious gash. They had ruptured another young man's bladder during a stationhouse beating and then denied him medical care for fourteen hours. Police frequently broke up interracial gatherings and accused black women socializing with white men of prostitution. White officers routinely addressed black residents with racial

³⁸ Powers, "Law Enforcement, Race Relations: 1930-1960," 55-64; *San Francisco Chronicle*, December 29, 1949, December 31, 1949.

³⁹ *Ibid.* According to Powers, the *Oakland Tribune* initially refused to cover the hearings, while the *San Francisco Chronicle* and *Examiner* sent reporters to Oakland.

slurs. Civil rights activists complained that the department almost never disciplined its members. A black reverend said that black residents “feel they can get no justice from the police.” Police Chief Lester J. Devine defended the practice of holding suspects for up to three days on the open charge of investigation as the “custom” of police everywhere. He also said city charter employee protections made it challenging to punish officers. Police-community relations were thus in a dire state. As chairman of the Alameda County NAACP said: “Negroes regard the police as their natural enemies.”⁴⁰

The hearings produced only superficial reforms. The chairman of the Mayor’s Committee for Civic Unity proposed human relations training for Oakland police officers. “No intelligent, informed man can be prejudiced,” he said. The department ultimately hired Davis McEntire to develop ten hours of material on race relations for in-service training. Top officials, meanwhile, remained defiant throughout the hearings. No criminal charges were ever filed against the accused officers. Indeed, the former chairman of the Citizens’ Committee for Civic Unity said that they had never gathered enough evidence to indict the officer who had killed Hines. The department even blocked an attempt to transcribe testimony at the hearings. Their entire rebuttal consisted of accusing the opposing side of political subversion, since Powers had interviewed members of the left-wing Civil Rights Congress whose lawyers represented many of the victims. For Chief Devine, this was more than enough evidence to vindicate his officers.⁴¹

The PCR training manuals represented a sincere attempt to grapple with the

⁴⁰ *San Francisco Chronicle*, January 4, 5, 1950; *Daily People’s World*, January 4, 1950; *San Francisco Examiner*, January 5, 1950; *Oakland Post-Enquirer*, January 5, 1950.

⁴¹ *Oakland Post-Enquirer*, January 5, 6, 1950; *San Francisco Chronicle*, January 6, 1950; *San Francisco Examiner*, January 6, 7, 1950; *Oakland Tribune*, January 7, 1950.

perceived failures of police to contain the racial unrest of 1943, and over the long-run they inaugurated the dominant tendencies in reform circles to assert police prerogatives over citizen concerns. By encouraging police to demonstrate greater courtesy toward citizens on the street, PCR at least nominally addressed a core concern of urban residents of color who resented near-constant degrading treatment. Yet this reform was ultimately a procedural fix which preserved existing police policy and might even provide protective cover for dragnet tactics to continue with only cosmetic changes. By 1950, only twenty-two police departments had introduced human relations training to their academy curriculum. Whether a two-hour lecture or a week-long course, they all relied upon the same three manuals published in the four years after the June 1943 rebellions.⁴²

Professionalism experts and intergroup officials revived PCR in the spring of 1954 as the Supreme Court was preparing its groundbreaking ruling in *Brown v. Board of Education*. Against a backdrop of expected racial violence over desegregation, the National Association of Intergroup Relations Officials (NAIRO) convened the First National Police-Community Relations Conference in Philadelphia in April. (Indeed, in May, the Court overturned “separate but equal,” the legal doctrine of Jim Crow for fifty-eight years.) Maurice B. Fagan, chair of the Planning Committee and director of Philadelphia’s Fellowship Commission, a private anti-discrimination agency, had struggled to obtain police interest in the event. The IACP for over a year had refused Fagan’s multiple requests for an official audience. As late as March 1954, with the conference a month away, an anxious Fagan asked Beulah Whitby of Detroit’s Commission on Community Relations to help persuade Police Commissioner Edwin

⁴² Samuel Walker, “The Origins of the Police-Community Relations Movement: The 1940s,” *Criminal Justice History* 1 (1980): 236-238.

Morgan to attend. By then, only fifteen cities had agreed to send “teams” of intergroup and police officials to Philadelphia. Morgan ultimately did come, along with eighty other officials representing twenty-seven cities and nine national organizations and government agencies. The conference was organized around seven plenary sessions at which one intergroup official and one police executive led discussion on a chosen theme such as human relations training, “problems in changing neighborhoods,” and defining PCR.⁴³

As Fagan asserted in his conference notes, the simple idea behind Police-Community Relations was that non-partisan professional policing was necessary to secure democratic participation to all members of society regardless of race, color, religion, or national origin. The meeting minutes indicate, however, that intergroup officials struggled as Fagan had during the planning process to sell PCR as an essential toolkit serving traditional law enforcement priorities of preventing and controlling public disorder. The basic pitch was: Only a police force attuned to the specific concerns of minority groups was positioned to prevent racial conflict. With this in mind, the conversation turned to the tough and unique challenges posed by rapid population change and racialized poverty. Many in attendance agreed that any effective PCR program would have to penetrate to the day-to-day street-corner encounters between police and citizens in poor and marginalized neighborhoods. In a rare consensus, both intergroup and police officials stated that the professional urban patrol officer was now the linchpin of racial

⁴³ Brown v. Board of Education, 347 U.S. 483 (1954); Reports on Efforts to Hold a Police-Community Relations Conference, November 1953, Box 23, Folder 4, Fellowship Commission, SCRC, Temple University Libraries; Proceedings of First National Police-Community Relations Conference, Philadelphia, Pa., April 8-9, 1954, *ibid*; Maurice B. Fagan to Beulah Whitby, March 11, 1954, Part 3, Series III, Box 23, Folder 21, DCCR, Reuther Library; “Discussion Schedule First National Police-Community Relations Conference,” *ibid*; “Conference Themes,” *ibid*; “Questions Submitted in Advance of Conference,” March 24, 1954, *ibid*.

peace.⁴⁴

From Idea to Institution: Police-Community Relations after *Brown*

Administrators of Police-Community Relations programs in the 1950s and 1960s had two primary objectives, one facing inward and the other outward. First, they attempted to regulate the discretion of front-line patrol officers, specifically to impress upon the rank-and-file that overt displays of bigotry were unprofessional and unproductive and would be punished. Second, and more stridently, reformers took steps to manage the police image, primarily by arranging meetings between police and civil rights and civil liberties organizations who could iron out their often incompatible versions of controversial “brutality” incidents. Thrust into the role of mediator were the new municipal human relations agencies. Few worked this space as deliberately as George Schermer, who directed Philadelphia’s pioneering PCR program.

As in cities elsewhere, liberal elites in Philadelphia came out of World War II concerned about potential racial conflict, even as public officials refused to implement reforms. Following a 1944 transit strike by white workers to protest the promotion of African Americans in compliance with the new federal fair employment law, for which the Army was deployed as a peacekeeping force, the Bureau of Municipal Research undertook a study of African Americans’ treatment by criminal justice institutions, including the city police. The brass had acknowledged the value of impartial policing after the summer rioting of 1943. In August of that year, the superintendent had issued an order that “all violators, whether white or colored, shall be promptly arrested and

⁴⁴ Summary of Opinionnaire Replies, 1-2, Box 23, Folder 4, Fellowship Commission, SCRC, Temple University Libraries; Conference Proceedings, 2-3, *ibid.*

properly charged.” Yet three years later the mayor rebuffed Joseph Kluchesky’s human relations training program. The acclaimed PCR expert said city officials had told him “that they were getting along pretty well in Philadelphia in handling situations involving minority groups and that there was no need at that time for a police training program in the field of inter-racial relationships.” In 1947, however, the sociologist G. Gordon Brown finished his privately-funded study, which concluded that “many policemen, motivated by their individual prejudices, do treat Negroes with less consideration than they treat whites.”⁴⁵

In contrast to the confident picture of interracial harmony city officials had presented to Kluchesky, Brown found unmistakable tensions between the police force and black residents, at least some of it rooted in explicit police prejudice. In fact, the study’s number one recommendation was “that the police officials develop a course of training in race relations,” citing as a model the series of lectures and role-playing exercises used by Powers and McEntire in Richmond, California. Virtually every police officer who spoke with Brown complained about the black residents recently arrived from the South. Twenty-five thousand African Americans had migrated to Philadelphia during the war. Upwards of seventy percent of the city’s black residents was southern-born. The Philadelphia Police Department, meanwhile, was overwhelmingly white. Out of 4,460 officers, 206 were black and of these 178 held the rank of patrol. African Americans thus occupied the bottom rungs of a police force in which they were more than three times underrepresented relative to their share of the overall population—4.3 versus 13.1

⁴⁵ G. Gordon Brown, *Law Administration and Negro-White Relations in Philadelphia: A Study in Race Relations* (Philadelphia: Bureau of Municipal Research, 1947), 99, 122; Joseph T. Kluchesky to Maurice B. Fagan, February 18, 1947, Box 23, Folder 1, Fellowship Commission, SCRC, Temple University Libraries.

percent. In restricting black officers to patrol or plainclothes squads, the department appeared to enforce an unstated policy of discrimination. Some senior police officials were more explicit in their prejudice, blaming the high black arrest rate on “African ancestry” or “heredity.” A white detective matter-of-factly stated: “You don’t have too much trouble with the Negroes if you keep them in their place.”⁴⁶

Black residents interviewed by Brown depicted a racially-partisan police department that overreacted to interracial incidents while ignoring intra-racial crime where both perpetrator and victim were African American. Middle-class black professionals noted the predominantly Irish make-up of the force and complained that police “have all the prejudices of their class, and these are intensified by their service.” “They pick up people easily, use violence, and, in general, treat Negroes rather badly because Negroes are not in a position to make effective protests,” one black newspaper editor said. “The police would not pick up an Irishman except for a major crime.” Dragnet tactics was the top grievance that Brown heard from black residents. In 1944, African Americans were arrested for disorderly conduct and “suspicious character” at a rate ten times greater than that for whites. Physical brutality and inadequate protection were the next most common complaints, respectively. In an *Evening Bulletin* poll arranged by the Bureau of Municipal Research in winter of 1946, and interviews by Brown and his staff with 121 black residents, a solid majority of black respondents said that police discriminated against African Americans, either because police were brutal or failed to protect black districts. Many whites and blacks further attributed police discrimination to their corrupt ties to the numbers and prostitution rackets and the

⁴⁶ Brown, *Law Administration and Negro-White Relations in Philadelphia*, 29-32, 88-89, 100, 120-121, 156-160.

Republican machine, an allegation soon confirmed by multiple grand jury investigations that ended nearly seven decades of GOP rule in Philadelphia.⁴⁷

The liberal reform coalition that came to power in Philadelphia in 1952 promising to end the corrupt machine spoils system saw impartial non-partisan policing as an integral part of the broader police professionalization program. Thus almost immediately upon becoming police commissioner, Thomas Gibbons approved a study of “race relations within the police force” proposed by the sociologist William M. Kephart for the Albert M. Greenfield Center for Human Relations at the University of Pennsylvania. Gibbons permitted the researchers to “go anywhere and talk to anybody on the police force.” Kephart gathered field data over 1952-1953 when only 3.5 percent of the PPD was African American and no black officer held permanent rank above patrol. Kephart interviewed seventy-five commanders, all of them white; distributed over two thousand questionnaires to white patrol officers and received completed forms from more than half or 1,081; and interviewed a thirty-percent random sample of black officers for roughly an hour and a half each. From this data set, Kephart found a clustering of interrelated prejudicial beliefs: “It is clear that the white patrolmen who ‘find it necessary to be more strict with Negro than white violators’ tend to be the kind of patrolmen who object to riding with Negro partners, who object to taking orders from a qualified Negro commander, who believe there are too many Negroes on the force, or who prefer not to have Negroes assigned to their district.”⁴⁸

⁴⁷ Brown, *Law Administration and Negro-White Relations in Philadelphia*, 69, 103, 106-110, 115-120, 122; Joseph S. Clark, Jr., and Dennis J. Clark, “Rally and Relapse, 1946-1968,” in *Philadelphia: A 300-Year History*, ed. Russell F. Weigley (New York: W. W. Norton, 1982), 652-657.

⁴⁸ Kephart, *Racial Factors and Urban Law Enforcement* (Philadelphia: University of Pennsylvania Press, 1957), 9, 13, 21-25, 106; also see William M. Kephart, “Negro Visibility,” *American Sociological Review* 19, no. 4 (1954): 467.

Kephart uncovered a deeper shared dislike for black criminals among white and black officers derived from racial and class prejudice. In a “representative” opinion of police brass, a white commander told Kephart: “The crime problem is largely a Negro problem.” Another said, “The Negro is a menace in this city.” While the vast majority of commanders found black and white officers were equally efficient, a small number were explicitly racist. “Once a nigger always a nigger,” said one white officer about the African Americans under his command. Few commanders assigned black officers to patrol cars, and roughly sixty percent of white patrolmen objected to integrated assignments. Many white patrolmen cited “body odor” as their reason for not wanting an African-American partner. More than three in four white patrol officers said African Americans should be assigned to black districts, and nearly sixty percent believed white residents would resent black police. Black police were generally bitter about their restricted work opportunities. They wanted to ride in patrol cars and on balance preferred integrated assignments and beats. Most black officers believed that white police treated black and white offenders equally and, if anything, treated African Americans less strictly than was required. Black police complained that African Americans expected special treatment on the basis of a perceived racial kinship. Many black officers thus felt they had to deal more harshly with black offenders. “You gotta be tough with them,” said one. “They expect leniency.” Others asserted that African Americans, like poor people generally, committed more crime. “Well, you know how it is,” said one black officer, “the lower classes are the trouble makers.”⁴⁹

⁴⁹ Kephart, *Racial Factors and Urban Law Enforcement*, 41-42, 45, 48, 64, 79-81, 83, 85, 117, 124; William M. Kephart, “The Negro Offender: An Urban Research Report,” *American Journal of Sociology* 60, no. 1 (1954): 50.

By the time Kephart released his study in 1957, Gibbons could credibly claim that the findings were no longer up-to-date descriptions of the Philadelphia Police Department. Indeed, from 1952 to 1956, the percentage of black officers had risen fourfold from 3.6 percent to 13.6 percent. The department had also made some attempt to manage tensions between the police and residents of color. In July 1954, Gibbons appointed Allen B. Ballard to full inspector, the highest rank achieved by an African American person in the city's history. Two years later, Gibbons created the Community Relations Unit within the Juvenile Aid Division, where Ballard had previously headed the human relations unit. Ballard commanded the North-Central Police District for most of the 1950s. In December 1961, Police Commissioner Albert N. Brown, at the urging of Mayor Richardson Dilworth, created the Police-Community Relations Division to coordinate the Police-Community Relations Officers that were assigned to every district. In another historic first, Ballard achieved the rank of chief inspector when Brown appointed him to direct the new PCR Division.⁵⁰

The sudden rise of Ballard represented a new direction of the Philadelphia Police initiated by Gibbons—a move to place greater responsibility for “community relations” in the hands of district commanders who would implement top-down programs to foster mutual understanding and cooperation between police and residents. “We can have all of these very fine community-related programs and approaches,” Ballard said in 1962, “but

⁵⁰ At the July 18, 1957, meeting of the Fellowship Commission's Sub-Committee of the Committee on Community Tensions on Police-Community Relations, Gibbons claimed that 3,000 officers had left the force since Kephart began his study in 1952. Meeting Minutes, July 18, 1957, 7, Box 23, Folder 11, Fellowship Commission, SCRC, Temple University Libraries; *Philadelphia Inquirer*, July 9, 1954, 1, 7, November 25, 1961, 15, December 27, 1962, 18; *Philadelphia Tribune*, July 10, 1954, 1, 3, November 14, 1961, 1, 8, November 28, 1961, 1, December 2, 1961, 4; Joseph D. Lohman and Gordon E. Misner, *The Police and the Community: The Dynamics of Their Relationship in a Changing Society*, Field Surveys IV, Vol. 2 (Washington, D.C.: Government Printing Office, 1966), 61-62.

unless we have policemen that are professionally oriented; and unless we have a continuing in-service training program that at least exposes all echelons of the department to the need for training; and, unless the motivation, direction and guidance comes from the top—any kind of program is doomed to failure and is a waste of the tax payers money.” Ballard was describing a set of initiatives that Gibbons had inaugurated. Before becoming commissioner, Gibbons had spent fifteen years in the Crime Prevention Division, the predecessor to the Juvenile Aid Division, where he earned a reputation as an officer who rejected “the nightstick school of law.” The CPD worked closely with social workers to handle juvenile delinquency complaints through mediation rather than prosecution. In this work, Gibbons learned to appreciate the instrumental value of enlisting city agencies as police partners, a perspective he brought to the Police-Community Relations programs that he helped to introduce soon after the national PCR conference of April 1954.⁵¹

The intergroup agencies largely responsible for developing Philadelphia’s PCR programs were primarily engaged day-to-day in adjudicating civil rights complaints and ameliorating tensions arising from desegregation, neighborhood flux, and intergroup violence. The Fellowship Commission, the private agency directed by Maurice Fagan, established the Committee on Community Tensions in the early 1950s to catalogue and

⁵¹ Allen B. Ballard, “Police Working in the Neighborhood,” in *The Eighth Annual National Institute on Police and Community Relations*, May 20-25, 1962, Kellogg Center for Continuing Education (East Lansing: Michigan State University, 1962), I-7; *Philadelphia Inquirer*, October 6, 1957, 1B, 18B, July 23, 1960, 5; for background on the CPD, see Committee on the Judiciary, *Juvenile Delinquency: Hearings Before the Subcommittee to Investigate Juvenile Delinquency*, 86th Congress, 1st Session, Part III (July 16, 1959), 292-295 (Statement of Commissioner Thomas J. Gibbons, Philadelphia Police Department); for criticisms of the superficial nature of the department’s PCR programs but praise for the PCR-style work of the Juvenile Aid Division, see Lohman and Misner, *The Police and the Community*, 67, 72, 88-89; for a later criticism of JAD, see statement of Attorney Robert B. Finkel in Pennsylvania State Advisory Committee, *Police-Community Relations in Philadelphia: A Report to the United States Commission on Civil Rights* (Philadelphia: U.S. Commission on Civil Rights, 1972), 28-30.

respond to potentially provocative incidents, especially “move-in” riots, in which white residents used violence and intimidation against African Americans attempting to settle in previously all-white enclaves, and street brawls between black and white juveniles over access to public recreational spaces like parks and swimming pools. A common CCT partner, and the second leading advocate of PCR, was the Commission on Human Relations, a city agency established by Mayor Joseph S. Clark, Jr., in 1952 to enforce the anti-discrimination provisions of the Home Rule Charter of 1951, for housing, employment, public accommodations, and, to a lesser degree, policing. In February 1953, George Schermer arrived from Detroit to become the second executive director of the CHR. Both Fagan and Schermer endorsed an informational strategy to resolving intergroup conflict, such as their joint multi-year effort to deracialize crime statistics.⁵²

Intergroup officials pursued a potential collaboration with the Police Department as an extension of ongoing efforts to identify and eliminate common misconceptions about police, crime, and residents of color through educational programs. The two major ideas that Fagan and Schermer would implement both came out of the national PCR conference of 1954: human relations training and neighborhood-based structured conversations between police and residents. The Fellowship Commission identified West and Northeast Philadelphia as pilot districts for precinct meetings. In the early

⁵² *Philadelphia Tribune*, June 1, 1954, 9, June 5, 1954, 9, June 8, 1954, 16, June 12, 1954, 16; *Philadelphia Inquirer Magazine*, April 4, 1954, 18; CHR, Memorandum of Information No. 3, Racial Incident Occurring at 2863 Judson Street, August 225, 1954, Box 18, Folder 2, Fellowship Commission, SCRC, Temple University Libraries; Summary of Tensions for Discussion at Meeting of Committee on Community Tensions Prepared by CHR Staff for Period From May 1, 1954, to September 30, 1954, *ibid*; CHR, Summary of Neighborhood Tensions or Threatened Tensions Around Housing Situations, October 13, 1954, *ibid*; Orientation Seminars on Race and Crime, Seminar III, December 10, 1964, Box 23, Folder 14, Fellowship Commission, SCRC, Temple University Libraries; Dennis Clark, “‘Big Lie’ About Negro Crime in Philadelphia,” *Community*, n.d., Box 23, Folder 23, Fellowship Commission, SCRC, Temple University Libraries.

preparatory phase in October and November 1955, Fagan solicited input from Inspector Ballard and “key community groups” on existing police PCR programs. A memo drafted by Fagan on November 21, 1955, defined the potential parameters of the new venture. The main objectives were to achieve mutual understanding and cooperation between police and the community, to “improve and extend the *intergroup* aspects of police training programs” at the academy and in the districts, and to “develop mutually acceptable machinery for adjusting complaints” both against and by police. At this time, the Fellowship Commission revived a questionnaire for possible use in this training. The survey, originally distributed to the attendees of the 1954 conference, presented fifty-five questions to gauge opinion on the core issues of PCR, such as whether police were more prejudiced than the general public and whether African Americans were more likely to resist arrest than whites.⁵³

The Police Department, the Commission on Human Relations, and the Fellowship Commission preserved this top-down technocratic approach to reform when they established the Police-Community Relations Program (PCRP) in December 1955. “To create more personal, more sensitive, more informed, more positive relations is the larger objective of a permanent Police-Community Relations Program” read the inaugural statement. Invoking the PPD’s longtime partnership with the Crime Prevention Association, a private agency chiefly concerned with juvenile delinquency, the December 21 memorandum listed as potential participants in the program traditional stakeholders

⁵³ Maurice B. Fagan to Allen Ballard, October 27, 1955, Box 23, Folder 11, Fellowship Commission, SCRC, Temple University Libraries; Maurice B. Fagan to Sidney B. Markey, November 8, 1955, *ibid*; Maurice B. Fagan to M. H. Peiffer, November 11, 1955, *ibid*; Questions for Possible Use in Police Academy Program for Recruits and In-Service Training, November 1955, *ibid*; Memorandum for Discussion with Police Leaders, November 21, 1955, *ibid*.

such as representatives from the city's health and welfare and education departments, community organizations, and labor and business groups. At the first concrete planning meeting held on January 9, 1956, members agreed to select districts for neighborhood councils that were "neither the worst nor the best sections of the particular community" to allow the program to succeed and to "confine" the PCRC to "intergroup aspects" so it "would not invade the jurisdiction of the Police Department" pertaining to juvenile delinquency and criminal matters.⁵⁴

From the outset the PCRCP contained an internal tension between reforming the police and reinforcing police legitimacy, a more fundamental disagreement that intergroup and police officials aired at the official launch in March 1956. George Schermer led off the March 23 meeting by clarifying the role of the police within the overall project of human relations to foster harmonious relations between citizens and government. Schermer argued that minority groups resented the police as the front-line symbols of a distrusted or oppressive authority. "The police have more to do with the attitudes of citizens toward their government than any other group," Schermer said. Thus it was necessary to ensure police acted like impartial representatives of government and had the tools to diagnose and quickly defuse potentially explosive front-line problems. Per the meeting minutes, Inspector Albert Trimmer followed Schermer by explaining that the Police Department "was endorsing this program because of the great need of public acceptance of the police function" and expected participating commanders to learn the

⁵⁴ Discussion Memorandum, December 21, 1955, 1, Box 23, Folder 11, Fellowship Commission, SCRC, Temple University Libraries; Steering Committee – PCRCP, January 9, 1956, 3, *ibid*; Committee on the Judiciary, *Juvenile Delinquency: Hearings Before the Subcommittee to Investigate Juvenile Delinquency*, 86th Congress, 1st Session, Part III (July 16, 1959), 261-284 (Statement of Hon. Nochem S. Winnet, Chairman, Crime Prevention Association of Philadelphia, Pa.).

skills for “selling the department to the public in order to be more effective.” Fagan quickly responded that “community relations should be distinguished from public relations” and expressed hope that this initial partnership might lead to a Police-Citizens’ Advisory Council, an idea proposed at the 1954 conference to establish a permanent infrastructure whereby intergroup officials served as “liaisons” between marginalized residents and the police. This idea never came to fruition.⁵⁵

Early meetings of the PCRCP indicated how members might stray from the relatively safe focus on interracial tensions arising from housing desegregation to touch upon more controversial subjects like police discipline that risked infringing upon the traditional jurisdiction of the Police Department. Thus the April 19, 1956, minutes stated that “Question was raised as to whether the group should not learn the rights of the average citizen when he is picked up on a charge by a police officer,” but “Time did not permit discussion.” At the following meeting, on May 3, Charles Shorter, president of Philadelphia NAACP, presented a case that “typifies the kind of police mistreatment brought to the attention of the NAACP,” which was “also typical of the type of results we get when an officer is brought before the Police Trial Board.” A black woman had complained that two city police officers and a sheriff’s deputy, who came to her house at 4:30 a.m. searching for one of her sons, had arrested the other son for demanding to see a search warrant and then had physically assaulted him at the station-house. The Trial Board exonerated the officer, while the judge dismissed the resisting arrest charge against

⁵⁵ Police-Community Relations Meeting, March 23, 1956, 1-2, Box 23, Folder 11, Fellowship Commission, SCRC, Temple University Libraries; Conference Proceedings, 10, Box 23, Folder 4, Fellowship Commission, SCRC, Temple University Libraries; an important planning memo from steering committee: Police-Community Relations Program, November 20, 1956, Box 23, Folder 12, Fellowship Commission, SCRC, Temple University Libraries.

her son and criticized the arresting officers. In response to Shorter's complaint of lax discipline, police officials argued that a Trial Board hearing was hardly a sign of leniency, and that "over 95%" of complaints were "unfounded." Seeking consensus, the group affirmed the significant strides the department had recently made in improving its personnel and operations. Fagan then brought the conversation to a close by recommending that the PCRPs strive to broadcast this progress to the public and dispel rumors of brutal policing aired by inflammatory coverage in the black press.⁵⁶

The police brass who served on the neighborhood PCR Teams similarly steered discussion to incidents of an obvious intergroup character while dismissing criticism of police tactics as irrelevant or improper interference with legitimate police authority. The West Philadelphia PCR Team, the better-organized of the two, encompassed the 16th, 29th, and 38th police districts, and at their first meeting in spring of 1956, members decided the major community concerns were interracial teen fighting at school and street-corner loitering by groups of youth. Police Inspector Howard Kennedy produced a case to show how internal police investigations frequently uncovered more ambiguity, and even criminality on the part of the alleged victim, than the straightforward story of white civilians or police harassing innocent African Americans that was commonly given in black papers like the *Tribune*. At an October meeting, team members weighed whether to consider policing tensions that fell outside the narrow frame of intergroup tensions but struggled to answer the question of how their work differed from the efforts of the Crime

⁵⁶ Seminar Session on Police-Community Relations Program, April 19, 1956, 4, Box 23, Folder 11, Fellowship Commission, SCRC, Temple University Libraries; Seminar Session, May 3, 1956, 3-4, *ibid*; Appendix Item, "Case of Police Mis-treatment," May 3, 1956, 1, *ibid*.

Prevention Association and Police-Community Relations Officers.⁵⁷

The West Philadelphia PCR Team plodded along through 1957 and 1958, struggling to find a clear focus and direction to pursue their given mandate. The main participants were police inspectors and district captains, an area worker for the city's Health and Welfare Council, principals of neighborhood schools, a CHR representative, among others. The meeting minutes indicate how the Police Department's sense of its own professionalism, specifically its operational autonomy from outside influences, could impede an equal working partnership. Tellingly, Police-Community Relations Officers sometimes appear as Police Public Relations Officers in the minutes, and members devoted the majority of time each meeting to discussing ways to improve the image of police, especially among school-age minority youth. The group struggled to overcome frequent changes in police personnel in planning even short-term projects. In December 1957, for example, Inspector Allen Ballard, recently promoted head of the West Police Division, replaced Inspector Joseph W. Max, who had been attending in the place of Inspector Howard Kennedy. Over time, the West PCR Team concentrated on problems in and around schools in changing neighborhoods, especially Overbrook High School. Thus the group settled on "youth canteens," or teen dance parties hosted by a local high school, as their signature PCR event. At the first dance, on April 25, 1958, uniformed police officers greeted teens at the door, mingled, and distributed drinks. Deeming the event a success, members devoted subsequent meetings almost entirely to planning the next canteen.⁵⁸

⁵⁷ Summary of West Philadelphia Section Meeting, May 31, 1956, 1-2, Box 23, Folder 12, Fellowship Commission, SCRC, Temple University Libraries; Minutes – October 13, 1956, 1, *ibid.*

⁵⁸ Attendees of the West PCR Team meeting on February 7, 1957, included: William Baker of the 38th Police District; Alice T. Dashiell of the Health and Welfare Council; J. J. Essaf, a Human Relations Officer

The Northeast Philadelphia PCR Team struggled from the outset not only to clarify its purpose but, more fundamentally, to decide whether it offered a necessary service. The first meeting on October 16, 1958, began with this latter question—which the Team kept raising over its brief duration. Few present believed that the Northeast, covering the 2nd, 7th, and 15th police districts, had any intergroup conflict. “There are no problems regarding the moving in of Negro families,” said 2nd District Community-Relations Police Officer Herbert Cohen, per the meeting minutes, “and there never have been.” When a member suggested that the group participate in the upcoming symposium “Lessons from Montgomery and Little Rock: A Non-Violent Approach to Race Relations,” organized by Reverend Ralph D. Abernathy of the Southern Christian Leadership Conference, the Team voted down the proposal, “feeling that it should not become involved with problems in Little Rock and the South.” Inspector Dennis P. Rooney, Northeast Team chair, appointed a Problem Research Committee to investigate potential areas of focus for the group to consider as they made plans.⁵⁹

Police reaction to the report suggested how the Police-Community Relations Program was fixated on inter-citizen problems at the expense of police-citizen conflicts. Reverend George Kenner, Officer Herbert Cohen, and Norman A. Oshtry in their report envisioned the PCR Team as a “clearing house” for area problems and a mechanism for “developing a more cooperative police-community relations spirit in the community.”

of the 29th District; Harold W. Freeman of Sulzberger Jr. High School; Leroy S. Layton of West Philadelphia High School; Harold White McCoo of the Parkside YMCA; and Norman A. Oshtry of the CHR. Minutes, February 7, 1957, Box 23, Folder 13, Fellowship Commission, SCRC, Temple University Libraries; Minutes, November 14, 1957, *ibid*; Minutes, December 10, 1957, 1, *ibid*; Minutes, February 11, 1958, 2-3, *ibid*; Minutes, May 13, 1958, *ibid*; Minutes, June 10, 1958, *ibid*; Minutes, October 21, 1958, *ibid*; *Philadelphia Tribune*, April 26, 1958, 15.

⁵⁹ Minutes, October 16, 1958, 1-2, Box 23, Folder 5, Fellowship Commission, SCRC, Temple University Libraries; also see, Minutes, October 30, 1956, *ibid*.

The report outlined six typical potential concerns, including “hate literature,” parents protesting the arrest of minors, teachers failing to protect victims in racial incidents, youth recreation disputes, public disturbances, and gambling houses. To facilitate intergroup community solidarity, the Problem Research Committee recommended giving awards for community and police service and sponsoring neighborhood events. Police members of the PCR Team were unenthusiastic. Rooney called the report incomplete and vague. One police captain said, “There is no reason for our existence if we can’t see any problems.” “Why do we meet?,” said another captain.⁶⁰

By defining intergroup problems so narrowly, police brass failed to recognize how tactics that they considered legitimate might inflame racial tensions and thus fall within even their limited mandate. Thus, per the meeting minutes for December 22, 1958, the next meeting of the PCR Team following the exasperated discussion of the report, “Rev. Kenner reported that many Negro families in his church and in the neighborhood are disturbed because the home of a much respected and law-abiding elderly lady was raided a few weeks ago by the Police without any apparent cause.” “If this ladies’ home can be invaded by the Police without good excuse or evidence,” Kenner wondered, “then no one’s home is safe and people become fearful.” Rooney “assured” Kenner that the raid was unrelated in any way to “the racial factor.” “On the contrary,” the Northeast Division police inspector said, “we are trying to help the Negro neighborhood overcome the difficult problem of white whiskey being made and sold illegally in houses.” After emphasizing the need for citizen “cooperation”—a word he used three times—Rooney said police should be “given credit for effort” and that he would investigate whether this

⁶⁰ Minutes, November 25, 1958, 2, *ibid*; Report of Problem Research Committee, December 4, 1958, 2-3, *ibid*.

particular case merited disciplinary action.⁶¹

The early struggles faced by the Northeast Philadelphia PCR Team prompted some reflection from members and the PCR leadership over how to define the limits for “police-community relations.” In November 1956, George Schermer gave a short address to the Team to help clarify their mission. “I understand that the group is somewhat confused at this moment about its task and what it should do next,” Schermer said. “It is unwise for us to establish a perimeter,” he continued, but rather supplied “a couple of guide posts or anchor points from which you can take your bearings.” The first “guide post” concerned intergroup conflicts arising from “misunderstanding” and “prejudice,” and the second was any community problem “which either directly or indirectly may become the concern of the Police Department.” The entire purpose of the PCR, Schermer said, was to intervene in the social life of a community before latent tensions escalated into violent conflicts. Thus it was to drive the police deeper into the lives of residents, to ameliorate intergroup hostility or remove youths from street corners, before these community problems manifested as overt police problems.⁶²

Police brass, however, were rarely eager to adopt the role of social worker and instead preferred to focus on areas of immediate and direct concern to their core duties. Frank Rizzo took this view when he became chair of the Northeast PCR Team in April 1959 after Gibbons promoted him to inspector and placed him in charge of the 2nd, 7th, and 15th districts. Rizzo at the time was facing a civil suit lodged by a central city coffee

⁶¹ Minutes, December 22, 1958, 3, *ibid.*

⁶² Remarks Made by George Schermer, Executive Director, CHR, to Northeast Police-Community Relations Team, Thursday, November 15, 1956, 1-2, *ibid.*; also see, “About the Northeast Police-Community Relations Team,” a digest of remarks made by George Schermer at the Northeast PCR Team meeting on February 26, 1959, *ibid.*

shop owner who complained of a pattern of illegal police raids, mass detentions, and physical and verbal harassment. Indeed, Dorothy Anderson joked in the *Tribune* that she would congratulate Gibbons “on the removal of ‘Cisco Kid’ Frank Rizzo, new Inspector in the Northeast, where the latter won’t be ‘bugged’ by seeing his pet-peeve—interracial couples in Coffee Houses!” Rizzo opened the first meeting as chair of the Northeast PCR Team, on May 28, 1959, by noting that in the three months he had been inspector, “he had not observed or learned of any ‘human relations problems.’” With broad approval from the group, Rizzo therefore recommended that they meet biannually instead of monthly. By the end of 1960, the West and Northeast PCR Teams were both defunct.⁶³

If police commanders could demonstrate blindness to the ways that street policing might provoke resentments from members of the public and impair Police-Community Relations, George Schermer and Maurice Fagan appreciated the risk and put substantial pressure on Commissioner Gibbons to implement a training program for front-line officers. A “move-in” incident from July 1957 illustrated the urgency of the problem for Schermer and Fagan. A black woman had seen white men set fire to her Germantown home, located in a predominantly white neighborhood, while she and her two young children were inside, but the investigating officer, in her telling, was indifferent and hostile. He said, “move on, nigger,” and when she protested, he continued, “You better get on away from me, nigger, if you say you saw somebody do this, or I’ll put you in a

⁶³ *Philadelphia Inquirer*, March 20, 1959, 31; *Philadelphia Tribune*, March 24, 1959, 5; Minutes, May 28, 1959, Box 23, Folder 5, Fellowship Commission, SCRC, Temple University Libraries. Given the timing, it appears likely that Gibbons promoted Rizzo and transferred him to the Northeast in part to deflect from the negative publicity arising from the harassment allegations and subsequent civil suit. See *Haifetz v. Rizzo*, 171 F. Supp. 654 (1959) at 655; for details on Rizzo’s conduct during the coffee shop raids, see *Haifetz v. Rizzo*, 178 F. Supp. 828 (1959); Testimony of Melvin Haifetz, February 26, 1959, 21, 25, Civil Case File #25967, Box 2520; U.S. District Court for the Eastern District of Pennsylvania; Records of District Courts of the United States, Record Group 21, National Archives and Records Administration at Philadelphia.

cell and beat your head in.” The woman, however, was grateful for the “big people” in the Police Department, who arrived soon thereafter and protected her from a crowd of heckling whites.⁶⁴

Fagan brought this incident to the attention of Gibbons in a long letter dated August 1, 1957, as part of a request to revamp the “almost meaningless” and “non-existent” human relations training offered at the academy and in-service, respectively. Fagan’s letter, and subsequent pressure from Schermer, yielded quick, substantial results. In the fall, Fagan attended a four-hour session at the police academy with Deputy Commissioner Albert N. Brown, at which Fagan met curious, engaged police recruits eager to learn about intergroup relations and witnessed the promise of involving intergroup officials directly in the institutional life of the Police Department. At a September meeting to discuss “Police-Press-Community Relations,” Schermer “pointed out the difficulty in seeing that orders from the top reach all the way down the line,” and noted the challenge but necessity of CHR expanding the training it was then offering to the Highway Patrol to the rest of the force. In March 1958, Gibbons announced that the CHR would begin “developing a training program in human relations for police personnel.”⁶⁵

The training program that the Commission on Human Relations developed in consultation with academics, high-ranking police officials, and intergroup agencies represented a culmination of the postwar PCR paradigm, while breaking new ground by

⁶⁴ *Philadelphia Tribune*, July 27, 1957, 1, 2

⁶⁵ Letter from Maurice B. Fagan to Thomas J. Gibbons, August 1, 1957, 1-2, Box 23, Folder 13, Fellowship Commission, SCRC, Temple University Libraries; Minutes, September 12, 1957, 3, Box 23, Folder 11, *ibid*; Letter from Maurice B. Fagan to Albert N. Brown, November 14, 1957, Box 23, Folder 10, *ibid*; City of Philadelphia Press Release, March 24, 1958, *ibid*.

translating those core precepts into novel training exercises for use by front-line officers. The CHR was given a budget of \$30,000 and ultimately hired Arthur I. Siegel and Roy Baker of Applied Psychological Services, who after some deliberation decided the nine objectives that would guide the training program. Most of them boiled down to educating the police officer to appreciate “the human relations aspects of their jobs,” including respecting civil rights, learning the backgrounds and specific grievances of marginalized groups, and accepting “integrated situations.” The Technical Advisory Committee, made up primarily of CHR and Police Department officials, collaborated with Siegel and Baker as they interviewed seventy-five police officers and analyzed 300 Offense Reports from the Juvenile Aid Division to create 226 “job items” that they classified according to knowledge, attitudes, and skills. Researchers then took 267 incidents recorded by specially-trained field observers and scored each according to an idealized metric of job performance. Then, with assistance from intergroup officials, Siegel and Baker organized the incidents according to “criticality” and ultimately arrived at ten common patrol scenarios with significance for human relations. The researchers further conducted a poll of 600 Greater Philadelphia residents to gauge public opinion on police performance. From this data set, APS produced a human relations training program consisting of seminars and role-playing exercises.⁶⁶

Intergroup personnel had to fight to retain some control over the training program.

⁶⁶ For useful background, see George Schermer’s preface to Arthur I. Siegel and Roy C. Baker, *Police-Human Relations Training* (Wayne, Penn.: Applied Psychological Services, 1960), [unpaginated]. Also see: Siegel and Baker, *Police-Human Relations Training*, chap. 2-4; Summary of Report of Police Human Relations Training Study, June, 1960, Box 23, Folder 5, Fellowship Commission, SCRC, Temple University Libraries; Report on the Police Training Program at the Board of Commissioners Meeting, November, 13, 1959, by Christopher Edley, Chariman, Police Technical Advisory Committee, November 13, 1959, *ibid*; Arthur I. Siegel, Philip J. Federman, and Douglas G. Schultz, *Professional Police-Human Relations Training* (Springfield, Ill.: Charles C. Thomas, 1963), ix-xiii.

After completing the preliminary research, the Technical Advisory Committee agreed that human relations training should be integrated into the academy curriculum rather than “specifically earmarked.” Yet, it was never settled who should deliver the materials to the rank-and-file. Over the summer of 1961, Fagan and Siegel had a testy exchange over this question. Siegel maintained that APS preferred to limit the role of intergroup personnel, because their perceived emphasis on police policy was more appropriately geared toward command staff rather than the ranks and that any requirement of their involvement “will prove to be destructive and detrimental to this training program.” Smarting at the insult, Fagan insisted that intergroup personnel would make “an invaluable contribution,” precisely because of their longstanding hands-on experience working with police officers. The question was never resolved, but it spoke to the tensions that inhered to any effort to reform police from the outside. The CHR, meanwhile, distributed an advertisement titled “Wanted! Social Scientists,” seeking “co-trainers to police in human relations.” In September, the testing phase for the new program began with twenty sergeants.⁶⁷

Contemporaries reported a mixed outcome for the police human relations training program in Philadelphia. In June 1962 Charlotte Epstein, who had been hired by the Technical Advisory Committee to lead the training and who as an instructor at the Greenfield Center for Human Relations had taught classes in human relations for police as early as 1959, observed that many officers were resistant to the general thrust of the curriculum. They had to overcome the ingrained view that “an offender must be ‘taught a lesson’” and that the police role was “*loco parentis*.” Some were offended by the training,

⁶⁷ Arthur I. Siegel to Technical Advisory Committee on Police Human Relations Training, July 24, 1961, 2, Box 23, Folder 10, Fellowship Commission, SCRC, Temple University Libraries; Letter from Maurice B. Fagan to Arthur I. Siegel, July 26, 1961, 2, *ibid*; “Wanted! Social Scientists,” June 8, 1961, *ibid*.

taking it as a sign that “the command regards them as incompetent.” But a minority were eager to gain insight into ongoing racial conflicts, and vent about the demanding nature of the job at a moment of great social tension. While Inspector Ballard said he had witnessed a personal transformation in several officers, a staff assistant at the Fellowship Commission noted the “apparent ‘self-containment’” of the training at the academy, suggesting, as Schermer and Fagan had feared, that the department had perhaps sidelined human relations within its overall mission. Over the course of the decade, the department and the CHR faced budgetary constraints in maintaining the program, especially the in-service component. Still, by 1966, nearly 5,000 officers had taken some training in human relations—almost four thousand had enrolled in the longer, 30-hour course developed by APS.⁶⁸

Despite limited initial influence in Philadelphia, the program of Siegel and Baker became canonical in the national PCR field over the 1960s. Echoing Lohman’s critique from fifteen years earlier, the researchers decided that a “frontal attack on attitudinal reconstitution” was “probably preordained to failure.” Instead they selected nine lectures and ten basic patrol scenarios to organize the course around. The lecturers mainly dealt with recognizing and controlling personal prejudice, including one on the “myths and facts” pertaining to crime. The role-playing scenarios were: street lounging, argumentative married couple, argumentative neighbors, burglary investigation, car stop, crowd, drunk, fights and riots, house search, and molesting a female. The curriculum

⁶⁸ Charlotte Epstein, Ph.D., “Problem Areas in Intergroup Relations Education for Police Officers,” *The Police Journal* (March 1959): 3-5; Gertrude R. Burrell, Annual Report of Program Activities for 1961-1962, 10, 13, Box 18, Folder 1, Fellowship Commission, SCRC, Temple University Libraries; Lohman and Misner, *The Police and the Community*, 76; on budgetary constraints, see George Schermer’s preface to Siegel and Baker, *Police-Human Relations Training*, [unpaginated]; Pennsylvania State Advisory Committee, *Police-Community Relations in Philadelphia*, 71.

divided each scenario into four stages, to get officers to analyze every step from first contact to final decision. Then the trainers marched the class through a version of the same scenario four times to discuss best practices for reaching a desired outcome, perhaps best summarized as maintaining control of the situation at hand while without violating anyone's civil rights or aggravating group-based resentments toward police and the government.⁶⁹

In the street lounging example, instructors asked police to consider the “environmental factors” that “lead” some to congregate on corners, and whether citizens in some cases had the right to remain. To explain why “street loungers,” a Philadelphia colloquialism, “are often reluctant to disperse,” the training guide encouraged police to consider the flamboyant dress of working-class young men “as a prestige symbol similar to the yacht of the business man or the political leanings of some college students” and to evaluate “the tendency of others to ‘put minorities in their place’” and the “lack of steady jobs.” Altogether, the lessons were designed to build empathy for minority groups and prompt deeper contemplation of the strategic value of traditional police tactics such as the tendency to adopt an “authoritarian” demeanor or make a retaliatory arrest to demonstrate power over uncooperative citizens. “Why is it important for officers to control their behavior and not become hostile or belligerent toward citizens?,” the guide asked. “How do you think your supervisors would answer the question?”⁷⁰

Siegel summarized the APS experience in Philadelphia in a 1963 book that

⁶⁹ Siegel and Baker, *Police-Human Relations Training*, 46, 87; for lecture outlines, see Box 2, Folder 3, George Schermer Papers, 1949-1973, Amistad Research Center (ARC), New Orleans; for the ten patrol scenarios, see Box 2, Folder 6, ARC.

⁷⁰ “Case 1 – Street Lounging,” 1-2, 1-3, 1-7, 1-13, Box 2, Folder 6, Schermer Papers, ARC; on “corner-lounging” in Philadelphia during the 1960s, see, generally, Lohman and Misner, *The Police and the Community*, 121, 142-147, 156-157, 168-169.

became a national blueprint for police training. Detroit's liberal mayor, Jerome P. Cavanagh, cited the APS research in its grant application for an in-service program in the spring of 1965. Helped by his growing national stature and position on the White House Task Force on Urban Summer Problems, Cavanagh ultimately won \$213,222, the full amount requested, to train 1,800 Detroit police officers from July to October 1965. Ninety percent of the funds was provided by the Office of Economic Opportunity, the federal agency created by President Lyndon Johnson to direct the War on Poverty, and the city financed the remaining ten percent. All the officers came from "inner-city precincts" chiefly to obtain federal anti-poverty dollars, although Cavanagh cited a March 1965 report by Greenleigh Associates recommending "special training" for police "in understanding and working with persons in poverty" and "the problems of minority groups and other culturally deprived residents with whom they come into contact." The city's grant application incorporated the APS lectures and case scenarios largely unchanged, and advanced identical objectives, including "to develop in police officers the ability to meet, without undue militance, aggressiveness, hostility, or prejudice, police situations involving minority groups."⁷¹

Supporters and critics alike understood the in-service program as an attempt to instruct patrol officers in liberal pluralistic values. In a press release from late July 1965, the Detroit Commission on Community Relations, who cosponsored the training with the Detroit Police, announced the graduation of the first class of 450 officers. The DCCR

⁷¹ Operating Grant for A Summer In-Service Training Program In Community Relations, May 1965, 2-3, 7, Part 3, Series VI, Box 65, Folder 17, DCCR, Reuther Library; Minutes of April 15, 1965, Interagency Meeting with Mayor Jerome P. Cavanagh of Detroit, Michigan, April 21, 1965, 5, Box 62, Folder 4, Records of the Community Relations Service (CRS), Record Group 379, National Archives at College Park, Maryland (NACP); Arthur I. Siegel, Philip J. Federman, Douglas G. Schultz, *Professional Police-Human Relations Training* (Springfield, Ill.: Charles C. Thomas, 1963); Greenleigh Associates, *Study of Services to Deal With Poverty in Detroit, Michigan* (New York: Greenleigh Associates, Inc., 1965), 130.

cited the “rise of civil rights demonstrations,” “recent Supreme Court decisions modifying search and seizure laws,” and recent DPD policy shifts “eliminating investigative and disorderly person arrests” as the rationale for a program to help police “gain new understanding of their role.” By contrast, Councilman Philip J. Van Antwerp, a retired police inspector and leading council voice of rank-and-file discontent, saw these trends as a reason to oppose such a program. “Instead of spending that money on teaching the police how to behave toward citizens,” Van Antwerp said, “we could use a million dollars to teach citizens how to behave.” Councilman Thomas D. L. Poindexter offered similar criticism. As director of the Greater Detroit Homeowners’ Council and a die-hard foe of the DCCR, Poindexter had led successful campaigns to defeat fair housing in the city, giving him a notoriety that he used to win a council seat in 1964. Thus Poindexter delayed approval, citing “a suspicion” that he would disapprove of the training materials. Nevertheless, Van Antwerp and Poindexter fell in line, and the council released the funds by unanimous vote.⁷²

Signs of rank-and-file resistance to the program appeared as early as June, when the city announced the pay rates for participants in the program: \$3.50 per hour for police, between \$75 and \$100 per day for guest lecturers, and \$3.75 per hour for citizens, mainly prominent black members of block groups or neighborhood PCR committees. The Detroit Police Officers Association, the patrol union, knocked the “high-paid consultants” and requested that officers be able to attend while on-duty or receive the overtime rate of

⁷² DCCR Press Release, July 29, 1965, Part 3, Series VI, Box 65, Folder 17, DCCR, Reuther Library; James Boudouris, Evaluation of Police Seminar in Community Relations, September 6, 1966, 1, Series I, Box 10, Folder 22, NAACP Detroit Branch Collection, Reuther Library; *Detroit News*, June 14, 16, 1965; Stephen Grant Meyer, *As Long As They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods* (New York: Rowman and Littlefield Publishers, 2000), 175-178.

time-and-a-half. The city ignored their demand. Classes nevertheless started on schedule in July—the first of four month-long blocs. Between fifty and 100 officers attended two sessions per week, each two and a half hours, at which they listened to a lecture, acted out the case scenarios, and held a group discussion led by DCCR staff and police commanders. Citizens were barred from attending the role-playing, likely to permit a more granular, unguarded discussion of police tactics. Lecturers included former Detroit corporation counsel Nathaniel Goldstick; Wayne County Circuit Judge Horace W. Gilmore; Reverend Hubert Locke, a prominent black activist and director of the Citizens Committee for Equal Opportunity; and academics from local universities, including Michigan State University’s School of Police Administration.⁷³

Detroit’s in-service police training program struggled as Schermer and Fagan had in Philadelphia in trying to reach a wary rank-and-file, who generally resented any command-driven policy that cast patrol officers in an unfavorable light. The DCCR recognized these concerns in a critical evaluation published internally in late July 1965. The officers were frustrated by cases they felt were “too unrealistic” and irrelevant to everyday police work. Weeks earlier the DPD had made minor edits to tailor the case scenarios to local realities, such as substituting “Muslims” for “small religious sect” and swapping out Elvis Presley for the Beatles. The DCCR made one further amendment: changing “street lounging” to “street loitering” since, as several officers noted, no Detroit

⁷³ *Detroit News*, June 8, 9, 1965; Horace W. Gilmore, “Professional Police Work in a Changing Society,” Box 14, Folder 12, Horace W. Gimore Collection, Reuther Library; DCCR Press Release, July 29, 1965. At the last minute, OEO inserted the following clause a condition for approving the grant: “No grant funds shall be expended for the summer police in-service training program...until at least two neighborhood persons who have been hired on a part-time basis to describe to the police the perception of police in the neighborhoods.” Yet OEO officials in mid-August 1965 were disappointed by “the relative absence of citizen participation.” Ben Sissel to Seymour Samet, Weekly Field Report for the Week Ending August 14, 1965, August 12, 1965, 1, Box 59, Folder 1, CRS Relations Service (CRS), NACP

ordinance proscribed the former, only the latter. In a related vein, officers felt that many of the lectures provided inadequate “factual material” that they could apply to their work. Thus they were delighted when Goldstick discussed the ways that recent liberal Supreme Court decisions had “handcuffed police,” a performance that OEO officials in attendance described as “very unfortunate.” Plus, as another DCCR memo observed, police commanders led the role-playing, likely hampering rank-and-file engagement. The top-down command-driven implementation of PCR would lead the DPOA in their official periodical *Tuebor* a few years later to refer to the “Brass Community Relations Program.”⁷⁴

The coordinators envisioned a specific pedagogical route that each session would take from the opening premise to final epiphany, and most of the time DCCR observers believed they had achieved this objective, but on a few occasions police asserted their own agenda. During roleplay at the 5 p.m. session on August 12, 1965, per the DCCR staff log, an officer performing “mimicry of stereotype with dialect playing Negro women offended at least one Negro officer who scowled throughout.” Afterward, however, “several white officers” went to the coordinator and “expressed indignation and disapproval.” Discussion of the racial slur “spic” at the first two sessions on August 25 dismayed DCCR staff, since almost none of the hundred or so officers recognized the term as problematic and in fact one continued to use it. The group was discussing the case scenario “Fights and Riots” in which police protect a Mexican-American man

⁷⁴ Stanley Webb, Critical Evaluation of In-Service Training Program, July 21, 1965, 1, Part 3, Series VI, Box 65, Folder 18, DCCR, Reuther Library; Evaluation of Police In-Service Training Program in Human Relations – July, August, September, October 1965, n.d., 1, *ibid*; DPD, Change of Questions in Professional Police-Human Relations Training Program, July 13, 1965, Part 3, Series VI, Box 65, Folder 17, DCCR, Reuther Library; Sissel to Samet, Weekly Field Report for the Week Ending August 14, 1965, August 12, 1965, 1; *Tuebor* 31, no. 6 (June 1970): 5.

named James Rodriguez from an advancing mob. But when an officer refers to him as a “spic,” Rodriguez spits upon the officer who punches him in the face. At all three sessions—even the last where everyone seemed to disapprove of the racial slur—the “officers would’ve hit Rodriguez, though it might be illegal.” Commanders occasionally took up a similar view on the use of force. In late October, Sergeant Peters recommending using the nightstick “to poke at sensitive, lower body parts” since it “leaves no visible effects leading to cry of brutality, yet is very effective.” Pressed by DCCR for clarification on the limits and “psychology of force,” Peters responded, per staff notes, “that causing bleeding by hitting a man on the head would inflame the crowd on the street.” At both sessions the citizens were “dissatisfied” with this lesson. In fact, one called the DCCR the following day to complain.⁷⁵

The Detroit human relations police training program offers a rare window into how officers perceived the postwar paradigm of PCR. The program was extensively evaluated by DCCR staff and the police participants themselves, many of whom completed opinionnaires throughout the summer. Based on the overwhelming anecdotal evidence, James Boudouris, a DCCR staff member, observed that the “police were quite overt in their distrust and hostility toward Commission staff, and saw them as intruders.” The proportion of officers who were disappointed in the course grew from fifty-nine percent to sixty-five percent from July to August, yet a substantial majority said they would recommend it at the precinct and the share who rated the case scenarios as “bad” declined significantly from eighty-two percent to sixty-six percent from July to

⁷⁵ Evaluation of Police In-Service Training Program in Human Relations – July, August, September, October 1965, n.d., 1; Staff Log, August 12, 1965, Part 3, Series VI, Box 65, Folder 18, DCCR, Reuther Library; Staff Log, August 25, 1965, *ibid*; Staff Log, October 19, 1965, *ibid*; Case VII “Fights and Riots,” Part 3, Series VI, Box 65, Folder 17, DCCR, Reuther Library.

September. The group discussions received the highest marks of any of the exercises, earning an “excellent” or “good” rating from two-thirds of police respondents. The sum total of this evidence suggests that the officers most appreciated and perhaps derived the greatest benefit from the opportunity to discuss openly, in their own way, the workplace concerns that they believed were unrepresented or distorted by the case scenarios and lectures curated by intergroup personnel, academics, and police command.⁷⁶

Police-Community Relations and Crime Control in Urban Neighborhoods of Color

Urban residents of color supported the postwar Police-Community Relations reforms as part of a broader effort to secure adequate police protection from reactionary white violence and street crime. Civil rights organizations argued that a more racially-representative police force trained in colorblind, constitutional, and vigorous law enforcement would help bring security and justice to marginalized urban neighborhoods. Middle-class black activists in particular asserted a crime control rationale for Police-Community Relations. They were frustrated that police routinely failed to distinguish between law-abiding and criminal members of urban black communities. Thus they hoped to use PCR methods to train police to respect the rights and dignity of innocent middle-class African Americans and to pursue justice for black crime victims with greater vigor and diligence, sometimes with explicit demands for harsh tactics. Middle-class activists of color became more active in the fight for adequate police protection in the late 1950s when urban renewal and highway construction displaced thousands of

⁷⁶ Boudouris, Evaluation of Police Seminar in Community Relations, September 6, 1966, 4, 6.

working-class and middle-income families to congested areas suffering from lax code enforcement and worsening problems of street crime and disorder.

Middle-class organizations in marginalized urban neighborhoods focused their anti-crime crusade on augmenting police presence and improving the service that officers provided to a population that was becoming increasingly nonwhite. The transformation of Detroit's near westside offers an exemplary case.

Between 1955 and 1960 the predominantly middle-class Jewish area known as Petoskey transitioned to an overwhelmingly African-American neighborhood increasingly identified by its bar-lined commercial strip on 12th Street. In 1959, the Tenth Precinct—eight and one-third square miles bounded by W. Grand Boulevard to the south, the Lodge Freeway to the east, Grand River to the west, and the Detroit Terminal Railroad to the north—had 177,600 residents of whom sixty percent were African-American. Roughly 21,000 persons resided per square mile, more than double the city average. Although still poorer than white Detroiters, African Americans in Petoskey typically had higher incomes than residents of the older black neighborhoods on the eastside. Many of Twelfth Street's new inhabitants had in fact come west from Paradise Valley, which the city had razed to build the Chrysler Freeway and Lafayette Park, an urban renewal project. "This is a good-time street, bawdy and brash" read a 1960 *Free Press* profile. "It is a street of commerce, its merchandise both prosaic and exotic. You can buy potatoes or shoes or jewelry on Twelfth. You can also buy whisky or heroin or a prostitute's favors." The Tenth Precinct reported a large and growing volume of street crimes like robbery beginning in the late 1950s. In 1958, only three percent of the Detroit Police Department was black, nearly all of them assigned to patrol, in a city where one in

four residents was African-American. Four of thirteen precincts had almost eighty percent of the department's black officers. The Tenth had seventeen black officers—the third-highest total. No scout car was integrated anywhere in the city.⁷⁷

Against the countervailing pressures of rising levels of street crime and racially-partisan and unresponsive policing, the Citizens Committee to Combat Crime formed in Petoskey in July 1959. That month the Tenth Precinct led the city in its reported crime rate. The group was brought together by the Detroit Urban League (DUL), and chaired by a black DUL attorney named William L. Price, and eventually grew to include 125 block clubs and area councils. A form letter sent to prospective member organizations said their purpose was to create a coalition of business, religious, and neighborhood organizations “to minimize criminal activity in the Tenth Precinct so that our personal safety, homes and businesses will not be jeopardized nor the moral character of the neighborhood sacrificed.” At the first meeting on July 30, the Citizens Committee decided to develop a questionnaire to poll residents on area problems. Within a month delegates hit the doors in their respective areas, and by October the Citizens Committee had completed the survey. The group also formulated an aggressive strategy to court media attention. Press outlets attended the meeting in early October at which around sixty members discussed the survey results that would inform their organizing agenda.⁷⁸

⁷⁷ *Detroit Free Press*, August 14, 1960, 10A; G. Nelson Smith, *The Detroit Police Department's Policy and Practice in the Recruitment and Assignment of Police Officers*, Detroit Urban League's Community Services Department (December 1958), 6, 13; William L. Price, *Survey to Determine Attitude of Residents Respecting Crime in the Tenth Precinct (Preliminary Report)*, Citizens Committee to Combat Crime (October 8, 1959): 3; Sidney Fine, *Violence in the Model City: The Cavanagh Administration, Race Relations, and the Detroit Riot of 1967* (East Lansing: Michigan State University, 1989), 3-5.

⁷⁸ Resume of Accomplishments at the First Meeting Held Thursday, July 30, 1959, Box 41, Folder 3, Detroit Urban League Records, Bentley Historical Library, University of Michigan, Ann Arbor; Form Letter, August 18, 1959, *ibid*; *Detroit Times*, August 19, 1959, 3; *Detroit Free Press*, October 9, 1959, 1, 4;

Through their survey of residents over the summer of 1959 the Citizens Committee to Combat Crime discovered a set of interrelated issues common to many declining low-income urban neighborhoods beset by slum clearance, overcrowding, and joblessness. Almost 2,300 people participated in the survey, a response rate of about one in three. About one-quarter of respondents had lived in the area under two years. A slim majority had observed a crime increase. The top reasons given for this rise centered on the problem of underemployed, unsupervised teenagers from low-income, newly-settled families with easy access to the vice establishments that had sprung up around Twelfth Street. Thus respondents were most concerned about property crimes, vice, and public-order offenses, specifically teenage “rowdyism” and the men constantly “standing around” on street corners and outside bars. Although two-thirds had a favorable opinion of the police, and nearly all were willing to participate in the cleanup campaign, many wanted police to exercise tighter control over the street-corner through increased foot patrols, more expansive legal authority against loitering, and faster response times. Yet many also asserted that police needed to treat African Americans with greater respect by ending the practice of using racial slurs, calling adult black men “boy,” and addressing adult black women by their first name. The Citizens Committee summarized the generic neighborhood view thusly: “I would like to know the policemen in my area like I know my mailman.”⁷⁹

⁷⁹ The questionnaire solicited input on whether crime was rising and the reasons for the increase and whether police were responsive to residents’ concerns. The top ten reasons given for the crime increase in order were: inadequate parental supervision, “transient renters,” unemployment, poorly lit streets, inadequate youth recreational options, loitering, the arrival of families displaced by urban renewal, “undesirable commercial places” on Twelfth Street, absentee landlords, and juvenile delinquency. Over sixty percent listed stealing as the most common crime in their neighborhood. Ranked a distant second and third, respectively, were crimes involving women, such as rape and prostitution, and public-order offenses like noisy house parties and “loud and abusive language.” The most common illegal activities that respondents had personally witnessed were traffic violations, teenage “rowdyism,” disorderly conduct,

In demanding fair, impartial, and diligent policing, black residents of Detroit in 1959 had to contend with a police force whose members were openly hostile to liberal reforms whether arising from without or within. Months before the Citizens Committee to Combat Crime formed, in early February 1959, Police Commissioner Herbert W. Hart announced a significant policy change. Effective immediately, precinct commanders had to fill temporary vacancies in scout car assignments according to seniority rather than race, as had been customary. At the start of March Hart took an additional step when he initiated a pilot study by integrating motorized patrol at Hunt Station. The Third Precinct had twenty-two black officers, the highest number of any precinct in the city, and served Paradise Valley on the eastside. In response to the integration order, white officers across the city organized a systematic work slowdown. Ticket-writing dropped by ninety percent in some precincts. The *Michigan Chronicle*, the city's leading black newspaper, reported that white officers "were observed...wearing comic black-face masks while patrolling Woodward Avenue near Vernor Station." The "blue flu" lasted three days before traffic enforcement returned to normal levels. On April 1 Hart integrated scout cars in eight precincts. Some black and white patrol partners spent their entire eight-hour shift in silence.⁸⁰

gambling, and prostitution. Two-thirds believed that police were "doing all they can to rid the area of crime," although the two most common recommendations for improvement were more foot patrol and a greater effort to clear street-corner gatherings. Eighty-eight percent said police were cooperative, while eighty-two percent recommended that police build "better relationships with minority groups," increase their street presence, and do more to combat "juvenile gangs." William L. Price, *Statistical Report of Survey to Determine Attitude of Residents Respecting Crime in the Tenth Police Precinct*, Citizens Committee to Combat Crime, [ca. October 1959], Box 75, Folder 7, Detroit Urban League Records, Bentley Historical Library; Price, *Survey to Determine Attitude of Residents Respecting Crime in the Tenth Precinct (Preliminary Report)*, 4-5, 7-8.

⁸⁰ *Detroit Free Press*, February 2, 1959, 30, March 3, 1959, 1, 4, 8, 10; *Detroit News*, February 10, 1959, February 27, 1959, March 4, ; *Michigan Chronicle*, November 29, 1958, 1, 4, December 20, 1958, February 7, 1959, February 14, 1959, 1, 4, March 7, 1959, 1, 2; Smith, *The Detroit Police Department's Policy and Practice in the Recruitment and Assignment of Police Officers*, 7.

Both police commanders and the rank-and-file union opposed the March work stoppage but did little to enforce the new policy. The Detroit Police Officers of Association (DPOA) early on held a meeting to encourage rank-and-file members to fall in line. The union asked that Commissioner Hart abandon the pilot study and integrate all the precincts at once, and they positioned the “blue flu” as a protest over low wages. The city had failed to raise base pay the year before, and the DPOA was fighting with common council over the budget. “We’re not bigots,” said DPOA president Donald Livernois, a detective, “but just a bunch of cops trying to get along and make a few more dollars.” Yet, as one patrolman admitted, the ranks resented “an arbitrary demand that certain crews be broken up at once.” At a DPOA meeting in late March Livernois informed members of their right to appeal unwanted patrol assignments to platoon lieutenants. Hart questioned whether the union had the power to act on issues other than wages. Meanwhile, Superintendent Louis J. Berg and his younger brother, Deputy Superintendent James C. Berg, both departmental heavyweights who had spent their entire careers in the Traffic Division, much of that time while their father was superintendent, repeatedly declared they were powerless to halt the work stoppage since it was impossible to prove noncompliance in an area as discretionary as traffic enforcement. The *Detroit News* was unpersuaded and argued that the top brass “must share the blame.”⁸¹

⁸¹ Commissioner Hart said: “Some people are using integration as a smokescreen for getting a pay raise.” *Detroit Free Press*, March 9, 1959, 3a, March 31, 1959, 1, 2, April 1, 1959, 3; *Detroit Times*, March 5, 1959; *Detroit News*, March 4, 1959, March 31, 1959, 1, 10; *Michigan Chronicle*, April 11, 1959, 1, 4, July 4, 1959; *Tuebor* (March 1959): 1; for background on the Berg brothers, see George C. Edwards, Jr., untitled autobiographical manuscript, 23 (hereafter cited as Edwards Manuscript), Part 4, Series XV, Box 112, Folder 13, George C. Edwards, Jr., Papers, Reuther Library.

George C. Edwards, Jr., confronted this same cohort of hardline conservative commanders when he became police commissioner in January 1961 and attempted to implement the progressive policing agenda of the newly-elected young liberal mayor. As he later remarked, Edwards decided to leave the State Supreme Court with seven years remaining in his term and take the commissioner job to prevent “the repetition of the Detroit race riot of 1943” by administering “equal and constitutional law enforcement.” Mayor Jerome P. Cavanagh had won office largely due to the support of the black community, still angry about the police crackdown ordered by incumbent mayor Louis C. Miriani over the winter of 1960-1961, and he chose Edwards to mend this relationship and enforce colorblind, constitutional policing. Besides his well-known libertarian and racially-liberal views, Edwards’s background also made police wary. Veteran officers recalled the new commissioner as a young organizer with the United Auto Workers in the late 1930s standing on a factory roof and dumping nuts and bolts onto onrushing police below, and as a frequent critic of the force during his time on city council throughout the 1940s. Indeed, the guiding belief of Edwards’s brief two-year tenure as head of the Detroit Police was that “the police-black community problem” was the most important domestic policy issue facing the city and the country. Thus Cavanagh earned robust praise for his choice of commissioner from African-American civil rights, labor, and elite social organizations like the NAACP, the Trade Union Leadership Council, and the Cotillion Club, respectively.⁸²

⁸² *Detroit Free Press*, December 7, 1961, 1, 2, 4, December 12, 1961, 3, March 9, 1962, 1, 2; Edwards Manuscript, 7-8; Mary M. Stolberg, *Bridging the River of Hatred: The Pioneering Efforts of Detroit Police Commissioner George Edwards* (Detroit: Wayne State University Press, 1998), 130-131.

Edwards emphasized throughout his time as commissioner that Police-Community Relations and crime control were equal and interlocking pieces of effective law enforcement. Although police professionalism experts had previously observed that citizen cooperation was a necessary ingredient of suppressing crime, no big-city police commissioner had ever articulated—let alone tried to implement with comparable ambition—the liberal idea that safeguarding constitutional rights and respecting the inherent dignity of all citizens was a requirement of effective crime control as Edwards did over 1962 and 1963. Inspired by former police commissioner John Ballenger’s outreach to black residents after the 1943 riot, Edwards scheduled a continuous run of meetings with African-American, civil rights, and religious groups over the spring and summer of 1962 at which he listened to grievances and explained the three-part policing philosophy that he introduced at a February 13 meeting of precinct inspectors. Edwards ordered the following words printed above his signature on a placard posted at every precinct visible to all police officers and citizens:

The Police Department of the City of Detroit seeks more law enforcement and more vigorous law enforcement.

Secondly, it seeks equal protection of the law for all law-abiding citizens and equal enforcement of the law against all violators.

And third, it seeks the cooperation of all law-abiding citizens in the city, in our efforts on behalf of law enforcement.

Protecting citizens from crime and unconstitutional police officers was for Edwards the core responsibility of police and a cornerstone of equal citizenship. Reflecting on his first-year achievements, Edwards thus remarked: “Improved police-community relations and effective law enforcement go hand-in-hand.”⁸³

⁸³ Edwards Manuscript, 15, 25; *Detroit News*, April 12, 1963, 8B; *Detroit Free Press*, February 17, 1962, 1, 2, February 18, 1962, 4A, March 14, 1962, 10; Meeting Held at Seventh Precinct on February 13, 1962, 1, Part 1, Series III, Box 80, Folder 4, Edwards Papers, Reuther Library; see also, George Edwards, “What

The new commissioner encountered resistance from top command staff to all three planks of his program—equal, constitutional, and effective—which he defined as “police treating black citizens just like they treated white citizens,” “doing the job by the book of police regulations,” and “the concept of honest law enforcement.” The Detroit police commissioner historically was a figurehead, with real departmental power vested in the superintendent and his deputies, which in 1962 meant the Berg brothers. Edwards, however, decided early on to maximize his statutory authority over policy and work assignments. He was also a tireless and fearless advocate of his ideas. Over the first six months as commissioner Edwards made unannounced visits at every precinct, often accompanying patrol officers on their tours, to reinforce his vision of colorblind, vigorous, and lawful policing from the bottom-up. He appointed “by the book” inspectors to protect black citizens from white intimidation during “move-in” conflicts. At the inspectors meeting on October 18, 1962, Edwards banned the use of “trigger words” like racial slurs. “It is not professional,” Edwards said, echoing Joseph Lohman, “and the officer’s personal feelings are to be overlooked.” After learning that Superintendent Louis Berg, who in daily conversation referred to African Americans as “burrheads,” had lied at a Trial Board hearing to cover up police brutality and had been undermining Edwards’s attempts to shut down a notorious gambling place, Edwards finally ousted the Berg brothers from the department in November 1962.⁸⁴

Are the Major Problems of Law Enforcement in Metropolitan Detroit?,” Before the Economic Club of Detroit, May 14, 1962, 6, 9-11, Part 3, Series VI, Box 65, Folder 13, DCCR, Reuther Library.

⁸⁴ Edwards Manuscript, 61, 117-121; Meeting Held at the Seventh Precinct, October 11, 1962, 2, Part 1, Series III, Box 80, Folder 4, Edwards Papers, Reuther Library. Federal investigators with the U.S. Commission on Civil Rights used the term “captive commissioners” to refer to the traditional hierarchy within the Detroit Police Department that Edwards was attempting to overcome. Memorandum to Detroit File, July 23, 1962, 5, Police-Community Relations in Urban Areas, 1954-1966, Box 2, Folder “OGC-FPP-Detroit-Reports,” Records of the Commission on Civil Rights, Record Group 453, NACP.

Edwards's liberal policing program aligned with the interests of African-American neighborhood groups. As journalists at the time observed, the new commissioner's approach of holding regular police-community meetings in heavily-black areas like the Fifth and Tenth Precincts built upon the efforts that had been initiated by the Petoskey area block clubs. In fact, Edwards strongly emphasized the racial justice implications of in his crime control program. At a speech before the prestigious Economic Club of Detroit in May 1962, Edwards recounted how the local paper that he read as a boy growing up in Dallas, Texas, ran a regular feature on the anonymous white mobs who lynched black people with impunity. This history of police failure to protect African Americans from vigilante violence taught him the moral necessity of a vigorous law enforcement program. Since African Americans were disproportionately victimized by crime, and historically unprotected and abused by police, Edwards reasoned, a proactive campaign of lawful street stops and arrests in the interests of public safety upheld the constitutional right to equal protection under the law. "Central to our task," Edwards said, "is that of ending that suspicion and distrust" between African Americans and police.⁸⁵

Edwards realized that to achieve equal, effective, and constitutional law enforcement in Detroit he would need to change patrol policy and regulate the discretion of the front-line officer. In the third week on the job Commissioner Edwards recommended raising police pay by \$359, offering premium pay for afternoon and overnight shifts, and hiring 200 more officers. Throughout his tenure and afterward Edwards argued that raising police pay to "professional levels" on par with FBI agents

⁸⁵ Edwards, "What Are the Major Problems of Law Enforcement in Metropolitan Detroit?," 5, 9-10; *Detroit Free Press*, July 9, 1962, 1, 2, July 11, 1962, 1B; *U.S. News and World Report*, May 21, 1962, 67.

was necessary to improve the police service. When the NAACP supported his police salary and personnel requests along these lines in the spring of 1962, the commissioner quipped: “I hazard the guess that this is the first time in the history of the United States of America that this has ever happened in any city, any time.” To combat the dramatic rise in street crime—which he attributed to increased citizen reporting due to higher confidence in the police department—Edwards moved more officers to the higher-crime shifts of 4 p.m. to midnight on Fridays and Saturdays. Attempting to control the discretionary use of force, Edwards instituted a rule requiring a duty sergeant, or anyone ranked above patrol, to respond to every service call where a weapon was involved and another mandating that officers complete a report each time they fired their service weapon on duty.⁸⁶

Edwards blended Police-Community Relations and crime control in an attempt to regulate police officers’ investigative street contacts with the public. One of his first initiatives was “a campaign for politeness in the Traffic division.” From middle-class African American friends and his former constituents as a councilman, Edwards had heard countless stories of rude, discourteous, and racist treatment by traffic police, especially the practice of addressing adult black men and women by their first names. After directing Deputy Commissioner William H. Polkinghorn, head of the Traffic Division, to enforce a strict policy of impartial courtesy, Edwards received several approving phone calls and letters, including one from George Crockett, Jr., a prominent black attorney and president of the Cotillion Club. Edwards attempted a similar policy

⁸⁶ Edwards Manuscript, 31, 61, 325; Edwards, “What Are the Major Problems of Law Enforcement in Metropolitan Detroit?,” 10; Meeting Held at the Seventh Precinct, July 26, 1963, 1, Part 1, Series III, Box 80, Folder 4, Edwards Papers, Reuther Library; *Detroit Free Press*, January 26, 1962, 3A, January 27, 1962, 3A, July 6, 1962, 3A.

with investigative street stops, a key piece of his crime control agenda. At a February 13, 1963, meeting with precinct inspectors, the commissioner said the department was “doing a good job with the policy of contacting and stopping more suspicious people on the streets and felt it was not endangering our community relations.” Yet Edwards reminded the commanders that patrol officers must only stop persons when they have reasonable suspicion of criminal activity and remain courteous throughout, and for investigations that prove fruitless they should pause to explain the reason for the stop “to eliminate any resentment that might arise.”⁸⁷

As part of his community relations agenda, Edwards attempted to assert a greater commitment to lawful policing by eliminating the vestiges of time-honored dragnet tactics, although both police and black residents struggled to adjust to the changes. In 1963, the Detroit Police Department ended the official policy of investigative arrests and discontinued the Disorderly Persons Investigation (DPI) booking charge. The police had primarily used DPI as a holding charge to detain sex workers for routine inspection by city health officials before releasing them. The DPI had permitted police to pick up “known prostitutes,” based on previous contacts or surrounding circumstances, but who were not necessarily engaged in illicit conduct at the time of arrest. In April 1965, Common Council under intense pressure from police and residents in primarily minority neighborhoods enacted an ordinance to restore some authority to police to arrest sex

⁸⁷ After assigning more officers to work the high-crime shifts in predominantly African-American areas in mid-February 1962, the *Free Press* reported that Edwards had ordered a “crackdown.” The following day the commissioner decided to clarify his intentions and disavow “dragnet arrests” through an impassioned speech over the police intercom delivered at morning roll call to every precinct and command center, which he recorded and re-broadcast throughout the day. *Detroit Free Press*, February 17, 1962, 1, 2, February 18, 1962, 4A; Edwards Manuscript, 21-23; Meeting Held at the Seventh Precinct, February 13, 1963, 1, Part 1, Series III, Box 80, Folder 4, Edwards Papers, Reuther Library; Stolberg, *Bridging the River of Hatred*, 133-134.

workers, under two conditions: the sex worker had been convicted of prostitution in the past two years and was seen “hailing” an alleged customer. The council hoped the so-called “yoo-hoo” law would assist prosecutors who struggled to obtain the necessary witnesses to win convictions in prostitution cases, but in April 1967 the Court of Appeals invalidated the ordinance as overly broad since it “makes it criminal...to hail a taxi, greet a friend, or do any one of a multitude of innocent, legal acts.”⁸⁸

In public discussion of the 1965 ordinance and the issue of street-level sex work in general, African American activists disagreed over whether the proposed remedy was too harsh or not harsh enough. Civil rights and civil liberties organizations like the NAACP and the ACLU objected to the vague and sweeping powers the law gave to police, the argument ultimately advanced by the appeals court. Robert Tindal, executive secretary of the Detroit NAACP, observed that only 2,500 of the 9,000 people arrested as disorderly persons in 1964—slightly more than one in four—ever went to trial. “There are plenty of laws on the books now,” said Tindal at a council hearing in January 1965, “if the police would enforce them against white patrons as well as Negro prostitutes.” Meanwhile, black neighborhood groups criticized the proposed law for only punishing black women prostitutes while ignoring the predominantly white male customers. In response to the NAACP’s concerns, some block clubs even contended that “street walkers and panderers don’t have any constitutional rights.” In February 1966, as a result of this public pressure, Common Council amended the “yoo-hoo” ordinance making it a

⁸⁸ These changes to police policy were attempts to bring police practice in line with recent court decisions targeting police seizure of persons or property on less than probable cause, such as arrests on suspicion. They also represented a broader shift away from criminalizing mere status as opposed to conduct. *Detroit Free Press*, February 7, 1965, 3A, 4A, August 2, 1965, 9B, June 14, 1966, 10A; *Detroit News*, April 22, 1965, July 13, 1965, 13A; *Detroit Scope Magazine*, November 2, 1968, 12-13.

misdemeanor to “engage the services of” a sex worker. That summer the West Central Organization, an interracial liberal group, organized pickets late at night on West Warren Avenue, by Twelfth Street, where sex workers congregated. Some sixty demonstrators carried placards such as “This Isn’t Sin City” and “Enforce the Law, Save Our Neighborhood.” In March of the following year state legislator James Del Rio, a black mortgage broker representing the westside, introduced a version of the Detroit law targeting “johns” and prostitutes.⁸⁹

Unlike in Detroit, where a liberal police administration often initiated community outreach and was responsive to intergroup officials, black citizen groups in Cleveland who were desperate for increased police protection spearheaded a combined PCR and crime control program through an extensive alliance of block clubs and black elected officials. Over the winter of 1963 middle-class black activists on the Law Enforcement Committee in Hough started the Police-Citizens Relations Committee to establish a formal “liaison” with Fifth District police commanders and offer “educational programs designed to acquaint citizens in the district with the operation of their police and with the individual citizens’ responsibilities in the maintenance of law and order.” The first meeting, held at the Bell Neighborhood Center in April 1963, featured prominent anti-blight Hough activists, like Samella Carroll, who chaired the Housing Committee of the Hough Community Council, and one police representative, Deputy Inspector Gerald Rademaker. In August the committee created the Complaint Service Bureau to field complaints from Hough residents about the police and to instruct citizens in how to

⁸⁹ *Michigan Chronicle*, January 16, 1965, 1, 4, January 30, 1965, January 22, 1966, June 25, 1966, July 16, 1966, 1, 4; *Detroit Free Press*, January 15, 1965, 3A, February 3, 1966, 3B; *Detroit News*, September 30, 1965; House Bill No. 2591, March 2, 1967, Part 3, Series VI, Box 66, Folder 18, DCCR, Reuther Library.

request police services. Edward Cabell, a black anti-blight activist and chair of the Police-Citizens Relations Committee, explained that many Fifth District residents complained about “slow and discourteous” police service, while police protested that many residents failed to follow protocol when making requests. The committee hoped to ease tensions between police and African-American residents to wage a more effective campaign against crime.⁹⁰

The Hough anti-crime citizens group saw improved police-community relations as necessary in the fight against crime because few black citizens trusted police enough to report crime and police often appeared indifferent to criminal violence in black neighborhoods. In this effort Cabell’s committee could rely on the support of black city councilmen like John W. Kellogg and M. Morris Jackson, who frequently put pressure on a reluctant Mayor Ralph S. Locher and Police Chief Richard R. Wagner to divert more police resources to black neighborhoods. Black politicians had to confront multiple issues simultaneously, since Cleveland’s disproportionately white police force—seven percent African-American in a city that was thirty percent black—was known by black residents for its racially-partisan conduct. On August 4, 1964, for example, Cleveland’s ten black councilmen met with Mayor Locher to demand accountability for police brutality and the hiring of more black officers. That morning Morris Jackson also arranged a private meeting between the Fifth District Police-Citizens Relations Committee and Mayor Locher to discuss the group’s plan to launch a major campaign in September that would enlist Hough residents to “stamp out prostitution, street gambling, roving gangs, and enforcement of the youth curfew in the Hough area.” “We are determined to change the

⁹⁰ *Call and Post*, December 8, 1962, 5A, December 15, 1962, 11C, February 2, 1963, 6C, April 6, 1963, 4A, July 6, 1963, 5A, August 10, 1963, 7A.

unpopular image of our community,” Jackson said. That month the black representative from Hough also engaged city judges in a closed-door conference to demand tougher sentences against violent juvenile offenders.⁹¹

The “People’s War on Lawlessness” launched by the Fifth District Police-Citizens Relations Committee in September 1964 illustrates how black middle-class activists in Cleveland saw crime as a community problem requiring intensive citizen cooperation with law enforcement. On September 15 Edward Cabell, Councilmen Jackson and Kellogg, and Mayor Locher held a rally to begin the monthlong campaign. Cabell planned to hold three block meetings in the first week to “listen to [residents’] complaints about crime or illegal activities taking place in their block” and then to refer those complaints to police officials. “Hough citizens in the past have been reluctant to cooperate with police,” Cabell said. “If the campaign is to succeed, they must step forward and aid in the apprehension of the lawless element by serving as witnesses. We can scare the underworld element only with citizen help.” A month later Morris Jackson praised the changes in the “criminal picture of Hough” and the faster police response times. “There are fewer prostitutes on the streets, fewer gangs of roving juveniles, fewer incidents of people gathering on corners,” said Jackson to the *Plain Dealer*.⁹²

Hough’s problems ranged from streets congested with trash, to flagrant vice offenses, to lethal gun violence. In November 1964 the *Plain Dealer* splashed on the front page excerpts of a letter that a nine-year-old African-American girl named Gwendolyn Arnold had written to President Lyndon Johnson. “We need protection in the

⁹¹ *Call and Post*, July 11, 1964, 12B, August 8, 1964, 1A, 3A; *Plain Dealer*, August 5, 1964, 11, August 18, 1964, 15.

⁹² *Call and Post*, September 12, 1964, 5A, September 19, 1964, 3A; *Plain Dealer*, September 19, 1964, 10, September 21, 1964, 29, October 20, 1964, 7, 18.

Hough area because people carry guns and shoot each other,” Arnold wrote. “People throw bottles in the street and give cars flat tires.” At night sex workers lined Euclid Avenue from 55th to 105th Streets. More than one third of all arrests in Hough from 1964 to 1966 were for prostitution. Between January and August 1964 Cleveland police arrested 624 prostitutes and held 148 for trial. The remaining 476 were released on waivers after a seventy-two hour detention and medical examination. African-American women bore the brunt of these investigative detentions. In 1965 999 black women in the Fifth District were arrested for sex work—out of 1,353 total prostitution arrests—but only seventy-six were charged. The vast majority signed a release waiver. The arrested male clients, typically white, also signed a waiver on the condition that they testified at trial. Inspector Rademaker told the U.S. Commission on Civil Rights that the black community “does not like the practice of waiving the white men, but this is like taking half a loaf rather than none.”⁹³

As in Detroit, black anti-crime activists and politicians in Cleveland pressed for more vigorous prosecution of sex work. Councilman Kellogg introduced a plan to target male clients. Kellogg had been vocal on this issue for years. In 1964 he demanded that police “clean out” Euclid prostitution, a blight, he said, that was impairing the “Hough Area image.” Many black residents shared Kellogg’s concerns. At the U.S. Commission on Civil Rights hearing in June 1966, Reverend Robert V. Parks, an elected anti-poverty official in Hough, testified, “There is no doubt in my mind that the police do know what

⁹³ *Plain Dealer*, August 10, 1964, 1, 10, August 11, 1964, 15, November 10, 1964, 1, 16, December 1, 1964, 39, April 1, 1967, 1, 9; “Police-Community Relations,” 6, Police-Community Relations in Urban Areas, 1954-1966, Box 6, Folder “Cleveland, Ohio – Police-Community Relations,” Records of the Commission on Civil Rights, Record Group 453, NACP; *Hearing Before the United States Commission on Civil Rights: Hearing Held in Cleveland, Ohio, April 1-7, 1966* (Washington, D.C.: Government Printing Office, 1966), 826, 839, 842, 846.

is going on because I see them cruising up and down the street, calling the girls to the car, the girls leaning on the cars and talking to them and going right back on the street and continuing doing what they have been doing all along.” Three months later, in September, Kellogg and fellow East Side councilmen grilled police officials about why no man had been charged in the 857 prostitution arrests made in the fifth district that year. The following June Kellogg introduced an emergency ordinance imposing tougher penalties on “known prostitutes,” and making it easier for police to arrest women convicted of the crime in the previous two years. Council approved it by unanimous vote the next day.⁹⁴

In addition to criminal violence and street disorder, black Clevelanders—like African Americans in other cities in the mid-1960s—demanded that police protect them from white vigilante violence. In this respect African-American urban residents asked police to fulfil the role of intergroup peacekeepers that liberal reformers had prescribed for them two decades earlier. As displaced blacks in Cleveland settled near or in white neighborhoods they occasionally encountered violence over turf and status. In June 1963 six black teens were accused of stabbing a white boy and raping a white girl at Sowinski Playground in Rockefeller Park, on Hough’s northern border. False rumors quickly spread in the white community that the assailants had stabbed and mutilated the girl. In retaliation young white men from the predominantly Polish neighborhood stoned black motorists and vandalized and torched black businesses. Police set up barricades but made no effort to stop white rioters. Police instead drew their guns on frightened black

⁹⁴ *Plain Dealer*, February 1, 1966, 17, September 20, 1966, 8, April 1, 1967, 9, June 12, 1967, 38, June 13, 1967, 41; *Call and Post*, April 25, 1964, 1A, 2A, February 5, 1966, 2A, September 24, 1966, 2A, October 8, 1966, 6A; *Hearing Held in Cleveland, Ohio, April 1-7, 1966*, 523 (Testimony of Robert V. Parks).

motorists and beat and arrested more than a few black people. The following summer a white teenage gang whipped black children with metal chains on their way to school. White adults shouted racial epithets from their porches. Margaret Harrison, who had just moved to Sowinski, witnessed the attacks on her children but was unable to convince two police officers standing nearby to intervene. She encountered the same indifference from the sixth district police commander and her white city councilman. An angry resident spoke for many black Clevelanders in commenting: “Why don’t they assign those crack ‘Sowinski Park rape case’ police to the investigation of these street assaults?”⁹⁵

African Americans in Cleveland saw a clear double standard in police overreaction to alleged black crimes against whites and a perceived police indifference to black victims of white aggression. The gang assault upon the young white couple at Sowinski in June 1963 provoked a hysterical response from the police and the public. “We’ll get these six boys if it’s the last thing we do,” a detective said. A *Plain Dealer* editorial pronounced: “The Negro community of Cleveland has a special responsibility to take an active part in getting into custody the hoodlums who brutally assaulted a young couple in Rockefeller Park.” Within days police rounded up six teenage suspects and allegedly deprived them of sleep, held them in solitary confinement, and used other torture methods, including the threat of physical violence, to extract confessions. A judge later ruled the confessions inadmissible at trial. None of the boys admitted to raping the girl. Three of them—each 16 or 17 years old—were ultimately tried as adults, convicted, and sentenced from four to ten years in prison. Despite evident police malpractice, in torturing suspects and failing to stop white rioting, the Cleveland chapter of the National

⁹⁵ *Plain Dealer*, June 14, 1963, 1, 2, June 15, 1963, 1, 6, June 17, 1963, 1, 4, June 19, 1963, 1, 9; *Call and Post*, June 22, 1963, 1A, 2A, June 29, 1963, 1A, July 11, 1964, 1A, 2A.

Association of Intergroup Relations Officials (NAIRO) praised the department. “Chief Wagner is to be commended,” read the statement, “for the sensitive and effective way in which his patrolmen have handled what could have been very explosive situations.” Yet after whites painted swastikas and “Niggers Go Home” on rest rooms in Sowinski Playground in the spring of 1966, Bob Williams, *Call and Post* columnist, observed that the police made no arrests and never reported the incidents to the Community Relations Board, the city’s human relations agency.⁹⁶

Cleveland police routinely appeared to demonstrate sympathy toward white rioters and gangs opposed to residential integration. In January 1964 police made no arrests when stone-throwing white rioters attacked black demonstrators and insulted black police at Murray Hill elementary school, located in “Little Italy.” Civil rights groups were protesting the school’s busing program as de facto segregation. At two subsequent demonstrations against segregated schools, by contrast, police on horseback meted out brutal violence against peaceful black picketers and made dozens of arrests. In each case black Clevelanders complained about the white racial partisanship of police. Bob Williams of the *Call and Post* observed that it was “as if the assailants had the protection of the law, rather than those innocent victims.” After white gangs attacked black motorists driving through Murray Hill over Independence Day weekend, black city councilmen drew a parallel with police favoritism toward segregationist white rioters at civil rights protests. “Every citizen has the right to expect that he can drive along the city

⁹⁶ *Call and Post*, June 29, 1963, 1A, 2A, July 6, 1963, 1A, 2A July 20, 1963, 1A, 2A, July 27, 1963, 1A, 2A, December 7, 1963, 1A, 2A, December 21, 1963, 1A, 2A, December 28, 1963, 1A, 2A, June 18, 1966, 5A, July 9, 1966, 5A, September 17, 1966, 1A, 2A; *Plain Dealer*, June 14, 1963, 1, 4, 30, June 18, 1963, 30; *Cleveland Citizens Committee on Hough Disturbances* (Cleveland, Ohio, 1966), (Testimony of Margaret Harrison) 118-122, (Testimony of Lewis G. and Beth Robinson) 123, 131-132.

streets without encountering violence,” Kellogg said. “No section of the city should be considered off-limits to a certain segment of the populace.” “This is merely another example of what I have been saying,” Morris Jackson said. “The complete lack of police protection in our city.” Councilman Clarence Gaines, a black Democrat, warned that “if police failed to protect the rights of citizens at any time, they are inviting lawlessness.”⁹⁷

Middle-class African American activists observed that police were indifferent or hostile to black victims and sometimes took extreme measures to punish African Americans who asserted a right to equal treatment under the law. William Terrance, a member of NAACP and CORE, was assaulted with bricks and brass knuckles by ten white men in the University-Euclid area in October 1965. Police arrived forty-minutes later and mocked an unconscious Terrance for being unable to walk to the squad car. At the hospital, two days later, police began their inquiry by asking, “What is your alias, boy?,” assuming that Terrance had a criminal record. When Terrance described his assailants as white, possibly Italian, an officer said, “I know you like to take white girls into areas where you know that you are not wanted.” Terrance spent two weeks in the hospital recovering from a broken jaw and severe head injury from which he suffered chronic dizziness, temporary blindness, and the occasional blackout. His frequent absenteeism made it almost impossible for him to hold down a job. At public hearings held after the Hough riots of 1966, Terrance said his experience was “typical” of policing

⁹⁷ In 1966 *Call and Post* reporter Daisy Craggett sued the county under Ohio’s antilynching statute to recover damages she and others suffered at Murray Hill. *Hearing in Cleveland, Ohio, April 1-7, 1966*, (Testimony of the Reverend Vincent Haas) 562-568, (Testimony of Booker T. Eddy) 557-562; *Call and Post*, February 8, 1964, 1A, 2A, July 11, 1964, February 19, 1966, 3A; “Police-Community Relations,” 10-12.

in the city. “Many times I have called the police and my family have called the police here in the Cleveland area, and there was no response,” he said.⁹⁸

Black officers had long faced retaliation whenever they ran afoul of white officers who dominated the Cleveland Police Department. Still fresh in the minds of many African Americans was an infamous detectives’ meeting in October 1942. “Those niggers think they can run this town,” Chief Inspector Frank W. Story told the assembled black and white detectives. “The way to stop crime on the East Side is to whip those niggers’ heads.” At the third use of the slur, a veteran black detective, William Gaurdy, stood up and protested to the white director of the Detective Bureau. Months later Gaurdy, a member of the force since 1923, was briefly demoted to uniform patrol. Weeks after Story became chief in January 1952, however, the twenty-nine-year veteran was again reassigned to foot patrol. In late June 1964 white police officers watched as five white men, armed with improvised weapons, attacked a black man inside a café, ignoring the pleas of black bystanders until an African-American sergeant named Lynne Coleman ordered them to make arrests, ultimately leading to the convictions of several of the assailants. The following day Sergeant Coleman, an eastside patrolman for thirty years, was transferred out of the Sixth District to the communications unit. Coleman told federal investigators his “punishment” was part of an abusive pattern, such as when a black officer, soon after marrying a white woman, was ordered to nighttime guard duty at a cemetery. As late as 1966 scout cars remained segregated, and no black officer patrolled the predominantly white westside.⁹⁹

⁹⁸ *Cleveland Citizens Committee on Hough Disturbances* (Testimony of William Terrance), 57-64.

⁹⁹ *Call and Post*, October 10, 1942, 1, January 2, 1943, 1, 3, February 9, 1952, 5A, July 4, 1964, 1A, 2A, July 11, 1964, 1A, 2A, November 14, 1964, 1A, 2A; Interview with Lynne Coleman, January 10, 1966, 1-

Black activists and politicians were finally vindicated in July 1966 when police failure to protect blacks' civil rights provided the spark for six days of rioting in Hough. Late in the afternoon on Monday, July 18, the white owner of the 79ers Café, located at East 79th Street and Hough Avenue, rejected a black man's request for a glass of water. He then instructed the black bartender to "serve no niggers no damn water." Sometime later, a sign was placed on the front door to the café that read "No Water for Niggers." An angry crowd gathered and the white bar owners stood outside with rifles. Police showed no interest in resolving the dispute. "Really the police started the riot," one black witness said afterward. Minutes later teenagers started breaking store windows, looting, and setting fires. By 11 p.m. on Tuesday, 1,700 National Guardsmen were patrolling Hough, armed with bayoneted M-1 rifles. For a week hundreds of stores were looted and torched and scores arrested. Four black people, three men and one woman, died—two shot by white vigilantes, two by police. Many black Hough residents came forward afterward with complaints of degrading, violent treatment by police. In the early hours of Thursday, July 21, on the riot's fourth day, Cleveland police officers shot twenty-one times into the car of sixteen-year-old Henry Townes, causing permanent disability to his wife and child. The family had moments earlier fled their house due to an encroaching fire nearby. On July 23, a white man named Warren LaRichie killed Bernoris Toney, a black father of five, just inside the border of Little Italy. LaRichie was patrolling with his stepson as part of a white vigilante group that had formed during the riot to defend their predominantly white neighborhood.¹⁰⁰

2, Records Relating to Race Relations in Cleveland, OH, 1964-1966, Box 10, Folder "Police-Community Relations-Interview Sheets," Records of the Commission on Civil Rights, Record Group 453, NACP.

¹⁰⁰ Marc E. Lackritz, "The Hough Riots of 1966," Report No. 43, Regional Church Planning Office (July 1968): 7-13; Todd M. Michney, "Race, Violence, and Urban Territoriality: Cleveland's Little Italy and the

After the Hough Riots of 1966, African-American activists and city officeholders protested police brutality, while denouncing the rioters' violence as the work of irresponsible black militants and gangs that had been given free reign by lax law enforcement. Morris Jackson asked the mayor to impose martial law. John Kellogg early on requested National Guards troops and supported strict enforcement of the 8:30 p.m. curfew. Bertrand E. Gardner, executive director of the Community Relations Board, blamed the uprising on criminally-inclined black militants whom he said were opposed by the majority of black residents. "There's a fringe element in the streets, and they're fighting for control of the streets," Gardner said. "They've got to be removed." Leo A. Jackson, black councilman of Ward 25 in Glenville, expressed similar sentiments in an extended interview with the *Plain Dealer*. "This was a struggle, not for civil rights, but a struggle by thugs for leadership of the Negro community," Jackson said.

I want to make clear that this is not a responsible civil rights demonstration. It was an action organized by hoodlums. A person who would sneak up in the dark of night to set fire to a church of his own people or who would try to prevent police and firemen from rescuing women and children from a fire is not a civil rights worker. This in my opinion is not an attempt to get 'whitey.' You don't get 'whitey' in a predominantly Negro area. It is not 'whitey' who is being killed. It's the Negro who's being killed.

"This is an effort to intimidate the legitimate civil rights movement," Jackson continued.

"I stand here to speak because I must reiterate that in the area which I represent City Council, the standards will be set by the decent people."¹⁰¹

1966 Hough Uprising," *Journal of Urban History* 32, no. 3 (March 2006): 406-407, 415; *Plain Dealer*, July 19, 1966, 1, 9, July 20, 1966, 1, 6, 8, 9, July 21, 1966, 1, 6, 7, 9-11, 14, 80, July 22, 1966, 1, 6-10, 26, July 23, 1966, 1, 4-6, 11, 32, July 25, 1966, 1, 8; *Call and Post*, July 23, 1966, 1A, 2A, 5A; *Cleveland Citizens Committee on Hough Disturbances*, (Testimony of Diana and Henry E. Townes) 11-18, (Testimony of Dennis Hilliary) 31-37, (Testimony of Gwendolyn Franklin) 45-51.

¹⁰¹ *Plain Dealer*, July 23, 1966, 4, July 26, 1966, 1, 6; Lackritz, "The Hough Riots of 1966," 12-13.

By portraying the Hough uprising as the work of criminal opportunists taking advantage of inadequate police protection, Jackson was making an implicit reference to a prominent Glenville Black Power activist named Lewis G. Robinson. Weeks before the Hough unrest Robinson was at the center of rioting along Superior Avenue in Glenville—this, too, inspired by an act of white civilian violence. On June 30 black youths took to the streets after a black ten-year-old boy was fatally shot by a white man from a moving car. Police interviewed no black witnesses and made no arrests. Black youths spent the next four nights destroying property along Superior Avenue. Lewis G. Robinson, a Hough-based black militant, met with Mayor Ralph S. Locher afterward. His top demand was better police protection for black youths in the Sowinski area. Robinson also arranged for area teenagers to meet with the sixth district police commander, but the inspector demonstrated little interest in helping. “There’ve been fights between whites and blacks for fifty years,” said the inspector, per Robinson’s account, “and there’s going to be fights for another fifty years.” The black teens knew better. In January, after a white man and his two sons were allegedly attacked by African-American youths, police rounded up ten black boys and four black girls, raided their hangout that was run by Robinson, accused the black girls of being prostitutes, and knocked around the black teenagers with billy clubs.¹⁰²

Black radicals like Robinson sat opposite middle-class activists in the fight for order and justice in the African-American community. After the bloody fracas at Murray Hill in January 1964, Robinson had started the Medgar Evers Rifle Club, named for the

¹⁰² *Call and Post*, January 29, 1966, 1A, 2A, July 2, 1966, 1A, 2A; *Plain Dealer*, January 22, 1966, 1, 5; *Cleveland Citizens Committee on Hough Disturbances*, (Testimony of Lewis G. Robinson and Beth Robinson) 127-132.

black NAACP field secretary assassinated by a southern white supremacist in the previous summer. As Robinson explained to the *Plain Dealer*, “Negroes must become prepared to protect themselves against any person who violates their civil liberties when the police department fails to do this.” In the fall of 1964 Robinson also helped found the JFK House, after the slain U.S. president and Jomo Kenyatta, the first leader of independent Kenya. Robinson wanted to create a space “so that the black man could do something in his own community that wasn’t run by people from downtown.” The recreational center catered to young, previously-incarcerated working-class black men, and offered lessons in black history and armed self-defense. By contrast, on July 7, 1966, after the Superior Ave riots and two weeks before Hough’s unrest, Mayor Locher and leading middle-class African-American voices, including W. O. Walker, former city councilman and *Call and Post* publisher, and Morris Jackson, unveiled their “peace program.” Their proposals included deploying “specially trained” police teams to Hough and Gleville, integrating all eastside patrols, investigating the death of the 10-year-old boy, and countering the advocates of “race hate” through surveillance and a mayor’s intergroup committee. “It is up to us, our responsibility,” Walker said, “to ferret out the people who are trying to ferment racial unrest.” The publisher of the city’s main black newspaper was speaking of Lewis Robinson.¹⁰³

¹⁰³ In the early 1960s Robinson led a direct-action civil rights group called the Freedom Fighters. Forming the rifle club came at a great personal cost for him. James M. Lister, Urban Renewal Director, fired Robinson from his job as a housing inspector. Democratic senator Frank J. Lausche of Ohio condemned the rifle club from the Senate floor as “a matter of the gravest consequence,” prompting a fellow senator to ask the Department of Justice to investigate the group, then barely a week old. By 1966, the city had twice shut down the center for alleged sanitary violations and failure to pay rent. At the height of the Hough Riots of 1966, Chief Wagner branded the JFK House a “bomb school” and police raided the center multiple times. Afterward, Lausche again denounced Robinson and black militants for inciting unrest, and the Cuyahoga County Grand Jury mentioned Robinson specifically in asserting that the “disorder was both organized, precipitated and exploited by a relatively small group of trained and disciplined professionals.” Throughout this period Robinson was himself arrested on multiple occasions. *Plain Dealer*, June 5, 1961, 39,

Given the dual threats of racially-partisan policing and white vigilantism, many middle-class black activists welcomed the elite tactical units that progressive police chiefs touted as colorblind peacekeepers. In the spring of 1965 Detroit Police Commissioner Ray Girardin, successor to George Edwards and former assistant to Mayor Cavanagh, submitted a suite of proposals for potential funding under the new federal-local partnership in law enforcement that President Lyndon Johnson had announced during his State of the Union address in March. The city's wish list included \$324,000 for 400 two-way radios; \$13 million for the construction of a regional police agency, a communications center, and a forensics laboratory; and \$252,000 for a Tactical Mobile Unit (TMU). The TMU would be "a deterrent force which is highly visible and flexible" that operated on "on a city-wide basis" and targeted "street crimes," "demonstrations of various types," and any potentially disorderly large public gathering. In the fall Congress created the Office of Law Enforcement Assistance to funnel money to local agencies to encourage progressive techniques in the administration of criminal justice, such as the in-service training program that Cavanagh had spearheaded through the OEO over the summer of 1965. Giving a sense of the scale of Detroit's ambitions, the total 1966 federal appropriation for law enforcement agencies nationwide was approximately \$6 million.¹⁰⁴

The Tactical Mobile Unit epitomized the PCR ideal as first articulated by Joseph Lohman and company after the 1943 riots. The unit was designed to maximize mobility

September 23, 1961, 30, April 5, 1964, 1, 9A, April 6, 1964, 1, 6, 15, April 7, 1964, 1, 8, April 8, 1964, 10, April 10, 1964, 1, 9, January 10, 1966, 12, July 23, 1966, 1, 5, July 29, 1966, 1, 4, August 10, 1966, 1, 8, July 25, 1967, 11; *Call and Post*, November 27, 1965, 4A, May 7, 1966, 8B, July 9, 1966, 1A, 2A; *Cleveland Citizens Committee on Hough Disturbances*, (Testimony of Lewis G. Robinson and Beth Robinson) 124-126.

¹⁰⁴ Ray Girardin to Jerome Cavanagh, March 27, 1965, [Untitled Report], 4-5, Box 217, Folder 1, Cavanagh Papers, Reuther Library; on the OLEA, see Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration* (Cambridge, Mass.: Harvard University Press, 2016), chap. 1.

and flexibility, and trained to use a show of overwhelming force to subdue trouble at the outset. When eleven cruisers rolled out for the first tour on July 1, 1965, each one, painted a distinctive blue-and-white, was equipped with receivers and frequency transmitter-radios, allowing officers to monitor police radios in their vicinity and to communicate with other cars, walkie-talkies, or headquarters, and each one carried tear gas, two shotguns, and 00 buckshot in the trunk. Two Personalized Radio-Equipped Police Officers (PREP) were assigned per car. The PREP radios, attached at the hip by way of a cross-strap and costing \$600 each (\$4,700 in 2017 dollars), enabled officers in the field to receive and transmit information instantaneously. Commissioner Girardin placed Inspector Anthony Bertoni, a seventeen-year veteran, in charge of the unit's sixty patrolmen, four sergeants, and two lieutenants, all volunteers from a pool of over 300 applicants. The TMU included four African Americans. Before their first deployment the officers trained in riot control on Belle Isle and attended classes on "human relations, racial relations, racial tensions, public relations, gathering evidence, first aid and the duty of an officer in making an arrest," per a *Detroit News* profile. "Crime prevention is our reason for being," Bertoni said. "And we have a psychological advantage going in because no one wants to argue with a well-trained, well-armed, well-disciplined group of policemen."¹⁰⁵

The Detroit Police and the press presented the TMU as an all-in-one elite peacekeeping force, similar to the original declared purpose of Police-Community Relations as a form of crime control exercised through consent and coercion. In early

¹⁰⁵ Ray Girardin to Jerome Cavanagh, March 27, 1965, [Untitled Report], 2-4; DPD Office of the Commissioner, General Order #1718, June 18, 1965, Part 3, Series VI, Box 66, Folder 28, DCCR, Reuther Library; DPD Office of the Superintendent, Memorandum, August 3, 1965, *ibid*; *Detroit Free Press*, April 15, 1965, 2B, May 22, 1965, 5C, July 2, 1965, 10D; *Detroit News*, June 22, 1965, 1B.

press releases the DPD said the unit by “its very presence on the street constitutes a deterrent to the commission of crime,” and that “it can serve effectively in any situation presenting crowd control problems,” specifically “potentially troublesome parks during the summer months.” On its first tour, in fact, the TMU helped calm a minor disorder at a jazz concert on Belle Isle. The department said the trouble had arisen from “misunderstandings,” and the TMU “was successful in dispersing crowds and controlling unruly persons” and “demonstrated the highest degree of professionalism.” A *Detroit News* reporter, John W. Hushen, accompanied the TMU on this first run. “The 60 patrolmen who make up the unit are taught to explain the problem to the public before resorting to force,” Hushen said. “They are polite, but they are firm,” Bertoni said of his officers. In August the *Detroit Free Press* published a glowing review under the headline: “Crack Police Squad Uses Restraint as a Peacemaker.” Van Sauter, an experienced police reporter, observed the blue-and-whites race to the corner of 12th and Philadelphia where a crowd had gathered after a private security guard fired a gun into a small group of black teens. Trouble was averted, Sauter explained, because quick-acting TMU officers had “contained the rebellious youths” through “saturation coverage.”¹⁰⁶

Prominent black and white liberals at first applauded the specially-trained peacekeeping force as an illustration of elite colorblind policing. The Citizens Committee for Equal Opportunity, an interracial liberal advocacy group composed of distinguished Detroiters, praised the TMU in its report on law enforcement and racial problems in the city released at the end of August 1965. The CCEO was chaired by Reverend Richard S. Emrich, a white Episcopalian bishop, and the subcommittee that prepared the report was

¹⁰⁶ DPD Press Release, Tactical Mobile Unit, n.d., Part 3, Series VI, Box 66, Folder 28, DCCR, Reuther Library; *Detroit Free Press*, August 16, 1965, 1, 12A; *Detroit News*, July 2, 1965, 1, 16A.

made up of leading representatives of the law, clergy, and labor, including Detroit NAACP president Reverend James Wadsworth. The authors hoped to inject a dose of liberal PCR into a tense political climate during a mayoral campaign dominated by “crime in the streets.” The report praised the DPD’s recent innovations in enlightened policy such as the in-service training program and the creation of the TMU, which it said was making “a special effort, when not directly involved in the apprehension of criminals or other formal police duties, to establish courteous contacts and develop rapport with citizens in the community.” Citing the support of “civil rights groups throughout the city,” the CCEO recommended the unit’s “expansion.” Indeed, Girardin had recently requested an additional allotment of five cars and thirty volunteers.¹⁰⁷

Rather than soothing intergroup relations, the Tactical Mobile Unit, like other big-city roving elite squads, relied heavily on traditional crime-control tactics that over time angered many marginalized residents. The numbers from its first month indicated what was to come. During July 1965 the TMU made 348 arrests—192 for felonies and 156 for misdemeanors. More than one third were for traffic offenses. Of these, one in five was on traffic warrants, and fifteen percent was for driving without an operator’s license. A study completed five years later found that forty-five percent of TMU arrests were for traffic offenses, while a quarter of its arrests were dismissed by prosecutors, indicating either “ignorance” or “premeditated and systematic harassment.” Early on the tactical unit also demonstrated a penchant for preventive stop-and-search street policing. In January 1966 *Free Press* reporter John Millhone joined TMU officers on patrol to learn about stop-and-frisk since Cavanagh had proposed such an ordinance after winning reelection in

¹⁰⁷ *Detroit Free Press*, August 19, 1965, 3A, August 29, 1965, 1B, 4B, October 29, 1965, 2B; *Detroit News*, August 18, 1965, 2B.

November 1965, and the tactic was still on “little-explored constitutional terrain.”

Millhone observed the TMU officers stop and frisk a black youth darting through the streets late at night on the westside, before ultimately deciding to release him. “Running in a high crime area,” Millhone explained, constituted “reasonable grounds to suspect a felony.” Although TMU officers were “trained, talented, and experienced,” and appeared more than expert in lawful use of the tactic, the reporter realized that the black youth “may have thought his rights were interfered with.”¹⁰⁸

Although billed as a riot control force, the mobile units thus posed a risk of provoking a violent reaction through their use of invasive, aggressive tactics applied with systematic and routine proficiency. In March 1966, with Cavanagh’s enthusiastic support, Girardin doubled the size of the TMU to 132 officers and twenty-six cars. A few months later, however, block clubs downtown complained of “24-hour-a-day prostitution” and lax code enforcement. They felt the city had “abandoned” them. “In the daytime we have search and seizure by the mobile units,” said one anti-crime activist, referring to the TMU, “but in the nighttime we have search and seizure by the thugs.” Meanwhile, at a meeting between DCCR officials and Girardin in August 1966, Robert Tindal of the Detroit NAACP observed that he was receiving “more and more complaints of harassment by the Tactical Mobile Unit.” Girardin chalked it up as an inevitable byproduct of stepped-up enforcement. “Complaints are bound to be increasing,” the

¹⁰⁸ *Northwest Record*, August 12, 1965, 1; *Detroit Free Press*, January 9, 1966, 14; Loukas Loukopoulos, *The Detroit Police Department: A Research Report on Previous Studies; Criminal Statistics; and Police Technology, Productivity and Competence* (Detroit: Committee on Public Awareness, 1970), Graph 28.

commissioner said, per the meeting minutes, “but that on the whole, the unit is doing a highly effective job” and would soon get “increased training.”¹⁰⁹

Since the 1940s liberal urban elites had advocated Police-Community Relations programs as a way to suppress disputes between different racial and religious groups over housing, recreation, and employment before they could escalate into violent conflicts. Reformers strove to substitute professional policing—fair, impartial, and firm—for the overtly partisan methods that then prevailed in many departments. Middle-class activists of color seized upon these initiatives as a way to address growing concerns within marginalized communities over abusive and unresponsive policing and worsening social conditions. Over time both police and intergroup officials realized that PCR programs would have to reach the patrol officer if they were to achieve their objectives of reducing street-level tensions. Rank-and-file police officers, however, were largely hostile to programs that had been engineered by top brass in concert with an increasingly influential traveling circuit of liberal reformers. Middle-class activists of color, especially African Americans, used their new electoral clout in the 1950s and 1960s in large urban centers like Detroit and Cleveland to demand fairer and more impartial but also more diligent policing in their neighborhoods. In so doing they joined police officials in prescribing a crime-control imperative to the Police-Community Relations programs that many departments would adopt as a standard response to urban rebellion in the 1960s.

¹⁰⁹ *Detroit Free Press*, March 3, 1966, 3B, June 11, 1966, 1; Minutes, Commission on Community Relations, Subcommittee on Police-Community Relations, August 24, 1966, 4, Part 3, Series VI, Box 65, Folder 15, DCCR, Reuther Library.

CHAPTER 4

“HIGHLY PROVOCATIVE ACTS”: POLICE VIOLENCE, CIVILIAN REVIEW, AND THE POLITICS OF POLICE REFORM

On Saturday afternoon, October 26, 1963, a white rookie patrolman, John Tourigian, went to the Owl Cut Rate Store at 19th and Susquehanna, in North Philadelphia, to investigate an alleged shoplifting. As described by the officer and several witnesses, Tourigian shot and killed Willie Philyaw, Jr., after the black 24-year-old lunged at him with a knife. Other witnesses claimed that Philyaw stood six feet away, hands at his side, when the officer pulled the trigger. Hours later an estimated crowd of 700 rioted in the streets, breaking store windows and pelting police with debris. The unrest followed a raucous street rally at which the speaker invoked the biblical line of “an eye for an eye, a tooth for a tooth” in assailing the killing. A demonstrator carried a placard that said: “Willie is Dead...Killed by Jim Crow, Philadelphia Style.” Crowds rioted again on Monday night, apparently targeting the stores of white merchants.¹

African-American activists moved quickly to demand tough punishment against the officer. Cecil B. Moore, president of the Philadelphia branch of the National Association for the Advancement of Colored People, referred to Philyaw’s death as “cold-blooded murder” and threatened to withhold black support from Democratic Mayor James H. J. Tate in the upcoming election unless the city suspended Tourigian. Some 200 black residents roared “Yes!” when a clergyman asked if they sought a suspension. Within days the Philadelphia Police suspended the officer with pay. Meanwhile, the

¹ Complicating matters further, Philyaw had a limp and occasional seizures due to spinal meningitis, and one witness claimed he was physically unable to respond to the officer’s commands. *Philadelphia Inquirer*, October 27, 1963, 1B, 18B, October 28, 1963, 19, October 29, 1963, 1, 19; *Philadelphia Tribune*, October 29, 1963, 1-4.

Philadelphia Inquirer reported that in 1956 Tourigian had been denied police employment after failing two psychiatric exams. On November 29 the district attorney and the medical examiner in separate investigations ruled Philyaw's death a "justifiable homicide." After the city exonerated the officer, Moore escalated his prior demand and threatened to pursue an arrest warrant for murder. On December 14 Tourigian was returned to active duty and assigned to the radio room. "Tell Mr. Moore we of the FOP back officer John Tourigian 100 percent," said Maurice O'Leary, president of the Fraternal Order of Police. "We will fight any action he may take." The Philadelphia branch of the Congress of Racial Equality announced a new anti-brutality campaign with three prongs: "place watchers in especially notorious police stations in Negro areas with cameras," "solicit cases of police brutality from the Negro community," and "where facts warrant...swear out warrants to arrest offending officers." The chair of Philadelphia CORE added that the Police Advisory Board—the first civilian review board in the country, and one of two in 1963—was "worthless."²

Postwar policing controversies, where a citizen alleged misconduct, tended to fall under the banner of "police brutality." The term "brutality" for people of color and other marginalized groups encompassed a wide swath of behavior, ranging from what the sociologist Albert J. Reiss has called "status degradation," such as verbal discourtesy and indiscriminate street stops, to any confrontation causing bodily injury or death. Thus CORE referred to their anti-brutality campaign after Philyaw's death as a "drive to

² Police officials initially transferred Tourigian to a clerical assignment in a different district before suspending him with pay. The city also extended the police inquiry two weeks past the district attorney and medical examiner's investigation to interview four additional witnesses supplied by Philyaw's neighbors. *Philadelphia Inquirer*, October 30, 1963, 1, 14, November 2, 1963, 5, November 3, 1963, 43B, November 14, 1963, 10, November 30, 1963, 17, December 14, 1963, 1, 5, December 15, 1963, 1B, 6B; *Philadelphia Tribune*, November 5, 1963, 4, November 9, 1963, 3, December 3, 1963, 3, December 10, 1963, 4, December 17, 1963, 5.

expose and stop inhuman and unjust treatment of the Negro citizen.” Police generally invoked a narrower definition, in keeping with common law and state and federal statutes, to refer only to when an officer used more force than was reasonably necessary to take a suspect into custody. Yet liberal and reformist police chiefs, like Detroit’s George Edwards, recognized how a case of alleged brutality could undermine their administration and provoke the sort of serious unrest that followed Philyaw’s death.³

For the two decades after World War II civil rights and civil liberties groups fought to establish a more direct civilian role in police discipline. By the late 1950s, as the historian Eric Schneider has chronicled for Philadelphia, the American Civil Liberties Union was advocating for civilian review boards in every large city. The ACLU pitched the review board as an “independent, impartial tribunal of carefully-selected, outstanding citizens from the community at large” that would have “the power to hear complaints, investigate and make recommendations” but that would have “no disciplinary powers whatever.” “Just as important as offering aggrieved citizens a route of redress,” observed a popular late-sixties ACLU pamphlet, “the forum would also serve to defend the police against unfounded and unproved complaints and to protect their careers, promotions and pensions against false, malicious or vengeful attacks by citizens.” Rather than assuage police fears, however, civilian review boards provoked a massive counter-mobilization by both command and rank-and-file police organizations.⁴

³ Albert J. Reiss, Jr., “Police Brutality—Answers to Key Questions,” *Trans-Action* 5, no. 8 (July/August 1968): 11-12; CORE Protests Findings in Philyaw Case, December 6, 1963, 2, Police-Community Relations in Urban Areas, 1954-1966, Box 4, Folder “OGC/FPP Philadelphia-Police-Community Relations,” Records of the Commission on Civil Rights, Record Group 453, National Archives-College Park (NACP); Wayne R. LaFave, *Arrest: The Decision to Take a Suspect Into Custody* (New York: Little, Brown and Company, 1965), 208-217; *A National Survey of Police and Community Relations*, Field Surveys V (Washington, D.C.: Government Printing Office, 1967), 148-149, 151-152.

⁴ ACLU, “Police Power and Citizens’ Rights: The Case for an Independent Police Review Board,” 2, American Civil Liberties Union Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1082, Folder

Behind the public fight over review boards, middle-class activists of color pursued changes to hiring and discipline. African-American activists in particular used the threat of civilian review boards to pressure liberal mayors and their police chiefs to investigate citizen complaints with greater transparency and to administer tougher punishments, especially against the minority of officers known to the community as chronic abusers. Civil rights groups also demanded that police eliminate discriminatory barriers to employment, assignment, and promotion, as a matter of fairness and as a matter of strategy, believing that a force that more closely reflected the city's demographics would be less brutal and inhumane to its marginalized residents. Under intense activist pressure, some large urban police departments began to mete out tougher discipline, albeit more often for corruption or code of conduct infractions than for civil rights violations. In some cases, city prosecutors even charged officers with serious crimes, including murder. Despite finding some success in these areas, activists failed to transform the disciplinary infrastructure of police departments. From the 1930s on, police in fact gained new civil service rights that protected them from management and outside review.

Afforded broad legal authority to use deadly force, and given little guidance or oversight from command, rank-and-file officers were unprepared for the onslaught of criticism they faced in the 1960s, much of which they considered uninformed or illegitimate. Meanwhile, activists of color in the North seized upon police brutality as an illustration of the Jim Crow justice that the civil rights movement was attacking in the

3, Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library (Princeton); Eric C. Schneider, "Dirty Work: Police and Community Relations and the Limits of Liberalism in Postwar Philadelphia," *Journal of Urban History*, 3-5, first published April 28, 2017, doi: 10.1177/0096144217705462.

South. The technocratic question of “who should police the police” thus became an intense ideological dispute. An officer’s decision to stop and frisk, make an arrest, or fire their weapon, low-visibility events mostly unregulated by legal authorities before the 1960s, came under critical scrutiny from activists of color eager to extend the equal protection of the law to marginalized citizens. The push-and-pull of activist pressure and rank-and-file reaction had an unintended but significant effect: it politicized the battle of the corner, stripping police-citizen street interactions of their inherent ambiguity and forcing a more zero-sum confrontation over the rights of police officers and citizens.

The Problem of Police Use of Force after World War II

In the 1940s and liberal reformers generally conceived of police violence as an administrative problem requiring changes to training, hiring, and discipline, whereas radical activists accused police of participating in a campaign of deliberate terror. The 1951 petition *We Charge Genocide*, presented to the United Nations by the left-wing Civil Rights Congress, portrayed northern urban police killings and southern posse-style lynchings as indistinguishable events. More moderate civil rights organizations like the NAACP, by contrast, tempered this comparison with a legalistic approach. After a Cincinnati police officer allegedly sicced a canine unprovoked on several black residents in May 1962, the local NAACP branch protested to city council and distributed a flier titled “Mississippi Comes to Cincinnati.” Below a listing of recent similar incidents in the South, the NAACP said they planned to collect notarized witness statements to file charges against the officer. “What can you do to protect your rights?,” the flier asked in large block letters printed at bottom. “Join NAACP Today.” The NAACP, which was

founded after a racial pogrom in the early twentieth century, was typical of liberal civil rights organizations in treating northern urban police brutality as a symptom of Jim Crow.⁵

Liberal groups and middle-class activists of color asserted that police brutality represented an urgent and daily threat to the dignity and safety of poor and marginalized urban residents, while nonetheless acknowledging that policing remained a public necessity. Gladys M. Johnson, editorial writer for the *Michigan Chronicle*, Detroit's main black newspaper, devoted her column of January 30, 1965, to "exactly what we have in mind when we use the term POLICE BRUTALITY." Johnson listed more than a dozen examples:

BRUTALITY is sometimes killing a prostitute, who, they say, draws a switch blade on police...is sometimes killing a 15-year-old boy who is trying to burglarize a house...is sometimes searching innocent citizens on the public thoroughfares...is beating a prisoner to get evidence...is sometimes calling a Negro citizen by his first name...is thinking all Negroes are criminals and treating them all like criminals...is stopping ME for 15 minutes to give me a ticket when I am already 15 minutes late for my work...is taking a Negro woman into custody when she is merely waiting on the street corner for a bus...is sometimes just the absence of common courtesy...is harassment...is sharing ill-gotten gains and then raiding the joint when the 'money-well' runs dry...is using a gun, night stick, or blackjack just because it is there...is mistaking a badge and blue uniform for license to engage in sadism.

The list begins with actual incidents from Detroit's recent past, in which the officers were exonerated, but then becomes increasingly broad, referencing practices frequently criticized by black residents, like corruption, dragnet tactics, and gratuitous violence. In

⁵ Civil Rights Congress, *We Charge Genocide* (New York: International Publishers, 1951), 59; for a similar listing commingling southern lynching and northern policing, see the NAACP's catalogue from 1954-1956 in "Police Brutality," NAACP Records, Part III: Administrative File, 1909-1969, Box A243, Folder "Police Brutality," Manuscript Division, Library of Congress (LOC), Washington, D.C.; "Mississippi Comes to Cincinnati," n.d., NAACP Records, Part III: Administrative File, 1909-1969, Box A243, Folder "Ohio, 1957-1963," LOC; To The Special Hearing Committee for City Council, June 12, 1962, *ibid*; NAACP Protests Use of Dogs by Police, May 19, 1962, *ibid*; *Cincinnati Enquirer*, June 13, 1962.

mentioning her traffic ticket, Johnson appears to acknowledge that some police actions resented by citizens might be legal and legitimate. Indeed, Johnson concludes with examples that caused her “mixed emotions” and “confusion,” such as “when I need those same police officers to protect ME.” After beginning with anger, sorrow, and bitterness, Johnson’s portrait of police brutality thus ends with the ambivalence that many African Americans felt toward police in northern and western cities.⁶

Police reform discussions in the white mainstream thus centered on whether police brutality was, in the words of one popular press account, “fact or fiction.” Conservative defenders of the police argued that “brutality” was largely a hoax, a subversive smear used by left-wing groups to undermine public faith in government and a self-serving rationale invoked by racial minorities to justify popular violence against police, such as resisting arrest and rioting. The *U.S. News and World Report*, for example, pointed to the low sustain rate for citizen complaints against police—seven of 289 complaints were sustained by Chicago Police for the first nine months of 1965—as proof of the baselessness of the “brutality” charge. In addition to a hidden ideological imperative, police accused their critics of destroying law enforcement’s ability to make split-second decisions on the street. “A policeman dreads the moment when someone will yell ‘brutality,’” said the police chief of Berkeley, California, in 1965. “That charge robs him of his dignity. It takes away everything he’s trying to do—what he believes in.”⁷

Since local and federal authorities failed to track police use of force in any systematic way, estimates of its scope were tentative and ideologically-tinged. In its 1961

⁶ *Michigan Chronicle*, January 30, 1965.

⁷ *U.S. News and World Report*, September 6, 1965, 39-40; also see, *U.S. News and World Report*, August 10, 1964, 33-36; *A National Survey of Police and Community Relations*, 166-174.

survey, the U.S. Commission on Civil Rights, as national commissions had done in 1931 and 1947, concluded that “police brutality is still a serious problem throughout the United States.” Yet six years later the President’s Commission on Law Enforcement and Administration of Justice (Crime Commission) contended that “physical abuse is not as serious a problem as it was in the past,” a point sometimes made by African-American liberals. Here informed observers were noting a longstanding trend within police departments to disavow “third degree” methods, or the use of physical torture to obtain confessions in station-house interrogations, a reform effort that gained ground after the publication of the first interrogation manual, in 1940, encouraging the use of deception and psychological manipulation to wear suspects down. An influential proponent of the new interrogation techniques and author of one of the first textbooks on the subject was the criminologist Fred E. Inbau who frequently appeared in the press attacking the liberal court rulings of the 1960s restricting police power against persons suspected of crime.⁸

The files of local advocacy organizations indicated that while police violence may have declined in aggregate, a substantial number of marginalized residents in the 1950s and 1960s still routinely confronted wanton and unjustified physical police aggression. In Detroit the NAACP served as a clearinghouse for citizen complaints against the police,

⁸ *Justice: 1961 U.S. Commission on Civil Rights Report* (Washington, D.C.: Government Printing Office, 1961), 1; *National Commission on Law Observance and Enforcement: Report on Lawlessness in Law Enforcement* (Washington, D.C.: Government Printing Office, 1931), 4; *To Secure These Rights: The Report of the President’s Committee on Civil Rights* (Washington, D.C., Government Printing Office, 1947), 25-27; President’s Commission on Law Enforcement and Administration of Justice, *Task Force Report: The Police* (Washington, D.C.: Government Printing Office, 1967), 181; Richard A. Leo and George C. Thomas, III, *Confessions of Guilt: From Torture to Miranda* (New York: Oxford University Press, 2012), chap. 7-8; Richard A. Leo, *Police Interrogation and American Justice* (Cambridge, MA: Harvard University Press, 2008), chap. 3; Fred E. Inbau, *Lie Detection and Criminal Investigation* (Baltimore: Williams & Wilkins, 1942); Inbau, “Police Interrogation—A Practical Necessity,” *Journal of Criminal Law, Criminology, and Police Science* 52 (1961): 16-20; *Washington Post*, July 9, 1957, A10; *Chicago Tribune*, August 11, 1964, 27.

independently investigating each one to verify the authenticity and in the most credible cases taking sworn affidavits to file civil or criminal charges against the accused officers. From January 1, 1956, to November 30, 1960, the local branch received 244 complaints of which 149 alleged physical brutality—32 in 1956, 30 in 1957, 44 in 1958, 25 in 1959, and 18 in 1960. The number of alleged station-house beatings, strikingly, declined each year from 21 in 1956 to 11 in 1958 to just one in 1960. For the 103 complaints received from June 1, 1956 to July 30, 1957, the Detroit NAACP observed that a “central problem” alleged by black citizens was “the unprovoked attack by the police while questioning them,” typically for failing to demonstrate absolute deference to a white male authority figure. “This is evident,” the report continued, “by the similarity in the complaints where the officer is quoted as demanding that that the complainant say ‘Yes sir or no sir when answering a white man,’ or ‘I can see you are one of those smart niggers.’”⁹

The records of public agencies further suggest that police brutality remained a serious and ongoing problem for black Detroiters in the 1960s. In 1965 the Citizens Complaint Bureau, an administrative unit of the Detroit Police Department, received 105 cases involving 108 complainants of whom ninety were African-American, seventeen were white, and one was Mexican-American. Twenty-four persons complained of physical abuse, whereas sixty-seven individuals alleged “misconduct,” which the CCB defined as “harassment, insufficient police service, discourtesy, failure to enter

⁹ An Analysis of Police Brutality Complaints Reported to the Detroit National Association for the Advancement of Colored People in the Period From June 1, 1956 to July 30, 1957, 2, NAACP Records, Part III: Administrative File, 1909-1969, Box A243, Folder “Police Brutality, Michigan, 1956-1963,” LOC; Arthur L. Johnson, *Police Brutality Against Negroes in Detroit*, Prepared for the U.S. Commission on Civil Rights, Detroit, Michigan, December 15, 1960, 16-17, *ibid*; also see *The Crisis*, October 1958, 487-491.

complaint.” An additional fifteen persons complained of “improper police procedure,” or “false arrest, improper issuance of tickets, excessive incarceration, denial of police service.” That is, three in four Detroiters who bothered to register a complaint with the department’s own reviewing agency accused police of tactics that appeared to constitute non-physical harassment. The CCB fully or partially sustained nineteen of 108 complaints in 1965. Of the rest, fifty were dismissed due to lack of evidence and fifteen were unfounded (or deemed factually untrue), and in seven the officers were exonerated. The Michigan Civil Rights Commission, a state agency created by the new state constitution ratified by voters in 1963, received 114 complaints against the DPD between January 1, 1964, and March 30, 1966, of which 104 were filed by African Americans. Physical abuse was the most common complaint—34 in 1964 and 22 in 1965—followed by harassment and verbal abuse.¹⁰

The evidence from Detroit for the decade after 1955 therefore suggests that as police abandoned the time-honored practices of investigative arrests and station-house beatings, they continued to use physical force against citizens on the street, and were rarely punished for it. According to police records, in the thirty-two month period of May 1961 to February 1964, 1,500 citizens were involved in clashes with 1,200 officers, or roughly a quarter of the force. Of the 1,041 citizens injured, 617—sixty percent—were black in a city less than one-third African-American. In 1963 305 of 481 citizen injuries were to the face and head, and 119 of 261 officer injuries were to the hand and arm. In

¹⁰ Summary and Analysis of Cases Investigated by the Citizen Complaint Bureau, August 16, 1966, 1, 4, Part 3, Series VI, Box 69, Folder 16, Detroit Commission on Community Relations Records, Walter P. Reuther Library, Wayne State University, Detroit; MCRC, Report on Investigations of Law Enforcement Claims Against the Detroit Police Department, June 24, 1966, 1-2, Part 3, Series VI, Box 66, Folder 15, DCCR Records, Reuther Library.

1965 the Tenth Precinct—home to Twelfth Street and the largest concentration of black residents in Detroit—led the city in allegations of police abuse, followed by the predominantly African-American Thirteenth and Fifth Precincts. In a sweeping survey, the *Detroit Free Press* discovered that the CCB sustained or partially sustained roughly twenty percent of 658 complaints between 1965 and 1968. In 1,000 complaints made to the DPD between 1961 and 1968, moreover, no officer was dismissed. Of 445 cases between 1965 and 1967, exactly one officer faced criminal prosecution on the basis of a CCB investigation.¹¹

Middle-class African-American activists denounced as “brutality” any police action that appeared devoid of a legitimate investigative purpose but instead seemed calculated to degrade or punish black citizens for reason of color or status. A common example in the 1950s and 1960s was the retaliatory or “snap” arrest, typically when a white male officer decided to punish a citizen of color for asserting her rights or otherwise challenging police prerogatives. The sociologist William Westley posed this question to seventy-three police officers in a Midwestern city in the early 1950s: “When do you think a policeman is justified in roughing a man up?” Thirty-seven percent—the largest proportion—answered: “disrespect for police.” Porter Banks, a black 34-year-old father of five and Boeing employee in Seattle, was arrested for investigation in June 1964 and severely beaten by four police officers in a jail cell. According to his civil complaint,

¹¹ *Detroit Free Press*, January 26, 1969, 10B; Police-Citizen Injury Cases, February 19, 1964, Box 2, Folder 7, Maurice Kelman Papers, Reuther Library; 1963 Police-Citizen Injury Statistics, n.d., *ibid*; for a breakdown of complaints by precincts sorted by racial composition, see Summary and Analysis of Cases Investigated by the Citizen Complaint Bureau, August 16, 1966. In 1961 there were 540 citizen complaints to the Los Angeles Police of which 248 were sustained; 121 alleged excessive force, and of these five were sustained. *Police-Minority Group Relations in Los Angeles and the San Francisco Bay Area*, Report of the California Advisory Committee to the U.S. Commission on Civil Rights, August 1963 (Washington, D.C.: Government Printing Office, 1963), 12.

the police became violent toward Banks after losing patience with his repeated requests to make a phone call. At last, one officer said, “You’re one of those smart ones,” and the others roughly grabbed him and tossed him into an empty cell where they pummeled him over and over. “You’re one of those smart ones,” sometimes used with a racial epithet, was a boilerplate police response to African Americans asserting their rights.¹²

In some cases, police brutality was tinged with a reactionary white anger against black civil rights activism. Six weeks after white rioters attacked black desegregation demonstrators in Cleveland’s Murray Hill, on March 28, 1964, at close to 4 a.m., Glenn Marks and his friend John Hill were waiting for their bus home after completing a shift at the Greyhound Bus Terminal where they worked as janitors. Marks, who had recently turned twenty-one, was also a full-time student at Cuyahoga Community College. Hill, his assistant, was eighteen. About a minute before their bus was due to arrive, a police officer shined a flashlight in their face and asked for identification. Both produced their draft papers. The officer then kicked Hill, who was seated on the floor. Marks told the officer they worked at the station and demanded to know what they had done wrong. The officer tapped his holstered revolver and said, “What are you going to do about it?” The officer called for back-up and both young men were arrested.¹³

¹² William A. Westley, “Violence and the Police,” *American Journal of Sociology* 59, no. 1 (July 1953): 38; Porter Banks v. John Doe, In the Superior Court of the State of Washington for King County, No. 631605, December 1, 1964, ACLU Records: Subgroup 2, Legal Case Files Series; 1947-1995, Box 1684, Folder “Seattle, Washington Police Cases, 1965,” Princeton; *Philadelphia Tribune*, December 12, 1959, 1, 14, November 25, 1961, 2, June 29, 1963, 1, 6; *Washington Post*, July 17, 1957, A1; *Afro-American*, February 2, 1963, 19; *Atlanta Daily World*, August 22, 1961, 1, 3; *Chicago Defender*, October 14, 1961, 1, 2; Hugh R. Manes, “A Report on Law Enforcement and the Negro Citizen in Los Angeles,” (Hollywood, Calif., 1963), 24.

¹³ Testimonies of John Hill and Glen Marks to Attorney Donald Peppers, June 6, 1964, 1-4, 12-16, Police-Community Relations in Urban Areas, 1954-1966, Folder “Police Brutality – John Hill Glen Marks Case,” Box 6, Records of the Commission on Civil Rights, Record Group 453, National Archives at College Park (NACP); also see, “Police-Community Relations,” 4, 7-12, Police-Community Relations in Urban Areas, 1954-1966, Box 6, Folder “Cleveland, Ohio – Police-Community Relations,” Records of the Commission on Civil Rights, Record Group 453, NACP.

Marks and Hill then experienced physical brutality at the station house that was totally detached from criminal investigation. On the fourth floor of Central Police Station, half a dozen officers took Marks into a bare office. Waiting outside, Hill could hear police shouting, “You black dog, black animal, black motherfucker.” When it was Hill’s turn, police ordered him to bark like a dog. Anytime he refused or hesitated, he was beaten. One officer lifted up a table and brought it down on Hill’s head. Afterward, the arresting officer came up to Hill and said, “Now, have you learned your lesson?” “The next time I see you on the street you black motherfucker,” the officer continued, “I am going to kill you.” During the routine pat-down before lock-up, police yanked hard—twice—on the testicles of both men. On the second time, an officer hit Marks in the ribs. He fell over and a Congress of Racial Equality membership card fell out of his pocket. An officer exclaimed, “CORE! I thought I recognized you from someplace.” “Weren’t you one of those black animals on Murray Hill?” he said. “Those Dagos should have whipped you black niggers’ asses.” Another officer grabbed Marks’s collar and said, “You black motherfuckers. I wish you would move next door to me. I would blow your damned head off.”¹⁴

For Marks and Hill, and others in Cleveland’s black community, the brutality went beyond the physical violence. Both men were detained for thirty hours on “suspicion” and ultimately charged with disorderly conduct. When Marks asked to make a phone call, an officer replied, “No, because you are a suspicious person and a suspicious person can’t see or talk to anyone until 72 hours are up.” The day of their release, an officer came to the bus station and asked, “Did you learn your lesson?” That

¹⁴ Testimonies of John Hill and Glen Marks, 4-8, 17-18.

night, Marks and Hill spotted the same officers parked outside, staring at them. Marks's father had to escort them to their cars. Police waited for them to leave before departing. Anticipating such harassment, both men had quit their jobs while still in jail. Despite observing how police commonly used the disorderly conduct charge against persons "because they happen to convey a black skin to the wrong place at the right time," the *Call and Post*, the city's main black newspaper, refused to condemn the entire police department. Rather, in an editorial titled "Terrorists in Uniform," the paper emphasized the importance of disciplining the "minute minority of racists who manage to infiltrate the uniformed ranks." "Certainly there can be no comparison between the actions of [Cleveland Public Safety Director John] McCormick's men with those of the infamous Bull Conner [sic]," the *Call and Post* said, "but in a city like Cleveland, one—just one—bigoted officer is too many."¹⁵

Civil rights activists—many of them practicing lawyers—sometimes challenged the low-visibility though common police tactic of using trumped-up charges to punish perceived disrespect from citizens of color. Late afternoon on February 10, 1960, A. Benjamin Johnson was seated on a stool, enjoying a glass of soda, at his uncle's luncheonette in South Philadelphia when two white city police officers burst through the door. Radio dispatch had directed the patrolmen to disperse corner-loungers in the area, and over the past half-hour, they had driven three groups of teenagers off of three different corners. Some of the boys, rather than going home as ordered, wandered into the store at 22nd and Reed Streets. The officers followed them and commanded them to leave. Three obeyed, but two stayed behind. When the officers pressed the boys again, Johnson,

¹⁵ Testimonies of John Hill and Glen Marks, 8-12, 18-22; *Call and Post*, June 13, 1964, 8B.

a 27-year-old African-American lawyer, stood up and told the police they “had no right to enter the store, nor to chase anyone out.” One officer told him to “mind his own business,” and warned him that he was “interfering with a police officer.” After Johnson countered that he “was no police officer” but “only a man,” the officers seemingly forgot the boys and arrested Johnson.¹⁶

Civil rights activists quickly saw the Johnson case as an opportunity to oppose police harassment of innocent black citizens. Johnson declined to pay the \$500 bail to remain in jail and petition for a writ of habeas corpus to contest the evidence against him. The magistrate at the preliminary hearing the following morning was stunned to see sixteen lawyers standing beside Johnson for a run-of-the-mill breach of the peace, included Philadelphia NAACP President Cecil B. Moore and former assistant district attorneys Curtis Carson and Christopher Edley; the latter was also director of the city’s Police-Community Relations Program. The group’s statement to the press summarized why Johnson’s arrest had struck a nerve: “We decided that this is an opportunity to bring before the Police Department the highhandedness with which some officers, Negro and white, make arrests of colored citizens. This group of lawyers decided, here and now, that this is the case we’ve waited for. And we’re serving warning that we will not stop until police refrain from arresting Negroes for ‘talking back’ to them and then entering charges of everything but murder.” The two arresting officers, meanwhile, quietly offered to withdraw the charges, but the magistrate refused.¹⁷

In targeting not only his own retaliatory arrest but the attempted arrest of the

¹⁶ Commonwealth ex rel. Johnson v. Police Commissioner of Philadelphia, 21 Pa. D., C.2d (1960) at 1, 9-12.

¹⁷ *Philadelphia Tribune*, February 13, 1960, 1.

corner-lounging boys, Johnson attacked order-maintenance policing and thus inspired a vigorous response from high-ranking police officials. “My men have been ordered to clean up the gangs and I want to back them up,” said Police Commissioner Thomas J. Gibbons, who said he planned to testify to defend the arresting officers and by extension his “get tough order” against juvenile delinquency in that particular South Philadelphia police district. At the February 19 hearing, Common Pleas Judge Raymond Pace Alexander, a distinguished African-American lawyer and civil rights activist, warned both sides not to make Johnson’s arrest into a “cause célèbre.” It was too late. The district attorney’s office and the Fraternal Order of Police both appeared as *amicus curiae*. Isadore H. Bellis, the FOP’s chief legal counsel, expressed his “sincere hope” that Johnson’s lawyers “do not make a racial issue of the affair” and bemoaned that “the incident has ballooned all out of proportion.” In a lengthy opinion issued in early April, Judge Alexander acknowledged the legitimate police interest in regulating the “*disorderly conduct* of groups of boys upon street corners,” but found no such “*conduct*” in this case, either by the boys or by Johnson. The defendant “was not above reproach,” Alexander said, “but undoubtedly he was provoked by what he believed to be an injustice.” With this closing sentiment, the city’s only black judge dismissed the charges against the young black lawyer.¹⁸

Few police actions, however, could enrage the public, and draw normally apathetic citizens into the bruising fight over police tactics, like physical brutality, especially the use of deadly force. Police officers in the United States in the 1950s and

¹⁸ *Philadelphia Tribune*, February 20, 1960, 1, 14, March 26, 1960, 1, 14, April 12, 1960, 1, 12; *Philadelphia Inquirer*, February 17, 1960, 11, April 12, 1960, 18; *Johnson v. Police Commissioner of Philadelphia*, 16.

1960s were authorized by common law or by statute to use deadly force under the following two conditions: as the necessary means to prevent the escape of a person whom the officer reasonably believed had committed any felony and to protect the life of the officer or a member of the public. “It is surprising and alarming,” the Crime Commission observed, however, in 1967, “that few police departments provide their officers with careful instruction on the circumstances under which the use of a firearm is permissible.” Some police manuals even failed to distinguish between felonies and misdemeanors in authorizing force against the public. In 1954 the Metropolitan Police Department in Washington, D.C., issued a memorandum “*suggesting*” that officers should restrict their use of deadly force to serious felonies, but never specified which ones. The department also had a predictably-ineffective “unwritten policy” against shooting at stolen cars. The MPD killed sixteen people between 1960 and 1964, five of them in the first half of 1964. In fifty-seven shooting incidents from July 1962 to June 1964, D.C. police claimed self-defense in fifteen and fired their weapons at “fleeing felons” in thirty-five. The ACLU found that police in a Midwestern city fired their guns more than 300 times in two years in the early 1950s. In more than one in three cases, police shot at cars driven by juveniles. Michigan and Wisconsin, incidentally, had no statute at all on police use of force.¹⁹

A broadly-defined legal authority and weak administrative controls were a deadly combination in the hands of police officers. Plus, in part due to both these factors, prosecutors and grand juries showed overwhelming deference to police in fatal shootings.

¹⁹ *Task Force Report: The Police*, 189; Jerry V. Wilson, “Deadly Force,” *Police Chief* (December 1972): 44-45; James J. Fyfe, “Administrative Interventions on Police Shooting Discretion: An Empirical Examination,” *Journal of Criminal Justice* 7 (1979): 310-311; LaFave, *Arrest*, 209; Ed Cray, *The Enemy in the Streets: Police Malpractice in America* (Garden City, N.Y.: Anchor Books, 1972), 242-243; *Washington Post*, June 7, 1964, B1, B10; Cheryl-Ann Beattie Repetti, “The Politics of Civilian Review: Police Accountability in Washington, D.C., and New York City, 1948-1974” (PhD diss., The George Washington University, 1997), 182-183.

Arthur L. Kobler's study on 1,500 police killings between 1950 and 1969 claimed an annual average of 237 homicides between 1952 and 1964, and rising to 332 homicides from 1965 to 1969, in proportion to the increasing number of fatal citizen attacks upon police. "Noteworthy," Kobler concludes, "is the consistency of a 1 to 5 ratio of police killed to police killing." In twenty years, moreover, the study found only three cases in which the officer was criminally punished. The Los Angeles Police Department regulated firearms use more strictly than other cities, yet, Kobler found, "more civilians are killed by police officers in Los Angeles than in any other city." Kobler's claims are necessarily speculative, given the unsystematic collection of data, but evidence from other studies does support his general conclusions. Examining coroner's inquests from January 1, 1964, to July 31, 1965, ACLU attorney Hugh R. Manes found at least sixty-four homicides by Los Angeles police officers. Twenty-seven victims were "shot in the back or side," twenty-five were unarmed, twenty-three were "merely burglary or theft suspects," and four were later proven innocent of any crime. In sixty-two of sixty-four cases, the coroner's jury returned a verdict of justifiable homicide. Between January 1, 1964, and April 20, 1965, furthermore, Los Angeles police participated in 178 separate shooting incidents.²⁰

African Americans faced the brunt of lethal urban police violence. In Philadelphia, the coroner's jury upheld thirty of thirty-two police homicides as justifiable from 1950 to 1960. In the two remaining cases, the officers were indicted but acquitted by juries. Twenty-eight of the victims, or 87.5 percent, were African-American, even

²⁰ Arthur L. Kobler, "Police Homicide in Democracy," *Journal of Social Issues* 31, no. 1 (1975): 163-165; *Los Angeles Times*, May 19, 1965, A1; Hugh R. Manes, "Policemen with Guns," unpublished paper, 2-3, Box 39, Folder 2, Hugh Manes Papers, Collection 1854, UCLA Special Collection. Thanks to Max Felker-Kantor for sharing this document with me.

though blacks constituted twenty-two percent of the city's population and less than one-third of the city's total arrests. Twenty-four of the police homicides took place on the street. The victims were all men and on average twenty-seven years old. Thirty were unskilled laborers. Police reports indicated that eleven officers were injured, and in twenty-eight cases, the victim was engaged in crime, mainly Part I or felonious property crimes. Gerald D. Robin, who compiled this data set, further demonstrated that African Americans were killed by police at a much greater rate than whites were: from a low of six times more often in Akron to twenty-two in Philadelphia to twenty-nine in Milwaukee. Robin also discovered a wide disparity among cities in the total number of police killings between 1950 and 1960: from three in Boston to twenty-six in Washington, D.C., to 191 in Chicago. For 269 police homicides in nine cities over this eleven-year period, in which the racial identity of the victim was known, six in ten police homicides were of African Americans.²¹

Despite the serious challenges of law and evidence in criminally prosecuting officers for use of deadly force, it did happen on occasion and typically as a result of pressure from civil rights and civil liberties advocates. In Baltimore, for example, the city prosecutor charged two white police officers with murder and manslaughter, respectively, in two fatal shootings of two black men in the summer of 1964. Both officers were exonerated, the first by a grand jury and the second by a judge at a public hearing, which the prosecutor had scheduled only after the local NAACP objected to the secrecy of grand juries. Following the "no bill" verdict, Maryland's attorney general Thomas B. Finan requested a copy of the grand jury transcript, an extraordinary move by a state

²¹ Gerald D. Robin, "Justifiable Homicide by Police Officers," *The Journal of Criminal Law, Criminology, and Police Science* 54, no. 2 (June 1963): 225-229.

official, since the proceedings were by law secret. Finan also met with the Baltimore NAACP and the Maryland Civil Liberties Union to discuss their demand for a civilian review board. After a black man shot and killed a white patrolman with the officer's own revolver following "a bruising struggle," according to a state report, in October 1964, and civil rights activists again warned of potential rioting, Finan announced plans to create a "complaint evaluation board." Since the state of Maryland, specifically the governor, had authority over the Baltimore Police, Finan staffed the new board, which took effect in August 1965, with state and city officials, including a representative of the police commissioner, leading local activists to declare the board "meaningless" and "completely inadequate."²²

Fatal police shootings in the early 1960s sometimes provoked public outcry for a tighter police firearms policy, especially, although not always, when the victim was white. In Los Angeles, a white film studio carpenter named John S. Grudt was driving through a high-crime area after midnight on February 24, 1965, when two black plainclothes officers pulled alongside, flashing their badges and shining a light into the car. Grudt ignored the officers, perhaps, as subsequent court rulings stated, because he thought he was being robbed, and sped off. Two white plainclothes officers, responding to the officer-assist radio call, blocked Grudt's path with their cruiser. One of them rapped on Grudt's driver-side window with a shotgun, while his partner stood in front of Grudt's vehicle. Then, according to police, Grudt turned the car and advanced forward, prompting both officers to unload multiple revolver rounds and a shotgun blast into the

²² *Baltimore Sun*, June 22, 1964, 24, June 23, 1964, 46, June 24, 1964, 10, June 27, 1964, 18, July 12, 1964, 36-37, July 13, 1964, 34, July 14, 1964, 40, July 15, 1964, 44, July 22, 1964, 42, August 1, 1964, E18, September 13, 1964, 28-29, September 29, 1964, 24, December 8, 1964, 11, August 13, 1965, 38, August 14, 1965, 28, August 16, 1965, 34-35; *Afro-American*, September 26, 1964, 14.

car, killing the 55-year-old. Before police could complete their review, Thomas Bradley, a black city councilman and former Los Angeles police lieutenant, proposed that the council conduct its own investigation, which they approved by unanimous vote. Police Chief William H. Parker ordered mandatory board of inquiry review for all future police shootings of civilians. The police department, a coroner's jury, and city council exonerated the officers, but Grudt's widow, Delma, sued the city, and won a \$150,000 settlement on appeal in 1971.²³

Yet even in departments that demonstrated a clear tendency to kill people of color at disproportionately high rates, white victims, especially those with criminal records, could still receive little sympathy from prosecutors and the press. Between 1958 and 1961, white Detroit police officers shot and killed twelve African Americans, and the city's prosecutor ruled each one a justifiable homicide. Meanwhile, thirty-four whites were killed by blacks in this four-year period, and prosecutors found none of the homicides justifiable. This racial disparity prompted George W. Crockett, Jr., a black lawyer and future Recorder's Court judge, to file a complaint with the Michigan Civil Rights Commission against Wayne County Prosecutor Samuel H. Olsen. Crockett's complaint alleged that Olsen "has systematically discriminated against Negroes and the Negro population of Wayne County in the enforcement of criminal laws of Michigan; and that such discrimination is because of their race or color." Yet Olsen also demonstrated his deference to police authority in shooting cases involving white victims. On July 12, 1963, two white Detroit police officers fired warning shots at 18-year-old Kenneth Evans

²³ *Los Angeles Times*, February 25, 1965, 1, 8, February 26, 1965, 1, 3, February 28, 1965, D1, D26, March 5, 1965, 33, March 12, 1965, 3, 30, April 22, 1965, 1, 12, May 19, 1965, 1, December 10, 1971, 3; *Grudt v. City of Los Angeles*, 2 Cal. 3d 575, 86 Cal. Rptr. 465, 468 P.2d 825 (1970) at 470.

who was running away from a car that they had reason to believe he had stolen. When Evans did not obey their commands to stop, the officers fired again, striking the teen three times in the back and killing him. The *Detroit Free Press* led off their front-page story on Evans's killing by referring to him as a "bad boy," noting his long record of arrests, mainly for property crimes, beginning when he was ten years old. After Olsen exonerated both officers, Kenneth's 16-year-old brother, Ronnie, led sixty protesters in a march on the precinct. By dark the crowd of mostly white teens had grown to 200 and began pelting officers with bricks and bottles. Police made nine arrests in the Vernor station riot, and Olsen prosecuted the young white rioters.²⁴

In the mid-1960s academics for the first time attempted to measure police brutality in an empirical way. The sociologist Albert Reiss, on a grant from the Crime Commission, put together a team of thirty-six field observers to accompany police officers on patrol in select high-crime districts in three cities—Washington, D.C., Chicago, and Boston—everyday for seven weeks over the summer of 1966. Researchers documented thirty-seven instances of unnecessary or improper use of force in 3,826 police-citizen encounters. Of the forty-four civilians assaulted by police, twenty-seven victims were white and seventeen were African-American. Reiss calculated the rate of police assault was significantly higher for whites—41.9 per 1,000 white suspects—than it was for blacks—22.6 per 1,000 African-American suspects. "If one accepts these rates as reasonably reliable estimates of the undue force against suspects," Reiss argued, "then there should be little doubt that in major metropolitan areas the sort of behavior

²⁴ George W. Crockett, Jr., Application for Complaint, May 20, 1965, Box 180, Folder "Detroit Police," American Civil Liberties Union of Southern California records (Collection 900), UCLA Library Special Collections, Charles E. Young Research Library, UCLA; *Detroit Free Press*, July 13, 1963, 1, 2, July 16, 1963, 1, 2, 12C, July 22, 1963, 3A, 4A.

commonly called ‘police brutality’ is far from rare.” The researchers also found that police were typically “hostile” or “authoritarian” toward citizens who were uncooperative or antagonistic, and more frequently when the citizen was white than black.²⁵

Yet in finding that police were more often brutal to whites than to blacks, Reiss observed a deeper strain of animus among all police, white and black, toward criminals, poor and working-class people, and African Americans. Police were generally “civil bureaucratic” toward African Americans and friendlier to whites. Civility, however, was often “perceived as a sign of disrespect” by both officer and citizen, largely because, Reiss reasoned, citizens wanted to be treated like “persons,” while many police “may not regard Negroes as ‘persons’ in the traditional sense.” Indeed, the researchers found that in “predominantly Negro precincts over three-fourths of white policemen expressed prejudiced or highly prejudiced sentiments,” defined as describing African Americans in “sub-human” or animal terms. Yet Reiss also discovered that few police acted on these beliefs, and in fact, black officers were disproportionately more likely to use undue force, against African Americans in particular. Nine of the fifty-four officers observed using excessive force were black, while seven in ten people assaulted by black police were black. Further, in mostly black precincts, more than a quarter of African-American officers expressed the same prejudiced beliefs about black people as their white colleagues.²⁶

²⁵ Reiss, “Police Brutality—Answers to Key Questions,” 10; Albert J. Reiss, Jr., and Donald J. Black, *Studies of Crime and Law Enforcement in Major Metropolitan Areas*, Vol. 2 (Washington, D.C.: Government Printing Office, 1967), 36-37.

²⁶ Reiss, “Police Brutality—Answers to Key Questions,” 16; Reiss and Black, *Studies of Crime and Law Enforcement in Major Metropolitan Areas*, 57-58, 60, 133-136; *New York Times*, July 4, 1968, 8.

Police Brutality, Police Discipline, and the Emergence of Civilian Review Boards

Civil liberties and civil rights activists spearheaded the concept of civilian review during the 1920s and 1930s. The 1931 Wickersham Commission appointed by President Herbert Hoover to study “lawlessness” in law enforcement praised the Los Angeles Bar Association’s Constitutional Rights Committee, created in 1928, as “one of the most forceful agencies to combat the third degree yet organized in the United States.” Following the Harlem riot of 1935, provoked by rumors of an allegedly brutal arrest of a Puerto Rican boy for shoplifting, the policing subcommittee of the Mayor’s Commission recommended the creation of a biracial civilian agency to receive citizen complaints about the police. Mayor Fiorello LaGuardia never implemented the proposal. In the 1940s and 1950s civil liberties and rights activists were able to establish the first external review boards, in Washington, D.C., and Philadelphia, and strengthen internal investigation units, in Detroit and New York City, all large cities with sizable and growing black populations. None of the boards had the power to discipline police officers, but they offered activists and city officials a technocratic solution that appeared to address the problem of police legitimacy in poor and marginalized urban communities. The typical spur to reform was an act of alleged physical police brutality.²⁷

In Washington, D.C., a combination of elite pressure and grassroots activism created a new civilian police review unit. The catalyst was the arrest of a black man named Julius Clegg in August 1947 for allegedly harassing a white woman. Police detained Clegg on “suspicion” and beat him in his cell. Not only was Clegg a World War II veteran, he was an employee of the *Washington Post*, which supplied continuous

²⁷ Repetti, “The Politics of Civilian Review,” 93-95, 99-101.

coverage and many editorials in support of tougher police discipline. The context was also favorable. The radical National Negro Congress had been agitating for impartial police review for over a year. Two prisoners had died in city jails in 1947. Plus, a *Post* poll taken after Clegg's arrest showed that nearly two-thirds of respondents who could recall reading about police criticisms, mainly of brutality, believed the allegations were likely true. More than eight in ten African Americans believed the police were guilty of alleged misconduct. The Police Trial Board for the detectives accused by Clegg illustrated how the system was rigged against the civilian complainant. The police superintendent, Robert J. Barrett, brought the charges against the officers and also appeared as their character witness. The city's corporation counsel acted as judge while his assistant was the prosecutor. In October 1948, after sustained pressure by the *Post*, the Board of Commissioners created the Special Trial Board, consisting of two police commanders and one civilian attorney, to recommend discipline in civilian complaint cases. The city also established an all-civilian Complaint Review Board to evaluate civilian complaints and recommend review by the Special Trial Board.²⁸

In New York City, top police officials were moved to establish a review board to quiet outrage over allegations they had attempted to squelch federal civil rights investigations. In February 1953 the *World Telegram and Sun* reported that in July of the previous year the chief police inspector, at the direction of Police Commissioner George P. Monaghan, had secretly persuaded the head of the Civil Rights Section of the Justice Department to seek authorization from the NYPD before forwarding citizen complaints to the FBI. After the FBI's "hands-off" policy became public, the NAACP and the Civil

²⁸ Repetti, "The Politics of Civilian Review," 111-116.

Rights Congress—continuing their activism around police killings since at least WWII—organized rallies and petitioned the city to investigate. A number of activist groups, most prominently the Citizens Committee on Police Practices, made up of thirteen organizations, including the NAACP, proposed an independent review board. The New York Civil Liberties Union advocated creating an administrative review board within the department on the idea that the NYPD should “manifest to the public that it does not condone abuses by members of its force.” Especially since the Patrolmen’s Benevolent Association was attacking civilian review as a nefarious plot of “Communists and other racial groups,” the NYCLU promoted an internal board as a way to protect not only the “rights of citizens” but also the “rights of police officers.” In May, at the urging of Councilman Earl Brown, the body’s lone black member, city council held hearings on the “unwarranted use of force and abuse of authority by police.” On May 22, Commissioner Monaghan announced that he would appoint three deputy police commissioners—technically, all civilians—to direct the new Civilian Complaint Review Board.²⁹

The D.C. review board failed to deliver the transparent and effective processing of citizen complaints desired by civil rights and liberties activists. Between October 1948 and July 1965, the CRB considered just sixty-eight complaints and in sixteen cases

²⁹ Repetti, “The Politics of Civilian Review,” 119-127; Ruth Cowan, “The New York City Civilian Review Board Referendum of November 1966: A Case Study of Mass Politics” (PhD diss., New York University, 1970), 42-86; Louis Farr, Tentative Outline of Report on Police Brutality in New York City, n.d., NAACP Records, Part II: General Office File, 1940-1956, Box A456, Folder “New York Police Brutality, 1950-1952,” Manuscript Division, LOC; Herbert Wright to Youth Councils re: Police Brutality, n.d., *ibid*; NAACP Press Release, February 19, 1953, NAACP Records, Part II: General Office File, 1940-1956, Box A456, Folder “New York City Police Brutality, 1953-1954,” Manuscript Division, LOC; NAACP Statement to the House Judiciary, March 20, 1953, *ibid*; Recommendations to Police Department for Investigating Complaints of Civil Rights Violations, April 29, 1953, *ibid*; *New York Amsterdam News*, May 23, 1953, 18; *New York Times*, May 2, 1953, 11, May 23, 1953, 17; Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Cambridge: Harvard University Press, 2003), 60-66, 74-78; Marilyn S. Johnson, *Street Justice: A History of Police Violence in New York City* (Boston: Beacon Press, 2003), 203-228.

recommended a trial board hearing for accused officers. In a June 1964 report, the National Capital Area Civil Liberties Union observed that the board “depend[ed] to too great an extent on the fact gathering apparatus of the Police Department,” failed to explain its summary opinions, and held non-adversarial proceedings. The board only investigated cases referred by the police chief, so citizens still had to file a complaint at the police station. Precinct officers, serving as gatekeepers, discouraged complaints by seeking dismissal at the citizen’s “consent” or using the threat of prosecution. Indeed, D.C. police pursued criminal charges against two in five complainants in 1962 for filing false reports. The President’s Commission on Crime in the District of Columbia thus described the CRB as “relatively inactive,” while expert commenters in the *Harvard Law Review* said the board gave “a mere illusion of civilian control over police proceedings.”³⁰

The Civilian Complaint Review Board in New York, installed inside the police department, handled a much larger volume of complaints but dismissed a greater proportion and was ultimately captive to the interests of the brass and the commissioner who alone had the power to discipline. From March 22, 1953, to June 29, 1966, the CCRB received 2,317 complaints and recommend disciplinary action in 211 cases, or nine percent. The CCRB at first forced citizens to submit complaints at the precinct of the accused officer. The board’s activity was so minimal in these years that one scholar has even raised doubts about whether the NYPD ever implemented Monaghan’s 1953 order.

³⁰ Repetti, “The Politics of Civilian Review,” 170-175; Police Practices Subcommittee, NCACLU, A Proposed Revision of the System for Processing Civilian Complaints Against Police Misconduct in the District of Columbia, June 1964, 13-14, 16-17, ACLU Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1081, Folder 19, Princeton; *Report of the President’s Commission on Crime in the District of Columbia on the Metropolitan Police Department* (Washington, D.C.: Government Printing Office, 1966), 77; Harold Beral and Marcus Sisk, “The Administration of Complaints by Civilians against the Police,” *Harvard Law Review* 77, no. 3 (January 1964): 510

In May 1955, the new police commissioner, a liberal Manhattan lawyer named Francis W. H. Adams, revamped the way the department handled citizen complaints as part of his broader professionalization program. After consulting with Councilman Earl Brown and the NYCLU's director George L. Rundquist, Adams expanded the CCRB to five deputy commissioners, permitted citizens to submit complaints at any precinct station or police building, and placed top brass in charge to discourage line commanders or precinct officers from using informal resolution or intimidation to suppress complaints.³¹

Liberal reformers proposed more transparent, uniform, and tougher disciplinary procedures as part of a broader effort to professionalize the police and improve police-community relations. Those who supported independent civilian review saw it primarily as an instrument of police-community relations. "Perhaps most important," the ACLU said of the civilian review board in 1966, "is that its very presence acts as a safety valve for the daily pile-up of resentments and simmering hostilities that poor people in urban areas inevitably harbor toward the police as the symbol and embodiment of authority." Ultimately, the ACLU hoped to establish an independent government watchdog agency, such as an ombudsman, to receive and investigate complaints against any city employee, including the police. George Edwards, for example, Detroit's liberal police commissioner from 1962 to 1963, rejected civilian review as mere window-dressing. When asked by the ACLU to respond to their lengthy 1966 brief on review boards, Edwards wrote: "while I thoroughly favor an independent complaint review board, I have never advocated that such a board be created outside the police department." "Above everything else," Edwards said, "I favor actual as opposed to token civilian control of police

³¹ Repetti, "The Politics of Civilian Review," 170-175; Cowan, "The New York City Civilian Review Board Referendum of November 1966," 97-99; *New York Times*, May 16, 1955, 1.

departments—a much more radical suggestion, I suppose, than the outside review board idea.” Although supporters of civilian review were in the main liberal Democrats, many liberals, like Edwards and Detroit’s Democratic mayor Jerome Cavanagh, saw it as a distraction from the more urgent task of creating an internal police department structure that would enforce robust and impartial discipline, in a spirit of public transparency.³²

Police professionalism advocates typically emphasized the role of precinct commanders as the gatekeepers for civilian complaints and the institutional linchpins for enforcing departmental rules and procedures among rank-and-file officers. A national survey of police discipline published in 1967 identified “an attitude of acceptance on the part of first line supervisors (sergeants primarily) of misconduct that is both improper and the trunk-root of police and community frictions.” This study discovered that twenty-nine of fifty-seven police departments, or slightly more than half, reported having “a special unit for civilian complaints,” but of these, only fifteen had “an actual internal investigation unit charged solely with the task of complaints.” These cities were “generally larger.” Fifty-nine percent of the units were led by a division-level commander, usually an inspector or captain, and in sixty-five percent of respondent cities, the chief could determine the final outcome of the case. Two in three departments offered no or limited public access to official reports on civilian complaints. A separate study found that seventy-five percent of departments surveyed had “no formal complaint requirements.” Thus, professionalism advocates generally argued that the brass should appoint officers of high rank with “direct access” to the commissioner to lead internal

³² ACLU, “Police Power and Citizens’ Rights,” 18-20, 34; George Edwards to Alan Reitman, November 22, 1966, 1-2, ACLU Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1081, Folder 3, Princeton.

investigation units “to emphasize the importance of this unit’s work.” Of seventy-five departments surveyed in 1967, twenty-eight had PCR units and only one was led by an officer with the rank of inspector—Detroit.³³

In Detroit, Commissioner Edwards early on recognized how lax internal discipline would undermine his ambitious program of fighting crime through improved police-community relations. Edwards saw this system firsthand at a trial board hearing in March 1962, his third month on the job. Summoned to the home of a woman who said her husband was threatening her with a gun, police had discovered a black man, Willie Daniels, in the basement, placed him in handcuffs, and then proceeded to beat him to force him to produce the gun. After learning of Daniels’s intent to sue, Edwards in a “rare” move ordered Superintendent Jim Berg to convene a Trial Board against five officers for use of the “third degree.” A corporation counsel attorney, Tim Welch, prosecuted the case on behalf of the department, while Edwards, Superintendent Jim Berg, and Chief of Detectives Walter J. Wyrod delivered the verdict. To Edwards’s horror, Welch made no serious attempt at cross-examination, failing to press when each officer, asked to recall the acts alleged by Daniels, simply responded: “Not to my knowledge.” Afterward, Wyrod joked, “Liars’ Club, hey, boss?” At lunch, Edwards said he would find the officers guilty. “Boss, we can’t do that,” Wyrod said. “Why, if I voted these men guilty, my own men would never work for me again.” Berg promised to use his influence to help quiet departmental grumbling against the new commissioner if Edwards went along, but Edwards refused, and breaking from precedent, the three delivered a non-

³³ *A National Survey of Police and Community Relations*, 60-61, 68, 74-75, 194-201, 235; Beral and Sisk, “The Administration of Complaints by Civilians Against the Police,” 502; *Task Force Report: The Police*, 195-197.

unanimous verdict. Edwards learned later that the second precinct inspector had confirmed Daniels's allegations to Jim Berg before the Trial Board, but Berg had concealed this information. So at the bimonthly inspectors' meeting Edwards reminded everyone that the "third degree" was illegal and banned by the department and that cross-examination at Trial Boards should "search the truth." Edwards also announced a new policy: from now on, duty sergeants would respond to every "gun run."³⁴

Cracks started to appear in the bridge that Edwards had been building between police and black residents in July 1963, when a white patrolman killed a black sex worker. The police version went like this: On July 5, at approximately 3:00 a.m., Patrolmen Theodore Spicher and Robert Marshall had arrested a woman for Disorderly Person Investigation and were cruising south on John R toward Edmund Place on the lower eastside when they spotted a large black woman named Cynthia Scott walking with a black man south on the east side of John R carrying a wad of dollar bills. Since Scott was "a known prostitute" and "the area [was] the scene of numerous larcenies," the officers pulled the station-wagon alongside. Spicher frisked the man and discovered a pocket-knife. The man then protested that police "had no right to lock her up," so Patrolman Marshall pulled him to the side. Spicher attempted to arrest Scott for Investigation of Larceny from Person, but as he placed her in the left rear passenger seat, she pulled away, drew a knife, and "slashed and slashed," cutting Spicher's left hand. Scott fled across John R, but Spicher chased her down. Facing the patrol wagon, Spicher raised his revolver and ordered Scott to surrender. She slashed at him while running away, and Spicher fired his weapon twice. She stopped and turned, knife in hand, and

³⁴ George C. Edwards, Jr., untitled autobiographical manuscript (hereafter cited as Edwards Manuscript), 41-62, Part 4, Series XV, Box 112, Folder 13, George C. Edwards, Jr., Papers, Reuther Library

Spicher fired again. The first bullet missed. The second lodged in the right side of her back. The third entered the right side of her abdomen and exited out the left side of her back. Scott fell, still gripping the knife. When Patrolman Marshall came over, she cut a six-inch gash in his left sleeve. Moments later, she died. The medical examiner found that Scott's blood alcohol level was .24, and the shot in the back had been fatal.³⁵

After learning of Scott's death and the outcry from black citizens, Edwards, who was visiting England as part of a U.S. delegation studying law enforcement, canceled the remainder of his trip and returned to a bruised, divided city on July 28. By then, Wayne County Prosecutor Samuel H. Olsen had cleared Patrolman Spicher in finding Scott's death a "justifiable homicide." Olsen had accepted the police version of events. "Under these circumstances," he said in a curt statement released on July 8, "the law is clear that the officer had a legal right to take the necessary steps to apprehend the fleeing felon." Olsen then slammed liberal "judicial decisions" on search and seizure and confessions that "have so restricted law enforcement officials that their work has been seriously impaired." The "general public interest" should always "prevail" over the rights of the "individual defendant." "This case," Olsen said of Scott's death, "represents a classic example of utter and complete contempt for law and order." An aide to Olsen told the *Chronicle* that the prosecutor had considered the testimony of witnesses—much of it contradictory—"too biased." On July 25, the state attorney general, Frank J. Kelley, said that after careful review his office would not conduct an official investigation of Scott's

³⁵ Patrolman Theodore Spicher, Arrest and Fatal Shooting of Cynthia Scott, July 5, 1963, Box 570, Folder 15, Jerome P. Cavanagh Papers, Reuther Library; Robert C. Marshall, Statement of Activities, July 5, 1963, *ibid*; Inspector Paul Sheridan, Arrest and Fatal Shooting of Cynthia Scott, July 11, 1963, *ibid*; Lieutenant Richard Loftus, Fatal Shooting of Citizen by Police Officer, July 5, 1963, *ibid*; Detective Henry Thompson, Fatal Shooting of Cynthia Scott, July 5, 1963, *ibid*; *Detroit Free Press*, July 6, 1963, 3A.

death. Kelley, however, did say he was “deeply concerned” about the use of force by Detroit police officers and acknowledged “grave questions concerning the judgment” of Spicher.³⁶

The quick exoneration of Spicher in the Scott case outraged black Detroiters. Seven hundred mainly African-American protesters picketed police headquarters on the day of Scott’s funeral, July 13. The rally was organized by Group on Advanced Leadership (GOAL), whose president, Richard B. Henry, said its purpose was “aimed at discrimination in hiring and upgrading in the police department and at the open season which the police and prosecutor have declared against Negro lives and rights.” An open letter by a Citizens Committee, led by Congressman John Conyers, declared Scott’s death “one of the most cruel and cowardly acts ever committed.” Whereas police frequently mentioned Scott’s imposing frame—she stood six foot and weighed 190 pounds—African-American critics stressed that Spicher—who was three inches taller and ten pounds heavier than Scott—was a trained police officer, and a man. The *Chronicle* published a cartoon depicting a police revolver floating above an image of Scott lying face down on the street, blood pooling around her. The text said: “Have gun, will shoot for *any* minor offense.” It was signed: “Policeman. Detroit, Michigan.” A small postscript at bottom read: “Also we, the public, were under the illusion that policemen were taught the ‘Art of Self-Defense’ and would subdue ‘*MEN*’ heavier than themselves. What kind of circumstance makes a ‘law officer’ shoot a woman in the back.”³⁷

³⁶ Edwards Manuscript, 202-207; Samuel H. Olsen Statement, July 8, 1963, Box 4, [No Folder], Sidney Fine Collected Research Materials, Bentley Historical Library, University of Michigan, Ann Arbor; *Detroit Free Press*, July 9, 1963, 8C, July 21, 1963, 3A, 4A, July 18, 1963, 1, 5A, July 17, 1963, 6A, July 25, 1963, 3A; *Michigan Chronicle*, July 13, 1963, 1, 2, July 20, 1963, 1, 4.

³⁷ *Michigan Chronicle*, July 20, 1963, 1, 4, 5

Critics of the city's handling of the Scott case focused on every aspect from the initial street stop to the final resolution. Eye witnesses who disagreed on crucial details nonetheless insisted that Scott had walked, and never run, from Spicher, who they said fired from twelve feet away. Charles Marshall, a friend of Scott's and her male companion that night, said that when he had tried to challenge her arrest, Spicher had replied: "You people don't understand English. I said get into the car!" Many critics asserted that Scott was justified in attacking the officer, since the arrest was illegitimate. The Detroit chapter of the National Lawyers Guild argued that Scott had "a legal right to resist" an arrest that was "wholly lacking in any legal authority." The director of the Detroit Council for Human Rights said that "under the law a citizen has the right to resist an illegal arrest to the point of killing or maiming a police officer." GOAL president Richard Henry made a similar claim at an unsuccessful court hearing to obtain a murder warrant for Spicher. "The events leading to the killing of Miss Scott began not with a knife assault on an officer but with the officer's attempt to make an illegal arrest," Henry said. "No citizen is compelled to submit tamely to an illegal arrest."³⁸

To mixed results, Commissioner Edwards tried to salvage worsening police-community relations by taking a direct personal interest in the Scott case. Upon his return from England, Edwards reviewed the state and city investigations and in a televised address, in which he held aloft Scott's alleged knife, with its seven-inch blade, declared his essential agreement with the final disposition. Edwards asserted that Spicher had been justified in firing the first shot but not the next two. "A shot in the back is impossible to justify," Edwards said. Finding Spicher had reacted too slowly to changing events,

³⁸ *Michigan Chronicle*, July 13, 1963, 2, July 27, 1963, 1, August 3, 1963, 4; *Detroit Free Press*, July 16, 1963, 3A, July 18, 1963, 1, 5A.

Edwards recommended permanently removing the thirty-three-year-old patrolman from scout car duty. The commissioner also announced that the police manual would be amended to convene a Board of Inquiry within five to ten days of every on-duty fatal police shooting. The board would be “made up of three senior officers not connected with the unit of the officer involved in the shooting.” Edwards believed that Spicher had attempted to make a legitimate arrest, but at a meeting with 150 black businesspersons weeks later, he was forced to confront lingering doubts as audience members peppered him with questions about the right to resist illegal arrest. “In the interests of law enforcement and practicality, it seems to me that you should go along with the officer,” Edwards said.³⁹

Edwards’s review of the case appeared to reassure some black residents, even as African-American politicians pressed for greater civilian control of the police department. Hubert Locke, a black minister and prominent member of the Citizens Committee for Equal Opportunity, recalled years later that Edwards’s televised address had calmed the unrest within black Detroit, except for a few dedicated activists like Richard Henry or Detroit NAACP president Robert Tindal. “Cynthia Scott was a notorious whore and the cop who killed her was a notorious cop,” Locke said, per the interview notes; in April 1963 a black man had accused Spicher of beating him when he asked why the officer had stopped his car on Easter Sunday morning. Meanwhile, the *Chronicle* wondered if the Detroit police were “using the Cynthia Scott protests as a

³⁹ Edwards would later refer to his decision to leave Detroit for England in July 1963 as “one of the worst mistakes of my life.” Edwards Manuscript, 207; George Edwards, [Untitled Speech], August 7, 1963, 12, 15, 16-17, Part 1, Series III, Box 80, Folder 2, Edwards Papers, Reuther Library; *Detroit Free Press*, August 8, 1963, 1, 4A, August 22, 1963, 4B, September 19, 1963, 3A, September 20, 1963, 8A; DPD, General Order #1653, September 19, 1963, Part 3, Series VI, Box 69, Folder 14, DCCR Records, Reuther Library.

pretext to permit wholesale prostitution to pollute Negro communities.” Weeks after her death, one “top-ranking” police official informed the newspaper that “police are afraid to arrest these prostitutes as repercussions are still being felt within the department.” Elected black officials hoped to increase the influence of liberal civilians like Edwards on policing. Congressman Charles C. Diggs, Jr., demanded that Cavanagh “take immediate action to give civilian officials more authority in executing law enforcement policies.” Councilman William T. Patrick, Jr., the only black councilmember, introduced an ordinance—similar to one he had proposed in 1961—to authorize the Commission on Community Relations to investigate police misconduct allegations. The proposal drew fire from expected sources, like the Detroit Police Officers Association, but also from the CCR, whose director, Richard Marks, argued that the agency already possessed such powers. The review board lost in an 8-1 vote in November, on the same day, incidentally, that seven council members nixed a fair housing bill.⁴⁰

In addition to creating the Board of Inquiry for use-of-force cases, Edwards pursued his program of strengthening internal police discipline through the Community Relations Bureau (CRB). The CRB was established by Police Commissioner Herbert W. Hart on May 17, 1961, to appease liberal reformers and African-American residents in the aftermath of the notorious police crackdown and to force Councilman William Patrick to withdraw his ordinance to authorize common council to investigate brutality claims. In January and February 1961, the Detroit ACLU had proposed to change a city ordinance and certain regulations to give the Commission on Community Relations the same

⁴⁰ *Detroit Free Press*, August 17, 1963, 3A, September 22, 1963, 10A, September 27, 1963, 3A, October 9, 1963, 3A; *Michigan Chronicle*, July 13, 1963, 2, July 27, 1963, 1, August 10, 1963, 1; Bernard Dobranski, Report from Detroit, 3-6, 66-68, [1967], Box E77, Records of the National Advisory Commission on Civil Disorders, LBJ Library.

authority as a review board to investigate citizen complaints against the police and recommend discipline to the commissioner. The ACLU's proposal was endorsed by prominent liberal organizations like the Wayne County AFL-CIO Council, representing 400,000 workers; the NAACP; American Democratic Action; and the American Jewish Congress. Harold Norris, Metro Detroit ACLU chair, observed that since the mayor, the commissioner, and the superintendent had all approved of the "unlawful" tactic of "arrest and search on suspicion" during the crackdown, the problem was a question of policy, not specific incidents, and thus the solution was a Public Police Review Board. This bottom-up pressure forced Miriani and Hart to create the Community Relations Bureau within the Detroit Police Department.⁴¹

Edwards early on recognized the CRB's persistent failure to ensure impartial review of street-corner incidents. In a public speech not long after becoming commissioner, he described his vision for "an integrated community relations bureau capable of determining with accuracy and honesty and with the confidence of the entire community what actually happens in many of these difficult problems which occur on the street between people and the police." The CRB was then directed by Inspector Phillip J. Van Antwerp, who would soon retire to make a successful council run. In Van Antwerp's hands, Edwards recalled, the CRB "specialized in making speeches about community relations rather than doing any of the hard nitty-gritty work to improve them." In a private interview with U.S. Commission on Civil Rights investigators in July 1962,

⁴¹ *Detroit Free Press*, January 5, 1965, 3A, February 1, 1961, 13, February 10, 1961, 3A, May 18, 1961, 3A; Recent Detroit Police Practices Versus the Rule of Law and Constitutional Law Enforcement, Address by Harold Norris, January 16, 1961, 3, ACLU Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1082, Folder 20, Princeton; Community Leaders Express Concern Over Recent Police Practices, ACLU Metro Detroit Branch, February 1961, 2, *ibid*; Proposed Regulations and Procedures for the Hearing of Citizen Complaints against the Detroit Police Department by the Commission on Community Relations, ACLU Metro Detroit Branch, *ibid*; Proposed Revision of Ordinance No. 736-E, *ibid*.

Detective Inspector Blake S. Wallace, the new director appointed by Edwards, explained that this was by design. Hart wanted the old CRB to serve as “white-washers.” “Their job was to smooth things out with complainants,” Wallace said, “and not to really handle complaints.” The CRB staff, which included two black officers, Lieutenant George Harge, who became the first black lieutenant in DPD history after Edwards promoted him, and Detective Larry Bleach, were not permitted to contact complainants, the commissioner, or even the NAACP. “Our teeth were pulled,” Wallace said, by Commissioner Hart and in particular by Superintendent Berg. Change came with the new commissioner, and by subterfuge. In May 1962 the San Francisco Police Department requested information about the CRB, and in the reply, Wallace explained that the bureau should have direct contact with the commissioner. Berg demanded a rewrite, but Wallace snuck it onto Edwards’s desk. After Van Antwerp retired, and Wallace became CRB director, Edwards established a direct line with his office.⁴²

Edwards hoped to install new leaders in the top echelons of the department to implement his liberal policing agenda, but his successor, Ray Girardin, a longtime crime reporter and Mayor Cavanagh’s executive secretary, was less enthusiastic about wresting control from the traditional-minded command staff. After ousting the Bergs in the fall of 1962, Edwards had to choose from the top people on the civil service list, and he appointed Eugene Reuter superintendent and James Lupton deputy superintendent. Two long-serving veterans, both men, particularly Reuter, became the focus of criticism by

⁴² George Edwards, “What Are the Major Problems of Law Enforcement in Metropolitan Detroit?,” Before the Economic Club of Detroit, May 14, 1962, 11, Part 3, Series VI, Box 65, Folder 13, DCCR, Reuther Library; Edwards Manuscript, 83-84; Memorandum to Detroit File, July 23, 1962, 2-8, Police-Community Relations in Urban Areas, 1954-1966, Box 2, Folder “OGC-FPP-Detroit-Reports,” Records of the Commission on Civil Rights, Record Group 453, NACP.

civil rights activists who argued that they were hostile to reform and Girardin was unwilling to compel them. The Subcommittee on Police-Community Relations of the Commission on Community Relations, led by Reverend Nicholas Hood, began meeting with the new commissioner in January 1964. They demanded the department step up its efforts to hire more black officers—the DPD had 148 black members of 4,393 total personnel in a city nearly one-third African-American. The NAACP urged the subcommittee to find a way to integrate the CRB into the everyday operations of the Detroit Police, after its executive secretary, Arthur Johnson, observed precinct officers totally ignore Inspector William Harcourt, the new director, as he attempted to investigate the arrest of ten NAACP youth members at a protest. The department’s only integrated team of detectives, furthermore, was located in the CRB.⁴³

After rioting in northern cities in the summer of 1964 and a series of high-profile brutality incidents in Detroit, civil rights activists increased their pressure on Girardin to impose stricter discipline for on-the-street police behavior. In late August police arrested Barbara Jackson, a black sex-worker, for allegedly stealing from a white customer, a Canadian man named John Cody, who had only accused her after two white officers came upon the pair at a brothel. Jackson slapped Cody in anger and asserted her innocence, but, according to her complaint, Patrolman Raymond A. Peterson bashed her over the head with a flashlight and took her into custody. On the way to the stationhouse Peterson threatened to harm Jackson if she continued her loud protests, and at the precinct he

⁴³ *Detroit Free Press*, April 12, 1963, 1, 2A, December 20, 1963, 1, 2A, Richard V. Marks Memo, March 11, 1964, Part 1, Series III, Box 2, Folder 2, DCCR Records, Reuther Library; Statistics on Negro Officers in Detroit Police Department, March 10, 1964, *ibid*; Arthur L. Johnson to Richard V. Marks, February 18, 1964, *ibid*; Racial Assignment of Detectives in Detroit Police Department, March 10, 1964, 2, *ibid*; for discussion of Reuter’s reputation as a segregationist among civil rights activists, see Interview with James Bannon by Sidney Fine, March 12, 1985, 4-6, Detroit Riot Oral History Project, Bentley Historical Library.

threw her face-down into the pavement with her hands handcuffed behind her back and kicked her repeatedly in the side. The CRB investigated the case and heard from numerous witnesses, mainly police and John Cody, who later withdrew his robbery complaint. Jackson had undeniable facial injuries, including severely swollen lips and a chipped front tooth, but the brass accepted Peterson's claim that she fell while trying to escape. Jackson also filed complaints with the FBI and the Michigan Civil Rights Commission. Although immediate supervisors and the CRB exonerated the officers, Girardin overruled them and reprimanded Peterson for failing to protect his prisoner and transferred him to another precinct.⁴⁴

Increasingly unsatisfied with Girardin's meager efforts, civil rights groups pressed further for policies to ensure tougher police discipline. In mid-September Hood's subcommittee on PCR met to discuss the "Police-Community wars" of the summer unrest, focusing on three areas of reform: setting high standards through human relations training, holding officers accountable through vigilant discipline, and communicating in good faith with the public about policy and controversial cases. The committee rejected civilian review, however, since the state Civil Rights Commission occupied this role. "The concern is not with a review board but with a properly functioning police department," said member Henry Szymanski at a late December meeting with Girardin. The CCR and the commissioner also amended the police manual to revamp the CRB. The

⁴⁴ In the early 1970s Peterson earned considerable notoriety as "Mr. STRESS" for participating in ten police slayings—firing the fatal bullet in six—as part of the controversial plainclothes unit known as Stop The Robberies, Enjoy Safe Streets, or STRESS. Investigation and Final Report Regarding Complaint Made by Barbara Jackson, September 7, 1964, by Inspector William Harcourt of the CRB, Box 145, Folder 3, Cavanagh Papers, Reuther Library; First Statement of Barbara Jackson, August 28, 1964, *ibid*; Second Statement of Barbara Jackson, September 1, 1964, *ibid*; Raymond Peterson, Arrest and Injury to Barbara Jackson, August 31, 1964, *ibid*; Cases-Review and Present Status-Barbara Jackson, Nov-Dec. 1964, Part 1, Series III, Box 2, Folder 2, DCCR Records, Reuther Library.

new Citizens Complaint Bureau had the power to initiate investigations and expressly forbid “subordinates,” primarily lieutenants, from taking action to “countermand, deter, and/or interfere with the orderly processing of complaints,” such as refusing to accept complaints or issuing counter-charges against complainants. Girardin made these changes shortly after two serious incidents. In December, a police officer attacked two black photographers—breaking the jaw of one and destroying their cameras—as they tried to take pictures of a scene where an officer had died in a shootout with a fugitive sought by California law enforcement. Ten days later, a white patrolman shot and killed a fleeing unarmed fifteen-year-old African-American burglary suspect in the back of the head. In January the Board of Inquiry exonerated the officer.⁴⁵

By the winter of 1964, prominent African-American activists had become unsatisfied with the usual demands for training and internal discipline. Hubert Locke had obtained police records indicating that the CRB in 1963 had substantiated twenty-two of thirty-five civilian complaints but had recommended trial board action in none. At the meeting with Girardin in late December 1964, James Wadsworth, the Detroit NAACP’s executive secretary, remained silent except, at the prodding of CCR director Richard Marks, when he complained about the Barbara Jackson case, leading to a testy exchange with the commissioner. Thus the Cotillion Club and Congressman Conyers organized ten civil rights groups, including the Detroit Urban League and the NAACP, to issue public demands. They asked the city to integrate the Big 4 cars, the notorious heavily-armed plainclothes units with a well-earned reputation among black residents for racist

⁴⁵ Hood et al to CCR, September 15, 1964, 1, 3, Part 1, Series III, Box 2, Folder 2, DCCR Records, Reuther Library; PCR Subcommittee Meeting Minutes, December 29, 1964, 2, *ibid*; Citizen Complaint Bureau, Chapter 4, Section 27, December 21, 1964, 1, *ibid*; *Detroit Free Press*, December 13, 1964, 1, 6A, December 18, 1964, 1, 2A, December 19, 1964, 3A, December 23, 1964, 1, 4A, January 7, 1965, 6A.

intimidation and brutality, which Cavanagh did in February 1965. The coalition also introduced two related proposals to give civilians, especially African Americans, a greater role in police discipline: an external board or, modeled after the CCRB in New York, an expanded police trial board to include two deputy commissioners, at least one of them African-American, to give civilians a 3-2 majority and overcome the intransigence of Reuter and Lupton. After corporation counsel said both ideas would require a charter amendment, the Trade Union Leadership Council, a primarily-black labor organization, recommended adding two civilians to the Board of Inquiry. Although the city's legal expert said this could be accomplished by simple executive order, Girardin and Cavanagh ultimately refused.⁴⁶

While African-American activists pressed for greater scrutiny of police civil rights violations, the rank-and-file and their supporters argued that demands for civilian review threatened to violate the rights of individual officers and undermine public safety. In December 1964 Phillip Van Antwerp, the former CRB director and now a councilman, complained that the Michigan Civil Rights Commission and the city had failed to protect the constitutional rights of accused officers. "Even a common thief is advised of his rights and the charges against him," Van Antwerp said. "This is not justice." Corporation counsel refused to accede to Van Antwerp's request that the city provide each officer with legal counsel, citing a conflict of interest since the city was also prosecuting the cases on behalf of the complainant. DPOA president Frank Foucault, in his editorial column in the union's newsletter *Tuebor*, attacked civil rights groups for "making Detroit policemen

⁴⁶ Hubert H. Locke to Executive Board of Citizens Committee, March 19, 1964, 2, Part 1, Series III, Box 2, Folder 2, DCCR Records, Reuther Library; *Detroit Free Press*, December 29, 1964, 1, 2A, December 31, 1964, 3A, January 5, 1965, 3A, January 11, 1965, 10A, January 14, 1965, 3A, February 5, 1965, 3A.

scapegoats” and setting “a collision course with chaos that can only be altered by responsible citizens demanding unshackled law enforcement.” Wayne County Prosecutor Olsen warned that civilian review would yield “substantial deterioration” in police morale and performance. Over the summer, as the mayoral campaign fixated increasingly on “crime in the streets,” Councilman Thomas Poindexter introduced an ordinance “to protect and secure respect for police officers” by making a wide range of acts committed against police a misdemeanor: from “threaten, insult, call vile names at, ridicule,” to “spit at” or “throw any substance at,” to “beat, bite, fight.” Mocked by Girardin as a “nickel solution to a million-dollar problem,” Poindexter’s measure failed.⁴⁷

The polarized politics of civilian review in Detroit, pitting the rights of the citizen against the police officer in a zero-sum contest, were to a large degree present at the inception of the country’s first external board, in Philadelphia. Given that a fully civilian board was unprecedented, it is surprising how quickly reformers achieved their aims. The final board, however, had limited power and thus reflected the conservative scope of the initial demands.

As in other cities, the American Civil Liberties Union spearheaded the civilian review board cause in Philadelphia. In April 1957 Spencer Coxe, executive director of the Greater Philadelphia Branch, asked affiliates about their experience with civilian review of the police. “It is our view that the tribunal would act merely as a fact-finding and fact-determining body,” Coxe wrote, “whose verdict would be rendered to the Police Commissioner for whatever disciplinary action he deemed appropriate.” In June the branch board of directors voted to ask the city “to establish a completely new tribunal to

⁴⁷ *Detroit Free Press*, December 12, 1964, 3A, January 14, 1965, 3A, January 25, 1965, 3A, July 15, 1965, 1, November 4, 1965, 3A.

hear complaints of civilians against policemen,” made up of five members—two selected by the police commissioner, two by the bar association, and one by the city’s managing director—and empowered to investigate any perceived abuse from harassment, to illegal arrest, to physical violence. In December Henry W. Sawyer III, city councilman and Philadelphia ACLU president, introduced an ordinance “to create a Police Review Board to receive, hear, and determine complaints against personnel in the Police Department.” At the city council hearings on illegal searches and seizures held one month later, in January 1958, Francis Bosworth, Philadelphia ACLU board member, testified about the nature of police abuse in the city and the remedy of civilian review. “It is our conviction,” Bosworth said, “that there is at present no satisfactory method of dealing with situations where civilians believe themselves aggrieved by the police.” The Board of Inquiry, which was the trial board for Philadelphia police, and the courts offered inadequate redress. In a climate of mutual suspicion and distrust, moreover, police confronted “irresponsible, untrue, and malicious attacks.” Bosworth argued that an impartial tribunal would help clear up these “unnecessary misunderstandings” and thus benefit both the citizen and the police. While Sawyer’s ordinance died in committee, on September 30, 1958, Mayor Richardson Dilworth created the Police Review Board by executive order. Dilworth appointed five distinguished citizens and gave them broad authority to investigate “brutality, false arrest, discrimination based upon race, religion or national origin, or other wrongful conduct of police personnel toward citizens.”⁴⁸

⁴⁸ Spencer Coxe, “Police Advisory Board: The Philadelphia Story,” *Connecticut Bar Journal* 35 (1961): 140-143; “The Problem of Illegal Police Practices, and a Constructive Proposal Toward Its Solution,” Testimony of Francis Bosworth before Committee on Law and Government, City Council of Philadelphia, January 15, 1958, 5, 8-9, American Civil Liberties Union Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1074, Folder 30, Princeton; *Philadelphia Inquirer*, December 20, 1957, 37, January 16, 1958, September 30, 1958, 11, October 7, 1958, 9.

With little public input or support, a small budget, and no power over discipline, Philadelphia's Police Review Board served primarily a technocratic function of supplying the administrative channels to mediate police-citizens conflicts and, secondarily, a minor regulatory role of monitoring potential patterns of police abuse to recommend policy changes. In 1960 the council finally allocated \$4,000 to the board, the first allocation, primarily to pay the salary of Martin S. Barol, the director appointed in April 1960. In 1963 the board grew to eight members, and acquired an office, a stenographer, and its first full-time director when Mayor James Tate fired Barol and replaced him with Reverend William H. Gray at a salary of \$7,500. The PAB lacked the funds to pursue independent investigations and thus relied on the police, especially Inspector Allen Ballard before he was promoted to lead the department's PCR division. The PAB allowed anyone to file a signed written complaint within ninety days of the incident. The board handled most complaints through informal mediation, usually in the form of an apology or explanation by the officer, or a promise by the department to expunge the arrest record of the complainant. For a small fraction, however, the complainant and/or the board deemed a hearing justified. In these cases, the "defendant" and the "plaintiff" both had the right to legal counsel and to hear and cross-examine witnesses. The board transmitted final dispositions in writing to both sides and to the commissioner, and occasionally issued lengthier opinions, for example, to address a recurring issue.⁴⁹

Considering its logistical and financial difficulties, the Police Review Board moved at an impressive pace in handling an increasing number of complaints. Police

⁴⁹ Coxe, "Police Advisory Board," 143-145; Spencer Coxe, "The Philadelphia Police Advisory Board," *Law in Transition Quarterly* 2 (1965): 180-181; Second Annual Report (October 1, 1959 to September 30, 1960), 7-9, Series 1, Box 1, Philadelphia (Pa.), Police Advisory Board Records (PAB), Acc. 670, 677, Special Collections Research Center (SCRC), Temple University Libraries, Philadelphia, Pennsylvania.

Commissioner Thomas J. Gibbons, who at council hearings in 1959 had criticized civil service rules for restricting his ability to punish officers, established a protocol of respecting the board's suggested discipline that his successors followed. "In almost every case," reported Coxe in 1965, "the Police Commissioner accepted the recommendations of the Board." After a halting start, the board received a steadily rising number of complaints: thirty-two in its first year, seventy-five in its second, 107 in its third, ninety-eight in its fourth, ninety-nine in its fifth, 127 in its sixth, 131 in its seventh, and 225 in its eighth. The board moved quickly, resolving 280 of 312 complaints at the close of its fourth year. From October 1958 to June 1966, nearly two-thirds of complainants were non-white, primarily African-American, in a city that was seventy-percent white. Roughly equal thirds were white-collar, blue-collar, or unemployed. An equal number of whites and non-whites alleged brutality—around thirty percent. Overall, about four in ten complaints concerned physical brutality, whereas illegal search or harassment accounted for one-fifth each. The board settled one in four cases with a hearing and about a third without a hearing. The board closed thirty-two percent due to inaction by the complainant. Brutality cases resulted more often in a hearing than did other allegations. The board thus resolved well over half of all complaints through informal means.⁵⁰

On several occasions Philadelphia's police review board made more general policy recommendations based on a cumulative analysis of individual cases, although it

⁵⁰ First Annual Report (October 1, 1958 to September 15, 1959), 1-2, Series 1, Box 1, PAB Records, SCRC, Temple University Libraries; Second Annual Report, 2, *ibid*; Third Annual Report (October 1, 1960 to September 30, 1961), 1, *ibid*; Fourth Annual Report (October 1, 1961 to September 30, 1962), 1, *ibid*; Fifth Annual Report (September 30, 1962 to December 31, 1962), 2, *ibid*; Sixth Annual Report (January 1, 1964 to December 31, 1964), 2, *ibid*; Seventh Annual Report (January 1, 1965 to December 31, 1965), 2, *ibid*; Eighth Annual Report (January 1, 1966 to December 31, 1966), 7, *ibid*; Coxe, "The Philadelphia Police Advisory Board," 182; James R. Hudson, "The Civilian Review Board Issue As Illuminated by the Philadelphia Experience," *Criminology* 6, no. 3 (1968): 20-25.

had little power to compel the department to accept its advice. As Spencer Coxe observed: “in the third year (1960-1961) the Board’s hearings revealed that policemen were ordered to raid, or certainly not discouraged from raiding, interracial social gatherings, or stopping interracial couples on the street or in cars, solely on the basis of race.” “Largely as a result of the Board’s hearings,” Coxe continued, “clear orders were given” to stop the practice and “the situation has improved markedly.” The vigorous protest of the NAACP and black residents likely contributed to this partial victory as well. More often the department refused to act or dragged its feet. The Fourth Annual Report for 1961 to 1962 expressed concern “about the failure of certain police officers to use proper discretion in the use of handcuffs.”

The officers, in making arrests, frequently have to use force to overcome resistance to the arrest. As a result, the individual, when given the opportunity, will again make a physical effort to resist the officer. This requires his being further beaten. The officer often suffers serious injuries too. The board thus advised “training officers to use handcuffs at the proper time—and to use them especially with belligerent prisoners as a method of reducing violence towards the individuals arrested and towards the police officers.” Several years later the Philadelphia Police Department had assigned handcuffs to every patrol wagon, and police were required to use them in every arrest for a serious crime, but individual officers still did not carry them. Likewise the board in its report for 1965 observed “some pattern of violence toward and physical mistreatment of apprehended persons and discourtesy toward civilian inquiries,” but had no recourse except to recommend “an examination” by the department into the allegations “with a view toward possible ways of improving” performance in these areas.⁵¹

⁵¹ In a case from December 1959 in which one patrolman failed to stop his partner from assaulting an innocent unarmed black man and cursing at him with a racial epithet, the board recommended a seven-day

While the leadership of the Philadelphia Police Department generally supported the review board, the rank-and-file, in particular the Fraternal Order of Police, fought it from the start. In December 1959 the FOP obtained an injunction from the Common Pleas Court to halt the activities of the board until the court could rule on the FOP allegations, namely whether its operations were authorized by the Home Rule Charter. Commissioner Gibbons appeared at the hearing held in December to testify in support of the review board. The following exchange between the city's lawyer and Gibbons is instructive:

Q: Have you found that it has a good or harmful effect on morale of the police department?

A: Well, If you talk to some individual officer who has appeared before the board, then I guess the answer would be that this has a harmful effect, but from my point of view as Commissioner, I think the board has not only aided me, but has aided the department.

Q: In what respects has it aided you?

A: Well, it has...eliminated to a great degree the number of complaints that formerly were forwarded to my office relative to police brutality.

Bernard J. Lemisch, an FOP attorney, focused his cross-examination on whether the board had usurped the powers of the commissioner in forcing disciplinary action in cases where the department had previously decided not to punish the officers. Lemisch questioned Gibbons about recent cases in which either the alleged victim chose not to file charges or supervisors had approved of officer conduct until the review board initiated an investigation and recommended discipline, which the commissioner then implemented.

Lemisch speaks first.

suspension for the violent patrolman and issued a broader statement about the "duty to intervene" when an officer witnesses a colleague commit "brutality or any other illegal acts, to intercede and if necessary to arrest the offending officer." Complaint of Josh Goodwin, May 19, 1960, 3, Box 23, Folder 8, Fellowship Commission (Philadelphia, PA.) Records, Acc. 473, 626, 799, SCRC, Temple University Libraries; Coxe, "The Philadelphia Police Advisory Board," 182; Fourth Annual Report, 4; Joseph D. Lohman and Gordon E. Misner, *The Police and the Community: The Dynamics of Their Relationship in a Changing Society*, Field Surveys IV, Vol. 2 (Washington, D.C.: Government Printing Office, 1966), 55-56, 176, 254; Seventh Annual Report, 3-4.

Q: You think it is a help to your department to interfere with routine car stops, made properly?

A: Well, let me says this, I have never had this brought to my attention officially, that the board has interfered with my policy of car stops....

Q: Have you a case before you of two men from the 19th District on a routine car stop at 18th or 19th and Spruce, where there was, to use the expression of one of the members of the board, an interracial investigation—there was a colored lady and a white man—and as the result of full inquiry before this Review Board, they recommended that one of the men apologize to this lady, and you inflicted the punishment of one day’s suspension?

In February 1960, the FOP dropped the injunction when the board agreed to change its name from the Police Review Board to the Police Advisory Board and to modify its rules to recognize that it could not “order” the police to do anything, such as investigate a complaint or subpoena an officer to come to a hearing. The board from now on would only communicate with the mayor and the commissioner rather than with individual officers. These changes reinforced the idea that the board was a civilian agency whose power was subordinate to that of the police.⁵²

Although willing to abandon its initial suit, the Fraternal Order of Police continued to assert that the Police Advisory Board represented a deeper threat to law enforcement than the modest 1960 procedural reforms acknowledged. The board’s most forceful and effective critic was John J. Harrington, a sergeant in the Highway patrol and president of the State FOP. After Harrington was elected president of the Philadelphia FOP by a 3-2 margin in April 1964, he focused his energies on attacking the city’s pension plan and the Police Advisory Board. Following the riots in North Philadelphia and six other cities that summer, Harrington wrote a letter to the two main city papers to complain that the PAB had become “a sounding board for those who would flout law and

⁵² Testimony of Thomas J. Gibbons, *Conway v. City of Philadelphia*, No. 367, December 1959 Term, Court of Common Pleas No. 2, 1, 2, ACLU Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1077, Folder 15, Princeton; *Philadelphia Inquirer*, December 16, 1959, 16; Second Annual Report, 5-6.

order,” and thereby has inculcated an atmosphere in which “it is very apparent that citizens have not been taught to respect police and law and order.” Weeks after major rioting in the Watts section of Los Angeles in August 1965, Harrington became National FOP president. Days later, in early September, the Philadelphia FOP introduced a second suit against the PAB. “Existence of the board has lowered the morale of policemen,” Harrington said, “and has resulted in some necessary arrests being avoided because of retaliatory action by the board.” “Minority groups don’t fear arrest,” he said. “They spit and curse at officers and refuse to obey laws because they know policemen can’t arrest them. In some instances, they strike policemen, knowing the officers won’t strike back for fear of being charged with brutality.” Two weeks later the FOP won an injunction shutting down the board until February 1966, when the court allowed the PAB to resume its activities pending the outcome of the suit.⁵³

The FOP made two major claims against civilian review. They cast the PAB as a force of disorder—a cause of riots and crime and noisy street protest—that provided a forum for criminals and outcasts to attack individual police officers and ultimately destroy law enforcement. The union also argued that review boards gave untrained civilians improper authority to evaluate street policing that only expert police professionals could understand. “There are times when a policeman must use force when making an arrest, and there is no official ruling as to how much he may use,” Harrington explained at a hearing in September 1966. “Only a policeman with experience would know.” Reverend W. Carter Merbreier, who had served on the PAB from 1962 to 1964,

⁵³ *Philadelphia Inquirer*, April 8, 1964, October 14, 1964, 38, September 5, 1965, 10, September 17, 1965, 8, February 26, 1966, 1, 5; Timothy J. Lombardo, “Making Blue-Collar Conservatism: Race, Class, and Politics in Frank Rizzo’s Philadelphia” (PhD diss., Purdue University, 2013), 66-68.

invoked FOP reasoning in his testimony when he complained that many of the cases he saw involved “criminal elements bringing in policemen in an attempt to have their records expunged.” “It is just an opportunity for questionable characters to vent grudges against policemen,” said Joseph Glennon, another former board member. In March 1967 the FOP finally got its wish when Judge Leo Weinrott of the Common Pleas Court ordered the PAB abolished. “If the board served any usefulness at all it merely has demonstrated the almost untarnished record of the Philadelphia police force,” Weinrott said in his opinion. “Not only is the board essentially useless but beyond that its existence and operations are affirmatively deleterious to the public welfare.” In eight years the PAB had settled 513 of 902 complaints without a hearing, and had recommended the dismissal of one officer, suspensions of up to thirty days for twenty officers, and reprimands for twenty-nine officers.⁵⁴

Police Unions and the National Campaign against Civilian Review Boards

Philadelphia’s Police Advisory Board was a provocation to law enforcement and liberal reformers across the country. In dozens of cities in the early 1960s both sides mobilized quickly to implement or oppose review boards. Civilian review became the standard response of civil rights and liberties activists to controversial police brutality incidents. Recognizing the rising prominence of the boards, local, state, and national law enforcement associations launched campaigns to discredit them as ideological foes of

⁵⁴ The city appealed the 1967 decision, and two years later, the State Supreme Court reversed, but Mayor James Tate abolished the PAB anyway, calling his decision a “Christmas present” to the police. *Philadelphia Inquirer*, September 20, 1966, 33, March 30, 1967, 1, 6, October 28, 1969, 1, 43, December 23, 1969, 1, 17. *Harrington v. Tate*, 435 Pa. 176, 254 A.2d 622 (1969); Lombardo, “Making Blue-Collar Conservatism,” 73-74.

traditional U.S. values, a part of a national conspiracy directed by Communists and their allies, most prominently the ACLU, bent on empowering criminals, destroying law enforcement, and undermining the safety of individual officers and the public. In contrast to other issues like labor rights or patrol policy, the policing profession was generally united in its opposition, from the brass to the rank-and-file. Through the campaign against civilian review boards, begun shortly after Philadelphia established its own, police unions organized their members, recruited allies in local and state politics, and laid the groundwork for political activity in the second half of the decade.

In the era of the notorious police crackdown Detroit's officialdom united in protecting the police from undue civilian influence and scrutiny. Months after Police Commissioner Herbert Hart sparred with the Detroit Police Officers Association over the "blue strike" against the order to integrate scout cars in March 1959, Hart and the rank-and-file union joined together to confront demands for a review board. On November 12, 1959, the Metropolitan Detroit Branch of the ACLU introduced a proposal to Mayor Louis Miriani to create a review board modeled on the Philadelphia PAB. After the ACLU, the TULC, and Congressman John Conyers criticized the DPD's method of handling citizen complaints, Hart and Corporation Counsel Nathaniel H. Goldstick organized a trip to Philadelphia to study its board. They arrived in the city, with DPOA president Don Livernois, on December 16, 1959, the same day that the FOP filed its first suit against the PAB. All three officials returned to Detroit citing the usual police complaints about civilian review. Goldstick said he was "disillusioned" after noticing that the PAB "appears to have supplanted the police trial board and the police commissioner." Hart argued that the PAB would lower "the esteem and respect for the Police Department

as a type of semi-military organization,” and make officers reluctant to make arrests “for fear of reprisals.” Livernois said he rejected civilian review since neither command nor the DPOA “condone police brutality.”⁵⁵

A turning point in the fight over civilian review came in 1960. That year the ACLU and the NAACP launched review board campaigns in Detroit, Los Angeles, San Francisco, Cincinnati, and Chicago. On February 15 the Democratic Council Convention in California passed a resolution to recommend that “all cities and counties in the state to set up police review boards, separate from law enforcement agencies, to hear citizen’s complaints of mistreatment by police and recommend disciplinary action.” The International Association of Chiefs of Police at their annual convention in October passed a resolution to “announce and record its unequivocal and vigorous opposition to and rejection of the creation and existence of such so-called review boards, commissions, groups or bodies, by whatever name or title, which tend to or would result in the impairment of law enforcement through the exercising of the powers of investigation, hearings and expressions of judgement in abrogation of or inconsistent with the existing safeguards abundantly present under our due process of law.” At the National FOP convention in Philadelphia in August 1961, Queen City Lodge No. 69 of Cincinnati introduced a resolution “in opposition to the creation of Police Review Boards and action to be taken to abolish any Police Review Boards now in existence.” Representatives of FOP Lodges from thirty-two states approved the resolution by unanimous vote.⁵⁶

⁵⁵ Statement Proposing the Establishment of a Public Police Review Board in Detroit, November 12, 1959, ACLU Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1082, Folder 20, Princeton; *Detroit Free Press*, December 16, 1959, 15, December 22, 1959, 3A, December 23, 1959, 6A; *Detroit News*, November 28, 1959, December 3, 16, 17, 22, 1959; *Detroit Times*, December 3, 21, 1959.

⁵⁶ Jerry Elam, “Close Ranks—March,” in “Police Review Boards: Articles-Opinions-Statistics Opposing the Formation of Police Review Boards,” National FOP Committee on Human Rights and Law

In the early 1960s police chiefs and rank-and-file officers found common ground in the fight against review boards. They used similar rhetoric, even the same phrasing, to tar civilian review as an undemocratic conspiracy plotted by minority interests to weaken law enforcement against internal and external enemies. The Los Angeles Fire and Protective League, a fraternal organization, devoted their April, 15, 1960, issue to civilian review boards. The lead editorial argued that the ACLU “is trying the same tactics that it and similar organizations that thrive on the social tensions they are supposed to alleviate have tried in other cities.” The article had been provided by the National Conference of Police Associations, which counted 215,000 members of over sixty benevolent associations, and was amplified by the *Los Angeles Times*. In September Cincinnati Police Chief Stanley R. Schrotel traveled to Roanoke, Virginia, to address the 35th annual convention of the Virginia Association of Police Chiefs. Days earlier he had appeared before the Cincinnati city council to oppose the review board ordinance of the ACLU and NAACP, which the celebrated chief and chair of the IACP’s civil rights committee called “a slap in the face.” In Roanoke, Schrotel appeared to draw from the NCPA’s editorial when he referred to the “sinister promotion by two organizations that thrive on the social tensions that they are supposed to alleviate is nothing more than an attempt to control police departments.” The NAACP and ACLU demanded an apology, accusing Schrotel of playing to his Jim Crow audience and exploiting the civilian review controversy in a bid for the IACP presidency, which indeed he would win two years later. Meanwhile, in December 1960, the NCPA passed a resolution asking Congress to investigate the ACLU for their record of “opposing loyalty oaths, defending Fascists, Communists, and

Enforcement (Philadelphia: Fraternal Order of Police, 1962), 17, 23, Series 2, Box 1, PAB Records, SCRC, Temple University Libraries.

Communist causes, organizing and promoting campaigns in opposition to law enforcement.”⁵⁷

National police associations like the NCPA and FOP published anti-board tracts and dispatched spokespersons to lend support to local union campaigns. Often police activists adopted the robust anti-Communist line typical of right-wing conservatives during the Cold War. In August 1960 the NCPA appointed Norman H. Moore, a Los Angeles police sergeant, to chair a new committee to circulate information on the boards to departments around the country. “The Communist Party has waged a war on law enforcement since 1919,” Moore told the *Los Angeles Times*. “Anything that will destroy public confidence in the police departments and will sap morale of police officers will benefit the Communist cause.” In an article in *California Peace Officer*, Moore supported the conspiracy argument by noting that “the citizen has adequate redress” through existing channels, including civil and criminal court, county and federal grand juries, and local and state prosecutors. Jerry Elam, a Cincinnati police detective, also alleged a national conspiracy in a 1962 pamphlet produced by the National FOP. “When groups of national organizations band together to plan, organize and finance the efforts of its members to form Police Review Boards,” Elam wrote, “they create CONFUSION, UNREST AND DEMORALIZATION of the government and the public.” “These results,” Elam continued, “can be identified as Communist goals.” Another FOP

⁵⁷ “Triple Jeopardy,” Los Angeles Fire and Police Protective League *News* 9, no. 3 (April 15, 1960): 1, Box 68, Folder 1, American Civil Liberties Union of Southern California records (Collection 900), UCLA Library Special Collections, Charles E. Young Research Library, UCLA; *Los Angeles Times*, April 19, 1960, B1; *Washington Post*, October 7, 1960; *Cincinnati Post-Times Star*, September 28, 1960; *Charleston News and Courier*, September 25, 1960; *Post Times Star*, September 23, 1960; *Enquirer*, September 23, 1960; *Washington Star*, September 23, 1960; *Call and Post*, October 8, 1960, 9D; *New York Times*, July 23, 1961, 56.

pamphlet was more straightforward in stating: “Review boards undoubtedly can and do serve as a secret weapon of the Communist Party.”⁵⁸

Aside from the ideological threat to the U.S. political system, the brass and the rank-and-file asserted that civilian review undermined proactive, discretionary street policing necessary to suppress crime. In an interview with *U.S. News and World Report* on the “upsurge in crime,” in September 1960, Chief Schrotel explained that civilian review “plagues the policeman who is trying to do his job,” who as a result “will become a neutral” and “will not take aggressive action.” Police officers of all ranks from around the country described to the National FOP the destructive effect of civilian review on internal police hierarchies and worker productivity. Edward M. Davis, a Los Angeles police inspector who in the late 1960s would become LAPD commissioner, a position he would hold for over a decade, criticized review boards for weakening management rights. “If the ability to discipline employees is taken away from management,” Davis warned, “a fundamental rule of organization has been breached and the employee becomes CONFUSED, DIFFIDENT AND INEFFICIENT.” Anonymous Philadelphia police officers seemed to confirm the fears of the brass. “If I make an arrest in the minority groups [areas],” said one patrolman, “I know I’ll be hauled before the board to explain why and it doesn’t matter what the circumstances of the arrest were.” Likewise said a detective: “I’ll only make an arrest in that section of town if there’s no way out of it.” An officer three years from retirement said simply: “I’m going to coast the rest of the way.”⁵⁹

⁵⁸ *Los Angeles Times*, August 7, 1960, GB1; Norman H. Moore, “Police Review Boards,” in “Police Review Boards” (National FOP, 1962), 3; Elam, “Close Ranks—March,” 18-19; “Police Review Boards: A Threat to Law Enforcement, National FOP Committee on Human Rights and Law Enforcement (Philadelphia, Penn.: Grand Lodge, Fraternal Order of Police, 1962), 4, quoted in Alan Gartner, *The Police and the Community: Police Practices and Minority Groups* (Waltham, Mass.: Brandeis University, 1963), 19.

⁵⁹ *U.S. News and World Report*, September 26, 1960, 58, 62; Elam, “Close Ranks—March,” 22-23.

Police unions frequently asserted that review boards violated the civil rights of the police officer. The growing number of civilian authorities increasingly willing to exercise power over misconduct allegations was a spur to rank-and-file unions. The more aggressive posture of patrol officer associations in the mid-1960s also owed to liberal court rulings, new collective bargaining rights, stagnant wages, civil rights protests, and urban rioting. When Patrolman Carl Parsell was elected president of the Detroit Police Officers Association in September 1965, the *Detroit Free Press* said it was a sign of a more militant, discontented rank-and-file movement. “I thought that wages were the primary function of the DPOA,” incumbent union president Frank R. Foucault said after his loss in the August primary. “We’ve discussed these court decisions in the DPOA. But we can’t do anything about that.” Parsell took the opposite view—and scored 1,719 votes to Foucault’s 594. After promising to hire “a full-time public relations man” and to “go outside Wayne County” to hire a union lawyer, Parsell easily won in September. After his victory, the 18-year veteran Northwest patrolman said the DPOA was no longer a social club but “a quasi-union” that would seek to exploit the “unknown and untested” bargaining law passed by the state legislature in July. Over his seven-year term as DPOA president, Parsell would frequently invoke “the civil rights of police officers.”⁶⁰

Foucault should have anticipated the revolt from below. In April 1965, months before the DPOA election, the *Detroit Free Press* published a full-page spread on sinking police morale. “Our Police Today,” read the banner headline, “Frustrated, Bitter, Resentful.” The article opened with a judge overturning the conviction of a 15 year-old for the rape and murder of a young woman on procedural grounds. The teen, sentenced to

⁶⁰ *Detroit Free Press*, August 21, 1965, 3A; *Detroit News*, September 29, 1965; *Tuebor* 26, no. 8 (August 1965): 37; *Tuebor* 26, no. 9 (September 1965): 3.

15 to 35 years, had a record of violent crime, according to police. But thanks to recent federal court rulings barring from trial confessions obtained in violation of constitutional rights, he walked free. For police, this case was “a classic example” of liberal judges “dealing crippling blows to the old high-handed, free-and-easy, often blatantly illegal police practices on arrests, detentions, and searches.” Some commanders interviewed by the *Free Press* were willing to accommodate the new constitutional standard for street policing. But the ranks resented the stricter judicial scrutiny, which they felt invite greater harassment from the department and the public.⁶¹

Patrol officers told the *Free Press* that as a result of these constraints they had become more “defensive” on the job. Citing the 1963 departmental ban on investigative arrests, one officer said, “we just don’t have the chance to interrogate people.” “There was a time when a scout car crew could shake down four or five guys standing on a street corner and maybe come up with at least one gun,” he continued. “Now the scout car crews refuse to even talk to these guys.” Other officers echoed these sentiments. “I’d say I arrested an average of one person a day,” one said. “All I do now is issue tickets.” A district inspector explained that the customary practice of arresting suspicious persons “for investigation” was no longer possible. “These days are long gone,” he said. In addition to liberal judges, police blamed the new political “sensitivity” around race. “The men know that any Negro they question will have the support of Negro groups if he wants to make a civil rights case out of it,” a desk sergeant said, “and this has made policemen a little gun-shy.”⁶²

⁶¹ *Detroit Free Press*, April 4, 1965, 1C.

⁶² *Ibid.*

Detroit police officers had legitimate reason to fear tighter legal scrutiny of street encounters with citizens. Eight days after the *Free Press* profile, the Detroit Police Department and the Michigan Civil Rights Commission signed a memorandum of agreement to establish formal guidelines for mutual cooperation in MCRC investigations of citizen complaints against police. The state agency had legal authority under the state constitution “to investigate and resolve civil rights complaints.” The first complaint the agency received, in February 1964, its second month of operation, concerned the DPD. That year the MCRC received 66 complaints about 38 incidents. In 1965, they processed 37 complaints about 30 incidents. The majority of complaints were brought by African Americans, alleging physical abuse or harassment. Out of a total of 174 complaints in its first two years, the MCRC found a civil rights violation in thirty-two. Many of the accused officers in these latter cases were punished by the department through a reprimand, trial board hearing, or transfer. The department was required by law to respond in writing to a MCRC recommendation within ten days.⁶³

In this fight over outside review, the rank-and-file union became a frequent antagonist of the brass who struggled to compel patrol officers’ cooperation with misconduct investigations. In its first report on civil rights complaints against the DPD, issued in June 1966, the MCRC cited the “hostility and suspicion” they initially encountered from police. In December 1964, Burton I. Gordin, MCRC executive director, had written to Girardin to complain about the “less than full cooperation” of the department with investigations. Police had failed to submit requested case records,

⁶³ MCRC, Report on Investigations of Law Enforcement Claims Against the Detroit Police Department, 1-2, 5; Memorandum of Agreement between the Michigan Civil Rights Commission and the Detroit Police Department on Procedural Steps in Investigations of Civil Rights Complaints, April 12, 1965, Box 2, Folder 22, Maurice Kelman Collection, Reuther Library.

officers had appeared at informal interviews with legal counsel and refused to answer questions, and the department in four cases had failed to apply the recommended charges against officers that both sides agreed were guilty of misconduct. The April 1965 agreement thus ordered police to share personnel files and compel accused officers to participate in MCRC hearings. The MCRC and the DPD signed a second, similar agreement in April 1966. Yet the report, published three months later, noted that the department still failed to give “disciplinary measures taken in civil rights cases” the same “consideration as discipline applied in other violations.” After the release of the report, John Felkens, MCRC co-chair, urged Girardin to suspend officers where either the MCRC or the department had found “probable cause” of a civil rights violation. “We have the authority to force this,” Felkens said.⁶⁴

The DPOA and their supporters attacked the MCRC for ignoring the constitutional rights of police officers. In December 1964 Councilman Van Antwerp, the retired police inspector and former head of the Community Relations Bureau (before it became the CCB), asked the city to provide legal counsel to officers appearing before the MCRC on misconduct charges. “Policemen have civil rights, too,” Van Antwerp said. “What a man might say at a preliminary hearing, without competent legal counsel, could hurt him later.” Robert Reese, corporation counsel, demurred, noting the conflict of interest in having city lawyers defend police against city residents. In March 1966 Parsell

⁶⁴ MCRC, Report on Investigations of Law Enforcement Claims Against the Detroit Police Department, 5; *Detroit News*, June 28, 1966.

and the DPOA succeeded in negotiating a new rule to postpone MCRC hearings against Detroit police officers while a criminal trial was pending.⁶⁵

In addition to law suits and public relations, patrol unions used democratic politics to defeat civilian review boards. Perhaps the most famous case was the New York Civilian Review Board referendum in November 1966, when the Patrolman's Benevolent Association orchestrated a lavishly-funded, successful effort to abolish the board of four civilians and three police officials that Mayor John Lindsay had installed only five months earlier. A nationally-prominent militant police union leader, John J. Cassese was by 1966 a veteran of many bruising workplace battles over his previous eight years as PBA president. His staunch advocacy had even led Police Commissioner Stephen Kennedy to criticize the union for "Marxian rhetoric" in 1959. Under Cassese's leadership, the PBA won a formal grievance procedure, significant pay raises, and collective bargaining rights. They also embraced political lobbying and protest. In June 1965, 5,000 visibly armed, off-duty officers marched on city hall when Lindsay, then a Republican state legislator, proposed a review board. When Mayor Lindsay said he would fulfill this campaign promise, Cassese promised to empty the PBA treasury—worth \$1.5 million—to defeat the board. At Cassese's direction, Norman Frank, a former Madison Avenue ad executive, waged an all-out public relations campaign, including placing racially-charged advertisements in the daily papers depicting white women walking alone down darkened streets with no police anywhere in sight. "Vote Yes," the ads read: "Her life...your life...may depend on it." After garnering the support of the

⁶⁵ *Tuebor* 27, no. 3 (March 1966): 2; *Detroit News*, December 12, 13, 1964; Maurice Kelman and David R. Hood, "Interim Report to the Public Safety Committee of the Detroit Charter Revision Commission," April 7, 1972, 11-12, Box 2, Folder 11, Kelman Papers, Reuther Library.

Conservative Party and an influential local broadcaster, the PBA easily won the November 8 referendum: 1.3 million “yes” votes to abolish the board, almost double the “no” votes. The only borough the union lost was Manhattan, thanks to its large black and Jewish population. The PBA’s ballot, significantly, included what critics called a “sleeper cause” to conceal police disciplinary files from civilian authorities.⁶⁶

Police Discipline, Civilian Review, and Democratic Politics

Police unions criticized civilian review as an undemocratic project of foreign-backed illiberal “pressure groups” intent on subordinating the lawful majority to minority interests. This argument was tested in Rochester, New York, over the winter 1963, when a coalition of interfaith leaders, civil rights organizations, white liberals, and an energized, growing black electorate waged a long, deliberative struggle for civilian review through street protests, rallies, and city council hearings. The debate attracted national attention when the new Democratic majority on the council created the country’s second civilian review board in existence. Conversely, in Pittsburgh, Pennsylvania, the

⁶⁶ *New York Times*, January 9, 1959, 18; March 15, 1961, 1, 33, October 17, 1962, 40, June 30, 1965, 1, 24, February 7, 1966, 1, 24, February 14, 1966, 1, 23, February 15, 1966, 1, 26, May 9, 1966, 28, July 3, 1966, 94, July 11, 1966, 1, 22, October 1, 1966, 11, October 18, 1966, 58, October 21, 1966, 1, 46, October 30, 1966, E4, November 3, 1966, 28, November 5, 1966, 9, November 6, 1966, 87, November 7, 1966, 60, November 9, 1966, 1, 23; Thomas R. Brooks, “25,000 Police against the Review Board,” *New York Times Magazine*, October 16, 1966: 36-37, 124-133; William H. Hewitt, “New York City’s Civilian Complaint Review Board Struggle: Its History, Analysis and Some Notes,” *Police Chief* (May-June 1967): 10-21; William H. Hewitt, “New York City’s Civilian Complaint Review Board Struggle: Its History, Analysis and Some Notes,” Part II, *Police Chief* (July-August 1967): 14-29; William H. Hewitt, “New York City’s Civilian Complaint Review Board Struggle: Its History, Analysis and Some Notes,” Part III, *Police Chief* (September-October 1967): 20-33; *Cassese v. Lindsay*, 51 Misc.2d 59, 272 N.Y.S.2d 324 (1966); Cowan, “The New York City Civilian Review Board Referendum of November 1966,” 262-298, 353-360, 365-371, 404-409; William Turner, *The Police Establishment* (New York: G. P. Putnam’s Sons, 1968), 220-238; James Priest Gifford, “The Political Relations of the Patrolmen’s Benevolent Association in the City of New York (1946-1969),” (PhD diss., Columbia University, 1970), 93-94, 126-127; Donald Whitney Berney, “Law and Order Politics: A History and Role Analysis of Police Officer Organizations,” (PhD diss., University of Washington, 1971), 180-182, 198-201.

Fraternal Order of Police prevailed over advocates of greater public scrutiny of police misconduct when the state legislature passed a law in 1962 to give patrolmen a proportional number of seats on the departmental trial board. The FOP-endorsed board, opposed by the chief and the mayor, created a disciplinary system that was the mirror image of civilian review: a trial administered by and for line officers. Thus in these two cities the democratic process produced polar-opposite disciplinary boards for police.⁶⁷

The conditions in Rochester in 1960 were ripe for political change. The small city in western New York State, on the shore of Lake Ontario, lost five percent of its population in the 1950s, dropping to 318,611, while gaining 16,000 African-American residents, increasing the city's black population 200 percent to 24,000. Due to racial steering by realtors and white homeowners, black newcomers concentrated in the Third and Seventh Wards, which sat on opposite sides of the Genesee River that sliced through downtown, and lived in just six of eighty-nine census tracts. In this historically conservative city, home to high-skilled, high-wage jobs at Kodak, Xerox, and the University of Rochester, where unemployment in 1960 was below three percent, Republicans held sway until the great migrations of the 1950s. In 1957 Republicans held eight of nine seats on the city council. Five years later, the first Democratic mayor in thirty years—Rochester's second in over sixty—presided over a council with six Democratic members. The new political power of African Americans was demonstrated in the 1961 election for Third Ward Supervisor. A black woman named Constance Mitchell had run and lost to Republican Lester Peck in 1959. Peck, a white man, owned a

⁶⁷ The cities of York, Pennsylvania, and Minneapolis had set up civilian review boards in 1960, but both were quickly dismantled or ignored by their respective governments. The Rochester board, meanwhile, investigated complaints, held hearings, and otherwise functioned as intended, at least for a few years. Beral and Sisk, "The Administration of Complaints by Civilians Against the Police," 511.

pharmacy on Plymouth Avenue, which catered to black clientele on credit and was the city's only licensed vendor of medicine to welfare recipients. Peck leveraged these relationships to turn out votes on election day. Cooper, however, built upon the voting drive of 1959—which focused on preparing undereducated rural black migrants to pass the literacy test—to beat Peck in 1961. Mitchell became not only the first African-American and the first woman supervisor in Rochester's history, she also held the highest elected office of any black woman in the country.⁶⁸

The younger, more militant African-American activists in Rochester were provoked to demand greater accountability from the Police Bureau after a succession of racially-charged incidents between police and black men from the summer of 1962 to the winter of 1963. Late at night on August 22, 1962, a black man named Rufus Fairwell was closing the gas station where he worked when he was assaulted by two white patrolmen, Louis A. Donofrio and Charles Shafer. According to court records, one officer said, “What’s a nigger like you doing with a key?” Fairwell fled to a bar across the street. The owner informed the officers that Fairwell worked at the service station, but police beat the twenty-eight-year-old in the squad car and at the station house, causing severe eye damage and two broken vertebrae. Fairwell had to use a wheelchair as a result. On September 4 eight uniformed and plainclothes officers, including a canine, raided the home of Henry Fason without a warrant. Fason, who was black, alleged that police beat

⁶⁸ Laura Warren Hill, “‘Strike the Hammer While the Iron is Hot’: The Black Freedom Struggle in Rochester, NY, 1940-1970” (PhD diss., Binghamton University State University of New York, 2010), 1-2, 38, 56-63; *Times-Union*, June 6, 1960; *Democrat and Chronicle*, March 16, 1963, 1, 5; Walter Cooper, “Reflections on the Rochester Riots in Rochester, NY July 24-26, 1964,” n.d., Box 4, Folder 18, Box 4, Dr. Walter Cooper Papers (Cooper Papers), Department of Rare Books, Special Collections and Preservation, University of Rochester River Campus Libraries; Interview with Constance Mitchell, July 12, 2008, Rochester Black Freedom Struggle Online Project, Rare Books and Special Collections, University of Rochester, <http://www.lib.rochester.edu/index.cfm?page=4495&Print=17>, accessed July 19, 2015.

him in the car, and then handed him aspirin and doused him with water when he asked for medical assistance at lock-up. On January 6, Patrolmen Anthony D'Angelo and John Hunt raided the city's only Nation of Islam mosque, located in the Third Ward, without a warrant, while investigating a report of "a man with a gun." Police barged past the front-door security and, after a small scuffle, ultimately arrested nineteen Black Muslims on charges of assault and rioting. Mid-afternoon on Saturday, January 26, 1963, A. C. White, a forty-six-year-old black foundry worker, was moving a friend's car on Joseph Avenue in the Third Ward when he was stopped by Patrolman Vito D'Ambrosio and Albert Bussendorfer. Per D'Ambrosio's account, a drunken White kicked him in the groin and issued threats such as: "If you were in Chicago, you would be dead now." White said that the traffic stop had been uneventful until Patrolmen Louis M. Genovese and Gerald G. Gentile arrived with the wagon, and he had to use force "to avoid the blows" from the police. In full view of a nearby block party, police struck White around the face and body with billy clubs. They beat him again at the station house. White suffered broken and dislocated fingers, a broken arm, severe bruising to the ribs, face lacerations requiring six stitches, and a "shattered" wrist that doctors had to mend by grafting hip bone and inserting a metal plate.⁶⁹

In recent years members of Rochester's rising black middle-class had struck a more confrontational posture toward city hall. This change in attitude and goals was perhaps most pronounced within the ranks of the Rochester NAACP. As the city's black

⁶⁹ Statement of Mr. A. C. White, February 5, 1963, Box 4, Folder 10, Dr. Walter Cooper Papers, Department of Rare Books Special Collections & Preservation, River Campus Libraries, University of Rochester (UR-RBSC); Minutes, February Executive Committee Meeting, February 7, 1963, 1-2, NAACP Records, Part III: Branch File, 1956-1965, Box C105, Folder "Rochester, NY 1961-1963," LOC; Minutes, February Branch Meeting, February 21, 1963, 2, *ibid*; *Democrat and Chronicle*, August 23, 1962, 31, January 7, 1963, 13, January 17, 1963, 30, February 9, 1963, 1, February 10, 1963, 2B.

population soared and African Americans attained elected office, the local branch struggled to stay relevant. As recently as 1955 whites made up sixty-five percent of the Rochester NAACP board. In 1960 the balance had nearly flipped. That year, Reverend Quinton E. Primo, Jr., a black Republican, became president. Primo's short tenure was marked by constant protest from younger activists who accused him of focusing exclusively on "the middle-class Negro." When Primo approved a moderate-income housing development for the Baden-Ormond area—an African-American neighborhood recently bulldozed as part of a federal urban renewal project—more militant NAACP voices criticized a civil rights strategy that "sell[s] out the masses for segregated housing." Eventually, in February 1962, Walter Cooper, Kenneth Woodward, Obadiah Williamson, and Laplois Ashford resigned their NAACP committee chairs, forcing Primo to exit the presidency. The group, who called themselves the Young Turks, established the Monroe County Non-Partisan League. The League became the leading voice on police-citizen conflicts, while the local NAACP continued its slide to irrelevancy, dropping from 1,221 members in 1962 to 1,015 in 1963 to 637 in 1964 to 177 in May 1965.⁷⁰

Through street protests, public lobbying, and private brokerage, the younger more militant activists forced the city to confront the way it handled citizen complaints against the police. In late August 1962 the dissident NAACP bloc formed the United Action Committee for Rufus Fairwell and named Obadiah Williams president. In three months the Fairwell Committee raised over \$700 to cover Fairwell's considerable medical and

⁷⁰ "Young Negro Leaders Think NAACP Lags," *Times-Union*, n.d. [July 1962], Box 4, Folder 13, Cooper Papers, UR-RBSC; "Negroes' Leaders Split on Strategy," *Times-Union*, n.d. [July 1962], *ibid*; Background Info on Rochester, N.Y. Branch, May 20, 1965, 2, NAACP Records, Part III: Branch File, 1956-1965, Box C105, Folder "Rochester Branch New York, 1964-1965," LOC; *Times-Union*, June 6, 1960, 1, 16.

legal expenses and arranged half a dozen meetings with city officials. They were pleased when a city investigator conceded in private that the brutality complaints in the NAACP files indicated “a pattern of abuse of authority” by police. The committee organized a march of 300 on city hall and sent copies of a resolution to city, county, state, and national officials, demanding the suspension of Donofrio and Schaefer and warning of “a harmful and deleterious effect upon the quietude of the community” if the city failed to act, prompting U.S. Senator Jacob Javitz to contact the state attorney general. In October the Fairwell Committee released its first report detailing the charges commonly made by black residents against the police: “attitude toward women and girls...use of abusive language, such as ‘nigger’...general discourtesy...trumping-up and abuse of such charges as vagrancy...search and seizure without warrant...misuse of officer’s rights to ask people to move on...officers urging white people to stay away from Negro people and establishments.” The legal cases dragged on. In late October 1962 the county grand jury refused to indict Donofrio and Schafer, while a federal grand jury did but ultimately exonerated both officers by November 1964.⁷¹

In response to accusations of police discrimination and brutality, Rochester’s city officials—all Democrats or appointed by Democrats—were indignant, even angry, although they agreed to change police procedure to accommodate liberal demands. Just weeks after Fairwell’s arrest, Public Safety Commissioner Donald J. Corbett defended

⁷¹ In addition to Williamson, the founding members of the Fairwell Committee were Hannah Storrs, director of the Rochester branch of the Congress of Racial Equality; Reverend Andrew N. Gibson of Memorial A.M.E. Zion Church; Reuben K. Davis, president of the Rochester NAACP; Rabbi Allan Levine of Temple Emanu-El from the suburb of Irondequoit. *Democrat and Chronicle*, August 31, 1962, 6, 19, 20, September 9, 1962, 8B, 13B, October 20, 1962, 36, October 27, 1962, 21, October 29, 1962, 17, May 15, 1963, 15, 16, May 23, 1964, 21, 22, November 21, 1964, 1B, 2B; Rochester Branch Meeting, October 18, 1962, 3, NAACP Records, Part III: Branch File, 1956-1965, Box C105, Folder “Rochester, NY 1961-1963,” LOC; November Executive Committee Meeting, November 1, 1962, 2, *ibid.*

the Police Bureau against “much completely unwarranted criticism.” “I can appreciate and sympathize with all the problems of the minority groups,” Corbett said. “I can also appreciate and sympathize with the problems this influx has caused for older residents of the city.” On November 22 City Manager Homer announced a four-part plan to ease police-citizen tensions in a meeting with the Fairwell Committee. Homer said the Bureau would create “an internal inspection office” to review citizen complaints against police and coordinate with the FBI to retrain its members in civil rights, human relations, arrest techniques and the law, and defensive tactics. Corbett would contact the County Civil Service Commission to raise recruiting and promotion standards and institute methods to monitor employee performance. Finally, the city would appoint a committee to oversee these changes. In his official statement, Homer also encouraged “a change in the basic attitude toward police officers by some residents of the city so that these people cooperate with law enforcement officers and cease highly provocative acts.” The Fairwell Committee attacked this line “as the most reprehensible in the entire document” for carrying a racial charge but also for ignoring the “‘highly provocative acts’ upon the part of police officers.” “It fails to consider the maxim that if one is himself respectful,” Williamson said, “he will receive respect.”⁷²

Despite initial reluctance to recognize police brutality complaints from black activists as legitimate, the liberal administration of Mayor Henry E. Gillette moved with surprising speed after the NOI Mosque raid and beating of A.C. White to implement stricter administrative controls on police procedure. Police Chief William M. Lombard, a Gillette appointee and former head of the state police Criminal Investigation Bureau, had

⁷² *Democrat and Chronicle*, September 2, 1962, 11, November 22, 1962, 1B, 2B, November 23, 1962, 27.

arrived in Rochester with a “widespread reputation as a strict law-enforcement officer, disciplinarian and thorough investigator.” About a week after White’s encounter with police, Lombard suspended the four accused officers without pay “pending an investigation into the allegation that more than necessary force was used to effect the arrest and custody of White.” The new Internal Inspection Office was investigating White’s allegations. The Bureau never formally charged the officers, however, prompting an outcry from the Locust Club, the patrol union, which asked the State Civil Service Commission to rule on the legality of the suspensions. On February 20 Lombard reinstated the four officers but issued “written reprimands for not following proper and acceptable procedures,” such as failing to take White directly to the hospital and to use handcuffs on an uncooperative prisoner. Meanwhile, the Police Academy had completed retraining the command staff in the post-Fairwell liberal curriculum and was set to start on the uniformed ranks. The chief instituted a new requirement that arresting officers complete “a special report in triplicate” whenever a prisoner “has sustained an injury before, during or after an arrest.”⁷³

The investigation of the White case by top echelons of the Rochester Police Bureau satisfied neither a distrustful public nor the uniformed ranks. A turning point came when Lombard reinstated the four officers. Hours later, at 3:45 a.m., six protesters visited Police Headquarters in the freezing cold of late-February upstate New York to protest the secrecy of the review process. “We are an integrated group dedicated to non-violence,” their statement read. “We request the establishment of a Citizens Review

⁷³ *Democrat and Chronicle*, January 14, 1962, 1B, 13B, February 10, 1963, 1B, February 11, 1963, 17, February 12, 1963, 19, February 14, 1963, 25, February 15, 1963, 19, February 16, 1963, 17, February 20, 1963, 1, 4; *Times-Union*, February 11, 13, 15, 20, 1963. Clippings on the A. C. White case can be found in Box 4, Folder 10, Cooper Papers, UR-RBSC.

Board to investigate all charges of alleged abuse of police authority.” Their members included Hannah Storrs of the Monroe County Non-Partisan League, a black minister named Reverend Franklin Florence, and an English professor at the University of Rochester. On February 24, 1963, the *Democrat and Chronicle* printed a full-page statement titled “An Interfaith Declaration by Clergymen of the City and County,” bearing over 100 signatures, which listed as its top demand a Citizen’s Review Board. During an intense overnight session on February 24 to 25, the Integrated Non-Violent Committee demonstrated the growing militancy of the local movement. They demanded that the city criminally prosecute three patrolmen in the White case. When Homer refused, saying it would “prejudice” the Bureau’s investigation, the committee refused to accept Homer’s compromise to hand the White case to a future public review board. A day later, city council ordered Homer to prepare a review board ordinance ahead of the March 12 session. A small group staged a sit-in at Police Headquarters to protest the delay. Their spokesperson, Hayden V. White, a history professor at the University of Rochester, said they were “offended” that the council was treating this as “ordinary business.” Nevertheless, Mayor Gillette promised a public hearing on the review board.⁷⁴

In the two weeks before the scheduled vote, the law’s drafters and the press attempted to define the legal authority of police to use force against citizens. After the overnight conference, Homer criticized the Integrated Non-Violent Committee members who “didn’t even realize that reasonable force can be used by policemen when effecting an arrest,” a charge the committee later denied. In a lengthy statement, Lombard, too, said he learned over the course of the meetings that “many citizens in the community, and

⁷⁴ *Democrat and Chronicle*, February 21, 1963, 25, February 24, 1963, 1B, 10B, February 27, 1963, 17, 18; *Times-Union*, February 20, 1963.

particularly the Negro community, are not aware of the law which gives a police officer the authority to use force in subduing under arrest.” The chief insisted that “there is absolutely no truth” to the “present feeling” that the police are “an enemy of the minority group” or that “every Negro who is arrested by this Police Bureau is subject to brutality and humiliation.” During the week of the council hearings, the *Democrat and Chronicle* profiled the Philadelphia Police Advisory Board in a series of six articles. The reporter, Arthur Deutsch, interviewed police brass, board members, black and white citizens, the Fraternal Order of Police, rank-and-file police officers, and the ACLU, but his interview with the police commissioner, Howard R. Leary, likely had outsized influence in Rochester decision-making. Although Leary said the board had not harmed police efficiency “one iota,” he did argue that its broad scope had caused problems. “During the first two years of the Police Advisory Board’s existence the emphasis was on allegations of brutality,” Leary said. “Now it is on seizure, search, warrants, informations and harassment.” In early March Martin Barol, the former PAB director, came to Rochester to meet with Homer and councilmembers.⁷⁵

Given the dramatic buildup, the council vote to create the review board was anticlimactic as it split cleanly on party lines. Every council Democrat supported the board and they held a six-to-three council majority. Mayor Gillette called it “simple justice.” Labor, clergy, and the NAACP were in favor, while fire and police unions and veterans associations came out against. At the March 12 hearings 500 people crammed into the council chamber, which had a capacity of 185, and sixty-seven people gave testimony. Lombard, never a board champion, believed that dealing with uncooperative

⁷⁵ *Times-Union*, February 26, 1963, 21, March 5, 1963, 19; *Democrat and Chronicle*, March 11, 1963, 1, March 12, 1963, 19, March 13, 1963, 17, March 14, 1963, 31, March 16, 1963, 17, March 17, 1963, 1B.,

prisoners was a more pressing concern. Thus on March 18 he issued an order emphasizing the use of handcuffs in the safe and secure delivery of the “unruly prisoner” from the street to the station-house jail. “A handcuffed prisoner is less liable to cause you any injury,” read Lombard’s order. Ultimately the board had a fairly modest reach. It was restricted to complaints of “excessive or unnecessary force” and had no “judicial or disciplinary powers.” The Advisory Board had nine members, each appointed to overlapping terms of one to three years, and forbid “active law enforcement officers” from membership. The ordinance expressly barred the board from considering “any incident alleged to have happened prior” to its creation, thereby foreclosing further review of the A. C. White case. In its first six months, the board received fourteen complaints—eight from whites and six from African Americans. Five of these pertaining to excessive force, but the board disqualified each for falling outside its narrow jurisdiction. “The absence of cases,” concluded executive director Ross Guglielmino, “means that the mission of the Board has been accomplished.”⁷⁶

For the city’s patrol union, the protracted dispute over police brutality was a beginning, not an endpoint, in a struggle for greater power, dignity, and respect at work. The Locust Club backed Homer’s four-part plan to reform the Police Bureau in November 1962 but criticized the Fairwell Committee for making unreasonable demands. Indeed, the patrol union sought to defend police prerogatives by depicting activists as agents of minority interests rather than popular democracy. “It is our position,” read the

⁷⁶ *Democrat and Chronicle*, March 5, 1963, 21, March 13, 1963, 1, 7, March 16, 1963, 1, 5, March 27, 1963, 1, 8; Amending Chapter 10 of Volume 11 of the Municipal Code In Relation to the Establishment of a Police Advisory Board, 1-2, ACLU Records: Subgroup 2, Subject Files Series; 1947-1995, Box 1081, Folder 15, Princeton; City of Rochester Police Advisory Board Interim Report (June 1, 1963 to December 31, 1963), 2-4, *ibid.*

statement of the Police and Firefighters Joint Committee, “that in a democratic society there is no place for an individual or group of individuals who seek to set themselves up as authorities on police matters and further discredit or seek to uproot the authority vested with elected and appointed officials by the will of the entire community.” When the four patrolmen were suspended without charges in the A. C. White case, one hundred of their coworkers—a fifth of the uniformed ranks—turned out for an emergency meeting. Lombard, at the invitation of Locust Club president Daniel Murphy, explained his decision in a short, tense speech to the assembled officers. The union held two additional meetings over the next few days to accommodate demand. Some 200 officers attended. “We want to handle this problem ourselves with no interference from outsiders,” Murphy said. “Police suffer enough abuse as it is. We want to make sure policemen get proper protection and representation when allegations are made against them.” During the late-February negotiations between the Integrated Non-Violent Committee and city officials over ten recent brutality cases, the union passed a unanimous resolution to protest the scrutiny of “policemen’s records by a person or groups not directly connected with the Public Safety Department.” They sent a formal request to the state attorney general to decide the “legality of the invasion of police records.”⁷⁷

During the fight over the review board, the city’s police unions argued that civilian control of the Police Bureau was not only improper, it would destroy the hierarchical relationship between police and citizen that police deemed necessary to control street disorder and violence. “It is grossly wrong and undesirable for the City Council to delegate any part of its authority and responsibility to any group of citizens

⁷⁷ *Democrat and Chronicle*, November 23, 1962, 27, February 11, 1963, 17, February 13, 1963, 20, February 15, 1963, 19, February 22, 1963, 27, May 16, 1963, 17; *Times-Union*, February 11, 1963.

not accountable to the entire community,” said Daniel Murphy in an advertisement published in the *Times-Union*. “To handcuff the Police Bureau and give the keys to a Citizens Review Board is to assure far worse abuse, and far less effective police protection.” Likewise, the Rosewood Club, made up of around ninety officers holding the rank of sergeant or above, criticized the board proposal as “appeasement to minority group organizations.” “No officer of the Rochester Police Bureau,” said the organization, “will abuse his authority or willfully antagonize any citizen...without great provocation on the part of the citizen.” Blocked from joining the meeting between city officials and Martin Barol, the Locust Club invited the National FOP’s leading anti-board spokesperson, Cincinnati Detective Jerry Elam. In a closed-door meeting with 125 patrolmen at the Locust Club, Elam recited the FOP’s standard arguments against the boards and discussed possible strategies to counter them. The Locust Club decided to organize a petition drive to demonstrate that board opponents represented the majority. The union ultimately collected 40,000 signatures in little over a week, and sent two officers—one black and one white—to present them at the council hearing on March 12.⁷⁸

For all the heated rhetoric around review boards as secret Communist plots, rank-and-file unions like the Locust Club pursued a more concrete, practical agenda to protect the rights of officers in the disciplinary process. On December 31, 1964, Mayor Gillette recognized the Locust Club as the exclusive bargaining agent for city police officers, thereby empowering the social club to act like a labor union and bargain over wages, benefits, and discipline. In February 1965, the union in a letter to the corporation counsel

⁷⁸ *Democrat and Chronicle*, March 4, 1963, 17, 23, March 13, 1963, 1, March 15, 1963, 27; *Times-Union*, February 27, 1963, 19, February 28, 1963, 28, March 8, 1963.

challenged “the board’s right to hold hearings, to have subpoena powers, and to publicize matters subsequent to a hearing,” which “may be a violation of a policeman’s constitutional rights.” In April, the Locust Club obtained a stay order from the State Supreme Court temporarily halting the board’s operations. In a case from May 1964 that the union said demonstrated how the board was “fundamentally unfair,” an officer was accused of excessive force, the chief and the board investigated but failed to find definitive evidence of abuse, but the city administration nevertheless inserted the case record into the officer’s personnel file. In December 1965 the State Supreme Court ruled that this power of public “censure” was tantamount to a reprimand and thus violated the rights of police under Section 387 of Volume I of the Municipal Code, amended the same year the review board was created, in 1963, which granted this authority exclusively to the commissioner. The court ordered any information pertaining to board investigations “expunged” from police personnel files. In invalidating this portion of the board’s power, the court weakened its operating premise—to act as a public broker between warring parties with all the imprimatur of government authority.⁷⁹

Months after Rochester established its review board, the state legislature of Pennsylvania enacted a law creating a disciplinary system that came closest to the vision advanced by the Fraternal Order of Police. In July 1963 Republican Governor William Scranton signed into law a bill sponsored by Republican representatives from Pittsburgh, and strongly endorsed by Fort Pitt Lodge, the founding FOP branch, which changed the city’s police trial board system. Whereas before a commanding officer could summarily

⁷⁹ *Democrat and Chronicle*, January 1, 1964, 2B, February 4, 1965, 1B, 2B, April 16, 1965, 1, 11A, June 5, 1965, 3B; *Locust Club of Rochester v. City of Rochester*, 48 Misc. 2d 763, 265 N.Y.S.2d 744 (1965) at 768, 770.

suspend an officer without pay for up to ten days, and the officer had no recourse, the new law granted the accused the right to request a trial board and recover lost pay. The new board established a lottery whereby the suspended officer submitted twenty-five candidates of equal or superior rank, the safety director contributed another twenty-five, and then both sides drew names at random, vetoing any undesirable candidate, until they arrived at seven people. The *Pittsburgh Post-Gazette* criticized the new law as a nakedly partisan attempt by Republicans to undermine local Democratic “home rule.” “For all practical purposes,” the paper concluded, “the city has lost its ability to enforce discipline.” “I cannot believe that the Pittsburgh Press would object to the granting of these rights to police officers,” countered Patrolman Joseph E. Stanek, the long-serving past FOP president who would be reelected in the spring of 1964. “I believe all fair-minded people will agree that this is the American way of administering justice, the right to be heard.”⁸⁰

An early case demonstrated how the new trial board had shifted power within the department in favor of the uniformed ranks. On December 5, 1963, Lieutenant Arch Morrone was suspended by Assistant Superintendent Lawrence J. Maloney for refusing to obey an order to walk a beat to monitor two patrolmen suspected of shirking their duty. Morrone objected to Maloney’s degrading tone—claiming that the commander yelled at him in front of other officers—and, along with the FOP, contended the order was illegal. Maloney suspended the lieutenant for ten days, and Morrone requested a trial board, which cleared him. Mayor Joseph M. Barr ordered a second trial board, arguing that it set

⁸⁰ *Pittsburgh Post-Gazette*, August 23, 1962, 1, 13, July 2, 1963, 2, July 11, 1963, 8, July 22, 1963, 8, December 12, 1963, 26, December 20, 1963, 26, March 13, 1964, 3; *Pittsburgh Press*, May 15, 1963, 2, September 6, 1963, 2.

a bad precedent to allow “a police officer of any rank” to “ignore or flout an order with impunity.” The FOP tried to block the mayor’s move by appealing to the State Supreme Court. “Down with tyrants and up with the flag of justice,” the union declared. The court allowed the retrial to proceed, but it did not matter: the new board, also dominated by lieutenants, cleared Morrone a second time. Over subsequent years Mayor Barr and Police Chief James W. Slusser often criticized the trial board for undermining their power to run the department and discipline the rank-and-file. In 1972 the *Post-Gazette* examined police records and found that leading up to the 1963 law, trial boards had dismissed officers at a nearly fifty percent rate. Since then, however, the board had ordered no officer fired. In those nine years the Pittsburgh Police Department had dismissed only five officers. Due to this laxity, the Neighborhood Legal Services in 1971 said that “there are approximately 100 [officers] that keep turning up over and over in the complaints we receive.”⁸¹

Liberal reformers after World War II focused on multiple areas of police practice, particularly training, hiring, and discipline. The spur for police reform was often the citizen complaint of brutality. Police brass and rank-and-file unions, however, succeeded in narrowing the debate to the specific question of whether officers used a degree of force against citizens that exceeded what was tactically necessary and legally permitted. Thus reformers had to contend with the basic evidentiary challenge of how to prove allegations

⁸¹ *Pittsburgh Press*, December 12, 1963, 26, December 13, 1963, 2, December 18, 1963, 1, 4, December 19, 1963, 1, 4, December 20, 1963, 26, January 9, 1964, 1, 4, October 8, 1966, 2, November 2, 1968, 2; *Pittsburgh Post-Gazette*, December 13, 1963, 25, December 14, 1963, 6, 11, January 9, 1964, 36, January 10, 1964, 1, 7, September 29, 1971, 5, July 3, 1972, 9, July 5, 1972, 20; *Morrone v. Barr*, 112 Pitts.L.J. 95 (1964).

of “police brutality.” Some police practices that citizens found inhumane, degrading, or unjust were in fact lawful. Police officers enjoyed expansive legal authority and administrative discretion to use fatal force. In response, civil rights and liberties organizations advocated civilian review boards as a technocratic solution to channel pent-up, existential frustrations into official procedural channels. Large urban police departments made some effort to accommodate liberal reformers, mainly through hiring, training, and administrative rule-making, such as imposing stricter controls on firearm use. But the police brass and the rank-and-file for the most part refused to credit the accusations of racist and unduly violent policing routinely made by low-income urban communities of color. Liberal chiefs like George Edwards nevertheless recognized how unresolved allegations of police brutality—whether legitimate or not—could undermine public trust in law enforcement, engender bitterness among the rank-and-file, and plant the seeds for street violence.

CHAPTER 5

“WE HAVE THE RIGHT TO STAND ON THIS CORNER”: COP-FIGHTING, CROWD RESCUES, AND CIVIL RIGHTS

On Saturday, July 30, 1966, security at the Hawthorne public housing project in South Philadelphia called police to disperse young men fighting. Patrolman Emidio Comignano of the 3rd District arrived at 13th and Fitzwater Streets shortly after 8 p.m. The city housing guards pointed at a young African-American man named Claude “Peanuts” Weems who they said had been threatening people with a knife. In the account Comignano gave to police brass afterward, the 21-year-old Weems was intoxicated and refused to provide identification, handing the officer an advertisement for a business where he said he was employed. Comignano continued:

I tried to put him in the back of the car, and he refused. He said, ‘You ain’t taking me, I ain’t done nothing, take your hands off me.’ He said, ‘Take your gun and badge off and I’ll fight you.’ I pushed him in and he got out. I pushed him in again and he got out again. I put him in the back and he tried to climb over the seat. He let out a loud scream and wraps his legs around my waist, with his arms around my waist, with his arms around my neck, so I took my jack and hit him in the back and he released his legs. He started screaming, when he climbed up on me and falls in the car. He falls over and then the guards were fighting with him. That is when I reached for the phone and called ‘Assist Officer.’ That is when the confusion began.

Inspector Joseph W. Max asked Comignano if he had used handcuffs on Weems. “No, I didn’t have any,” the patrolman said. “They issued them, then they took back, so I didn’t have any.” Comignano was referencing the department’s recall of 6,500 pairs of malfunctioning handcuffs. African-American bystanders, meanwhile, had seen police beat a drunk but compliant Peanuts with blackjacks. Yet the Hawthorne security guards, who were also black, agreed with the police that Weems had “fought vigorously.”

Inspector Max's report noted that at one point "two unidentified men...managed to pull Weems away" from Comignano.¹

On the following night, around 10:10 p.m., a small crowd of black teenagers, some possibly affiliated with the 13th Street Gang, tossed bottles at a passing scout car. Patrolmen Henry P. Alfano and James Welch ordered the youths to disperse. "We have the right to stand on this corner," said a young black man named Richard Harris. "No mother-fucking white cop is going to chase us off." As the officers placed Richard in the scout car, they were pelted by bricks and bottles. Benjamin Harris, standing among the crowd, yelled, "That is my brother, let him go." Patrolman James McDowell grabbed Benjamin, provoking Richard to climb out of the scout car to help his brother. McDowell said he was then "hit from the rear knocking my helmet off" and several people climbed on top of him; one tried to remove his gun from the holster. Benjamin grabbed McDowell's nightstick and started hitting him with it, before he was restrained by other officers. As the crowd closed in, with some shouting, "Kill the cops," Welch fired his gun into the air. In their story of what took place, black bystanders described the police as the aggressors. They saw police pull up, jump out, and yell, "you mother fuckers, get off the corner," before pushing everyone back. As officers placed Harris into the patrol car, Florence Cutler heard an officer say, "take him to the station but don't beat him." An officer told the people standing near Arthur Lee Taylor: "Don't give me no shit, this is the

¹ Statement of Policeman Emidio Comignano, August 5, 1966, 2, 5, Record Group 79, Philadelphia Police Department, Community Relations Unit Files, Box A3319, City Archives of Philadelphia; Statement of Elaine Brown, August 4, 1966, 1-2, *ibid*; Statement of Harold Von Coates, August 4, 1966, 1-2, *ibid*; Statement of Charles J. Donahue, Phila. Housing Authority Guard, August 5, 1966, 2, *ibid*; Inspector Joseph W. Max, Incidents at 13th and Fitzwater Streets on 7-30-1966 and 7-31-1966, September 1, 1966, 1, *ibid*; *Philadelphia Inquirer*, July 31, 1966, 1, 4; Joseph D. Lohman and Gordon E. Misner, *The Police and the Community: The Dynamics of Their Relationship in a Changing Society*, Field Surveys IV, Vol. 2 (Washington, D.C.: Government Printing Office, 1966), 55.

3rd District, we'll kill all you black bastards." Police made thirteen arrests; five officers were injured.²

The battle of 13th and Fitzwater arose from the longstanding, often-physical struggle between black youths and patrol officers over control of the street corner. The sociologists Joseph D. Lohman and Gordon E. Misner, on their research trip to Philadelphia over the summer of 1966, observed how both patrol officers and young men were morally and strategically invested in winning the "battle of the corner." "We can't hardly ever stand on corners," said one boy. "They ride up, they say, 'get off the corner,' give me your corner, like it's their corner, they just running us off our own corner." "Among some of the younger officers, one encounters a sense of dedication never to lose the battle of the corner," wrote Lohman and Misner. "Part of the young policeman's lore is the fact that losing the battle is seen as one of the most serious 'defeats' a policeman can suffer." In Philadelphia, police commonly arrested teenage boys for "corner lounging" or "failure to respect an officer," but few could cite the justifying ordinances, or knew if they existed. Police admitted that "in many instances these 'arrests' are made not with the view of actually prosecuting the 'offenders,' but rather of inconveniencing them....to point up the continuing need to 'respect authority.'" Officers mentioned the "undesirable fate" that "awaited any policeman who lost the 'battle of the corner.'"³

² Incidents at 13th and Fitzwater Streets on 7-30-1966 and 7-31-1966, 4; Statement of Policeman Henry P. Alfano, August 9, 1966, 2, Record Group 79, Philadelphia Police Department, Community Relations Unit Files, Box A3319, Folder "Statements of Police Personnel Re: Incidents At 13th and Fitzwater Sts., 7-30-66 and 7-31-66," City Archives of Philadelphia; Statement of Policeman James F. Welch, August 8, 1966, 2-3, *ibid*; Statement of Georgia Singleton, August 4, 1966, 2, *ibid*; Statement of Arthur Lee Taylor, August 4, 1966, 2, *ibid*; Verbal Statement of Policeman James McDowell, November 17, 1966, 1-2, Record Group 79, Philadelphia Police Department, Community Relations Unit Files, Box A3040, Folder "Moody, John L. PCR #66-177," City Archives of Philadelphia; Statement of Florence Cutler, August 4, 1966, *ibid*; Statement of Georgia Singleton, August 4, 1966, *ibid*; Verbal Statement of Policeman Rudolph Merritt, November 17, 1966, *ibid*; Verbal Statement of Policeman James Welch, November 15, 1966, 1, *ibid*.

³ Lohman and Misner, *The Police and the Community*, 121-122, 142-147, 156, 168-169.

The battle of the corner had become more intense and frequent in every large city since the mid-1950s when militant activism and street protest over civil rights and African-American liberation surged to national prominence. Rank-and-file police officers blamed liberals for this change, and their complaint had some basis in truth. In Philadelphia, for example, shortly before the incident at 13th and Fitzwater, the Police Department, fearing summer rioting, had ordered patrol officers to ignore street-corner gatherings posing no direct threat of disorder, thereby asking the rank-and-file to abandon a tactic that was integral to their identity as police officers and which they considered necessary to control criminals. “It’s harder to work in these neighborhoods now than it used to be because we send the kids to school and teach them about rights and then put them back in the neighborhood,” said one officer in a midsized Midwestern city in the early 1960s. “I think we ought to either get rid of these neighborhoods or stop teaching these kids about their rights.” Indeed, police encountered increasingly physical and at times collective resistance in poor and marginalized neighborhoods when attempting to make even legitimate arrests. Patrol officers frequently complained of unruly prisoners who physically fought back and beckoned for assistance from a menacing crowd. As police clashed repeatedly with militant groups like CORE or the Black Muslims, the rank-and-file felt further vindicated in their belief that pro-civil rights forces were behind the sudden rise in crowd rescues.⁴

The politics of resisting arrest carried an unmistakable racial charge, while tapping into the seemingly contradictory yet core American values of self-defense and law-and-order. The news media, federal and local authorities, and the police generally

⁴ Lohman and Misner, *The Police and the Community*, 142; Jerome H. Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society* (New York: John Wiley & Sons, 1975, 2nd ed.), 88.

depicted the phenomenon of “cop-fighting” as evidence of the criminal pathology of marginalized and racialized populations, as well as a worrying new trend of declining respect for law-and-order inspired by the well-intentioned if misguided law-breaking tactics of the Civil Rights Movement. The legal dimensions, however, were hardly clear-cut. Well into the 1960s, common law and state and federal courts, including the Supreme Court, supported the right to resist unlawful arrest. The legal experts convened by the American Law Institute to draft a national model penal code in 1958 were almost equally divided on whether to retain the right. Some liberal judges, who were prominent critics of unlawful policing in the 1960s, took public stands to defend the right to resist unlawful arrest, prompting police, conservatives, and state legislators to try to ban it outright. The resisters on the street—typically young black and Latino men—and their allies in the crowd sometimes invoked southern Jim Crow violence against peaceful protesters to justify violence against northern police. But middle-class activists of color often criticized crowd rescues as acts of vigilantism or criminality that might slow the pace of liberal reform.

In many respects—from the act of attacking police officers to the racially-charged partisan reactions—crowd rescues were direct precursors to the urban rebellions of the mid to late 1960s. Years before rioters burned city blocks, cop-fighting provoked heated public debate on the rights of citizens and police officers in street-corner encounters, in ways that tended to simplify the stakes for the residents of marginalized urban communities. After the Hawthorne rumble in July 1966, some South Philadelphia residents protested police brutality, but others complained of a recent increase in criminal activity. Two days before the weekend violence, in fact, a woman had written

anonymously to the *Philadelphia Tribune*, the city's main black newspaper, to ask that the police "post more men in the area to protect 'wives, children, and fathers' from 'hoodlums'" in response to a spike in "muggings and sexual assaults." The spectacle of black people in open rebellion against the police in an age of civil rights insurgency amplified the problem of aggressive policing and made for good news fodder, even as it distorted the heterogeneous interests and preferences around street policing within the black community. In this respect, crowd rescues were not only a dress rehearsal for the sixties riots. By further polarizing the core antagonists, they set the stage for the much larger rebellions to come.⁵

Crowd Rescues and Popular Street Justice Against the Police

Long before the 1960s urban crowds had gathered around street arrests to heckle police officers, shout messages of support to the prisoner, and occasionally intervene to rescue the person in official custody. The historian Christopher Thale has documented numerous examples of crowd rescues in his study of New York City street policing at the turn of the twentieth century. "For the police, congregating was a major test of their own power, of their status as boss of their posts," Thale has written. "It was the critical issue over which cops and corner loungers contested control of the street. It was as close as they could come to literally drawing a line." Both the patrol officer and the "corner loner," in Thale's terms, understood the battle of the corner as "not only a test of individual autonomy and authority, but of masculinity." With limited means at their disposal to detain an arrestee on the street other than verbal persuasion and the billy club,

⁵ *Philadelphia Inquirer*, August 1, 1966, 1, August 2, 1966, 1, 6; *Philadelphia Tribune*, August 2, 1966, 1, 2, August 13, 1966, 2.

patrol officers typically waited for a wagon or walked the prisoner to the station house, sometimes miles away. The delay and the weak physical restraints on an arrested person provided an opening for further physical struggle.⁶

This world in which corner-congregants had the power and the motivation to fight patrol officers—both in the hypermasculinity and the rudimentary police technology—remained largely intact from the mid-19th-century origins of municipal police departments until the 1960s, when it was still possible for patrol officers in large cities to find themselves isolated on their posts without handcuffs physically holding onto a suspect while waiting for a patrol wagon. In 1967, the President’s Commission on Law Enforcement and Administration of Justice was compelled to mention San Diego’s policy of handcuffing all “persons arrested regardless how minor the crime or inoffensive the person” as a new and noteworthy development. The phenomenon of cop-fighting was thus almost a folk tradition in the United States, akin to the community policing of posses and lynch mobs, and even legal if police actions were illegal.⁷

The limited available empirical data indicates that working-class African-American men were most likely to assault the police. In his study of police-citizen encounters in Boston, Chicago, and Washington, D.C., in the summer of 1966, the sociologist Albert Reiss observed that citizens were more hostile toward police when stopped at the officer’s own discretion than during a call for service. “Those who call the police are prepared to accept the officer’s authority,” Reiss wrote. “Those who are to be

⁶ Christopher P. Thale, “Civilizing New York City: Police Patrol, 1880-1935” (PhD diss., University of Chicago, 1995), 268, 270.

⁷ *Afro-American*, October 13, 1956, 18; *Chicago Tribune*, November 28, 1957, 20; President’s Commission on Law Enforcement and Administration of Justice, *Task Force Report: The Police* (Washington, D.C.: Government Printing Office, 1967), 191; see also Alex Elkins, “Review Essay: Stand Our Ground: The Street Justice of Urban American Riots, 1900 to 1968,” *Journal of Urban History* 42, no. 2 (2016): 429.

policed often do not.” Eighty-one percent of the 5,360 mobilizations Reiss and his team studied were citizen-initiated dispatches, while only fourteen percent were police-initiated. For all types of mobilizations, police faced a larger number of bystanders in black districts than in white districts. In approximately one-fourth of all police encounters with African Americans, at least five black citizens were present, relative to less than one in five white bystanders in police encounters with whites. Reiss further found that police were more “authoritarian” toward offenders, who were mainly traffic offenders, and offenders in turn were more hostile toward police than other citizens. The social-psychologist Hans Toch reviewed several hundred assaults upon police in Oakland and San Francisco in the early 1960s, and concluded that “the typical assault on a police officer takes place on a slum precinct street, and it is perpetrated by a young Black man who has had previous brushes with the law.” The officer assaulted was generally younger and less experienced.⁸

Although even less is known about why citizens attacked police in the 1950s and 1960s, the battle of the corner, as defined here, appears to have been a major factor. Toch produced perhaps the first and most comprehensive attempt to study the issue systematically in 1969. By closely examining 100 Oakland incidents and 344 San Francisco incidents, Toch found that the primary cause of citizen violence against police was “assault in defense of personal autonomy,” typically in response to police commands or physical contact. The second and third most frequent reasons were to retaliate against a

⁸ Albert J. Reiss, Jr., and Donald J. Black, *Studies of Crime and Law Enforcement in Major Metropolitan Areas*, Vol. 2, Section I (Washington, D.C.: Government Printing Office, 1967), 11, 17, 19, 21-23; Hans Toch, *Violent Men: An Inquiry Into the Psychology of Violence* (Washington, D.C.: American Psychological Association, 4th Ed., 1992), 37; Albert J. Reiss, Jr., *The Police and the Public* (New Haven: Yale University Press, 1977), 145.

perceived sleight and to evade arrest. In a fine-grained analysis of 255 incidents in San Francisco between 1962 and 1965, Toch found that violence most commonly arose when citizens refused to cooperate with a routine order to “move on,” typically because they viewed the command “as ‘man-to-man’ confrontations” and saw the police “as an illegitimate and hostile ‘outside’ force” and “conflict with the police...as a form of social protest.” “Undoubtedly,” Toch observed, “a disproportionate number of attacks on police officers originate with men whose self-image included being a champion or a defender, taking on overwhelming forces, or demonstrating toughness in pitched battles with lawmen.” Resisting arrest and bystander interventions tended to arise during minor arrests for public-order offenses like drunkenness or loitering, Reiss has argued, since “the police office often intervenes on his *own* authority” and thus it may appear that “authority is being exercised *arbitrarily* and *unjustly*, because many others escape arrest in such situations.”⁹

Police data suggests that physical attacks upon police officers had spiked in recent years. The Federal Bureau of Investigation began publishing the annual number of assaults on police officers reported by local agencies in 1960. That year, the rate per 100 officers was 6.3. It then climbed to 8.3 in 1961, to 10.2 in 1962, to 11 in 1963, dropped to 9.9 in 1964, and then rose every year for the rest of the decade: to 10.8 in 1965, 12.2 in 1966, 13.5 in 1967, 15.8 in 1968, and 16.9 in 1969. The rate of assaults on police rose 144 percent between 1962 and 1969, and was typically much higher in cities with more than 100,000 in population. Individual agencies also documented increased rates of assaults on police. The Oakland Police Department reported a fifty-five percent rise over

⁹ Toch, *Violent Men*, 48, 51, 53; Reiss, *The Police and the Public*, 57-58.

1964. The Los Angeles Police Department recorded a 400 percent increase in assaults on police between 1952 and 1965. In 1963 the city of Los Angeles had 618 attacks on police officers. Seventy-six incidents, or twelve percent, took place in the 77th Street Division in South L.A, whose 215,000 residents comprised just eight percent of the city's 2.5 million in population. In 1964 the LAPD recorded 695 assaults upon its officers, an increase of 12.5 percent. The Seventy-Seventh claimed eighty-three of these incidents, or twelve percent. Citywide African Americans were suspects in roughly forty percent of all attacks on police despite accounting for less than fourteen percent of the total population. In the Seventy-Seventh, nearly eighty percent of the suspects were black for 1963 and 1964. The division's 214 police officers were overwhelmingly white. Just eight officers were black; four were Latino.¹⁰

During the 1950s and 1960s, when social movements challenged the legal and political foundations of white supremacy in highly public ways, white urban patrol officers faced hostile crowds even for legitimate police actions. Around 12:30 p.m., on October 14, 1957, George Martin raced down wide Earhart Boulevard, at times exceeding seventy miles per hour, and made a sharp right turn onto the side street of S. Galvez, in

¹⁰ *Uniform Crime Reports for the United States* (Washington, D.C.: Government Printing Office, 1961), 106 (Table 33); *Uniform Crime Reports for the United States* (Washington, D.C.: Government Printing Office, 1962), 110 (Table 36); *Uniform Crime Reports for the United States* (Washington, D.C.: Government Printing Office, 1963), 111 (Table 37); *Uniform Crime Reports for the United States* (Washington, D.C.: Government Printing Office, 1964), 133 (Table 45); *Uniform Crime Reports for the United States* (Washington, D.C.: Government Printing Office, 1965), 148 (Table 45); *Uniform Crime Reports for the United States* (Washington, D.C.: Government Printing Office, 1966), 153 (Table 47); *Uniform Crime Reports for the United States* (Washington, D.C.: Government Printing Office, 1967), 152 (Table 51); *Uniform Crime Reports for the United States* (Washington, D.C.: Government Printing Office, 1968), 158 (Table 53); *Uniform Crime Reports for the United States* (Washington, D.C.: Government Printing Office, 1969), 152 (Table 52); *Uniform Crime Reports for the United States* (Washington, D.C.: Government Printing Office, 1970), 46, 150 (Table 53); Toch, *Violent Men*, 39; Attacks on Police Officers: A Comparison of 77th Street Division to Remainder of City, October 14, 1965, Staff Services Section, Planning and Research Division, Volume XII, Reel 4, Governor's Commission on the Los Angeles Riots records, BANC MSS 74/115 c, The Bancroft Library, University of California, Berkeley; Profile of 77th Street Division Officers, n.d. [Fall 1965], *ibid.*

New Orleans. At the corner of Second Street, Martin's car was stopped by an off-duty patrolman named Alphonse Guichard. Martin got out, and Guichard searched him for weapons. Guichard then called the Sixth District station house to request a patrol wagon. While the pair waited, a few dozen black observers wandered over, attracted by the scene of a white man physically restraining an African-American man. Soon, a large crowd had blocked the intersection of S. Galvez and Second, watching with great interest. A black man stepped forward and asked Guichard for his credentials. Guichard presented his card, and the man reached for it. Emboldened, other bystanders started to attack the lone officer. Dozens of police reinforcements arrived. Officers waded into the crowd, swinging "slapjacks" and fists. They arrested nine. Martin, however, escaped.¹¹

It remains unclear why black residents of New Orleans came to George Martin's rescue that day in October 1957. Their reasons probably were political, not personal. The New Orleans Police Department was reviled by many black residents—it had been for generations, since at least to the end of Reconstruction. In 1874, the paramilitary White League, affiliated with the Democratic Party, attempted a violent coup of the Republican-controlled city government, especially the police department. (It succeeded, for two days.) More African Americans, proportionately, were on the force than lived in the city. Whites regained control of the department, and the rest of city government, by the end of the decade. When Robert Charles, a young African-American man, shot and killed two police officers during a routine street stop in 1900, white police officers joined white vigilantes in the manhunt. A thousand white riflemen surrounded Charles's final hideout; a white civilian fired the final, fatal bullet. After police loaded Charles's corpse onto the

¹¹ *Times-Picayune*, October 14, 1957, 1.

cart, to take him to the morgue, whites approached, unhindered, and mutilated the body. What began as a criminal investigation ended as a lynching.¹²

As white Redeemers retook political and social control of the South in the last third of the nineteenth century, often through paramilitary violence, African Americans rebelled on the street against their white replacements on the force who antagonized them daily. Southern police applied similar tactics against black residents as their counterparts in the North: arrests on “suspicion” and vagrancy, roundups of large groups for the purpose of intimidation and retribution, and quick resort to the gun or nightstick. In fact, Southern whites anticipated the rise of crowd rescues as soon as the Civil War ended, when the old racial order was under threat. In October of 1865, the *Montgomery Daily Ledger* warned white Alabamans that “freedmen...will not submit to overhauling or arrest by any damned rebel police!” Their fears were soon realized. All across the South, African Americans, alone and together, resisted arrest by white police officers. In Richmond, Virginia, in 1876, a black crowd stoned white police trying to extinguish a fire, and then kept up the attack all the way to the station house. In 1880 African Americans stoned another officer as he tried to arrest a black boy for stealing.¹³

In Atlanta, in the first half of the 1880s, crowd rescues were so common that white public officials and the *Atlanta Constitution* issued frequent warnings to police and residents. In 1881, bystanders tried to free a man arrested for pushing a white woman off

¹² In the end, Charles shot 27 whites, including seven police officers. He killed five, four of them police. William Ivy Hair, *Carnival of Fury: Robert Charles and the New Orleans Race Riot* (Baton Rouge, Louisiana State University Press, 2nd Ed., 2008), 83, 119-120, chap. 7-9, 144; see also Stacy K. McGoldrick and Paul Simpson, “Violence, Police and Riots in New Orleans Political Culture: 1854–1874,” *Journal of Historical Sociology* 20, no. 1/2 (March-June 2007): 72-101.

¹³ Howard N. Rabinowitz, “The Conflict between Blacks and the Police in the Urban South, 1865-1900,” *The Historian*, 39, no. 1 (1976), 70-71; Tera W. Hunter, *To ‘Joy My Freedom: Southern Black Women’s Lives and Labors After the Civil War* (Cambridge: Harvard University Press, 1997), 121-126.

of a sidewalk. By the time the officer arrived at the station house, the crowd had grown to 200 people; they later attempted to rescue a separate prisoner. On another occasion, two African Americans drew their guns while resisting arrest. The *Atlanta Weekly Defiance*, a black newspaper, offered support for collective resistance: “Are we going to be murdered like dogs right here in this community and not open our mouths?” In August 1883, after a group rescued a black boy from police custody, the police chief said, “Almost every day something of the kind occurs. The negroes, whenever an arrest is made in an ‘out of the way’ part of the city, try every way to obstruct the officers.” After several riots on the Fourth of July, in 1888, the *Constitution* said that African Americans acted as if they “owned the town” because they had tried “to release almost every negro who was arrested.”¹⁴

The New Orleans Police Department in 1957 differed in important respects from the force of 1900—even the force of 1954. In December of the latter year, the Special Citizens’ Investigating Committee, led by Aaron M. Kohn, published six volumes of its investigation of the NOPD. Their report, following months of public hearings, caused a political scandal, finding that the department suffered from widespread incompetency, brutality, and corruption. As a result, top police officials, including the superintendent, retired, and the mayor established an internal affairs bureau within the department to review police misconduct. In 1955 the NOPD revamped their training and hiring practices, to attract younger, physically fitter, and better-educated recruits. They started screening applicants for psychological problems.¹⁵

¹⁴ Rabinowitz, “The Conflict between Blacks and the Police in the Urban South, 1865-1900,” 71-74.

¹⁵ Kyle P. Wilshire, “Aaron Kohn Attacks Corruption in New Orleans: An Intersection of Media and Politics, 1953-1955” (MA Thesis, University of New Orleans, 2013), 29-42; Fichter, *Police Handling of*

After 1955, in an effort to appear more responsive to public's crime concerns, the New Orleans Police Department embraced dragnet tactics. In early February 1956, Superintendent Provosty A. Dayries announced a new tactical team, the "Flying Squad," to patrol during the Carnival season. "No acts of vandalism will be tolerated this year," he said. The squad, based out of the Traffic Bureau, had a mandate to respond to crises as they arose. In a single 48-hour period, in April 1956, the squad made fifteen arrests and issued 443 tickets for major and minor traffic violations. On March 11 and 12, 1958, a special squad of twenty-nine officers rounded up 375 people on vagrancy—258 in twenty-four hours. The *Times-Picayune* reported that it was "being done to rid the city of undesirables and cut down on recent muggings, holdups and assaults." In February 1957, however, a local bar association criticized police use of the state's vagrancy statute, or Article 107, as a general "holding" charge, to detain suspects up to 72 hours so an officer could build a case. Dayries promised to discontinue use of Article 107 but demanded the state legislature authorize arrests for investigation as a compensatory tool. In September, at the request of the bar association, Dayries's deputy, Joseph I. Giarrusso, agreed to post a criminal defendant's constitutional rights in every station house. Giarrusso also ordered an end to the use of Article 107 as a "holding charge." Three weeks later, Giarrusso, now police superintendent, unveiled the department's strategy to "suppress" and "eradicate" vice. Patrolmen were now required to file a field interrogation report for each street stop to gather more systematic intelligence on local crime patterns.¹⁶

Arrestees: A Research Study of Police Arrests in New Orleans (New Orleans: Department of Sociology, Loyola University of the South, 1964), iv, 15, 52.

¹⁶ *Times-Picayune*, February 9, 1956, 1, February 26, 1957, 4, April 9, 1957, 9, April 17, 1956, 30, June 14, 1956, 34, March 13, 1958, 50.

Mass arrests exacerbated tensions between the NOPD and the black community. As part of the an aggressive campaign against liquor and gambling offenses, the police relied on the roundup, often arresting everyone on the premises. One night in January 1957, as part of a broader “vice crackdown,” the Shotgun Squad raided seven bars and arrested thirty-one people for loitering, all of them in bars. When police arrived at Mack’s Bar to investigate a vandalism complaint, late on Sunday, June 5, 1960, a largely African-American crowd protested. About 100 people surrounded the officers. Police eventually arrested forty-nine black men and women for inciting to riot and disturbing the peace. Through June and July 1963, the Vice Squad cracked down on gambling operations by targeting bosses; their vendors, who sold lottery slips; and their customers. On Friday, July 26, the district attorney issued warrants for forty-two persons; eleven for gambling and thirty-one for vagrancy, as “habitual gamblers.” Thirty-three of those arrested were African-American. The *Times-Picayune* explained that police picked up those who “could not explain why there were out at a late hour or could not show proof of a legitimate job.”¹⁷

In late March 1964, a research study of arrest practices in New Orleans provoked public controversy in showing how the city had used dragnet policing to terrorize and harass black residents. The lead author was Reverend Joseph H. Fichter, the chair of the Sociology Department at Loyola University. The report’s stunning conclusion, which received the most press attention and public comment by police and city officials, was that a minority of officers regularly discriminated against marginal populations “through obscenity, thievery, sexual aggression and brutality.” Critical police voices tended to

¹⁷ *Times-Picayune*, January 21, 1957, 32, October 15, 1957, 17, June 6, 1960, 3, July 27, 1963, 2.

ignore the report's other main finding: the vast majority of police contacts with the public—at least with respectably-dressed, middle-class, or employed white residents—were conducted in a “routine, professional manner.” Also generally overlooked by the press was Fichter's discovery of a racial dragnet in the city, which in most respects resembled policing in black neighborhoods around the country.¹⁸

Fichter coupled empirical data and interviews to reveal a system of policing that tolerated and even rewarded police harassment of African Americans. The roundup—known locally as “commando raids” or “gang arrests”—was an acute problem in black neighborhoods. A lawyer told Fichter, “the police make a lot of needless arrests just for the sake of filling their statistical quotas. They'll go in and clean out an entire Negro bar, arresting twenty to thirty Negroes, while they'd never do this to a white bar because of political repercussions. In dealing with vice crimes, they'll go into a Negro motel and round up all the people from the rooms. You never find them doing that in the white motels.” As a result, twenty-two percent of African Americans arrested on non-traffic charges in 1962 and 1963 were in groups of four or more; seventeen percent were in groups of two. For whites it was six and nineteen percent, respectively. A police officer admitted these practices were used “to keep Negroes in line.” A judge interviewed by Fichter declared mass arrests a glaring injustice, even as he conceded that such “surveillance,” as police called it, “helps to keep the crime rates down.” When Fichter pressed him on whether the war on crime “justified” dragnet methods, the judge had this

¹⁸ Brian Jordan assisted Fichter in preparing the report. Fichter analyzed a six-percent representative sample of the 53,651 adult residents arrested in 1962. He also interviewed persons arrested in 1963 who matched the 1962 sample. The largest racial disparity was between black and white men. African American men were 15.1 percent of the city population but made up 51.4 percent of resident arrestees in 1962. White men were represented 31 percent of the population and 37.2 percent of resident arrestees. See Fichter, *Police Handling of Arrestees*, iii, 1-4; *Times-Picayune*, March 24, 1964, 1, 12, March 25, 1964, 6, March 26, 1964, 1, 26, March 27, 1964, 6, March 29, 1964, 11.

to say: “I think that they arrest too many people for nothing at all, especially Negroes. Have you ever been stopped and asked for an I. D. card, or have to show a dollar in your pocket? If they see a Negro walking the streets at night, five to one they’ll stop him and ask for papers and check stubs; and if they don’t like his answers or his looks, they’ll arrest him for vagrancy. This to me is like the German S. S. police, and not at all the American system.”¹⁹

The racial dragnet was in part the outcome of the NOPD’s recent professionalization, which emphasized rote efficiency over officer discretion. Command expected each precinct to produce a high volume of arrests. Captains held patrolmen to these quotas. A judge said, “If the police don’t have enough arrests, they’ll go out and pick up a man for loitering.” The system also was rigged to harass marginal citizens through repeat vagrancy-related arrests. “They’re easy to make and they can be processed, or ‘run through’ the city courts without any trouble,” said one officer of these arrests. “Drifters, poorly dressed transients and bums, people you don’t know, colored people who don’t have connections—these are the ones you can arrest, like with routine and without trouble.” Despite Giarrusso’s order to discontinue use of Article 107, seven years later police still routinely booked people on suspicion and vagrancy and for investigation. Holding suspects “incommunicado” and the denial of counsel were also common.²⁰

Black residents described a police culture of racist, macho bravado. One African-American man said an officer told him, “let me hear you say, ‘yes, Sir,’ nigger.” Another

¹⁹ Fichter said: “The average number of white persons arrested at one time was 1.63, and that of Negro persons was 2.56.” Fichter, *Police Handling of Arrestees*, 6-7.

²⁰ *Ibid*, 6, 34, 58.

black man said he was warned, “you fucking nigger, you better get out of town or we’ll wind up killing you.” This man thought that the recent civil rights demonstrations for desegregated public education and accommodations had angered many whites in the NOPD. An officer said to him, “I’m trying to send all you niggers to prison, ‘cause that’ll be less niggers we’ll have voting.” Another black man described a “get-smart” arrest: “They said to me, ‘Nigger, if you ain’t working, you’re stealing.’ When I told them I wasn’t stealing, one of them said, ‘look, this nigger’s got a smart lip on him.’” Police then proceeded to punch him repeatedly in the face. White officers even casually used racial epithets to refer to African Americans in their interviews with Fichter. One officer, who said he was not a “sadist” like other members of the force, began a story with the line: “So I started to take a punch at this jig.” African-American women were regularly subjected to degrading treatment. Police routinely invited them to perform sex acts in exchange for their release from custody and dismissal of charges. For this reason, Fichter concluded, black women “are in dread of the New Orleans police.” Appropriately, Fichter described the NOPD’s treatment of African Americans as “tactics of terror.” Indeed, one African-American woman said she no longer ventured outside between three and eleven p.m. to avoid a particular officer, who told her that “he’s going to run me out of his district.”²¹

Many street confrontations involved police officers and younger residents of urban minority neighborhoods. Milwaukee’s lower North Side, the city’s “second ghetto” mainly inhabited by African Americans, was the scene of many crowd rescues in the late 1950s. On October 30, 1956, around 9 p.m., several hundred teenagers gathered outside

²¹ *Ibid*, 32-33, 45-46, 56, 58.

the Fourth Street School, at the corner of Fourth and Galena Streets, at the conclusion of a social event. Two police officers arrived to question some young men for allegedly harassing another youth. Seeing the large number assembled, they called for reinforcements. Eventually, forty officers confronted two separate crowds of teenagers, each estimated at 100 and 400. African American youths pelted police with rocks and bottles, rocked squad cars, and intervened to prevent the arrest of their peers. Police ultimately arrested six, a paltry number given the situation and suggesting the crowd's spirit of defiance. In February 1958, police tried to break up a fight at a ballroom that was hosting a teenage dance. When officers tried to arrest one youth, he shouted to his friends, "Take me away, take me away." His peers tossed bottles and chairs down from the balcony onto the officers, injuring several. Sergeant Maurice Connors said it was "the most savage riotous affair" of his career. In January 1959, police tried to break up a fight between two African American women at the corner of Eighth and North Avenues. According to the officers, the two women stopped fighting to help each other resist arrest. Then, the *Milwaukee Journal* reported, a third woman allegedly "tried to incite the crowd of 200 to action against the police."²²

Some crowd rescues erupted when police intervened in the public spaces where working-class people gathered for recreation and entertainment. On Saturday, May 8, 1954, plainclothes officers swarmed a small group playing craps on a street corner in South Philadelphia. They forced twelve men to stand up against the wall for questioning. Two hundred people gathered. When a patrolman roughly handled an African American

²² The first and third incident are described in, Simon Balto, "'Occupied Territory': Police Repression and Black Resistance in Postwar Milwaukee, 1950-1968," *The Journal of African American History*, 98, no. 2 (2013), 229-230, 246-247; *Chicago Daily Tribune*, February 11, 1958, 14.

woman, enough to bruise her cheek and arm, her sons, who were among those detained, began to fight the officers. Two weeks later, in Pittsburgh, a man was having a loud, perhaps drunken, argument on the street at dusk when an off-duty patrolman tried to arrest him for disorderly conduct. "I would have to be killed," the man said. More police showed up and escorted the man to the call box. A small crowd trailed behind. Even though an officer had pulled his gun, a bystander made an unsuccessful grab for the prisoner. Two months later, in Brooklyn, police ordered a group of teenagers to leave a street corner. A scuffle erupted after one youth "dared" the officers to try to arrest him. In the end, it took thirty-two officers to arrest thirteen youths.²³

Urban residents of color resisted and attacked black as well as white police officers, usually during stops or arrests for minor traffic violations. Even the hamlet of Kinloch, Missouri, where all 6,500 residents, including the five-man police force, were black, was not immune to violent protest. In the fall of 1962, three days of rioting tore apart the St. Louis suburb after a black officer shot and killed a black teenager. On Sunday night, September 23, Patrolman Israel Mason stopped Darnel Dortch for drag racing. When the seventy-four-year-old Mason attempted to give the nineteen-year-old a "careless driving warrant," Dortch allegedly reached for the officer's pistol. Mason said that in the struggle his gun accidentally fired. He was suspended from the force that day. A few witnesses, however, said that Dortch never resisted. They claimed that Mason had been the aggressor, striking Dortch twice with his gun almost immediately after stopping

²³ *Philadelphia Tribune*, May 11, 1954, 3; *Pittsburgh Courier*, May 22, 1954, 36; *New York Times*, July 9, 1954, 38.

him, before backing up five paces and shooting him. This story likely circulated among residents, setting the stage for subsequent events.²⁴

First thing on Monday hundreds assembled at city hall, chanting “We Want Mason!” and carrying placards such as “Will Our Son be Next?” Indeed, Kinloch youth—like black youth everywhere—faced a state of emergency: three-fourths of the city had no sewers, a fifth of homes were substandard, per-pupil spending was the lowest in the county, and few recreational facilities were available. No surprise, then, that young people set fire to twenty-one buildings, including the police chief’s house and Dunbar Elementary School, which lost a five-room wing. Although Mason resigned from the force on Monday, 300 continued to taunt the police. Eighty-five white St. Louis County police officers plowed through the crowds, armed with riot sticks, machine guns, and dogs. Missouri Governor John Dalton mulled dispatching the state highway patrol and National Guard. Late Monday night, according to the *Chicago Tribune*, someone fired a shotgun “from the window of a slum clearance project,” injuring three white officers and a black bystander. By late Tuesday, the second night of a 10 p.m. curfew, the disorder was over. Heavily armed white police patrolled the streets. Whatever had just happened, city officials knew it was not a “race riot.” Some residents said that the “Kinloch cowboys” had provoked a riot.²⁵

Boston Globe, September 26, 1962, 25; for the *United Press International* story, see *Chicago Defender*, September 26, 1962, 2; *New York Times*, September 30, 1962, 65; no major press outlet ran the witnesses’ version of the shooting. It was printed in the *Constitution-Tribune*, a local paper. See, Kat Chow, “An Officer Shot A Black Teen, And St. Louis Rioted — In 1962,” August 21, 2014, National Public Radio Code Switch Blog, <http://www.npr.org/blogs/codeswitch/2014/08/21/341417443/an-officer-shot-a-black-teen-and-st-louis-rioted-in-1962>, Accessed August 21, 2014.

²⁵ *Washington Post*, September 26, 1962, A3; *Chicago Tribune*, September 27, 1962, A11; *New York Times*, September 30, 1962, 65.

Throughout 1962 and 1963, tense standoffs with police piled up. In Lynchburg, Virginia, in July 1962, a small crowd of African Americans surrounded two white officers attempting to arrest two black women who had been ejected from a dance hall. An off-duty black officer, who happened to be nearby, came to the rescue of the white officers. He took one of their guns and fired it into the air, to keep people back. The small town of Florence, South Carolina, erupted into general rioting in October 1962, when hundreds of African Americans quickly surrounded a black police officer to prevent the arrest of a black woman for public drunkenness. According to police, the woman put up a fight, drawing onlookers. The crowd failed to rescue the prisoner, but later a much larger number gathered at a busy intersection in the “Negro section” and pelted passing white motorists leaving the county fairgrounds after closing with rocks and bottles. The police chief estimated that 2,000 African Americans—roughly half the city’s black population—participated in the unrest. City police and state highway patrol cleared the area. The rioting left a trail of shattered glass from store and car windows.²⁶

Some men fought police repeatedly. On Friday afternoon, January 17, 1963, police attempted to break up a fight between a gas station attendant and Milford Grays at 52nd and Arch Street in West Philadelphia. Close to 200 people gathered to watch. Police accused Otis Woodbridge, a bystander, of assaulting the officers, but the station attendant said that police “for no reason at all” grabbed Woodbridge and beat him “to his knees.” “It was the alleged unprovoked assault on Woodbridge that aroused spectators to a fever pitch,” reported the *Philadelphia Tribune*. It perhaps also prompted Chester Wells, another bystander, to intervene. Wells, Woodbridge, and Grays suffered serious facial

²⁶ *Times-Picayune*, July 22, 1962, 26, October 14, 1962, 29, October 15, 1962, 4.

bruising and lacerations from police nightsticks. Three weeks later, Chester Wells had another run-in with police when he allegedly interrupted a routine traffic stop by a Highway Patrolman by entering the stopped car, refusing to leave, and striking the officer. Early on Saturday morning, March 2, in South Philadelphia, Patrolman William J. Bates loudly ordered Charles Hamilton to stop screaming in the street. Both men were black. Hamilton, who may have been drunk, allegedly squirmed free from Bates. Soon a crowd of 300 surrounded the two men. Bates said that one bystander, a black man, tried to incite the rest to rescue Hamilton. According to witnesses, after Hamilton initially resisted, Bates and other officers pushed him against a wall and began hitting him about the head and body with night sticks. Over Labor Day Weekend Hamilton was again arrested after striking Patrolman Joseph Santoro with a bat seven times. The officer had been on patrol when a pedestrian alerted him to a man threatening patrons in a nearby bar. Santoro confronted Hamilton holding a bat in one hand and a bar stool in the other. It was the twenty-seven-year-old's tenth arrest in five years for assault and battery upon a police officer or resisting arrest.²⁷

In some instances, onlookers specifically confronted the police to contest their power to investigate crime, treating them as ordinary men rather than as officers. On Wednesday afternoon, February 17, 1964, a city detective and state narcotics agent were doing routine surveillance in North Philadelphia—the prime destination of postwar African-American migrants to the city—when they spotted Calvin Pinkney, a twenty-six-year-old black man, sitting in his Buick parked at the corner of Bancroft and Susquehanna Avenue. Pinkney allegedly tried to drive away after police noticed “three

²⁷ *Philadelphia Tribune*, January 19, 1963, 1, January 22, 1963, 8, February 2, 1963, 1, February 9, 1963, 2, March 5, 1963, 8; *Philadelphia Inquirer*, January 18, 1963, 8, September 8, 1963, 1B, 32B.

glazed packages in his hand.” Officers stopped the getaway, pulled Pinkney out of the car, and started patting him down. A passing African-American pedestrian protested the arrest of his “brother.” Police said that this man’s “ranting and raving started a crowd of some 100 persons to gather.” Three men demanded Pinkney’s release. The police refused and Pinkney started to struggle. More officers came and Pinkney and his newfound allies allegedly started attacking them. At the magistrate’s hearing the five men arrested maintained their innocence by arguing that at “no time did the officers show any credentials.”²⁸

No corner of the country was immune to violent standoffs between police officers and black residents. For police officers making otherwise routine arrests, violent altercations with African-American residents were hardly mystifying. Beat officers personally encountered the rebellion building on the streets of black neighborhoods long before the rest of the country. In the predawn hour of Saturday, May 16, 1964, several hundred African Americans in overwhelmingly white Des Moines, Iowa, rose up against the local police force. The confrontation arose from a routine arrest in the predominantly black Center street area. A white detective named Ray Steiner broke up a street fight between two black men. Steiner said he arrested one of the men, Harold Lee, and placed him in the patrol car without incident. But he did not handcuff his prisoner. Suddenly, Lee violently jerked his way out of the side window, landing head-first on the pavement. Back-up arrived. Lee allegedly bit one of the officers, who in return, Steiner said, “just slapped him on the head a little bit to make him let go.” The commotion—and the assault upon a black man in police custody—attracted an angry crowd from nearby bars. Steiner

²⁸ *Philadelphia Tribune*, February 22, 1964, 1.

drew his service revolver and then his “riot gun,” a shotgun, which he fired into the air. Members of the crowd, which numbered 300, threw brickbats through store and car windows. Thirty-five city police officers put down the unrest, which caused approximately \$3,000 in property damage.²⁹

Afterward the press circulated two conflicting views about the event, which foreshadowed the general confusion that would follow the bigger street riots of the summer. Police Chief Vear V. Douglas adamantly denied that it was “a racial incident.” He pointed out the spark was a routine arrest—thus a routine criminal matter and not a Birmingham-styled confrontation. This argument was sharply contested by local NAACP president, Robert A. Wright, who criticized Douglas for allowing “irresponsible and isolated acts of certain police officers” to develop into “rather unsavory conditions.” The distrust and anger that black residents felt for the police was undeniable to Steiner—the white detective at the center of it all—who saw it firsthand on his Center Street beat. A week before the riot, he broke up a fight between two African American women. One of the women “cursed us, kicked us and bit us.” Eventually, Steiner said he “just couldn’t stand it. I had to pull her hair.” This action provoked onlookers, who shouted: “Birmingham”—“Discrimination”—“Police Brutality.” After the May 16 riot Chief Douglas sought to contain future racial unrest—and appease local civic and business leaders— with a tactical change that combined racial tokenism and deterrence. Douglas set up a special squad made up entirely of black officers to patrol the Center street area on foot.³⁰

²⁹ African Americans made up 4.4 percent of Des Moines’s 216,700 residents in 1964. *Des Moines Register*, May 17, 1964, 33, 34, May 24, 1964, 42, December 12, 1965, 23; *Nevada State Journal*, May 17, 1964, 28; *Times-Picayune*, May 17, 1964, 6.

³⁰ *Des Moines Register*, May 17, 1964, 33, 34.

Before the major uprisings of the summer of 1964, police departments in large and small cities took modest steps to improve a deteriorating relationship with minority residents, while refusing to accommodate civil rights protests over aggressive patrol strategy. Instead urban police forces embraced tactics like stop-and-frisk to suppress what they depicted, typically, as a wave or epidemic of crime. In fact, the national crime rate held steady or declined between 1958 and 1964. In some cities, however, violent crime had begun a decades-long ascent by 1963. Homicides in New York City, for example, returned to levels not seen since the 400 annual murders during the 1940s. In 1959 and 1960, the city of 7.7 million recorded 390 murders—the highest total since 1935. Between 1960 and 1963 that number climbed by 150 percent to 549. (The city’s twentieth-century peak to that point was 562, in 1931.) In this context spontaneous crowd rescues and street rioting illustrated not only the growing gulf between minority residents and the police but also how racialized crime politics in fact emboldened the police to dismiss anti-brutality protests and recommit to order-maintenance tactics.³¹

Cop-Fighting, Law-and-Order Politics, and the Right to Resist Unlawful Arrest

In New Orleans, as in most of the United States in the 1960s, citizens had the right to resist unlawful arrest. In 1964, Louisiana and forty-five other states recognized

³¹ Crime figures from this era for categories other than homicide are generally unreliable. Local reporting practices varied greatly across and within police agencies, a problem that was exacerbated when large urban departments introduced standardized reporting protocols in the early 1960s in large part to counter corrupt underreporting of crime at the precinct level. For New York City, consult the invaluable databases compiled by Douglas Eckberg. See Table Ec237-241, “Homicides in New York City and Philadelphia—number, indictments, and rates: 1797–1999” and Table Ec11-20, “Estimated rate of crimes known to police, by type of offense: 1960–1997,” Susan B. Carter, ed., *Historical Statistics of the United States* (New York: Cambridge University Press, 2006), Millennial Online Edition, accessed August 30, 2015; Vesla M. Weaver, “Frontlash: Race and the Development of Punitive Crime Policy,” *Studies in American Political Development* 21, no. 2 (2007): 235, 245-247.

the common-law right, which dated in part to a handful of English rulings in the late seventeenth and early eighteenth century. These cases, which articulated the founding rationale for the right to resist unlawful arrest, established the right initially for bystanders. In 1710, the court declared that an illegal arrest was a “sufficient provocation to all people out of compassion” and “to all the subjects of England.” The reasoning in these early cases was that the people had a substantive right to intervene to protect the innocent against an injustice perpetrated by an agent of the Crown. In the United States, the right’s supporters continued to argue that unlawful policing was itself a provocation to popular violence, and thus resistance was an impulse of a free and sovereign people that the state should protect rather than criminalize. After World War II, and especially during the 1960s, a growing chorus argued that the right to resist illegal arrest was inappropriate for an urbanized society where citizens had procedural and constitutional protections. These critics further contended that the right was a cause of lawlessness and disorder rather than a demonstration of popular sovereignty.³²

In the United States, state courts generally restricted the common-law right to the individual being arrested. Onlookers who attempted to free a police captive fell under the jurisdiction of anti-lynching laws, which punished crowds seeking either to liberate or to harm a person in official custody. In 1943, the State Supreme Court of Louisiana recognized the right to resist unlawful arrest as “one of the fundamental rights guaranteed to every citizen.” In language similar to rulings in other states, the court said: “Every person has a right to resist an unlawful arrest; and, in preventing such illegal restraint of

³² Allan L. Durand, “The Right To Resist Unlawful Arrest,” *Louisiana Law Review* 31 (1970): 120-131; *State v. Lopez*, 256 La. 108, 235 So. 2d 394 (1970), at 130; *New Orleans v. Lyons*, 342 So. 2d 196 (1977), at 198-199; Craig Hemmens and Daniel Levin, “‘Not a Law at All’: A Call For a Return to the Common Law Right To Resist Unlawful Arrest,” *Southwestern University Law Review* 29, no. 1 (1999): 9-10.

his liberty, he may use such force as may be necessary.” Five years later, in 1948, the U.S. Supreme Court acknowledged the right in dictum. “One has an undoubted right to resist an unlawful arrest, and courts will uphold the right of resistance in proper cases,” Justice Robert H. Jackson said.³³

In October 1964, Stephen Wainwright, a white Tulane University law student, exercised this right when he refused multiple times to let the New Orleans police search him. Two white officers stopped Wainwright on the street at close to 1 a.m. on October 13 and told him that he matched the profile of a murder suspect, who had a “Born to Raise Hell” tattoo on his forearm. When Wainwright refused to pull up his jacket sleeve to reveal his arm, the officers arrested him on vagrancy—it was an investigative arrest. After a station-house scuffle, during which officers tried to restrain Wainwright so they could remove the jacket, Wainwright was charged with resisting and assaulting the police. He was convicted in May 1965 but filed several appeals. Ultimately the U.S. Supreme Court dismissed his writ.³⁴

³³ See, e.g., *People v. Craig*, 152 Cal. 42, 91 P. 997 (1907) at 45; *People v. Dreares*, 15 A.D.2d 204, 221 N.Y.S.2d 819 (1961) at 206; Pennsylvania passed a law in 1923 that punished individuals who attempted to rescue a police prisoner, for the purpose of liberation or lynching. See Act 183, Laws of the General Assembly of the Commonwealth of Pennsylvania, Passed at the Session of 1923 (Harrisburg, P.A., 1923), 283-287 (“lynching” appears on p. 287). The state’s 1939 Penal Code, largely unchanged until 1973, contained similar provisions. See Section 316 and Section 326, subsections K and L, Laws of the General Assembly of the Commonwealth of Pennsylvania, Passed at the Session of 1939 (Harrisburg, PA, 1939), 895, 897-901; *City of Monroe v. Ducas* 203 La. 971 14 So. 2d 781 (1943), at 979; *United States v. Di Re*, 332 U.S. 581, 68 S.Ct. 222, 92 L.Ed. 210 (1948) at 594; also see, *Bad Elk v. United States*, 177 U.S. 529 20, S.Ct. 729, 44 L.Ed. 874 (1900) at 534; Paul G. Chevigny, “The Right to Resist Unlawful Arrest,” *The Yale Law Journal* 78, no. 7 (1969): 1128-1150.

³⁴ Initially, New Orleans police officers charged Wainwright with vagrancy by loitering, resisting a police officer, and reviling the police. The latter was added when Wainwright said “stupid cops” in the squad car. The officers defended the vagrancy charge on the grounds that Wainwright “was standing still for five seconds,” had no identification, and “had very little funds.” They charged him with resisting arrest because he tried to walk away three times during questioning. Brief for Petitioner, *Stephen R. Wainwright v. City of New Orleans*, October 1967, 3-6, American Civil Liberties Union Records: Subseries 4A: Legal Case Files, 1933-1990, bulk 1960-1984, Box 1814 Box 1082, Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library (Princeton); *Wainwright v. New Orleans*, 392 U.S. 598 (1968).

Two justices dissented, however, arguing that the case presented pertinent constitutional issues that merited the Court's attention. Chief Justice Earl Warren said the original arrest for vagrancy had been "unlawful." Therefore, in a remarkable phrase, Warren said that Wainwright had a "Fourth Amendment right to resist" the police. Justice William O. Douglas agreed with Warren, offering a characteristically vigorous defense of private liberty. Although the case was relatively "insignificant" and the potential "hurt" to Wainwright caused by the Court's dismissal only "nominal," Douglas asserted that the constitutional rights at issue had significance far beyond this single case. Douglas argued that the right to resist unlawful arrest arose from the legal and customary "principle that a citizen can defy an unconstitutional act." The right was a core American value, Douglas said, embedded "deep in our system" of government.³⁵

Yet by the fall of 1964, when Wainwright defied police orders, the legal edifice supporting the right to resist unlawful arrest had begun to crumble. In one of the first published critiques, appearing in 1924 amidst the gangland violence of Prohibition, a law professor argued that the common-law right was potentially dangerous as it empowered the violent citizen over the uniformed agent of the state, and instead recommended "that illegal arrest be remedied by the proper machinery of the law rather than by the pistol." In 1940, Sam B. Warner, a respected law professor, spent a week accompanying police on patrol in five northern and western cities and came away convinced that the right to resist illegal arrest was a relic of a bygone era. Warner had been given an assignment by the

³⁵ Warren noted that "the vagrancy charge here was used as a pretext for holding petitioner for further questioning concerning the murder. This technique, using a minor and imaginary charge to hold an individual, in my judgment deserves unqualified condemnation. It is a technique which makes personal liberty and dignity contingent upon the whims of a police officer, and can serve only to engender fear, resentment, and disrespect of the police in the populace which they serve." Later, Warren said, "Because I believe the question whether the police can arrest someone on a trumped-up minor charge pending investigation of other crimes warrants this Court's condemnation." *Wainwright*, 606-607, 609-610, 613.

Interstate Crime Commission, made up mainly of lawyers and judges, to observe “the law in action” and to devise recommendations for updating the “antiquated” laws governing police practices. As an example of how the “law in the books” had fallen out of step with contemporary urban society, Warner noted that many criminal statutes dated to preindustrial rural England in the thirteenth to seventeenth centuries when policing was a communal responsibility, when at the “hue and cry” able-bodied men formed a posse to keep the peace and apprehend suspected criminals. Private individuals, not the state, initiated prosecutions, usually by making the arrest themselves. An arrest therefore might be a terrifying prospect, since the person seized might easily think they were being kidnapped by armed bandits. An arrest could also be a death sentence given high bail and awful jail conditions.³⁶

For Warner and a growing number of mainstream legal experts, the right to resist unlawful arrest belonged to an era when the powers of police and private citizens were more equal—when police were more restricted in their right to seize persons on public streets. Warner, for instance, argued in 1940 that the police should have formal authority to stop and frisk suspicious people. After observing officers routinely pat down pedestrians on the street, Warner argued that the law should protect this “instinct for self-preservation.” “Clearly,” he said, “stopping and ‘frisking’ ought not to constitute an arrest.” Thus the Uniform Arrest Act that he proposed in 1942 granted police the right to

³⁶ R. M. R., “Resistance to Illegal Arrest,” *Michigan Law Review* 23, no. 1 (1924): 66; Sam B. Warner, “Investigating the Law of Arrest,” *Journal of the American Institute of Criminal Law and Criminology* 31, no. 1 (May-June 1940): 111-121; Sam B. Warner, “The Uniform Arrest Act,” *Virginia Law Review*, 28, no. 3 (1942): 315-347; David A. Sklansky, “The Private Police,” *University of California-Los Angeles Law Review* 46 (1999): 1193-1211; for a brief historical account of medieval prisons that corrects the stereotyped view (used by Warner) of premodern English (and European) prisons as castle dungeons, see Guy Geltner, “Medieval Prisons: Between Myth and Reality, Hell and Purgatory,” *History Compass* 4, no. 2 (2006): 262-264.

frisk for dangerous weapons and to question suspects at the station house for up to two hours. Another provision abolished the right to resist unlawful arrest. Invoking lower bail amounts and improved jail conditions in twentieth-century urban America than in preindustrial England, Warner asserted that an innocent person would not resist “to avoid a few hours, or at the most several days, in jail.” He also invoked the older Prohibition analogy in arguing that only “the gun-toting hoodlum or gangster” and the “enemies of society” would exercise the right to resist illegal arrest. Section 5 of the UAA therefore penalized any person who resisted arrest by a known police officer. Three state legislatures adopted the UAA within ten years. In 1957 California also repealed the right.³⁷

Warner’s reasoning did not immediately find wide acceptance among legal scholars. Opposing viewpoints were especially evident when members of the American Law Institute, a private organization of law scholars and public officials, met in 1958 to begin drafting the Model Penal Code. The ALI, similar to Warner’s project with the UAA, set out to consolidate and reform the nation’s fragmentary criminal statutes. As part of this modernization effort, the drafters of the MPC debated a provision that would impose criminal liability on a person who resisted arrest by a known peace officer. The eminent legal scholar Herbert Wechsler articulated Warner’s argument, saying that citizens should resort to civil remedies for police misconduct instead of trying to fight

³⁷ Warner, “Investigating the Law of Arrest,” 115-116; Warner, “The Uniform Arrest Act,” 316-317, 324-327, 330-331, 345; Hemmens and Levin, ““Not a Law at All,”” 24-25.

well-trained and well-armed men. Weschler thought this was a sensible, straightforward criticism of “forcible self-help.” To his surprise, many of his colleagues did not.³⁸

Weschler’s critics thought his argument was fundamentally flawed and shortsighted. First, they said, it misunderstood why people resisted arrest. Samuel Dash, a lawyer based in Philadelphia, explained that “resistors do not act because they think they have a lawful right to act.” Instead, Dash said, they “often act out of resentment to what they believe is the unlawful act of the police officer.” The law should protect this democratic impulse rather than punish it with fines or jail time. Second, the critics said, abolishing the right would grant police unprecedented protection for illegal conduct. This outcome, in their view, was almost un-American. Official impunity was a greater danger to democracy than the occasional popular tumult. Judge Philip Halpern of Buffalo worried that losing the right would lead to a “police state.” Pittsburgh attorney John G. Buchanan contested the idea “that you cannot use self-help against a fellow... simply because he has a blue coat with brass buttons.”³⁹

Weschler was unpersuaded. He thought the right came at too great of a cost for public order. He pointed to a 1954 case decided by the New York Court of Appeals. The defendant was seized on the street, at night, by two men in street clothes. The man fought back, biting the thumb of one of his attackers, who, it turned out, were police. The officers knocked him out with a blow to the head and dragged him to the patrol car. The court ruled that the defendant had lawfully resisted an illegal arrest. Weschler thought the case highlighted avoidable bloodshed—the man should have fought for his rights before a

³⁸ 35th Annual Meeting, The American Law Institute, Proceedings, 1958, at 247 (1958) (hereafter ALI Proceedings); Paul H. Robinson and Markus D. Dubber, “The American Model Penal Code: A Brief Overview,” *New Criminal Law Review*, 10 (2007): 319-341.

³⁹ ALI Proceedings, 251, 252, 249.

judge rather than on the street. In fact, the court's ruling supported the claims of Weschler's opponents. "For most people an illegal arrest is an outrageous affront and intrusion," the judge had said in defending violent citizen resistance against the police.⁴⁰

The defenders of the right had argued that people fought the police not simply because they did not want to go to jail, although for some that was the case. Resisters of illegal arrest were contesting an arbitrary, unjust power. Their pushback had little to do with the Fourth Amendment. They were not consciously attempting to uphold the Constitution, although popular constitutionalism probably informed their defiant posture. In 1958, then, prominent members of the legal establishment were willing to validate, and protect, violent street justice as a countervailing force against extralegal officialdom. On that day, however, Weschler's view prevailed, and the ALI passed a resolution making resisting arrest by a known police officer a misdemeanor. But at 59 to 46, the vote was close—"too close for comfort," Weschler said.⁴¹

In March 1965, following a controversial ruling by an African-American criminal judge in Chicago, the right to resist illegal arrest left the airy confines of academic and legal debate and became the blazing symbol for an ascendant national law-and-order movement. A Howard University and Harvard Law School graduate, George N. Leighton was a prominent criminal defense lawyer in Chicago, who had made a reputation for suing the police on behalf of African-American plaintiffs. Leighton had started his own law firm with two other partners, and served in leadership positions within the Chicago NAACP. When Leighton met with U.S. Commission on Civil Rights officials in January 1961, he praised Superintendent Orlando W. Wilson, appointed the year before, for

⁴⁰ *People v. Cherry*, 307 N.Y. 308, 121 N.E.2d 238 (1954) at 310-311.

⁴¹ ALI Proceedings, 255.

changing the culture of the police department and for ending the longstanding use of third-degree methods at the station house. Wilson had set a “moral standard” of “honesty, integrity, and serious interest in police work,” Leighton said, which the ranks now followed. In the elections held in November 1964, Leighton won a seat on the bench of the Circuit Court’s criminal division.⁴²

Weeks before Leighton’s election, at close to midnight on Monday, October 26, 1964, Patrolmen Thomas DeSutter and Raymond Howard—both off-duty, a few years on the job, and white—set off in pursuit of two Mexican men who, according to a bystander, were drunk and threatening people in the racially-mixed Near North neighborhood. DeSutter and Howard approached Ramon Rodriguez and Simon Suarez from behind. The men were singing loudly and swaying a little from side to side. In his right hand Rodriguez carried a beer bottle broken from the neck down. The officers drew their guns and shouted “Policia, Policia.” They told Rodriguez to drop the bottle. Rodriguez said, “Come and get it, you fuckin’ coppers.” With his right hand, which carried his service revolver, DeSutter swung down across his body to try to knock the bottle from Rodriguez’s grasp. When Rodriguez’s arm thrust upward, the bottle slashed DeSutter in the face. Rodriguez and Suarez then punched and kicked the prostrate DeSutter. Howard tried to help his partner but accidentally fired his gun; the bullet ripped through DeSutter’s foot. Once the gun went off the fighting stopped. Police reinforcements arrived, and Suarez and Rodriguez were arrested. DeSutter spent weeks in the hospital;

⁴² “Citizen, Scholar, Lawyer, Judge, Teacher,” Pamphlet on Mr. Justice George N. Leighton, Box 358, Folder “Leighton, George N. 1966-1974,” Elmer Gertz Papers, Library of Congress, Washington, D.C. (LOC); Dick Wolf, “Account of Interview with George Leighton, Black Lawyer – January 27, 1961,” in Chicago Field Trip 1: February 22, 1961, Police-Community Relations in Urban Areas, 1954-1966, Box 3, Folder “OGC/FPP Chicago – Reports,” Records of the Commission on Civil Rights, Record Group 453, National Archives-College Park (NACP).

the gashes to his face required twenty-eight stitches to close. DeSutter also lost his gun in the fracas. It was never recovered.⁴³

Leighton heard testimony in February 1965. He had been a Circuit Judge for less than two months. On March 5 he ruled. Leighton dismissed the first count of aggravated battery and the second count of resisting arrest. Neither DeSutter nor Howard was in uniform at the time of arrest. Neither Rodriguez nor Suarez was engaged in crime. In Leighton's view, it was a straightforward case of private assault and self-defense. Describing DeSutter, Leighton used words like "trespasser" and "aggressor." That DeSutter was employed by the Chicago Police Department was not "relevant," Leighton argued. By drawing his weapon and landing the first blow, DeSutter had tried "to make an unlawful arrest with excessive force," and thereby had "provoked" Rodriguez and Suarez, who, as such, were "justified in resisting." In the most circulated line of the opinion Leighton argued that the "right to resist unlawful arrest is a phase of self-defense."⁴⁴

In his opinion, Leighton made a conscious choice to use the language of provocation and trespass to describe police actions, invoking the original justification—dating to a pair of Elizabethan-era English court cases—for the right to resist unlawful arrest. It was a subtle reading of the law. The state of Illinois had revised its criminal code in 1961. The reformed statutes made it a crime to resist arrest, whether lawful or unlawful, by a known peace officer. A 1963 annotation, however, created an exception

⁴³ Findings of Facts, 2-4, *People v. Rodriguez*, Indictment No. 64-3702, Circuit Court of Cook County, Illinois (1965), Box 358, Folder "Leighton, George N. 1954-1965," Elmer Gertz Papers, LOC; Testimony of Thomas DeSutter, *People v. Rodriguez*, Indictment No. 64-3702, February 16, 1965, *ibid.*

⁴⁴ For quotes in order, see Conclusions of Law, *People v. Rodriguez*, at 5, 11, 10, 11; "Invitation to Anarchy," *Chicago Tribune*, March 7, 1965, 24.

for the use of excessive force to recognize the practical experience of police brutality: extreme physical violence by an armed agent of the state might naturally and reasonably provoke self-protective physical violence from the citizen. Leighton knew the law well because he had helped author the revision. *Near North News*, a neighborhood paper, lauded the spirit of the ruling in an editorial warning that “the day that Americans lose the right to resist unlawful and arbitrary arrest will be the day that we become a police state and that this nation ceases being a free democracy.” But of course some saw only a black judge assisting criminals. After Leighton ally and fellow city judge, Elmer Gertz, defended the ruling, an anonymous note arrived condemning his support for the “gangster Leighton.” The author added: “The policeman’s blood is on your hands.”⁴⁵

Leighton’s ruling—or “Leighton’s Law” to critics—caused a national sensation. The case, involving two minority defendants attacking white police officers on a seedy urban street, provided fodder for politicians and the press to advance the narrative that African-American and Latino criminals, abetted by liberal activists, were causing urban decline. In an editorial titled “Invitation to Anarchy,” the *Chicago Tribune* argued that Leighton had joined a raft of liberal court decisions that “are tending to make the streets safer for hoodlums than for law-abiding citizens.” FBI director J. Edgar Hoover and William F. Buckley, Jr., founder of the conservative periodical *National Review*, published similar opinions on the case. John J. Cassese, president of the Patrolmen’s Benevolent Association in New York City and the National Conference of Police Associations, representing 250,000 police officers, attacked the ruling as an example of

⁴⁵ “Leighton Decision Gets Verbal Bombing,” *The City Club Bulletin* 58 (March 29, 1965), Box 358, Folder “Leighton, George N. 1954-1965,” Elmer Gertz Papers, Manuscript Division, Library of Congress (LOC), Washington, D.C.; “Judge Leighton’s Rule,” *Near North News* (March 13, 1965), 2, *ibid*; *Chicago Sun-Times*, April 21, 1965, 35; Hemmens and Levin, “Not a Law at All,” 9-10.

“leniency by the courts” that had made it “difficult, if not impossible, for the law enforcement officer to cope with a rising national crime rate.” “In my opinion,” Cassese said, “Judge Leighton is not fit to occupy the bench.” Although Democrats in the Illinois House and Senate defeated Republican proposals to impeach Leighton, legislators nevertheless urged the chief circuit judge to transfer Leighton out of the criminal division. In April a panel for the court declined to take action. In June the state assembly passed a Republican bill classifying a broken bottle as a deadly weapon. Republicans also introduced four bills, two in House and two in Senate, making it a crime to resist arrest by a known peace officer in any circumstances. Every bill failed to pass.⁴⁶

Conservative lawmakers saw in Leighton’s decision the opening they needed to pursue a stop-and-frisk law, which in their view would establish the unambiguous right of police officers to control criminals. “In the battle against crime, particularly in large metropolitan areas, the police need all the help they can get,” argued a *Chicago Sun-Times* editorial. “The Leighton case showed that the law does need clarification and the sooner the Legislature does so, the safer the citizenry will feel.” Indeed, at trial, the lawyer for Rodriguez and Suarez had questioned the legality of the initial street stop to argue that the resistance had been lawful. Lawmakers wanted to clarify this issue—to leave no doubt that police could stop suspicious persons. In early March, days before Leighton ruled, a Senate Republican introduced a stop-and-frisk bill modeled on New York’s law and promoted by the Illinois Police Association. Media coverage, however,

⁴⁶ *Chicago Tribune*, March 7, 1965, 24, March 13, 1965, 2, May 21, 1965, B1; *Boston Globe*, March 8, 1965, 4; *Time*, March 19, 1965, 62; *Los Angeles Times*, April 21, 1965, A6; *Chicago’s American*, April 14, 1965, 8, June 25, 1965, 12; *Chicago Sun-Times*, March 10, 1965, 2, 8; “ACLU Steps Up Pace of Legislative Effort As General Assembly Accelerates Action,” *The Brief*, Illinois Division of ACLU bulletin, April 1965, 3; “Hornets Buzz in Springfield Over Leighton’s Decision,” *The Brief*, Illinois Division of ACLU bulletin, April 1965, 3; *Tuebor* 26, no. 4 (April 1965): 5.

depicted the bill as the remedy to Leighton's Law. Eventually, House and Senate Republicans won enough Democratic support to pass a stop-and-frisk bill in late June. But in August the Republican governor, Otto Kerner, vetoed the measure, citing concerns about its constitutionality.⁴⁷

In the fall of 1965 the Superior Court of New Jersey inverted the reasoning of the Leighton decision to invalidate the common-law right to resist illegal arrest. In the early hours of May 30, 1964, Kurt Koonce was tending bar at the Glitter Club in Newark when the police arrived to investigate a complaint that "a patron was brandishing a knife." Noticing several young-looking customers, who, upon questioning, appeared to have been drinking, the officers attempted to arrest Koonce for illegally serving alcohol to a minor. According to a police witness, Koonce began "flailing" his arms and "punching" the arresting officer; he was then joined by his mother. The Court overturned their convictions because the officers had no legal authority to make an arrest for a misdemeanor they had not witnessed. The Court also decided that the common-law right to resist unlawful arrest, which it had used to exonerate the Koonces, was no longer valid. Implicitly rejecting the logic of the Leighton decision, Judge Milton B. Conford asserted that "[s]elf-help is antisocial in an urbanized society." In a society with courts, armed police officers, and bail, using force to resist arrest was dangerous and unnecessary. "Don't resist, sue," as *Time* magazine put it. "Police officers attempting in good faith, although mistakenly, to perform their duties in effecting an arrest," Conford continued, "should be relieved of the threat of physical harm at the hands of the arrestee." The two-

⁴⁷ *Chicago Sun-Times*, April 21, 1965, 35; *Chicago Tribune*, April 26, 1965, A5, April 27, 1965, 10, April 28, 1965, 1, June 1, 1965, 24, June 5, 1965, N10, July 30, 1965, A9, August 27, 1965, 16; *Chicago Defender*, July 29, 1965, 17.

decade-old argument of Sam Warner, who was quoted extensively in the opinion, was gaining ground.⁴⁸

Certain cases of citizen assaults upon police, typically between people of color and white officers, gained traction in the press as moral tales of public apathy toward crime and hostility toward law enforcement. In October 1961 a white Cleveland patrolman, Robert Tonne, stopped two African-American suspects in a reported robbery at East 95 and Cedar Streets on the Eastside when he noticed a bulge in the jacket pocket of one of the men. Tonne patted him down, felt a gun, and drew his own service revolver. The officer reached for the man's gun, but he squirmed free and used the weapon to beat Tonne over the head several times as Tonne radioed for help. Meanwhile, a large crowd had gathered. "I don't understand those people," Tonne said afterward. "They just stood around and watched." The press hyped this story of black spectators siding with a violent criminal over a diligent police officer. Mayor Anthony J. Celebrezze called it a "shameful exhibition." After several councilmen joined in denouncing the apathy of the bystanders, John W. Kellogg, an African-American representative of the ward where the incident took place, organized an independent study led by his constituents.⁴⁹

In the aftermath Patrolman Tonne and Eastside residents upended this narrative, which heavily implied that African Americans supported criminals over cops. In an interview with the *Call and Post*, Tonne clarified that he was "sore, not bitter," since residents on that block had assisted him before. Some weeks later plainclothes police raided an Eastside tavern and roughly frisked the patrons. A few people resisted.

⁴⁸ State v. Koonce 214 A. 2d 428 (1965), at 172, 173, 181, 184; "Don't Resist, Sue," *Time* November 12, 1965, 71.

⁴⁹ *Plain Dealer*, October 12, 1961, 1, 13, October 20, 1961, 10, December 5, 1961, 4, December 15, 1961, 21; *Call and Post*, October 21, 1961, 2C.

Reinforcements arrived to subdue the brawl. One man who was arrested said he was beaten at the station-house by officers who allegedly told him: "This is for Patrolman Tonne. We'll teach you black bastards to beat up policemen." In December Kellogg's Citizens Committee for Good Citizenship released a report criticizing Tonne for failing to use "good police practice." Specifically they argued that Tonne should have drawn his weapon immediately, leaned the suspect against the wall, and used his two-way radio more effectively. They also found no "crowd standing by watching," only three bystanders. The citizens' group polled 316 residents in the East 95 and Cedar neighborhood. Ninety-five percent affirmed that citizens should assist law enforcement, and more than three-quarters complained of inadequate police protection. A narrow majority said police abuse their power and showed too little interest in residents' welfare. Rather than a story of citizen indifference to police, the Tonne incident became a story of police indifference to black people's safety.⁵⁰

Cleveland police officials again loudly criticized African-American resistance to law enforcement in 1963 after a series of alleged crowd rescues on the Eastside. On August 8 two white police officers attempted to arrest Charles James, a black laborer, for crossing the street against the traffic light on a deserted Central Avenue, near East 78th Street, at 1 a.m. James fled to a nearby vacant lot and shouted for help. Police said about 100 hostile spectators gathered and one bystander tripped an officer. Additional police arrived and used force to disperse the crowd. This was the second bystander intervention in two weeks. "It certainly is strange that the people who clamor for civil rights are always the ones involved in these scrapes," said Police Inspector Michael J. Blackwell.

⁵⁰ *Call and Post*, October 21, 1961, 1A, 2A, 2C, November 4, 1961, 4A, November 25, 1961, 4A, December 9, 1961, 1A, 2A

“But sooner or later this sort of thing will result in tragedy. I’m afraid an officer is going to shoot into the crowd. I hope that day never happens.”⁵¹

Besides provoking outrage among prominent African-American activists, Blackwell’s comments produced a revealing discussion on the meaning of street-corner resistance to police. The Cleveland NAACP criticized the remarks as a “license to shoot Negroes.” Louis C. Stokes, a NAACP attorney, called Blackwell’s statement an “automatic stamp of justifiable homicide.” The Freedom Fighters of Ohio, noting recent acts of white violence upon blacks that were never punished, asked whether “color make[s] a difference between a tolerable crowd and an unruly crowd.” City officials quickly drew a line between street scuffles and respectable protesters. Blackwell denied “any linkage between street hoodlums and corner bums who attack police and the groups which are in the civil rights struggle.” Black councilmen made a similar distinction. James Bell of the 11th Ward said it was “utterly unfair” to equate the “Negro citizens of Cleveland” and “the acts of a few hoodlums.” Witnesses to the jaywalking arrest, however, told a more complicated story. Although denying any rescue attempt, they acknowledged that James’s cries for help, and the apparent roughness of police, had agitated them to gather at the scene in protest. “I could hear them beating him when they caught him in the lot,” said Mrs. Lois Taylor. “They just quit when they saw we were watching them. Then they said, ‘we haven’t beat you yet, just wait until we get you to the station.’”⁵²

Middle-class black activists had to consider multiple, even contradictory demands when responding to street crowd rescues. At a meeting under the auspices of the

⁵¹ *Plain Dealer*, August 12, 1963, 1, 4.

⁵² *Call and Post*, August 17, 1963, 1A, 2A, August 24, 1963, 2C, 3C; *Plain Dealer*, August 13, 1963, 24.

Philadelphia Police-Community Relations Program on July 18, 1957, African-American participants, representing clergy, block clubs, and civil rights organizations, met with Police Commissioner Thomas Gibbons and top brass to discuss their concerns about recent patterns in street policing. "Several participants made particular point of the failure on the part of a number of police officers to distinguish between criminals and hoodlums on the one hand and responsible members of the Negro community on the other," the meeting minutes said. In the laundry list of grievances, the black participants were careful to differentiate between those deserving and undeserving of respect in street encounters with police. "It was apparent," the minutes continued, "that the 'indignities' upon law-abiding Negro citizens, unpunished acts of excessive use of force by police, particularly against persons without previous police records, and 'crusades' which fairly often involved innocent persons were the major causes of the admittedly widespread distrust and ill feeling on the part of responsible leaders of the Negro community and the general community." Present at the meeting was Reverend E. Luther Cunningham, who in April 1957 had declared that "Negroes should be arrested for standing on street corners." "Apparently the Courts and other agencies have been afraid of political repercussions among Negroes and have been handling them with kid gloves," Cunningham had told Gibbons in April. "Now, it is realized that the kid gloves must come off."⁵³

⁵³ "Others complained that certain police in some police districts appear to be more brutal toward Negro offenders than toward whites; to discriminate against Negroes; to be less concerned about adequate protection of Negroes when the offenders or hoodlums or criminals are also Negro; that the police appear to be conducting 'crusades' in certain neighborhoods by stopping people on the streets or searching their homes on the basis of very flimsy evidence or even anonymous reports; and that when reputable Negroes attempt to question police as to why they are being stopped or searched, they are frequently met with epithets, discourtesy or immediate arrest for 'disorderly conduct.' Particularly grievous to the NAACP and the Negro community general are the comparatively infrequent but nevertheless serious cases of 'brutality' against persons without previous criminal records." Meeting of Sub-Committee of Committee on Community Tensions on Police-Community Relations, July 18, 1957, 4-5, Box 23, Folder 11, Fellowship Commission (Philadelphia, PA.) Records, Acc. 473, 626, 799, Special Collections Research Center

In addition to partnering with Gibbons and the Police Department, middle-class African-American activists in Philadelphia waged their own war on street crime. Also attending the July 18 meeting was H. J. Trapp of the Citizens Committee for the Prevention of Juvenile Delinquency and Its Causes. Reverend Leon H. Sullivan had founded the CCPJDC in 1953 to eliminate blight and disorder through educational programs to instruct African Americans to maintain their property and control wayward children. In 1955 the CCPJDC demanded that the police round up corner-loungers out of concern that “decent residents” might “take action to protect their families” from “the men who block the sidewalks, using profane and vulgar language, sometimes engaging in petty gambling, and making insulting remarks to women who pass by.” After juvenile arrests for serious crimes spiked by thirty percent in 1953, Sullivan’s organization supported a curfew law, penalizing both parents and children, which the city council passed two years later. In a statement from May 1957 the organization attributed the problem of corner-lounging to racial discrimination as well as the “breakdown of the home life,” “greedy landlords” who created slum conditions, and “bars and taprooms” that attracted a “low and cheap element.”⁵⁴

Middle-class black public figures who endorsed tough policing against African-American youth frequently faced harsh criticism from those same constituencies. After Cunningham declared war on corner-loungers in April 1957, the *Philadelphia Tribune*

(SCRC), Temple University Libraries, Philadelphia, Pennsylvania; *Philadelphia Tribune*, April 30, 1957, 1, 2, 4, 13.

⁵⁴ *Philadelphia Tribune*, July 30, 1955, 2; Program of Citizens Committee Against Juvenile Delinquency and Their Causes, May 21, 1957, 3, 5, Box 7, Folder 121, Urban League of Philadelphia Records, URB 1, Subseries 2.1: Community Services Department, 1915-1961, SCRC, Temple University Libraries; see also Matthew J. Countryman, *Up South: Civil Rights and Black Power in Philadelphia* (Philadelphia: University of Pennsylvania Press, 2007), 84-86; Comment, “Philadelphia Curfew Law,” *Villanova Law Review* 1 (January 1956): 54-55.

sent reporters to black neighborhoods to glean how young and working-class people reacted to the law-and-order sentiments from members of the respectable class. A South Philadelphia mechanic, referencing the archetype of the “house Negro” who was loyal to the slaveowner, said: “Those handkerchief head Niggers would sell anybody down the river, to save their own craving for power.” A black male teenager in North Philadelphia agreed: “They don’t lead nobody but the white men who’re their Gods.” “Those men are crazy,” said an 18-year-old Germantown girl. “More beatings!” A South Philadelphia resident explained that young men stood on corners during the warm months to escape small, hot apartments “for fresh air and relaxation.” Her neighbor pointedly asked whether the police are “locking up the white people the same way they are dragging us in?” Two North Philadelphia laborers resented the class politics behind criminalizing corner-lounging. “Since I don’t have the money to belong to a fancy club,” said one, “I meet my friends where I find them.” The other claimed to “know Rev. Cunningham and respect him” but nevertheless condemned a policy “of having people locked up for doing nothing.”⁵⁵

The tough-talk of African-American middle-class activists returned to the spotlight after a bizarre, horrific, and highly public police beating in July 1957. The primary victim was a black 25-year-old truck driver from North Philadelphia named James Lett. At dawn on June 21, 1957, Lett was waiting in his semi-trailer truck at a traffic light in a long line of cars at the corner of Broad and West Huntingdon Streets, in North Philadelphia. It was already 7 a.m., and Lett, who had to drive to Long Island, was impatient. When the light turned green, and no one moved, Lett blasted the horn. At the

⁵⁵ *Philadelphia Tribune*, April 30, 1957, 1, 2, 4.

front of the line was a white 25-year-old police officer named Richard Gould who was trying to restart his car, which kept stalling. Gould had just left an all-night police party and was extremely drunk. At the sound of the horn, he stumbled out of his car, down the street, and onto the running board of Lett's truck. Gould began swinging wildly. Fellow officers, William Toner and John Finchen, then leaving the same party, tried but failed to restrain Gould. When Lett slid across the seat, Gould ran around to the other side of the cab and dragged him down to the pavement. The four men—the three officers drunk—grabbed onto each other and as one jumbled mass fell backwards, crashing through a large plate glass window.⁵⁶

At this point a 20-year-old black man named James Ellerbee entered the picture. Ellerbee was on his way to work when he saw the men break the store window. He ran over, but when he tried to help, Gould threw a wild punch and another officer kicked him in the chest. When reinforcements arrived, Ellerbee explained to a patrolman that he was a witness; he was trying to help. The officer paused, scanned the scene, and then struck Ellerbee in the face with the butt of his gun and threw him into the patrol wagon. Gould climbed in and started punching. Another officer pulled Gould off only to strike Ellerbee repeatedly with a billy club. When Ellerbee rolled up the window to protect himself, Gould said: "You niggers think you're smart." Moments later, the police tossed in Lett, bloodied and barely conscious. According to eyewitnesses, Gould first tried to drag Lett from his car before fellow officers stopped him. Ellerbee was forced to lie down face first in the patrol wagon for the ride to the station house while an officer stood on his back and neck. Throughout their detention, officers called Lett and Ellerbee "niggers." Gould, still

⁵⁶ *Philadelphia Tribune*, June 25, 1957, 1, 3, 13.

drunk, wandered over to Ellerbee's cell and said, "Stand up, nigger!" Gould then struck him and shouted to everyone and no one, "I'm gonna kill that black bastard." Ellerbee spent thirteen and a half hours behind bars, at the mercy of a violent, racist drunken officer, until he was allowed to use the telephone to call his sister. Lett would spend nineteen days in the hospital. Gould, Finchen, and Toner charged Lett and Ellerbee with resisting arrest and assault with intent to kill. These charges were eventually dropped. The officers, however, faced a departmental trial board and in September, at the urging of Gibbons, all three were fired.⁵⁷

The beating of Lett and Ellerbee not only provoked the *Tribune* to criticize the "Get Tough Policy" that middle-class African-American activists had supported. In the immediate term, it inspired a street-corner rebellion. Hours later, on the same day that Gould stumbled out of his car drunk and angry, one of the largest urban crowd rescues of the late 1950s, short of a full-scale riot, erupted at North 12th and Diamond Streets, less than a mile from where Lett and Ellerbee were beaten by police in full view of the morning commute. Around 8:45 p.m., John Telford led police on a high-speed chase through eight city blocks, racing through red lights and past stop signs, before slamming his car into a taxi cab, a motorcycle patrolman, and, finally, a parked car, coming to a stop at 12th and Diamond. Telford, who suffered from a heart condition, tumbled onto the pavement unconscious. Residents of the predominantly working-class African-American neighborhood poured out of their homes and found four Philadelphia police officers surrounding an inert black man lying flat on his back in the middle of the street. "Who

⁵⁷ *Philadelphia Tribune*, June 25, 1957, 1, 3, 13, June 29, 1957, 1, 11, 14, July 20, 1957, 1, 2, July 27, 1957, 1, 11, August 10, 1957, 1, 2, August 17, 1957, 9, August 27, 1957, 1, 2, September 14, 1957, 1, 3, September 17, 1957, 3, September 21, 1957, 1, 2, January 21, 1958, 2, January 10, 1959, 2; *Philadelphia Inquirer*, September 19, 1957, 25.

beat this man,” someone demanded. “They beat him into unconsciousness,” said another. As the crowd swelled to over 1,200, seventy police reinforcements arrived. Bystanders pelted the officers and their squad cars with bricks and bottles as police loaded Telford into the patrol wagon. Police arrested twelve others, nearly all young men in their twenties who lived in the area.⁵⁸

The battle of 12th and Diamond was one of several incidents that inspired African-American activists to try to counter the use of street assaults upon police. As in the 1957 police beating of Ellerbee and Lett, a tragic episode of police violence in June 1960 triggered a chain of crowd assaults on police, which in turn provoked a deeper discussion among residents about how to channel citizen anger into constructive action to reform the police. At 1:30 p.m. on June 4, a white patrolman, Robert J. Marinelli, stuck his gun through the open window of the patrol wagon and fired five times, killing Emanuel N. Thomas, thirty-five years old, and Louise J. Jones, thirty-six. One bullet slashed through books held by a teenager. Police were responding to a reported shooting at the corner of 17th and Dauphin Streets, in North Philadelphia. Fifteen feet from Marinelli’s car, John Black had just shot and killed his nephew John Henry. The neighborhood had scattered, and Marinelli mistook Thomas for the assailant. Thomas, who was running for cover, passed in front of Jones, who stood on her own doorstep, as the officer fired. Both were African-American. “It was like a cowboy western,” an eyewitness said of Marinelli. “He just started shooting without yelling a warning or anything.” Later that day, Ella Jones suffered a fatal heart attack upon learning that her daughter Louise had died.⁵⁹

⁵⁸ *Philadelphia Tribune*, June 25, 1957, 1; Meeting of Sub-Committee of Committee on Community Tensions on Police-Community Relations, July 18, 1957, 1.

⁵⁹ *Philadelphia Inquirer*, June 5, 1960, 1B, 24B, June 6, 1960, 1, 7; *Philadelphia Tribune*, June 7, 1960, 1.

City officials and North Philadelphia activists responded quickly to the tragic events of June 4. Initially, Chief Inspector John J. Kelly had said the officer “was acting in good faith,” but two days later the district attorney’s office, after conferring with Commissioner Gibbons, decided to charge Marinelli with homicide. On the same day 600 people crowded into the Jones Memorial Baptist Church at 20th and Dauphin. Robert N. C. Nix, black Democratic Congressman of Philadelphia, announced the charges to raucous applause. “Don’t try the case in the streets,” Nix said. “You can’t put anybody in jail out there.” Reverend Leon Higginbotham, a prominent civil rights attorney, proposed a law allowing citizens to sue police officers. “The best way of ending police brutality toward Negroes,” Higginbotham said, “is to make the City and the Commonwealth pay for it.” On Saturday, June 11, protesters marched around City Hall carrying placards that said “The People Demand Justice” and “Am Cop, Have Gun, Will Shoot.” A funeral procession of more than eighty cars, including two hearses for Louise Jones and her mother Ella, circled the building. In late June a grand jury indicted Marinelli for murder. The three-year-veteran paid his \$1,500 bail but was suspended for thirty days, the maximum time under the Home Rule Charter. The Fraternal Order of Police paid his salary until he returned to duty in July. In June of the following year an all-white jury acquitted Marinelli of all charges.⁶⁰

In the months after Marinelli shot into a crowded North Philadelphia street, city officials and black residents grappled with the consequences of weakened police legitimacy. In late June 1960 a white patrolman, Joseph McCloskey, was struck over the head after he ordered suspected teenage gang-members at the scene of an expected

⁶⁰ *Philadelphia Inquirer*, June 7, 1960, 1, 10, June 8, 1960, 45, June 12, 1960, 2B, June 29, 1960, 19, July 19, 1960, 31, June 9, 1961, 29; *Philadelphia Tribune*, June 7, 1960, 1, June 11, 1960, 4.

“rumble” to move along. Police made sixty arrests. The case garnered outsized significance after a judge sentenced McCloskey to six months in county prison for contempt of court. The officer had grown frustrated when one teenage defendant was acquitted and two others, who admitted their role in the attack, were given probation. “Give them hammers, give them anything they want,” McCloskey said. “What do I care? I’m only a dumb Irish cop.” “The fix is in,” he added, a throwaway line that prompted an official investigation into possible corruption. “If political pressure can be exerted to avert punishment for wrongdoing and to penalize instead the policemen performing their duty,” the *Inquirer* said, “then law and order are on the run.” Weeks later a new organization formed in North Philadelphia to foster public cooperation with the police and specifically to discourage interference with street arrests. The group, whose members lived in the area of the Marinelli shootings, had come together out of concern about rising levels of gun and gang violence. “In all the furor over the officer’s error, no one pointed a finger at the gunman who started the whole thing,” said group spokesperson William L. Griffin. “Certainly there are cases of police brutality, but the community should not fight them with mob violence.”⁶¹

The law-and-order response to crowd rescues offered politicians a way to support urban police departments at a time when patrol officers’ performance on the beat was increasingly criticized by experts and civil rights activists. On December 7, 1964, *The Sun* reported its seven-month survey of the Baltimore Police finding that the department was “manned, equipped, and financed heavily enough for modern warfare on crime, yet it is waging a primitive kind of guerrilla action marked by inefficient administrative

⁶¹ *Philadelphia Inquirer*, June 29, 1960, 41, July 2, 1960, 9, July 6, 1960, 20, 39, July 7, 1960, 7, 24, July 8, 1960, 8, July 9, 1960, 11, July 13, 1960, 43, August 14, 1960, 9B.

procedures, haphazard planning and lax discipline.” The profile blamed most of the department’s problems on inadequate planning and supervision of front-line personnel. Official crime statistics were almost meaningless. District stations routinely suppressed or “bagged” and downgraded street crimes. Crimes that police never intended to solve were put in “File 13,” which one patrolman said meant “Forget It.” At least half of citizen crime complaints were ignored. Meanwhile, police greatly over-reported street crime by African-American suspects. While the department announced that the robbery arrest rate for blacks had risen 54.7 percent between 1954 and 1960, the paper’s estimate was 7.6 percent. The Federal Bureau of Investigation rejected Baltimore’s crime statistics as too misleading for its preliminary national crime report for 1965. Patrol officers, the paper discovered, were routinely ordered by command to abandon their posts to guard select department stores (known as “plate glass details”), or they spent their shift sitting in cars drinking coffee. The result was “an inequality of police protection” across districts.⁶²

Immediately following the *Sun* profile, two Baltimore Police officers were killed and the department responded with heavy-handed dragnet tactics against black residents. On Christmas Eve, Lt. Joseph T. Maskell was shot twice while attempting to stop a robbery at a liquor store in the 2000 block of Greenmount Avenue. At 5 a.m., on Christmas Day, Sergeant Jack Lee Cooper, a member of the police search team, died from two gunshot wounds to the chest. Police suspected two of the original armed robbers in Cooper’s murder—two black brothers, Jefferson and Earl Veney. Commissioner Bernard J. Schmidt organized a sprawling manhunt. Tactical teams equipped with shotguns and submachine guns and wearing bulletproof vests began “flying raids,” ultimately

⁶² *The Sun*, December 7, 1964, 28, 38, December 22, 1964, 40, December 23, 1964, 36, April 4, 1965, 28, March 8, 1966, C6.

searching over 300 African-American homes in three weeks—237 dwellings in just eight days, or almost thirty a day. On New Year’s Eve Day, the tactical teams raided fifty-four homes. At no point did police obtain a warrant to enter a single residence. Many searches took place after midnight. Samuel Lankford, a black postal worker and father of six, was “awakened in his second floor bedroom by two flashlights shining in his face and found four men with shotguns in his room.” Lankford and his wife became the lead appellants in a successful class action lawsuit that followed.⁶³

After the *Sun* profile front-line officers launched a unionization effort to claim greater power within the department, while the state legislature and the governor, who by statute controlled much of the administrative decision-making of the Baltimore Police, acted to strengthen the hand of management. At public meetings before city and state officials over the next year, former and current patrol officers complained about low pay and arbitrary work conditions like the hated “plate glass details.” In January 1965 a state committee created by Governor J. Millard Tawes hired the International Association of Chiefs of Police to review the department’s operations and recommend reforms. In March 1966, as the legislature considered a police unionization bill, eleven union-supporting patrol officers testified before the General Assembly on working conditions. “A new day has dawned,” said one. Both chambers passed the bill by near-unanimous vote, but it was vetoed by Governor Tawes. In September 1966 the governor appointed an IACP management consultant named Donald D. Pomerleau to a six-year term as the new Baltimore Police Commissioner. Pomerleau believed a union would interfere with the rights of management and the semi-military organization he hoped to build. The first

⁶³ *The Sun*, December 26, 1964, 36; January 8, 1965, 42; January 15, 1965, 38; Lankford v. Gelston, 364 F.2d 197 (1966) at 198-199.

meeting between the new commissioner and union representatives ended after eight minutes.⁶⁴

Despite the glaring and serious problems in the Baltimore Police—or because of them—the press and politicians looked for ways to express their sympathy for the plight of the rank-and-file, and they found it in the seeming rise in violent street assaults on patrol officers. A noticeable uptick in crowd rescues or police assaults took place after two black men, Louis C. Petty and Vernon Leopold, were killed by police officers weeks apart in June and July 1964. In August, when a patrolman ordered a group of eight teenage boys to leave a doorway in West Baltimore, one of the boys declared “No [expletive] is going to tell me what to do” and started throwing punches at the officer. After the officer hit the boy with a nightstick, another stepped forward and said “No [expletive] is going to whip my friend” and kicked the officer in the face and the chest. Weeks later a brother and sister drew a large crowd as they scuffled with police officers in the street. In September, as police tried to disperse people gathered on stoops on West Fayette Street, two women began fighting. Police arrested them, but as they waited for a patrol wagon, a man brandishing a broken whiskey bottle demanded that the officers release the women. Police made seven arrests. A judge in November saw four police assault cases in four days. On the fourth, involving a man charged with kicking police, the judge handed down a sentence of eighteen months in the House of Corrections. A month later a West Baltimore man was arrested after he fought two police officers. A

⁶⁴ *The Sun*, January 8, 1965, 42; January 15, 1965, 38; January 30, 1965, 30, February 27, 1965, 30, March 10, 1965, 48, March 12, 1965, 25, March 17, 1965, 48; March 20, 1965, 32, April 4, 1965, 28, January 7, 1966, C24, January 10, 1966, 1, A8, A9, January 12, 1966, C28, March 23, 1966, A11, March 24, 1966, A12, May 5, 1966, C20, May 7, 1966, 17, May 12, 1966, C24, October 27, 1966, C20, November 3, 1966, C5.

bystander was also arrested on disorderly conduct after he told police: “Let that man alone. You have no right to arrest him.”⁶⁵

State legislators and city officials responded to this apparent wave of police assaults through some political theater to boost police morale and deter violence against officers. In the first few months of 1965 state representatives debated bills making it a felony to assault a police officer punishable up to fifteen years—and ten to thirty years for assault with a deadly weapon—and to impose an automatic death penalty for any deliberate killing of police. “We’re trying right now to get respect for our police officials,” said State Senator Edward O. Weant, Jr., of rural Carroll County. The final version of the bill restored judicial discretion in capital cases involving police victims. State Senator Verda F. Welcome of Baltimore’s Fourth District, and the body’s lone African-American member, protested the police assault bill as purely a gesture of “good publicity...to let the policeman know we are concerned about them.” Welcome, who had survived an assassination attempt in 1964, had previously tried to include all public officials in the bill’s provisions. State Senator Joseph V. Mach, who represented Baltimore’s Second District, challenged Welcome and “responsible Negro leaders” to take a tougher approach to crime. “As long as you continue to defend the criminal element in your society,” Mach said, “this situation will continue to exist.” In August 1965, as the Watts section of Los Angeles was still smoldering, Governor Tawes approved the purchase of electrified “shock batons” for police to use against unruly crowds and rioters. The news provoked near-universal outcry, especially among black

⁶⁵ *The Sun*, August 17, 1964, 32, August 31, 1964, 32, September 13, 1964, 17, November 30, 1964, 38, December 23, 1964, 23.

politicians and the *Afro-American* who noted their similarity to the cattle prods that Southern law enforcement used against civil rights protesters.⁶⁶

Resisting Arrest, Cop-Fighting, and the Postwar Racial Crisis in U.S. Cities

By the early 1960s, observers could discern in crowd rescues a familiar pattern. Bystander interventions appeared to resemble the posse: a group of interested citizens heard the “hue and cry” of an aggrieved party and rushed to their defense. In October 1961, Luther P. Jackson, a reporter for the *Washington Post*, described the trend as follows: “In the Negro ghettos of cities across the Nation, there has been a rash of incidents in which slum dwellers have engaged police in ‘tugs of war.’ The charge of ‘police brutality’ is a rallying cry for Negroes in the Nation’s Second Precincts, Harlems, and South Sides.” But rather than ascribe crowd rescues to a long American tradition of community policing, observers emphasized the criminal pathology of the participants who in the main were young black and Latino men.⁶⁷

Luther Jackson thus explained a recent crowd rescue in D.C. through its setting: a neighborhood where storefront churches “share street blocks with drunks, loafers and assorted criminal types.” As a packed church service let out one night, a police cruiser rolled up and officers ordered churchgoers off the street corner. Andrew B. Cooper, a 21-year-old African American man, “twice refused” police commands. He grabbed onto the door frame of the church to prevent his arrest. Cooper claimed that the officers held him down and beat him with their nightsticks and fists. Bystanders grabbed ahold of Cooper

⁶⁶ *The Sun*, January 26, 1965, 40, February 13, 1965, 30, February 23, 1965, 23, March 4, 1965, 36, March 24, 1965, 48, August 17, 1965, 24, August 28, 1965, 18.

⁶⁷ *Washington Post*, October 1, 1961, B3.

in “a tug of war” with police. Some kicked and punched the officers; one threw his shoe. Greatly angering parishioners and church leaders, officers entered the church to arrest Cooper and two others. According to the police report, Kenneth L. Smith, who was arrested for disorderly conduct, said, “We were winning until reinforcements came.”⁶⁸

Jackson set his story in D.C.’s Second Precinct, which in the 1950s the press nicknamed the Wickedest Precinct. The Second was the city’s smallest and consistently had the highest rates of violent crime after World War II. It also was ninety-five percent African-American. The city as a whole led the nation in major crime categories in the late 1940s, earning it a feature in *Collier’s* spring 1950 series “Terror in Our Cities.” In 1954 the *Washington Post* ran a series on the Sinful Second which found 1 in 3 homes to be substandard. Many were overcrowded because of racially restrictive policies that prevented blacks from buying homes in white neighborhoods. A large number of houses were rat-infested and condemned by the city. Schools were filled beyond capacity, with crumbling infrastructure. Sex and vice crimes were a particular problem, drawing a heavy police presence. By 1956, however, crime in the precinct had fallen substantially. Some credited the Metropolitan Police Department’s tactics. In April 1956, the department had set up a “six-man vagrancy detail” or the “vag squad” to monitor and detain “known criminals” in the Second’s Skid Row.⁶⁹

Mainstream press coverage of D.C. crime generally emphasized the supposed link to racial integration. In 1958 the *U.S. News and World Report* bemoaned an epidemic of unwed teenage mothers and absent fathers. They noted that the huge postwar influx of

⁶⁸ *Ibid.*

⁶⁹ *Washington Post*, June 18, 1950, B1, March 18, 19, 20, 21, 28, 1954, April, 4, 11, 18, 24, 29, 1954, August 6, 1956, 19, January 2, 1959, B1; *Collier’s*, June 24, 1950, 20, 52-53.

African Americans to D.C. had driven whites to the suburbs, driving up relief expenses and depleting the tax base. Two years later, D.C. crossed a historic threshold. Census data revealed that more than half of its population was African-American. Given its status as the first-majority black city and the national capital, at a time of growing federal support for civil rights, D.C. became a showcase for the test of racial integration. Typically, white journalists asked the same question: would the growth of the African-American population ruin the city's financial health and overrun its streets with criminal outlaws? Despite the population gains, however, political power rested with the Dixiecrats in the U.S. Congress, the Southern segregationists who ran the District Committee that governed the city.⁷⁰

In June 1963 journalist Fletcher Knebel captured popular concern about disorder in D.C. for *Look* magazine. In "Portrait of the Sick City," Knebel described "a savage urban jungle" where "'latch-key' kids who know no family restraint roam the midnight streets, yoking (mugging), beating and gang-raping." Although Knebel acknowledged the effect of white flight and segregation on public services—over three-quarters of all public school students were African American—he accepted the conventional wisdom that the city's problems "spring overwhelmingly from the Negro community." Knebel mentioned a recent riot that took place between students of rival high schools, one white and the other black, after a football game on Thanksgiving Day in 1962. Five hundred students were injured. The report of the city-appointed biracial committee emphasized an "atmosphere of lawlessness" in the mostly black public schools. In May 1963, U.S.

⁷⁰ *U.S. News and World Report*, December 12, 1958, 66, April 4, 1960, 84-85, April 24, 1961, 82, May 29, 1961, 52, March 12, 1962, 81, November 5, 1962, 84-88, November 19, 1962, 92-94, February 18, 1963, 37-39, October 21, 1963, 92-97; *Washington Post*, March 17, 1963, F5.

Representative Adam Clayton Powell said what was on the mind of many mainstream observers. Powell warned that, if the status quo held, the city was headed toward “one of the worst race riots in the history of America.”⁷¹

Knebel tapped into widespread concern about urban decay and disorder amid the great demographic shift of white exodus and minority migration. As civil rights protests reached dramatic and violent climaxes on southern campuses and streets, the press turned its attention to the so-called race problem brewing in the North. *U.S. News* in particular hammered away at familiar themes, inviting public authorities to give their views on the future of the integrated city. Typically, the national magazine profiled northern cities with a liberal reputation and a large African-American population. A 1958 article on Philadelphia, for example, blamed so-called liberal policies for creating “the Jungle,” the name given the mostly poor, majority-black neighborhood of North Philadelphia by local officials and journalists in the early 1950s. The magazine was borrowing from a local reporter named John Calpin who had recently complained that the city had “opened its heart, its arms and its purse to the less fortunate,” but its “repayment” had been “in crime, in terrorism of schools and institutions and a lessening of standards generally.” “Many of the ‘less fortunate,’” Calpin continued, “are unemployable and incapable of being educated.”⁷²

Philadelphia’s District Attorney Victor H. Blanc recited the same litany of inner-city pathologies: broken homes, “illegitimate” births, welfare dependence, and so on. He described a cycle in which African-Americans took advantage of public assistance to

⁷¹ *Look*, June 4, 1963, 15-19; *Washington Post*, May 6, 1963, A1.

⁷² *U.S. News and World Report*, December 19, 1958, 46-50, April 11, 1960, 73; *Philadelphia Tribune* May 11, 1954, April 2, 6, 9, 1957; *Philadelphia Evening Bulletin*, February 3, 1957, 1-2.

remain unemployed, have children outside marriage, and commit violent crimes. Unwed mothers, Blanc said, let their children grow up “like animals in a jungle.” Police officials joined this conversation. They tended to blame rising reported crime rates on liberal court rulings protecting the rights of criminal defendants. They faulted “pressure groups” who unfairly maligned the police when advocating for racial minorities, who thereby hurt department morale and weakened public respect for police authority. They also cited racial explanations for growing disorder. Cincinnati Police Chief Stanley R. Schrotel emphasized the problem of African-American migrants to city centers. Previously “accustomed to large expanses,” Schrotel said, black newcomers committed a disproportionate share of the crimes because they “seek some release from the pressure” of cramped apartments. Generally, Schrotel explained, “these people are antagonistic to the police.” And this “unfriendly attitude is being exploited...by some ‘special interest’ groups.”⁷³

White journalists crafted this story of a northern racial urban crisis in large part in response to changing demographics but also due to the growing insurgency of civil rights demonstrations in the South, which turned a national spotlight on street policing. In September 1957 President Dwight D. Eisenhower dispatched federal troops to protect the first African-American students to attend Central High School in Little Rock, Arkansas. In the years that protests and marches to desegregate public education, accommodations, and transportation inspired massive resistance from whites, including violence by white civilians and law enforcement officials, throughout the South, white journalists began to predict that “the race problem is moving North.” Morley Cassidy, editor of Philadelphia’s

⁷³ *U.S. News and World Report*, December 19, 1958, 51-54, September 26, 1960, 61-62, October 21, 1963, 92-97.

Sunday Evening Bulletin, scoffed at this notion as a naïve assessment. “Little Rock’s problems reflect the past,” he said. “Philadelphia’s foreshadow the future.”⁷⁴

Many white journalists like Cassidy believed the “race problem” had moved North decades earlier, when African Americans settled by the tens of thousands in large northern cities like Philadelphia, Chicago, and New York. “The potential menace,” Cassidy said, “has been visible in crime statistics, in mounting welfare budgets, in spreading areas of slums and ‘blight,’ in the number of quiet streets where it is no longer safe to walk after dark and in the shocking changes that have come over schools and playgrounds.” Cassidy illustrated his point with recent examples: teenage gang rumbles, assaults by young black men on old white women, and violent attacks by youths on police officers using improvised weapons like “zip guns.” He depicted African-American neighborhoods as a seedbed of disorder. Recently, 500 black residents had tried to “rescue” a black motorist from police custody. The man had been arrested for a traffic offense, a relatively minor charge hardly warranting a riot. Afterward, Police Commissioner Gibbons had said, “If things go on as they are, Philadelphia is in for big trouble.”⁷⁵

White observers like Cassidy and Gibbons developed an ideological critique of crowd rescues as little more than criminals abetting criminals, an illegitimate assault upon legitimate police action. Sometimes spectators mistakenly assumed that an arrest was based on racist harassment or was illegal. On other occasions, police used the charge

⁷⁴ *Philadelphia Tribune*, February 18, 1958, 1.

⁷⁵ *Ibid.* The black press, of course, covered all these issues: *Philadelphia Tribune*, November 20, 1954, 1, November 23, 1954, 2, April 28, 1956, 11, September 15, 1956, 11,” December 11, 1956, 1.

of resisting arrest or crowd interference to as a legal rationale to justify the use of violence against a citizen.⁷⁶

White Atlanta police officers exploited ideological anxiety around crowd rescues to justify the fatal shooting of an African-American man named Joseph H. Jeter, the groundskeeper of a public housing project, in the fall of 1958. Atlanta police officers arrived at the Perry Homes around 5 p.m. on September 13 to investigate a report of a man carrying a gun. The gun turned out to be a toy, but police arrested Clarence Ellington, a 26-year-old black man. Jacob R. Henderson, who managed the housing project, saw police drag Ellington to the squad car “where they beat him with a pistol in the back seat.” A woman tried to stop the officers and was pushed to the ground. Henderson tried to protect her and an officer struck him in the neck. A thousand residents, drawn by the noise, wandered onto the grounds and began heckling the police. Jeter, standing among them, stepped forward to inform the officers that the man they were roughing up was Mr. Henderson, the project’s manager. Two patrolmen pushed Jeter. As he fell backwards, a third officer, Patrolman W. O. Dempsey, shot him in the chest at close range. Police dumped Jeter’s body on the backseat of their cruiser. Several minutes elapsed before they left for the hospital, where Jeter was pronounced dead on arrival. In the aftermath, police claimed that bystanders had used force to try to rescue Ellington. At least a dozen witnesses contradicted their version of events. But the city coroner declined to make an inquest. On September 30, after ten days deliberating, an all-white Fulton County Grand Jury ruled the shooting a justifiable homicide, and said that Dempsey had “acted in defense of himself and his fellow officers.” The jury further

⁷⁶ Paul Chevigny, *Police Power: Police Abuses in New York City* (New York: Pantheon Books, 1969), 143.

denounced the Perry Homes residents for attempting “to interfere with the police in the performance of their duty.”⁷⁷

A year later, group assaults on police officers had become national news. Another disputed crowd action in a predominantly African-American neighborhood of the Bronx, on August 9, 1959, set off a wave of concern among public officials. Police told the following story about the incident. Around 1 p.m., two white detectives tried to arrest the owner and employee of a fish-and-chips restaurant under surveillance for illegal possession and distribution of alcohol. The employee resisted arrest and tried to stab an officer with a knife. A large boisterous crowd gathered. Police seized a middle-aged black man named William Golden, who yelled, “Don’t let them take them away. Let’s get them. Kill them.” The mostly African-American bystanders taunted the officers as they placed their prisoners in squad cars. A black man named Robert Edwards ripped a detective’s coat from his body. Ultimately, four were arrested, including Edwards, on charges of inciting to riot. The *New York Times* led with the police story. The narrative of a largely black crowd’s defiance of legitimate police action in a poor urban neighborhood resonated far outside Manhattan. The *Associated Press* article, which reproduced the police version, was printed from Boston to New Orleans.⁷⁸

⁷⁷ African-American activists vigorously protested Jeter’s death. They worked to acquit those arrested during the disturbance and demanded recreational facilities for the Perry Homes, which at the time had none. They also pressed for necessary police reforms, such as human relations and use-of-force training, and the hiring of more black officers. *Atlanta Daily World*, September 14, 1958, 1, September 16, 1958, 1, September 18, 1958, 1, 3, September 19, 1958, 1, 4, October 1, 1958, 1, October 2, 1958, 1, 3, October 3, 1958, 1, October 19, 1958, 1. In 2010 the Department of Justice reopened the case, and then closed it for lack of evidence, under the FBI’s Cold Case Initiative and the Emmett Till Unsolved Civil Rights Crime Act. The Southern Poverty Law Center includes Jeter’s death among “The Forgotten,” their memorial to victims of “racially motivated violence” in the South between 1952 and 1968. See <http://www.splcenter.org/civil-rights-memorial/the-forgotten>; <http://www.justice.gov/crt/about/crm/documents/tillreport5.pdf>.

⁷⁸ *New York Times*, August 10, 1959, 1, August 11, 1959, 23, August 14, 1959, 10; *Times-Picayune*, August 10, 1959, 1; *Boston Globe*, August 10, 1959, 28.

The NAACP and the *Amsterdam News* heard a different story in the course of their own investigation. Many witnesses said that no more than 150 people, the vast majority adolescents, were on the scene. “Big Bob” Edwards, a large peaceful man, did not resist arrest. Without provocation, the police called him a “big stupid slob,” wrestled him to the ground, kicked him, and struck him in the head with a blackjack. Only then did a crowd move closer. But “nobody fought with no bulls,” said Yvonne Johnson. Another resident said of Edwards’s beating, “They must think they’re in Mississippi anyway.” The NAACP, at first, condemned the mob attack. After interviewing residents, however, the organization accused the NYPD of brutality. Somewhat undermining this point, they also blamed the disorder on the conditions of one of “the most blighted, rat-ridden, and economically depressed areas in this borough.”⁷⁹

The national press picked up the Bronx story as representative of a trend. The widely circulated *AP* article paired it with a crowd rescue in Harlem two weeks earlier. On July 13, around 5 p.m., a NYPD cruiser slammed into the median strip running along Seventh Avenue at 117th Street. The reason for the crash was a struggle taking place within the car, between two police officers and their prisoner, Carmela Caviglione, who was in the backseat. Some bystanders near the crash site claimed the police were beating Caviglione; she later denied it. Patrolman Norman Hammes emerged from the car, with revolver drawn and pointed at the mass of people assembled. An object thrown from the crowd hit him causing him to fire his weapon. The bullet struck his own hand and then his partner in the back. Police arrested Charles Samuel, an African American postal clerk, for the assault on Hammes. One thousand people marched on the West 123rd station

⁷⁹ *New York Amsterdam News*, August 15, 1959, 1.

house, demanding Samuel's release. The crowd only broke up when middleweight boxing champion Sugar Ray Robinson arrived and urged a peaceful resolution.⁸⁰

The crowd rescues polarized an ongoing fight between civil rights activists and the police department over ensuring fair treatment of minority suspects in street encounters. The next day, Police Commissioner Stephen Kennedy beefed up police patrols in African-American neighborhoods. While Kennedy admitted that some officers "reflect the prejudices that are the crippling diseases of our society," he also warned that "a race riot could cause more destruction of community relations than an atom bomb." Several months later, of course, Kennedy established the judo-trained Tactical Patrol Force to contain precisely the sort of incident that erupted on July 13. For the most part, African American leaders used the controversy as a platform to continue their campaign against police brutality and racial discrimination in the city. Leaders of the national NAACP, however, distanced themselves from the more radical criticisms of the NYPD expressed by their local counterparts. Roy Wilkins, the national executive secretary, stressed additional factors "such as overcrowding and economic problems." The local NAACP highlighted, above all, the problem of police brutality. Branch president L. Joseph Overton noted the frequent use of excessive force and illegal searches by police against African Americans. Jawn A. Sandifer, chair of the local legal redress committee, said "the police, more than any other single factor, are responsible for the rising tensions." Sandifer asked Mayor Robert Wagner to set up a civilian review board.⁸¹

⁸⁰ *New York Times*, July 15, 1959, 13; *Times-Picayune*, August 10, 1959, 1.

⁸¹ National NAACP officials disagreed sharply with their local counterparts. General counsel Thurgood Marshall accused New York activists of "crucifying" Commissioner Kennedy. When L. Joseph Overton, local NAACP president, accused the NYPD of fostering a "police state" and playing judge and jury, executive secretary Roy Wilkins distanced the national organization from its local affiliate by calling the statement "irresponsible." *New York Times*, July 16, 1959, 1, July 17, 1959, 1, July 18, 1959, 5.

In his criticisms of the police Sandifer drew attention to a recent ruling upholding the right to resist illegal arrest. A young African-American man named Eddie Massey had been convicted of resisting arrest and assault upon two police officers. During the scuffle, police had injured him so severely that Massey spent two weeks recovering in the hospital. Reversing the conviction because the attempted arrest was illegal, the New York Court of Appeals ruled that Massey's "resistance and his counterassault," which included punching, pushing, and kicking two police officers "with his booted feet," was "justified." The court observed that the encounter had begun with a routine street stop during which police asked Massey to come to the station house to answer questions about "a reported crime of stone throwing, a misdemeanor." The police did not have a warrant. Massey, perhaps annoyed by perceived racial harassment, resented the intrusion and resisted. The court sided with him.⁸²

By the early 1960s, public officials and African-American leaders found it harder to disentangle a more militant protest politics from group assaults on the police. Indeed, on some occasions, the street-corner orator was the point of origin. Late at night on July 28, 1961, a small crowd of African Americans set off in angry pursuit of a white man near Seventh Avenue and 125th Street in Harlem after the man heckled a street-corner preacher. Patrolman Walter Billenbeck was then emerging from the subway on his way to the precinct house to begin his shift. He was dressed in civilian clothes. A black teenager named Odell Lucas kicked Billenbeck from behind, not realizing he was police. Billenbeck went to grab Lucas when a large group of African Americans swarmed him to protect the youth. Some in this crowd then marched on the station house. They later

⁸² *People v. Massey*, 7 A.D.2d 850, 181 N.Y.S.2d 473 (1959) at 475; *New York Times*, July 17, 1959, 1.

returned to 125th Street, where small groups broke store windows and looted. Two hundred officers turned out, including 80 members of the Tactical Patrol Force. Some officers drew their weapons and fired into the air as they cleared the streets.⁸³

Public officials blamed the disturbance on hot weather, slum conditions, and tense police-community relations as they tried to grapple with some startling statistics. “In the first six months of this year,” the *New York Times* reported, “1,171 New York policemen were attacked while making arrests.” Of these, 216 required medical attention. In a recent 45-day stretch, 133 officers were injured on the job, almost double the number from 1960. At a police promotion ceremony held two days after the *Times* article was published, Police Commissioner Michael J. Murphy blamed the disorder on public apathy and hostility. “The police cannot fight crime and the public at the same time,” Murphy said. Writing in *Jet* magazine, Major Robinson echoed this sentiment in attacking the “demagogues” who stood on Harlem street corners and incited “idle Negroes” to hate white authorities. Robinson noted that on July 29 “soap-box barons” had “seiz[ed] on every opportunity to inflame their listeners.” Robinson praised the restraint of the riot police and blamed “responsible” black activists for failing to discipline unruly members of the community.⁸⁴

Everywhere, by the late 1950s and early 1960s, public officials noticed a significant increase in group assaults on police. Mainstream press outlets, which traditionally ignored so-called African American stories as not newsworthy, began to

⁸³ Philip J. Meagher, “Violence in Harlem Brings 200 Police,” *New York Times*, July 29, 1961, 1; McCandish Phillips, “200 More Policemen Assigned to Harlem,” *New York Times*, July 30, 1961, 1; George Barner, “The ‘Riot’ Story,” *New York Amsterdam News*, August 5, 1961, 1.

⁸⁴ Foster Hailey, “Police Alarmed By Mob Attacks,” *New York Times*, August 21, 1961, 1; Major Robinson, “What’s Behind the Racial Strife in Harlem? Politics, Poor Negro Leadership,” *Jet*, August 24, 1961, 14, 16.

report on even minor bystander interventions. The *Chicago Tribune*, for example, ran an *AP* story, on July 17, 1961, concerning a small scuffle in Miami Beach—what they designated a “Negro riot.” Three short paragraphs describe a “free-for-all involving two officers” and, quoting Miami Beach Lieutenant Phil Thibedeau, “quite a few Negroes.” Only the police version is presented: while arresting a black man for breaking and entering, officers discovered a craps game in progress, when, suddenly, the participants attacked. In what just as easily might have been a dragnet roundup, Thibedeau reported: “We took more than 100 persons to a precinct station for processing. Most will be released but we expect a few of them to be booked for resisting arrest and other charges.”⁸⁵

The backlash to group assaults and crowd rescues first surfaced in the mid-1950s in the form of get-tough criminal penalties. In May 1955 Assistant U.S. Attorney Kenneth D. Wood instructed Washington D.C. prosecutors to send more police assault cases to the grand jury and to recommend felony charges when involving at least two people or a weapon. Recently, according to Wood, it had become “open season on police officers” who “can hardly make an arrest without getting involved in a fight.” In 1952 the state had imposed a potential maximum sentence of five years for “knowingly assaulting an officer,” but prosecutors and grand juries almost never used the law. The Policemen’s Association calculated that from July 1953 to July 1954 the department had brought 231 charges of police assault. Only eleven had gone to grand juries, which dismissed five. Since defendants often appeared in court heavily-bandaged, Wood explained that “it’s difficult for a grand jury to see why it should be a felony.” Yet in the defense of police

⁸⁵ “2 Miami Beach Cops Inured in Negro Riot,” *Chicago Daily Tribune*, July 17, 1961, 4.

the prosecutor argued that it was hardly reasonable to expect police “to wait around to see whether the man has a gun or a knife.”⁸⁶

As the country’s largest law enforcement agency by far the NYPD commanded national attention in its response to crowd rescues. In early May 4, 1958, a mob in the Chelsea neighborhood of Manhattan rescued two handcuffed prisoners from police custody. Some in the crowd even attacked the officers with their own nightsticks. As it turned out, the next day was the annual breakfast for the department’s Episcopalian officers. Commissioner Kennedy used the occasion to reprimand the rank-and-file: “You are not put out on the streets of New York to be kicked around by disorderly mobs.” Two years later, Commissioner Murphy decried the pattern of people being arrested who “cry out that they are being persecuted, and dozens of misguided and unthinking people swarm to their aid.” “All too often, what begins as an arrest for a minor violation or a request to move along becomes a major incident magnified by rumor and hysteria,” Murphy said. In the last year, he noted, police assaults had averaged thirty-two a week or almost five a day.⁸⁷

The summer of 1961 was a turning point for New York City and other cities. Public officials intensified “get-tough” politics to stem the tide of resisting arrest. Many of the police assaults covered by the press took place during apparently legitimate arrests. In early August, New York Judge Samuel Leibowitz sentenced Rafael Appelaniz up to 15 years in Sing Prison for assaulting a police officer. Leibowitz called the 21-year-old Puerto Rican resident of Brooklyn a “thug and a wild animal” for allegedly slashing the officer’s sleeve with a “fifteen-inch bayonet.” Police caught Appelaniz fleeing a crowd

⁸⁶ *The Washington Post*, May 30, 1955, 17.

⁸⁷ *New York Times*, May 5, 1958, 31; *The Sun*, August 1, 1961, 3.

accusing him of having molested a young girl. Elsewhere, a young man allegedly bowled over a police officer trying to clear the streets of a disorderly group of fifty men. Another young man punched an officer arresting him for molesting a girl on Coney Island. Then, after someone sent a bottle crashing through the window of a squad car, Bronx County Judge Abraham D. Levy joined the ranks of “get-tough” judges threatening “maximum penalties” against so-called cop-fighters.⁸⁸

At the Police Academy’s commencement ceremony in the fall, however, Mayor Robert Wagner and Commissioner Murphy mixed “toughness” with lip-service to the law and community relations. Wagner attacked “thugs and punks who attack cops” but also cautioned that “even bigger nightsticks will not earn more respect for the law, but firm, consistent and effective police and court action against all cop-fighters will.” To this end, Wagner promised “no interference from politicians.” Commissioner Murphy discouraged extralegal use of the “law at the end of the nightstick.” “Policemen are not judges,” he said. “There can be no indiscriminate clubbings. Police may not and will not hold court on the streets of the city.”⁸⁹

Increasingly, public officials blamed racially militant politics for the rise in police assaults. Speaking at a day-long police-community relations meeting hosted by the National Conference of Christians and Jews, New York Deputy Police Commissioner Walter Arm, who also headed the department’s community relations programs, said that police assaults had become a “serious disease.” In 1961 the New York Police Department had recorded eighty-six more attacks on police than over the previous year: 2,525 separate instances, with 492 officers injured during street arrests and two deaths. Arm

⁸⁸ *New York Times*, Aug 9, 1961, 25; *New York Times*, Aug 16, 1961, 19.

⁸⁹ *New York Times*, November 3, 1961, 45; *New York Times*, August 12, 1961, 19.

said most of these police assaults were “the common garden variety of the individual being arrested and resisting arrest.” Except 223 incidents involved groups of civilians. While almost all were spontaneous, Arm said that police officers had begun to think that “the frustrations of individuals from minority groups added fuel to the fire and the police officer became the focal point and target for all past accumulated ills.” Harold Hunton, head of community relations for the city who spoke at the same conference, cited an informal poll among African American and Puerto Rican leaders, who, like Arm, believed that “racial tensions were in some degree involved in the attacks.”⁹⁰

In response to crowd assaults on police, large urban departments encouraged their officers to adopt a more confrontational stance on the street. Or on the roof. In August 1961 the NYPD created a tactical unit with 300 members to prowl rooftops in Harlem and Bedford-Stuyvesant in Brooklyn after six patrol officers in three weeks were hit by bottles or concrete slabs dropped or thrown from above. In December the NYPD issued an order relaxing the rules around the use of nightsticks. The memorandum permitted officers to carry their “persuaders” on day as well as night tours. The leaflets contained drawings showing ways to use a nightstick, rather than one’s hands or body, to defend against an attacker.

You are given a nightstick purposely to give you an advantage when compelled to use lawful force. Use it! Taking a prisoner into custody is not a personal contest between you and him. Forget the Marquis of Queensberry Rules!

⁹⁰ *New York Times*, March 7, 1962, 37; Cheryl-Ann Beattie Repetti, “The Politics of Civilian Review: Police Accountability in Washington, D.C., and New York City, 1948-1974” (PhD diss., The George Washington University, 1997), 201, 248.

Deputy Commissioner Arm explained that the order was guided by “realism and prudence” and did not give “license for indiscriminate beatings.” Lohman and Misner in 1966 found that the Philadelphia Police Department had issued an order requiring police on patrol to carry a wooden baton “clearly visible to the public at all times.” “This rule,” the authors concluded, “means that the policeman is ‘required’ to present a hostile posture, even when he doesn’t mean to.”⁹¹

Press attention for crowd rescues peaked in the fall of 1961. In its long overview of the “epidemic of ‘cop-fighting,’” in October 1961, *U.S. News and World Report* ignored the public controversy over aggressive, racist policing. Instead, the article indulged nostalgia for “the co-operation police used to count on from the public,” and uncritically accepted a common police assertion that suspects were presumed guilty. “More and more,” the magazine said, “citizens come to the criminal’s aid.” Mainstream publications, however, did not initiate their audience into the world of the urban police dragnet. Their mainly white readership had little context to understand these events. Most Americans likely agreed with New York Police Commissioner Kennedy’s assessment that cop-fighting was little more than “mob rule.” In the *U.S. News* overview, readers would have been shocked to learn that San Francisco gangs ranked the police first on their “hate list.” The magazine’s explanation was revealing. “In the largely Negro Fillmore district—sometimes called the ‘Jungle Patrol’ by police—youths complain they are unnecessarily roughed up by arresting officers,” the paper said. “Police reply that they have to be tough in self-defense.” The article ends with various judges calling cop-fighters “dangerous animals,” “senseless people,” and “hoodlums.” The national

⁹¹ *New York Times*, December 7, 1961, 45; Lohman and Misner, *The Police and the Community*, 175.

periodical thus appeared to agree with New York Magistrate Reuben Levy who labeled crowd rescues “a form of treason.”⁹²

Mainstream publications filtered these incidents through the interpretations of key local actors and public officials, particularly the police. In September 1961, in Newark, New Jersey, police officers entered the yard of a middle-school to break up a fight. During the scuffle, a young man grabbed the revolver from a patrolman’s holster. According to the officer, the youth turned him around, pressed the gun against his chest, and said, “I’m going to kill you.” Another officer wrestled him to the ground, sending the gun sliding away. Five hundred students quickly converged upon the police. Later the students marched on the precinct station house until the police blasted them with fire hoses. National newspapers picked up the story. The *New York Times* put it on its front page. The paper noted the school resided in a neighborhood known locally—by whom, it was not clear—as the “Harlem of Newark.” They quoted police authorities who blamed militant racial politics. Apparently one youth said he was a member of the Muslim Brotherhood as he attacked an officer. School officials cited tensions between African American and Puerto Rican students. The police denied that the disturbance was a race riot. Lieutenant John Madaros, for example, provided a surprisingly mild spin: “It seems to be just general disorderliness. Perhaps the kids have been reading too much stuff about policemen being beaten in New York City.” Left unanswered or asked was the question of why the youths had bothered to march on the station house.⁹³

⁹² *U.S. News and World Report*, September 26, 1960, 62, October 9, 1961, 106, 110, 111.

⁹³ *U.S. News and World Report*, October 9, 1961, 106; *New York Times*, September 28, 1961, 1, September 29, 1961, 22; *Los Angeles Times*, September 28, 1961, B9; *Chicago Daily Tribune*, September 28, 1961, 18; *The Sun*, September 28, 1961, 9.

National authorities such as J. Edgar Hoover imposed narrative coherence upon fragmentary local stories, thereby linking cop-fighting to the War on Crime. Above all, the FBI director blamed public apathy, the “incredibly lethargic men and women who had neither the courage to interfere nor the sense of duty to summon assistance.” Many national publications cited an FBI survey of 3,800 cities finding that, in 1960, 9,261 officers had been attacked and 48 killed, by individuals and groups. In Philadelphia, according to the *Los Angeles Times*, fifty-seven officers were “injured so severely that they were permanently disabled.” Eighty-one were bitten. At the Fifth Annual Police-Community Relations Institute in February 1962, Los Angeles Deputy Police Chief Noel A. McQuown complained about “the assaults from uninvolved bystanders and ordinary citizens who suddenly and without provocation become a mob bent on thwarting the processes of law and order.” Due to harmful “court decisions and new legislation,” McQuown explained, the “ability of our communities to protect themselves against the criminal army is seriously weakened when the thin blue line of law enforcement is unnecessarily restricted in its effectiveness.”⁹⁴

By 1962 the storyline was set. Public officials everywhere confirmed they too had sighted the encroaching criminal army. That family breakdown and permissive morals had unleashed “terror in the streets.” That liberal court decisions had handcuffed the police. That violent television and movies had made juvenile delinquency respectable. In a 1962 interview with *U.S. News and World Report* for their special issue on crime,

⁹⁴ Hoover’s statement on cop-fighting first appeared in the *FBI Law Enforcement Bulletin*. J. Edgar Hoover, “Stop Attacks on Policemen!” *Los Angeles Times*, October 22, 1961, TW4. The *Times* gave this story prominent placement in their weekend edition. They even conducted an informal poll of police chiefs and journalists around the country, who confirmed the trend Hoover describes in his piece. Their brief overview follows Hoover’s article. *Los Angeles Times*, October 16, 1961, B4, February 2, 1962, 24; *Chicago Tribune*, January 1, 1964, C8.

Harold R. McKinnon, a San Francisco lawyer and member of the city's police commission, bemoaned the "new development" of "citizen participation in resistance to arrest." "Time and time again," McKinnon said, "a police officer making an arrest finds himself surrounded by a group of bystanders who assist the suspect resisting arrest" and who in "some cases" are able to take "the suspect away from the officer...before his identification has been established." McKinnon recommended a "moral revolution" to cultivate "character, morals and a way of life that makes crime disreputable." San Francisco Police Chief Thomas J. Cahill and Judge Gerald S. Levin offered similar examples.⁹⁵

Speaking a year later, Cincinnati Police Chief Schrotel sounded off on these themes. His words carried special weight; at the time he also was president of the International Association of Chiefs of Police. Schrotel cited the usual ills: lenient judges, abuse of probation and parole, family breakdown, and public apathy toward the "growing cancer" of crime. He also blamed urban renewal, because it had dispersed criminal populations making it harder to "contain" them. Worst of all, according to Schrotel, criminals are indulged, even encouraged, by the community around them. Consider, he said, that "resistance—very often armed resistance—to arrest is growing." Routine police work had become harder than ever. The police now have to confront the "people assembled as spectators where an arrest is being made [who] tend to side with the prisoner" and "openly attack the police in an attempt to free the prisoner."⁹⁶

⁹⁵ *U.S. News and World Report*, December 24, 1962, p. 54; Testimony of San Francisco Police Chief Thomas J. Cahill, "Proceedings of the Section of Criminal Law, Aug 6-8, 1962," *American Bar Association*, Summary of Proceedings of Section of Criminal Law (1962): 20.

⁹⁶ *U.S. News & World Report*, April 8, 1963, 80, 83; Ed Cray, "The Police and Civil Rights," *Frontier*, May 1962, 3.

Resisting Arrest and Fighting Police as a Political Act in the Civil Rights Era

The character of northern urban crowd rescues and their political meanings changed as the civil rights movement entered its direct-action phase of the mid-1950s to early 1960s, and the national press fastened upon the brutal violence meted out by white Southern mobs and law enforcement upon peaceful, respectably-dressed African-American protesters. In northern and western cities spectators and arrestees explicitly invoked Jim Crow as a rationale for fighting police, even during legitimate arrests. Meanwhile, a rising cohort of black nationalists, many of them inspired by Malcolm X and the Nation of Islam, helped to define crowd rescues as a demonstration of political militancy and an assertion of black popular sovereignty against an unjust social order.

On May 12, 1963, black residents of Birmingham, Alabama, rose up against the city's police force. Nine days earlier, more famously, Project "C"—for confrontation—reached the climactic moment of a five-week integration campaign. The Southern Christian Leadership Conference, led by Reverend Martin Luther King, Jr., and Fred Shuttlesworth, had sent a thousand black teenagers on a march to desegregate downtown businesses. Public Safety Commissioner Eugene "Bull" Connor, an outspoken white supremacist, repelled the marchers with high-powered fire hoses and German Shepherds. Journalists captured the brutal attack in iconic photographs. Four days later, on May 7, black youth skirmished again with Connor's police force, including its armored personnel carrier, equipped with gun turrets. This time, the youths attacked the officers, throwing bottles and bricks. Police and firemen responded with hoses and dogs. Two days later, white business leaders agreed to desegregate downtown stores and hire more black

employees. Then, on Saturday night, May 11, the Ku Klux Klan detonated two bombs: one at the home of King's brother, A. D., and the other outside SCLC's makeshift command center at the A. G. Gaston Motel. No one was injured, but the bombs ignited a riot.⁹⁷

Dozens of African Americans streamed out of nearby bars and gathered at the motel. They were horrified by the assassination attempt. Many were fed up. One man yelled, "This is it." Someone torched an Italian grocery store. Others flipped a "white" taxi on its side and set it ablaze. Soon 2,500 were in the streets. When SCLC officials told them to go home, rioters shouted "They started it!" Movement leaders could only look on aghast as the top-down discipline of non-violence dissolved and with it, they feared, the sympathy and support of the white majority. City police brought the "tank" and the dogs, and Sheriff James Clark of Dallas County assembled his posse of "irregulars," who, with state troopers, charged into the crowd, swinging gun butts and nightsticks. The damage to local infrastructure was extensive. According to Claude Sitton of the *New York Times*, who arrived as the first stone was thrown and stayed on the scene until order was restored three hours later, the crowds "wrecked scores of police and private automobiles and burned six small stores and a two-story apartment house."⁹⁸

The events of May 3 and 12 in Birmingham brought together two undercurrents of the African American insurgency then exploding across the country. Project C marchers were peaceful, restrained. The nakedly white supremacist violence of high public officials was a jolt to the conscience of many Americans. Soon, journalists and

⁹⁷ Diane McWhorter, *Carry Me Home: Birmingham, Alabama: The Climactic Battle of the Civil Rights Revolution* (New York: Simon and Schuster, 2013); *New York Times*, May 8, 1963, 1, May 10, 1963, 1.

⁹⁸ McWhorter, *Carry Me Home*; *New York Times*, May 12, 1963, 1, May 13, 1963, 1.

activists said the “spirit of Birmingham” was stirring those previously too apathetic or fearful to take part in direct-action protests. By contrast, the May 12 uprising signaled a breaking of ranks within the civil rights movement—a false unity that had been imposed on the black community by the white media. The spontaneous attacks on police and the looting and destruction of local stores would become the defining traits of future urban unrest. Thus, the home of Project C also gave rise to one of the earliest major uprisings of the 1960s. This too was the “spirit of Birmingham,” lending moral urgency to the crisis growing in every so-called ghetto, where residents balked, at the point of arrest, against unofficial police policy to “keep them in their place.”⁹⁹

After 1955 participants in crowd rescues in northern and western cities occasionally invoked Southern civil rights struggles as the “hue and cry” to inspire bystanders to attack the police. In a small St. Louis suburb, on June 20, 1958, a white county policeman started to arrest two African American teenagers for traffic offenses when one of them fought back. The officer quickly thumped him with a “slap strap,” made of thick leather. Thirty-five black youths retaliated with bricks and stones, some chanting “Little Rock.” Police reinforcements stood back to back with revolvers drawn, facing the crowd. Stones panged the fleeing squad cars.¹⁰⁰

Cop-fighting in northern and western cities appeared to vindicate the fears of white Americans who asserted that street crime and civil rights protests were causatively linked. The Memorial Day riot in Griffith Park, Los Angeles, in 1961, is illustrative. The operator of the park’s merry-go-round summoned two officers to disperse African-American youths, who were jumping on and off the ride and refusing to pay the fare.

⁹⁹ *Wall Street Journal*, May 17, 1963, 1.

¹⁰⁰ *The Washington Post*, June 21, 1958, B8; *The Sun*, June 21, 1958, 3.

Officer J. D. Calderwood accosted one teen, who said, “I don’t have to tell you nothing.” After the youth shouted some lewd language, Calderwood placed him in handcuffs and walked him to the patrol car. Waiting there was a crowd of 150 to 200 African Americans, drawn by the scuffle. Andrew McLemore, an 18-year-old, allegedly shouted “Kill them white [expletive]!” A witness claimed to hear someone shout, “This is not Alabama.” Officer A. H. Dunn placed the prisoner in the back seat and started to walk around to the driver’s side. McLemore yelled, “Let him go!” The crowd, which had grown to 1,000 people, began to advance upon the squad car in an attempt to free the prisoner. They attacked the seventy-five officers with bricks, bottles, debris, and bats. A group of teenagers managed to flip a police car upside down. In the scuffle, the prisoner fled. He was momentarily seized by a bystander, who then was knocked to the ground by a young black man named Willie Jones. The prisoner ultimately escaped.¹⁰¹

Police Chief William H. Parker told the press that the “Freedom Riders” had inspired the Griffith Park Riot. Likewise, under the photo of the disturbance, *U.S. News* provided the following caption: “Aftermath of the ‘Freedom Rides’?” All through May, activists and volunteers with the Congress of Racial Equality, SNCC, and the NAACP had rolled through southern towns on integrated buses in a direct-action protest of Jim Crow strictures on interstate transportation. The Freedom Riders met their most violent opposition in Alabama, the “Heart of Dixie.” With local law enforcement’s support, white vigilantes mobbed the Riders, punched them, beat them with bats, shot at them, and firebombed their busses. In Birmingham, a local photojournalist captured the brutality of

¹⁰¹ *Los Angeles Times*, May 31, 1961, 1; *People v. Jones*, 205 Cal. App. 2d 460, 23 Cal. Rptr. 418 (1962) at 462-463; Tracy Tullis, “A Vietnam at Home: Policing the Ghettos in the Counterinsurgency Era,” (PhD diss., New York University, 1999), 202-203.

the white mob. America could not look away. Still, Southern congressmen condemned the Riders as “outside agitators.” Alabama Representative George Huddleston said: “It is difficult for any Southerner who understands the problem confronting our people to sympathize with this radical extremist group which has invaded our state. They got just what they asked for.”¹⁰²

Northern crowd rescues and the Southern Freedom Rides differed in obvious ways, but to many white Americans, they suggested the disorder attendant the presence of black people in public places—especially in places where they did not belong. Critics of the Riders, like Representative Huddleston, asserted that the civil rights protesters, not Southern posses or law enforcement agencies, had stirred up the trouble. Indeed, the Freedom Rides did intend to violate local law and custom in the pursuit of justice. To some extent, their strategy depended in part on white vigilante violence. They hoped to expose Southern “justice” to the rest of the country and thereby pressure local authorities to enforce the constitutional guarantee of equal protection as upheld by the U.S. Supreme Court in its 1954 decision of *Brown v. Board of Education*.¹⁰³

Perhaps, therefore, an African-American bystander at Griffith Park did in fact mutter “This is not Alabama” as the crowd chased the police officers, tossing debris and bottles. Only two weeks earlier the Freedom Riders had been viciously attacked, their buses bombed, by white vigilantes in Anniston and Birmingham. Clearly, a white

¹⁰² *Los Angeles Times*, June 1, 1961, B1; *U.S. News and World Report*, June 12, 1961, 4; Derek C. Catsam, *Freedom’s Main Line: The Journey of Reconciliation and the Freedom Rides* (Lexington: The University of Kentucky Press, 2009), 169.

¹⁰³ In 1961, a coalition of Southern congressmen proposed legislation to criminalize the Freedom Rides and lunch-counter sit-ins on the grounds that the activists had crossed state lines and used interstate commerce to incite riots. Vesla Weaver, “Frontlash: Race and the Politics of Punishment” (PhD diss., Harvard University, 2007), 58-59; also see Catsam, *Freedom’s Main Line*, chap. 6 and 7; “Pressure from the North and How the South Reacts,” *U.S. News and World Report*, June 5, 1961, 44-48.

bystander or a white police officer thought the quote was significant enough to mention to the press, perhaps to reinforce the connection between African-American protest and violence. Perhaps also the quote was a fabrication, an expression of white anxiety about the potential ripple effects of “outside agitators” in faraway Alabama. That street action in the South between black crowds and white police departments could stir up trouble even—perhaps especially—among the disgruntled black residents of northern and western cities like Los Angeles.

These anxieties were evident at the trial of the men accused of inciting the Griffith Park Riot. Deputy District Attorney Anthony G. J. Joyce set the punitive tone when he charged McLemore and Jones with violating California’s “lynch law.” The law, dating to 1933, made it a crime to rescue a prisoner from police custody. Joyce’s decision upended the dominant historic pattern of white racial violence against African Americans. If convicted, the two black defendants could spend up to twenty years in prison. At trial the prosecutor exploited white fears about racial liberalism. Mischaracterizing the defense claim that the police had shown racial bias, the prosecutor told the jury that a verdict in favor of the defendants would mean that “the Negro Race...should have more rights...than anyone else.” African Americans “are entitled to the same rights,” he said, “that is all, no more and no less.” The subtext was obvious: find the defendants guilty and denounce the logic of civil rights protests. Both McLemore and Jones were found guilty but placed on probation.¹⁰⁴

After Birmingham, national press outlets scanned the country for the next racial outbreak. The central question for them became whether civil rights leaders could

¹⁰⁴ *Los Angeles Times*, June 2, 1961, B1; *People v. Jones*, 466.

maintain discipline among rank-and-file African-Americans. Selective buying campaigns, sit-ins, kneel-ins, and jail-ins stretched from the rural counties of the South to the crowded urban centers of the North. In late May, syndicated columnist Joseph Alsop dwelled upon a revealing Justice Department statistic: recently, in a single week, “there had been no less than 43 major and minor demonstrations, of which 10 were in the North.” But to Alsop these staged showdowns seem to have given rise to a troubling class of incidents that exceeded the dominant civil rights paradigm: spontaneous interracial street brawls. He produced two examples: In Chicago, a crowd of African Americans attacked a white police officer, and in the predominantly black neighborhood of Roxbury, in Boston, fisticuffs between a white and black man nearly sparked a riot.¹⁰⁵

Those fears were realized in the summer of 1963. “Racial Nightmare Confronts Nation” screamed the July 28 headline in the conservative *Los Angeles Times*. The article, by Sid Moody of the *Associated Press*, concluded his national overview with a closer look at the six-week military occupation of Cambridge, Maryland. The night of June 11, several hundred whites had attacked protesters on their return to the city’s “negro section” from the courthouse and jail. In the scuffle, two white men died from shotgun blasts to the chest. Three white-owned stores were reduced to ash; police found remnants of Molotov cocktails. The fighting continued over the next few days. State and city police struggled to restore order with riot sticks and dogs. Finally, on June 14, the governor sent in National Guardsmen, rifles affixed with bayonets, and imposed a curfew. Both were lifted three weeks later, but were then reinstated after a night of

¹⁰⁵ *Boston Globe*, May 31, 1963, 10; Daniel H. Pollitt, “Dime Store Demonstrations: Events and Legal Problems of First Sixty Days,” *Duke Law Journal*, 3 (1960): 315-365; *Afro-American*, December 22, 1962, July 20, 1963.

gunfire injured six whites, three of them Guardsmen. Martial law and troops remained in the border city until late July, when the city council, over vigorous white opposition, agreed to implement the demonstrators' major demand and banned segregated public accommodations. Moody saw in Cambridge a nation besieged—and an impossible task for white and black leaders to keep the peace amid transformative, even revolutionary, social change.¹⁰⁶

The title of “Birmingham of the North” belonged to Chicago. The geographic separation of black and white residents in the Windy City was almost total—and fiercely defended by whites. In late July 1963, a crowd of 1,000 whites attacked two black families with stones and bricks after they moved into an all-white apartment building. The three-day riot and siege took place on one of the last blocks in the Southside neighborhood of Englewood where whites still lived. Four years earlier, whites made up seventy percent of the area's 125,000 residents, dropping to 15 percent in 1963. During the riot, police separated whites from blacks. According to the *Chicago Defender*, the city's main African American newspaper, white police officers appeared unwilling to take action against white rioters and instead aggressively contained black people, arresting those who refused to comply. During the fracas, a few blocks over, black teenagers threw stones at passing white motorists. In one case, a white father claimed a rock had struck his two-year-old son. When he confronted the youths, they attacked him.¹⁰⁷

¹⁰⁶ *Los Angeles Times*, July 28, 1963, L1, L3-L4; *New York Times*, June 12, 1963, 23, June 14, 1963, 14, July 17, 1963, 1; *The Sun*, June 15, 1963, 1, July 24, 1963, 1; *Washington Post*, July 13, 1963, A1.

¹⁰⁷ In 1960 Chicago's segregation index was 93 out of 100, meaning ninety-three percent of residents would have to move to establish racial parity. Beryl Satter, *Family Properties: Race, Real Estate, and the Exploitation of Black Urban America* (New York: Henry Holt and Co., 2009), 351-352; *New York Times*, August 1, 1963, 14; *Chicago Defender*, August 1, 1963, 1.

The major crisis of the summer in Chicago, however, was CORE's protests to desegregate the public schools. Despite a threefold increase in the African-American population since 1940, the city refused to ease overcrowding in black neighborhood schools. In Lawndale, located on the West Side where most postwar black migrants settled, students split the school day into morning and afternoon shifts. Lawndale's problems were typical, if somewhat extreme, for black Chicago. Residents faced high unemployment—for adults, it was 10 to 25 percent, and youth, 25 to 50 percent—high rents, and a high juvenile crime rate, which in turn brought a heavy though selective police presence. In July 1963, the schools crisis entered a more contentious phase when the city began building mobile classrooms on the Southside—the “fix” chosen by Schools Superintendent Benjamin C. Willis. Critics correctly noted that the “Willis Wagons” would only reinforce de facto segregation. After months of protests, the tension broke in early August. “Shadows of Mississippi fell over Chicago,” Ted Coleman wrote in the *Chicago Defender*, “when policemen...used neck-breaking tactics on several demonstrators in making arrests.” For their part, protesters engaged in destructive and disruptive tactics. Some set fire to a mobile classroom, laid down on railroad tracks, and climbed utility poles carrying high-voltage wires. On August 14, one group threw bricks and concrete at officers trying to remove individuals lying down on the construction site. Afterward, Police Superintendent Orlando W. Wilson promised that his department would “meet force with force.”¹⁰⁸

¹⁰⁸ Satter, *Family Properties*, 36, 94, 170-178; *New York Times*, August 3, 1963, 18; *Chicago Defender*, August 13, 1963, 1; *New York Times*, August 14, 1963, 22; *Chicago Defender*, August 14, 1963, 3; *The Sun*, August 15, 1963, 6.

Mainstream press coverage of the demonstrations emphasized the violent episodes as harbingers of future discord. Claude Sitton, the veteran *New York Times* reporter, came to the Birmingham of the North in August. Sitton concluded that in Chicago “the situation appears potentially more explosive than that in most Southern communities.” The state’s fair employment law did little to combat discrimination, and chronic unemployment and residential segregation made it almost impossible for even established, educated African Americans to improve their lot. Reverend B. Elton Cox, a CORE field secretary and Chicago resident, epitomized the impatience of black Americans in the modern civil rights era. He said, “We are anxious to receive democracy as we have been taught that we should have it. We are not afraid of bodily harm. Rather than live 10 years under segregation as I now know it, I would rather die. I will not participate in violence, although I think that, sometimes, violence helps.”¹⁰⁹

Across the country African Americans told reporters that they would support, if not actually commit, violent acts to achieve full social equality. Henry Clay Smith, a Pittsburgh construction worker, told Bryce Miller of the *Chicago Defender*, “Violence seems to be the only way of making the integration problem known. I’m not for violence, but I’m for complete integration anyway we can get it.” Emma Lee Jones, a housewife who lived just outside Pittsburgh, said, “It’s terrible to have violence over integration, but it’s terrible to be treated like dirt, too. I’m a peace-loving woman and I don’t like violence, but sometimes you just got to fight.” Sitton likewise had noticed in Chicago a similar shift among traditional civil rights leaders, who felt they neither had the power nor the desire to contain the tumult rising from below. As one “moderate” told him: “So

¹⁰⁹ *New York Times*, August 26, 1963, 1.

many people think that peace is the absence of violence. It's really the presence of justice.”¹¹⁰

The militant street-corner orator, a ubiquitous sight in urban black neighborhoods in the 1950s, raised the political stakes of resisting arrest. Some 300 African Americans had gathered in Detroit's East Side in July 1957 to listen to a speech on “racial issues” when a police officer tried to break up the crowd. They immediately turned on the officer, hitting him in the head, allegedly stealing his wrist watch, and throwing egg crates at reinforcements. It took twenty minutes to clear the streets. The department moved its riot-trained “commando squad” into the area to head off further trouble. Arthur Johnson, head of the Detroit NAACP, called the police response “unduly violent.” Police Commissioner Edward S. Piggins said “the assembly was not only unlawful but constituted a breach of the peace.” Two hours later, another scuffle erupted when two patrolmen ordered two African American men to “cease loitering” on the corner. The *Detroit Free Press* termed the first incident the “soap-box melee.”¹¹¹

The mainstream press frequently seized upon the possible role of black militants in crowd rescues to link street crime to a more assertive black liberation struggle. Around 9:30 p.m. on Monday, June 17, 1963, a black police officer ordered a black vendor of ices to move his cart from the busy intersection of 125th Street and Broadway. The vendor's loud refusal drew dozens of onlookers. Two teenagers intervened on his side. Groupings of people formed down the street. Some sent stones crashing through a store window; a bottle broke against a patrol car. Initial arrests sparked more anger. Police

¹¹⁰ *Chicago Defender*, August 3, 1963, 9; *New York Times*, August 26, 1963, 1.

¹¹¹ *Detroit Free Press*, July 8, 1957, 1, 8, July 9, 1957, 20, July 10, 1957, 4; *Chicago Daily Tribune*, July 9, 1957, 7; *New York Times*, July 9, 1957, 21.

reinforcements pushed spectators back. The *New York Times* noted that the ringleaders appeared to be affiliated with a nearby “African Nationalist” store. In the window hung “a picture of a police dog biting a Negro, and a sign reading, ‘Damn white men.’” But the crowd needed no additional provocation. A large man climbed a hydrant and instructed the crowd: “Hit that police line. Don’t be afraid.” No one moved. Instead the two hundred present began to chant “We want freedom!” A few trashcans were set on fire, and some debris was tossed from rooftops. Police periodically charged the crowd, swinging their clubs. This kept people moving, and scattered. One hundred fifty youths proceeded west down 125th Street chanting protest songs. By midnight, the crisis was over. Helmeted police stood on every corner, keeping watch.¹¹²

The following spring a larger more violent scuffle erupted at Lenox Avenue and West 128th Street. On the warm, sunny Friday afternoon of April 17, 1964, schoolchildren swarmed an overturned cart to collect the scattered fruit. Four police officers pounced on the youths. More police arrived, guns and nightsticks drawn. For questioning police aggressiveness, two bystanders, Frank Stafford, who was black, and Fecundo Acion, who was Puerto Rican, were arrested. As Stafford later described the station house horrors: “About thirty-five I’d say came into the room, and started beating, punching us in the jaw, in the stomach, in the chest, beating us with a padded club—spit on us, call us niggers, dogs, animals—they call us dogs and animals when I don’t see why we are the dogs and animals the way they are beating us. Like they beat me they beat the other kids and the elderly fellow. They throw him almost through one of the radiators. I thought he was dead over there”—referring to Acion. Stafford spent two

¹¹² *New York Times*, June 18, 1963, 1, June 19, 1963, 20.

weeks in the hospital to treat his badly damaged eye, which doctors ultimately had to remove.¹¹³

In the week after the melee Harlem Youth Unlimited (HARYOU), a community social-work organization, interviewed some of the young black men who, like Stafford and Acion, had intervened to protect the children and were arrested and subsequently beaten. Daniel Hamm, 18, told HARYOU investigators: “I saw a policeman with his gun out, waving it in some young children’s faces with his billy in his hand.” Hamm said the officer “was shaking like a leaf and jumping all over the place and I thought he might shoot one of them.” Wallace Baker, 19, and Robert Rice, 17, shared similar stories. All three alleged that relays of officers beat them at the station house for hours. Police denied the charge.¹¹⁴

What turned the Fruit Riot from a minor scandal into a sensational news story was the alleged presence of the so-called Blood Brothers. Junius Griffin of the *New York Times* first reported on the “gang” in early May, two weeks after the riot. Griffin learned of the group from HARYOU, which in the course of tape-recording conversations with young Harlem teens discovered that some 400 claimed to be members. According to Griffin, the Brothers descended from the Black Muslims, particularly the Fruit of Islam, the organization’s security arm, and took inspiration from Malcolm X. Members enrolled in karate and judo classes for the avowed purpose of defending themselves and the black community from police brutality. But to Griffin, who relied upon police sources, the Blood Brothers tracked with a more insidious development: a spike in violent crimes

¹¹³ *New York Times*, May 29, 1964, 1, 13; James Baldwin, “A Report From Occupied Territory,” *The Nation*, July 11, 1966.

¹¹⁴ *New York Times*, May 29, 1964, 1, 13.

allegedly committed by black youths against white persons. Griffin said that some members sold drugs, others were “taught to steal.” All hated white people—and this, according to Griffin, fueled their militancy and criminal violence.¹¹⁵

Radicals and black nationalists channeled, provoked, and reflected the street-level insurgency that was building in large urban centers like Los Angeles. Perhaps due to the harsh confrontational style of policing promoted by Chief William H. Parker, crowd rescues in Los Angeles occurred with such frequency and intensity that the Watts rebellion might have appeared inevitable in retrospect. At least it seemed that way to Bill Lane, columnist at the *Los Angeles Sentinel*, the city’s primary African-American newspaper. “Los Angeles was the first city I ever saw,” Lane wrote in an editorial in September 1965, weeks after the riot, “where citizens quickly rise up, overpower police officers, chase them, take their guns and wreck their cars.” Lane recognized that this grassroots rebellion was in part a response to a pattern of brutal and unjust police tactics. In October 1961 Roy Wilkins, executive secretary of the National NAACP, had released a statement referring to Los Angeles police officers as “next to those in Birmingham” in their racist, brutal treatment of law-abiding African Americans.¹¹⁶

Indeed the number of crowd assaults on Los Angeles police had grown in recent years. In August 1962 a mostly black crowd of sixty attacked two plainclothes officers attempting to arrest a black man allegedly playing a dice game in a park near E. 50th Street and Avalon Boulevard. Weeks later three police officers were attacked when they tried to disperse youths from loitering on the steps of Manual Arts High Schools. After

¹¹⁵ *New York Times*, May 3, 1964, 43, May 6, 1964, 1, 30.

¹¹⁶ *Los Angeles Sentinel*, September 2, 1965, B11; Press Release October 6, 1961, NAACP Records, Part III: Administrative File, 1909-1969, Box A243, Folder “Police Brutality: California, Colorado and Connecticut,” LOC.

repeated attacks on police in Los Angeles County—including three post-football-game street riots involving 1,000 teenagers in Alhambra—the *Los Angeles Times* published an editorial on “the latest manifestation of the ugly wave that has been sweeping the nation.” Noting that 278 officers had been attacked in the first ten months of the year, exceeding the total for all of 1960, the paper warned that without strong public support for law enforcement “mob violence and attacks on policemen threaten to grow into full-scale terror.” In November 1962 a large group of predominantly Mexican-American Pioneer High School students from Pico Rivera fought sheriff’s deputies. Thirty-seven boys were charged with inciting to riot and refusal to disperse. One mother was also charged with these crimes after she tangled with officers attempting to arrest her son. In August 1963 sheriff’s deputies released their handcuffed prisoner, a reported gang-member, after they were surrounded by a crowd of forty in East Los Angeles. Two young men were charged with violating the lynch law. Twenty minutes later another crowd of 200 gathered around a traffic stop of two teenagers by two California Highway Patrol officers. Over a single weekend in April 1964 police were attacked by groups of citizens mostly during routine traffic stops on four separate occasions. Similar bystander interventions continued over the next few weeks. After James Farmer, national director of CORE, described crowd assaults on police as a justifiable response to police brutality, the *Los Angeles Times* replied with an editorial titled “Invitation to Anarchy.”¹¹⁷

In his post-Watts editorial Bill Lane recalled a bizarre, brutal police assault from May 6, 1962, which demonstrated the link between police-on-citizen and citizen-on-

¹¹⁷ *Los Angeles Times*, August 5, 1961, B8, August 18, 1961, 20, October 12, 1961, F1, October 15, 1961, C11, October 16, 1961, B4, October 21, 1962, K3, November 4, 1962, F8, August 5, 1963, 2, April 13, 1964, 3, April 24, 1964, A1, April 28, 1964, A4; *Los Angeles Sentinel*, April 16, 1964, A1.

police violence. Patrolman James E. Van-Bibber was investigating a traffic incident at 115th Street and Mona Boulevard, in Watts, when three teenagers started brawling nearby. The woman Bibber was speaking to, Dolores Rigmaden, joined the fight. When the officer attempted to intervene, Rigmaden knocked him over the head and shoulders with a mop handle. Two women, both sisters of Rigmaden, then joined in beating Van-Bibber. A 17-year-old boy wrapped a dog chain around the officer's neck and one of the women yanked on it. A hundred people gathered but offered no assistance to Van-Bibber. Afterward Chief Parker ordered a temporary measure to protect officer safety in the predominantly minority districts of South L.A. "Because of provocative actions of self-designated citizens' groups," Parker said, "police will work in pairs in sensitive areas until such time as the potentially dangerous emotional reactions abate." The group assault on Van-Bibber was likely not random since he was one of six Los Angeles police officers injured in the high-profile police shootout with Black Muslims that took place less than two weeks before. Van-Bibber was interviewed on television afterward, and his minor celebrity even led six weeks later to a reunion with his mother whom he had believed dead for nineteen years.¹¹⁸

The Los Angeles Black Muslim police shootout 1962 had all the ingredients of an increasingly prominent strain in crowd rescues: violent street clashes between militant groups and the police following long periods of intense surveillance and harassment. On April 27 a police cruiser was passing Mosque No. 27, the main temple in the city, located in Watts, when the officers noticed two African-American men standing by the trunk of car. In the trunk was a pile of clothes, which the men were removing and carrying into

¹¹⁸ *Los Angeles Times*, May 7, 1962, 33, May 9, 1962, 27, May 10, 1962, A3, May 11, 1962, A1, June 14, 1962, H1-2, September 16, 1962, C8.

the temple. The police, on alert about recently stolen merchandise, stopped to investigate. The officers later claimed that the men resisted the inquiry and began to fight them. One of the men allegedly stole a police revolver and got off a shot. The bullet hit an officer in the elbow. In response to the commotion a small crowd of 200 spectators amassed nearby. Men streamed out of the temple; one allegedly carried a rifle and shot at the officers. Police reinforcements sped to the scene. The officers fired into the Temple, injuring six unarmed Black Muslims and killing one named Ronald Stokes. Police arrested fourteen, including the six who were shot, and charged them with suspicion of assault with intent to commit murder. Eventually, nine NOI members were indicted on felony counts of resisting arrest. The event was an immediate sensation, due to the violence and involvement of the NOI, long a target of public anxiety and police surveillance. In its coverage of the “Muslim riot” the *Los Angeles Times* was characteristically alarmist in its depiction of “cultists” who belonged to the “fanatical anti-white Muslim sect” engaging in a “blazing gun battle with police.” In May an all-white coroner’s inquest declared Stokes’s death at the hands of police a “justifiable homicide.” In June of the following year an all-white jury convicted nine Black Muslims of a range of charges from simple assault to interfering with police to assault with intent to murder.¹¹⁹

Black Muslims effectively capitalized upon the street confrontations with police to appeal to a wider segment of the African-American community who in the main generally distrusted or disapproved of the separatist sect. On the day after the Rochester police raided the Third Ward mosque in January 1963, Malcolm X, the outspoken

¹¹⁹ *Los Angeles Times*, April 28, 1962, 1, 2, April 29, 1962, A1, A3, May 3, 1962, A1, A4, May 15, 1962, 1, 27, May 19, 1962, B4, November 20, 1962, A1, November 21, 1962, A1, June 15, 1963, 1, 18.

minister of Mosque No. 7 in Harlem and the most popular representative of the Nation of Islam, came to the upstate city for the first time. Malcolm called the raid “a violation of human rights” and demanded if the same people who justified the raid would have tolerated a warrantless police invasion of a white church. Malcolm said that white Rochester—and white America—had created a “serious situation.” “You will never have another racial explosion in this country that can be contained,” Malcolm told the *Times-Union*. “It will be different from any conflict in the past because the Negro himself is different.” Ten days later, Malcolm returned to Rochester to meet with Public Safety Commissioner Donald J. Corbett and Police Chief William M. Lombard. The purpose of the meeting, which Malcolm called “very, very fruitful,” was to establish a formal relationship between law enforcement and Rochester’s Black Muslims.¹²⁰

The defiant separatist and anti-Christian rhetoric of Black Muslims unsettled many in Rochester. The *Times-Union* interviewed one man—“a respected Rochester professional Negro”—who said that the small local membership masked a broader base of African Americans who supported the NOI’s confrontational politics and insistence on black unity. “If such fighting as occurred the other night were to happen in the summer,” he said, speaking of the mosque raid, “when tempers run higher, and if it was to spill out on to the street, many might join in.” Generally, the main news dailies presented Black Muslims as a direct threat to conventional mores and a blight on the city. *Times-Union* columnist Desmond Stone, for example, depicted the NOI as a “slum” religion. “Diseased neighborhoods ultimately beget diseased leadership,” he wrote. In the winter of 1963, *WE* published a series of inflammatory articles on the NOI. One blamed them

¹²⁰ *Democrat and Chronicle*, January 8, 1963, January 18, 1963.

for a slight bump in violent crime. Another quoted LA Chief Parker who called them the “shock troops in any conflict between the races.” The third described the mosque scuffle not as an illegal police raid but as a “brutal attack...by a gang of Black Muslims” that was possibly “planned in advance...to provoke an incident” and gain sympathy for their cause.¹²¹

With their mix of ideological militancy and spontaneous grassroots anger, the urban crowd rescues of the early to mid-1960s were rehearsals for the larger rebellions to follow. In Detroit the link between police harassment of black radicals and street uprisings was overt. Over 1964 and 1965 the police escalated a campaign of surveillance and intimidating tactics against the Adult Community Movement for Equality (ACME), a black militant organization. In November 1964, police raided a private home they deemed a “blind pig,” or illegal after-hours bar. They arrested forty-three ACME members and their houseguests. In May 1965 police arrested ACME member Moses Wedlow for driving without a license. At the station house police assaulted the ACME members trying to post his bond, and choked the cochairman, Wilbert McClendon. Police made nine arrests. A month later police again arrested Wedlow, this time for violating the loitering ordinance. The ACLU even filed a brief arguing that the ordinance was unconstitutionally vague. In July 1965, police again scuffled with ACME and other civil rights activists who had refused to move on in protest of the violent treatment of a person in police custody. Earlier, police had dispersed a small crowd on the East Side. When

¹²¹ *Times-Union*, January 8, 1963; Archie LaBounty, “Suspicion Grows Local Crime Wave Caused by Black Muslims,” *The Newsmagazine WE*, vol. 19, no. 12, January 7, 1963, 2; “Black Muslim Minister Says White Folks Smell Like Dogs and Denies the Resurrection,” *The Newsmagazine WE*, vol. 19, no. 13, January 28, 1963, 4; “The True Story Behind Black Muslim Attack On Two Rochester Cops,” *The Newsmagazine WE*, vol. 19, no. 14, February 18, 1963, 1, 11-14.

people were departing, police ticketed a car for making an illegal turn. The occupants sat on the hoods of the squad cars. Hundreds gathered around. Some threw bricks at the police.¹²²

In August 1966, black militants again scuffled with the police—but this time a few hundred Eastside residents took part. Lasting several nights, the riot damaged a few dozen stores and police cruisers. In total, police arrested 182, more than half juveniles. The Afro-American Youth Movement, an ACME offshoot, led the uprising. An editorial published in the AAYM newsletter shortly after the Watts rebellion, in August 1965, offers insight into the group’s political perspective. “For when pickets, sit-ins, stall-ins, lay-ins, letters, prayers and everything else can’t express our feelings enough so that the man knows we mean business,” the article said, “then there’s nowhere else to turn to but violence.” The broader objective of AAYM was black political power, but on the street, in August 1966, they hoped to provoke a larger confrontation with the police.¹²³

At about 8:30 p.m., on August 9, a Big Four cruiser pulled up to the corner of Kercheval and Pennsylvania Avenues on which seven AAYM members had assembled. Police ordered them to disperse. Four left, but three stood their ground. They resisted

¹²² *Detroit Free Press*, July 12, 1965, 3A, July 13, 1965, 3A; Brief of the Metropolitan Detroit Branch, ACLU of Michigan, September 9, 1966, City of Detroit v. Moses Wedlow, ACLU Records, Subseries 4A: Legal Case Files, 1933-1990, Box 1339, Princeton; July 13 Memorandum, Box 59, Folder 2A, Records of the Community Relations Service, Record Group 379, NACP; July 14 and July 15 memoranda, Folder 2B, *ibid*; Northern Student Movement-Detroit Project, Confidential Rough Draft, Folder 4, *ibid*; Richard V. Marks to Commission Subcommittee on Police-Community Relations, December 29, 1964, Cases—Review and Present Status, 3, Box 2, Folder 35, Part 1, Series III, Detroit Commission on Community Relations (DCCR), Walter P. Reuther Library, Wayne State University; Michigan Civil Rights Commission, *Report on Law Enforcement Claims Against the Detroit Police Department*, June 24, 1966, 4, Part 3, Series VI, Box 66, Folder 15, DCCR, Reuther; Field Division to Richard V. Marks, Evaluation of loitering tickets by precincts, September 22, 1966, Folder 37, Box 12, Series II, Part III, DCCR, Reuther; Sidney Fine, *Violence in the Model City: The Cavanagh Administration, Race Relations, and the Detroit Riot of 1967* (East Lansing: Michigan State University Press, 2012), 136.

¹²³ James Boudouris, “The Kercheval-Pennsylvania Incident, August 1966,” March 10, 1967, 15, Part 3, Series II, Box 37, Folder 12, DCCR, Reuther (Boudouris Report); *Michigan Chronicle*, August 20, 1966, 1, 4.

arrest and shouted to the 100 bystanders, “Whitey is going to kill us,” “This is the start of a riot,” and “Black Power.” Clarence Reed, a twenty-two year-old black Kercheval resident, was standing nearby when the Big Four pulled up to the corner. He saw an officer push one of the young men up against the car, spread his arms and legs apart, and search him. Reed touched the officer’s shoulder to tell him to stop. Reed and the officer fought; Reed had a knife on him and possibly cut an officer. Some onlookers tossed bottles at police cruisers and store windows; several youths attacked white motorists. Two rumors spread that police had killed or injured a black man during the initial arrest. Within the hour at least 150 police—including the Tactical Mobile Unit—patrolled the area, carrying rifles affixed with bayonets. The “mini-riot” included some rock-throwing and abortive attempts to firebomb stores, but no looting. It continued the next two nights.¹²⁴

The mayor and the police congratulated themselves on preventing a larger rebellion. Civil rights leaders praised the department’s restrained, colorblind professionalism. The DPD, at Girardin’s urging, had drawn up riot plans in August 1965, after witnessing the catastrophe of Watts in which Los Angeles police had withdrawn at the start. The DPD riot plan prioritized a “maximum initial response” and the centralized coordination of tactical teams, community leaders, emergency supplies, and the courts. Police executed this plan during the Kercheval disturbance. They partnered with civil rights groups and toured the area together. On the third night, August 11, they authorized civilian “peace patrols” to encourage people to stay off the streets. Police also maintained their own heavily-armed “saturation patrols” until the 15th. The mayor and city

¹²⁴ *Detroit Free Press*, August 10, 1966, 1, 8, August 11, 1966, 1, 4A; *Detroit News*, August 11, 1966, 1, 10A, August 11, 1966, 10A, *Detroit News*, August 17, 1966.

newspapers interpreted Kercheval as a triumph of enlightened liberal planning—it was “the riot that didn’t happen.”¹²⁵

The riot, of course, did happen but a larger one was averted. In fact, many residents of the Kercheval area—the site of the widely praised 5th Precinct Police-Community Relations program that had received considerable press attention over the past few years—wanted police to drive young men from street corners. In surveys after the riot, a majority of residents acknowledged the reality of police brutality but, more fervently, wanted protection from street crime and disorder, mentioning corner-loiterers in particular. This perhaps owed to a recent shift in DPD policy, in response to complaints about their tactics. In 1965 the 5th Precinct had the highest number of loitering tickets for the entire city, at 737. But the following year police gave out only sixty-three, a reduction of more than 167 percent.¹²⁶

Although relatively small-scale, the Kercheval uprising was one sign of growing working-class insurgency against the police, a reaction that had been gaining momentum in black neighborhoods across the country. Almost all the recent summer riots had begun with a crowd challenging police authority at the point of arrest. Black citizens were reviving an old American tradition of “cop-fighting.” The urban poor began treating the police as if they were an invading army, trampling upon their rights. In July 1965, the *Detroit Free Press* reported with approval that County Prosecutor Olsen would seek a new state riot law in response to “a recent wave of attacks on police by teen-age

¹²⁵ Ray Girardin to Douglas Rowe, March 14, 1966, 2, Box 272, Records of President’s Law Enforcement and Administration of Justice, LBJ Library; *Detroit News*, August 12, 1966, 1, 10A, August 21, 1966, 1G, 2G; *Detroit Free Press*, August 12, 1966, 3A, August 14, 1966, 1A, 2A, August 19, 1966, 8A; Fine, *Violence in the Model City*, 127-131, 136-143; *New York Times Magazine*, August 27, 1967, 46, 48.

¹²⁶ *Detroit Free Press*, August 14, 1966, 2A; *Detroit News*, August 16, 1966; Boudouris Report, 9-11, 18-19.

hoodlums and agitators seeking to foil arrests.” In almost every case, young men—black and white—led the fight. They resisted arrest. A crowd gathered. Some taunted the police; some threw bottles. From there, it varied from escalation to dissipation.¹²⁷

In the two decades after World War II government officials, legal experts, police, and residents of low-income urban neighborhoods debated the rights of police officers and citizens in public street encounters. State and federal courts had long protected the right to resist unlawful arrest as a key indicator of a healthy democratic ethos as well as an effective check on an abusive state by a free and sovereign citizenry. Yet beginning with the law-and-order backlash to the gangland violence of Prohibition, legal experts argued that the right to resist unlawful arrest was no longer necessary and in fact had become a tool that professional criminals used to undermine the legitimate aims of the war against crime.

As state and federal courts eroded the right to resist unlawful arrest, the pace and intensity of street insurgencies against the police increased. Partly inspired by Jim Crow justice in the South and homegrown radicalism in the North and West, African-American and Latino men gathered at street arrests to heckle police, throw cans and bottles, and on some occasions attempt to rescue the police prisoner. Middle-class activists of color, representing clergy and intergroup and civil rights organizations, denounced crowd rescues as an illegitimate protest even as they recognized popular anger and frustration was rooted in legitimate grievances. Police and their supporters used the growing threat

¹²⁷ *Detroit Free Press*, May 29, 1965, 3A, June 3, 1965, 8A, July 13, 1965, 3A, July 13, 1965, 3A, July 14, 1965, 1, 6A, July 30, 1965, 3A, November 2, 1965, 3A, April 20, 1966, 6C; *Detroit Daily Press*, July 29, 1964, 1, October 18, 1964, A13; *Detroit News*, November 14, 1965, 1, 20A.

of crowd rescues to score legislative victories, such as labor rights and harsher criminal penalties for police assaults, and to claim greater power and influence in local, state, and federal politics.

By the early 1960s crowd rescues had obtained the form and purpose of a ritual. At the “hue and cry” of the prisoner or interested bystanders, a crowd gathered at street stops and arrests—even legitimate and lawful police actions—to observe, openly challenge, and interfere with the state’s attempt to take someone into custody. As battles fought at the level of the block or the neighborhood, which garnered intense ideological debate and stoked fantasies of revenge and domination for police and citizen alike, amplifying latent hostilities into active rivalries, these street insurgencies prefigured and gave rise to the urban rebellions that would erupt in hundreds of towns and cities across the country over the second half of the decade.

CHAPTER 6
“I DON’T MIND DYING”:
THE URBAN STREET-CORNER REBELLIONS OF THE 1960s

The urban unrest of the 1960s appeared to most observers to present a unified front of black anger, but beneath the surface were sharp disagreements among African Americans over street policing. Young African-American men fought police officers for control of their public space and their community, even as members of that community—perhaps the vast majority—had long advocated more diligent, at times aggressive policing against this particular demographic. The violent unrest that erupted in hundreds of towns and cities from Harlem in 1964 to Detroit in 1967 typically began when a crowd gathered to contest a street arrest or police incident. Over time rioting increasingly became a quasi-ritualized bargaining tool that street kids and militant activists used to force city hall to recognize their demands for greater recreational, employment, and educational opportunities and changes to the police department. Through rioting these grassroots activists hoped to demonstrate their constituent power, yet they also revealed a deeper rift in low-income urban communities over the purpose of street policing. Few residents shared the do-or-die mentality of the young men throwing Molotov cocktails. In all these ways, the 1960s riots were a direct extension of the postwar battle of the corner.

“The cops think we are scared of them because they got guns,” said a male African-American teenager during the Watts rebellion in August 1965, “but you can only die once and if I get a few of them I don’t mind dying.” “I been kicked and called ‘nigger’ for the last time,” said another black Watts teen. “They’s lots worse things down here than dyin’.” The draft to fight in the Vietnam War hung over this generation of young men. “Shit, if I’ve got to die, I ain’t dyin’ in Vietnam,” said a Watts boy. “I’m

going to die here.” “If I die,” a black Detroit youth said after the Kercheval riot in August 1966, “I’d rather die for something.” “I don’t care nothing about dying,” said a black 16-year-old boy after the Newark uprising. “I’d just as soon die here as in Vietnam.” The federal government had endorsed racial equality and declared war on poverty, but this generation had confronted local white intransigence at every turn, especially from the police. “We don’t mind getting killed to get the things we’ve been promised,” said a young man during the uprising in Plainsfield, New Jersey, days after Newark. “It’s worth dying for.” “Whitey don’t know most black folks are ready to die for our freedom now,” said a black Detroit youth after his city had exploded in five days of destruction and death.¹

Although the urban uprisings absorbed a wide range of participants in accumulating a size and scale distinctive even in a nation with a tradition of rioting, young men were the primary catalysts. The prior clashes of young working-class men with police were the essential combustible ingredient in the street-corner rebellions of the 1960s. The typical rioter was a northern-born black male between the ages of fifteen and thirty-four who was employed or under-employed, unmarried, and a longtime resident of the city. Many had previous contact with the police. On average, two in three rioters had been arrested at least once before, ranging from 57 percent in Detroit to 77 percent in Los Angeles. Looting, disorderly conduct, and curfew violations made up four in five arrests. About two percent were charged with assaulting the police. Approximately fifteen

¹ *Los Angeles Times*, October 11, 1965, 3; *Michigan Chronicle*, August 20, 1966, 3A; *New York Amsterdam News*, July 22, 1967, 1; *Newsweek*, August 7, 1967, 27; John A. Buggs, “A Chronological Report of the Los Angeles Riot and the Staff Involvement of the Los Angeles County Commission on Human Relations,” 2, 6, Box 10, Folder “California, Los Angeles – Watts Riot,” Records of the Community Relations Service, Record Group 379, National Archives-College Park (NACP).

percent of the male population in curfew areas aged ten to fifty-nine participated in the unrest between 1964 and 1967. The rates varied greatly, from a low of 3 percent in Harlem and 4 percent in Cincinnati to 11 percent in Detroit, 14 percent in Los Angeles, 15 percent in Newark, to a staggering 25 percent in Rochester.²

Young male riot participants were motivated by a desire to assert their rights, manhood, and humanity, whereas most African Americans were in the main ambivalent about the meaning, utility, and purpose of violent urban rebellion. The sociologists Nathan S. Caplan and Jeffrey Paige surveyed hundreds of people living in Detroit and Newark, including dozens of self-identified participants, and concluded that the rioters were primarily “those who want to better themselves and who feel that their own economic and social situation is a result of discrimination rather than of personal inadequacy.” Disagreeing with the conservative view that rioters were the “riff-raff” of society, Caplan and Page argued that participants in unrest were more likely to embrace traditional meritocratic American values and approve of militant social protest. In four national polls from 1964 to 1969, twelve to forty percent of African Americans agreed with the statement that the uprisings have “helped negro rights.” In 1967, notably, sixty percent said they have “hurt.” In national surveys by *Newsweek* in 1963, 1966, and 1969, about one in five black respondents agreed with the prompt “We will have to use violence to gain our rights,” while the share of African Americans saying they would

² Whites comprised eleven percent of arrested persons but forty percent of sniping charges. Eleven percent of arrested whites lived outside the city, a rate almost four times greater than that for blacks. Less than ten percent of arrested persons were women, except in Watts and Detroit, where one in three was female. This data is based on a study of 17,000 arrest sheets for thirty-nine disorders between 1964 and 1967. Robert B. Hill and Robert M. Fogelson, *A Study of Arrest Patterns in the 1960s Riots* (New York: Bureau of Applied Research, 1969), 75, 89-96, 197-206; *New York Times*, January 22, 1970, 19; *Report of the National Advisory Commission on Civil Disorders* (Washington, D.C.: Government Printing Office, 1968), 73, 330, n. 111, 331 n. 112 (hereafter *Kerner Report*).

participate declined from 15 percent in 1966 to 11 percent in 1969. Yet a large and growing proportion of blacks defined riots as protests for “tangible gains:” 41 percent in Brooklyn in 1964 to 56 percent in Watts in 1965 to over 58 percent in fifteen cities in 1968. In the latter poll, seventy-seven percent of black respondents rejected violence as a legitimate means to obtain rights, but fifty-four percent said that they sympathized with riot participants.³

The anger and frustration and bitterness that motivated the urban rioters of the 1960s was tinged with an existential despair—a cry for the wider world to recognize the humanity of people facing the brutality and indignities of life in marginalized urban neighborhoods. This more fundamental meaning perhaps explains why the rebellions attracted a much deeper pool of participants than the street-corner crowd rescues of the preceding decade. An African-American woman in Harlem, who made her living by cleaning the homes of white families, tried to articulate, as if explaining to herself, why she had joined the unrest in July 1964.

I went on the roof to see what was going on. I don't know what it was, but hearing the guns I felt like something was crawling in me, like the whole damn world was no good, and the little kids and the big ones and all of us was going to get killed because we don't know what to do. And I see the cops are white and I was crying. Dear God, I am crying! And I took this pop bottle and it was empty and I threw it down on the cops, and I was crying and laughing.

Provoked by the sound of police guns and wishing to defend or support members of her community in the street, this woman experienced simultaneous joy and sorrow in joining

³ Carol Elizabeth Mueller, “Riot Negotiations: Conditions of Successful Bargaining in the Urban Riots of 1967 and 1968” (PhD diss., Cornell University, 1971), 57-60; Nathan S. Caplan, “The New Ghetto Man: A Review of Recent Empirical Studies,” *Journal of Social Issues* 26, no. 1 (1970): 61; *Kerner Report*, 330-335, fn. 111-143; *The People Beyond 12th Street: A Survey of Attitudes of Detroit Negroes After the Riot of 1967* (Detroit: Detroit Urban League, 1967); Nathan S. Caplan and Jeffrey M. Paige, “A Study of Ghetto Rioters,” *Scientific American* 219, no. 2 (August 1968): 15, 19; also see Daniel J. Myers, “Racial Rioting in the 1960s: An Event History of Local Conditions,” *American Sociological Review* 62, no. 1 (1997): 94-112.

the unrest. She was part of the great majority of participants who did not lead the rioting but followed close behind in the path of destruction. These actors participated as opportunists to seize unguarded merchandise, as curious bystanders to observe extraordinary events unfold, as enraged and passionate partisans to heckle and taunt police and firefighters. Whatever their motivation, their presence on the street contributed to the sum total of a collective and public demonstration of anger and frustration against the police and white authorities.⁴

Young men had made increasingly brazen attacks upon police officers patrolling their neighborhoods since the late 1950s. To supporters, crowd rescues were part of the broader effort to abolish Jim Crow in the form of unaccountable dragnet street policing. An increasingly wary rank-and-file had reacted to this more overt hostility in marginalized and poor urban neighborhoods with distrust, anger, and at times physical brutality. During the uprisings, many police officers, particularly in Watts and Detroit, retaliated with great violence against rioters and innocents alike. But as mainstream observers attempted to make sense of the unrest, they sanitized and distorted the battle of the corner. They downplayed the role of physical, aggressive, and unaccountable policing in the lives of the main riot participants, and instead emphasized a more diffuse lament about cultural and social alienation of urban African Americans. This story of social exclusion supported efforts by liberals and police to secure resources for the war on poverty and the war on crime, but did little to address the core issue of harsh over-policing in the lives of urban youth of color.

⁴ *Time*, July 31, 1964, 24.

Young Men, Police, and the Riots

In its analysis of twenty-four riots in twenty-three cities over the summer of 1967, the Kerner Commission found that eighteen had started immediately after a police incident. In two others, unrest began when crowds attacked police on patrol. Thus, eighty percent of the 1967 disorders closely examined by the Commission arose when black urbanites violently reacted to street policing. In every uprising, a rumor of police brutality was a catalyst for crowds to gather. The Commission surveyed black residents of twenty-three riot cities and found that police practices was the single greatest grievance. Black urbanites complained about both verbal and physical abuse, discourtesy and racial epithets, discrimination in hiring and promotion, and inadequate protection from crime. In a survey of East and West Detroit residents after the July 1967 unrest, fifty-seven percent of respondents listed police brutality as a riot cause—the largest share of the sample. “Police are rude and mean,” said a twenty-year-old West Side resident, “and they don’t show up when they’re needed.”⁵

Finding that rioters targeted property over persons, however, the Commission concluded that the police were “not merely a ‘spark’ factor.” Rather, for black urbanites they were symbols of “white power, white racism, and white repression.” “It is wrong to define the problem solely as hostility to police,” the Report said. “In many ways, the policeman only symbolizes much deeper problems.” The Commission instead blamed the dire conditions in poor urban black neighborhoods for the tremendous number, scale, and intensity of the uprisings. The other top grievances of black urbanites were unemployment and underemployment, overcrowded and inadequate housing, inferior

⁵ *Kerner Report*, 81; *The People Beyond 12th Street*, 7-8.

education, and poor recreation facilities and programs. In Detroit, overcrowding living conditions and poor housing were ranked two and three, after police brutality, by survey respondents as major riot causes.⁶

Indeed, most riot violence targeted property. Rioters almost never physically fought heavily-armed police officers. With few exceptions they did not form lethal lynch mobs as in past urban riots led by whites. The Kerner Commission found evidence of some sniping but concluded that press and police accounts had “highly exaggerated” the problem. Almost every police fatality—about twenty in total—was the result of “friendly fire” by police or National Guardsmen. In all the hundreds of rebellions, only two police officers, in Plainfield and Newark, were purposefully killed by rioters. Roughly three thousand officers were injured by bricks, bottles, broken glass, and fire. White civilians in riot areas were also often in danger. Motorists especially were targeted. They were pulled out of their cars and beaten, and their cars torched. Most of the time, black youths attacked whites in a show of force, intending mainly to frighten them, and upend the balance of power, not to murder.⁷

The *Kerner Report*—and liberals generally—foregrounded “social conditions” to explain the riots. This emphasis, however, downplayed the degree to which the police were a concrete, immiserating force in the lives of young men of color. Herman Schwartz, a law professor at the University of Buffalo, centered this point in his feedback on a draft of chapter eleven of the *Kerner Report*, “The Police and the Community,”

⁶ *Kerner Report*, 81, 93, 157; *The People Beyond 12th Street*, 7.

⁷ *Kerner Report*, 180. The totals listed for law enforcement injuries and fatalities is a rough estimate derived from: Permanent Subcommittee on Investigations of the Committee On Government Operations, U.S. Senate, *Staff Study of Major Riots and Civil Disorders—1965 Through July 31, 1968* (Washington, D.C.: Government Printing Office, October 1968), 18-19. I calculated the estimates for the 1964 riots, not covered in the Senate report; also see Malcolm McLaughlin, *The Long, Hot Summer of 1967: Urban Rebellion in America* (New York: Palgrave Macmillan, 2014), 106-112.

which Paul G. Bowers, the principal author, had circulated to several top criminal law and police scholars in late December 1967. Schwartz in his lengthy commentary argued that “the policeman is more than a symbol—he is an active agent of repression in his own right.” “The symbolic aspects of ‘get your ass out of here, boy,’ or a night stick in the ribs, or an unjustified shakedown or wall frisk,” Schwartz continued, “seem decidedly secondary to the very tangible psychological and physical insult.” The NAACP’s Legal Defense and Educational Fund acknowledged this physical reality—the threat or use of violence—in street-corner encounters between black men and the police in its *amicus* brief for *Terry v. Ohio*, the landmark Supreme Court case finding stop-and-frisk constitutional. The Court ruled in June 1968, but the NAACP filed their brief on August 31, 1967, mere weeks after the devastating summer riots. “‘Hey, there’ to the man likely to be stopped—the man on the street in a ‘bad’ neighborhood, the man in the ghetto—is a challenge,” the NAACP reasoned, “an act of dominion by the Fuzz, a thinly veiled threat of force.”⁸

Arrest statistics bear out this relation between police and rioters. As noted, two in three people arrested in the sixties unrest had a police record. Conservatives used this fact to condemn the “hoodlums” and criminal riff-raff responsible for unrest, largely to demonize rioters and dismiss their grievances, and liberal social policies more generally, as illegitimate. Black newspapers and middle-class black activists also decried the

⁸ Schwartz wrote to Bowers in mid-February, almost two months after Bowers completed his draft, perhaps unaware that the Kerner Commission had decided to release its report six months ahead of schedule. Herman Schwartz to Paul G. Bowers, February 17, 1968, 3, Box 1, Series 21, Kerner Commission, LBJ Library (Kerner Commission Microfilm, Reel 10, frame 030); Herman Schwartz, “Police Community Relations,” n.d., 4-8, Box 5, Series 21, Kerner Commission, LBJ Library (Kerner Commission Microfilm, Reel 13, frames 0358-0362); Brief of Amicus Curiae of the National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund, Inc., *Terry v. Ohio* 392 U.S. 1 (1968) (Nos. 63, 74, and 67), 35.

criminal profiles of rioters but drew different conclusions, instead blaming personal or perceived lower-class cultural failings in addition to unjust socioeconomic conditions. Roughly two in five of the primarily African-American respondents to the Detroit survey listed teenagers, drinking, and “the failure of parents to control their children” as major riot causes. Left-wing black activists also noted the connection between the riots and street crime, especially vice. “The fact is that when Negroes are deprived of work,” Bayard Rustin wrote after Watts, “they resort to selling numbers, women, or dope to earn a living.” “And when the policeman upholds the law,” the veteran civil rights activist continued, “he is depriving them of their livelihood.”⁹

Due to the dragnet street policing regime erected by urban departments after World War II, large percentages of urban African-American men had previous police contacts. One study from 1966 found that between fifty to ninety percent of black male urbanites had an arrest record. Rioters, in this respect, were typical young black men. The best available evidence indicates that minor property crimes or public-order offenses populated the record of rioters. For the North Philadelphia riot in August 1964, two in three arrestees had at least one prior arrest, thirty-four percent had three or more, and more than one in seven had at least six. The average age of the first arrest was nineteen. Of those with a record, about forty-percent were previously charged with burglary or larceny. One in five was charged with disorderly conduct. For Watts, about one in four had no record. Approximately three-fourths had an arrest record. Thirty percent had an arrest but no conviction. Of the almost forty-one percent with convictions, about thirty

⁹ Bayard Rustin, “The Watts ‘Manifesto’ and the McCone Report,” *Commentary*, 41, no. 3 (March 1, 1966): 32; *The People Beyond 12th Street*, 7; Frederic C. Coonradt, *The Negro News Media and The Los Angeles Riots* (Los Angeles: University of Southern California, School of Journalism, 1965), 16-21.

percent had served time in jail but not prison. Almost a quarter had been sentenced to more than ninety days in jail. Only eleven percent had been to prison. Slightly more than half of juveniles arrested in Watts had a record but of these less than ten percent had been to prison.¹⁰

Young black men, over-criminalized and criminally-active, with multiple prior encounters with the police, were the primary actors in the uprisings. They repeatedly described similar experiences with the police, sometimes to justify rioting. After the unrest in Paterson, New Jersey, in August 1964, a young man told *Newsweek* magazine:

These cops, they'll stop your car and say, 'All right, nigger, get out,' and you have to swallow that. Then they'll say, 'You niggers get up against that wall,' and they'll smash you in the ribs, and you have to swallow that, too. And pretty soon you get tired of swallowing, so you wait for one of their cars to come by and try to get it with a brick. Or you try to get into one of these stores around here, 'cause they're all the same—all these white people is all the same.

Likewise, a young black man in Harlem, shortly after the riots there, related this story in an interview subsequently excerpted in Kenneth Clark's *Dark Ghetto*:

I had a cop walk up to me a couple of days ago. You know what he said? 'Move over.' They have the street blocked up and he's going to tell me you can go around them. I said, 'Hell if I do.' He said, 'What did you say?' I said, 'Hell if I do.' He said, 'I'll slap your black ass.' I told him, 'That's one day you'll know if you're living or dying.' He just looked at me. I said, 'Why don't you say it? You want to say nigger so bad.'

¹⁰ R. Christensen, "Projected Percentage of U.S. Population With Criminal Arrest and Conviction Records" (August 18, 1966), cited in President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, D.C.: Government Printing Office, 1967), 75; Fogelson and Hill, *A Study of Arrest Patterns in the 1960s Riots*, 62, 164, 166; Lenora E. Berson, *Case Study of A Riot: The Philadelphia Story* (New York: Institute of Human Relations Press, American Jewish Committee, 1966), 28; Bureau of Criminal Records, Department of Justice, State of California, *Watts Riot Arrests* (Sacramento, Calif.: June 30, 1966), 12, 18, 28, 32, 37.

These two anecdotes convey the most typical complaints made by young black men in the city. “Just can’t walk in the streets without being stopped for some reason or another,” said a black Philadelphia youth in 1966.¹¹

Black youths generally viewed police as rude, racist, and needlessly physical. Police treated them like a resident criminal class, subjecting them to humiliating stops and frisks that seemed to serve little official purpose other than to demonstrate their power. William Meek, a social worker in North Philadelphia, addressed the reciprocal consequences of police abuse in a speech he made after the August 1964 riots.

Is it then any wonder that at some time, some place in North Philadelphia, when a married Negro couple are arrested, the woman fights the policeman? Is it any wonder that when the policeman manhandles the woman, a Negro bystander comes to her rescue? Is it any wonder that when this Negro man is beaten unmercifully by the arresting officers, that a crowd should gather with hate, resentment and fury in their hearts, their minds, and their voices?

Meek acknowledges the traditional masculine duty to protect women, referencing perhaps the special weight this obligation carried for African-American men who due to their relative powerlessness in a white-dominated world frequently felt frustrated that they could not protect black women from chronic, violent abuse at the hands of white citizens and the police. A typical rumor in the sixties riots was thus that a white policeman had beaten, disrespected, or killed a black woman, girl, or child. Often the woman in the rumor was pregnant.¹²

¹¹ “White Boycott,” *Newsweek*, August 24, 1964, 30; Kenneth B. Clark, *Dark Ghetto: Dilemmas of Social Power* (New York: Harper and Row, 1965), 5; Joseph D. Lohman and Gordon E. Misner, *The Police and the Community: The Dynamics of Their Relationship in a Changing Society*, vol. 2 (Washington, D.C.: Government Printing Office, 1966), 122.

¹² Address by William Meek at the Central Philadelphia Monthly Meeting of Friends, September 27, 1964, 6-7, Box 4, Folder 58, URB 30, Wharton Centre (Philadelphia, Pa.) Records, URB 30, PC 30, Special Collections Research Center (SCRC), Temple University Libraries, Philadelphia, Pennsylvania; The President’s Commission on Law Enforcement and Administration of Justice, *Task Force Report: The Police* (Washington, D.C.: Government Printing Office, 1967), 179-189; Simon Wendt, “The Roots of Black Power? Armed Resistance and the Radicalization of the Civil Rights Movement,” in *The Black*

The masculinist underpinnings of the North Philadelphia uprising were evident on the first night. In the early morning hours of August 29, 1964, Cecil B. Moore, the local NAACP president, was on the street telling people to return home when Florence Mobley, a young African-American secretary at a local charity, climbed on top of an overturned refrigerator lying in the middle of Columbia Avenue between 17th and 18th Street. “Black man, do you hear me? Cecil has nothing to tell you,” Mobley said. “I’m a black woman. Let them take me.” Mobley was one of three arrested for inciting the riot. Various similar statements were attributed to her by witnesses. In one version, Mobley had declared: “What are you men: Are you mice?” At her trial in September a Highway Patrolman testified that she had said: “We don’t need the NAACP, we don’t need civil rights, and we don’t need Cecil Moore. What kind of men are you? There are enough of you here to kill all the fucking cops.” A reverend said that after Mobley stepped off the fridge she was “carried down the street on the shoulders of three men where she continued her rage against the police and the status quo in the community.”¹³

Ernest Garrett, who sat on the Board of Education in Newark, conveyed the battle of the corner in his testimony to the Kerner Commission. Born and raised in the Central Ward, Garrett left the neighborhood to attend medical school but returned upon graduation to live and work as a gynecologist. In his testimony, Garrett evoked the dual quality of police as symbol of racist society and concrete threat of bodily harm. Despite

Power Movement: Rethinking the Civil Rights-Black Power Era, ed., Peniel E. Joseph (New York: Routledge, 2006), 149-150.

¹³ Poindexter and Camp, “Dawn Finds Looters Still Raiding Shops”; Naulty, “‘Scared Half to Death,’ Reporter Says,” “Negro Woman Arraigned on Rioting Charge,” *Chicago Tribune*, September 18, 1964, 8; Chet Coleman, “N. Phila. Woman, Other Accused Riot Leaders Held in \$3500 Bail,” *Philadelphia Tribune*, September 19, 1964, 1, 2; another statement attributed to Mobley was: “What are you men: Are you mice?” Mildred O’Neil, “110-Pound Woman Accused by Ministers at Riot Trial,” *Afro-American*, September 26, 1964, 17.

the litany of “ghetto” ills—chronic joblessness, dilapidated housing, overcrowded schools—Garrett said that the black urban poor held onto their dignity. For the young man on the corner, dignity was the “last thing he has left.” The single greatest threat to a young man’s dignity and sense of self, he said, was the police.

[The police] refers to them as boy, nigger, et cetera; he slaps them before their women, and everything is gone.... This person, since he has been stripped of everything, is bent upon total destruction, even if it is self-destruction. He no longer matters. He feels, I have nothing to lose, I am better off dead.

In Garrett’s words, young men in the riots wanted to reclaim their manhood and dignity after suffering repeated slights from police—predominantly white men—in front of “their women.” Thus, as Garrett understood it, “the question of being a man” was a key motivation for Central Ward youths who rioted. By smashing windows, stoning police officers, and assaulting whites, young men in turn set the stage for a wider rebellion by people in the neighborhood.¹⁴

Young men who had experienced dragnet street policing in their formative years, and who had encountered racist police officers on a regular basis, saw in the urban riots of the 1960s an opportunity to even the score. Darryl Porter recalled growing up “dirt poor” in Rochester. Both his parents had died when he was young, leaving him in the care of community elders and social workers. Like many of his peers, Porter fell in with

¹⁴ Seventy thousand Newark whites moved to the suburbs between 1960 and 1967. The city transitioned from 65 percent white to 52 percent black and ten percent Latino. The tax base shrunk and city services took a hit, especially in black and Latino districts. The official unemployment rate for black adults in Newark was twelve percent—three times the national average. The schools were in crisis. Twenty thousand students attended part-time, in shifts, due to overcrowding. Over forty percent of black teenagers aged sixteen to nineteen had dropped out. Predictably, almost eighty percent of reported crime in Newark was in the vicinity of the Central Ward. Statement of Ernest Garrett, Commission Meeting, August 22, 1967, 720-722, Box 2, Series 1, Kerner Commission, LBJ Library; *Kerner Report*, 30-31; As Louis C. Goldberg, a Kerner Commission consultant, observed, teenage rioters were “*interested not in killing policemen, but in humiliating them.*” “In this respect, the riots also serve the functions of ‘ritual ceremonies’ in which manhood is demonstrated.” Goldberg, “Ghetto Riots and Others: The Faces of Civil Disorder in 1967,” *Journal of Peace Research* 5, no. 2 (1968): 128 (original emphasis).

neighborhood clubs or gangs—he called them “family.” As an early teen, living in the Troup-Clarissa area of the Seventh Ward, he formed the Matadors. Almost daily, they gathered on the street corner to sing Motown songs. Their impromptu concert rarely lasted long, however, as officers soon drove by and yelled, “Hey, get off that corner, break it up, move on.” Porter remembered that any protest brought an immediate and overwhelming response. Five squad cars would quickly arrive. Officers “would jump out with the guns and the blackjacks” and tell the boys they were “obstructing governmental administration.” The police seemed to want to prove they were “the gang...the tough guy...the bad news in town.” Police typically targeted the largest boy of the bunch. “You go get the biggest one,” Porter explained. “You beat him up in front of the rest of them so the other ones learn if he beat up the big one you know what will happen to you.” “We felt that we had just as much right to stand on the corner,” Porter said, “that we didn’t have to keep moving every time” a police officer issued the order. In late July 1964, Porter and the Matadors helped lead and organize their peers to participate in the Rochester uprising.¹⁵

Civil Rights, Crowd Rescues, and Street Rioting

Observers in the 1960s and since have noted that many of the street uprisings began with spectators gathering around an arrest and attacking the officers in an attempt to free the prisoner. These altercations escalated, sometimes dramatically, into full-scale rioting in ways that previous crowd rescues did not. Partly the reason is the political climate had shifted. By the mid-1960s the federal government had passed the Civil Rights

¹⁵ Darryl Porter, interview by Chris Christopher (in author’s possession), 13-15, n.d. [*circa* 2004].

Act and the Voting Rights Act to dismantle the Jim Crow regime in the South. These federal interventions had followed vicious violent assaults by white southern law enforcement and vigilantes upon nonviolent black protesters. In northern and western cities, African-American supporters of crowd residents proclaimed that they were protesting Jim Crow policing in their own backyards. But it was young men who had grown up under the oppressive weight of dragnet policing at a time of expanding political and social opportunities for all African Americans who transformed street scuffles in uprisings.

The first major northern urban uprising of the 1960s in Harlem illustrates this combination of civil rights protest, crowd rescues, and street rioting. Street unrest began two days after Thomas R. Gilligan, an off-duty white police lieutenant, shot and killed an African-American fifteen-year-old named James Powell on a clear, sunny morning on the upper east side of Manhattan on July 16, 1964. Within an hour three hundred teenagers from a nearby school, many of them Powell's acquaintances, gathered around seventy-five Tactical Patrol Force officers. "C'mon, shoot another nigger," one girl said. Others said: "This is worse than Mississippi!" Two nights later at a prescheduled rally to protest the recent disappearance of three civil rights workers in Mississippi, who indeed were murdered by white vigilantes, the president of the Manhattan branch of the Congress of Racial Equality said, "When a cop shoots me, I will shoot him back." The audience erupted in cries of "That's right brother!" and "Blood for blood!" "We got a civil rights bill, and along with the bill we got Barry Goldwater and a dead black boy," said Judith Howell, a seventeen-year-old member of Bronx CORE, referencing the law-and-order Republican presidential candidate. The rally turned into a march on the 28th Precinct in

Harlem, and then a siege, a confrontation with the TPF, and finally a large-scale uprising, which lasted six days and spread across the bridge to Bedford-Stuyvesant in Brooklyn. Throughout, picketers mingled with looters and rioters. Police recovered a pamphlet titled “Bulletin No. 1, July 1964. Harlem Freedom Fighters: How to Make a Molotov Cocktail.” New York’s rioting was politically seismic, though only a relatively small percentage of the population took part. About 1,100 and 1,800 rioted in Harlem and Bed-Stuy, respectively, totaling three and six percent of black male residents aged ten to fifty-nine.¹⁶

The next major uprising in Rochester was started and then organized by Darryl Porter and his peer group in response to aggressive police action against classmates. A crowd rescue and street assault upon arresting police initiated the disturbance. On Friday, July 24, 1964, a neighborhood improvement association in the predominantly black Third Ward held a dance to raise money for new playground equipment. They had obtained the necessary permit. Two hundred teenagers were dancing. A dozen police officers stood off to the side. Late in the evening, one of the dance organizers asked police to remove a black nineteen-year-old, Randy Manigault, accused of drunkenly groping a teenage girl. Police threw Manigault to the ground. One officer threatened to “lock everybody up.” Somehow Manigault broke free. Police tried to recapture him but were blocked by five young men. Police used nightclubs and German Shepherds to end the resulting tug-of-war. A girl was reportedly bitten by one of the dogs. The officer who had made the

¹⁶ *New York Times*, July 17, 1964, 1, July 19, 1964, 1, 54, July 20, 1964, 1, 16, July 23, 1964, 1, 13; *Boston Globe*, July 19, 1964, 12; Fogelson and Hill, *A Study of Arrest Patterns in the 1960s Riots*, 16; Christopher Hayes, “The Heart of the City: Civil Rights, Resistance, and Police Reform in New York City, 1945-1966” (PhD diss., Rutgers, the State University of New Jersey, 2012), 83-87, 96, 99, 103, 107-114, 158, 171-172; Fred C. Shapiro and James W. Sullivan, *Race Riots: New York 1964* (New York: Thomas Y. Crowell Company, 1964), 45-51

threats was chased by Darryl Porter and a few others to his car. The teens flipped it over with him inside. He was eventually rescued by other police. Porter recalled that the initial disorder might have been avoided had the arresting officer “kept his mouth shut or at least been professional...and showed some respect.” Porter again:

“[I]t was almost like, you know, there has got to be a message sent to these people, like we aren’t going to tolerate this stuff anymore. I mean you just can’t come into the neighborhood and treat us like we are just animals. You know, dogs or whatever you want to call it. Somebody over there is going to have to, you know, understand that there’s consequences with this type of action.

Afterward, the mood of the crowd grew angry and retaliatory.¹⁷

Rochester’s authorities were unprepared for the sudden mass upheaval. Hundreds of African-American teenagers left the dance on Nassau Street and wandered over to the large commercial strip on Joseph Avenue. By midnight, two thousand people had gathered on street corners at Joseph and Central Avenue, another boulevard littered with small shops, grocery stores, and low-slung apartment buildings. Within the hour, after a near-confrontation with white youths, the mostly young African-American crowd attacked white pedestrians and police officers. The fire department blasted the crowds with high-powered hoses.¹⁸ Around 1 a.m. Police Chief William Lombard drove right up to the crowds on Joseph Avenue and asked “repeatedly” for their demands. The main response he heard was “Freedom now!” Lombard was forced to retreat under a hail of rocks, helped to safety by onlookers, while rioters destroyed his personal car. By morning, his blue 1963 Chevrolet sedan was unrecognizable, charred by fire, flipped

¹⁷ *Democrat and Chronicle*, July 25, 1964, 1, July 26, 1964, 2A, July 30, 1964, 1B; Daryl Porter Interview, 28.

¹⁸ *Democrat and Chronicle*, July 25, 1964, 1; *Times-Union*, July 25, 1964, 1, 2; P. W. Homer, Report on the Riots of July 1964, submitted to City Council on April 27, 1965, 4-5, Exhibit II, IV, Box 11, Bin No. X1274, Folder “Riots of 1964,” Frank Lamb Collection, Rochester Municipal Archives and Record Center (RCA), Rochester, New York.

over, and with not one window intact. Soon after Lombard's confrontation with rioters, the first store was looted. Around 3 a.m. the city manager, Porter W. Homer, declared a "state of emergency" and issued a curfew for Saturday night and closed county liquor and gun stores. By 10 a.m., the large crowds had dissipated. Mildred Johnson, a social worker, asked the few dozen still on the street what they wanted. The replies were "We want freedom" and "Send the police home."¹⁹

As prominent African-American Rochester residents discovered for themselves, white officialdom wanted to use the police to reassert control over the black community. During the night Seventh Ward Supervisor Connie Mitchell and her husband John traveled to the Public Safety Building to see if their friend Chief Lombard had recovered from his confrontation with rioters. Two prominent civil rights activists, Reverend Andrew Gibson and Minister Franklin Florence, accompanied them. The group discovered a meeting underway between the police and Rochester's white upper-crust—men who saw the insular, conservative city as their personal property. Paul Miller, president of the Gannett Company, which owned the *Times-Union* and the *Democrat and Chronicle*, was haranguing the mayor: "What have you done to my city to let the niggers tear it up?" Judge Sydney Z. Davidson, one of three judges who decided the riot cases, denounced the "jigaboos and coons" in the streets. The small black contingent said nothing and left. During the day on Saturday, as rumors circulated of further violence that night, Connie Mitchell and others returned to the Public Safety Building to obtain official permits to be on the streets after curfew as counter-rioters. The party waited outside a closed-door planning session of city and state officials and National Guard commanders.

¹⁹ "*Democrat and Chronicle*, July 26, 1964, July 30, 1964; *New York Times*, July 26, 1964, 1, 41; *Times-Union*, July 25, 1964, 1, 2, August 4, 1964; Homer, Report on the Riots of July 1964, Appendix I: 2.

Public Safety Commissioner Don Corbett was in the room. Over the intercom, which had been left on accidentally, Mitchell heard: “Let those niggers do what they want to do, but the minute...they step outside of the boundaries of Clarissa Street, or Jefferson Avenue and head towards Main Street, shoot to kill.” Mitchell again turned and went home.²⁰

Rochester’s rioting began again the following night in large part due to prior planning by Darryl Porter and the leaders of other African-American street clubs. On the afternoon of Saturday, July 25, the teenage gang leaders of Rochester set aside their rivalries and met at Scotty’s Pool Room and Tremont Diner to discuss how to attack the police that night. “Everybody solidified,” Porter recalled, to defend “our territory” against a “common enemy.” “We just called a truce and said all right all of us are coming together,” he continued. “I’m not going to let anybody come in there and jump on you, beat you up and drag you and throw you in the wagon and take you down there and mistreat you.” The Third Ward teens made dozens of Molotov cocktails and placed them on rooftops. They anticipated that the city would station police along Main Street to protect downtown commercial banks and stores where white people shopped. So they camped out on their own turf and waited until nightfall.²¹

In total Rochester police made 893 arrests over a weekend of rioting. The great majority of these were for curfew violations. Three hundred fifty people suffered injuries—about a third of them police. Rioters damaged two hundred twenty stores, mostly in the Joseph Street area. Total costs exceeded \$1 million, including property destruction and stolen merchandise (over \$600,000), police overtime, and damage to

²⁰ *New York Times*, July 26, 1964, 1, 41, August 23, 1991; Constance Mitchell, interview by Chris Christopher (in author’s possession), February 6, 2004, 20-21.

²¹ Daryl Porter Interview, 44, 46-47.

police equipment. Fifty-two police cars required repairs; stone damage alone totaled \$5,032. A quarter of black men aged 10 to 59 participated in the Rochester uprising despite liberal policing reforms in the past three years, such as the new civilian review. For Darryl Porter and his peers, the reforms had little changed their day-to-day interactions with police officers on the street. In fact, the robust rank-and-file police opposition to civilian review may have inflamed tensions as a further illustration of police intransigence and hostility to African-American residents.²²

The mass upheaval in Watts the following summer demonstrated how a seemingly ordinary crowd rescue could dramatically and quickly transform into one of the largest, most destructive urban rebellions of the twentieth century. As the unrest in Harlem and Rochester took place weeks after the Civil Rights Act, Watts came on the heels of the well-publicized violence by white law enforcement against peaceful civil rights protesters in Selma, Alabama, and the subsequent passage of the Voting Rights Act in July. In August 1965 the initial crowd rescue in the mostly black neighborhood of Southeast Los Angeles thus combined elements of a political protest against dragnet policing that many on the street understood as an imposition of second-class citizenship and a physical fight led by young black men against police officers who for too long had pushed them around, wielding their superior social status as white men and police.

²² Four people died over the weekend of the riot. Only one death—that of Perry Judson Bryan—was directly caused by rioters. Three people died on Sunday afternoon when a helicopter crashed on Clarissa Street, in the Third Ward. The helicopter was surveying riot damage when the pilot flew too low, nicked the roof of a home, and plunged to the street. The pilot and two people inside the home burned to death. *Times-Union*, July 27, 1964; Homer, Report on the Riots of July 1964, Exhibit II; John D. Madl, “Experiences – Techniques Used in Riots and Riot Control: A Study Based on Disorders in New York City, NY, Rochester, NY, and Philadelphia, Pa,” Summer -1964, 17, City Manager Subject Files “C,” Box 4 and 5, BIN 301, RCA; for riot data, see Lombard Report, 9-10, 21; “City Issues Warning on New Outbreaks; Situation Still Quiet,” *Democrat and Chronicle*, July 26, 1964, 1A, 6A, July 27, 1964, August 3, 1964; *New York Times*, July 26, 1964, 1, 40.

Watts represented only four percent of the total forty-six miles of the curfew area that blanketed the southeastern section of the city and parts of the county. Eight-five percent of the 35,000 residents of Watts were African-American. Visitors to South L.A. after the riot were surprised to discover not the high-rise tenements and cramped quarters of the stereotypical “ghetto” found in Harlem. Instead, parts of Watts looked like a typical Southern California suburban subdivision: winding tree-lined roads, evenly-spaced neat one-story frame houses painted in vibrant colors, well-kept lawns. Yet the area had more than triple the county’s population density—27.3 versus 7.4 persons per acre. Almost three-fifths of Watts housing was built before 1939. Two in three residents had not completed high school; one in eight was illiterate. Adult black male unemployment was at minimum almost ten percent. In the poorest districts, it reached almost thirty percent. Roughly a quarter of black men arrested during the riot were out of work. One-quarter of Watts families were on welfare. The social isolation and material deprivation of Watts was compounded by inadequate and expensive public transportation. Only one in four households in the curfew area possessed a car.²³

Black neighborhoods had among the highest crime rates in the city. In 1964 the homicide rate in the 77th Street Division, encompassing Watts, stood at 15 per 100,000 persons, more than double what it was for the rest of the city. The 77th had three times as many rapes, more than twice as many robberies and auto thefts, and triple the number of aggravated assaults. Further evidence of the tense relations between black residents and

²³ *Los Angeles Times*, August 15, 1965, 22, October 10, 1965, G1, 7, October 13, 1965, A1, 2, October 14, 1965, A1, 2, October 15, 1965, A1, 2; Report of the President’s Task Force on the Los Angeles Riots, August 11-15, 1965 (September 17, 1965), 5-12; Interview of Mr. and Mrs. Dabbs, residents of Watts, September 15, 1965, 1, Volume XV, Governor’s Commission on the Los Angeles Riots records, BANC MSS 74/115 c, The Bancroft Library, University of California, Berkeley.

the largely white police force, about twelve percent of all assaults on police officers citywide in 1963 and 1964 took place in the 77th. Approximately eighty percent of assailants were black. Police officials in L.A. cited these statistics to justify a heavier footprint in black neighborhoods. As Deputy Chief of Police Thomas Reddin observed: “We know that the arrest of Negro law violators is proportionate to the amount of law violation by Negroes.” For 1964-1965, police costs per capita in the curfew area were \$28 and only \$19 for the rest of the city.²⁴

In light of this data, it is unsurprising though no less remarkable that a staggering seventy-seven percent of black men arrested during the Los Angeles unrest—almost eight in ten—had a police record. (Recall that the average for the urban riots was closer to two in three.) The vast majority of these cases were minor, ending in discharge or a jail sentence of at most ninety days, corroborating much anecdotal evidence and reportage on the over-policing of black men by Chief Parker’s department. Only about one in ten black men arrested during the riot had been to prison before. Same for juveniles: a substantial majority had a police record but only ten percent had previously been incarcerated.²⁵

At the center of the Watts unrest was a young working-class African-American man who had been in near-constant trouble with police since he was a boy. In the summer of 1965 Marquette Frye reached a personal milestone: it was the first time in five years he was not under correctional supervision. The twenty-one year-old had come to Los Angeles in 1957 after spending his childhood in Wisconsin. On his first day in L.A.,

²⁴ Report of the President’s Task Force on the Los Angeles Riots, 11; Bureau of Criminal Records, Department of Justice, State of California, *Watts Riot Arrests* (Sacramento, California: June 30, 1966), 12, 28, 37; Testimony of Deputy Chief of Police Thomas Reddin, October 14, 1965, p. 50, Volume XII, Reel 4, McCone Commission; for crime data on the 77th Division, see *ibid.*

²⁵ Fogelson and Hill, *A Study of Arrest Patterns in the 1960s Riots*, chapter 4.

Marquette and his older brother, Ronald, were picked up by police for truancy. The officers dropped them at home with a warning to their parents that South L.A. was a criminal area. Marquette was arrested three additional times before his seventeenth birthday, all for petty theft. He spent two years at a forestry camp. On the morning of August 11, 1965, Marquette drove two friends to their court appointments. Ronald, discharged from the Air Force in June, was visiting from Wisconsin. After court, the brothers had spent the afternoon drinking cocktails. Around seven p.m., they took off in their mother's white 1955 Buick to get dinner.²⁶

After the boys turned north on Avalon Boulevard from El Segundo, a black truck driver flagged down a white California Highway Patrol officer about a possible drunk driver. CHP Officer Lee Minikus caught up with the Fries at 116th and Avalon, a block from home, just outside Watts, in a densely populated area, with small shops and cafes, a beauty parlor, and long, low apartment buildings. Marquette had recently lost his driver's license. He hoped to charm his way out of a ticket. But Minikus went by the book. He conducted a field sobriety test, which Marquette failed, and then ordered a prisoner transport van and a tow truck. Rena Price, the boys' mother, arrived just as her car was about to be towed. Marquette, meanwhile, had wandered away, mingling with a small but growing crowd of about thirty. More were assembling on the west side of Avalon, across from the police motorbikes and the white Buick.²⁷

What began in a jovial spirit turned ugly as Marquette put up a fight. "I'm not going to no sonofabitching jail! I haven't did anything to be taken to jail." Rena pleaded with him to surrender. But Marquette slapped at the officer's hands. "You motherfucking

²⁶ Robert E. Conot, *Rivers of Blood, Years of Darkness* (New York: Bantam Books, 1967), 1-7.

²⁷ *Ibid*, 7-13.

white cops, you're not taking me anywhere!" Minikus radioed for help. He got out his riot baton, another officer grabbed a shotgun, and together they pushed the crowd back. "Hit those blue-eyed bastards," someone yelled. Marquette remained defiant. "Go ahead, you motherfuckers! Why don't you kill me? You'll have to kill me before you take me to jail!" A late-arriving CHP officer, seeing the crowd and the recalcitrant prisoners, took his baton and struck Ronald in the stomach and Marquette across the forehead. As the officers handcuffed the brothers and put them in a patrol car, Rena jumped on the back of Minikus. She too was handcuffed and put in the car. When Marquette kicked the door open, an officer kicked his legs back inside.²⁸

The swelling crowd on Avalon was growing angry about an altercation with police that appeared to evoke the national prevalence of Jim Crow justice. "Leave the old lady alone!" "We've got no rights at all—it's just like Selma!" "Those white motherfuckers got no cause for that!" "This is some kind of law!" The black-and-white city police cruisers started to arrive. At 7:30 p.m., a thousand people were standing on Avalon. Joyce Ann Gaines, a black sociology student at Compton Junior College, had come from a nearby beauty salon, still wearing her smock and green hair curlers. She wandered toward the front of the crowd, where she heard about the physical struggle between white police and a black family. "With all those cops, you'd think they were fighting in Vietnam!" "We can't even go peaceful in our own way. It's just like the South!" Just then, the CHP and the LAPD started to leave. "Look at the yellow-bellies run!" "Stay a while. We'll make it interesting for you mothers!"²⁹

²⁸ *Ibid*, 14-15.

²⁹ *Ibid*, 16; also see the 1,315-page study commissioned by the governor and conducted by the district attorney's office to determine the criminal liability of the officers on the scene of the arrests of the Fryes. Completed in the fall of 1965, the report cleared the CHP and the LAPD of wrongdoing. Evelle J. Younger,

The next moments were crucial in escalating a crowd rescue into a large-scale rebellion. As Gaines turned toward the salon, an arm gripped her lower face and yanked her backwards. The arm belonged to a Highway Patrolman, whose partner had felt spit land on the back of his neck. The officer half-walked, half-dragged Gaines backwards to the patrol car. “Look at what they’re doing to that pregnant girl!” “Oh those motherfuckers” “Help me,” Gaines said. “Don’t let the bastards take me to jail!” A black man leaned into an LAPD officer’s nightstick and said, “You white mother-fucker, you won this one, but the next time it won’t go your way.” Police left in a hurry. “Goddam! Goddam! They’d never treat a white woman like that!” “What kind of men are you, anyways? What kind of men are you, anyways, to let them do that to our people?” “It’s a shame! It’s a pitiful, crying shame!” “Blue-eyed devils! We is going to get you! Oh, shit! We is going to get you!”³⁰

After the arrest of Gaines—who appeared pregnant in her barber smock—members of the crowd angrily denounced yet another seeming case of white brutality against African Americans. For some the time had come to hit back. Around 7:45 p.m., a young black man, Gabriel Pope, threw the first rock at police. It bounced off the rear fender of an LAPD patrol car. At 116th and Avalon, people were cursing at officers and talking excitedly about what had just happened. “We is worse off than Bogalusa. Like the Deacons they got there, the police is afraid of them, and they don’t let ‘em brutalize the people no more!” “It don’t make much difference—Mississippi or California—it’s all the same. They shoots the people down there for their civil rights, and here they comes up to

District Attorney of Los Angeles, Untitled Report [1965], pp. 109, 138, 223, Box 109, File no. 144-12-1102, General Records of the Department of Justice, Record Group 60, NACP.

³⁰ Conot, *Rivers of Blood, Years of Darkness*, 21.

the door, busting and shooting this poor old woman right in her own house. No rights. We got no rights!” “Let’s burn, baby, burn,” announced black militants some time later, invoking the catchphrase of a popular black radio DJ known as the Magnificent Montague.³¹

In the hours after the arrest of the Fryes, crowds of mainly children and young teens milled up and down Avalon Boulevard. They pelted passing cars with rocks. Fifty vehicles were damaged on the night of August 11. Rioters smashed out the windows of a city bus and overturned and burned a KNXT news car. Twenty LAPD squad cars patrolled the area, but police were mainly passive. Around 9:30 pm., they set up barricades at 118th Street, San Pedro Street, Imperial Highway, and Stanford Street. After midnight John A. Buggs, executive director of the Los Angeles County Human Relations Commission (HRC), and two HRC officials, Leon Smith and Herbert Carter, rescued a white reporter being assaulted by teens. Buggs perceived that most people were passive spectators or disapproving. Only about a quarter, he thought, “seemed to be enjoying the spectacle.”³²

Herbert Carter drove through the area relatively untouched, observing little clusters of young men gathering improvised weapons for confrontations with police. “When they observed that I was a ‘blood’ they did not throw at me.” Small cliques of teenagers lingered in darkened alleys and doorways, holding bricks. Police made the

³¹ Conot, *Rivers of Blood, Years of Darkness*, 35; “1,000 Riot in L.A.,” *Los Angeles Times*, August 12, 1965, 1, 7; “Arrest Causes Near Riot In Negro Area of Coast,” *New York Times*, August 12, 1965, 15; Testimony of David Perry, 11, McCone Commission, Bancroft.

³² Testimony of Benjamin Perry, November 4, 1965, pp. 9-10, Volume XII, McCone Commission, Bancroft; Interview of Herbert L. Carter, November 10, 1965, pp. 1-2, Volume XV, McCone Commission, Bancroft; John A. Buggs, “A Chronological Report of the Los Angeles Riot and the Staff Involvement of the Los Angeles County Commission on Human Relations,” 2, Folder “California, Los Angeles – Watts Riot,” Box 10, Records of the Community Relations Service, NARA; Conot, *Rivers of Blood, Years of Darkness*, 61; “1,000 Riot in L.A.,” *Los Angeles Times*, August 12, 1965, 1.

occasional charge but around 10:30 p.m., they withdrew, sensing their presence was only inciting violence. The crowds remained. “The general air was much like a picnic or carnival,” Carter noted. He chatted up the angry teens. “I’m throwing rocks because I’m tired of the white man misusing me.” “Man, this is the part of the town they have given us and if they don’t want to be killed they had better keep their asses out of here.” By 2:30 a.m., the streets were calm.³³

On the following day, Leon Smith, an African-American staff member of the HRC, recorded snippets of riot talk from young men as he wandered the area around Imperial and Avalon. “Shit, if I’ve got to die, I ain’t dyin’ in Vietnam. I’m going to die here.” “Look Bro, I ain’t scared of them—what they got a gun? I got one too, and I’m goin’ to blast me a cap on that white motherfucker tonight—you’d better believe it.” “They always fucking with the ‘Blood,’ beatin’ them with them sticks, handcuffing women, I saw one of them motherfuckers go upside a cats head and split it wide open. They treat the Blood like dirt—they been doin’ it for years—look how they treated us when we were slaves—we still slaves.” Buggs warned Deputy Police Chief Roger Murdock that black youths were “spoiling” for a fight. Buggs recommended that the LAPD withdraw all white police from Watts and send only black plainclothes officers. “We are not going to have hoodlums telling us how to run the police department,” Murdock said.³⁴

Rioting in Watts continued on the second night much as it had on the first, with angry crowds milling on street-corners waiting, searching, for the necessary provocation. By 7 p.m., two thousand had gathered at Avalon and Imperial. Young men standing in

³³ Buggs, “A Chronological Report,” 2-3; *Los Angeles Times*, August 12, 1965, 1.

³⁴ Buggs, “A Chronological Report,” 6-7, 10; Conot, *Rivers of Blood, Years of Darkness*, 166.

small groups stoned passing cars. They pursued white motorists, attacked the occupants, and then torched the cars. Teen girls and women cheered them on. Richard Sexton, a white twenty-four-year-old man, was pulled by rioters from his car and punched about the face and ribs. A black man, Harold Charlot, rescued Sexton and brought him to his home located less than one block from the Frye arrests. "It's a disgrace," Charlot said. "It makes me sick." Later, a similar scene played out when Nicholas Beck, a white reporter for United Press International, was pulled from a punching, screaming throng by Robert Hall, the black co-chair of the Non-Violent Action Committee. Around midnight, Thursday, Mervyn M. Dymally, Assemblyman for the 53rd District, which included Watts, was able to summon police assistance after multiple failed attempts. "When they finally did arrive," Dymally recalled, "they rushed into a crowd of people sitting peacefully in front of their apartment buildings." Dymally had been standing there the entire time. "When I identified myself to the policeman," the black state legislator continued, "he responded with a scowl and threatened to shoot me if I moved one foot."³⁵

On Friday, August 13, 1965, the *Los Angeles Times*, fearing for the safety of its largely white newsroom, sent Robert Richardson, a young black advertising salesman, to Watts. Richardson filed several stories from inside the rebellion, each with graphic details like these:

One white couple, in their 60s, happened to be driving along Imperial before the blockades were put up. They were beaten up and kicked until their faces, hands, and clothing were bloody.

I thought they were going to be killed. How they survived I don't know. Those not hitting and kicking the couple were standing there shouting, 'Kill! Kill!'

³⁵ *Los Angeles Times*, August 13, 1965, 25; Testimony of Mervyn Dymally, October 13, 1965, 15, Volume VI, Records of the Governor's Commission on the Los Angeles Riots (GCLAR), BANC MSS 74/115 c, The Bancroft Library, University of California, Berkeley; Conot, *Rivers of Blood, Years of Darkness*, 175-190.

....

Two white men driving down Avalon Boulevard ducked when rocks bombarded their car. When they ducked they hit a car loaded with Negroes.

They were beaten so badly one man's eye was hanging out of the socket. Some Negro ministers made their way through the crowd and carried them into an apartment building and called an ambulance.

The crowd called the ministers hypocrites. They cussed them and spit on them. Some Negro officers tried to disperse the crowd, but they were jeered at, sworn at, called traitors and stoned.

The following night Richardson reported that he "learned to shout 'Burn, baby, burn' after several shots were fired at me." Young men flashed one finger for Watts, two for Compton, and three for Willowbrook. By Saturday night, almost all of the stores along 103rd Street and Central Avenue had been looted and burned. The crowds were mostly gone. By then, after thirty hours of bloodshed, the streets had emptied. Mainly looters, arsonists, police, and firefighters remained.³⁶

Bystanders who might have disapproved of the violence voiced sympathy for the perceived grievances of rioters, especially those relating to the police. "I have lived in this city for 17 years and consider myself a responsible person. But I have never heard policemen talk like they did last night," said Ovelmar Bradley, a forty-year-old black woman from Compton, on Thursday, referring to the melee after the Frye arrests. "My husband and I saw 10 cops beating one man. My husband told the officers, 'You've got him handcuffed.' One of the officers answered, 'Get out of here, nigger. Get out of here, all you niggers!'" Bobby Daniels, a twenty-three-year-old black maintenance worker, and his wife Bertha had come from their own nasty encounter with police. "We got out of the car and these 15 officers ran up to us," Bobby said, on Thursday. "They jabbed us in the

³⁶ *New York Times*, August 14, 1965, 8; *Los Angeles Times*, August 15, 1965, 1, 22.

back with clubs and told us to get off the street. They pushed us down and jumped on us, laughing about it.”³⁷

The unrest in Watts lasted five days. On Friday, August 13, the main commercial district along 103rd Street was so consumed by fire that it became known as “Charcoal Alley.” That day, unrest also spread to include large sections of South Los Angeles, especially on Central Avenue (“Charcoal Alley II”). On Friday at 5 p.m. Lieutenant Governor Glenn M. Anderson—acting in place of Governor Edmund G. “Pat” Brown, who was returning from vacation in Greece—ordered the National Guard to L.A. By 9 p.m. two thousand Guardsmen arrived in Watts. An additional thousand were on the streets by 3 a.m. on Saturday. Ultimately, the total number of Guardsmen rose to 13,900. The LAPD contributed almost one thousand officers, almost a third of their entire force. More than 700 county sheriff deputies helped put down the unrest as well. After escalating arson, gunfire, and property destruction on Friday night into Saturday, Brown ordered a curfew for a 46.5 square-mile area to take effect at 8 p.m. The governor lifted the curfew on Tuesday.³⁸

A month after the Watts rebellion, the journalist Louise M. Meriwether heard a range of reactions to the recent disorder on her visit to South Los Angeles. “I don’t think burning down your own neighborhood is going to help the unemployment any,” said a 47-year-old black mechanic, who advocated electing African Americans to political office as the way to deal with a hostile police force. Mrs. Watson, an older black woman,

³⁷ *Los Angeles Times*, August 13, 1965, 3, 24; Testimony of Olmar Bradley, Public hearing hosted by “Discussions Unlimited,” September 24, 1965, Volume XV, GCLAR, Bancroft; “Police Malpractice and the Watts Riot: A Report by the American Civil Liberties Union of Southern California” (Los Angeles, 1966), 13.

³⁸ Governor’s Commission on the Los Angeles Riots, *Violence in the City—An End or a Beginning?* (Sacramento, Calif., 1965), 10-25.

and her daughter Eugenia blamed the unrest on economic distress and racial discrimination, citing as examples inadequate schooling and segregated public housing. Both women, who shared a one-bedroom apartment with Eugenia's two children, observed that Los Angeles Police Chief William H. Parker had discontinued the Deputies Auxiliary Police and a probationary program that had offered constructive outlets for street gang-members and delinquent youth to learn skills, stay out of trouble, and find legitimate employment. A black nationalist affiliated with the Afro-American Association criticized the black middle-class for their indifference to the plight of poor blacks. "We need a WPA-type of project now," he said. An African-American doctor complained about the meager funds allocated to President Lyndon Johnson's War on Poverty and its anemic administration in Los Angeles. His store had burned down during the riot. But before it did, "they"—meaning the arsonists—had moved his furniture and files to a separate location. "They knew who they wanted to get," he said.³⁹

A few young men described to Meriwether the nexus of racialized poverty, crime, and harsh policing that had fueled many of the riot participants in Watts and elsewhere. One man known as Tex had been unable to find steady work in the fifteen months he and his family had lived in Los Angeles. After six months the unemployment checks had stopped. "That's what turned me into what I am, made me do what I been doing," Tex said. "I been robbing, that's what. I'm not going to let my kids starve." Tex admitted joining a small crew of snipers during the unrest, although he said they had never used their weapons. "I saw the police kicking these teenagers, and that made me mad," he said. "The next night we started sniping." Freckles, an unemployed man who had been shot

³⁹ *Frontier*, October 1965, 7-9.

once before by police, described a recent incident following the riot that illustrated the anger on the streets in August.

I had to swallow my pride just last month 'cause I didn't want no trouble. I was driving with my wife and teen-age daughter and this police car stopped us. They frisked me, then ran their hands over my wife and daughter searching them. Stopped us for nothing, just because we were colored. They don't do that in Burbank. The color black don't get no respect in Watts from Parker.

Freckles was convinced that this humiliating street encounter, in which a white male police officer had made him feel powerless to fulfill his masculine obligation to defend his family, would never have taken place in a white middle-class suburb like Burbank. Another unemployed young man expected further violence, possibly in the form of street crime, if no progress was made. "I ain't never been a crook," he said, "but if they don't do something, I'm gonna have to *take* something. I don't know how they expect us to live."⁴⁰

Young Men and the Bargaining Power of Urban Rebellion

For most of the people who started the riots in the mid-1960s, unjust racist policing stood at the center of their concerns. But for many others, ranging from African-American activists to "law and order" politicians, the riots gave opportunity to direct public attention to a familiar and polarizing litany of issues. In this context, interpreting the riots became an important performance signaling partisanship and policy preferences. Closer to the scene of local riots, however, young men and their intermediaries arranged meetings with city officials and police to negotiate the terms of peace. These bargaining sessions in turn transformed the nature of urban rebellion by the late 1960s, as militant

⁴⁰ *Frontier*, October 1965, 8.

youth more frequently initiated unrest with the purpose of winning concessions. Law-and-order and Black Power activists also gained a prominent role as brokers between rioters and white officialdom who could therefore dictate the public meaning and consequences of the decade's street riots.

Public commentators on urban unrest in the sixties were in the main focused on the political capacities and intentions of African-American urban youth, and whether their unrest owed primarily to social pathology or a more deliberate political rebellion. In its fall of 1964 report, the Federal Bureau of Investigation described the summer unrest in seven northern towns and cities as "a senseless attack on all constituted authority without purpose or object." Yet the report, written in collaboration with the White House, also supported President Lyndon Johnson's welfare programs for urban youth. In 1966, the veteran civil rights organizer Bayard Rustin argued that the Watts riot was not "insensate," as a state commission had concluded, but an intentional "manifesto" by black youth for jobs and welfare. In August 1966, Republican Congressman William C. Cramer of Florida introduced an amendment to the Johnson Administration's Civil Rights Bill to make it a federal crime to cross state lines to "incite, promote, encourage" a "riot or other violent civil disturbance." Framing his bill broadly, Cramer said it would target both "Ku Klux Klanners" and black "agitators" and pitched it as a more effective antiriot alternative to liberal reforms.⁴¹

⁴¹ Federal Bureau of Investigation, *Report*, September 18, 1964, 8; Kenneth O'Reilly, "The FBI and the Politics of the Riots, 1964-1968," *The Journal of American History* 75, no. 1 (1988): 94-99; Michael Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005), 37-38; Bayard Rustin, "The Watts 'Manifesto' and the McCone Report," *Commentary* 41 (March 1966): 29, 35; Governor's Commission on the Los Angeles Riots, *Violence in the City—An End Or A Beginning?* (Los Angeles, 1965), 1; August 8, 1966, Congressional Record, 18456.

Rising in support of the amendment, Alabama state rep, John H. Buchanan, Jr., a liberal Republican, noted that eight cities had riots in July, leading to seven deaths, 200 injured, and millions of dollars in property damage. “All of this in three weeks and all in the name of civil rights,” said the congressman. Buchanan argued that the Cramer Amendment would bolster Title V of the Civil Rights Bill, which offered federal redress for civil rights workers targeted by violence but “no protection to merchants, policemen, or ordinary citizens who become the victims of rioting, looting, and violence on the part of the perpetrators of civil disobedience.” On September 19, a Senate filibuster led by Minority Leader Everett M. Dirksen defeated the bill. Opposition centered on the provisions granting federal relief for discrimination in private housing and jury selection. “The [bill’s] executioners,” Martin Luther King, Jr., warned, “have given valuable assistance to those forces in the Negro communities who counsel violence.”⁴²

Six days later, the twenty-five-year-old SNCC president Stokely Carmichael appeared on television to clarify the controversial slogan of “Black Power” he had brought to national attention in June. In an interview with Mike Wallace of CBS News, Carmichael described Black Power as a general platform of black pride, black control over neighborhood resources, and black armed self-defense, if necessary, against whites. After Wallace referred to “riots” in Cleveland, Omaha, and elsewhere, Carmichael corrected him. “I call them rebellions,” he said. Later in the program, Dan Watts, the editor of the black radical magazine “The Liberator,” told Wallace that Martin Luther King, Jr., and Roy Wilkins “do not represent the aspirations of the brother who is

⁴² August 8, 1966, Congressional Record, 18470; *New York Times*, September 20, 1966, 35, September 21, 1966, 1, 33; “1966 Civil Rights Act dies in Senate,” in *CQ Almanac* 1966, 22nd ed., 450-72 (Washington, DC: Congressional Quarterly, 1967).

standing out there on 125th Street and Lenox Avenue” in Harlem. Wallace pressed Watts on his political program. “Hot summers,” the young militant said, “finally forcing a direct confrontation with the white power structure, where we say this is what we want. What are you prepared to negotiate, now?”⁴³

The defeat of the 1966 civil rights bill demonstrated the growing strength of the white backlash to riots, crime, and Black Power. Polls taken before the November mid-term elections, which ushered in a more conservative Congress, indicated that between half and three-quarters of Americans, a larger share than two years before, believed “Negroes were moving too fast.” On July 20, 1967, a week after Newark burned, conservative House members blocked the Administration’s \$40-million rat-control bill. Despite evidence of a rat epidemic in overcrowded urban black neighborhoods, disproportionately affecting young children, House members, often with laughter, dismissed the issue as frivolous. Democratic Congressman James A. Haley of Florida, for example, proposed as the solution to “buy a lot of cats and turn them loose.” When Detroit burned a few days later, Republican Senator Milton R. Young of North Dakota argued that the federal aid requested by Michigan Governor George Romney and Detroit Mayor Jerome Cavanagh would amount to “rewarding the riots.”⁴⁴

At 10:30 p.m., on July 27, the President announced in a televised address that he had appointed the National Advisory Commission on Civil Disorders to investigate the

⁴³ Stokely Carmichael and Michael Thelwell, *Ready for Revolution: The Life and Struggles of Stokely Carmichael* (Kwame Ture) (New York: Scribner, 2003), chap. 22; Transcript, “Black Power, White Backlash,” CBS Television Network, broadcast September 27, 1966, 10:00-11:00 p.m. EDT, 6, 16, “Negroes – Black Power,” Aides – Panzer, Box 387, LBJ Library.

⁴⁴ *Time* 90, no. 4 (July 28, 1967): 9-10; *Washington Post*, July 21, 1967, A1, A4; *New York Times*, July 28, 1967, 1, 4A; *Time*, 90, no. 13 (September 29, 1967): 29; Malcolm McLaughlin, “The Pied Piper of the Ghetto: Lyndon Johnson, Environmental Justice, and the Politics of Rat Control,” *Journal of Urban History* 37, no. 4 (2011): 541-561.

immediate causes of the riots and their short- and long-term solutions. Although Johnson referred to rioters as “criminals” who “deserve to be punished—and they must be punished,” he also rejected the get-tough notion of “order that is imposed by the muzzle of a gun.” After listing recent bills sought and obtained by his administration, on civil rights, education, job training, and crime, to “protect our citizens from violence,” the president denounced the “apostles of violence, with their ugly drumbeat of hatred.” At a moment of white backlash, when federal troops patrolled Detroit and smoke visible for miles billowed up from the once-great city’s skyline, Johnson offered a significant symbolic nod toward black urban youth—a president’s recognition of their long-ignored problems.⁴⁵

A few months later, Martin Luther King, Jr., appeared before Johnson’s bipartisan blue-ribbon panel, chaired by Republican Governor Otto Kerner of Illinois and whose members represented local, state, and national politics, and labor, business, and civil rights interests. King’s appearance was a touch controversial. In April he had damaged his relationship with the president by publicly condemning the Vietnam War as an immoral drain on precious public resources. In late October, seated before the Commissioners, King shared the story of a Watts youth who had told him after the August 1965 riot, “We won.” As King understood the boy’s message, the recent urban unrest was “a quest for attention, for voice, and for power.” His testimony before a

⁴⁵ President’s Address to the Nation on Civil Disorders, July 27, 1967, 2-3, 5, Folder 2, Box 11, Office Files of Joseph A. Califano, Papers of Lyndon Baines Johnson, President, 1963-1969, LBJ Library.

federal riots commission indicated that, indeed, the riots had gotten the attention of those in power.⁴⁶

Detroit and Newark notwithstanding, the vast majority of the 164 riots that the Kerner Commission identified in 128 cities during the first nine months of 1967 were small-scale events. The Commission classified eight disorders, or 4 percent of the sample, as “major”: they lasted more than two days and were characterized by major crowds, extensive looting, fires, and sniping, and the deployment of National Guard or federal troops. Thirty-three, or one in five, were “serious”: lasting at most two days, with one large crowd, some looting and arson, and only state and city police. A full three-quarters, or 123 disorders, were therefore “minor”: less than one day in duration, with a few dozen participants, minor property damage, and local police.⁴⁷

Many cities had multiple minor disorders. Riots, defined broadly as public disruptions led by fifteen to thirty people, were a regular part of urban and suburban life in the sixties. In 1967 and 1968, Denver had three, Memphis had two, and Waterloo, Iowa, had three, among dozens of other towns and cities. Chicago was unique for the severity of its four riots. In August 1965, the National Guard was put on stand-by; in August 1966, 1,500 Guardsmen were dispatched to the West Side; and in April 1968, 6,700 Guardsmen and 5,000 Army troops patrolled the West Side. For five days in June 1966, hundreds of Puerto Ricans rioted after a police officer shot a Puerto Rican youth. The Division Street riot was perhaps the most serious disorder of several led by Puerto Ricans in the sixties. The riot in April 1968, erupted after the assassination of Martin

⁴⁶ Statement of Martin Luther King, Jr., October 23, 1967, 2799-2780, Box 5, Series 1, LBJ Library (Kerner Commission Microfilm, Reel 4, frames 0974-0975); Bayard Rustin, “The Watts ‘Manifesto’ and the McCone Report,” 30.

⁴⁷ *Kerner Report*, 65.

Luther King, Jr. Although lasting only two days, more than two thousand were arrested, 500 injured, and eleven civilians died.⁴⁸

Over the course of 1967 and 1968, urban street unrest became more frequent and widespread and increasingly located in the South. In a study of ninety-six riots in seventy-seven cities during these two years, the sociologist Carol Mueller discovered that almost half were in cities with fewer than 25,000 black residents. Small and medium-sized cities (fewer than 250,000 residents) accounted for sixty percent of the disorders in 1967 and 1968. The proportion of Southern towns and cities over this period grew from 17 percent in 1967 to 30 percent in 1968. Forty-three percent of the King Riots in April 1968 took place in the South. Half of all the southern riots for 1967 and 1968 occurred in the month that King died. Over eighty percent of the disturbances in April 1968 were in small and medium-sized cities.⁴⁹

The Kerner Commission found some evidence of “discussion or negotiation” in twenty-one of twenty-four disorders. Arguing from similar evidence, Mueller concluded that the urban riots were more than “dramaturgical protest.” By 1967, black activists began consciously to deploy unrest as a “coercive threat.” Riots became a “bargaining resource.” In more than half of Mueller’s sample, black activists gained meetings with city officials, and in forty-eight percent, formal negotiations took place. The peak came in 1967, when activists in nineteen cities, about a third of the sample, obtained “tangible, long-term welfare concessions from city officials in negotiations,” such as job training

⁴⁸ Mueller used a minimum of fifteen participants in her definition of a riot. Mueller, “Riot Negotiations,” 123, Appendix A, 256-259. The sociologist Seymour Spilerman used thirty. Spilerman, “The Causes of Racial Disturbances: A Comparison of Alternative Explanations,” *American Sociological Review* 35, no. 4 (August 1970): 630; Seymour Spilerman, “The Causes of Racial Disturbances: Tests of an Explanation,” *American Sociological Review* 36, no. 3 (June 1971): 427-442.

⁴⁹ Mueller, “Riot Negotiations,” 132-138.

and recreational facilities. The more violent riots had less bargaining success—except when a united faction of activists presented formal demands. In that case, more violence tended to produce more substantive concessions. Riot efficacy declined in 1968, as that moderate-militant unity dissolved. In two-thirds of the King Riots studied by Mueller, no meetings at all were held with city officials.⁵⁰

The “coercive threat” potential of riots was recognized by activists as early as 1964, particularly in the three New Jersey disorders that summer. The most striking instance of this phenomenon took place in Jersey City in early August. Late on Sunday night on August 2, in the small industrial port city, a white police officer pulled up to the Lafayette Gardens housing project on Grand Street in the predominantly black Ward F. Lafayette Gardens once had mostly white tenants but like the rest of the city had recently transitioned as whites departed for the suburbs. In 1964 the housing project was almost entirely black. One-fifth of Jersey City’s 280,000 population was African-American. Grand Street formed a half-triangle, cutting through Ward F on a northeast slope before turning southeast at a right-angle at Prior Street. Lafayette sat just south of the apex formed by Grand and Prior. Booker T. Washington, a predominantly black housing project, sat across the street, in mute rows of three-story brick apartment buildings.⁵¹

On August 2, Delores Shannon was arguing with another woman at Lafayette Gardens when a white police officer approached. Shannon bent down to talk to one of her four children. The officer, according to witnesses, took out his nightstick and beat her on

⁵⁰ Thus Mueller concludes: “Riot violence contributes to the level of militant articulation of grievances which is the strongest positive factor influencing concessions by city officials to long-term welfare demands, and yet, the direct effect of increasing riot violence is to reduce the likelihood of such concessions.” Mueller, “Riot Negotiations,” 243-247, 250, 225, 227, 217, 253-254.

⁵¹ *New York Herald-Tribune*, August 4, 1964; *New York Times*, August 5, 1964, 36, August 7, 1964, 12.

the back and pushed the kid to the side. Sarah P. Walton jumped between the officer and Shannon. "Hit me. I'm not drunk," Walton said. "You act like you're drunk," the officer said. He stepped forward, but Walton took out her NAACP membership card. "If you hit me, I'll get Ray Brown [NAACP president] on you in a minute." The officer stopped. Turning toward Shannon, he continued to beat her about the head. A black bystander named Walter Mays intervened and allegedly punched the officer. After some struggle, the police took their prisoners to the Fourth Precinct station. A small number of protesters trailed behind. According to an FBI interview with Acting Chief of Police Joseph L. Smith, crowd rescues had become routine in Ward F. "Jersey City police have encountered this resentment 'on every arrest' of a Negro for at least the past ten years," Smith said. "The arrested Negro often fought the arresting officers all the way to the police station," the report noted. "Negro bystanders would often gather during the arrest and follow the arrested person to the police station." As a result, the department had introduced a formal rule barring protesters from entering the station-house to avoid any "disturbance inside the police station during booking of the arrested person."⁵²

Rioting in Jersey City combined civil rights protest and generalized street unrest. Around 10 p.m. two hundred people assembled at Grand and Prior Streets, the intersection where Lafayette and Booker Tee emptied out. About one hundred officers lined up opposite them. "We're ready for you," the people shouted. "Come on! Come on!" Some threw trash can lids and debris at the officers. Police marched on the protesters. They swung their clubs and fired their guns into the air. About fifty young

⁵² *New York Herald-Tribune*, August 4, 1964; *New York Amsterdam News*, August 8, 1964, 1, 2; "Racial Disturbances, Jersey City, New Jersey, August 2-5, 1964" (hereafter *Jersey City FBI Report*), September 9, 1964, 4, [Dummy Box], Folder #131, 135: Presidential Message on Crime, Riots Summer 1964, Records of the Federal Bureau of Investigation (FBI), Record Group 65, National Archives-College Park (NACP).

men stopped a passing car and attacked the white woman behind the wheel. She had two young kids in the backseat. Police broke up the scuffle, and the crowd scattered. Looting of Ward F stores began. Some started singing “We Shall Overcome.” A NAACP sound truck rolled through the area. The speaker pleaded: “Please go home!” “No, you go,” came the reply. A white patrolman seized a young looter holding two liquor bottles. When the teen took off running, the officer fired two shots in the air. “They’ve shot someone, they’ve shot someone,” a bystander shouted. In all, over five hundred people rioted until 1 a.m. Police made eleven arrests, eighteen stores were damaged, and two dozen people were injured.⁵³

The following day, August 3, young men with police records and middle-class civil rights activists met together and with city officials to air grievances. Two hundred people, mostly young public housing tenants, showed up at NAACP headquarters. Some demanded a civilian review board, with civil rights activists as members. Mostly, people shared their frustrations. David Thomas said he had stayed out of the riots but was still hit by an officer. “If I don’t get satisfaction at court today,” he said, “I’ll be close to it tonight.” Those who urged calm were shouted down, as this woman did: “No! Let’s don’t do it in our neighborhood. Let’s do it in their [whites’] neighborhood!” Many applauded. One young black man said he simply wanted “to be able to walk down Grand Street without the man in the blue suit hitting me.” Hearing this, Chief Smith and Public Safety Director Alfred Suminski got up and walked out. The *New York Times* spoke with a small group of black youths after the meeting. “It’s all up to what ‘the man’ decides now,” one

⁵³ *New York Times*, August 3, 1964, 1, 11; *Newark News*, August 3, 1964; *New York Post*, August 3, 1964.

said. This teen wanted the city to “hire more Negro policemen, treat us like humans, clean up the place, make it look like a decent place to live.”⁵⁴

Before the official start of the meeting, a young black man named Terence Lawson produced a list of demands made on behalf of the tenants of Booker Tee and Lafayette Gardens. “We want a recreation hall built. We want the basketball court repaired immediately. We need proper lighting and we want some street cleaners.” As the twenty-two year-old summed it up: “We want something to do.” For this act Lawson would earn a reputation as a riot leader. City officials and the press pointed to his long police record: since 1960, fourteen arrests on charges ranging from disorderly conduct to assault and robbery. Indeed, of the eleven youths who had signed Lawson’s petition of grievances, five had police records. Most had been arrested once or twice. Only twenty-two year-old Donald Gibson had a similarly long record as Lawson: sixteen arrests since 1960 for larceny, robbery, and auto theft, and five trips to prison.⁵⁵

Around 8:30 p.m., on August 3, as crowds returned to Grand and Prior, Mayor Thomas J. Whelan met with civil rights activists in his office. Representatives from the NAACP and CORE made several demands: an end to police brutality; the suspension of the two police officers responsible for the August 2 arrests that had provoked rioting; more recreational areas; and slum clearance. Raymond A. Brown, the local NAACP president, encouraged the mayor to grant some of the demands “to satisfy the crowds back on Grand Street.” When Whelan rejected this counsel and denounced rioters as “hooliganism against law and order,” the civil rights activists walked out in disgust. According to the *Newark Evening News*, younger “Negroes cursed the Mayor and vowed

⁵⁴ *New York Times*, August 4, 1964, 1, 12.

⁵⁵ *New York Post*, August 3, 1964; *New York Times*, August 5, 1964, 36, August 7, 1964, 12.

to join the rioters.” Afterward, Councilman Fred Martin, Jersey City’s only black elected official, wept on the stairs of city hall. “I’m heartbroken,” he said. “He could have at least been decent to us.” Later, Whelan told the press: “I will not permit a small group of agitators to intimidate us. I will use all the power of my office. Law and order will prevail.” After the riots Whelan justified his brash refusal as responsible politics: “The leaders came in here with a bunch of young toughs. These kids told me if I didn’t do what they told me to there would be blood on the streets. You don’t negotiate on those terms. I told them to get out.”⁵⁶

Throughout the unrest, Whelan promised to “meet force with superior force.” “This is the only way I know to deal with people who understand nothing but a nightstick,” said the forty-two-year-old mayor. “Anyone who attacks a policeman had better be prepared to come off second best and will most certainly suffer the consequences.” A New Deal Democrat from a large working-class family, Whelan was first elected in 1963 after only two years on city council. He came from a political family—his father had worked for longtime Democratic Mayor Frank Hague’s organization, which controlled the city for thirty years. During the August 1964 riots, Whelan lamented that deindustrialization and white flight had dried up the tax base. Jersey City was “dying,” he said. Testifying before the Kerner Commission in the fall of 1967, after another, smaller riot in his city, Whelan pleaded for an emergency federal jobs program on the model of the Works Progress Administration which had put millions to work building public infrastructure during the Great Depression.⁵⁷

⁵⁶ *Jersey City FBI Report*, 3; *New York Post*, August 3, 1964; *New York Times*, August 4, 1964, 1, 12, ⁵⁷ *New York Times*, August 5, 1964, 36, August 7, 1964, 12; Statement of Thomas J. Whelan, mayor of Jersey City, October 5, 1967, 1974, Box 4, Series 1, LBJ Library (Kerner Commission Microfilm, Reel 4, frame 074).

On the night of August 3, 1964, black civil rights activists heard not the sympathetic assurances of a stalwart liberal ally but the familiar sound of white intransigence. As John Bell, chair of the Jersey City chapter of CORE, said, “The Mayor’s going to solve all our problems with nightsticks.” After the riot the city’s established civil rights activists sounded off on the insular, white-dominated machine. “Whelan and his boys think they’re still living in 1940 and 1950,” Councilman Martin said. “They think they can still get away with the police beating the hell out of Negroes with clubs. Well, they can’t. It’s a new day.” Brown of the NAACP said the unrest revealed the long-standing official neglect of black districts. Thus, it came as no surprise that city officials were ignorant of local conditions. “Mr. Whelan doesn’t understand this. He and the clerics have been blinded to the fact that this is a group of kids making a protest against terrible conditions in the only way they know how.”⁵⁸

Several hundred young black Jersey City residents rioted over the next two nights. They overturned police cruisers and torched neighborhood stores. Rioters stopped a city bus, dragged the thirty-six-year-old white driver into the street, and beat him. A passenger was also attacked and sent to the hospital for treatment. On Monday night the Labor-Negro-Vanguard Conference, a small militant organization with offices in Ward F, distributed pamphlets around Lafayette Gardens. “Now is the time for action, not talk,” the leaflet said. “Don’t be fooled by Negro leaders that tell you to go home, be patient, act intelligent.” The city mobilized all 900 police officers of whom only thirty-five were black. The Fourth Precinct captain revealed the outright hostility of many of his officers to African Americans in an interview with Kerner Commission field researchers. “Many

⁵⁸ *New York Times*, August 5, 1964, 1, 36, August 6, 1964, 18; *New York News*, August 4, 1964.

of my men say ‘you black fuck,’” he said, excusing such language as “part of the vernacular of the community.” The police adopted a physical brawling style. They repeatedly fired shotguns and pistols into the air. They shot and seriously injured two black teens caught looting. The mounted police charged into crowds on horseback. On the third night, a young man was giving an interview to a radio reporter when officers seized him mid-sentence, searched him, threw him into a cruiser, and drove off. The teen was Melvin Robinson, a Ward F resident who had recently met with Whelan as part of a youth delegation.⁵⁹

Over subsequent years urban police departments gave growing priority to gathering intelligence on black militants. In a study of three disorders in the summer of 1964, John Madl, chief of patrol in Chicago, advised police to monitor “both pro and con groups.” With echoes of the postwar riot control manuals, Madl listed surveillance under the heading of “community relations programs.” Detroit Mayor Jerome Cavanagh set up an “early warning system” along these lines in early May 1967. By June 5, city employees could report trouble to the Summer Task Force over a direct line. Conrad Millett, assistant to the mayor and a former police officer, created Resource Mobile Teams—the “social service equivalents” of police tac squads—that could respond directly to potential threats with “substantive services,” mainly referrals to existing city programs. The Summer Task Force used anti-poverty workers as informants in the “no-win crowd,” Millett’s term for “childish” militant types who are willing to “destroy” what

⁵⁹ *New York Times*, August 4, 1964, 12, August 5, 1964, 1, 36, August 7, 1964, 12; Julian Robinson field team interview, Kerner Commission Microfilm, Reel 24, frame 0722. Captain Blaszczak, Fourth Precinct, Police Department, field interview, *ibid*, frame 0761; *New York Amsterdam News*, August 8, 1964, 1, 2; *New York News*, August 4, 1964.

they “can’t have.” The Task Force received few tips; those they did mainly came from police.⁶⁰

On June 5, 1967, the same day that Cavanagh initiated Detroit’s Summer Task Force, police commanders representing over seventy-five departments in New Jersey met in Jersey City. The purpose of the meeting was to discuss tactical responses to the rumored black militant plot to assassinate white police officers and provoke riots around the state. Six weeks later, during the July 12 siege of the Fourth Precinct in Newark, the mayor of Jersey City, Thomas Whelan, wasted little time in mobilizing the control forces. Whelan ordered 400 riot police to the two main black residential areas at Bergen and Lafayette. It was a preemptive decision—no crowds had gathered. Officers in the saturation patrols angled their shotguns and riot sticks out their squad car windows. On June 14 National Guard troops and armored personnel carriers arrived at the Jersey City armory, a staging area before their deployment to Newark. Both actions reassured some residents, but provoked others. The city had small-scale rioting over the nights of July 16 and July 17.⁶¹

The Kerner Commission’s suppressed report, *Harvest of the American Racism*, interpreted the role of militant youth in the summer riots as a sign of an inchoate revolutionary politics. The authors, many of them white radical social scientists, argued that the “Jersey String” of July 1967, as they labeled Newark’s satellite uprisings,

⁶⁰ Conrad Millet to Jerome Cavanagh, May 1, 1967, Box 340, Folder 6, Jerome P. Cavanagh Papers, Walter Reuther Library, Wayne State University, Detroit, MI; *Detroit Free Press*, July 27, 1967, 7B; Sidney Fine, *Violence in the Model City: The Cavanagh Administration, Race Relations, and the Detroit Riot of 1967* (East Lansing: Michigan State University, 2nd ed., 2012), 146-148.

⁶¹ *Harvest of American Racism* (hereafter *Harvest Report*), 27, Box 1, Series 7, Records of the National Advisory Commission on Civil Disorders (Kerner Commission), LBJ Library; *The Road to Anarchy: The Findings of the Riot Study Commission of the New Jersey State Patrolmen’s Benevolent Association, Inc.* (1968), 10-11; “City Analyses,” Kerner Commission Microfilm, Reel 19, frames 392-397.

demonstrated the use of political bargaining and thus the radical potential of this stage in black rioting. In this spirit the report referred to Plainfield as a “focused political rebellion by racially and politically conscious ghetto youth in which violence was used deliberately and often rationally for the purpose of achieving political recognition.” Young people in Plainfield had been inspired by events in Newark. Forty-nine thousand people lived in the wealthy suburban community. Approximately 13,700 were black and of these 8,000 lived in the run-down West End, comprising about eighty percent of the area’s population. The city’s police force consisted of eighty-one officers. Out of the five black officers in Plainfield, two were on the “ten most wanted” list circulated among black residents. At late as 1966, the word “nigger” was frequently heard over the police radio. One officer displayed a Confederate flag on his belt buckle and as a pennant on his car.⁶²

Robert Nelson, the black sixteen-year-old president of the Plainfield-NAACP Youth Council, testified that police treated black West End youth as department property. “Any time anything happens or any stores are broken in or any robberies,” Nelson said, police “always...go right down to the Fourth Ward.” West End youth thus from an early age saw police as punishers not protectors. “I can remember policemen throwing kindergarten kids in the car for fighting and taking them down to police headquarters,” he said. “They would throw them into the car and talk to their mother like a dog.” Many young black residents knew police solely through brusque, authoritarian interactions. Black teens of Plainfield had grown accustomed to hearing “Get off this damn corner”

⁶² *Harvest Report*, 22-23; “City Analyses, 1967,” Kerner Commission Microfilm, Reel 19, frames 0439-41; *Kerner Report*, 42-43; Governor’s Selection Commission on Civil Disorder, *Report for Action* (Trenton, N.J., 1968), 50, 95; Thomas J. Sugrue and Adam P. Goodman, “Plainfield Burning: Black Rebellion in the Suburban North,” *Journal of Urban History* 33, no. 4 (May 2007): 570-575.

from police. “My kid goes downtown and the cops chase him for loitering,” one West End parent said at police headquarters after the riots. “Come by here on a Sunday afternoon and you’ll see white people sitting on the grass with their families.” David Hardy, a black reporter who grew up in the West End and worked as a reporter for the Plainfield *Courier-News*, highlighted loitering enforcement in his testimony to the Kerner Commission. “If you stop to pick up a match you are going downtown,” Hardy said.⁶³

On the night of Friday, July 14, Nelson and his friends went to the White Star Diner on West Front Street, near Plainfield Avenue, a West End artery. One teen became angry as he described the beating his aunt had received a week before by a white officer with a reputation for physical roughness. On July 5, Patrolman Edward Piatt had arrested Mary Brown for disturbing the peace. The president of the Plainfield NAACP called Officer Piatt the top “head-knocker” on the force. Brown returned home with severe bruising to her body and cuts to her face. The family and a local NAACP official tried to lodge a complaint but were rebuffed by the city clerk. The story of Brown’s alleged beating spread through the West End. Brown had a dozen nephews in between sixteen and twenty-five years old, who were incensed about her treatment and distributed pictures of her bruises. On the evening of July 14, Nelson and his friends noted that, before Brown, Officer Piatt had beaten another black woman at that diner. The talk turned to revenge. “I am tired of them abusing women,” one said.⁶⁴

⁶³ Robert Nelson, Governor’s State Commission on Civil Disorder (GSCCD) hearing transcript, November 10, 1967, 26-28; *New York Post*, July 19, 1967, 8, 41; Statement of David Hardy, Commission Meeting, September 21, 1967, 1700, Box 3, Series 1, Kerner Commission, LBJ Library.

⁶⁴ Robert Nelson, GSCCD hearing transcript, November 10, 1967, 31-33; for “head-knocker,” see Transcript of Interviews by N. Jones and L. Satterfield in the Negro Community, September 5-6, 1967 (Jones and Satterfield Interviews), Kerner Commission Microfilm, Reel 26, frame 00268; Statement of David Hardy, September 21, 1967, 1655-1656, 1728, Box 3, Series 1, Kerner Commission, LBJ Library; *Report for Action*, 145; *Kerner Report*, 42-43; Sugrue and Goodman, “Plainfield Burning,” 580-581.

One boy made a Molotov cocktail and threw it at a passing car. The driver, a white youth, screeched to a stop, and a black man in his mid-twenties stepped out. He approached the boy who threw the firebomb and punched him. Piatt happened to be at the diner, though he was off-duty. When Nelson's friends him to arrest the older teen, Piatt refused. The boys fumed and returned to the housing project. The city's two black councilmen, Everett C. Lattimore and Henry Judkins, joined the small but growing crowd of 150 youths in the parking lot. George Lattimore, brother of Everett, said many of the boys discussed Newark. They wanted "a piece of the action." Their grievances focused on police brutality. The older black men discouraged most from rioting by promising to hold meetings the following day. But at 12:30 a.m., about fifty headed toward the business district along West Front Street and started breaking windows. Later, police found about a dozen hastily-prepared Molotov cocktails stashed at a gas station.⁶⁵

At 1:30 p.m. the following day, Saturday, July 15, Mayor George Hetfield held a meeting at the Teen Center in the West End. City officials and upwards of 100 neighborhood youths attended. George Lattimore said the discussion was calm and orderly at first. The teenagers mostly complained about inadequate recreational facilities. After more than an hour, a smaller militant group entered and mocked the meeting as an empty, futile gesture. "You will hear from us tonight," they said. "You better take care." Then they stormed out.⁶⁶

⁶⁵ *Riots, Civil and Criminal Disorders*, Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations, United States Senate, December 6, 1967, Statement of Everett C. Lattimore and George Lattimore, 1048-1049; *Ibid*, Statement of Harvey Judkins and Calvin King, 1073-1074; Harvey Judkins field interview, Kerner Commission Microfilm, Reel 26, frame 416; Mayor George Hetfield field interview, Kerner Commission Microfilm, Reel 26, frame 311; *Report for Action*, 145; *Kerner Report*, 42-43. Sugrue and Goodman, "Plainfield Burning," 581-582.

⁶⁶ *Riots, Civil and Criminal Disorders*, December 6, 1967, 1051, 1078; *Report for Action*, 145-146; *Kerner Report*, 43; Sugrue and Goodman, "Plainfield Burning," 582-584.

The Lattimore brothers and a few other black men went to the West End where they found Linward Cathcart, a lifelong West End resident and local celebrity ex-baseball player. Cathcart, a former Black Muslim, was instructing the assembled teenagers to reject false promises made by white city officials. When George advised Cathcart to moderate his harsh tone, Cathcart, according to George Lattimore, replied that “there had never been a revolution without bloodshed.” One youth, taking off his shirt, called George an “Uncle Tom” and threatened to fight him. Several teens declared that they would rather die at home than in Vietnam. “In six years you have been a councilman and you haven’t been able to get us the things we need,” one said to Everett. “We are going to accomplish more in one night than you have been able to accomplish in six years.” Calvin King, an associate of the Lattimores, overheard Cathcart say, “We are going to turn this town upside down.”⁶⁷

Immediately, a small group ran across the street from the housing project and smashed the windows of Abram’s Bar and “carted out all the alcohol, liquor, and beer.” Herbie Abrams, a stocky white man in his late thirties, was shocked by the attack on his bar, which he had operated without incident in the West End for twenty-three years. On a visit to the small, dark tavern afterward, the sociologist Elliot Liebow noticed that Abrams seemed to be on good terms with the older black male patrons. No one—not Abrams, his customers, or the bartenders—recognized the teens who had ransacked the place on Saturday night. According to Calvin King, rioters “took the bartender and attempted to kill him if he said anything or tried to come up.” When King and others returned later, they found the bartender, a black man, tied up in the basement. That night,

⁶⁷ *Riots, Civil and Criminal Disorders*, December 6, 1967, 1075, 1062.

teenage rioters burned several cars, stores, and a gas station. After police withdrew, some residents called the area “Soulville,” or “the black man’s territory.”⁶⁸

Another failed meeting preceded renewed rioting early Sunday afternoon. Around 300 young men were gathered in the West End Gardens parking lot. Cathcart and David Sullivan, Assistant Director of the Human Relations Council, decided to move the group to nearby Green Brook County Park to diffuse tensions. As they were drawing up a list of grievances, three county police officers ordered them to leave because they did not have a permit. Sullivan explained the delicacy of the situation, but the police stood their ground and caused additional upset by repeatedly referring to the young men as “boys.” As the crowd piled into their cars, several teens issued ominous declarations: “Plainfield will burn tonight” and “We’ll fix you, white man.” The caravan of forty cars, horns blaring, sped off for the West End. By 6 p.m., looting and several fires were reported. Mayor Hetfield requested state police assistance.⁶⁹

Around 8 p.m. David Hardy spotted a white officer in the vicinity of West Second Street. “There was a sort of shock and amazement” among residents, Hardy said, to see a white officer on foot and alone in the West End. The officer, Patrolman John Gleason, had a reputation for physical brutality in the black community. “When he came to arrest a person, you could bet he would wind up using the stick,” said a black barber. The summer before, Gleason had shot a black teen. On Sunday, July 16, Gleason left his post guarding the riot perimeter to pursue a young black man, Bobby Williams, who had been

⁶⁸ *Riots, Civil and Criminal Disorders*, December 6, 1967, 1075; Elliot Liebow, “Observations on Plainfield Trip,” 2-9, Kerner Commission Microfilm, Reel 26, frames 356-363; Jones and Satterfield Interviews, Kerner Commission Microfilm, Reel 26, frame 280; Sugrue and Goodman, “Plainfield Burning,” 584.

⁶⁹ Robert Nelson, GSCCD hearing transcript, November 10, 1967, 41; *Kerner Report*, 43-44; Sugrue and Goodman, “Plainfield Burning,” 584; *Report for Action*, 146-147.

chasing two white youths. During the confrontation, Gleason shot Williams three times. As Gleason turned to run back toward his post, he tripped and was tackled by several youths. The teenage mob pummeled Gleason. Then they destroyed Hardy's camera. Thirty minutes later, police rescued the officer and took him to the hospital, where he died around 8:45 p.m. Officer Gleason had been "stomped to death," as Mayor Hetfield put it. Bobby Williams spent the next few months in the hospital recovering from critical injuries.⁷⁰

An hour later, forty-six carbines were reported stolen from Plainfield Machine Company in neighboring Middlesex. David Hardy explained that young men wanted to arm themselves against possible police retaliation for Gleason's death. Not long after the theft, however, George Lattimore and Calvin King noticed a man distributing rifles to eighteen young men. That man, Arthur Lee Harriatt, had been arrested in 1965 for burglarizing the same armory. Harriatt appeared to be directing rioters, telling them where to shoot. The shooters were mainly young teenagers, who at one point strafed a fire station. Mayor Hetfield later noted that the sighting mechanism on the carbines was off by eight inches at fifty feet, perhaps explaining the low hit-rate of the "snipers." Lattimore and King also overheard Harriatt assuring looters that they could take their time and not fear police interference. Police reported twenty-seven sniping incidents on Sunday, Monday, and Tuesday, some of it "heavy" and continuous, lasting two to three hours at times. Twenty of 150 persons arrested during the riot, or over thirteen percent, were charged with weapons possession, a much higher proportion than in other disorders.

⁷⁰ Robert Nelson, GSCCD hearing transcript, November 10, 1967, 58; Jones and Satterfield Interviews (Mr. Mitchell and David Hardy), Kerner Commission Microfilm, Reel 26, frames 00273, 00277-00278; Mayor George Hetfield field interview, Kerner Commission Microfilm, Reel 26, frame 00326; *Kerner Report*, 44-45; *Report for Action*, 147; Sugrue and Goodman, "Plainfield Burning," 575, 584.

New Jersey Attorney General Arthur J. Sills, however, testified that some sniping was likely cross-fire from police. National Guard armored personnel carriers rolled through the West End around 2 a.m. on Monday.⁷¹

Monday was another day of meetings. Young people met at the Teen Center in the early afternoon and then assembled at the mayor's office at 6 p.m. Around then, state officials arrived from Newark, including Attorney General Sills and Paul Ylvisaker, commissioner of the Department of Community Affairs, a cabinet-level position in state government. Colonel David Kelly, state police commander, had come to Newark around 9 a.m. Various residents, mostly youngsters, showed up at Hetfield's office to air grievances. As they had for years, teenagers complained about the West End's poor recreational facilities, especially its lack of swimming pools. They were not allowed to use the pools in white neighborhoods. Some demanded that the police stay out of the West End and keep whites from entering. Others complained about police brutality and housing conditions. Mayor Hetfield became impatient. "More general things, again," he said of the demands to a field researcher with the Kerner Commission.⁷²

Around 9:30 p.m., at the request of residents, city and state officials drove to the West End. They found as many as 300 people standing in the street and on their front porches. Ylvisaker, Hetfield, and Sills each took their turn at the bullhorn. Residents expressed two major concerns: securing the perimeter and releasing the prisoners.

⁷¹ *Riots, Civil and Criminal Disorders*, December 5, 1967, Testimony of John J. Walsh, 953; *Riots, Civil and Criminal Disorders*, December 6, 1967, 1067-1071, 1076-1077; Mayor Hetfield field interview, Kerner Commission Microfilm, Reel 26, 00318, 00324; Statement of David Hardy, September 21, 1967, 1650, 1728, Box 3, Series 1, Kerner Commission, LBJ Library; *Report for Action*, 148-149; *Kerner Report*, 45.

⁷² *Riots, Civil and Criminal Disorders*, December 6, 1967, Testimony of Arthur J. Sills, Col. David Kelly, and Paul Ylvisaker, 1158-1159; Mayor George Hetfield field interview, Kerner Commission Microfilm, Reel 26, 00318; *Report for Action*, 149; *Kerner Report*, 45; Sugrue and Goodman, "Plainfield Burning," 574.

Apparently, some white teenagers had recently ridden through the area on motorcycles wearing jackets with swastikas. State authorities said they would consider releasing some prisoners early, known as release-on-recognizance. They had tried the strategy in Newark, in coordination with the Vera Institute of Justice, which had formulated a similar plan for New York City in 1966, and believed it had helped to soothe fears in the black community about the treatment of riot prisoners locked up for days. Although state officials, especially Ylvisaker, were predisposed to the idea, it was Cathcart who forced their hand.⁷³

State and city officials retreated to a second-floor room of city hall to discuss next steps. Sometime after 9 p.m., Cathcart and Harriatt arrived and demanded to be let in. Mayor Hetfield waved off the guards, noting that both men had helped to keep the peace the night before. But upon entering, according to Sills, Cathcart issued a threat. “Unless you let everybody out of jail by ten o’clock, we are coming out shooting,” he said. “We got the guns; we got a bazooka; we have got grenades, and we are going to blow this town apart.” Cathcart denied ever saying this. He maintained he was only acting as the messenger for unidentified militants. Colonel Kelly and other state officials initially opposed releasing prisoners, but, at Ylvisaker’s insistence, they relented and persuaded Governor Richard J. Hughes to sign off. In exchange for the release of a dozen prisoners charged with minor offenses, Cathcart had to return the missing forty-six carbines. Colonel Kelly, in charge of riot operations, also withdrew all Plainfield police officers

⁷³ *Riots, Civil and Criminal Disorders*, December 6, 1967, Testimony of Arthur J. Sills and Col. David Kelly, 1133-1334, (Ylvisaker) 1160-1161.

from the West End. Those present agreed that the “truce” would last until noon Wednesday.⁷⁴

The city released twelve prisoners around 5 a.m. on Tuesday. Throughout that day and night, city and state authorities gathered intelligence on the possible location of the hidden cache of weapons. When the carbines did not appear on Wednesday at noon, the National Guard brought their tank-like armored personnel carriers up to the West End border. Ylvisaker, horrified at the militarized display, halted the procession. He also removed two white Plainfield police officers from the convoy, “to avoid provocation.” The Guard and state police, strangers to Plainfield, only searched twenty-six units in West End Gardens. They found no weapons and had no warrant. State authorities assumed the search was covered under the governor’s disaster proclamation. A class action lawsuit filed in the aftermath alleged that on July 17 and during two subsequent searches, on July 19 and 25, residents were ordered out of their homes, some held at gunpoint, while authorities rummaged through their personal effects, scattering clothing, overturning and in some cases breaking furniture, and seizing lawfully-owned firearms. Ultimately, Plainfield police recovered nine carbines.⁷⁵

About a dozen citizen observers accompanied the July 17 search. To the Plainfield police officers present, the civilians, especially Catchart, appeared to be in

⁷⁴ Arthur J. Sills, GSCCD hearing transcript, October 2, 1967, 34; *Riots, Civil and Criminal Disorders*, December 6, 1967, 1135-1138, 1162-1163; *Report for Action*, 149-150.

⁷⁵ *Riots, Civil and Criminal Disorders*, December 5, 1967, Testimony of Capt. George C. Campbell, 1032-1035; *Riots, Civil and Criminal Disorders*, December 6, 1967, 1164-1166. The lawsuit, filed by the ACLU, later attracted prominent liberal attorneys such as William Kunstler. Complaint for Injunctive Relief and Damages, n.d., Folder “*Adams v. Hughes*,” Box 1308, Part V, Records of the National Association for the Advancement of Colored People, Library of Congress, Washington, D.C.; Memorandum of Law in Support of Application for Preliminary Injunction, September 6, 1967, 1-3, *ibid*; *Riots, Civil and Criminal Disorders*, December 5, 1967, Testimony of John J. Walsh, 1041. In 1970, a federal court awarded sixty-six black Plainfield residents \$19,000 in damages. The largest cash payment was for \$3,175. Most plaintiffs received \$100. *New York Times*, May 27, 1970, 33.

charge. After his humiliating exclusion from the search party, Captain George C. Campbell returned to police headquarters. With almost four dozen officers—virtually the entire department—he threatened to resign unless Ylvisaker and Sills left the city at once. “The men were terribly upset,” Campbell said, “that the majesty of the law, if you might, had been stopped by a group of men who were identified and known to us as those with criminal records.” Lieutenant Daniel S. Hennessy felt “disgusted” after Cathcart blocked him from the search, after first forcing him to surrender his badge and gun. “I couldn’t even go into my own town,” Hennessy said. Ylvisaker met with the police afterward. The officers berated and belittled him and accused him of Communist sympathies. “They wanted to get tough,” Ylvisaker said, “and go down there and show these people who was in control.” Ylvisaker departed Plainfield that afternoon. The police remained sullen and angry for weeks after the riot. “Rigidly vengeful” was how Kerner Commission field researchers described the Plainfield police almost two months later.⁷⁶

The radical social scientists of the Kerner Commission and the scholars who have written about Plainfield have been impressed with the supposedly revolutionary underpinnings of the uprising. But as the Cincinnati unrest a month earlier demonstrates, rioters and their advocates commonly acted without a base of deep popular support. In the late afternoon on June 12, black teenagers in the Avondale section of Cincinnati engaged in civil disobedience to prevent trucks from making deliveries and vowed to continue until the company hired more black drivers. Robert R. Reid, vice-president of the local NAACP, tried to pacify the youths by promising to arrange a meeting with local

⁷⁶ *Riots, Civil and Criminal Disorders*, December 5, 1967, Testimony of Cap. George C. Campbell and Lt. Daniel S. Hennessy, 1035, 1037; *Riots, Civil and Criminal Disorders*, December 6, 1967, 1167; Team Evaluation of Plainfield, New Jersey, n.d., Kerner Commission Microfilm, Reel 26, frame 0291.

merchants. But just then a police officer asked the storeowner, “What are these nigger punks doing?” When Reid got angry, the teens said, “Don’t worry about it, Doc, we’ll take care of it.” This aborted boycott set the stage for the riot.⁷⁷

Around 7 p.m., 150 young black people congregated on Reading Road in a general protest against the police and white racism. Some carried signs criticizing the conviction of Posteal Laskey, Jr., a black man sentenced in May to the electric chair for the rape and murder of Barbara Bowman, one of seven white female victims of the Cincinnati Strangler since 1965. The Laskey arrest and trial had been headline news throughout the spring. Many black residents felt that police, prosecutors, and the press had convicted Laskey before trial. Tensions rose before Laskey’s arrest, said William H. Bowen, a state representative, because police were “picking up Negroes en masse, questioning them about previous murders.” By contrast, in June 1967, a white man was found guilty of killing his girlfriend in a domestic argument but was given five years’ probation and allowed to return to his native Toledo.⁷⁸

Riot tensions escalated significantly after a controversial loitering arrest, as young people and militants protested the order-maintenance policing that middle-class African-American activists had in the past supported. Peter Frakes, wearing a “Justice for Laskey” sandwich-board to raise funds to appeal his cousin’s conviction, was arrested at 12:35 a.m. on June 11 for violating the anti-loitering ordinance. In response to the outcry

⁷⁷ Field Research Report, Cincinnati, Ohio, June 12-19, 1967, 20, 46-49, Embargo Series 10, Box 44, Kerner Commission, LBJ Library (Cincinnati FRR); Interview with Dr. Robert Reid, November 9, 1967, “Cincinnati - Team Interview Report - 2d Trip,” Embargo Series 10, Box 43, Kerner Commission, LBJ Library.

⁷⁸ Cincinnati FRR, 46-47; Deposition of Robert R. Reid, January 8, 1968, pp. 3-9, Box 2, Series 32, Kerner Commission, LBJ Library; Deposition of William F. Bowen, January 9, 1968, p. 4, *ibid*; Sergeant Moore, Detective Bureau, field interview, Kerner Commission Microfilm, Reel 23, frames 00544-00546; Cincinnati Profile in “City Analyses,” Kerner Commission Microfilm, Reel 19, frames 00189-00190.

over Frakes's arrest, at 11:00 a.m. on June 12 city officials met with black activists, including Clyde Vinegar, former president of Cincinnati CORE, and the more moderate members of the Avondale Community Council, the group that had demanded more aggressive patrols against corner-loitering in the late 1950s. The representatives demanded Frakes's release and complained about aggressive, indiscriminate use of the loitering law against black residents. Shortly after 5 p.m. when Frakes was released from jail, the first "Soul Brother" signs appeared in Avondale store windows. At 7 p.m. the Avondale Community Council convened a meeting at Reading and Rockdale. The subject: assisting police in making targeted anti-loitering arrests of the men responsible for the "many acts of abuse" toward black women in public.⁷⁹

At 8 p.m. the outdoor rally planned by Vinegar and other militants began. Speakers stressed Black Power's core themes of self-defense and self-determination. Some criticized police enforcement of the loitering law as blatantly discriminatory. Frakes addressed the assembly as well. At close to 10 p.m. Donald Spencer, a black realtor, took the stage to defend the loitering law. The crowd grew restless, angry. Many jeered. Some teens headed toward the shops on Reading and Rockdale Roads. A Molotov cocktail was thrown into a drug store, the first of the riot. Latham Johnson, a well-known black civic leader, was arrested for loitering while urging the youths to leave the streets. He was subsequently convicted. Shortly after 10 p.m., police moved into Avondale with force. A sixty-one-year-old black man named Richard Chenault was clubbed in the back

⁷⁹ Cincinnati FRR, 46-47; Deposition of William F. Bowen, January 9, 1968, pp. 4-5, Box 2, Series 32, Kerner Commission, LBJ Library; City Officials (Police Chief Colonel Jacob Schott, Public Safety Director Henry Sandman, Police Captain Howard Rogers) field interview, Kerner Commission, Reel 23, frames 00465-00468; Exhibit 1, Handbill Prepared for Distribution, Avondale Community Council, Box 44, Embargo Series 10, Kerner Commission, LBJ Library.

of the head, yet he was later charged with assaulting an officer and sentenced to one year in jail.⁸⁰

The night of the 12th, several hundred rioters, ranging from teenagers to adults, smashed store windows, lit several fires, attacked white journalists and damaged press vehicles, and engaged in hit-and-run attacks upon police. At 8:30 a.m., two meetings took place: city officials gathered at the police chief's office, and black activists met at the Human Relations Commission. The activists discussed a list of eleven grievances drafted the previous night. Number one was justice for Chenault. Third was repeal of the loitering law. Immediately following, Mayor Walter Bachrach and City Manager William Wichman heard the demands. According to Reid, Wichman took a get-tough approach. "Tell those people that if it is force they want we have plenty of it and will use it," he said. When asked if black activists could try to speak with the youths in the streets, Wichman refused. "We are going to have law and order out there." At 2:30 p.m. on June 13 city officials met black activists in the public safety office. Two hours later, the mayor held a press conference at city council in which he issued a directive for each of the eleven grievances. At 6 p.m., the city committed 430 police officers to the riot area. The mayor read the Riot Act on television. Crowds gathered at Rockdale and Reading Roads. Shortly after a public meeting held around 7 p.m., teenagers began breaking store windows and setting fires. Police brandished shotguns in provocative display as they rode through the area. Some 1,500 rioters spread out to nearby Evanston and the more distant West End. They pelted firemen and police, burned buses and buildings, looted and damaged stores, and attacked motorists. A white man was shot by someone in a passing

⁸⁰ Cincinnati FRR, 50-53; Cincinnati Profile in "City Analyses," 00190-00192; Deposition of Robert R. Reid, 11-12; *Cincinnati Enquirer*, June 14, 1967, 7, 36.

car; he would die two weeks later. At 2:30 a.m. National Guard troops dressed in full battle gear arrived in troop carriers and jeeps with mounted machine guns.⁸¹

At a raucous city council meeting in the morning of June 14, many came forward to denounce the police, including representatives of Cincinnati's sizable Appalachian community. Representative Bowen, who was black, said a white police officer once justified brutality against Appalachian residents because the "only language they understand is force." At a second council meeting in the afternoon, National Guard troops with fixed bayonets amassed outside the chambers, causing Clyde Vinegar and twenty-five others to storm out. The crowds returned to Rockdale and Reading around 9 p.m. Teenagers took charge. Eight hundred Guardsmen patrolled Avondale and surrounding neighborhoods. Rioters firebombed lumber yards and raided the Metropolitan Housing Rental Office, carting off furniture and burning it in the street. A white teen was hit by gunfire from a passing car. A black teen was shot in the thigh. Whites armed themselves to defend their neighborhoods. The *Cincinnati Enquirer* characterized the participants as "guerilla-type bands of youths" and "hit-and-run bands of marauders." Sporadic, mostly minor rioting continued until Friday night. At dusk, Thursday, Rap Brown issued his own list of twenty demands, mainly focusing on increasing black city employment. On Sunday morning, Police Chief Jacob Schott reduced police to normal patrols.⁸²

⁸¹ Demands included amnesty for rioters; transfer of a despised officer; more black truck drivers; a job guarantee, especially for youth; racial equality in the courts; and permits for black activists to traverse the riot area under curfew. Exhibit 2, Eleven Grievances Presented to the Mayor by Negro Leaders, June 13, 1967, Box 44, Embargo Series 10, Kerner Commission, LBJ Library; Cincinnati FRR, 58-59; *Cincinnati Enquirer*, June 13, 1967, 1, June 14, 1967, 1, 7, 12, 36.

⁸² *Cincinnati Enquirer*, June 15, 1967, 1; Deposition of William F. Bowen, 6; Exhibit 5, Twenty Demands Presented by H. Rap Brown, Box 44, Embargo Series 10, Kerner Commission, LBJ Library; Cincinnati FRR, 79-94.

Activists in Plainfield and Cincinnati seized upon the momentum of the street rebellions to advocate for reforms to order-maintenance and aggressive policing. In Plainfield, a month after the riot, city council defeated an anti-loitering ordinance that had once seemed assured of passage. Mayor George Hetfield attributed its defeat to the sudden power of Linward Cathcart. At a public hearing held on the ordinance, Cathcart allegedly told the council, "You know where I sit and what I sit upon." Indeed, John Harvard, the director of Plainfield's anti-poverty agency and a city official, noted black residents' advantageous bargaining position a few days after the riot. "If they've really got those guns," he said, "they'd better hang onto them on to them a little while. The thought of those guns in the city's mind is all they have." The final vote against the loitering ordinance was 9-1. "I can't go along with Lenny on a lot of things," a longtime Plainfield NAACP official said. "But I take my hat off to him. He's been able to do things in months that we haven't done in years." Cathcart relished the praise. "Since the riots, we're not niggers anymore," he said. "We're black men."⁸³

Cincinnati activists had less success though they were able to launch a public debate on the long-neglected concerns of Avondale residents. ACLU and NAACP attorneys lined up against the law as overly broad and a source of tension between black residents and the police. Councilman Myron Bush observed that police appeared to use the law as a "way of intimidating the Negro community." The chief of police, city manager, and prominent judges lined up on the other side in support of the ordinance as an essential order-maintenance tool for police. Colonel Jacob Schott, the police chief,

⁸³ Mayor George Hetfield field interview, Kerner Commission Microfilm, Reel 26, frame 0327; Liebow, "Observations on Plainfield Trip," 18, Kerner Commission Microfilm, Reel 26, frame 0372; *New York Post*, July 19, 1967, 41; Statement of David Hardy, September 21, 1967, 1658, 1712, Box 3, Series 1, Kerner Commission, LBJ Library.

noted that “different Negro groups” opposed and approved of police efforts to curb loitering in black neighborhoods. In late September 1967, city council voted to retain the law by a vote of 7-2. Four years later the Supreme Court would agree with the law’s critics and find Cincinnati’s ordinance overly broad and unconstitutional.⁸⁴

In October 1967, a few weeks after the city voted to retain its loitering law, the council passed several emergency ordinances, to take immediate effect, levying heavier penalties on inciting riots and interfering with firemen or city workers during disturbances. In March 1968, the state legislature passed a law to give city officials greater executive powers to impose curfews and command public resources, while rendering police and other security forces “guiltless” for death or injury caused to civilians during riots. The city supplemented this law with its own ordinance a few weeks later. The city law’s original drafting had provoked fierce criticism from councilman and militants alike for granting the mayor too much power. Clyde Vinegar denounced it as “a vendetta against black people.” “What you are really proposing is vigilantism,” he said. “You will not have passed antiriot legislation. You will have passed a declaration of war.” Indeed, the city had set a get-tough course. Instead of expanding the existing police-community relations program requested by activists, the council had allocated \$500,000 to hire an additional fifty police officers.⁸⁵

A black Avondale resident had tried to explain the uprising back in June as a collective statement of humanity. African Americans were afflicted with “a sense of

⁸⁴ *Cincinnati Enquirer*, September 12, 1967, 17, September 19, 1967, 22, September 28, 1967, 33, October 5, 1967, 27; Cincinnati FRR, 109; *Coates v. Cincinnati*, 402 U.S. 611, 91 S. Ct. 1686, 29 L. Ed. 2d 214 (1971).

⁸⁵ *Cincinnati Enquirer*, September 2, 1967, 17, September 8, 1967, 43, October 17, 1967, 27, October 19, 1967, 43, February 7, 1968, 19, March 15, 1968, 14, 15, *Cincinnati Enquirer*, March 29, 1968, 25, April 18, 1968, 29; Cincinnati FRR, 105, 108-110; *Post-Times Star*, February 6, 1968; Cincinnati City Budget 1967, Box 44, Embargo Series 10, Kerner Commission, LBJ Library.

nothingness, particularly the young.” Young men were constantly “pushed around” by police on the street corner. “It’s like you’re not a human being,” he said. After the riot, local activists were concerned about rapid racial polarization. “I don’t know where it goes from here,” Reverend Hunt, who founded the United Black Community Organization after the unrest, said to Kerner investigators. National black militants had come to Cincinnati and were encouraging teenagers to continue using violence to get what they wanted, while the “white community is an armed camp.” After minor riots erupted in early July, City Manager William C. Wichman condemned the “organized crime wave.” A few weeks later, the local Republican Party officials released a platform promising a “tough and uncompromising” response to future rioting.⁸⁶

Throughout 1964 to 1968, conservatives, liberals, and radicals defined the riots to advance their respective political agendas. Conservatives described urban unrest as “rare, needless, without purpose, and irrational” to build support for a punitive response and to delegitimize liberal welfare programs, which they described as a major cause of rebellion. Liberals located the source of urban uprisings in impersonal societal structures: discrimination, poverty, unemployment, and the accompanying social alienation. They thus advocated a mixed response, combining public assistance to poor and marginal urban populations and more effective law-and-order techniques of social control. Radicals interpreted urban riots as political rebellions. They acknowledged the socioeconomic roots of disorder but stressed that rioters were engaged in a struggle over political power and resources that demanded transformative social change.⁸⁷

⁸⁶ *Cincinnati Enquirer*, June 14, 1967, 1, July 10, 1967, 16, July 26, 1967, 13; Cincinnati FRR, 97-98, 105.

⁸⁷ James W. Button, *Black Violence: Political Impact of the 1960s Riots* (Princeton: Princeton University Press, 2015 (originally 1978)), 5-9.

Social scientists argued that black urban violence triggered both welfare and punitive programs at all levels of government. These scholars noted rank-and-file black opinion on the “real causes” of violence. A majority of black inhabitants of Bedford-Stuyvesant said the riot was a “protest against the police, discrimination, or deprivation.” More than half of black residents of Watts and eighty-six percent of black inhabitants of Detroit’s Twelfth Street area described their respective uprisings as protests against socioeconomic conditions and racial subordination. In a survey of 3,000 black residents of fifteen cities in 1968, the largest share, forty-nine percent, identified discrimination as the main riot cause. One-fourth of respondents said unemployment and another quarter said bad housing. In virtually every poll conducted during the sixties, only a tiny minority of African Americans, five to ten percent, emphasized the role of hoodlums, criminals, radicals, or outside agitators.⁸⁸

The evidence for Watts illustrates with particular clarity the ambivalence with which most African Americans viewed urban unrest. Social scientists interviewed 586 black residents of the curfew area and 124 black arrestees. Among self-identified rioters, only fifty-eight percent held a favorable view of the rebellion, though three-quarters anticipated a positive outcome. Two-thirds of “active” spectators and three-fourths of “distant” spectators held an unfavorable view, but a solid majority of both believed the unrest would produce a beneficial result for African Americans. Although sixty-four percent of black respondents asserted that riot targets deserved attack, only about twenty-eight percent put the unrest in a favorable light. Between half and two-thirds held

⁸⁸ Harlan Hahn and Joe R. Feagin, “Rank-and-File Versus Congressional Perceptions of Ghetto Riots,” *Social Science Quarterly* 51, no. 2 (1970): 363-364; Angus Campbell and Howard Schuman, “Racial Attitudes in Fifteen American Cities,” in *Supplemental Studies for The National Advisory Commission on Civil Disorders* (Washington, D.C.: Government Printing Office, 1968), 47-48.

negative views of the event and forty-two percent expressed disapproval of participants. Nonetheless, forty-six percent of black curfew area residents preferred the label “riot” and thirty-eight percent saw the unrest as a “revolt, revolution, or insurrection.” This ambivalence toward rioting was evident at a community meeting held in Athens Park on the second day of rioting, August 12. “I’ve got seven sons,” said one woman. “And I’d just as soon as see them dies on the streets of Watts as in Vietnam. But that’s not the way to do it! We want our rights, but we don’t want to have to fight the police for them!”⁸⁹

By contrast, rank-and-file whites, white police, white merchants, and the almost entirely white U.S. Congress viewed urban unrest in terms that were the near-complete inverse of black Americans. In a nationwide 1967 poll, forty-five percent of white respondents volunteered “outside agitation” as a major riot cause. In the 1968 fifteen-city survey, white men attributed mass disorder to “looters and other undesirables” (a third) and “black power or other radicals” (one quarter). In a survey of mostly white urban professionals in the same year, seventy-seven percent of police, sixty-five percent of merchants, and sixty-two percent of employers blamed “nationalists and militants.” Sixty-nine percent of police also blamed “criminal elements” and over a quarter identified “Negroes basically violent” as a riot cause. In a poll of several hundred members of Congress over the summer of 1967, a substantial majority of Northern Democrats identified joblessness and governmental failure as a major riot cause. Most Southern Democrats and Republicans blamed “lack of responsibility among Negroes”

⁸⁹ David O. Sears and John B. McConahay, “Riot Participation,” in *The Los Angeles Riots: A Socio-Psychological Study*, ed. Nathan E. Cohen (New York: Praeger Publishers, 1970), 269; T. M. Tomlinson and David O. Sears, “Negro Attitudes Toward the Riot,” *ibid.*, 291, 293; Conot, *Rivers of Blood, Years of Darkness*, 150.

and outside agitators. Overall, only about one in four members of Congress cited police-community relations.⁹⁰

Police Crackdown on the Black Community

Police were ill-prepared for large-scale disorder in the sixties, but they were quick to take advantage of mounting federal interest in their welfare. In the uprisings they had faced serious dangers from rocks, to Molotov cocktails, to snipers. Large urban departments therefore requested military hardware and weaponry to defend against snipers, and more officers to suppress future outbreaks. These demands raised immediate concerns about whether militarizing police would further escalate tensions with African-American residents. Due to high public concern for reasserting control over riot-torn neighborhoods, police departments mainly succeeded in obtaining the resources they desired. Moving forward, they gained additional leverage in the battle of the corner despite the often egregious acts they perpetrated against black urban residents during the uprisings.

In a survey of thirty departments in October 1967, the International Association of Chiefs of Police found that almost all had drafted a riot control plan, but few had the capacity to execute it. In past riots police had succeeded “in spite of [their] planning effort,” said the IACP, by “playing it by ear.” Over forty percent of departments had no emergency radio frequencies. Only half had direct phone lines with neighboring jurisdictions. Academy riot training lasted on average eighteen hours, ranging from two

⁹⁰ Hahn and Feagin, “Rank-and-File Versus Congressional Perceptions of Ghetto Riots,” 364-367; Peter H. Rossi et al, “Between White and Black: The Faces of American Institutions in the Ghetto,” in *Supplemental Studies for The National Advisory Commission on Civil Disorders* (Washington, D.C.: Government Printing Office, 1968), 96-97.

to sixty-two hours. Eleven of thirty departments reported no special instruction for their riot control units. Extant training focused on squad tactics, such as the ineffective wedge formation, while ignoring the importance of coordinating with vital city agencies such as the fire department. The principal control weapon was the revolver and “in many cases” officers furnished their own. The IACP found “wide variation” in firearms training. More worrisome, departments offered almost no special instruction in the use of shotguns and rifles.⁹¹

Despite an expanding federal apparatus erected by the Lyndon Johnson Administration to assist local law enforcement, most riot control equipment was purchased by cities and states before 1969. During its short life, between November 1, 1965, and June 19, 1968, the Office of Law Enforcement Assistance, housed within the Department of Justice, awarded 426 grants and contracts for 359 separate projects costing \$20.6 million. Over sixty percent of these funds, approximately \$13 million, was distributed to law enforcement, primarily police. Roughly three-quarters of this sum went toward training, research, public relations, recruitment, and technological improvements such as computer-assisted dispatch or two-way radios. Almost none, accordingly, was used for the purchase of military-style weaponry and equipment.⁹²

Before 1969, police chiefs had to rely on city councils to acquire riot materiel. A booming private sector provided plenty of options. A July 1966 profile of “fantastic devices to end riots” in *Nation's Business* magazine surveyed sonic blasts to induce

⁹¹ International Association of Chiefs of Police, “Police Capabilities, Problems, and Needs in Dealing with Civil Disorders,” November 1, 1967, 32, 64-67, Kerner Commission, Reel 21, frames 0605, 0637-640; see also, Public Safety Hearing, November 1, 1967, Kerner Commission Microfilm, Reel 6, frames 0231-0240.

⁹² *Grants and Contracts Awarded Under the Law Enforcement Assistance Act of 1965* (Washington, D.C.: Government Printing Office, 1968), i-vii.

anxiety or bowel movements, tranquilizer darts, a bubble machine and “instant banana peel” to make city blocks untraversable, hand-held aerosol tear gas canisters, and “obscuring smoke.” The IACP convention in September 1967 featured for the first time armored personnel carriers—four of them, each priced at \$30,000. The chemical agent known as MACE went on the market in 1965. The powerful spray targeted facial nerve endings, producing a choking sensation and temporary blindness for up to thirty minutes. Police used MACE against rioters in New Haven, Connecticut, in July 1967. In August, Rochester police began initial testing. The police chief in Columbus, Ohio, claimed that MACE had reduced the number of attacks on officers by fifty percent over the past year. In August 1968, ahead of the Democratic National Convention, Chicago police officers began wearing MACE canisters as part of their uniforms.⁹³

The frenzy by urban police to stockpile arms mostly began after the summer of 1967. Under grilling by a state commission after Newark’s unrest, the city’s police leadership admitted that the department had been totally unprepared for large-scale disorder. Director of Police Dominick A. Spina said that he had shunned riot training in years past so as not to “incense the Negroes.” The entire force of 1,400 officers had twenty-five shotguns, and those were only obtained in early July after rumors of imminent militant-led unrest, but they had no helmets or shields. Asked whether the department had instructed its officers in the use of chemical agents, Spina said, simply, “You don’t need much training for tear gas.” After the disorder, Spina asked city council

⁹³ *Nation’s Business*, 54, no. 7 (July 1966): 62; *Ordnance* (July-August 1964): 67-70; *Democrat and Chronicle*, August 3, 1967, 1B, 2B, August 28, 1967, 10A; David Farber, *Chicago ’68* (Chicago: University of Chicago Press, 1988), 135; *Time*, 90, no. 9 (Sept. 1967): 16; Garry Wills, *The Second Civil War: Arming for Armageddon* (New York: The New American Library, 1968), 17; *New York Times*, January 18, 1968, 41, April 15, 1968, 63, May 15, 1968, 38; *Washington Post*, February 25, 1968, A1, A7; *Boston Globe*, April 14, 1968, 2A.

for bulletproof helmets, armored cars, anti-sniper rifles, and “all the tear gas we could ever need.” Whereas a year before he “couldn’t get one walky-talky,” now the council quickly released \$230,000 for materiel, including 500 shotguns.⁹⁴

Police methods varied widely by department, according to leadership style and internal culture. More progressive police chiefs like Howard R. Leary of Philadelphia and William Lombard of Rochester discouraged a shoot-first approach. They used riot cordons and instructed officers to use minimal force. By contrast, William H. Parker of Los Angeles referred to Watts rioters as “monkeys in the zoo.” “This thing is very much like fighting the Viet Cong,” Parker said during the uprising. Afterward, he declared “we’re on top and they’re on bottom.” Los Angeles police killed almost two dozen people. In Newark and Detroit, Director Spina and Police Commissioner Ray Girardin gave orders for police to shoot anyone deemed a threat to public safety. Young white National Guardsmen, with little riot training and prior contact with black residents of either city, fatally shot many looters and bystanders out of panic or malice. In Liberty City, Miami, the neighborhood targeted by Police Chief Walter Headley, Jr.’s “Get-Tough” aggressive policing campaign, police were quick to shoot up a black housing project suspected of harboring snipers.⁹⁵

⁹⁴ Dominick Spina, Governor’s State Commission on Civil Disorder (GSCCD) hearing transcript, November 17, 1967, 155-160; John L. Redden, GSCCD hearing transcript, November 3, 1967, 22-24; Donald Malafronte, GSCCD hearing transcript, October 27, 1967, 20-25; Governor’s Selection Commission on Civil Disorder, *Report for Action* (Trenton, N.J., 1968), 128-129, 135-136; Button, *Black Violence*, 126.

⁹⁵ Howard R. Leary, “The Role of Police in Riotous Demonstrations,” *Notre Dame Lawyer*, 40 (1964-1965): 499-507; *Los Angeles Times*, August 15, 1965, 1C, August 30, 1965, B, 27, September 6, 1965, A5; Gerald Horne, *Fire This Time: The Watts Uprising and the 1960s* (Charlottesville: University Press of Virginia, 1995), 137; National Commission on the Causes and Prevention of Violence, *Miami Report: The Report of the Miami Study Team on Civil Disturbances in Miami, Florida, During the Week of August 5, 1968* (Washington, D.C.: Government Printing Office, 1969), 56-58; Interview with Catherine Cleveland, NCCPV, Part II, Reel 13, frames 348-352, 358-359, 361; *Miami Herald*, August 10, 1968, 1, 22A; 870.05 Fla. Stat., quoted in *Miami v. Cleveland*, 250 So. 2d 298 (1971), 301; *Cleveland v. City of Miami*, 263 So. 2d 573 (1972) at 576-577.

Against this backdrop of fear, poor discipline, and a desire for vengeance, police and National Guard moved against rioters and bystanders alike with brutal, degrading tactics and lethal force. The state crackdowns persisted under cover of the curfew, long after the last rock was thrown. As black urbanites insisted at the time, the police and National Guard likely prolonged and escalated the disorder through reckless, provocative tactics. Their actions constituted a second, “tandem riot,” as some scholars have noted. The crackdowns produced new bitterness and resentment in the black community which would frustrate efforts to achieve a lasting peace between police and residents in the aftermath.⁹⁶

The LAPD and the Sheriff’s Office were alternately passive, entirely absent, and brutally aggressive during the five-day Watts rebellion. On the third full day, Saturday, the LAPD set up checkpoints to seize guns. They searched men, women, seniors, even children. “We’ve taken away enough guns to arm a small army, but I think we’ve only got a fraction of them,” said one police officer. Sheriff deputies rode around in “bomber squads,” or convoys of five station wagons, each with five officers. Every officer carried a shotgun. Willie F. Brown, a black resident of Willowbrook, repeatedly saw the deputies “jump out and beat people and leave them on the street.” The officers “would not arrest them, just beat them and make them run.”⁹⁷

The Los Angeles Fire Department struggled to contain fires while fending off hostile crowds. Food markets and liquor, furniture, and clothing stores, in that order, were the most commonly targeted for looting and arson. Over forty buildings were totally

⁹⁶ Goldberg, “Ghetto Riots and Others,” 116.

⁹⁷ *Los Angeles Herald-Examiner*, August 15, 1965, A10; Testimony of Willie F. Brown, November 4, 1965, 4, Volume IV, GCLAR, Bancroft.

destroyed by fire on 103rd Street, as were fifteen on Central and twenty on Broadway, between Santa Barbara and 49th Street. On Saturday afternoon, five dozen fires were going at the same time. In total, over one hundred fire trucks were damaged by rocks; forty had windshields completely shattered. One hundred thirty-six firefighters were injured, thirty-two directly hit by rocks or bottles. Four were shot. And, as noted, one died in the line of duty. Administrative Deputy Chief of the Fire Department Raymond M. Hill attributed the massive scale of the arson to “organized efforts.” Battalion chiefs had observed teams of young men drive up to stores, gain entry, load up the merchandise, and then burn the place to the ground. Captain Antone P. Jasich of the arson bureau was struck by the large number of Molotov cocktails that were “well-made,” where the wick had been sewn or bound with rubber bands so it would fit snugly inside the bottle, minimizing gasoline spillage. Indeed, at least a few persons arrested admitted that they knew how to make a Molotov cocktail from their time in military service.⁹⁸

The terrible destruction, arson, and sniper-fire brought police brutality to the doorstep of black residents. Mr. Minor of 4612 South Broadway, in the heart of Charcoal Alley II, made the mistake of poking his head out his second-floor window on the night of August 14. Officers crashed through the building’s front door. Their footsteps pounded up the stairs in martial unison. They broke down his door, ransacked the place, and left. Then came the unmistakable sound of gunfire. He hit the floor, as bullets razed his apartment’s walls. Next thing he knew he was lying in the street with nine other tenants. One woman had managed to grab a blanket to cover her naked body. Another woman,

⁹⁸ *Los Angeles Times*, August 15, 1965, 1, C; Testimony of Antone P. Jasich and Raymond M. Hill, October 19, 1965, 14-15, 20-21, Volume VIII, GCLAR, Bancroft; The survey given to riot prisoners contained a question about how to make Molotov cocktails. See, e.g., Outline of Interview of Persons Arrested in Riot (Case #'s 58, 61, 72, 78), 7, Folder 19, Carton 6, GCLAR, Bancroft.

Mrs. Randolph, was wearing only her nightgown. Mr. McDonald, a fellow tenant, had been ordered outside with a rough command. “Get your black nigger ass downstairs before I blow your brains out,” the officer had said. Police forced the prisoners to crawl through shattered glass, a scene captured by *Newsweek* under the caption: “Shots spray firemen, then police flush suspects into the gutter.”⁹⁹

Reverend H. H. Brookins of the United Civil Rights Committee referenced scenes like these two days before when he warned of the collateral consequences of rioting. “The surest road to ultimate defeat for all people, particularly minorities, is this sort of violence,” Brookins said. “Unjust means to achieve just ends will never work.” On Tuesday night, the day the governor lifted the curfew, police fired upon a two-story apartment building at Central Avenue and 97th Street. Instead of a sniper inside, they found two women and a man. Police made them lie face-down on the front lawn. “You shot right into a houseful of babies,” one woman said. “Just because I’m a Negro doesn’t mean I don’t love my black babies just as much as you love your white ones.” A black man accosted by police on Vernon Avenue complained that he was only returning home from work. “Don’t yell at me,” the officer snapped, “you lost your rights a couple of days ago.”¹⁰⁰

Watts was one of the most destructive urban uprisings in U.S. history: thirty-five deaths, more than one thousand injuries, 3,952 persons arrested (including 556 juveniles), over \$40 million in property damage, and more than 600 damaged buildings (about a

⁹⁹ Testimony of Mr. Minor, Mrs. Randolph, Mr. Saunders, and Mr. McDonald, Public hearing hosted by “Discussions Unlimited,” September 24, 1965, Volume XV, GCLAR, Bancroft; “After the Blood Bath,” *Newsweek*, August 30, 1965, 14; Statement of Bobby L. Daniels, September 10, 1965, “Police Malpractice and the Watts Riot,” 14-15; Statement of Archie Lee Howard, August 31, 1965, “Police Malpractice and the Watts Riot,” 19.

¹⁰⁰ *Los Angeles Times*, August 13, 1965, 1, 3, 23; *Newsweek*, August 30, 1965, 15.

third destroyed by fire). Three of thirty-five fatalities were public employees. Each was white. Deputy Sheriff Ronald E. Ludlow died on Friday, August 13, killed by a fellow officer's shotgun during a struggle with a young black man named Phillip Brooks and two others at Imperial Highway and Wilmington Avenue. Fireman Warren E. Tilson was crushed by a falling wall on Saturday while putting out a blaze at a market at 120th Street and Central Avenue. The following night, Richard LeFebvre, a police officer in Long Beach, on L.A.'s southern border, was accidentally shot by a fellow officer attempting to disperse a crowd.¹⁰¹

The LAPD shot and killed nineteen civilians. Seventeen victims were African American, one was Latino, and one was Japanese-American. Thirteen died in the act of looting; of these, at least six were shot in the back while fleeing. Around 1 a.m. on Saturday, August 14, police peppered a twenty-year-old black man named Thomas Ezra Owens in the back with fifty bullets. Owens, unarmed, was carrying a box filled with beer, soda pop, and TV dinners, taken from a store in the vicinity of Vernon and McKinley, in South L.A. One victim was a bystander. One was killed at home—Aubrey Griffin, married, thirty-eight, and black, died from eleven shotgun wounds to the chest after police fired through his front door, shortly before 2 a.m. on August 16. Later, police claimed that Griffin had fired upon them moments before. One was killed just outside his home. Fentroy Morrison George, a twenty-two-year-old, scrambled outside in a hurry at 5:15 a.m. on Saturday. His second-floor apartment sat above a store that was on fire.

¹⁰¹ *Los Angeles Times*, August 16, 1965, 1, September 12, 1965, B, 21.

Police came upon a man carrying clothes. Thinking George a looter, they shot him. For only two in nineteen riot fatalities did police claim they were returning gunfire.¹⁰²

The National Guard fatally shot eight civilians. Six were African American, two were Latino, and one was white. In every case, Guardsmen testified that the victim had been trying to ram a car through or around a roadblock. Around 1 a.m., on Saturday, Lieutenant General Roderic L. Hill, adjutant general of the California Guard, gave the order to load rifles with live ammunition, after a motorist had crashed through a roadblock, breaking a Guardsman's leg. An hour later, a forty-five-year-old Latino man named Albert Flores, Jr. was gunned down by Guardsmen and police at 102nd Street and Compton Avenue. A block away, at the same moment, the Guard opened fire on a building, intending to hit a suspected sniper but killing a forty-one-year-old black man named Andrew Houston, Jr. instead.¹⁰³

The youngest victim was four-year-old Bruce Moore, shot at 11:15 p.m. on Saturday while playing in his yard at 8800 Mary Avenue. A wayward bullet from a sniper's gun likely killed this black boy from Watts. Three black males between the ages of seventeen and twenty-three were fatally shot inside stores. At 10:40 p.m. on Friday, Charles Shortridge, 18, was about to take a bottle of beer from Do-Rite Market, at 8201 S. San Pedro, when an employee, without warning, blasted him in the face with a shotgun. Shortridge was unarmed. In the other two cases, the killers were never identified. On Saturday night, a fourteen-year-old black girl named Bobbie Ann Cannon

¹⁰² This profile is drawn largely from Gerald Horne's account in *Fire This Time*, 70-75, 83-89, 92-97, 112-114; *Los Angeles Times*, September 12, 1965, B, 21; *Look* (October 5, 1968): 23-27.

¹⁰³ *Ibid.*

died when she leaned her head out of a car window and smashed it into a parked truck. The press reported that her car was filled with loot.¹⁰⁴

The first riot fatality was Leon Posey, shot by the LAPD while he stood watching the crowds outside a barber shop at 89th and Broadway. That was at 6:30 p.m. on Friday. By midnight, Saturday, police had killed thirteen people, and an additional three by daylight on Sunday. The Guard killings were similarly clustered. After the deaths of Flores and Houston, at 2 a.m. on Saturday, the Guard killed two on Saturday night and two early Sunday morning. At 104th and Wilmington, the Guard put up an improvised sign that read: “Turn left or get shot.” Twenty-five years later, black Los Angeles police officers recalled the terror of the National Guard checkpoints. “I was more afraid of those barricades than I was of the rioters,” Joe Walker said. “Those National Guard guys seemed like they were just looking for any excuse to shoot somebody and all they knew was that Black people were doing the rioting.” Within thirty hours of Posey’s death, twenty-two people had died.¹⁰⁵

The state crackdowns in Newark and Detroit produced the most lethal two weeks in the sixties riots. Altogether, sixty-six people died, almost three-quarters killed by police or National Guard. In Newark, of the twenty-three fatalities, two were white, a detective and a fireman, possibly killed by snipers. Twenty-one were black civilians: thirteen men, six women, and two children. State and local police killed fourteen civilians—four were looters, six were bystanders, two were in apartments, and two were in personal confrontations. The National Guard killed three. Of the forty-three who died

¹⁰⁴ Horne, *Fire This Time*, 96, 74-75; *Los Angeles Times*, September 12, 1965, B, 21.

¹⁰⁵ Horne, *Fire This Time*, 70-71; *Los Angeles Sentinel*, August 16, 1990, A-15; *Los Angeles Herald-Examiner*, August 15, 1965; Statement of Harry E. Jefferson, September 10, 1965, “Police Malpractice and the Watts Riot,” 20; Statement of Bobby L. Daniels, September 10, 1965, 14-15, *ibid.*

in Detroit, ten were white and thirty-three were black. The Detroit Police Department killed nineteen, fifteen of them looters. Three other looters were slain, two by the Guard and one by the Army. Detroit police killed seven in direct confrontations, two in their apartments, and two in cars. Seven people died by accident, including two firemen and one police officer. Six died by civilian violence, including a white store owner beaten by a black youth, a black youth shot by a black private security guard, and a black man shot by a white civilian. Fourteen of the twenty-two looters killed in Newark and Detroit were shot while running away.¹⁰⁶

As in Watts, the deaths clustered on particular days. On Friday, July 14, in Newark, eight people were killed by state officials. The night before, Police Director Dominick Spina had given the order over the police radio: “If you have a gun, whether it is a shoulder weapon or whether it is a hand gun, use it.” In Detroit, seventeen people died on Monday, July 24: ten looters shot by police or National Guard; three in accidents; and four by civilians. On Monday morning, police were told they could use their guns to defend themselves and others. Within the span of a few hours on the night of July 25, seven people died. A white woman, Helen Hall, was shot as she stood at her apartment window. A Guardsman was the most likely shooter. Later, a Guardsman was shot at a checkpoint, by an unknown person, although three black youths were apprehended as suspects, roughed up in custody, but ultimately charged with curfew violations.¹⁰⁷

¹⁰⁶ Albert Bergesen, “Race Riots of 1967: An Analysis of Police Violence in Detroit and Newark,” *Journal of Black Studies* 12, no. 3 (1982): 261-274.

¹⁰⁷ Bergesen, “Race Riots of 1967,” 270-271; Fine, *Violence in the Model City*, 228-229; Gene Goltz, William Serrin, and Barbara Stanton, “The 43 Who Died,” *Detroit Free Press*, September 3, 1967, 3B-4B; *Report for Action*, 133; “New Violence in Newark,” *Star-Ledger*, July 14, 1967, 1; Peter Farrell, Tex Novellino, and Leo Standora, “Police Battle Snipers,” *Star-Ledger*, July 15, 1967, 1, 3; Ronald Porambo, *No Cause for Indictment: An Autopsy of Newark* (Hoboken, NJ: Melville House, 2nd ed., 2006), 124; Deposition of Carl Parsell, President of Detroit Police Officers Association, January 10, 1968, 7-8, Box 3, Series 32, Kerner Commission, LBJ Library.

The remaining four deaths on the night of July 25 were of black civilians. A National Guard tank rolled up to the corner of Euclid and Twelfth around 10 p.m. to investigate a possible sniper in a second-floor apartment. After a man at the window lit a cigarette, a Guardsman peppered the apartment with .50-caliber machine-gun fire. The walls were scarred with ninety-two bullet holes. Of the thirteen occupants huddled inside, eight were children. All were lined up outside to be searched. Tonia Blanding, just four years old, had been shot twenty-seven times. Her chest had a hole in it. Tonia's parents pleaded with the Guardsmen to take her to the hospital. According to her dad, the Guardsman replied, "Say another word and I'll kill all of you motherfuckers." Tonia died before reaching Ford Hospital.¹⁰⁸

On the morning of July 26, three young black males were found dead in the Algiers Motel, on Woodward Avenue in Virginia Park, a few blocks from where the riot began. Just past midnight, Carl Cooper, 17, for an unknown reason fired a starter pistol. Immediately, police started shooting into the room through the window. Police barged in, shooting blindly. Cooper died almost immediately. After entering, police shot Fred Temple, 18, at close range. Temple died not long after. State and city police and Guardsmen then lined up seven black men and two white women. Seven white Detroit police officers were tried for what next transpired. Patrolmen Ronald August, Robert Paille, and David Senak were charged in the slayings.¹⁰⁹

¹⁰⁸ Fine, *Violence in the Model City*, 227-228; Gene Goltz, William Serrin, and Barbara Stanton, "The 43 Who Died," *Detroit Free Press*, September 3, 1967, 4B; Van Gordon Sauter and Burleigh Hines, *Nightmare in Detroit: A Rebellion and Its Victims* (Chicago: Henry Regnery Company, 1968), 150-152.

¹⁰⁹ Fine, *Violence in the Model City*, 271-278; Tom Parmenter, "Breakdown of Law and Order," *Trans-Action* 4, no. 9 (September 1967): 15-18; Gene Goltz, William Serrin, and Barbara Stanton, "The 43 Who Died," *Detroit Free Press*, September 3, 1967, 4B.

According to eye-witnesses, police were enraged to find white women in the company of black men, especially suspected snipers. Vengeance was another, likely motivation. The day before, Patrolman Jerome Olshove, a decorated officer of eight years, had died when a fellow officer's shotgun accidentally discharged in a struggle with two looters rioter, one of whom was handcuffed, blasting Olshove in the abdomen. "After Olshove died, you know, everything just went loose," David Senak said, in an interview with the journalist John Hersey. "The police officers weren't taking anything from anyone."¹¹⁰

At the Algiers Motel, Senak stripped one woman and forced another to undress. "Why you got to fuck them?" he asked, pointing to the black men. "What's wrong with us, you nigger lovers?" Throughout, Guardsmen, paratroopers, and state police wandered in and out of the room. A Military Policeman witnessed a Detroit police officer point a shotgun at a black man and threaten "to blow his testicles off." Relays of Detroit police officers took the black male prisoners one by one into a room where they beat them and fired shots into the air to frighten the others waiting outside and induce them to talk. During one of these sessions, August fired a fatal shotgun blast at nineteen-year-old Aubrey Pollard. August, the only officer who showed remorse, would claim that Pollard had reached for the weapon.¹¹¹

The Twelfth Street area in Detroit had erupted in mass disorder more quickly and on a much grander scale than any other uprising of the 1960s. Between dawn on Sunday,

¹¹⁰ John Hersey, *The Algiers Motel Incident* (New York: Bantam Books, 1968), 109-112, 134; Gene Goltz, William Serrin, and Barbara Stanton, "The 43 Who Died," *Detroit Free Press*, September 3, 1967, 3B; Sauter and Hines, *Nightmare in Detroit*, 130-133.

¹¹¹ Fine, *Violence in the Model City*, 278-281; Parmenter, "Breakdown of Law and Order," 15-18; Sauter and Hines, *Nightmare in Detroit*, 161-169.

July 23, and midnight, Monday, police arrested 1,129 adults. Thousands took part in looting, young and old, white and black. Eight hundred stores were damaged. “You take all you can get, and get it while you can,” one person said. At Twelfth Street and Linwood Avenue, firemen worked to douse at least a dozen blazes while under sniper fire. The fire department used every single piece of commitment at its disposal and still had to borrow personnel and materiel from forty-one neighboring towns. By early afternoon, 350 members of the all-white state police arrived in the city. After 4 p.m., Governor George Romney deployed 700 National Guardsmen and put an additional two-thousand on stand-by. Congressman John Conyers said it was “a war of the haves against the have-nots.” The lifelong black Detroit, whose First District included the Twelfth Street area, said a police presence always “creates all sorts of hostility.”¹¹²

The devastation began with a routine police raid on an illegal after-hours bar, known in Detroit as a blind-pig. Around 10:00 p.m., two black plainclothes police officers with the “clean-up” crew attempted to gain entry to a second-floor bar at 9125 Twelfth Street. The business had been registered as the United Community League for Civic Action in 1964. William Walter Scott II, the son of one of three owners, said that the original idea was to create a space for the black working-class of Twelfth Street to congregate to socialize and discuss politics. It shortly became one of the area’s many blind-pigs. In the previous sixteen months alone, police had attempted nine raids. On

¹¹² *Detroit Free Press*, July 24, 1967, 1, 2; Detroit profile in “City Analyses,” Kerner Commission Microfilm, Reel 19, frames 0243-0244; Isaac Balbus, *The Dialectics of Legal Repression: Black Rebels before the American Criminal Courts* (New York: Russell Sage Foundation, 1973), 114.

February 6, 1966, and June 3, 1967, police were successful, making 10 and 28 arrests, respectively. Around 3:45 a.m., July 23, the two black officers gained entry.¹¹³

That night the bar was hosting a party for a returning African-American Vietnam serviceman. Inside were over eighty patrons. Some of those arrested in the July 23 raid told the black state legislator James Del Rio: “We got sick and tired of paying off the police and we just told them to go to hell and we meant it.” One of the owners independently confirmed this story. At 4:05 a.m., police loaded the first prisoners into the wagon. But police had to make multiple trips, as each wagon held only fourteen people. It took almost an hour to transport eighty-five people. In that time the crowd grew from fifteen to two hundred. Since the rear-door was padlocked, police were forced to take their prisoners out the front door on Twelfth Street, a wide boulevard lined with groceries, liquor stores, and apartments. Even in pre-dawn hours, the area’s brothels and blind-pigs drew considerable foot traffic.¹¹⁴

Although the officers later reported an amiable atmosphere on the street, eyewitnesses told a different story—of rough handling by police. Prisoners were pushed down the stairs, struck with gun butts and nightsticks, dragged and tossed into the wagon. Patrolman Edward Zimmerman testified that Michael Lewis, a twenty-two-year-old black autoworker, made the following incendiary statements to the crowd:

Black Power—don’t let them take our people away; look what they are doing to our people. Let’s kill them whitey motherfuckers...let’s get the bricks and bottles going. Why do they come down here and do this to our neighborhood? If this happened in Grosse Pointe, they wouldn’t be acting this way.

¹¹³ William Walter Scott, III, *Hurt, Baby, Hurt* (Ann Arbor, Mich.: New Ghetto Press, Inc, 1970), 98-102; Ray Girardin to Jerome Cavanagh (hereafter Girardin Letter), October 20, 1967, 1-2, Box 584, Folder 9, Cavanagh Papers, Reuther Library; Fine, *Violence in the Model City*, 155-160.

¹¹⁴ Deposition of James Del Rio, January 9, 1968, 8, Box 3, Series 32, Kerner Commission, LBJ Library; Girardin Letter, 2; Fine, *Violence in the Model City*, 159-160.

Nodding toward the two patrolmen guarding the ground-floor door of the bar, Lewis allegedly said, “I’m going to baptize this motherfucker with a beer bottle.” A bottle then crashed at the officer’s feet. William Scott also claims to have thrown the first bottle. He saw an acquaintance from the neighborhood struggle with police on the way to the wagon. The crowd became angry. “Fight him, brother!” Then Scott saw his sister and father thrown into the wagon. That is when he tossed the bottle. Police fled under a hail of makeshift missiles. Later, Scott wrote: “I felt powerful and good inside for being a part of those who finally fought back regardless of fear.”¹¹⁵

Detroit police failed to mobilize to contain the disorder. A summer Sunday morning, the city had only 193 patrolmen on the streets at 5 a.m. Three hours later, 3,000 people were on Twelfth Street; 360 officers were in the area. Police testified that Michael Lewis was again on the scene, saying: “We’re going to start a riot, you’re (police) going to get yours. This is the riot. We’re going to run you off the street.” At 9 a.m. the crowd had ballooned again to nine thousand and spread out between Clairmount and Hazelwood Streets on Twelfth. Many witnesses observed a “carnival-like spirit” or “picnic atmosphere,” as children as young as six, the elderly, and entire families casually carted off six-packs of beer, washer-dryer sets, televisions, whole racks of clothing. After every police charge, the crowds scattered and regrouped behind them. Young men, mostly teenagers, lobbed bricks and bottles at police from side alleys and back streets. Rita Griffin, a staff reporter at the black newspaper, *The Michigan Chronicle*, thought Twelfth

¹¹⁵ Quoted in Fine, *Violence in the Model City*, 160; Scott, *Hurt, Baby, Hurt*, 126; *Detroit Free Press*, August 15, 1967, 1.

Street on Sunday morning looked like “one big party.” Rather than selling the loot, people divvied it up—it was “share and share alike.” Stanley Webb, a Board of Education member, described the collective mood at 12th and Clairmount as “complete freedom without restraint.” Then as the burning started Webb noticed a change in mood among nearby residents from amiable amazement to fear, anger, and sadness.¹¹⁶

At a meeting with over 100 civil rights activists and clergy held at the 10th Precinct station in the early afternoon, Mayor Jerome Cavanagh was forced to respond to the charge of police leniency. “It wasn’t that police were not concerned,” Cavanagh said. “We just didn’t have enough men.” Community activists implored the mayor to use whatever force necessary to stop the riot and protect their homes and property. “This is a completely lawless element,” said Reverend Nicholas Hood, Detroit’s only black city councilman. “We must have a safe and secure city.” Others, however, criticized the “commandos” in the Tactical Mobile Unit and the Traffic Motor Bureau, who were charging at youths with bayoneted rifles.¹¹⁷

Late on Sunday morning, Congressman Conyers climbed on top of a car in the middle of Twelfth Street. With the aid of a bullhorn, he urged the small crowd assembled to go home. “We’re with you,” he said. “No, no, no,” came the reply. When a rock sailed past Conyers and hit a police officer, the congressman fled the

¹¹⁶ Detroit Police Department, “Sequence of Events,” 2-3, Box 584, Folder 9, Cavanagh Papers, Reuther Library; Deposition of Justinas Bavarskis, January 10, 1968, 4-8, Box 2, Series 32, Kerner Commission, LBJ Library; Deposition of Rita Griffin, January 9, 1968, 6-7, Box 3, Series 32, Kerner Commission, LBJ Library; Deposition of Stanley Webb, January 11, 1968, 5, Box 2, Series 32, Kerner Commission, LBJ Library; *Detroit News*, July 24, 1967, 8A, 9A; *Detroit Free Press*, July 24, 1967, 2A, July 31, 1967, 6B, August 15, 1967, 1.

¹¹⁷ *Detroit Free Press*, July 24, 1967, 3A; Deposition of Stanley Webb, 13-15.

area. In mid-afternoon, James Del Rio arrived at his office at the corner of Grand River Avenue and Columbus Street, about two miles southwest of the blind pig. When would-be looters showed up, bricks in hand, the state legislator gave them a choice. They could pray with him or they could “taste this chain,” the ends wrapped around both hands. Each time, the looters asked: “Who owns this? Does whitey own this?” Del Rio defended his property until morning over which time he noticed a pattern. First, people broke store windows. Then came the convertibles, at high-speeds. A small crew loaded up the loot, often making several trips. A large mass of bystanders stood nearby, with some occasionally taking a few items. Then smoke started to rise from the back of the store. “The great majority of rioters I had never seen [before], and I have lived here all my life,” Del Rio said.¹¹⁸

The preponderance of gun violence in Detroit came from police and National Guardsmen. In Detroit young men led sporadic, isolated attacks upon police officers and firemen. Some sniper-fire was confirmed but most reports were false. Often, police and National Guardsmen mistook their own shooting for sniper-fire. Some white motorists were attacked, but, overall, witnesses noted an atmosphere of interracial cooperation, especially around looting. Residence in the Twelfth Street area was almost entirely black, but the social scene was racially mixed. Dr. Broadus Butler, writing in the *Michigan Chronicle*, the city’s major black newspaper, after the riot, observed that Black Power had “no emotional force in an atmosphere of interracial looting, interracial vandalism,

¹¹⁸ Deposition of James Del Rio, January 9, 1968, 3-11, Box 3, Series 32, Kerner Commission, LBJ Library; *Detroit Free Press*, July 24, 1967, 3A; *Detroit News*, July 24, 1967; *Newsweek*, August 7, 1967, 26-27; Sauter and Hines, *Nightmare in Detroit*, 9-10.

interracial incendiaryism, and interracial sniping.” Inhabitants of the Watts curfew area, by contrast, interacted with few white people aside from merchants and the police.

Researchers found that black Watts residents who had the least social contact with whites felt more favorably about the violent unrest.¹¹⁹

As the rioting tapered, state violence became more brazen and lethal. The suppressed *Harvest Report* described a “growing desire for vengeance” among police and National Guardsmen which would produce “outright atrocities.” The pivotal shift took place on Monday, when seventeen people died, ten at the hands of state forces. The nearly all-white Michigan Guard was staffed with inexperienced young men who had little riot training and little prior contact with black urbanites. On Monday, after President Johnson federalized the National Guard, Army General John L. Throckmorton ordered Guardsmen to unload their rifles of live ammunition. Almost none obeyed. That day, the second “riot” began—led by police. The authors of the *Harvest Report* observed that the police were as motivated by “rumors, prejudices, and preconceptions” as civilian rioters. As in other urban uprisings, Detroit’s crackdown came after the crowds had “achieve[d] more than a competitive parity with the police.” The crowds had dominated Twelfth Street on Sunday. By late Monday, police had regained the upper-hand.¹²⁰

¹¹⁹ The first three Detroit riot fatalities were white civilians. The first person shot, the second to die, was a white man—among the hundreds of white looters. Of those arrested, nearly ten percent of adults and six percent of juveniles were white. Folder 1, Box 4, Ray Girardin Papers, Burton Historical Collection (BHC), Detroit Public Library (DPL); *Detroit Free Press*, September 3, 1967, 1B; *Michigan Chronicle*, August 5, 1967, 1D; Sidney Fine, “Rioters and Judges: The Response of the Criminal Justice System to the Detroit Riot,” *Wayne Law Review* 33 (1986-1987): 1724; Isaac Balbus, *The Dialectics of Legal Repression: Black Rebels before the American Criminal Courts* (New York: Russell Sage Foundation, 1973), 115; Sidney Fine, “Chance and History: Some Aspects of the Detroit Riot of 1967,” *Michigan Quarterly Review*, 25, no. 2 (1986): 404-406, 409-410; *New York Times Magazine*, August 27, 1967, SM113-SM130; *Detroit Free Press*, July 25, 1967, 1, 2A, 7A; Raymond J. Murphy and James W. Watson, “The Structure of Discontent: Relationship Between Social Structure, Grievance, and Riot Support,” in *The Los Angeles Riots: A Socio-Psychological Study*, ed. Nathan E. Cohen (New York: Praeger Publishers, 1970), 166-171, 192-194.

¹²⁰ The Michigan National Guard had 127 black members out of a force of 10,000. *Harvest Report*, 6, 13-14; Deposition of Gene Goltz and William Serrin, January 8, 1968, 36; Final Report of Cyrus R. Vance

William Serrin and Gene Goltz of the *Detroit Free Press* witnessed this official retaliatory mood during their riot tours. Police “were embarrassed and disgusted,” said Serrin, because “they could not go rush” the looters on Sunday. During frank conversations with officers, Serrin realized that “there are a large number of policemen who do not like Negroes.” Many police referred to rioters as “savages.” Goltz heard officers at the 10th Precinct say, “Those black son-of-a-bitches, I’m going to get me a couple of them before this is over.” Serrin called the Guard “incredibly inept.” “They don’t like Negroes,” he said. “This was just obvious.” Likewise, Goltz described Guard behavior as “mass hysteria” and “much wilder” than the police. He saw them stab people on the street with their bayonets. They were “really shooting up the place.” This lent a sinister edge to the exchange he caught between two Guardsmen. “I am going to say halt and then bang, bang, bang,” one said. “No, that’s not the way you do it,” said another. “You say bang, bang, bang, halt.” As Serrin explained, “The joke going around was that the only thing that saved us was that the Guard couldn’t hit anybody.”¹²¹

James Del Rio got caught in the initial stage of the crackdown. The black state rep was arrested early on Monday morning and charged with “interfering with police, inciting to riot, and anarchy.” As Del Rio told the story, he was headed to a meeting with black activists when he ran into a contingent of police at Twelfth Street. One officer was slamming a black woman in the stomach with a pheasant hunting rifle. Her husband stood next to her. Both were over fifty years old. Del Rio demanded to know the names of the officers. None identified themselves. None wore badges. A patrolman said that he

(Vance Report), Special Assistant to the Secretary of Defense, Concerning the Detroit Riots, July 23 through August 2, 1967, 18, Folder “HU 2/ST # Equality of Races/State [4 of 4],” Box 56 [2 of 2], Confidential File, White House Central File (WHCF), LBJ Library.

¹²¹ Deposition of Gene Goltz and William Serrin, January 8, 1968, 36.

was trying to induce the woman to pick up the stolen bread she had dropped so she could enter the patrol wagon. Del Rio advised the woman to comply or the police would kill her. She obeyed, just as a young black man walked by. An officer barked at the man, “nigger get in.” Del Rio told the man to open his work pail. An officer saw the sandwich and said, “Nigger go on.” But a sergeant stepped forward and, addressing Del Rio, said, “All right, nigger, you take his place.” Raising his rifle level with the black state legislator’s chest, the sergeant repeated the command almost verbatim. Some patrolmen protested but the sergeant said, “I heard him on the radio last night and he is with them.” On the way to the precinct, the sergeant repeatedly exited the wagon at checkpoints to boast to police officers. “I got Del Rio in there,” he would say, “I got Del Rio in there.”¹²²

Del Rio spent three hours at the 10th Precinct lock-up. Men, women, and children shared the same tight quarters. No one was fed or given water. No one was permitted to use the bathroom. No officer wore a badge or revealed his name. Del Rio, like the others, was refused a phone call. Periodically, a relay of three officers brought a handcuffed prisoner to an interview room, beating the person over the head with fists, black jacks, or nightsticks. After ten minutes, the prisoner would reemerge, their clothes in tatters, face bloodied, and “hollering” in pain. At 11:30 a.m., after learning of Del Rio’s arrest over the newswire, state officials and activists won his release. At a press conference on Wednesday, Del Rio and fellow black legislators and activists condemned police treatment of pre-trial detainees. Julian Witherspoon, chair of an anti-poverty committee,

¹²² Deposition of James Del Rio, January 9, 1968, 15-18; Four months before the riot Del Rio had angered many in the police department when he accused “certain officers” of running a protection racket of “open and unchecked” prostitution in his district. The state representative claimed that police had retaliated against him for these allegations. In the past seven months, he said, police had stopped him a dozen times per month and ticketed him four times, three by the same officer. Tom Shawver, “City Police Blistered By Del Rio,” *Detroit Free Press*, March 28, 1967, 3A; “Police Rip Charges by Del Rio,” *Detroit Free Press*, March 29, 1967, 3A.

described a scene he had witnessed. A police officer elbowed a handcuffed black youth in the mouth. “The officer walked off, laughing,” Witherspoon said.¹²³

Police vigilantism at times resembled a lynch mob. Bob Clark, a news photographer, described his ordeal in *Ebony*. Clark arrived in Detroit from New York on Monday evening. He toured the West Side all night with a local white boxing promoter, Don Elbaum. They heard constant gunfire, watched firemen engage in a fruitless effort to douse burning buildings, and took cover as panicked National Guardsmen shot out street lights. Around 10:30 p.m., Tuesday, over four hours past curfew, Clark and Elbaum were stopped by Guardsmen, who ignored Clark’s press credentials and forced them to lie spread-eagle on the ground. When Clark stood up, hands cuffed behind his back, he spotted a group of white firemen marching toward them, shouting at the Guard: “Kill the black bastards! Castrate those coons! Shoot ’em in the nuts!” The firemen piled on top of Clark, spitting upon and kicking and punching him. After more beatings, Clark and Elbaum were placed in a precinct basement space reserved for pistol practice.¹²⁴

The room was filled beyond capacity—fifty men and six women. All the prisoners were similarly bloodied. Clark received no food or water for eighteen hours. Over three days he would receive four baloney sandwiches. He was denied his right to counsel. His jailers alternated between extreme neglect and extreme violence. Clark was forced to administer first aid to a white boy who had an epileptic seizure after Guardsmen refused to help. Guardsmen referred to the detention facility as “the Zoo.” They

¹²³ Deposition of James Del Rio, January 9, 1968, 20-30; *Detroit Free Press*, July 27, 1967, 6B; also see Deposition of Vivian Rubin, January 11, 1968, Box 2, Series 32, Kerner Commission, LBJ Library; Deposition of Justinas Bavarskis, January 10, 1968, 16-20, Box 2, Series 32, Kerner Commission, LBJ Library; Deposition of Saul Friedman, January 19, 1968, 4-7, Kerner Commission, LBJ Library; Fine, *Violence in the Model City*, 241-242.

¹²⁴ *Ebony*, October 1967, 121-124, 126-130.

periodically used their rifle butts to beat prisoners. Many locked up with Clark claimed to have been snipers. “The majority were hustlers and two-bit gangsters,” Clark said. “Their one common point of focus seemed to be a terrific hate for the Detroit police. Their only ‘organization’ was that they would meet and decide to go out and shoot cops.” Upon Clark’s release on Friday afternoon, the chief of detectives of the second precinct threatened retaliation if he wrote a critical story of the police.¹²⁵

At 9:41 a.m., on Tuesday, July 25, Mayor Cavanagh received a telegram from militant black lawyer Milton R. Henry on behalf of the Malcolm X. Society. Henry sought to make a deal. “We will ask for a cessation to all hostilities by insurrectionists by seven p.m. tonight provided following eight points are accepted as basis of discussion by one p.m. today,” the telegram read. In addition to measures to ensure black neighborhood self-governance and full employment, Henry demand a total troop withdrawal, release of riot prisoners, and “amnesty to all insurrectionists.” Cavanagh dismissed the demands as “ridiculous.” The scale of unrest nonetheless had default bargaining power. The mayor convened an emergency session of Common Council on Wednesday, July 26, to address “price-gouging.” The council unanimously passed an ordinance, effective immediately, to penalize merchants who charged more than the citywide average. City inspectors had discovered that West Side residents paid as much as five times for goods than their counterparts in white neighborhoods.¹²⁶

The official tallies for nine days of rioting, between July 23 and July 31, were staggering: 43 dead, 324 injured, 727 fires to 1,682 buildings, 6,528 adults and 703

¹²⁵ *Ibid.*

¹²⁶ Telegram from Milton R. Henry to Mayor Jerome Cavanagh, Folder 20, Box 393, Jerome Cavanagh Papers, Reuther Library; *Detroit Free Press*, July 27, 1967, 3A; *Michigan Chronicle*, August 5, 1967, 1.

juveniles arrested, and 770 businesses looted. At least 274 families lost their homes to fire. Judging from arrest sheets, Detroit rioters were more likely to be married, employed, and born in the South, and less likely to have an arrest record, than rioters in other cities. Yet in terms of age Detroit's rioters were broadly representative of the norm for sixties urban unrest. Forty-nine percent of arrested persons were between fifteen and twenty-four years old, relative to fifty-one percent on average. In Los Angeles, where many rioters were older than twenty-four, the 15-24-year-old age bracket comprised around forty-two percent of overall arrests. More women participated in Watts and Detroit. In most cities, the proportion of female rioters fell below eight percent. In Watts and Detroit, the rates were 13.1 and 12.6 percent, respectively.¹²⁷

Despite the lethal crackdowns for which few police officers ever stood trial, white Americans were alarmed by the outpouring of liberal sympathy for urban rioters. Three days into the Watts unrest, gun-store owners in the Los Angeles area reported an unprecedented run on their supply. Some customers lived in racially-mixed neighborhoods and cited concerns about "the racial situation." The owner of a gun shop in Inglewood, a mostly-white L.A. suburb, had taken exceptional measures to control distribution. "We have limited our sales to Caucasians," Tom Gilbert said. "We don't want to create an incident." A national poll from the fall of 1967 showed that over half of American homes had a gun, and a solid majority of white gun-owners said they would shoot rioters. In April 1968, when Mayor Richard Daley of Chicago ordered the police department to shoot-to-maim looters and shoot-to-kill arsonists, and Attorney General Ramsey Clark declared such a policy immoral and unlawful, both men received

¹²⁷ "Statistics on Detroit Riot, July 1967," Box 393, Folder 7, Cavanagh Papers, Reuther Library; *Kerner Report*, 326, fn. 19; Fogelson and Hill, *Study of Arrest Patterns in the 1960s Riots*, chap. 4.

thousands of letters from across the country. The overwhelming majority supported Daley's position. "If I were to march and riot and steal like the Negro race, I would expect to be shot," wrote a Mississippi resident to Clark, in a typical letter. Anthony Imperiale, owner of a patio-construction company and karate dojo in Newark's largely Italian North Ward, organized armed citizen patrols after the riots. Under Imperiale's leadership, the North Ward Citizens' Committee, with about 200 dues-paying members, became a vocal advocate of police officers' "civil rights" and white grievance in the name of "law and order." Imperiale, who frequently attacked "Martin Luther Coon," leveraged his post-riot fame to win a special election to city council.¹²⁸

Aggrieved whites found savior figures in "tough cops" like Frank L. Rizzo, the head of the Philadelphia Police Department. Upon becoming commissioner in spring of 1967, Rizzo made a typical promise: "Nobody is going to loot this city." After Philadelphia was spared serious rioting over the summer, Rizzo credited his tough approach. "There'll be no deals with so-called leaders in any riot," he said. Rizzo's bravado endeared him to the rank-and-file. "Rizzo and not City Hall is calling the shots," said the president of the local Fraternal Order of Police. This was true most of the time. Soon after becoming commissioner, Rizzo greatly expanded the Stakeout Squads, the tactical units created in 1963 after a series of bank robberies, to include 125 sharpshooters to counter snipers. But in December 1967, Mayor James J. Tate blocked the

¹²⁸ *Los Angeles Times*, August 15, 1965, 4C; Fred Panzer to the President, September 15, 1967, Folder "HU2 8/29/67 - 10/1/67," Box 6, Human Rights, WHCF, LBJ Library; Letter from J. R. Short, Enterprise, MS, to Clark, April 8, 1968, 3, Folder "Letters re: Riots and Shooting of Looters (1 of 6)," Box 68, Personal Papers of Ramsey Clark, LBJ Library; Farber, *Chicago '68*, 145-146; *New York Times Magazine*, September 29, 1968, 30-31, 117-122; Mark Krasovic, *The Newark Frontier: Community Action in the Great Society* (Chicago: The University of Chicago Press, 2016), 210-222.

popular commissioner's request for two armored personnel carriers following public outcry.¹²⁹

Since funding for riot control was primarily local before 1969, city councils remained the key site for democratic deliberation over police militarization. Jerome Cavanagh, Detroit's liberal mayor, emerged from the July rebellion as an unlikely proponent of giving military weaponry to urban police. In October 1967, Cavanagh asked Common Council to raise \$9 million in emergency bonds to cover the police department's losses during the unrest and to purchase riot-control equipment for police and fire departments. His proposal, called "wild and wasteful" by the *Free Press*, included 500,000 rounds of ammunition, 700 shotguns, 1,000 M-1 carbines, 6,000 gas grenades and projectiles, eight armored personnel carriers, flak vests, infrared sniper scopes, fifty scout cars, one helicopter, and one airplane. The council largely opposed the mayor's proposal on technical grounds—the use of special bonds to pay for police costs. Thus the final agreement, at a reduced though still-hefty amount of \$7 million, cut this part and the helicopter, the airplane, and the vehicles but retained the weaponry requests.¹³⁰

During the July rebellion, Cadillac Gage had loaned the city five armored personnel carriers and six Stoner rifles. The Stoner rifle was billed by its inventor and manufacturer as a more powerful and accurate M-16, the gun used by the Army in Vietnam. The .223-caliber bullet "tumbled" upon impact, spreading and shattering its

¹²⁹ *Esquire*, March 1968, 78; Wills, *Second Civil War*, 89-90; *Philadelphia Tribune*, December 9, 1967, 1, December 19, 1967, 1, 20; *Chicago Tribune*, January 21, 1968, 5; *Boston Globe*, January 23, 1968, 32; *Wall Street Journal*, August 13, 1968, 1, 22.

¹³⁰ *Detroit Free Press*, October 19, 1967, 6A, October 21, 1967, 3A, October 27, 1967, 1, 12A, September 8, 1968, 1B.

target, similar to a “dumdum” bullet, banned from international warfare. Both supporters and critics of the Stoner noted its capacity to shoot through a cinder-block wall. After the riot, Commissioner Girardin asked the council to purchase fifty rifles. At a public hearing on the request held in December, major civil organizations, including the Detroit League of Women Voters and the NAACP, and the New Detroit Committee, the citizens group appointed by the major to lead the post-riot rebuilding effort, voiced their opposition. “It is not a weapon but a terror item,” said Reverend David Mitchum of the AME Ministerial Alliance. “The Stoner Rifle goes beyond mere protection,” the Detroit Commission on Community Relations concluded. “It involves terrorizing the Negro community.” In defense of the controversial rifles, James L. Trainor, Cavanagh’s assistant, noted that during the July riot, the department did not have a special anti-sniper squad equipped with accurate long-range weapons and thus used “machine guns and indiscriminate rifle fires” which was “a hazard to innocent bystanders.” The *Michigan Chronicle*, however, argued that the wall-penetrating rifle might end up “killing more Tanya Blandings ‘safe’ in their homes.” As a result of intense opposition, the council reversed their initial approval and nixed the order.¹³¹

The Johnson Administration and police professionalism advocates hoped to avoid the optics of militarized police forces. Yet they relied upon military expertise and materiel first tested overseas. The Kerner Commission hired Arnold Sagalyn as associate director

¹³¹ Lease Agreement with Cadillac Gage, July 24, 1967, Folder 7, Box 398, Cavanagh Papers, Reuther Library; *Detroit Free Press*, October 16, 1967, 3A, 12A, December 15, 1967, 3; *Detroit Daily Press*, December 14, 1967, 1; *Michigan Chronicle*, December 30, 1967; *Daily Express*, December 14, 1967; *Inner-City Voice*, December 15, 1967; Richard V. Marks to Mayor Jerome P. Cavanagh, December 13, 1967, Part 3, Series VI, Box 66, Folder 36, Box 66, Detroit Commission on Community Relations (DCCR) Records, Reuther Library; V. Stoner to Richard V. Marks, n.d., 2, *ibid*; James L. Trainor to Frank T. Joyce, Jr., New Detroit Committee, December 19, 1967, *ibid*.

for public safety. Sagalyn had a background in directing U.S. assistance to foreign police departments. After the 1964 riots, and again as Commission member in 1967, Sagalyn conferred with White about riot control methods employed by European and U.S. forces on anticolonial insurgencies abroad. Sagalyn's recommendation to the Johnson Administration throughout this period remained the same: Police should adopt non-lethal weapons of superior force to destabilize and deter domestic insurgents without causing mass casualties that might undermine the government's legitimacy. After the bloody summer of 1967, in which police and National Guard killed over ninety civilians, the Kerner Commission embraced Sagalyn's program of technocratic "non-lethal" riot control as the humane alternative to rough justice.¹³²

On November 1, Attorney General Ramsey Clark announced that the Department of Justice would take a more direct role in training local police departments in riot control. Over the winter of 1967-1968, the DOJ and the International Association of Chiefs of Police held four one-week conferences with over 400 city officials from more than 136 cities. This program extended existing federal policy put in place by President Lyndon Johnson after the summer unrest of 1964, when Johnson instructed the Federal Bureau of Investigation and the Army to offer riot control training to local police

¹³² Sagalyn worked for the Department of Housing and Urban Development and was previously Director of the Office of Law Enforcement Coordination for the Treasury Department, focusing on narcotics, and the U.S. representative to the International Criminal Police Organization (Interpol). Memo from Arnold Sagalyn to Lee White, September 2, 1964, Box 5, White House Office Files (WHOF) of Lee White, LBJ Library; Arnold Sagalyn, "Lawlessness and the Police," n.d., attached to memo from Harris Wolford to Bill Moyers, September 25, 1964, *ibid*; Creation of a Federal Technical Police Assistance Program for Local and State Police Departments, n.d., *ibid*; Remarks of Arnold Sagalyn Before the National Symposium on Law Enforcement Science and Technology, Chicago, Illinois, March 9, 1967, Kerner Commission Microfilm, Reel 11, frame 0796-0811; Biographical Note, Arnold Sagalyn Papers, University Library, American University, Washington, D.C., available at: http://www.american.edu/library/archives/finding_aids/asagalyn_fa.cfm; *Kerner Report*, 172-173, 176-177; also see Stuart Schrader, "American Streets, Foreign Territory: How Counterinsurgent Police Waged War on Crime" (PhD diss., New York University, 2015).

departments and the National Guard, respectively. In 1965, the FBI produced a booklet titled “Prevention and Control of Mobs and Riots” and distributed over 27,000 copies to local officials. Many police chiefs drafted their own mobilization plans after Watts, which for police was a cautionary tale of how official complacency at the start could allow unrest to escalate. Local police departments were thus committed at least nominally to the control strategy of “over-kill,” or a preemptive show of force to snuff out disorder, which became the dominant paradigm in the 1960s.¹³³

“Non-lethal” riot control was thus one prong in a broader movement to reorient policing as a public service that should accommodate the needs of the urban poor. This reform agenda had enormous symbolic and concrete resonance with urban black communities. Middle-class black activists had long supported tough but fair policing in their neighborhoods. They were often quick to denounce rioters as “hoodlums” and to demand robust law enforcement. “I believe there were elements stirring up the strife, and I’m sure most of them came from outside,” said Reverend Dr. Charles S. Lee after the Columbia Ave riot of August 1964. Lee had wanted the National Guard to come because “the good people of the community have the right to protection.” Likewise, the *Michigan Chronicle*’s lead headline on the Detroit unrest was “It Could Have Been Stopped!” Echoing longstanding concerns of Tenth Precinct residents about police neglect, the paper wanted to know: “Did Police Just Write Off Twelfth Street?”¹³⁴

¹³³ Department of Justice Press Release, November 1, 1967, Kerner Commission Microfilm, Reel 11, frame 0098-0099; Federal Bureau of Investigation, *Prevention and Control of Riots* (Washington, D.C.: Government Printing Office, 1967), 60, 68-69, 83; Summary of Suggestions from November 1st and 2nd Conference of Police Chiefs, Kerner Commission Microfilm, Reel 11, frame 0347; James W. Button, *Black Violence: Political Impact of the 1960s Riots* (Princeton: Princeton University Press, 2015 (originally 1978)), 117, 122; *New York Times*, July 28, 1964, 14, September 27, 1964, 1, 83; *Los Angeles Times*, August 20, 1967, EB, 2.

¹³⁴ *Evening Bulletin*, September 6, 1964; *Michigan Chronicle*, July 29, 1967, 1.

By the middle of the decade, the Johnson Administration, social scientists, and professional police organizations touted responsive, technocratic policing as a civil right. Police experts and reformers began to recognize the longtime demands of African Americans for more humane and efficient policing in their neighborhoods, where crime and disorder, polls revealed, were consistently top concerns for residents after 1964. Increasingly, the Johnson Administration—through presidential crime and riot commissions and anti-crime legislation—and progressive police chiefs consciously crafted policies to address habitual corner-loitering, public drug dealing, lethal gang violence, and other deficits of public order and safety that had plagued low-income urban neighborhoods for decades and that were steadily getting worse in the second half of the sixties. Black activists and police executives were able to agree on the need for proactive police policy. But they remained locked in struggle over implementation and the power to review rank-and-file conduct on the beat.

CHAPTER 7

“THE YEAR OF THE COP”: POLICE PROTECTION, POLICE UNIONS, AND STREET-CORNER MILITANCY

Over two days in November 1967 some of the nation’s top reform-minded police chiefs gathered in Washington, D.C., to discuss the past and future of urban policing. Arnold Sagalyn, the Kerner Commission’s associate director of public safety, had called the meeting. Much of the discussion revolved around whether the police should embrace military tactics and weaponry in responding to the problems of riot-torn neighborhoods. When Chief Charles Gain of Oakland and Commissioner Edward McNamara of Boston endorsed blowing up residential dwellings suspected of harboring snipers, since, as McNamara said, the police now faced “warfare with your hands tied behind your back,” Sagalyn intervened. Rejecting the military analogy, Sagalyn, an expert in overseas counterinsurgency policing, said “we are really confronting a situation where there is a relatively small handful of militants who are trying to push us into this situation.” “The large bulk of people in all of our communities,” he continued, “would not stand for warfare as such.” Sagalyn returned to this point on day two. “One thing we hear over and over again,” he said, “one of the real complaints about people in the ghetto areas is that they are not getting enough protection, and they would like more protection, because this is where most of the crime is.” The topic was dropped, however, when the chiefs dismissed community-oriented policing as a “waste of manpower.”¹

¹ Public Safety Hearing, November 1, 1967, 124, 136, Box 1, Series 4, Kerner Commission, LBJ Library (Kerner Commission Microfilm, Reel 6, frames 0346, 0358); Public Safety Hearing, November 2, 1967, 349, 354, Box 1, Series 4, Kerner Commission, LBJ Library (Kerner Commission Microfilm, Reel 6, frames 0571, 0576).

The nation's police brass were at that moment more concerned with stifling disorder on college campuses and in urban neighborhoods than with diverting resources to partner with local activists whose motives and reform ideas they perceived with great suspicion. In the fall of 1967, under the watchful eye of Sagalyn, the liberal president's de facto representative, the police chiefs turned their attention to the surging law-and-order politics that would help a Republican, Richard M. Nixon, take the White House the following November. "I think the President, the Administration is in trouble," said Los Angeles police chief Thomas Redden. "And that crime is one of the places where they are in trouble. And I think they want to do something about it."

And if we don't take advantage of it, if we in law enforcement do not take advantage of what exists in the United States in 1967, we are crazy, because we are never going to have it so good again. This is the year of the Cop. In Los Angeles they call it the Year of the Cop—everything you want you get. And I say I want more, and I should be getting it. Redden believed 1967 was pivotal not only due to the potential deluge of local, state, and federal money coming to law enforcement, but also because the prevailing law-and-order sentiment represented a potential turning point in the postwar experiment in liberal, colorblind, rights-focused, and community-oriented street policing. "We went through this decade and a half of social change where we got embroiled in the rights of individuals," Redden continued, and "anybody who did anything to hamper completely free exercise of those rights was a bad guy—we were real bad guys." Yet hardline police chiefs like Redden's predecessor in Los Angeles, William H. Parker, had resisted the liberal program of turning police into social workers. The counter-revolution had "served a very useful purpose," Redden said, "by keeping some people attuned to the fact that the

reality of the street is different from the reality of the drawing room where you have an intellectual discussion.”²

Yet “the Year of the Cop” carried implications unmentioned by Sagalyn’s guests over those two days in November 1967. The elite purveyors of the technocratic program of top-down tough policing demonstrated little interest in considering not only the problems and opinions of low-income urban residents but also those of their employees, the front-line officers who patrolled the beats where the possibility of rioting was seemingly always at hand. Despite a new public mood seemingly friendlier to their interests, big-city police chiefs confronted a crisis within: a rank-and-file revolt against a top-down managerial style promoted and popularized by professionalism advocates like the International Association of Chiefs of Police, which gave priority to preventive patrol schemes to optimize efficiency and cut costs. Front-line officers channeled their frustration and anger over liberal court rulings, the rising number of assaults and ambush attacks on police, and the more strenuous demands of an increasingly elite management class through organizing labor unions to protect and advance their interests.

At the start of the 1960s, big-city police unions were little more than social clubs. In the fight over civilian review boards, the unions often aligned with the top brass and the professionalism experts at the IACP. But the civil rights movement and the urban riots changed the political realities of municipal governance. Liberal mayors, concerned about riots and review boards, appointed police commissioners with a mandate to maximize efficiency in the war on crime and to discipline officers who were rude, offensive, or unduly brutal to members of the public—especially black residents. Rank-

² Public Safety Hearing, November 2, 1967, 311, 313, Box 1, Series 4, Kerner Commission, LBJ Library (Kerner Commission Microfilm, Reel 6, frames 0533, 0535).

and-file unions bristled at economy measures like one-man patrol cars and at what they perceived as the increasingly aggressive use of departmental trial boards to scapegoat officers before a bloodthirsty public. The associations mobilized to resist the professionalism experts and stricter police discipline and to take advantage of new collective bargaining laws passed in many states during the 1960s. They fought for fair and transparent grievance procedures to challenge unfair punishments and arbitrary management. In other words, police fraternal societies became labor unions.³

Police union activism thus combined the traditional progressive goals of organized labor to win greater power, rights, and dignity for workers with a more conservative, indeed even counter-revolutionary, agenda to defeat the liberal and radical program to regulate front-line officers, which included a range of proposals from civilian review, to tougher departmental trial boards, to stricter gun-use guidelines. The unions, together with the national press and liberal jurists, began to address rank-and-file concerns as demands for civil rights. “The Police Have Rights, Too,” read the title of a *New York Times* editorial in late May 1965, after a Bronx crowd attacked a police officer attempting to arrest a grocer. In 1967 the Supreme Court ruled in *Garrity v. New Jersey* that police officers had the same constitutional rights as citizens when accused of a crime. The *Garrity* decision, written by the Court’s most liberal justice, William O. Douglas, bolstered another late-sixties innovation typically known as the Police Officers’ Bill of Rights, a set of contract provisions first won by Detroit police in August 1967, six weeks after the rebellion, which protected officers during departmental disciplinary

³ It is also worth noting that police salaries failed to keep pace with the cost of living after World War II, at the same time that an increasingly elite and professionalizing management class imposed more burdensome bureaucratic workloads. See Robert M. Fogelson, *Big-City Police* (Cambridge: Harvard University Press, 1977), 198-199.

investigations and significantly raised the bar for punishing police accused of harming the public.⁴

The pressures and dangers that police faced were indeed immense and growing. Shoot-outs with black militants, assaults and crowd rescues during arrests, and rioting remained credible worries for patrol officers patrolling minority neighborhoods. By the early 1970s, the national fatality rate for on-duty police officers reached an all-time high. Many large cities, meanwhile, had grown poorer and more violent, as middle-class taxpayers and high-paying union factory jobs decamped for the suburbs. Politicians increasingly looked to the police to handle the fallout from fiscal distress and depopulation, and to contain the seemingly interrelated problems of drug use and violent crime. Many citizens, white and black, cried out that they were too afraid to go out at night. They feared street robbery most of all. Police brass, in turn, demanded more from front-line officers: more street stops, more tickets, more arrests, more drug and gun seizures. On top of all this, front-line officers confronted unprecedented judicial scrutiny of such basic patrol activity as stopping a citizen on the street for questioning.

The “year of the Cop,” in fact, encompassed the immediate post-riot era. Urban policymakers showed greater deference to police brass and academic experts, who proposed technocratic solutions to street crime and citizen dissatisfaction with beat cops. During the historic surge in violent crime in the second half of the decade, African-American politicians and residents demanded more diligent police attention to their concerns about safety and disorder, as Black Power militants declared ideological war upon the police. Urban police departments thus stood at the center of conversations of

⁴ *New York Times*, May 28, 1965, 32; *Garrity v. New Jersey*, 385 U.S. 493 (1967).

how to restore public peace in a fractious era. Correctly assessing their unprecedented leverage in local and national politics, rank-and-file unions flexed their new collective bargaining rights to dictate the pace and nature of police reform.

The Year of the Cop: Police Protection and Police Unions

Two increasingly prominent concerns drove the conversation around policing after the mid-1960s. First, policymakers began to heed longstanding demands for police protection from low-income urban residents. Advocates of improving protection for marginalized, historically-under-served populations envisioned implementing this agenda with top-down control of street policing. Arising to challenging this technocratic project were rank-and-file police unions. Patrol associations in many large cities became labor unions with collective bargaining rights in the second half of the 1960s. While patrol unions supported some aspects of the technocratic program, like stop-and-frisk, they resented the more demanding workloads without corresponding increases in pay and respect. Low-income urban residents thus had to contend with more powerful police unions at the moment that local and federal authorities had become suddenly attuned to their longstanding concerns about crime and safety.

In the second half of the 1960s the general public became aware of the problem of inadequate police protection in low-income urban communities. For the period leading up to the summer riots in 1964 and 1965, the press, politicians, and activists typically described police-community relations in African-American neighborhoods through the lens of over-policing: the use of excessive force, investigative street stops and arrests on mere suspicion, invasive and legally-dubious searches of person and property, and so on.

The traditional view gave the impression that black urban residents desired fewer cops on the beat, less-intensive police patrols, and generally a diminished police presence in their neighborhoods. This narrative, reinforced by wave after wave of violent summer unrest, was challenged by innovative empirical research funded by the President's Commission on Law Enforcement and Administration of Justice. In its February 1967 report, the Crime Commission observed:

Not long ago there was a tendency to dismiss reports of all but the most serious offenses in slum areas and segregated minority districts. The poor and the segregated minority groups were left to take of their own problems. Commission studies indicate that whatever the past pattern was, these areas now have a strong feeling of need for adequate police protection.

A year later the Kerner Report offered a similar statement: "The strength of ghetto feelings about hostile police conduct may even be exceeded by the conviction that ghetto neighborhoods are not given adequate police protection." By the mid-1960s, inequities of police protection thus gained unprecedented visibility as a longstanding grievance of poor and marginalized Americans and as a problem for government reform.⁵

While completing research for the Crime Commission in 1966 and 1967, the sociologist Albert J. Reiss, Jr., was beginning to realize that the unchecked criminal victimization of marginalized urban residents held profound implications for police reform. After the summer riots of 1967, he had an opportunity to convey his still-inchoate ideas to federal officials. On September 21, 1967, Reiss met with several members of the Kerner Commission and David Hardy, an African-American reporter with the *New York Daily News*, who attended in his capacity as a former resident of Plainfield, New Jersey.

⁵ *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.: Government Printing Office, 1967), 25; National Advisory Commission on Civil Disorders, *Report* (Washington, D.C.: Government Printing Office, 1968), 161 (hereafter *Kerner Report*).

Hardy, who knew some of the key actors involved in that summer's rebellion, said that "lawlessness" had "caused the disorders" there and in hundreds of other cities in recent years. "When I say lawlessness," Hardy explained, "I am referring to the lack of effective law enforcement among Negroes."

To put it simply, for decades little if any law enforcement has prevailed among Negroes in America, particularly in the ghettos. If a black man kills another black man, the law is generally enforced at its minimum....In essence Negroes have gotten tired of killing each other, looting each other. And sort of like a Frankenstein monster they are turning on society.

Reiss by then had already theorized this relationship between inadequate police protection and the state of siege in black urban communities. The previous summer, his research for the Office of Law Enforcement Assistance had found that only seven percent of residents of the predominantly African-American neighborhood of Roxbury in Boston rated their area as "very safe." Seventeen percent of Fillmore residents in Chicago did. As a result, nearly one in five inhabitants of Roxbury and nearly one in ten in Fillmore said they carried a weapon for self-protection. During fieldwork in Boston, Chicago, and D.C., researchers observed that police were twice as likely to discover a weapon, typically a gun, on African Americans as on whites.⁶

Reiss was moved by the pervasive sense of insecurity in black urban neighborhoods to advocate more robust police protection as the superior alternative to the Police-Community Relations framework that postwar liberals typically espoused. At the September 21 Kerner Commission meeting, Reiss shared his idea for justifying stop-and-frisk policing that liberals were generally reluctant to endorse but that his field research

⁶ Statement of David Hardy, September 21, 1967, 1648-1694, Box 3, Series 1, Kerner Commission, LBJ Library; Reiss, "Public Perceptions and Recollections About Crime, Law Enforcement, and Criminal Justice," 30, 104, in Reiss and Black, *Studies of Crime and Law Enforcement in Major Metropolitan Areas*, Vol. 1, Section II; Reiss, "Measurement of the Nature and Amount of Crime," 86-87, in Reiss and Black, *Studies of Crime and Law Enforcement in Major Metropolitan Areas*, Vol. 1, Section I.

had demonstrated could help to suppress neighborhood violence and fear. At every street stop police would provide a Citizen's Receipt for Service stating basic details about the encounter, including the officer's rationale. "It is a way of making the system accountable," Reiss said. The idea piqued the interest of Governor Otto Kerner of Illinois who had vetoed both stop-and-frisk bills that had reached his desk since the 1965 George Leighton ruling. Kerner wanted to understand how a liberal like Reiss could defend a tactic that had caused intense controversy in minority communities. Reiss assured the Democratic governor that he would not support a stop-and-frisk bill without a measure like a citizen's receipt that attempted to "build accountability right into a procedure." Nevertheless the sociologist was convinced that police "do not do it indiscriminately," observing that whites generally did not resent being stopped and searched and police retrieved weapons at a high rate. "So what we are up against today is a great deal of sensitivity on the part of the Negro," Reiss said, which arose from a "general hostility" toward police. "We have made it a minority group problem," he said.⁷

Reiss, in short, was trying to refocus police reform from the injustice of over-policing to the injustice of under-policing. He made these points in an important letter to Paul G. Bowers, who wrote Chapter 11, "The Police and the Community," of the *Kerner Report*. In the letter, Reiss criticized the postwar Police-Community Relations paradigm for prioritizing civil rights over citizen safety in poor and marginalized urban neighborhoods. Having researched these areas, Reiss was convinced that this equation struck precisely the wrong balance for low-income African-American urban residents.

⁷ Statement of Albert J. Reiss, Jr., Commission Meeting, September 21, 1967, 1715-1716, 1719-1720, 1725, Box 3, Series 1, Kerner Commission, LBJ Library.

“They want the police to be tougher with crime and criminals but to treat them more like human beings,” he said. “I sympathize with them.”

It is all well and good for us who do not live in these areas to become preoccupied with the problem of police-community relations and civil rights and even the demands for other kinds of police service and to forget that many citizens in these areas suffer from both crime and inadequate police protection. But...in our reorientation of police service to these citizens we may by our very programs convince them that they are second class citizens with a different way of life and one where crime and violence is part of that way of life.

Reiss asked Bowers to consider the historic tendency of white police to ignore domestic violence in African-American families because they believed that black people “aren’t quite civilized.” Reiss then reasoned that while stop-and-search tactics risked violating a person’s rights, they could still earn public legitimacy if done with courtesy and respect and, more important, they would take guns off the street and transfer to the state the essential function of peacekeeping and conflict-resolution that citizens now provided through armed vigilantism. Reiss was evaluating whether the prevailing PCR paradigm fulfilled the state’s obligation to protect the public from interpersonal as well as official harm, and with each example he found it wanting.

To conclude these brief remarks, let me say that my concern is that everyone focuses on something called police-community relationships and wants somehow to make them better. But better for whom? Will I be safer in such a community? Will I feel I can go out at night? Any policy that is based on making people feel better about the police at the expense of making it a better place to live in the sense that the probability of victimization is reduced and that peoples [sic] problems are met is ill advised.

This fine-grained, anti-ideological style of reasoning distinguished Reiss in elite intellectual circles in 1967. Most scholars, politicians, and activists addressed the question of under-policing versus over-policing in the partisan language of a zero-sum contest between order and liberty. Reiss was as moved by moral arguments, especially

regarding the state's affirmative duty to protect citizens from harm, but he had the knowledge and inclination to propose technocratic solutions as in the Citizen's Receipt for Service.⁸

Reiss's recognition of the importance of under-policing to poor and marginalized urban Americans was supported not only by his own research but also by a raft of new survey evidence published throughout the intensive period of unrest. Days after rioting in Harlem and Brooklyn ended, the *New York Times* published the results of a survey carried out jointly with the John F. Kraft polling firm. The Kraft company used four *New York Times* reporters—three black and one white—to interview 190 African-American residents of Manhattan, Brooklyn, Queens, and the Bronx on problems in the city. Most respondents reported “economic complaints” and housing as their major concerns. A significant percentage, however, or thirty-nine percent, said “crime and criminals.” Most people supported nonviolence, while one-fifth said they preferred non-violent methods but expected violence, which of course did happen weeks later after an off-duty white policeman shot and killed a black teenager. When asked directly about police brutality, forty-three percent said that at least some existed, but less than one in ten had witnessed any. The majority felt it either was not a problem or they were unaware of its existence. In a notable contrast to the press coverage of the riot, police brutality did not rank among the top complaints among respondents as a pressing problem in the city.⁹

⁸ Albert J. Reiss, Jr., to Paul G. Bowers, November 3, 1967, 1-4, Box 5, Series 21, Kerner Commission, LBJ Library (Kerner Commission microfilm, Reel 13, frames 0284-0287). The journalist Jill Leovy offers a similar perspective as Reiss in *Ghettoside: A True Story of Murder in America* (New York: Spiegel & Grau, 2015), 8.

⁹ *New York Times*, July 27, 1964, 19.

Surveys completed two years later indicated that public safety had become a primary concern for low-income African-American urban communities. In 1966 Senator Abraham Ribicoff's subcommittee requested a new round of polling by John F. Kraft in low-income black urban neighborhood as part of an effort to assess existing federal urban antipoverty programs. Kraft ultimately surveyed residents of Chicago, Baltimore, New York City, and Watts. In the latter two cities, Kraft used a peer interview system whereby trained residents asked people in their neighborhoods a combination of open-ended and prepared questions. For New York and Watts, the surveys concluded, "the two main problems are (1) dope addiction and crime in general, and (2) better housing." "Problems of police brutality," Kraft said, "are conspicuous by their absence." The Watts poll took place one month after the riot. As in New York two years earlier, nearly half of Watts residents said some police brutality existed in their area, while a majority denied or were unaware of its existence. Forty-seven percent said the Los Angeles Police Department did an "excellent or pretty good" job as opposed to forty-one percent who rated police performance as "not so good or poor." When asked to explain their assessment, most Watts respondents expressed sympathy for officers facing challenging working conditions in South L.A. "Without cops every man would have to go armed," one person said. Others gave more critical responses, such as the person who compared police to "Hitler's storm troopers." "Try to embarrass the Negro," said another of the police. "Spend all their time giving tickets," one complained. One person simply said: "Too much crime."¹⁰

¹⁰ John F. Kraft, Inc., "The Attitudes of Negroes in Various Cities," in Senate Committee on Government Operations, *Federal Role in Urban Affairs: Hearings before the Subcommittee on Executive Reorganization*, 89th Congress, Second Session, Part Six (September 1, 1966), 1383-1384, 1393-1394.

The Harlem survey reinforced and provided more texture to the findings out of Watts. The top three grievances respondents gave about the city were housing, drugs, and crime. As of 1963 half the active narcotic addicts in the country known to the federal government resided in New York City, primarily in Harlem. Thus when asked to identify problems in Harlem, respondents ranked first drugs, housing next, and crime a close third. As to the most salient and pressing problems on their block, almost one in three said “dope addiction,” one in five said “bad kids” and “crime in the streets,” and eleven percent cited housing. What residents liked least about their block was, first, the lack of trees and grass and, second, “not enough policemen.” In fact nearly half of Harlem residents wished to move to public housing, which they considered safer because the newer buildings were guarded by the projects’ own police force. In the final report Kraft included verbatim excerpts from the approximately 1,200 interviews. A thirty-three year-old black woman gave a representative statement in describing inferior housing, drugs, and street crime as interrelated ills: “Problems? Poor housing. People live in rat holes. These houses aren’t safe, and they need guards. We’re not protected. We can’t find the Police Department when we need them. Need more protection.”¹¹

In presenting a contrary perspective on prevailing sentiment among low-income African Americans than the picture typically given on urban policing issues, the Kraft report made a splash upon its release in September 1966. “A survey of Negro attitudes in Harlem and Watts suggests that ghetto dwellers are concerned more about police

¹¹ John F. Kraft, Inc., “A Survey of Attitudes by Harlem Residents Toward Housing, Rehabilitation and Urban Renewal, August 1966,” in Senate Committee on Government Operations, *Federal Role in Urban Affairs: Hearings before the Subcommittee on Executive Reorganization*, 89th Congress, Second Session, Part Six (September 1, 1966), 1416, 1419-1422; Michael Javen Fortner, “The ‘Silent Majority’ In Black and White: Invisibility and Imprecision in the Historiography of Mass Incarceration,” *Journal of Urban History* 40, no. 2 (2014): 258.

protection than police brutality,” said the *New York Times*. “Most Negroes living in the ghettos live in near-anarchy,” reported the *United Press International* in a story widely reprinted in mainstream outlets like the *Washington Post* and *Boston Globe* as well as African-American weeklies such as the *Chicago Defender*. Most coverage highlighted the following excerpt from the original report:

What exists in the ‘ghettos’ at present is apparently a situation whereby a small minority—the dope addicts, criminals, noise-makers, and so on—tyrannize over the large majority, making decent living all but impossible for the latter.

Yet equally important were the lines directly preceding the above sentences, which framed the problem of criminality as a problem of social inequity.

The Negro like anyone else wants to preserve his family from harm, and for this there must be adequate police protection. Someone has observed that the Negroes in the ghettos seem to feel as if they were disenfranchised citizens. The absence of adequate police protection probably contributes to this attitude as much as any other single factor.

The Baltimore-based black weekly, the *Afro-American*, supplemented its coverage of the Kraft report by highlighting the concrete dangers African-American families, especially children, negotiated in their daily routines in large segregated cities. Neighborhood gangs had been tormenting students at the Betsy Ross Elementary School on Chicago’s Southside, prompting parents and school officials to request additional police patrols to guard children on their walk to and from school. Principal Andrew J. Brown of Dunbar Elementary School in St. Louis spoke to the paper from the hospital where he was recovering from a broken elbow that he suffered when he was “beaten with a corkball bat by two young toughs who refused to leave school grounds.”¹²

¹² 1395; *New York Times*, September 4, 1966, 1, 54; *Chicago Tribune*, September 4, 1966, 1, 2; *Boston Globe*, September 4, 1966, 1, 6; *Atlanta Journal and the Atlanta Constitution*, September 4, 1966, 2; *Chicago Defender*, September 6, 1966, 5; *Afro-American*, September 24, 1966, 12.

The Boston districts that Reiss researched over the summer of 1966 had recently become the scene of controversy over the adequacy of police protection. In March and April 1966 the U.S. Commission on Civil Rights held public hearings in Roxbury-South End to identify the problems in these primarily black neighborhoods. Heard in the grievances about law enforcement was the familiar mix of complaints about over-policing and under-policing, often from the same speaker. Reverend Virgil Wood of Roxbury criticized the “zoo keeper attitude” of police toward black residents, and then remarked that the surest way to obtain speedy police service was to report that “there is a Negro beating up a white man.” Reverend William B. Dwyer, who in his role on the South End Police Protection Committee had complained for years about unchecked prostitution, speculated about the existence of “some sort of tacit agreement from the powers that be that the South End is a place where men can come and have some fun.” “The streets are filthy,” said Mrs. Batson, “and the police provide a minimum of cooperation in attempts to eradicate the narcotics and to end gambling in the neighborhood.” “Police have isolated the South End as an area,” said Christopher Hayes, a community activist, “giving it only token protection.” The *Boston Globe* traced these problems to the 1962 reorganization of the department stemming from the IACP study. Since then, the paper noted, the Boston Police had shed 300 street cops, reassigned dozens of officers from walking beats to patrol cars, and shuttered station-houses as in West Roxbury.¹³

¹³ Massachusetts State Advisory Committee to the U.S. Commission on Civil Rights, *The Voice of the Ghetto: Report on Two Boston Neighborhood Meetings* (Washington, D.C.: Government Printing Office, 1967), 34-36; *Boston Globe*, March 30, 1965, 6, April 24, 1966, 34, May 8, 1966, A3, May 15, 1966, A2, October 9, 1966, 34.

Police unions, significantly, also mobilized in response to the IACP-led management reforms of the early and mid-1960s. The rank-and-file in Baltimore began an intense union drive following publication of the *Baltimore Sun* profile on police mismanagement, which prompted state legislators, who retained executive control of the department, to hire the IACP to reorganize the Baltimore Police and appoint Donald Pomerleau, a former IACP management consultant and foe of police unions, as the new commissioner. Despite hostility from above, patrol officers testified in city and state hearings on low morale and low pay, and some of them identified in public as members of AFSCME Local 1195, one of the heretofore-underground unions inside the BPD. Although Pomerleau ultimately supported a substantial pay increase in 1967, which even exceeded IACP recommendations, he refused to cede, as he saw it, managerial control to the ranks. He had even tried to block patrol officers from attending public hearings on pay. “This is why we have commissioners and deputy commissioners,” he had said. “They are enlightened in these matters.”¹⁴

Yet Pomerleau’s managerial tone, rather than impose clean rational order onto a messy bureaucracy, provoked a robust rank-and-file desire to claim greater control over their working conditions. In 1967 and 1968, following IACP guidelines, Pomerleau introduced tactical teams to operate in districts according to need, in addition to a more rigorous “field reporting system” requiring patrol officers to document every complaint and interaction with a member of the public. These measures were then bolstered by a data-driven style of policing prevalent in Chicago and other cities, which used past crime

¹⁴ *The Sun*, January 12, 1967, C20, January 13, 1967, C24, January 16, 1967, C8, April 23, 1967, 28, D20.

trends, tracked on a large city map at headquarters with pins differently-colored per crime, to inform future patrol deployments.¹⁵

In response to more demanding, inflexible work demands, the leading patrol officers' union in Baltimore organized a strategic protest. In the spring of 1968 Local 1195 filed a grievance on behalf of Patrolman Gary W. Woodcock, a Tactical Unit officer, whose commander on May 24 had given an order stating that he “wanted everyone arrested who is observed drunk or drinking on the street, and that any roving gangs or groups hanging on corners were also to be arrested.” When Woodcock challenged the “grounds” for the arrests, his commander allegedly said: “If you guys can’t find something to lock them up for after all this time, you don’t belong here, and we’ll get somebody to replace you who can lock them up.” In his rebuttal, Woodcock noted the precarious economic position of the lowest-ranked patrol officer: “The men of the K-9 are told to arrest crowds if they want to get off this night shift on weekends but if they use the dogs and their actions are questioned they will probably be fired.” Woodcock also criticized the new top-down data-driven strategy. “The men of the tactical section would like to know,” he said, “where ‘downtown’ gets its information concerning civil disorders and why it always seems unreliable.”¹⁶

The union then published a fourteen-page critical statement on the IACP reorganization plan that Pomerleau had doggedly pursued. In a televised interview about the critique, Patrolman Eugene Brukiewa, president of Local 1195, and Woodcock, member of the union’s executive board, criticized the commissioner and his management

¹⁵ *The Sun*, February 12, 1966, B18, May 27, 1966, C32, May 29, 1966, 14, June 16, 1966, C8, May 1, 1967, C20, May 21, 1967, 26, October 20, 1967, C8, October 23, 1967, C22, November 19, 1967, 11, July 19, 1970, PK1.

¹⁶ *The Sun*, June 20, 1968, C11.

philosophy. When asked if Pomerleau was a “competent, effective administrator,” Woodcock answered, “no.” Brukiewa went further, complaining that management refused to negotiate with the union—“Mr. Pomerleau just has a mind of his own”—which had caused police morale to drop to “its lowest ebb.” The department retaliated by charging the officers with conduct “prejudicial to or tending to undermine the good order, efficiency or discipline of the department” and for violating a rule barring public criticism of official policy or police personnel.¹⁷

A disciplinary matter quickly became a protracted legal dispute that demonstrated the rising power of patrol officers against management. In late July 1968, the trial board found both Brukiewa and Woodcock guilty and recommended six months probation and night duty, plus a suspended sentence of dismissal for any further transgression. Pomerleau doubled down and ordered a year of probation with suspended dismissal and transferred both officers out of their districts. The rank-and-file showed their anger over this decision a week later when they elected Patrolman Brukiewa to a seat—the union’s tenth out of seventeen—on the departmental grievance board. The union president won by a margin of 200 votes, the largest in the election. While the trial board was deliberating in July, city comptroller Hyman Pressman asked George L. Russell, Jr., city solicitor, to rule on the speech rights of police officers. In his reply, Russell provided the transcript of *Garrity v. New Jersey*, a 1967 Supreme Court decision holding that “policemen, like teachers and lawyers, are not relegated to watered-down version of constitutional rights.” In 1969 Woodcock and Brukiewa—and by extension the union they helped lead—finally prevailed over Pomerleau when the Court of Appeals of

¹⁷ *The Sun*, June 29, 1968, B20; July 3, 1968, C7; July 5, 1968, C16; July 10, 1968, C6.

Maryland used *Garrity* to reverse the trial board and protect the First Amendment rights of police officers.¹⁸

The significance of *Garrity* for the battle of the corner, however, was to extend the Fifth Amendment to officers accused of criminal and departmental misconduct. Patrol unions made it a priority to establish a uniform grievance and discipline procedure to enforce the rights of accused officers and to impose standard punishments that would eliminate political influence from disciplinary decisions. Prior to March 1961, commanding officers in the New York Police Department could dismiss grievances submitted by subordinates without explanation. The system was arbitrary and capricious. But in March the new commissioner, Michael J. Murphy, finally granted the Patrolmen's Benevolent Association's longtime demand to install a formal grievance procedure conferring rights and obligations onto command and subordinate officers. The discipline meted out by trial boards, internal citizen complaint agencies, or commissioner's hearings also often seemed arbitrary to the patrol ranks. Reformers in Detroit in the early 1970s were struck by the inexplicable range of harsh and lenient sentences. One officer who had lost his two-way radio was punished with the loss of fifteen leave days, while another who "physically assaulted his wife and threatened her with revolver" lost only three leave days.¹⁹

¹⁸ *The Sun*, June 29, 1968, B20, July 5, 1968, C16, July 20, 1968, B20, August 1, 1968, C18, September 25, 1968, C7, October 28, 1968, C24; *Garrity v. New Jersey*, 385 U.S. 493, 87 S. Ct. 616, 17 L. Ed. 2d 562 (1967) at 500; *Brukiewa v. Police Commissioner*, in the Court of Appeals of Maryland, no. 149, September Term, 1969, excerpted in full in IACP, *Public Safety Labor Reporter*, Court Decisions (1971): 36-53

¹⁹ *New York Times*, April 25, 1960, February 23, 1961, February 24, 1961, March 15, 1961; James Priest Gifford, "The Political Relations of the Patrolmen's Benevolent Association in the City of New York (1946-1969)," (PhD diss., Columbia University, 1970), 181-189; Sandy McClure to Commissioner Joe B. Sullivan, March 30 1972, Box 3, Charter Revision Commission Papers, Burton Historical Collection, Detroit Public Library; Punishments Given at Commissioner's Hearings, 1969-1971, 12, Box 2, Folder 15, Maurice Kelman Papers, Reuther Library.

Patrol unions were quick to recognize—often quicker than civil rights activists and city officials—that they could use new collective bargaining rights to obtain generous protections for their members in an era when citizen groups and police management were applying more intense scrutiny to their conduct on the beat. Although rarely understood in this light, by commentators at the time or scholars since, the Blue Flu by the Detroit Police Officers Association in the spring of 1967 marked a watershed moment because the final outcome of the work stoppage was the first contract signed between the union and the city, which dealt not with wages but with so-called “non-economic” matters, namely a simpler version of the “Bill of Rights” provisions police unions would win in Buffalo, Boston, and New York City by the end of the decade, granting accused officers substantial breathing room in disciplinary investigations. The strike itself also demonstrated the growing political power of rank-and-file unions in large cities.²⁰

In Detroit, as in other cities, an act of the state legislature helped to usher in the era of police unionism. In July 1965 Michigan passed Public Act No. 379, also known as the Public Employment Relations Act, which amended a 1947 law to require local governments to recognize public employee unions as the exclusive bargaining agent in collective bargaining over working conditions, while retaining the original no-strike clause. Police unions in the medium-sized cities of Inkster and Pontiac organized work stoppages by calling in sick—the “blue flu”—as part of contract negotiations. The Detroit Police Officers Association, which represented only the patrol ranks, was founded in 1944 but had primarily functioned as a social club and an informal conduit for rank-and-file demands, that is, until the 1965 law. On January 18, 1966, the city of Detroit

²⁰ Hervey A. Juris and Peter Feuille, *Police Unionism* (Lexington, Mass.: D.C. Heath and Company, 1973), 143.

recognized the Detroit Police Officers Association as exclusive bargaining agent of 3,300 patrol officers. With the election of Carl Parsell as president in August 1965, the DPOA took advantage of their new legal rights and adopted a more strident and militant posture toward city hall and any perceived opponents of rank-and-file interests, especially the city's vocal Black Power activists. "So with this [law]," Parsell said a few years later, "we went ahead and took on our power."²¹

The Blue Flu began as a dispute over wages. In 1966 Mayor Jerome Cavanagh and Common Council had granted police a \$1,000 raise in salary and benefits, but from the DPOA's perspective the city had refused to negotiate in good-faith over the first contract since the 1965 collective bargaining law. Then in April 1967 Cavanagh submitted an "austerity budget" to Common Council for approval. The \$412 million proposal eliminated 700 city jobs and reduced total operating costs by \$9.5 million—over \$700,000 was cut from the Police Department alone. No city employees were given a raise. To compensate for declining tax revenues, the mayor's budget allocated an increase of \$1 million in revenue from traffic court fines in addition to the \$6,200,000 from the previous year. Since stepped-up police enforcement would make up the difference, Parsell and the DPOA found leverage they could use to force the city to the bargaining table. The council had until July 1 to ratify the budget.²²

²¹ Public Act No. 379 eliminated the Hutchinson Act's automatic dismissal as a penalty for striking. *Detroit Free Press*, March 23, 1969, 16.

²² "Findings and Recommendations on Unresolved 'Economic' and Other Issues," Detroit Police Dispute Panel, Detroit Police Officers Association and City of Detroit, February 27, 1968, 11-12, 16, Jerome Cavanagh Papers, Box 411, Folder 10, Walter P. Reuther Library (Reuther Library), Wayne State University, Detroit, Michigan; *Tuebor* 27, no. 2 (March 1966): 1; *Tuebor* 27, no. 6 (June 1966): 1; *Detroit Free Press*, April 23, 27, 1967, June 22, 1967; Margaret Levi, *Bureaucratic Insurgency: The Case of Police Unions* (Lexington, Mass.: Lexington Books, 1977), 111; "Before the Detroit Police Dispute Panel" (1967), 2, Box 409, Folder 12, Cavanagh Papers, Reuther Library.

The DPOA used the issue of police protection in a time of acute public anxiety about rising crime rates and disorder as leverage against the Cavanagh budget. “Is this good faith bargaining?” Parsell asked in his monthly column in the May issue of *Tuebor*, the union’s magazine. It was unethical and “unwise,” he wrote, for the city to admit that it could not afford “adequate Police protection.” The DPOA requests, per union calculations, would cost an additional \$5 per resident, certainly a manageable amount in a \$412 million budget. “Isn’t it better,” Parsell continued, “to be in the red than dead?” A DPOA ad that ran on May 14 in the *Free Press* played to taxpayers’ fiscal concerns. Printed in bold block letters under “Notice To the Public,” the ad began, “The taxpayers of Detroit lost 16 million dollars in the last two years because of unnecessary loss of 530 police officers.” The city could avoid this “needless waste” by accepting union demands. “The ‘austerity’ budget is *not* saving you money,” the ad concluded, “but costing taxpayers more.”²³

On Monday, May 15, the union held a closed-door meeting. Some 1,400 members attended, equal to almost two-thirds of all DPOA members. On Wednesday morning, a work slowdown began out of the Motor Traffic Bureau. By the end of the first day, traffic ticket-writing was down 50 percent relative to the first week of May. On Thursday, it was down 60 percent. Between May 17 and June 14, police wrote 21,109 tickets versus 74,001 written over the same period the previous year, a 71.5 percent drop. The decline in individual precincts was dramatic: from a “normal” 323 to 6 in Woodward and 347 to 11 in Livernois over May 16 to 22. At its peak the slowdown cost the city \$15,000 per day.²⁴

²³ *Tuebor* 28, no. 5 (May 1967): 18; *Detroit Free Press*, May 14, 1967.

²⁴ *Detroit Free Press*, May 26, 1967; Levi, *Bureaucratic Insurgency*, 112.

Early on the DPOA indicated that more than wages was at stake. The real target was increasing the power of the police in city politics. About a week into the ticket slowdown, Cavanagh ordered Girardin to begin disciplining striking officers. “If the mayor wants war, war he will get,” the DPOA replied. The union maintained they were “merely exercising our discretion” by “not meeting quotas” and promised to “move forward with our protests and continue to take our fight to the citizens.” The DPOA then blitzed local papers with multiple ads on the same day. Playing to public crime fears, each ad highlighted the longtime personnel shortage, which the austerity budget would worsen: “How does it feel to be held up? Stick around and find out!” and “Next Year you will have 1,000 Detroit Policemen. How many robberies will there be then?” Printed at bottom was the same simple message: “Keep your police protection for just \$4.00 a day per man. Better police protection costs very little.”²⁵

The sick strike began in mid-June after Girardin ordered mass retaliatory transfers of motorcycle and scout car officers to walking beats. “The theme has always been,” Livingston said: “If you don’t write, you walk.” Cavanagh said the city would dispatch doctors to clear allegedly sick officers for work. By midnight on Thursday, June 15, 323 officers had called in sick. Of the fifteen Motor Traffic Bureau officers transferred to walking beats, thirteen stayed home. Wayne Circuit Court Judge Thomas J. Foley ordered an immediate end to “the illegal and unauthorized strike,” which the former DPOA attorney said was entirely inappropriate for a paramilitary organization to undertake. Parsell characterized the action as “spontaneous.” “Policemen for the first

²⁵ *Detroit Free Press*, May 25, 1967.

time are joining the labor movement,” Livingston said. He quickly added: “Call it a show of opinion.” On Friday, 343 officers called in sick.²⁶

At the peak of the Blue Flu, nearly 800 officers—or almost one-third of the 2,700 on-duty patrol officers—were absent. This total included 170 suspended by the department and 459 reporting sick. Finally by the afternoon of Tuesday, June 20, a truce was arranged by Bishop Richard S. Emrich, chair of the Citizens’ Committee for Equal Opportunity. The union and the city agreed to meet over the next ten days to discuss grievances and DPOA officials said they would order members back to work. Seven days after it had begun, the Blue Flu was over.²⁷

The problem of traffic quotas provided more than a convenient pretense for the strike—it was a source of real grievance for the rank-and-file. When asked if striking officers were violating their oath to protect the city, the union saw an opportunity to highlight arbitrary working conditions imposed by a doctrinaire management. “These men work hard all day enforcing laws against crime and at the end of the day they find they haven’t written many tickets,” Livingston said. “So they station themselves at a corner and write half a dozen tickets on their way into the station house.” Command routinely punished traffic officers for failing to meet quotas, Parsell alleged. Every month, the twenty-five least productive officers were warned. Every ninety days, the bottom five were transferred—as punishment—to a walking beat. “An officer cannot be under continual pressure to write tickets out there to bring in revenue,” Parsell said. The

²⁶ *Detroit Free Press*, June 13, 14, 15, 16, 1967; Levi, *Bureaucratic Insurgency*, 112-113.

²⁷ *Detroit Free Press*, June 17, 18, 20, 21; Levi, *Bureaucratic Insurgency*, 114-117; Joint Statement of Mayor Jerome P. Cavanagh and Carl Parsell, June 20, 1967, Box 4, Folder 5, Horace W. Gilmore Collection, Reuther Library; Plaintiffs’ Complaint, *DPOA v. Detroit* (June 19, 1967), 3-4, Box 409, Folder 12, Cavanagh Papers, Reuther Library.

Blue Flu challenged not only an unfair, arbitrary system but also the patrol officer's relative powerlessness within that system. As Parsell explained:

When they suspended these men, everyone had somebody he could touch and say, "Hey! He's one of our guys!" We got all these guys that they suspended and put them up on the stage. Said, "Hey! This is what happened out here. They didn't write tickets and they got suspended. What are you guys going to do? You guys going to cave in and go out and write tickets and collect money for them down there *not* to give to us?"

Patrol officers in Detroit made between \$7424 and \$8335, placing them in the upper half of the city employee pay-scale, above truck drivers and librarians but below roofers and bricklayers.²⁸

During post-strike negotiations, the city and the union shelved the issue of wages for future arbitration and focused on grievance procedures. One DPOA demand was for the department to reinstate all 186 suspended officers with full back-pay. The city refused and, in fact, Cavanagh went on the radio to announce that the suspended officers would receive no pay pending trial board hearings. The union sued but lost. "Why should police officers or any other citizen be punished before he is found guilty?" Parsell asked. A hundred DPOA supporters picketed the city-county building. The practice of suspending pay pending the trial board outcome was a longstanding union grievance. "Once a person is charged," Parsell would later say, "unlike everyone else, it's guilty until proven innocent." The DPOA thus sought a formal grievance procedure that guaranteed patrol officers due process rights during internal investigations. On July 10, 1967, the city and the union signed a tentative agreement on these non-economic demands. Two weeks later, of course, the five-day rebellion ripped a hole in the city, killing dozens of civilians, including one officer, Jerome J. Olshove. On August 2, days after the riot's bloody

²⁸ *Detroit Free Press*, June 16, 22, 1967; Levi, *Bureaucratic Insurgency*, 111, 113 (long quote).

conclusion at the Algiers Motel, Cavanagh reinstated the 186 suspended officers with full back-pay. The mayor said Girardin had recommended the order “because of the excellent response of our Police Department during the civil emergency last week.”²⁹

On August 22, 1967, about a month after the riot, the DPOA and the city signed their first official agreement. The contract dealt only with non-economic demands. The union won dues check-off or automatic monthly payroll deductions diverted from members to the DPOA treasury. The contract further secured the union’s place within the Detroit Police Department by forbidding any subtle or overt harassment of union members by management and authorizing official union business during working hours. But the real prize was a grievance procedure, printed in full in *Tuebor*, which established the right to air grievances with commanding officers and a formal procedure for review and appeal up to the commissioner. At each step of the process—including, notably, all trial board proceedings—the complaining patrol officer reserved the right to request representation by a union official. Subsection H of Article IX (“Grievance Procedure”) provided a twenty-four hour period for officers accused of misconduct to confer with their commanding officer before making a written statement. The union also won the right to appeal “any unresolved grievance relating only to the interpretation, application, or enforcement” of contract provisions to a three-person arbitration panel. The city and the union each appointed one member for the panel and jointly agreed upon the third.³⁰

²⁹ Plaintiffs’ Complaint, *DPOA v. Detroit* (June 19, 1967), 5; *Detroit Free Press*, June 28, 30, 1967, August 3, 1967; Levi, *Bureaucratic Insurgency*, 117; Testimony of Carl Parsell, Before an Arbitration Panel Under Act 312, Public Acts of 1969 (December 22, 1971), 125, Box 6, Folder 13, Gabriel Alexander Papers, Reuther Library.

³⁰ Agreement between City of Detroit/Detroit Police Department and Detroit Police Officers Association, Inc., August 1967, 4, 6-7, 9-15, Box 2, Folder 22, Maurice Kelman Papers, Reuther Library; *Tuebor* 28, no. 9 (September 1967): 6, 79; *Detroit Free Press*, August 23, 1967.

The grievance procedure and other contract rights immediately increased the leverage of rank-and-file officers against doctrinaire commanders. Parsell took to *Tuebor* to instruct members to demand that stewards enforce these new rights. “This contract was *not gained* so that the DPOA could run the department (we do not wish to),” he said, “but to insure that Patrolmen and Policewomen would be treated fairly and equally.” Parsell then ticked off recent incidents where rank-and-file officers had successfully challenged the brass. A lieutenant at roll call “excused” two officers for refusing to work the “ticket car” that would have required them to meet a quota before they could go home. The union submitted a grievance and “the lieutenant was furious, but the practice stopped.” When a lieutenant refused to accept the eighty hours of court time logged by an officer transferred into his district, a grievance was filed and “the lieutenant blew his top, but the Officer received his court time.” An emboldened rank-and-file challenged a lieutenant’s order to stop and search twice as many motorists as likely unconstitutional since it would violate probable cause. The lieutenant reassured the steward he would take the heat. But, Parsell wondered, “Will the supervisor go to the Citizen Complaints Bureau when the complaints come in?”³¹

During fact-finding in the fall and winter of 1967-1968 the DPOA cited the increasingly hostile street climate facing patrol officers and the higher standards required by professionalization as leverage to win a hefty raise. Over fourteen days of hearings from October to December, the panel noted that the city patrol wage had failed to keep pace with state police salaries, while a personnel shortage and “rising tensions” had made the day-to-day grind more demanding and dangerous. “Resistance to arrest is more

³¹ *Tuebor* 28, no. 11 (November 1967): 2, 20.

common today,” they observed, and, given the role of police as “the representative of society at large to the angry, embittered minority,” higher wages would attract candidates capable of meeting professional standards. In light of recent destructive riots, the patrol officer had become “a crucial figure in race relations today” who “must conduct himself with understanding and care to avoid unnecessary conflict.” The panel acknowledged the city’s deficit of \$20 million, expected to rise to \$39 million in Fiscal Year 1968-1969, but ultimately argued that the city could find the money through “unused taxing powers” and increased traffic fines since revenues remained roughly one-third below normal levels since the May strike. Effective July 1, 1968, the new starting salary for Detroit patrol officers was a competitive rate of \$10,300.³²

The DPOA emerged out of the 1967-1968 negotiations a politically-oriented organization. In short order, the union sued to challenge the council’s 1968-1969 budget on procedural grounds. That spring and summer the city pursued a ballot initiative to change public employee pensions. Pitched as a cost-saving measure, city workers under the new plan could retire after 25 years of service but, unlike the old plan, not before the age of 55. The DPOA vigorously contested the proposal. Joining with the Detroit Fire Fighters Association to form the Committee for Responsible Government, the union spent an estimated \$250,000 on the campaign for newspaper ads, handbills, and billboards. The city’s charter amendment won in November by about 20,000 votes. But Parsell was proud and defiant. “We got 200,000 votes,” he said. “That’s 35,000 more

³² “Findings and Recommendations on Unresolved ‘Economic’ and Other Issues,” February 27, 1968, 16-21, 24, 27-28, 38-48; *Tuebor* 29, no. 3 (March 1968): 1, 39; Memorandum of Agreement, n.d., Box 587, Folder 5, Cavanagh Papers, Reuther Library; Complaint for Mandamus, DPOA v. Detroit, In the Circuit Court for the County of Wayne, 2-4, Box 21, Folder 1, Mel Ravitz Collection, Reuther Library; Letter from Jerome P. Cavanagh to Common Council, June 4, 1968, *ibid.*

than any council candidate.” The pension fight won the DPOA national press attention as a sign of emergent big-city Blue Power.³³

The DPOA also challenged the diversity initiatives ordered by the mayor. In May 1968 Cavanagh’s special task force on police recruiting announced new procedures to increase the number of black officers in the Detroit Police Department. Implemented immediately, the department adjusted height, education, and vision requirements—the ten years of grade school requirement was dropped in favor of a high school equivalency—to attract a wider pool of candidates. They also introduced more objective criteria to eliminate “cultural bias” against black applicants during the hiring process. The most controversial measure was relaxing the total ban on prior felony convictions. Cavanagh then appointed a black police lieutenant, Avery Jackson, to do aggressive recruiting in black neighborhoods. Disappointed in the limited progress six weeks later, Cavanagh wrote a secret memo on August 9 instructing the new police commissioner, Johannes Spreen, to impose a quota to hire four black officers for every white officer. Spreen rejected any racial quotas and protested the overall program which he argued lowered hiring standards.³⁴

³³ The DPOA still sued the city to block the pension change and the residency rule. The union won in the lower courts and the city appealed. In 1974, the state Supreme Court agreed with the union’s core claim, holding that residency and pensions were conditions of employment under the 1965 Public Employee Relations Act and thus a mandatory subject of collective bargaining. Since the city had erred in taking unilateral action, the court directed bargaining over both issues if raised in future negotiations. *DPOA v. Detroit*, 17 Mich. App. 700, 170 N.W.2d 260 (1969); *DPOA v. Detroit*, 383 Mich. 770 (1970); *DPOA v. Detroit*, 391 Mich. 44, 214 N.W.2d 803 (1974); Summary of Key Differences Between Old Plan and New Plan, December 31, 1968, Box 8, Folder 11, Gabriel Alexander Papers, Reuther Library; *Los Angeles Times*, December 15, 1968; *Boston Globe*, December 15, 1968; *Washington Post*, December 15, 1968; *Tuebor* 29, no. 10 (October 1968): 1-3, 17, 48; *Tuebor* 29, no. 11 (November 1968): 1, 23, 26, 30; *Detroit Free Press*, October 6, 10, 22, 31, 1968, November 3, 6, 1968, August 11, 1969.

³⁴ Robert Quaid, Recommendations for Changes in the Police Recruiting Procedures, July 3, 1968, Box 4, Sidney Fine Collected Research Papers, Bentley Historical Library, Ann Arbor, MI; Mayor Cavanagh to Commissioner Johannes Spreen, August 9, 1968, Box 410, Folder 8, Cavanagh Papers, Reuther Library; James L. Trainor to Mayor Cavanagh, September 5, 1968, Box 410, Folder 9, *ibid*; Mayor Jerome P.

The memo soon landed on the desk of Councilman Phillip Van Antwerp, a former Detroit police officer, who complained that the hiring quota violated the city charter and would reject qualified white candidates. “This to me is discrimination,” he said. Parsell threatened to challenge the recruitment program in arbitration, alleging that it violated the collective bargaining law. In *Tuebor*, the DPOA president argued that Cavanagh’s “secret order” was “fearful and dangerous” and tantamount to “discrimination.” The department was 200 officers below its authorized strength and “1,000 from what we really need,” Parsell said, but the department’s shortage of black officers owed to ““self appointed” leaders [who] have shouted Police are the enemy instead of promoting Police as a profession.” “So they are following in the Communist blueprint,” Parsell continued, “in that they shout not enough black Police and yet they are the real reason there is not enough and they know it.”³⁵

The department had in fact made quantifiable albeit limited progress. Total black applications had risen by more than a quarter from 1967 to 1968 and their preliminary rejection rate had declined by 8 percent. The proportion of black recruits of the rookie class had also risen from 22 percent to over 35 percent during this period. Still, in a city that was forty percent black, the department remained 92 percent white. In late July, less than a week before completing their work, the seven black members of Cavanagh’s police recruiting task force resigned in protest over the mayor “dragging his feet” in appointing more black inspectors to “predominantly Negro districts.” They demanded the city hire 1,500 black officers and install a civilian review board. “The most basic threat to

Cavanagh to Commissioner Ray Girardin, May 23, 1968, Box 410, Folder 5, *ibid*; Robert Roselle to Staff, May 28, 1968, *ibid*.

³⁵ *Detroit Free Press*, October 26, 1968, March 23, 1969; *Tuebor* 29, no. 11 (November 1968): 30.

peace, law and justice in our City comes from a largely lily-white Racist Police force,” they said. The likely trigger for the group resignation was the new stop-and-frisk ordinance passed by council in early July and endorsed by Cavanagh. “Mayor Cavanagh’s memory is very short,” the letter concluded. “He owes his present office to the fact that Detroit’s Black community will not stand still for a stop and frisk Police crackdown.”³⁶

By 1969 the Detroit Police Officers Association had become, to most observers, an overt political organization. During the summer of 1968, the DPOA and the Detroit Fire Fighters Association joined with white homeowners and business groups to form the Real Detroit Committee to endorse candidates in the fall races for city council, city judgeships, and Wayne County Sherriff. In October 1968, Carl Parsell founded the Police Officers Association of Michigan, a statewide union to lobby the state legislature. A year later, POAM had garnered 5,000 members from 35 law enforcement agencies. After five state House members, each one a black representative of Detroit, passed a resolution to investigate the “political activities” of the DPOA, in June 1969, Parsell promoted the new state union in *Tuebor*. “Where do we go for help to defeat bad bills like these? Do we go back to those same people who are proposing these bills,” Parsell asked, “or do we go to the whole State for help? That’s why the POAM was formed.” In the fall 1969 elections, the DPOA endorsed Wayne County Sherriff Roman S. Gribbs for mayor—he won—and a dozen law-and-order candidates for city council, clerk, and treasurer. Perhaps the

³⁶ James L. Trainor to Mayor Cavanagh, September 27, 1968, Box 410, Folder 9, Cavanagh Papers, Reuther Library; *Detroit Free Press*, September 28, 1968; Untitled resignation letter from Members of the Mayor’s Special Task Force on Recruitment and Hiring of Policemen (Frank Ditto, William Bentley, Willis C. Tabor, Robert Tindal, Alice Lyte, Senator Coleman A. Young, Reverend Roy A. Allen), Box 412, Folder 13, Cavanagh Papers, Reuther Library; Cavanagh Press Release, July 9, 1968, Box 585, Folder 2, *ibid*; Guidelines for Police Personnel Functioning in Public Places and Investigating for Criminal Activity, *ibid*.

biggest prize of the year was the passage of Public Act 312 in June. Largely a result of POAM lobbying, the law authorized compulsory arbitration to resolve an impasse in collective bargaining. The DPOA used the law to raise top patrol pay to \$12,000 in 1970 and \$15,000 in 1973, more than doubling the top pay in 1964, the year before the DPOA became a certified labor union.³⁷

Year of the Cop: Civil Rights for Cops and Citizens

In the period of major summer urban unrest police departments faced more intense pressure to discipline officers accused of misconduct against civilians. In Detroit after the July rebellion, the police brass and the liberal Cavanagh administration demonstrated a greater willingness to implement longstanding demands to hire more African-American officers, impose stricter controls on police use of firearms, and make the civilian complaint process more transparent and effective. In response to perceived liberal interference, the Detroit Police Officers Association invested in a legalistic strategy, mobilizing around their newly won *Garrity* and *Miranda* rights, to shield their members from more aggressive commanders and politicians who faced tremendous pressure to crack down on rank-and-file conduct in the wake of the riot, especially from the city's increasingly vocal Black Power activists.

In the years after the July rebellion Detroit police officers were involved in serious altercations with black residents for which officers, somewhat unusually, faced

³⁷ *Wall Street Journal*, October 30, 1969; *Detroit Free Press*, April 20, 1969, August 11, 1969; *Tuebor* 29, no. 10 (October 1968): 1, 11; *Tuebor* 30, no. 2 (February 1969): 21; *Tuebor* 30, no. 5 (June 1969): 1; *Tuebor* 30, no. 7 (July 1969): 1, 2, 48; *Tuebor* 30, no. 8 (August 1969): 1, 40; *Tuebor* 30, no. 9 (September 1969): 1, 3; *Tuebor* 31, no. 7 (July 1970): 1, 2, 40; for the 1973 arbitration decision, see *Tuebor* 34, no. 2 (February 1974); William J. Rainey, "Michigan Compulsory Arbitration Act for Essential Services," *Prospectus*, 3, no. 1 (December 1969): 239-240; Thomas A. Cattel, "Compulsory Arbitration for Police and Firefighters: Is It Here to Stay?" *Detroit College of Law Review* 4 (1979): 701-704.

both criminal and departmental charges. A few officers were even dismissed. Indeed, Ronald August, Robert Paille, and David Senak faced state criminal and federal civil rights charges for their role in the torture and killings at the Algiers Motel during the 1967 riot. In August 1972, during the last Algiers Motel trial, Judge George T. Ryan dismissed the murder charge against Paille, arguing that his confession had been made in “an atmosphere of coercion” and thus violated the Garrity Rule, which held that a police officer could invoke the 5th Amendment to remain silent in a workplace criminal investigation. The Supreme Court had decided *Garrity* on January 16, 1967, seven and a half months before Paille confessed. Norman Lippitt, the DPOA attorney for misconduct cases, recalls that he had invoked *Garrity* to stop the interrogation of Senak. “Thereafter,” per Lippitt, “every time a police officer shot somebody—as it would happen weekly—myself or someone from my office would go to Homicide and talk to the police officers and assist them in creating their preliminary complaint report before any homicide officer could talk to them.” When Police Chief Philip G. Tannian tried to block DPOA attorneys from helping officers complete shooting incident reports, in November 1974, the union sued and won. The court held that the order violated the officers’ constitutional rights.³⁸

A string of contentious police incidents stretching from the spring to the fall of 1968 shined a spotlight on internal police discipline. On May 13, 1968, Detroit police officers on horseback attacked African-American demonstrators with the Poor People’s March at the Cobo Hall convention center. Sam J. Dennis, an official with the Community Relations Service in the Department of Justice, saw police “ride horses into a

³⁸ *Detroit Free Press*, August 18, 1967, December 8, 1968, August 4, 1971, July 26, 1972, August 8, 1972, February 22, 1974, November 5, 9, 1974; *Garrity v. New Jersey*, 385 U.S. 493, 87 S. Ct. 616, 17 L. Ed. 2d 562 (1967); “Norman Lippitt, October 7th, 2016,” Detroit 1967 Online Archive, accessed May 3, 2017, <https://detroit1967.detroithistorical.org/items/show/440>.

crowd which I judged to be under control” and “strike individuals in that crowd with nightsticks for no apparent reason.” A black official from the Detroit Commission on Community Relations asked officers to put away their carbines and was told they “don’t take orders from no NIGGERS.”³⁹ At a rally for presidential candidate George C. Wallace in late October, again at Cobo Hall, police used brutal tactics against the mainly white suburban protesters of the segregationist Alabama governor.⁴⁰ On November 1—a mere two days after Cobo II—police and black teenagers clashed at the Veterans Memorial in downtown Detroit. The Detroit Police Officers Wives Association was holding a dinner and dance in the main ballroom on the first floor for about 200 off-duty police and their spouses. Alcohol was flowing freely at the all-white party. On the sixth floor, black teenagers were dancing and socializing at an event sponsored by Ebenezer A.M.E. Church. Police later claimed that the youths were constantly harassing the officers and their wives. “I think any man, when provoked, would have done what the men did,” Parsell said.⁴¹ The youths, however, accused the officers of provoking them with demeaning taunts and racial slurs. After midnight, a separate group of African-American teens arriving late to the church dance tangled with officers over perceived racist harassment. In the scuffle, a young man punched Patrolman Richard Stinson and

³⁹Sam J. Dennis, Statement of Witness, June 13, 1968, Box 582, Folder 4, Cavanagh Papers; Philip H. Mason, Statement of Witness, June 11, 1968, *ibid*; Fred Linsell to Richard V. Marks, May 14, 1968, *ibid*; Report Concerning Incident Involving Detroit Police Department and Midwest Contingent of Poor People’s Campaign, May 14, 1968, *ibid*; A. Nichols to Richard V. Marks, May 14, 1968, *ibid*; Carl Hefferman to Johannes F. Spreen, July 25, 1968, *ibid*.

⁴⁰Johannes Spreen to Common Council, March 7, 1969, Box 1, Folder 20, Kelman Papers; Mr. and Mrs. Bernard Krause to Jerome Cavanagh, November 4, 1968, *ibid*; Maurice Kelman to Commissioner Johannes F. Spreen, November 27, 1968, *ibid*; Cobo Hall Complaints Against the Police, November 15, 1968, *ibid*; Robert Gittleman to Jerome P. Cavanagh, October 31, 1968, *ibid*; M. C. VanderBrug to Jerome P. Cavanagh, November 1, 1968, *ibid*; *Detroit Free Press*, October 30, 1968, November 25, 1968, March 7, 1969; “The Violence after Last Week’s Speech by Wallace In Detroit,” *Detroit Scope Magazine*, November 9, 1968, 13-15.

⁴¹*Detroit Free Press*, November 26, 1968; *Tuebor* 29, no. 12 (December 1968): 2, 6, 43.

broke his nose. At this point, according to a white businessman attending the police dinner, a white woman ran into the ballroom and shouted “trouble with blacks.” A dozen officers ran outside, some brandishing revolvers, and chased the boys. They beat the ones they caught.⁴²

Girardin and Spreen responded to Cobo I and II and the Vet Memorial with atypical toughness. For Cobo I, Girardin suspended a lieutenant and a sergeant pending their trial board hearing, although both were exonerated by the trial board. In the fall, however, the new police commissioner, Johannes F. Spreen, who was appointed in June, and two commanders convened a Commissioner’s Hearing, which punished a Tactical Mobile Unit patrolman with fifteen lost leave days for using excessive force and a Motor Traffic Bureau patrolman with three lost leave days for improperly brandishing a carbine and refusing to identify himself to a civilian. Spreen declined to punish anyone for Cobo II, but the Vet Memorial provoked a more serious outcry from city hall and the public. When after a few days no patrol officer had cooperated with the internal investigation, Cavanagh denounced the “blue curtain” of police secrecy and threatened to appoint “some outside agency” to review the incident. Councilman Nicholas Hood, who was black, demanded that Spreen deliver a progress report, in person, before council. One of Hood’s teenage sons had attended the church dance and had to flee after he was “menaced by a group of these men while he attempted to get a drink of water.” Cavanagh stressed that he and top police officials believed the allegations of the young people, and

⁴² *Detroit Free Press*, November 26, 1968; Walk In Complaint of Derrick C. Tabor, Grady Stallworth, Bruce Stallworth, Detroit Police Department, November 2, 1968, Box 583, Folder 11, Cavanagh Papers; Grady Stallworth Complaint, DPD, November 2, 1968, *ibid*; James S. Evans Complaint, DPD, November 2, 1968, *ibid*; Grady Stallworth Complaint, DPD, November 2, 1968, *ibid*; Derrick C. Tabor Complaint, DPD, November 2, 1968, *ibid*. The original quote was “trouble with black,” as cited in, In Re Petition of Gerald Biscup Under the Veteran’s Preference Act, n.d. [1969], p. 8, Box 2, Folder 15, Kelman Papers.

any concern about rank-and-file morale was misplaced. “The morale of the community,” the mayor said, “is the most important morale to be considered.” Under the headline “Who’s the Boss of the Detroit Police?” the *Free Press* framed the dispute as “Mayor vs. Old-Line Cops,” when, in fact, Cavanagh was taking on a new more powerful entity in a police union with state-recognized rights and privileges. “The whole question of who’s going to set policy and run the department is wrapped up in this particular incident,” Cavanagh said.⁴³

Finally, on November 13, after a twelve-day investigation, Spreen suspended nine officers for their role in the Vet Memorial, including two sergeants and seven patrolmen. The commissioner had previously penalized two patrolmen fifteen leave days and fined two patrolmen \$500 each for failing to act to stop the melee. Additionally, chief assistant Wayne County prosecutor James H. Brickley filed criminal charges of assault against two of the suspended patrolmen, Richard Stinson and Leo T. Haidys, Jr. In February 1969, at the request of DPOA attorney Lippitt, the judge agreed to try Stinson and Haidys in Mason in Ingham County—where Ronald August faced murder charges. In March, the trial board punished four officers: firing one patrolman, demoting two sergeants, and ordering three, including the two ex-sergeants, to forfeit pay and leave days for the suspension period. Lippitt called the punishments “the greatest injustice ever to come out of a trial board hearing since I have been defending Detroit policemen.” Invoking the DPOA contract, he also promised to appeal the decisions to circuit court. “The decisions of the trial board have all the earmarks of being politically motivated,” the DPOA

⁴³ *Detroit American*, June 16, 1968, July 6-7, 16, 1968; *Detroit Free Press*, August 10, 1968, November 3, 5, 10, 20, 29, 1968.

Executive Board concluded. Indeed, Patrolmen Patrick Cooney, Jr., who was fired, and James Johnston, who had to forfeit pay, both sued to contest their penalties.⁴⁴

The Vet Memorial cases illustrated the challenges of proving police misconduct and the more robust legal defense officers brought to disciplinary proceedings. One of the demoted sergeants, Gerald Biscup, petitioned to the mayor under the Veteran's Preference Act, which gave special protections to veterans in all public employment decisions. In August, after lengthy hearings, Cavanagh reinstated Biscup with back-pay due to substantial "tenuous or discredited identification testimony." Spreen defended the trial board decision, however, and in the fall he refused to promote Biscup—ranked fifth out of 72 sergeants—to lieutenant. In October, Haidys was acquitted by an all-white Mason jury. In February 1970, Wayne County Prosecutor William Cahalan asked the Ingham County court to dismiss charges against Stinson, citing "important inconsistencies and mis-identifications," a problem that had plagued all the Vet Memorial cases. Ultimately, after all the appeals, the trial board disciplined only two out of nine suspended officers. Four officers were punished by the Commissioner's Hearing.⁴⁵

By the spring of 1969 a direct confrontation with African-American militants gave the DPOA the platform for challenging the more intense and seemingly effective liberal political pressure upon internal police administration. On Saturday, March 29, 1969, Richard and Milton Henry, leaders of the Republic of New Africa, a black separatist organization, held an evening meeting at the New Bethel Church, located at

⁴⁴ *Detroit Free Press*, November 14, 16, 1968, December 7, 1968, February 3, 1969, March 5, 1969, May 8, 1969; *Tuebor* 30, no. 3 (March 1969): 1.

⁴⁵ *Detroit Free Press*, July 19, 1969, August 18, 30, 1969, September 17, 18, 1969, October 3, 7, 10, 15, 17, 1969, November 19, 1969, February 6, 1970; In Re Petition of Gerald Biscup Under the Veteran's Preference Act, n.d. [1969], 10; Maurice Kelman and David R. Hood, "Interim Report to the Public Safety Committee of the Detroit Charter Revision Commission," April 7, 1972, 27-29, Appendix M [copy of Veteran's Preference Act, MCIA §35.402], Box 2, Folder 11, Kelman Papers.

Philadelphia and Linwood Streets, in the Twelfth Street area. Reverend C. L. Franklin, an established figure of Detroit's black community, had offered New Bethel to the Henry brothers as a personal favor—a decision his parishioners would question. Approximately 150 men, women, and children sat in the pews. Members of the Black Legion, the RNA security outfit, wearing black berets and carrying rifles, flanked Milton during his lecture, to the horror of New Bethel trustee and janitor, Ralph Williams, the lone church official on hand that night. Milton wrapped around 11:30 and departed, while some legionnaires stayed behind. Williams dimmed the lights to encourage everyone to leave.⁴⁶

At 11:42, a Tenth Precinct scout car, approaching on Linwood from the south, radioed “We got guys with rifles out here.” Patrolmen Michael J. Czapski, 22, and Richard E. Worobec, 28, came to a stop outside the church. Czapski exited and was immediately shot dead. Worobec, shot three times, escaped and was taken to the hospital. (Police officials would note that the guns of both officers were holstered.) At 11:50, scout car 10-18 radioed: “Between 10 and 12 of them and they are armed with carbines in the church. The ones who shot that officer are in the church.” Available forensic evidence, including extensive damage to the church interior, led the Commission on Community Relations to conclude that police unleashed a fusillade from the street, although some RNA members would later testify to shooting at police from inside. The incident also raised questions about police preparedness: two young patrol officers had engaged armed

⁴⁶ Nick Salvatore, *Singing in a Strange Land: C. L. Franklin, the Black Church, and the Transformation of America* (New York: Little, Brown, 2004), 291-297; Heather Ann Thompson, *Whose Detroit? Politics, Labor, and Race in a Modern American City* (Ithaca: Cornell University Press, 2001), 75-77; for helpful context on late-sixties black separatism, see Russell Rickford, “‘We Can’t Grow Food on All This Concrete’: The Land Question, Agrarianism, and Black Nationalist Thought in the Late 1960s and 1970s,” *The Journal of American History* 103, no. 4 (2017): 956-980.

men seemingly without realizing an RNA convention was taking place, suggesting that either police surveillance was faulty or superiors had failed to brief area scout cars.⁴⁷

New Bethel trustee Williams, stationed in the lobby with a view on Linwood and Philadelphia, witnessed an officer fire a shotgun from the curb into the front of the church. After police entered, Williams saw officers shoot and injure two unarmed black men. Police confiscated church records—one bystander saw police lugging a duffel bag full of papers—and “berated” someone carrying a “green bible.” Police loaded 142 men, women, and children onto busses and took them to police headquarters for processing. Persons taken into custody told CCR officials that police treated them roughly, used racial epithets, and forced them to stand with their hands above their heads “for hours.” Several people, including an eye-witness who lived across the street, observed “open and unrestrained searching of females by male officers.” At police headquarters, prisoners said they were denied access to the telephone and the bathroom.⁴⁸

Presiding Recorder’s Court Judge George W. Crockett, Jr. was alerted to the mass arrests at 5 a.m. by state representative James Del Rio and Reverend Franklin. By the time Crockett arrived at First Precinct, six hours had elapsed since the shooting. Crockett filed for a Writ of Habeas Corpus and after one failed attempt finally obtained a list of prisoners from Commissioner Spreen. Crockett then contacted Assistant Wayne County Prosecutor Jay Nolan and the press, set up an improvised courtroom at the station, and

⁴⁷ New Bethel Police Radio Transcript, March 29, 1969, Box 67, Folder 10, Detroit Commission on Community Relations (DCCR), Reuther Library; Lonnie Saunders, Field Division Report on the March 29, 1969 Shooting at New Bethel Baptist Church and Subsequent Events (DCCR Field Division Report), April 24, 1969, 2, Box 122, Folder 36, DCCR; Dan Georgakas and Marvin Surkin, *Detroit, I Do Mind Dying: A Study in Urban Revolution* (Cambridge, Mass.: South End Press Classics, 2nd Ed., 1998), 55.

⁴⁸ New Bethel Police Radio Transcript; DCCR Field Division Report, 2-3; Account of Ralph Williams, March 30, 1969, Box 67, Folder 10, DCCR; Accounts of Miss Hughey and Miss Keyes, March 30, 1969, *ibid.*

started interviewing each prisoner one by one. He held 22 of the first 39 persons sent to him. Before Crockett could continue, Wayne County Prosecutor William Cahalan entered and, in the judge's view, "issued verbal orders to the police countermanding a court order." Crockett threatened to hold Cahalan in contempt of court and later condemned his actions for their "racial overtones." (Crockett would ultimately decide against the contempt order.) Cahalan identified 130 arrestees for release and Crockett agreed. By noon, only twelve prisoners remained. Crockett held two without bond and released one on \$1,000 bond. Police wanted to hold the remaining nine since they had passed a nitrate test, detecting gun residue. Arguing that police had violated defendants' right to legal counsel, Crockett ordered the release of all nine.⁴⁹

The reaction from the media and the police bordered on apocalyptic. The main city papers, *Detroit News* and *Detroit Free Press*, published lopsided stories for weeks characterizing the "shoot-out" as an "ambush" on police by "a crowd of radical militants holed up" in an "armed fortress." A CCR analysis of the more conservative *News* concluded that its New Bethel coverage gave voice to "a lynch mob mentality." Both the *News* and the *Free Press* charged Judge Crockett with anti-police activism and demanded an investigation. Governor William Milliken in turn asked the State Judicial Tenure Commission to review Crockett's actions. After initial public anger had subsided, the *Free Press* on April 16 published an extraordinary, long editorial admitting "errors" in their initial reporting, which on balance had reinforced the dominant narrative that Crockett, a black judge, had single-handedly overridden the county prosecutor and police officials to turn loose suspected cop-killers. An estimated 2,000 people marched in front

⁴⁹ Statement by Judge George C. Crockett, 3-6, Box 67, Folder 10, DCCR, Reuther; "Fallout from a Shootout," *Time*, April 11, 1969, 59;

of Recorder's Court in support of Crockett, who was also praised by Representative John Conyers, Del Rio, New Detroit officials, the ACLU, and a new activist group, Black United Front, led by city employee and black militant Dan Aldridge.⁵⁰

Marching opposite Crockett's supporters on April 3 were approximately 300 off-duty white police. The DPOA swiftly condemned "Crockett Justice," as it had for several years. Since his election to the Recorder's Court in 1966, Crockett had developed a reputation for strict enforcement of constitutional rights for criminal defendants—or leniency toward criminals, in the view of police, prosecutors, and often the press. In May 1967, the *Free Press* reported that police allegedly kept two "secret files" on Crockett for setting "free and easy" bonds on criminal defendants and ruling inadmissible at trial any narcotics or weapons contraband seized in violation of federal constitutional standards, which were stricter than Michigan law. Girardin assured Crockett the allegations were false, although a year later, in August 1968, the Detroit Police Officers Wives Association started a "court watchers" program to monitor city judges for leniency against criminal defendants. The first judge they targeted, at DPOA urging, was Crockett. After the Vet Memorial incident in November, Crockett angered police when he released Patrolman Leo Haidys on \$5,000 bond. The high amount was "almost unheard of in this kind of case where the defendant has no previous record," Parsell said. In February 1969, Crockett caused protest when he sentenced Lloyd K. Tyler to probation on the condition that he enroll in a federal narcotics treatment program. Tyler, called "a four-time loser" in the press for past drug and robbery convictions, had engaged in a shootout with police

⁵⁰ Donald I. Warren, "Mass Media and Racial Crisis: A Study of the New Bethel Church Incident in Detroit," *Journal of Social Issues*, 28, no. 1 (1972): 114; Summary of Distortions in Detroit News Treatment of the News, June 13, 1969, Box 67, Folder 8, DCCR, Reuther; *Detroit Free Press*, April 3, 4, 10, 16, 1969.

after committing a \$12,000 jewelry store heist. At sentencing, Crockett heavily weighted Tyler's drug addiction and allegation of police brutality. The Tyler case had exposed Crockett's "prejudice against the Police," Parsell said in the March 1969 *Tuebor*, the last issue before New Bethel.⁵¹

For the remainder of the spring the DPOA ran a highly public campaign against Crockett. Parsell and the union circulated a petition to ask both houses of the state legislature to pass a resolution urging the governor to impeach the Detroit judge. For an entire week after New Bethel, Detroit police officers wore black armbands distributed by the union. On April 15, the DPOA purchased a \$3,000 full-page ad in the *Detroit News* under the headline "God Bless You, George," a sardonic reference to the sign-off used by the Henry brothers in a personal ad taken out in the *News*. In May, POAM, Parsell's statewide union, presented 200,000 signatures to Governor Milliken in the state capitol of Lansing. The DPOA also filed requests for impeachment with the state House of Representatives and the state Judicial Tenure Commission. In their brief to the latter, the DPOA accused Crockett of seventy-one acts of improper conduct. Their complaint, which included affidavits signed by fifty officers, charged the judge with "intemperance toward the police department and conduct which is clearly prejudicial to the administration of justice," including "refusing to listen to the testimony of police officers,

⁵¹ *Detroit Free Press*, May 20, 1967, June 10, 1967, September 22, 26, 1968, November 17, 1968, February 20, 22, 27, 1969, March 9, 12, 1969, May 6, 1969; *Tuebor* 30, no. 3 (March 1969): 2; *Tuebor* 30, no. 4 (April 1969): 48; *Tuebor* 30, no. 5 (May 1969): 48; Ray Girardin to Judge Crockett, June 5, 1967, Box 3, Folder 37, George Crockett Jr. Collection, Reuther Library. During the 1967 riot, Crockett alone among his peers dissented from Prosecutor Cahalan's instructions to issue uniformly high bonds, instead tailoring bonds to each defendant. Crockett, again alone among his peers, opted to accept the assistance of neighborhood legal aid lawyers in evaluating each defendant. "The Administration of Justice in the Wake of the Detroit Civil Disorder of July 1967," *Michigan Law Review* 66 (1967-1968): 1549-1550; for background on the discrepancy between Michigan law and federal constitutional standards on the exclusionary rule, see *People v. Blessing*, 378 Mich. 51, 142 N.W.2d 709 (1966); Edward M. Wise, "Criminal Law and Evidence," *Wayne Law Review* 13, no. 1 (1966-1967): 133-136.

refusing to believe the uncontradicted testimony of police officers, outright refusal to convict persons charged with public drunkenness and/or vagrancy.” Yet in a 5-4 decision in September, the state commission upheld Crockett and dismissed the DPOA complaint.⁵²

A vocal contingent of residents, activists, and public officials united behind the goal of reforming police disciplinary procedures. A leading voice in this effort was the Ad-Hoc Action Group led by Sheila Murphy, a white 20-year-old college student at Wayne State University, already active in local progressive circles, including the militant West Central Organization and Detroit’s Catholic Workers Movement, which her parents directed. In May 1968, Murphy, local liaison for the Poor People’s Campaign, saw firsthand the rough police conduct toward demonstrators at Cobo Hall. Afterward, she “organized about fifty whites” to picket police headquarters at 1300 Beaubien. Ad-Hoc was born. Through the summer and fall of 1968, Murphy’s group organized sit-ins, usually a few dozen people, to protest the lenient (or non-existent) punishment of police officers involved in Cobo I. Under Murphy’s leadership, Ad-Hoc trained thirty “cop watchers” to attend the Wallace rally in October 1968, to document police conduct and note officer names and badge numbers. Some members were beaten and the group filed

⁵² *Tuebor* 30, no. 4 (April 1969): 1, 5, 48; *Detroit News*, April 15, 1969. The *Free Press* refused to run the ad for being “inflammatory and not in the best interests of the community at this time.” Mayor Cavanagh and the two other police unions representing detectives and lieutenants and sergeants also criticized the ad. *Detroit Free Press*, April 15, 17, 18, 19, 20, 1969, May 20, 1969, August 11, 1969, November 29, 1969; New Detroit concluded that Judge Crockett had followed the law and judicial procedure when he filed a writ of habeas corpus to challenge what were illegal investigative detentions and to override nitrate tests that had violated the defendants’ right to legal counsel. “In our opinion, there is more than merely a justifiable basis for his conduct and exercise of judicial discretion.” “The New Bethel Report: ‘The Law on Trial,’” 5, Adopted by the New Detroit Board of Trustees, May 2, 1969, Box 67, Folder 8, DCCR, Reuther Library; *Tuebor* 30, no. 5 (May 1969): 3-4, 18, 22-23, 26-31, 37, 44; for a copy of the DPOA’s mailer for the campaign to impeach Crockett, see “Dear Concerned Citizen,” Box 483, Folder 2, Cavanagh Papers, Reuther Library

fifteen complaints with the DPD's Citizen's Complaint Bureau. After Vet Memorial, 100 Ad-Hoc demonstrators picketed 1300 Beaubien. By noon on the Sunday after New Bethel, Ad-Hoc officers had arrived at Recorder's Court to witness Crockett spar with police and prosecutors. Growing to 250 active members over the next two years, Murphy's group expanded its operations to every precinct, even securing in 1970 a \$8,000 grant from the Archdiocese of Detroit to implement citywide the police observation program debuted at Cobo II. Another "cop-watching" group, Detroit Task Force for Justice, established by Reverend Willis Tabor after his son Derrick was beaten by police at Vet Memorial, made an unsuccessful bid for \$270,000 in New Detroit funding for full-time staff and recording equipment.⁵³

In addition to Murphy, black elected officials kept the spotlight on police brutality. On Christmas afternoon, 1968, David Curry, a black 19-year-old assembly-line auto worker, allegedly inebriated, argued with a city bus driver over the fare and the driver called the police. A bystander, a Vietnam War veteran, said he saw an officer "pistol whip" Curry in the back of the head while he had his hands raised in the air. A married couple saw an officer punch a handcuffed Curry in the face while he was seated in the back of a patrol car. Police said—and Curry admitted—that Curry had been uncooperative and repeatedly called the officers "obscene names." A day later, Congressman John Conyers and state representatives Coleman A. Young, James Del Rio, and Jackie Vaughn III, pressed Cavanagh to institute psychiatric tests to identify racist

⁵³ For a short history of the group, see the pamphlet, "Ad-Hoc Action Group," n.d., Box 4, Folder 6, Kenneth V. and Sheila M. Cockrel Papers, Reuther Library; Police Observation Manual, Box 4, Folder 5, *ibid*; "Short History of Ad-Hoc Action Group – Citizens of Detroit," n.d., Box 4, Folder 5, *ibid*; *Detroit Free Press*, June 4, 1968, October 31, 1968, December 30, 1968, January 12, 1969; "Proposal: The Detroit Task Force for Justice" [November 1968], Box 16, Folder 2, Richard McGhee Papers, Reuther Library.

officers and to denounce “the racism that exists in the Detroit Police Department.” Conyers also held a press conference to demand a federal investigation. (The *Free Press* criticized Conyers as “demagogic” for tarring the entire police force to further his own political career.) The next day, Spreen suspended Patrolman Stephen Piku, Jr., the thirteenth officer in his six months as commissioner. It was in this context that, in the spring of 1969, Young referred to the DPOA as “the only armed political party in the country.” In March, Superintendent John Nichols imposed a penalty of 20 days of pay and 45 leave days on Piku, a fine worth roughly \$800 or about a tenth of a starting patrol officer’s salary.⁵⁴

After Cobo I and II, Vet Memorial, David Lee Curry, and New Bethel, public attention fastened on the Citizen’s Complaint Bureau, the agency within the Detroit Police Department that received allegations of police abuse from members of the public. The CCB, as previously discussed, was created by Commissioner Girardin in 1965 to replace the Community Relations Bureau, in an attempt by the city to deflect demands for a civilian review board. The DPD made this rationale explicit in a June 1966 bulletin observing that supporters of civilian police review frequently declare “that if a police force could conscientiously, introspectively judge and answer its own complaints there would be no need for an outside review board.” “In Detroit,” the bulletin continued, “we feel this is being accomplished by your Citizen’s Complaint Bureau.” The events of 1968 and 1969—following the drawn-out Algiers Motel cases—had once again dumped cold water on that promise. In late December 1968, the *Michigan Chronicle* reported that the CCB had sustained only 39 of 450 complaints since 1965—or eight percent (35 were

⁵⁴ *Detroit Free Press*, December 27, 28, 30, 1968, March 6, 1969, April 20, 1969.

“partially sustained”). The city’s leading black paper thus declared the CCB “worthless.”⁵⁵

Citizen-initiated police discipline followed a byzantine administrative procedure. In 1968, the year with the most detailed records, the CCB received 213 complaints: 84 from citizens, 76 from the Michigan Civil Rights Commission, 10 from the Mayor’s Office, 9 from Common Council, 10 from the Police Commissioner, 7 from the NAACP, and 17 from miscellaneous sources, including the ACLU and the West Central Organization. The bureau sustained in whole or in part about a quarter of all complaints (59) and dismissed more than two-thirds (145), over half (113) for lack of evidence. About half of the 213 complaints were for physical abuse (105) of which roughly three-quarters (73) were dismissed. Perhaps explaining the low sustain rates, the CCB handled few direct citizen complaints on its own, instead referring two in three to the precinct of the accused officer where a fellow patrol officer might be assigned to investigate. Cases sent to the precincts were generally deemed “minor” by the intake officer. Although the CCB reviewed every complaint referred from the MCRC, here as well the charges were rarely sustained or ended in light discipline. Of 642 complaints against Detroit police received by the Commission between 1964 and October 1971, only two resulted in trial board charges against officers. With the power only to recommend discipline, a 1972 audit thus characterized the MCRC as “a referral agency to the department itself.”⁵⁶

⁵⁵ “Citizen’s Complaint Bureau,” June 14, 1966, Published by the Record Bureau – No. 37, Box 4, Folder 2, Cockrel Papers, Reuther Library; see also, Deputy Superintendent James M. Lupton, New Citizen Complaint Bureau, January 14, 1965, Notation No. 1410, *ibid*; *Michigan Chronicle*, December 21, 1968.

⁵⁶ Kelman and Hood, “Interim Report to the Public Safety Committee of the Detroit Charter Revision Commission,” April 7, 1972, 2-8, 14, Appendix C.

Finally, if desiring to pursue charges against an officer, the CCB presented its findings to the commissioner. Up to 1972, the Commissioner's Hearing was primarily used for sentencing rather than to weigh evidence—at this point in the process, the guilt of the officer was assumed—and the maximum potential penalty was loss of pay or leave days. The Commissioner's Hearing, despite the name, involved no hearings or cross-examination and was thus faster. It became the primary means for punishing officers in the DPD under Girardin and in the years after. The Commissioner's Hearing disposed of roughly 90 percent of cases involving departmental infractions between 1967 and 1971. The Trial Board, held on “enemy turf” at police headquarters, dealt with more serious charges and had the power to dismiss an officer from the force. As in a criminal trial, officers before a Trial Board could retain legal counsel to present evidence and cross-examine witnesses. The Board of Inquiry, established after the riot in September 1967, investigated any lethal-force incident and recommended discipline to the commissioner. Officers had the right to appeal every discipline decision to the Trial Board, which created an awkward situation in which subordinates would review a commissioner's decision. Officers could further appeal Trial Board decisions through the circuit court, arbitration, and a veteran's preference hearing.⁵⁷

The entire process of officer discipline from the initial incident to the final disposition thus could take several months. Almost nine months had elapsed between Girardin announcing his retirement in November 1967 and Spreen taking office in late July 1968. Meanwhile, complaints had been rising each year from 105 in 1965 to 119 in 1966 to 278 in 1967 (65 alone stemmed from the riot) to 213 in 1968. During the long

⁵⁷ Kelman and Hood, “Interim Report to the Public Safety Committee of the Detroit Charter Revision Commission,” April 7, 1972, 9-29.

interim when Cavanagh searched for Girardin's replacement, disciplinary actions declined and a tremendous backlog developed. The department held Commissioner's Hearings for only 28 officers in 1968, relative to 44 in 1967 and 57 in 1969. As of May 1, 1969, 108 civilian complaint cases required a final disposition—eighty had been processed by CCB and merely awaited the commissioner's review. The oldest of the bunch dated back more than fifteen months to February 1968. By December 1969, Spreen had caught up significantly, though the 1968 backlog still stood at thirty-two cases.⁵⁸

In the long *Free Press* profile of police discipline appearing in late January 1969, discussed in a previous chapter, reporter William Serrin closely examined the haphazard, arbitrary, and altogether lenient police adjudication of civilian complaints. The most shocking claim came from CCB director Inspector Carl Heffernan. "The very picture of an exasperated man," in Serrin's telling, Heffernan apparently voiced frustration about his agency's inability to hold officers accountable, especially those who repeatedly abused black citizens. "We know who they are—five or 10 in the Tactical Mobile Unit, for example," Heffernan said, "But the bosses won't take any action." It was an explosive revelation, and Councilman Nicholas Hood demanded Spreen appear before the council to explain. On February 11, both the commissioner and his beleaguered CCB director went to city hall. It is "generally admitted," Heffernan said in a thirty-minute address, "that the department does have some officers who use excessive force against Negro

⁵⁸ Kelman and Hood, "Interim Report to the Public Safety Committee of the Detroit Charter Revision Commission," April 7, 1972, Appendices D and J; Staff Memo, "Analysis of the 1968 Citizens Complaint Bureau Report," December 12, 1969, 4, Box 69, Folder 8, DCCR, Reuther Library; Presentation by Inspector Carl Heffernan for Appearance before Common Council February 11, 1969, 3, Box 4, Folder 2, Cockrel Papers, Reuther Library.

citizens.” He explained that the Michigan Civil Rights Commission began tracking potentially-abusive officers through citizen-injury reports the agency had obtained through the 1966 agreement with the department. By this measure, the MCRC and the CCB had identified a handful of Tactical Mobile Unit members. Heffernan’s report on Cobo I, for example, implicated twelve TMU officers with a history of between 6 and 14 problematic contacts. After the *Free Press* profile, Heffernan assured the council, TMU commanders had taken “considerable positive action” against these officers, reassigning them to different partners. Weeks later, Heffernan was himself reassigned from the CCB when Spreen appointed him to a position in community relations.⁵⁹

Activists and black politicians made police accountability the focus of the 1969 mayoral campaign. In early June, Richard H. Austin, a Wayne County auditor, became Detroit’s first black candidate for mayor. Austin joined a crowded field dominated by law-and-order candidates, including businessman Walter Shamie, Councilwoman Mary V. Beck, and Wayne County Sheriff Roman S. Gribbs. At his announcement, Austin unveiled a 10-point program on housing, schools, and other matters, but he devoted most of his speech to the police, specifically mentioning the “atrocities” at Algiers Motel disclosed at Ronald August’s trial and the brutal conduct at Vet Memorial and New Bethel as “proof of behavior on the part of some officers that breeds contempt.” A month later, the Metro Detroit NAACP and State Senator Coleman A. Young, also considering a mayoral run, introduced a petition for a city charter amendment to establish a citizens’ police trial board, consisting of thirteen members, one for each police precinct, to evaluate complaints brought by civilians against police. “We want to change the unfair

⁵⁹ *Detroit Free Press*, January 26, 1969, 10B, February 12, 1969, 3A, February 21, 1969, 3A; Presentation by Inspector Carl Heffernan for Appearance before Common Council February 11, 1969, 9-13.

system of police trying the police,” Young said. “This is the central issue—who is running the city, the citizens or the police?” A week later, Austin endorsed the petition, saying “we must have effective civilian control of police.” He further said he would support a board with “the power to discipline” the police. Yet the NAACP and Young failed to obtain the requisite 45,000 signatures of registered voters by August 7, failing by 97 votes to place the board on the November 4 ballot. Austin’s loss to Gribbs in November—by fewer than 7,000 votes—was comparably narrow: 50.49 percent to 49.3 percent.⁶⁰

As it had all year the DPOA threw itself into city politics. In June, the union helped revive the Real Detroit Committee to endorse candidates in the fall election. Real Detroit—comprising the patrol, detectives, and firefighters unions and a white homeowners association—vowed to support anti-crime hardliners who opposed higher property taxes. They initially favored Council President Ed Carey largely because he had blocked Cavanagh’s property tax increase the previous May, but after Carey suffered a heart attack and dropped out of the race, Real Detroit endorsed both Sheriff Gribbs and Councilwoman Mary Beck. In August, the DPOA’s 72-member executive board endorsed Gribbs by unanimous vote. That month, Parsell, after running unopposed for three elections, lost his first primary contest by 650 votes to an upstart patrolman named Joseph Whall. A college-educated “street cop” from the largely white 7th Precinct and one of 186 officers suspended during the Blue Flu, Whall accused Parsell of neglecting his DPOA duties for the POAM and of needlessly stoking controversy. Despite the initial

⁶⁰ *Detroit Free Press*, June 5, 1969, July 10, 17, 1969, August 8, 17, 31, 1969, November 5, 1969; Initiatory Petition, Amendment to City Charter, Citizens’ Police Trial Board, Box 48, Folder 5, Richard H. Austin Papers, Reuther Library; Richard Austin, [Untitled speech endorsing citizens’ police trial board petition], *ibid.*

impressive showing, Whall lost handily in September—garnering 1,270 votes to 2,117 for Parsell. Beforehand, Whall had declared to the *Free Press* that he expected to carry black members, since “they would support anyone other than Carl Parsell.”⁶¹

In a rare public dissent, in February 1969, Black DPOA members threatened to withdraw from the union if their demands were not met. Some 200 black officers—about half the total black DPOA membership—convened on their own to discuss ways to attract more black police candidates. Then 75 black officers appeared at a general union meeting to present their grievances to DPOA leadership. Black police primarily complained that the white leadership had denied them opportunities to run for union steward or sit on executive committees and had made them feel unwelcome at social events. Not long after the revival of the Real Detroit Committee in June, fifty black police and firefighters united to endorse Richard Austin and to condemn the DPOA and DFFA for “racial overtones, bigoted endorsements and the promotion of reactionary politicians” that “tend to create civil unrest dangerous to the welfare of the city of Detroit.” In late July, black police picketed the DPOA headquarters to protest its affiliation with Real Detroit which engaged in politics “not representative of the sentiments of black police officers.” In their August 1969 newsletter, the Guardians, a national black police union with Detroit members, published an editorial comparing Blue Power to the triumph of fascism in Italy and Germany in the 1920s and 1930s and locating its U.S. roots in the slave South.⁶²

⁶¹ *Detroit Free Press*, April 26, 1969, June 7, 1969, August 11, 21, 1969, September 3, 1969; *Tuebor* 30, no. 7 (July 1969): 1-3, 7; *Tuebor* 30, no. 8 (August 1969): 1, 2, 5, 11; *Tuebor* 30, no. 9 (September 1969): 1, 3.

⁶² *Detroit Free Press*, February 8, 19, 1969, June 13, 1969, July 24, 1969; “An Observation on Blue Power...(Police-State-IsM),” *Guardians Newsletter*, August 1969, Box 48, Folder 1, Austin Papers, Reuther Library.

In the same issue, Mackie C. Johnson, former Guardian president, observed that black police had supported the unionization drive from the beginning. “The Blue Flu knew no color line,” he wrote. Yet “after wresting power from the police hierarchy,” Johnson continued, the DPOA had moved “away from the black community and the problems of the black police officers” and instead had advocated for “armored cars and anonymous police officers,” a reference to the DPOA’s pending lawsuit to block a February 1969 order to wear name tags. The union had thus embraced “the occupational army approach to the crime problem.” “By attempting to influence or remove members of [the] judiciary,” Johnson wrote, Parsell was “violating one of the basic tenets of police professionalism and setting a dangerous precedent.”

With such developments fairminded whites must understand what appears to them to be the blacks hang-up on a citizens Police Board. If change can not be effected through the elective process, how can change or control be implemented? Since the check and balance system has not applied to black men and the black community, an overt display of police muscle is certainly causing concern. Unless the DPOA changes directions, which is doubtful, community control may be the only way to play the new game. Parsell dismissed the allegations of racism, although he acknowledged some grievances were “real.” As long ago as September 1968, Parsell said he had encouraged black police in a private meeting to “get involved instead of standing on the side lines complaining.” After the dissident contingent threatened to “break” from the DPOA in February, Parsell sensed a deeper conspiracy, or “manipulation” as he put it in *Tuebor*. The loudest DPOA critics, namely black politicians, were “personal friends” of the “Department brass,” he observed. “I need not remind these gentlemen that they are part of management,” Parsell said, certain that Conyers, Young, and Del Rio hoped to “instigate the breaking up of the DPOA by advising the black members to form their own union.” In a July feature on the annual DPOA meeting, *Tuebor* testily printed a photograph of black police seated

together at their own table, facing away from the camera, beneath the headline
“Participation By All Members Encouraged.”⁶³

Behind the scenes, away from the public controversies over Blue Power versus Black Power, the DPOA was quietly consolidating rank-and-file power over discipline investigations. In a memo on April 23, 1973, DCCR field staff noted DPOA obstructionism in its sweeping review of Citizen’s Complaint Bureau reforms since the watershed year of 1969. In June and July, 1969, Spreen had unveiled a new 16-step procedure to set a 90-day deadline from complaint to final disposition. Spreen also promised to inform CCR of each case that came before the CCB. The 1973 memo noted “substantial compliance with this agreement.” In a further attempt at transparency, in September 1969, Cavanagh assured the NAACP’s Tom Turner that the Detroit Police would make a greater effort to invite the press and representatives of the MCRC and DCCR to trial board proceedings. But these reforms had no teeth because the DPOA had effectively used the courts to enforce contract provisions barring access to their members during disciplinary investigations. The Civil Rights Commission had been unable to process thirty-seven cases in 1968—100 since 1964—because the DPOA had denied them “access to the officers in question and to CCB’s records of his statements and interviews.” A DPOA lawsuit had further “delayed” resolving these cases through public hearings.⁶⁴

⁶³ Mackie C. Johnson, “Reflections on the DPOA at the Crossroads,” *Guardians Newsletter*, August 1969, Box 48, Folder 1, Austin Papers, Reuther Library; *Tuebor* 30, no. 2 (February 1969): 2, 18; *Tuebor* 30, no. 7 (July 1969): 32.

⁶⁴ Field Division Staff, “The Detroit CCS Procedure: Problems and Potential for Contributing to Community Stability,” April 23, 1973, 2, 4, 6, Box 69, Folder 19, DCCR, Reuther Library; Jerome P. Cavanagh to Tom Turner, September 18, 1969, Box 2, Folder 15, Kelman Papers, Reuther Library; Staff Memo, “Analysis of the 1968 Citizens Complaint Bureau Report,” December 12, 1969, 5, 9, Box 69, Folder 8, DCCR, Reuther Library; DPD Press Release [Commissioner Spreen’s Roll Call Address on the

Parsell addressed this new political climate in the December 1968 issue of *Tuebor*. The department was still reeling from the fallout over Cobo I and II, Vet Memorial, and David Curry. New Bethel was around the corner. “All Police are being watched very closely,” Parsell said. “You might say we are being ‘set-up.’” It was imperative for the union to “fight back by taking legal action whenever and wherever possible.” That time had arrived—a perfect incident had come along for the union to take a stand on. “We have been lying in wait for two years for such a case,” Parsell wrote. “It’s the Rosario Case.” The DPOA decided not to defend the incident but to challenge “the way the Civil Rights Commission operates.” As Parsell put it: “We charge the CRC with denying the Constitutional Rights to Police Officers and denying them the due process of the law.” As noted previously, the union then sought an injunction in federal court to block the MCRC from gaining access to police personnel files. In January 1970, the union sued again when Police Commissioner Patrick V. Murphy, appointed by Gribbs, granted the Commission access to anonymized personnel records as part of an effort to monitor the department’s treatment of black officers in hiring and promotion decisions. In June, Wayne County Circuit Judge Victor L. Baum handed the union a partial victory when he ruled that the Commission could not use an administrative subpoena but must obtain a legal subpoena or the commissioner’s permission to access police personnel files. The DPOA spun the decision as a victory—the Commission had

CCB], July 31, 1969, *ibid*; DPD Complaint and Investigation Process for Citizens Complaints: Proposed New Model, June 17, 1969, Box 69, Folder 17, DCCR, Reuther Library.

been “curtailed.” As late as 1972, per one study, the MCRC had not “tested its own subpoena authority.”⁶⁵

Inside the Detroit Police Department, the brass quietly accommodated the rank-and-file’s assertions of their constitutional rights. In *Garrity*, the Supreme Court held that a police officer’s statements made during a departmental disciplinary investigation under threat of dismissal constituted a “coerced” confession and thus barred from use in criminal prosecution. The late January 1967 ruling was decided eight months before the DPOA signed its first contract. Officers soon began submitting “Reservation of Right and Protest,” a form, citing *Garrity*, asserting that any statement made under coercive conditions (“possible job forfeiture) could not be used outside the department in, for example, criminal prosecution (“*For any and all other purposes, I hereby reserve my constitutional right to remain silent under the Fifth and Fourteenth Amendment to the United States Constitution*”). A late-1960s departmental procedural template, by contrast, instructed the interrogating officer to reply “that the Department does not concede that the statement made by the officer may not be used for any other purpose.” But the 1972 DPD manual of Rules and Regulations affirmed *Garrity* rights unequivocally: “neither your statements nor any information or evidence which is gained by reason of such statements can be used against you in any subsequent criminal proceeding.” With help from the courts, the DPOA had won greater institutional power within the department.⁶⁶

⁶⁵ *Tuebor* 29, no. 12 (December 1968): 6; *Tuebor* 31, no. 6 (June 1970): 3; *Detroit Free Press*, July 18, 1970; Kelman and Hood, “Interim Report to the Public Safety Committee of the Detroit Charter Revision Commission,” April 7, 1972, 17.

⁶⁶ *Garrity v. New Jersey*, 385 U.S. 493, 87 S. Ct. 616, 17 L. Ed. 2d 562 (1967) at 495, “Procedure to Be Used in Interrogation of Police Officers,” “Supplemental to Procedure for Interrogation of Police Officers,” and “Reservation of Right and Protest” were undated but found in a folder among materials dated to the late 1960s. See Box 4, Folder 6, Cockrel Papers, Reuther Library; *Rules and Regulations of the Detroit Police Department*, January 1972, 11-12, in Kelman and Hood, “Interim Report to the Public Safety Committee of the Detroit Charter Revision Commission,” April 7, 1972, Appendix H.

The DPOA fought to give *Garrity* real power through the labor bargaining process, evident during negotiations over the 1969 contract. In January, the DPOA proposed contract language barring the use of administrative subpoenas by outside agencies to obtain personnel files—specifically naming the Civil Rights Commission. After the department demurred, the DPOA filed their ultimately successful suit against the MCRC, resolved in June 1970. The union further attempted to insert language affirming an officer’s right under *Garrity* to refuse to cooperate with questioning during non-departmental interrogations. Here, too, the city argued this was a legal matter for the courts to settle. The union also demanded an end to: “one-man scout cars in the ‘inner city’ precincts,” the requirement to “wear a name tag while on duty,” and locker searches without the officer’s consent and supervision. The union lost the first demand, sued (and lost) over the second, and won the third. In June 1969, the DPOA and the city agreed on provisions to amend the 1967 contract. The new contract stipulated that “reprimands issued at the precinct and bureau level shall be removed from the employee’s file after three years,” further affirmed the right to legal representation at “all levels of disciplinary proceedings, including Trial Board proceedings,” and barred from use at a disciplinary hearing any written or oral statement made by an officer during the 24-hour period set aside to confer with a commanding officer before making a written statement.⁶⁷

During his presentation before Common Council in February 1969, Inspector Carl Heffernan, the director of CCB for a few more weeks, commented on the new rules

⁶⁷ Amendments to Agreement between City of Detroit-Detroit Police Department and Detroit Police Officers Association, June 2, 1969, 3-4, 6, Box 2, Folder 22, Kelman Papers, Reuther Library; Maurice Kelman to Mayor Jerome P. Cavanagh, “Non-Economic Demands of DPOA (‘Bill of Rights’),” June 9, 1969, *ibid*; *Tuebor* 30, no. 2 (February 1969): 3-4. Arbitrators in 1971 decided the name tag order did not violate the union contract. See Detroit Police Arbitration Award on Wearing of Name Tags, Case No. 5430-0500-69, July 12 1971, Arbitration Awards and Fact-Findings: 1-17-27, *Public Safety Labor Reporter* (1971).

governing departmental disciplinary investigations. A major change had taken place “since the riot of July, 1967,” Heffernan said, the “attorneys entering the picture on behalf of the rights of police officers involved, their insistence on representing and being present during interviews of police officers, asking to review changes and allegations prior to interviews and many other steps taken by attorneys on behalf of police officers.” These procedural moves, drawing out cases for months, confronted the usual methods the brass used to interrogate officers. Indeed, during 1969 contract negotiations, the DPOA complained that “supervisors asserted various subtle forms of coercion to elicit damaging statements in the initial interview with the police officer.” In a 1972 interview, Norman Lippitt, too, pegged the change to the riots. Before 1967, the “attitude of investigators was haphazard,” but in the years since the disciplinary process had become more “formal.” Still, the DPOA attorney protested the trial board as “a kangaroo court because the police commissioner rules what happens.” At least now the union had made people “realize that there is no loyalty between the hierarchy and the men on the streets.”⁶⁸

The Year of the Cop: Over-Policing, Militancy, and Street War

In the late 1960s rank-and-file police organized collectively to resist the more pronounced threat of injury and death on the job. In the half-decade after the Newark and Detroit unrest, African-American radical activists declared the police an ideological enemy of black people and in some cases took up arms against local police departments. Patrol unions led the effort to defend front-line police from assaults, bombings, and

⁶⁸ Presentation by Inspector Carl Heffernan, February 11, 1969, 5; Kelman to Cavanagh, “Non-Economic Demands of DPOA (‘Bill of Rights’),” June 9, 1969; Interview with Norman Lippitt, January 14, 1972, Box 2, Folder 6, Kelman Papers, Reuther Library.

assassinations by demanding defensive hardware and more powerful weaponry, and by using bombastic rhetoric and occasionally violent tactics to prevail against Black Power advocates. These material and urgent threats to police lives had the paradoxical effect of increasing the leverage of rank-and-file police unions in local controversies over harsh policing tactics. By the late 1960s, the police officer as potential victim of crime and radical violence thus became an increasingly powerful player in local politics and beyond.

In the early morning hours of August 2, 1968, New York City Patrolmen Thomas Dockery and Leonard Fleck were fired upon by two gunmen hiding in nearby bushes as they exited their patrol car while responding to a domestic disturbance call in Crown Heights, Brooklyn. Both officers survived, despite suffering over 125 birdshot pellet wounds to the neck, face, and body. New York Police officials perceived a pattern. The week before, patrol officers responding to another likely fabricated service call, a disorderly man in a building near Prospect Park, Brooklyn, returned from the fruitless check inside to find their patrol car ablaze. In late February, while investigating reports of a disorderly man in a Harlem basement, one patrolman was shot point-blank in the stomach as the elevator doors opened while his partner crouched beside him. He survived and the assailant escaped. Following the attacks on Dockery and Fleck in early August, the Patrolmen's Benevolent Association offered a \$10,000 award for information leading to the arrest and conviction of the persons responsible. "We can expect more and more of this sort of savage, senseless butchery unless a massive effort is made, and made

immediately to restore peace to the city,” PBA President John Cassese said. “Without the imposition of lawful controls on the entire community, we are on the brink of chaos.”⁶⁹

An incident twelve hours before the ambush served to illustrate for the PBA the dangerous consequences of the most assertive anti-police militancy in New York and around the country. Less than a mile away from the location where Dockery and Fleck were attacked, police and Black Panther Party members had scuffled at a midday street rally on August 1 at the party’s Brooklyn headquarters. Afterward, Robert “Sonny” Carson, director of Brooklyn CORE, and two others went to the Grand Avenue Precinct to confront the arresting police officers. Carson contacted Lloyd Sealy, appointed the city’s first black precinct commander after the 1964 Harlem riot and now assistant chief inspector, who came to Brooklyn and permitted the black activists to review the list of on-duty officers. Ten patrolmen circulated a petition to protest Sealy’s actions. But after the arraignment of the BPP members, the patrolmen withdrew the Sealy petition and circulated a new one that demanded the ouster of the presiding criminal court judge, John F. Furey, who, they said, “did permit members of a racist group in his courtroom to smoke...to wear their hats...[and] to shout threats...in a successful effort to have two defendants before him paroled and walk out of the courtroom.” “We’re not being backed up,” said a patrolman who helped initiate the petition. That included the union. “We’ll withdraw from the PBA,” he added, “if they don’t do anything for us.”⁷⁰

A few days later, disgruntled Brooklyn police officers held a meeting to convene the Law Enforcement Group. They elected, as their chair, a lieutenant named Leon Laino. Under the banner of “vigorous” policing, the LEG issued seven demands combining law-

⁶⁹ *New York Times*, August 3, 1968, 1, 16.

⁷⁰ *New York Times*, August 2, 5, 1968; *New York Amsterdam News*, August 10, 1968.

and-order and labor concerns. Number one: appoint a grand jury to investigate “alleged coddling of accused criminals by the Criminal Courts.” John Cassese, who had been attending the Republican National Convention in Miami Beach, where Norman Frank, PBA community relations advisor, said they had helped the GOP draft “a strong anticrime plank,” went on television with Frank to slam “interference” from city hall and judicial leniency. Cassese vowed to issue “get tough” orders to the 28,000 PBA members. “We’re going to enforce the law 100 percent,” Cassese said at a press conference held the following day on the steps of the Criminal Court Building. Invoking the July 10 protest of cuts to summer jobs at City Hall, at which members of the mostly young, black crowd of 1,500 damaged city vehicles in full view of high-ranking police officials, Cassese vowed tough retaliation from then on. “As soon as the first demonstrator puts the first foot on the hood of an automobile, he should be grabbed by the neck and arrested,” he said. While Cassese’s directives, relying upon state statutes and departmental regulations, aligned in essence with Leary’s own statement reinforcing the duty to obey an order from a superior, two weeks after LEG formed, 5,000 officers had signed its petition to investigate the “coddling” of criminal suspects in court.⁷¹

The political rebellion within the department further intensified following a small riot in late August, which began with another police scuffle with the Black Panther Party. At the Brooklyn criminal court hearing in early September, 150 white men, many off-duty police, some wearing Wallace-for-president buttons, attacked black and white supporters of the seven young BPP defendants. According to the *New York Times*,

⁷¹ The other six LEG demands were: abolish the department’s civilian review board, raise recruiting standards, support U.S. senators who wish to reverse the Warren Court, provide private rooms for hospitalized officers wounded on duty, remove civilians from clerical duties in police stations, and improve the police communications systems. *New York Times*, July 11, 1968, August 12, 13, 15, 16, 18, 1968.

reporters could see “swinging hands holding blackjacks high in the air” and “blood running from the heads of at least two attacked.” The white men had pushed their way into the courtroom with shouts of “White Power” and “Win with Wallace.” No one was arrested. But at least two assailants were recognized as executive board members of the Law Enforcement Group. The department harbored a “militant rightist” faction, the *Times* reported the following day. Several older officers interviewed blamed the courtroom violence on younger officers who were primarily drawn to the “New Right.” At their annual convention a week later, the PBA passed a resolution denouncing the incident and criticized the LEG for hurting the department’s reputation—Norman Frank claimed to have seen Lieutenant Laino’s name on a flier for the hearing protest. The day before, the LEG had filed papers to incorporate, claiming 6,000 members, or more than one-fifth of PBA ranks.⁷²

The LEG earned wider celebrity in right-wing circles after Alan Stang, a John Birch Society member, published a pamphlet titled “The War on Police.” Stang chronicled the “ambushing” of Dockery and Fleck as a sign that “the Communist attack on our police has entered a new phase,” mentioning in particular, Lyndon Johnson’s Crime Control Act’s federal funding for local law enforcement as an attempt “to create a national police force, which is always the hallmark of a totalitarian dictatorship.” Although despairing the climate of judicial leniency toward criminals in New York City courts, Stang found hope in the Law Enforcement Group, which he believed would help defeat “the international conspiracy to destroy the United States.” The Birch Society

⁷² *New York Times*, August 22, 24, 1968, September 5, 6, 7, 13, 1968, February 12, 1969; Levi, *Bureaucratic Insurgency*, 66; Berney, “Law and Order Politics,” 236-254; Gifford, “The Political Relations of the Patrolmen’s Benevolent Association in the City of New York (1946-1969),” 45-46.

claimed 500 members inside the NYPD—part of a national trend of “right-wingers behind badges,” according to the *Christian Science Monitor*, although police experts estimated “ultraconservatives” made up only a small minority of police.⁷³

While the LEG was short-lived, the tendency they represented—a sense of collective police grievance and racial resentment against perceived judicial leniency and public apathy in the face of rising crime and militant violence—would only grow in the years to come. Deepening police paranoia and outrage owed in large part to the sudden, shocking increase in officer fatalities after 1967. Over the five year period from 1962 to 1966, according to FBI data, 270 police officers were killed by “felonious criminal action” while on duty. Between 1967 and 1971, that number jumped 66 percent to 451. Annual line-of-duty police deaths soared from 86 in 1969 to 100 in 1970 to 125 in 1971, and rose for almost every major area of police activity: robberies from 49 to 89, civil disorders from 2 to 8, handling prisoners from 12 to 23, and attempting other arrests from 64 to 116. Yet the greatest percentage increase and most fear-inducing category of all: ambushes. For 1962-1966, twelve officers were assassinated. Over the next five years, a whopping 49 were, an increase of 308 percent. Almost 80 percent of ambush killings took place in 1970 and 1971: 19 and 20, respectively. Large urban departments felt the danger most acutely. In 1971, New York Police Department lost twelve officers, the highest annual total since 1930 and comprising nearly 1 in 10 police fatalities nationwide.⁷⁴

⁷³ Alan Stang, “The War on the Police,” *The Review of the News*, September 4, 1968, 2, 4, 6; Peter C. Stuart, “Right-Wingers Behind Badges Pose Growing U.S. Problem,” *Christian Science Monitor*, November 13, 1968, 14.

⁷⁴ The FBI states that twelve police officers died in New York City in 1971, confirmed by the Officer Down Memorial Page website (<https://www.odmp.org/>), although a big profile in the *New York Times Sunday Magazine* counted only ten NYPD fatalities by skipping the two accidental deaths. “Law Enforcement Officers Killed in the Line of Duty,” *FBI Law Enforcement Bulletin* 41 (March 1972): 3-6;

During the 15 months between January 1969 and March 1970, six Detroit police officers were killed in the line of duty. In 1969, the department lost four officers, one of them Patrolman Czapski at New Bethel. “This represents an abrupt and alarming jump in a line-of-duty fatality rate that had averaged less than two lives lost a year for some 30 years,” observed Patrick V. Murphy, in 1970, during his nine-month stint as Detroit police commissioner before leaving for New York, where he would oversee an even greater crisis. By the end of 1970, four Detroit police officers had died. In 1971, an astounding nine were killed in the line of duty—the highest rate among large cities in the country, three-fourths New York City’s total on a force roughly one-seventh the size of the 32,000-member NYPD, and surpassing the previous record of eight set in 1926, at the height of Prohibition violence. Likewise, as gun violence and officer deaths spiked in the late 1960s, police homicides also climbed from 25 in the riot year of 1967 to 12 in 1968 and 13 in 1969. These statistics indicated for Murphy “the dual danger” of heightened risk for police “but also the possibility of police over-reaction and hazard to innocent citizens.”⁷⁵

Under these circumstances, it is unsurprising that police felt under siege. At the 1970 annual meeting of the International Conference of Police Associations (ICPA), president Carl Parsell said “shotguns must be in every patrol car and be ready to use every minute of every day.” “If these radical extremists want war,” the Detroit police boss continued, “then the police of our country stand ready. Police killers will be

New York Times, December 12, 1971, SM32. Line-of-duty deaths rose in all of the main categories of police activity except domestic disturbance calls, an area of focused training and reform in the late 1960s.
⁷⁵ “A Good Time to Be a Police Officer?” A Special Message to all Detroit Police Officers from Commissioner Patrick V. Murphy, 1970, 2, 6-7; James Boudouris, “Trends in Homicide, Detroit: 1926-1968” (PhD diss., Wayne State University, 1970), 53; *Detroit Free Press*, November 15, 1971.

eliminated one way or another.” After two New York City patrolmen narrowly survived an ambush by three snipers and the subsequent shootout in Springfield Gardens in Queens, in late August 1970, PBA president Edward J. Kiernan also demanded shotguns for every patrol car. “It is easy enough to recognize the escaped psychopath brandishing a knife,” Kiernan said. “What is not so easy to recognize is the dedicated revolutionary who will walk up to you with a smile, then stab you in the back or shoot you in the belly.” The *New York Times* reported a national trend of “terrorism” against police patrolling black neighborhoods. “You think twice before answering a call,” said a patrolman in Chicago, where “four officers [had] been killed in ambushes in black areas since June.” In recent months, police in Minneapolis, Plainfield, NJ, and Omaha had died from ambush attacks while responding to routine service calls. Police buildings, cars, and precincts were bombed in Berkeley, San Francisco, Kansas City, and Des Moines, Iowa. Patrol officers said they had stopped enforcing traffic laws like running a red light out of fear the driver might pull a gun. A Baltimore police officer was shot, doused with gasoline, and set on fire—he survived but suffered severe burns. “Our people are the animals they are hunting in the street,” said PBA boss Kiernan. Earlier, in June, 1971, a bomb had exploded on the second floor of NYPD headquarters, injuring eight.⁷⁶

In the years after New Bethel, Detroit police faced almost continuous violence. Three police scout cars were bombed in 1970. After multiple bomb threats against its headquarters, the DPOA offered a \$2,000 reward for information. Then on March 6, 1970, the union found 10 sticks of dynamite against the rear wall of the Grand Boulevard

⁷⁶ *Detroit News*, May 26, 1970, October 16, 1970; *New York Times*, July 23, 1970, August 27, 1970, September 1, November 15, 1970, May 25, 1971; *Detroit Free Press*, June 10, 1970, July 27, 1970, August 18, 1970, September 3, 1970.

building. This came shortly after police discovered thirty-four sticks of dynamite inside the women's bathroom at the Thirteenth Precinct. Both dynamite packages were dated to June 1969, not long after New Bethel. In September 1970, as attacks on police continued, the DPD placed guards at every precinct door to watch for snipers and instituted a policy to search every precinct visitor for weapons. In October, Commissioner John Nichols informed Common Council that the department had equipped select officers with "long guns," the powerful anti-sniper carbines that police had requested following the riot to much controversy. "At some precinct stations," Nichols said, "security is required in large open parking areas while at others a bomb could be thrown from a vehicle passing on the street." A year later, police fears were realized when in the early morning hours of October 25, 1971, a bomb exploded at the DPOA offices, causing \$20,000 in damage. No one was injured but the union was forced to relocate.⁷⁷

Police responded to the wave of seemingly coordinated attacks on their members with harsh, aggressive tactics. Over a single weekend in Philadelphia in late August, 1970, seven police officers were shot, one fatally, in three tenuously-connected incidents—beginning, on Saturday, August 29, with an attempt to blow up a park police guardhouse. Police Commissioner Frank L. Rizzo organized tactical teams to search black neighborhoods and, in a few days, police had arrested five individuals in the bomb plot. Police under Rizzo's supervision also conducted a notorious raid on the city's Black Panther Party headquarters, marching its occupants outside and ordering them to strip in full view of the press. Fourteen Black Panthers would face trial on charges related to the

⁷⁷ *Tuebor* 31, no. 4 (March 1970): 1, 3; *Tuebor* 32, no. 11 (November 1971): 1; *Detroit Free Press*, September 11, 1970; John F. Nichols to Common Council, October 15, 1970, Box 66, Folder 36, DCCR, Reuther Library.

killing of Fairmount Park Police Sergeant Frank VonCollin. Likely many more black residents were detained for questioning—after Patrolman Frederick J. Cione, Jr., was shot and killed and another officer wounded in January, 1970, police arrested 221 young black men “for investigation.” Rizzo, the Philadelphia Police, and Mayor James H. J. Tate consequently faced three federal lawsuits for illegal tactics that, in these latter two cases, were clearly carried out in a spirit of vengeance.⁷⁸

Federal officials characterized the escalating situation in the nation’s cities as “guerrilla warfare.” In the fall of 1970, the U.S. Senate held hearings to consider bills heavily promoted by local police unions and national organizations like the ICPA to impose harsher penalties for “urban terrorism,” such as resisting arrest and assaulting police, and to punish the murder of a police officer with a death penalty. PBA president Kiernan in his testimony highlighted the anti-police propaganda of various radical groups, mentioning a children’s coloring book distributed by the Black Panther Party that featured a drawing of a young man stabbing a police officer, with the caption: “The only good pig is a dead pig.” “In our judgment,” said John Harrington, national FOP president, “the Black Panthers and some other militant groups are engaged in a general conspiracy to overthrow the Government and are engaging in guerrilla warfare as a part of this conspiracy.” One DOJ official found parallels in Vietnam. “The guerrillas terrorize the people into being neutral,” he said. “The same thing is happening in the black ghettos.

⁷⁸ *Philadelphia Inquirer*, August 30, 31, 1970, September 1, 2, 3, 4, 5, 6, 1970. The *Inquirer* published a useful profile on the weekend’s events, including the raids, on September 6, 1970, 1, 10. Since the three lawsuits named the same defendants, the U.S. District Court for the Eastern District of Pennsylvania decided to consider them together. *Council of Organizations on Philadelphia Police Accountability and Responsibility v. Rizzo* 357 F. Supp. 1289 (1973); for a first-person retrospective from one of the Philadelphia police officers shot on the August 1970 weekend, and the son of a former police commissioner, see Thomas J. Gibbons, Jr., “I know the pain of Dallas—I was shot in 1970 amid racial turmoil,” July 9, 2016, http://www.philly.com/philly/news/20160709_Ex-cop_I_know_the_pain_of_Dallas_-_I_was_shot_in_1970_amid_racial_turmoil.html.

We can't get any respected black figure to come out in support of police officers or in condemnation of the attacks on police." Some "respectable" black commenters, it is true, struggled to muster compassion for the police. "The police department in Chicago (or elsewhere)," a black Catholic priest wrote in 1970 after two detectives were slain, "cannot expect too much sympathy when its members become occasional victims of what they daily give out in the black communities."⁷⁹

On balance, however, the black press denounced "senseless cop killings," as the *Cleveland Call and Post* put it, although mainstream black commentators nevertheless interjected a note of irony, even cynicism, in observing the double standard of outrage and swift justice for slain cops relative to black victims of crime and police violence. After Cleveland Police quickly apprehended two young black men for fatally shooting Patrolman Joseph P. Tracz, Jr., and injuring his partner during a routine traffic stop, on September 28, 1970, the *Call and Post* observed that the East Side neighborhood had a long history of unchecked police and civilian violence. "In contrast with the 219 homicides in Cleveland during 1970," the local black paper said, "every available homicide detective was put on the case." After Detroit Patrolman Daniel G. Ellis was shot and killed by Willie J. Green, a black man, during a shoot-out on February 3, 1971, the *Michigan Chronicle* noted that Ellis might have been spared had police responded more quickly to a complaint from black West Siders who earlier in the day had reported Green for assaulting a black woman. In September, a *Chronicle* editorial declared "Cop

⁷⁹ *Detroit Free Press*, August 31, 1970, September 1, 3, 1970; Father Lawrence E. Lucas, "Chicago Police Reaping Reward," *Michigan Catholic*, August 13, 1970; *Hearings before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws*, Committee on the Judiciary, U. S. Senate, Part 3, October 8, 1970, 252; *ibid*, Part 4, October 9, 1970, 369.

Killers Are Our Common Enemy,” after Patrolman Alonzo Marshall, Jr., died while responding to a store robbery—the seventh Detroit police officer of nine to die in 1971.⁸⁰

New York City was perhaps the epicenter of anti-police violence in the early 1970s. Consider the month of May 1971. On May 6 and 17 black and Puerto Rican youths tangled with officers in riots against proposed state welfare cuts and the police killing of an African-American man.⁸¹ On the night of May 19 police pulled alongside a car headed the wrong way down Riverside Drive on the Upper West Side when the driver rolled down the window and fired a machine gun into the police cruiser, injuring the two patrol officers. On May 21 two patrolmen, one white and one black, strolled out of a Harlem public housing project after a routine service call when they were shot multiple times point-blank from behind. Both officers died. Afterward, young black messengers delivered packages containing a license plate, a .45-caliber cartridge, and a type-written note to local press outlets, evidence seemingly linking the last two attacks to the same perpetrators. The note offered the items as proof of “the potential power of oppressed peoples to acquire revolutionary justice” and drew a parallel between “the guns of oppressed third world peoples” in the U.S. and the Vietcong fighting “fascist marines” in South Vietnam. As of late May 1971, according to the *New York Times*, thirty New York City police officers had been shot, relative to forty-five for all of 1970. Seven officers had died in the line of duty.⁸²

PBA president Kiernan, angry and grieving, said he was “directing every member assigned to a radio car to purchase a shotgun and keep it loaded and ready to use at all

⁸⁰ *Call and Post*, October 3, 1970; *Michigan Chronicle*, February 13, 1971, September 11, 1971.

⁸¹ *New York Times*, May 6, 7, 15, 18, 19, 26, 1971, June 1, 3, 1971; *New York Amsterdam News*, May 1, 15, 22, 1971, June 12, 1971.

⁸² *New York Times*, May, 20, 22, 23, 24, 25, 1971.

times.” “If circumstances require a patrolman to use his gun,” Kiernan said, “he will shoot to kill.” Commissioner Murphy refused to supply shotguns but ordered plainclothes police to tail Harlem radio cars as back-up. Mainstream black activists condemned the killings as evidence of the lawlessness the city had allowed to prevail in black neighborhoods. Reverend Oberia Dempsey, a prominent Harlem minister, blamed police for ignoring “little things” like parking violations. “Seven officers have been killed,” Dempsey said, “because people have lost respect.” Carl Lawrence, New York City NAACP president, said the slain police “were victims of apathy.” “Too many of us condone crime,” Lawrence said. “In several cases the police are apathetic and the courts allow the suspects to go free after they have committed a crime.”⁸³

The PBA responded as it had in the past: with a demand for the authority and resources to use retaliatory violence against militants. PBA president Kiernan, angry and grieving, said he was “directing every member assigned to a radio car to purchase a shotgun and keep it loaded and ready to use at all times.” Commissioner Murphy refused to supply shotguns but ordered plainclothes police to tail Harlem radio cars as back-up.⁸⁴ In late December 1971, after two patrolmen narrowly escaped a hand grenade tossed into their cruiser, the city finally learned the identity of the perpetrators of recent anti-police violence. The lead suspects were Andrew Jackson, who had ties to the Black Panthers, and Joanne Chesimard, who would later change her name to Assata Shakur. Both were members of the Black Liberation Army, a BPP offshoot under the leadership of former BPP chair Eldridge Cleaver who was living in exile in Algiers. On January 27, 1972, the BLA assassinated two more New York City police officers, Greg Foster and Rocco

⁸³ *New York Times*, May, 22, 24, 1971; *New York Amsterdam News*, May 29, 1971.

⁸⁴ *New York Times*, May, 22, 24, 1971; *New York Amsterdam News*, May 29, 1971.

Laurie, on the Lower East Side. The killers appeared to take pleasure in brutalizing the bodies, firing multiple shots at point-blank into the eyes and groin. A witness saw one shooter dance in front of the prone officers as if in celebration. Ten days later, after some hesitation, police officials publicly pinned the ambush on the Black Liberation Army, naming four suspects, including Andrew Jackson. The revelation appeared to confirm yearlong popular speculation of a “national conspiracy” by black militants to assassinate police officers.⁸⁵

After ambush attacks upon New York police officers continued in 1973, the PBA succeeded in obtaining permission to carry shotguns in patrol cars. In January a patrolman was shot and killed by men who were robbing a sporting goods store. The men subsequently took eleven hostages. All managed to escape during the forty-seven hour “siege.” When four patrolmen narrowly survived an ambush days later, in another apparent attempt by the BLA, Mayor Lindsay authorized the hiring of 3,150 officers and Commissioner Murphy ordered over-time tours and plainclothes support units for patrol officers.⁸⁶ Reports then surfaced of front-line officers, with PBA support, carrying personal automatic pistols and shotguns both on duty and off, as quasi-vigilante volunteer backup patrols. “It’s better to be judged by 12 than carried by six,” said a young patrolman in the 83rd precinct in Bushwick, Brooklyn. “That’s the motto around here.” After additional violent exchanges between officers and citizens in February, Robert M. McKiernan, PBA president, reissued his predecessor’s demand for shotguns in a *Times*

⁸⁵ *New York Times*, January 28, 29, 30, 31, 1972, February, 2, 9, 13, 17, 18, 19, 1972, April 30, 1972; Bryan Burrough, “The Untold Story Behind New York’s Most Brutal Cop Killings,” *Politico*, April 21, 2015, <http://www.politico.com/magazine/story/2015/04/the-untold-story-behind-new-yorks-most-brutal-cop-killing-117207?o=2>.

⁸⁶ *New York Times*, January 20, 21, 22, 23, 24, 26, 27, 29, 1973, February 14, 1973.

editorial. “One revolutionary with a large hole blown through him,” McKiernan said, “would have been a marvelous deterrent to the next nut who thinks it’s a good idea to shoot at cops.” At the end of March, the city finally relented and authorized shotguns on a restricted basis for 750 uniformed officers who drove the radio cars for sergeants and lieutenants.⁸⁷

In the early 1970s, anti-police violence and police violence became a mutually-reinforcing cycle, especially as the police brass implemented aggressive patrol strategies to counter the sudden, sustained increase in violent crime rates. Tactical policing exposed patrol officers to heightened risk in marginalized neighborhoods where police-citizen relations were already marked by deep-seated and growing mutual distrust, fear, and outright hostility. Rank-and-file unions and their lawyers invoked these circumstances and blamed a careless, demanding management to defend officers accused of brutality. One of the most notorious street policing experiments of the early 1970s illustrates this phenomenon: not only the violence urban police confronted and meted out in low-income marginalized neighborhoods, but also how patrol unions mobilized to protect chronically-abusive officers from prosecution by emphasizing the increasingly-dangerous working conditions urban police faced and also by exploiting new contract provisions.

Detroit Police Commissioner John Nichols unveiled the specialized unit called Stop the Robberies, Enjoy Safe Streets (STRESS) in January 1971, with assistance from a \$35,000 grant by the Law Enforcement Assistance Administration. The program had two components. First was surveillance. Police selected an area based on past crime trends and then a team of two to three officers, dressed as blue-collar or white-collar

⁸⁷ *New York Times*, January 31, 1973, February 4, 5, 7, 1973, March 25, 1973.

workers, set up a post from which to monitor foot traffic for potential perpetrators. This crew occasionally deposited a decoy, usually a white male officer dressed like a woman, a hippie, or a down-and-out transient, to lure would-be robbers, while the surveillance team provided cover from a distance. “With STRESS,” Nichols said, “the criminal must fear the potential victim.” According to Inspector James D. Bannon, the decoys made up only twenty percent of the total STRESS operation. Yet they became intensely controversial. From January to September 1971, police decoys were responsible for 59 of 1,581 felony arrests effected by STRESS, or only 5 percent, but decoys pulled the trigger in nine of the unit’s ten fatal shootings. Every victim was black. The one STRESS officer who died—Patrolman Frederick Hunter—was also black. Eleven of the twelve civilians killed by STRESS in 1971 were black.⁸⁸

Police violence and criminal violence appeared to move in tandem in Detroit in 1971. Between January and mid-November, six police officers died in the line of duty; thirty-nine civilians were killed by Detroit Police; and 602 Detroiters were murdered. The city of Detroit therefore claimed the ignoble triple distinction of having the highest per capita rates in the country for civilian fatalities caused by police, on-duty police fatalities, and homicide.⁸⁹

⁸⁸ House Select Committee on Crime, *Street Crime in America: The Police Response: Hearings before the House Select Committee on Crime*, 93rd Congress, First Session (April 12, 1973), 382-385, 392 (Statement of John F. Nichols, Statement of James D. Bannon); *Detroit Free Press*, October 3, 1971, February 18, 1974. A memo produced by the Police-Community Relations Committee of the DCCR mentions only ten STRESS fatalities through September 1971, but this is inaccurate. For the memo, see “Detroit Police Department’s STRESS Program,” October 2, 1971, Box 67, Folder 12, DCCR, Reuther Library; Law Enforcement Assistance Administration, 3rd Annual Report of the Law Enforcement Assistance Administration Fiscal Year 1971 (Washington, DC: U.S. Government Printing Office, 1972), 173. The city of Detroit had applied for an LEAA grant for a “Street Crime Surveillance Unit” in 1969, but it appears they were denied. See Grant Application Form, July 31, 1969, Box 583, Folder 9, Cavanagh Papers, Reuther Library.

⁸⁹ *Detroit Free Press*, November 15, 1971.

The Detroit Police introduced STRESS to halt the shocking, sustained increase in the robbery rate. During the 1960s, the largest increase in major crime by percentage and volume was for robbery. After 1966, when the department reclassified certain street crimes, robberies jumped an average of 26 percent every year, from 9,127 in 1966 to 23,097 in 1970. The annual number of robbery-motivated killings also skyrocketed, rising from 15 in 1962 to 155 in 1974. Three in five robberies in Detroit in 1972 involved a weapon; of these, a gun was used forty percent of the time. In the year after STRESS was introduced, robberies reported to the police dropped for the first time in a decade, and by a substantial degree: 9.9 percent to 20,820 in 1971 and 17 percent to 17,254 in 1972. Robbery-motivated killings, however, continued to rise, suggesting that a portion of the decline owed to residents reporting fewer robberies to the police. After fourteen months, STRESS made 792 felony arrests and seized 581 handguns. One year later, the unit had obtained 1,635 felony warrants and taken 1,491 guns off the streets.⁹⁰

Beginning in 1968, the majority of victims of robbery-motivated killings in the city were black. In 1972, black residents were forty-six percent of the population but fifty-four percent of violent crime victims and were victimized by robbery and assault at higher rates than whites. Thus, a survey of black residents in early 1972 found that a majority supported STRESS. A little over a year later, however, STRESS had garnered significant critical publicity such that sixty-one percent of black Detroiters wanted to abolish the unit, although the idea of police decoys targeting “street criminals” retained

⁹⁰ Franklin E. Zimring, “Determinants of the Death Rate from Robbery: A Detroit Time Study,” *The Journal of Legal Studies* 6, no. 2 (June 1977): 322, 326; *Street Crime in America*, 419; *Detroit Free Press*, February 8, 1970, June 11, 1970, March 20, 1972.

majoritarian black support through 1974, when robberies after declining three straight years shot up twenty-four percent to over 20,000.⁹¹

The basic idea of STRESS was “zero visibility” mobile tactical policing. The concept and most of the personnel came from the Precinct Support Unit, created in March 1967, whose officers did not police a fixed beat but instead supplemented uniformed patrol responding to serious crimes. About 800 officers volunteered for STRESS at the start. Ultimately, between 40 and 100 were accepted—the precise number was kept secret by Nichols to maximize the “psychological impact” and “deterrent effect.” As many as nine STRESS officers were black. Roughly sixty percent of the unit had from five to seventeen years’ experience. After March 1972, due to intense public pressure, Nichols reduced decoy operations, placed a sergeant in charge of each decoy unit, instituted more rigorous firearms training, and made each applicant take a psychological test and sit for an interview. By the program’s end, about one in eight volunteers was accepted.⁹²

A small group of officers was responsible for the preponderance of STRESS-linked shootings. From May 1971 to October 1973, eighteen civilians and one Wayne County sheriff’s deputy died during STRESS operations—including non-STRESS assignments, members of the unit killed twenty-two people. An October 1971 analysis of the first ten civilian fatalities, largely relying on police accounts, revealed that eight of nine victims of decoy shootings carried a pipe or knife and eight were running away when shot. Of the first ten STRESS shootings, one officer was involved in three and four

⁹¹ Zimring, “Determinants of the Death Rate from Robbery,” 328; Edward Littlejohn, “Law and Police Misconduct,” *University of Detroit Journal of Urban Law* 58, no. 2 (Winter 1981): 215-216; *Detroit Free Press*, May 25, 1973; Office of Criminal Justice Programs, “The Michigan Public Speaks Out on Crime,” 2nd Annual Survey, January, 1974 (Lansing, Mich.: Market Opinion Research, March, 1974): 25.

⁹² *Street Crime in America*, 383, 386, 391, 417-418; *Detroit Free Press*, February 18, 1974; DCCR Field Division Staff, “Changes in the Detroit Police Department’s STRESS Program,” 1, March 22, 1972, Box 66, Folder 34, DCCR, Reuther Library.

were involved in two. One officer, Raymond Peterson, took part in ten civilian deaths, shooting the fatal bullet in six. At the end of 1971, Peterson had been involved in eight shooting incidents in which eight died and three were wounded. Every victim was black. His crew was responsible for eleven of the first twelve killings.⁹³

Peterson, who became known as “Mr. STRESS,” had accumulated as many as twenty-one citizen injury contacts over 1,000 arrests prior to joining the unit in 1971. Over eleven years on the force, he had received nine citizen complaints—all but one was found “unsubstantiated or unfounded.” One especially notable incident involved Barbara Jackson, the black sex worker, in 1964. By Peterson’s own account, he had never fired his gun before the 1967 riot and had not killed anyone before STRESS. In a 1976 interview, he explained how he felt after the first time he shot someone (the victim survived) on a STRESS assignment:

I thought after, I expected to see my family again at all costs and it’s better him than me. It’s worse than a jungle on those streets because in a jungle the animals they just kill for food, but on those goddamn streets, boy, they will kill you just for kicks. When the time comes down to push or shove and you got the hammer, you got to use it because chances are you aren’t going to get another chance.

After each fatal shooting, Peterson was exonerated by the Board of Inquiry and returned to the street days later. As civil rights groups realized, Michigan case law gave wide latitude to police to use deadly force at persons reasonably suspected of having committed a felony as a means to prevent their escape, although the DCCR observed that

⁹³ *Detroit Free Press*, October 3, 1971, December 19, 1971; “Detroit Police Department’s STRESS Program,” October 2, 1971, 2-3; From the Ground Up, “Detroit Under STRESS,” 1973, 3, Labadie Special Collections, University of Michigan, Ann Arbor; Amy Carroll, Shawn Gilchrist, Ellen Schweitzer, and Tim Sobota, “STRESS Fractures,” senior research paper written for Dr. Charles Bright (Residential College, University of Michigan, 1995), 62.

departmental regulations discouraged shooting “unless the suspect has caused some personal injury to the victim.”⁹⁴

The undercover unit attracted little public notice until the fall of 1971 when police killed two African-American teenage boys who were fleeing at the time they were shot. The officer who pulled the trigger was Patrolman Richard E. Worobec, previously known for his role in the New Bethel incident in 1969. Although a separate DCCR analysis demonstrated that one of the teens had fled in the direction of cover officers, Worobec was cleared by the Board of Inquiry.⁹⁵ Not long after the incident a left-liberal coalition including the United Auto Workers, the Congress of Black Workers, and the *Michigan Chronicle* began to protest STRESS. The State of Emergency Committee, a new group led by militant black lawyer Kenneth V. Cockrel, who had represented RNA members in the 1969 trials, organized a march of 4,000 in downtown Detroit to demand the abolition of the undercover unit. In mid-December the Michigan Civil Rights Commission issued a critical report of STRESS recommending an immediate end to the decoy units, tighter screening of applicants, more thorough documentation of use of force, and more aggressive recruitment of black officers—noting that the ten black victims since January were all killed by white officers.⁹⁶

⁹⁴ A DPD training bulletin states that the “revolver may be fired to prevent the escape of persons KNOWN TO HAVE COMMITTED the serious crimes of murder, rape, robbery, burglary and arson, when in the sound discretion of the officer it appears to be the only means of preventing the felon’s escape.” “When Use of the Revolver is Justified,” February 2, 1967, Box 69, Folder 12, DCCR, Reuther Library; *Detroit Free Press*, December 19, 1971, February 18, 1974, September 12, 1976; Police-Community Relations Committee, “Summary of Laws and Policies on Control of the Use of Deadly Force by Police Officers,” April 3, 1972, Box 69, Folder 11, DCCR, Reuther Library; Commission on Community Relations, “Control of the Use of Deadly Force by Police Officers,” October 20, 1971, Box 66, Folder 34, DCCR, Reuther Library.

⁹⁵ *Detroit Free Press*, September 18, 19, 20, 21, 23, 24, 30, 1971; “Detroit Police Department’s STRESS Program,” October 2, 1971, 3.

⁹⁶ *Detroit Free Press*, December 8, 9, 14, 16, 18, 1971; “Detroit Under STRESS,” 28; “STRESS Fractures,” 28-29; “MCRC Opposes Police Decoys,” Michigan Civil Rights Commission Newsletter, January-February 1972, 2, Box 66, Folder 34, DCCR, Reuther Library.

Over the life of the unit, three STRESS officers died and seventeen were wounded. The deaths of law enforcement—and the police actions taken in the aftermath—ultimately precipitated the demise of the undercover operation. On March 9, 1972, a team of three black STRESS officers came upon a black man in an alley carrying a gun, followed him upstairs into an apartment, and then, with little warning, opened fire on the occupants. After the shooting stopped, police discovered they had killed one Wayne County sheriff's deputy and critically wounded a second. The three STRESS officers, cleared by the Board of Inquiry, were charged with assault with intent to murder but in August were acquitted at trial.⁹⁷ One week after the “Rochester Massacre,” Nichols reduced decoy operations and introduced psychological tests for all STRESS officers. In early April 1972, following a large anti-STRESS rally, Cockrel and Justin C. Ravitz, an outspoken Marxist lawyer who in 1973 would win a seat on the Recorder's Court, filed a lawsuit to abolish STRESS and appoint a special prosecutor to investigate the killings. “It's been a murder squad,” the suit charged, “condoned, permitted, and encouraged by the defendants in this case.”⁹⁸ Then in December 1972 four plainclothes STRESS officers engaged in a shoot-out with African-American militants who were leading an anti-dope crusade to drive drug dealers from black neighborhoods.⁹⁹ Mark Clyde Bethune, 22, and co-vigilantes John Perry Boyd, 23, and Hayward Brown, 18, wounded the four STRESS officers and then fled. The DPD issued arrest warrants for the trio and launched an intensive manhunt. Over the next few weeks, police conducted countless raids—most without a search warrant—on black homes. On a raid at 2:10 a.m. on December 8, police

⁹⁷ *Detroit Free Press*, March 10, 11, 12, 15, 1972, August 11, 1972.

⁹⁸ *Detroit Free Press*, March 17, 27, 1972, April 8, 17, 1972; “Stress Fractures,” 31-34.

⁹⁹ *Detroit Free Press*, March 1, 1973; “STRESS Fractures,” 39-42.

shot and killed a 57-year-old black man named Durwood Foshee, a private security guard who police said had fired a shotgun at police through the window. Police kicked down the door and shot Foshee dead. Further increasing police paranoia, earlier in the day on December 8, off-duty STRESS officer Gerald J. Riley was shot and killed in front of his son while attempting to stop a bank robbery. Expecting more shoot-outs, on the same day, Nichols authorized the ranks to use privately-owned 9 mm automatic pistols.¹⁰⁰

On the night of December 27, three plainclothes STRESS officers in unmarked cars encountered Boyd, Bethune, and Brown cutting through an alley by Schaeffer and W. Chicago on the Westside. The accounts vary, but the fugitives, armed with handguns and a sawed-off shotgun, ultimately killed Patrolman Robert Bradford and critically wounded Robert Dooley. Both officers were shot at close range—a homicide sergeant called them “execution slayings.” An angry, shaken Nichols ramped up the manhunt for what he called “mad dog killers” and “vicious, dangerous men.” The Citizens Complaint Section received twenty-seven complaints arising from the manhunt. Both the mainstream and black press published critical stories of police “harassment.” The *Chronicle* interviewed members of the Bryant family about a harrowing raid on Christmas night. At 9 p.m., officers entered their eastside home with guns drawn searching for eighteen-year-old Aaron suspected of an armed robbery in June. When Lawrence, Aaron’s older brother, blocked the front door and asked for a warrant, police pulled their guns, threatened to harm him, and then arrested him for being a “troublemaker.” STRESS officers had visited the home a month before. Then, too, Lawrence had asserted his rights—“a man’s house is his castle,” he had said. “We’ll

¹⁰⁰ *Detroit Free Press*, December 4, 5, 6, 7, 9, 12, 15, 1973; “Stress Fractures,” 42-43.

come back and blow your house up,” an officer said. “It may be your castle, but you may not have a home pretty soon.”¹⁰¹

Many other black residents told similar stories of warrantless raids conducted in the middle of the night. In early January 1973, amid growing public outcry and after police imprisoned a black reverend for three days without charge, Common Council agreed to hold hearings. An estimated thousand people showed up on January 11, forcing a venue change from the City-County Building to the Ford Auditorium. An official with the MCRC observed many “NAACP-type” or middle-class black residents in attendance. Some thirty people presented their complaints, primarily friends and families of the fugitives who complained of verbal and physical abuse, illegal arrests, and “the open and threatening display of weapons.” Nichols took the stage toward the end to refute the accusation that the manhunt had become a “police ‘crackdown,’” but the booing grew so loud and furious that he was unable to finish his prepared remarks. Weeks later, STRESS commander Bannon at last addressed complaints about multiple raids on the same homes. The department had failed to appoint a “case manager” to coordinate the manhunt, so the search teams had operated in mutual ignorance of each other.¹⁰²

On the day after the Ford Auditorium assembly, Hayward Brown was finally caught. Wayne State University police first spotted Brown while investigating the bombing of a second-story Planned Parenthood, which police believed was part of a plot to rob the bank on the ground floor. Brown emptied two pistols at campus police and led

¹⁰¹ *Detroit Free Press*, December 28, 29, 31, 1972; *Michigan Chronicle*, December 30, 1972, January 6, 1973, February 24, 1973, March 3, 1973; DCCR Field Division Staff, “The Detroit CCS Procedure,” April 23, 1973, 5, Box 69, Folder 19, DCCR, Reuther Library; “STRESS Fractures,” 45-46.

¹⁰² *Detroit Free Press*, January 4, 12, 16, 27, 1973; Commissioner Nichols’ Remarks to Common Council STRESS Hearing, January 11, 1973, 1, Box 69, Folder 10, DCCR, Reuther Library; “STRESS Fractures,” 46-49.

them on a twenty-block chase before surrendering. In late February, a black off-duty Atlanta patrolman named Bobby W. Davis happened upon Boyd and killed him and his accomplice. Davis, promoted to detective and flown to Metro Detroit and given an award by the Wayne County Detectives Association, described himself as “an instrument of God.” Four days later, Bethune reportedly killed himself on the second-story rooftop of an Atlanta college dormitory with police amassed on the street below. An autopsy report showed one bullet wound to the head, fired from a gun owned by Boyd, and another to the chest—traced to an Atlanta patrolman. Ultimately, Brown was acquitted over four separate trials, all held in Detroit. Each time, Ken Cockrel, Brown’s lawyer, leveraged black residents’ lingering anger over aggressive police tactics—Brown had been arrested fourteen times as a juvenile and twice as an adult—to win the jury’s sympathy.¹⁰³

Brown justified his vigilantism as a response to police corruption. “The community was being drowned by drugs,” he said, with Cockrel at his side, at a press conference held in late April at the Wayne County jail. “We took it upon ourselves to do something about it.” Although Brown refused to identify specific officers, a month later, a grand jury indicted twenty-eight people on charges related to heroin trafficking—including twelve police officers. During a three-day trial in December 1975, drug dealers and police officers testified to a flagrant conspiracy to buy and sell drugs in the 10th Precinct during the city’s unprecedented murder surge from 1968 to 1973. Nichols had in fact initiated the internal investigation in December 1971. A year later—on December 8, to be exact—hours after a dozen STRESS officers killed Durwood Foshee, Nichols’s secret squad raided the 10th Precinct where they discovered piles of cocaine and heroin

¹⁰³ *Detroit Free Press*, February 25, 28, 1973, March 1, 7, 1973; “STRESS Fractures,” 50-51.

lying out in the open instead of processed and in storage. By January, Mayor Gribbs had set in motion the process leading to the late May indictments. One of the three Detroit police officers ultimately convicted was Richard Herold. Credited with saving the lives of Wayne County sheriff's deputies shot during the Rochester Massacre, Herold was given the maximum sentence of 3 ½ to 5 years for conspiracy to obstruct justice by Judge Justin Ravitz.¹⁰⁴

Raymond Peterson killed the last civilian in his career as a member of STRESS and as a Detroit police officer on March 9, 1973. That date also marked the last day of the decoy operation. Peterson and his partner were driving home in separate cars on the Fisher Freeway in the pre-dawn hours when, according to Peterson, his car was rear-ended. The other driver sped off and Peterson and his partner gave chase. Peterson arrived second, saw his partner's gun on the ground, and a young black man reaching under his seat. Peterson immediately fired and killed Richard Hoyt, a 24-year-old factory worker. The police report said that Hoyt had slashed Peterson's jacket, which indeed had a tear. But the crime lab discovered cat hairs on the knife supposedly retrieved from Hoyt—Peterson's cat. Peterson was suspended and charged with murder, only the second time since the Algiers Motel killings.¹⁰⁵

At trial in February 1974, DPOA attorney Norman Lippitt trained the spotlight on an overly demanding, negligent management and the intense anti-police atmosphere of 1972-1973. Alleging that STRESS officers had received "little or no training and little or no supervision," Lippitt cast Peterson as a pawn of an uncaring system. "He was given a

¹⁰⁴ *Detroit Free Press*, April 29, 1973, January 15, 1976; for a thorough overview of the 10th Precinct drug conspiracy case and trials, see *Detroit Free Press*, September 26, 1976, 209-213, 215-216, 228-229.

¹⁰⁵ *Detroit Free Press*, March 10, 1973, September 12, 1976.

gun by ignorant bureaucrats and when he used it with fatal results,” Lippitt argued, “he was lauded and praised by narrow-minded, non-thinking superiors.” Two years after his acquittal by a Detroit jury, Peterson reinforced Lippitt’s portrait of a trigger-happy institutional culture.

Whenever I shot someone, I would have to go to headquarters to fill out a report and the guys would cheer me when I walked in. Some of it was racist, but some of it was well-meaning. The brass in the department went out of its way to encourage me. I was a proud boy, you know, I was the fair-haired boy—as long as everything worked their way.

“We were completely on our own,” Peterson continued. “There was no supervision at all.” At trial, Lippitt had enlisted two psychiatrists to paint Peterson as a man weighed down by untreated trauma, which one said had been exacerbated by inadequate “command supervising.” Peterson was the victim—broken by an indifferent police brass prosecuting an all-out war against street crime. The *Detroit News* called it “combat fatigue.”¹⁰⁶

After prosecutors filed murder charges against Peterson, the Detroit Police Department fired him for planting the knife and making false statements to superiors. After his jury acquittal, Peterson sued to recover up to \$30,000 in back-pay, which he won in arbitration in 1976. The panel further authorized the former Mr. STRESS to pursue a duty-connected disability pension. Peterson had lost his right to a pension when he was fired but in October 1974 he filed a claim to disability benefits due to job-related mental illness. In 1979, an arbitration panel awarded Peterson more than \$45,000 in disability benefits and approved a disability pension until he became eligible for retirement benefits. Peterson’s anticlimactic dismissal for departmental rule

¹⁰⁶ *Detroit Free Press*, February 14, 21, 22, 26, 27, 1974, September 12, 1976; *Detroit News*, January 31, 1979, as cited in “STRESS Fractures,” 62.

transgressions, which set him up for hefty arbitration awards, must have irked activist Sheila Murphy, who during the trial board controversy of September 1969 had complained: “The real issue was cops beating up blacks, not neglect of duty or failing to make reports.”¹⁰⁷

Yet Peterson’s firing likely also angered the uniformed ranks who were in rebellion against a more draconian management. In January 1972, 1,200 DPOA members had voted at an emergency meeting to double monthly dues to \$14 to “build a war chest” to take on Commissioner Nichols and his plan to force officers to take lie detector tests during disciplinary proceedings. In his January 11 order, Nichols said the department would only use polygraphs as a last resort for “those instances where a member stands accused of a felony and a warrant has been denied, and all other investigative methods have failed to indict or exonerate.” A day before, DPOA attorney Lippitt published an open letter running just over three pages, citing, as examples of rank-and-file grievances, recent orders by command to use one-man patrol cars, to submit to polygraph tests and line-ups, and to use cumbersome holsters impairing the “ability to draw their gun in self-defense.” Lippitt said Nichols “rules by dictatorial decree” and the union began referring to the commissioner as “the general.” The DPOA filed lawsuits for each grievance enumerated by Lippitt—and lost each one in court or arbitration.¹⁰⁸

¹⁰⁷ *Detroit Free Press*, September 8, 1969, August 27, 1976, January 30, 1979.

¹⁰⁸ *Detroit Free Press*, January 6, 7, 12, 18, 1972; Burke Fossee to Denise J. Lewis, February 8, 1972, Box 66, Folder 53, DCCR, Reuther Library; Irving Kemper, Employment of Polygraph for Detroit Police Department Personnel, February 1, 1972, *ibid*; DCCR Staff, The Police Department’s Use of Polygraph Tests and Line-ups, January 19, 1972, *ibid*; DPD Order 72-6, January 11, 1972, Policy for Polygraph Examination of Members of the Department, *ibid*; Norman Lippitt, “Open Letter,” January 10, 1972, *ibid*; *Tuebor* 33, no. 1 (January 1972): 1-4; IACP, *Public Safety Labor Reporter*, Arbitration Awards and Fact-Findings (1971): 73-83;

Not every DPOA member, however, supported the union's fight. The Guardians praised Nichols's polygraph order. Guardian president Tom Moss of Oak Park, a Detroit suburb, said he was considering "legal action" against the DPOA. "Parsell's action is a direct attack against the black community," Moss said, referring to an allegation initially raised by a black Detroit patrolman that Parsell was planning a Blue Flu. James Crawford was one of a few dozen black officers who had attended the closed-door DPOA meeting to raise dues. Several black officers felt that Parsell's statements were racially-charged. But what compelled Crawford to speak to the *Free Press* was the ticket-writing slowdown. Apparently, Parsell and Lippitt wanted to protest bureaucratic micro-management by encouraging maximum rank-and-file adherence to the rules: filing an injury report for the most benign bruise or stubbed toe, requesting a sergeant to supervise any delicate situation, and so on. "Police officers are being charged with making improper reports," Crawford said Lippitt had told him. But a Blue Flu would have unmistakable repercussions. "If this slowdown works, it's going to affect black people the most, because black people have the greatest need for the police" Crawford said. "This isn't right." A few months later, after the Rochester Shoot-Out, the Guardians demanded an immediate dissolution of STRESS. "We also are telling all black officers assigned to that unit that they should ask for an immediate transfer out," said a black Detroit patrolman. In April, the Guardians signed onto the Ravitz and Cockrel lawsuit to abolish STRESS.¹⁰⁹

Later in the month of April 1972, black police from across the country assembled in Detroit for a conference sponsored by New Detroit. Guardian members in attendance

¹⁰⁹ *Detroit Free Press*, January 12, 14, 1972, March 10, 1972, April 8, 1972.

endorsed a civilian review board, describing the Citizens Complaint Section as “a farce.” They demanded an end to STRESS and the use of “alternatives for the prevention of crime in the prevention of crime in the poor and black communities.” They further supported recruiting more black administrators and instructors at the police academy. Renault Robinson, president of the Afro-American Patrolman’s League in the Chicago Police Department, gave the opening address. “We’re not saying we’re against law enforcement,” Robinson said. “We’re saying we’re going to enforce the law. But we’re also saying we’re going to join the struggle.” A year earlier, the National Council of Police Societies, made up entirely of black police associations, had vowed to oppose the “law and order” drift of law enforcement and the “indiscriminate” use of stop-and-frisk and preventive detentions. The black police organization also endorsed civilian review boards to abolish “rubber stamp punishments” meted out by police trial boards against officers guilty of “negative treatment of the poor and the black community.” They further voted to reject any black officer who “accepts assignment in the black community as an undercover officer dealing with investigation of politically oriented cases.”¹¹⁰

The Year of the Cop: The Forgotten Civil Right of Under-Policing

Low-income African-Americans residents of segregated urban neighborhoods watched first blight, and then street disorder and gun violence, slowly overtake their neighborhoods in the 1960s and early 1970s. They fought these changes through activism on housing, jobs, health care, and education. They also demanded a different sort of policing than ever existed before: impartial and diligent, with meaningful accountability.

¹¹⁰ *Detroit Free Press*, April 22, 24, 1972; *New York Times*, June 13, 1971; The Guardians of Michigan, List of 22 Recommendations, December 26, 1972, Box 122, Folder 34, DCCR, Reuther Library.

To this end many African Americans articulated a right to diligent policing and prosecution. The political scientist Michael Javen Fortner has described this law-and-order cohort as the “black silent majority.”¹¹¹ Indeed, black politicians in Cleveland, concerned that militant groups like the Black Panthers had captured disproportionate attention from police and white elites, tried to articulate the demands of this majority. As the story in Cleveland makes abundantly clear, however, the ascendant class of African-American politicians had neither the power nor the resources to check blight or street crime or to overcome the new power of police unions to shield officers from discipline and prosecution for the harms they committed against their constituents.

In Cleveland, the main police unions were the Fraternal Order of Police and the Cleveland Police Patrolmen’s Association. Neither had state-recognized exclusive bargaining rights. In fact, the CPPA was still fighting for dues check-off as late as 1968. Both organizations, however, were politically active, especially after Carl Stokes was elected mayor in 1967, becoming the first black mayor of a major U.S. city. On the second night of the riots following the Glenville Shootout in July 1968, in which three police, three black militants, and one black bystander died, white officers used racial slurs to refer to Cleveland Mayor Carl B. Stokes who had withdrawn all white police and dispatched the Mayor’s Committee consisting entirely of black city personnel and black police. During Stokes’s successful reelection in 1969, white officers stationed themselves outside polling places in black districts in an obvious show of intimidation. Both unions

¹¹¹ Michael Javen Fortner, *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment* (Cambridge, Mass.: Harvard University Press, 2015).

also asserted traditional labor demands. They sued to stop retaliatory transfers, alleged political meddling in civil service exams, and mass layoffs.¹¹²

The police unions also found common ground with leading black politicians, including Carl Stokes, who obtained federal money for a tactical anti-sniper squad after the Glenville Shootout. Indeed, Stokes had embraced law-and-order during his first run for mayor in 1965 when he endorsed tougher prosecution of public sex work and promised to hire more patrol officers. In an expansive *Plain Dealer* profile in fall 1968, some police complained about Stokes's seemingly friendly relations with cop-killing black nationalists, while others acknowledged that black wards had voted six to one to raise police salaries. "The Negro wants law and order, too," one officer said. "And that's our job." "You know who our real friend is, the only one who's consistently supported the police," asked a patrolman from the Sixth District on the predominantly black East Side. "I'll tell you. That councilman, Mr. Leo Jackson."¹¹³

Leo A. Jackson had represented Ward 24 since 1957. Before winning office he had chaired the public safety committee for the Glenville Area Council. In 1970, Jackson was elected to the Eighth District Ohio Court of Appeals. Over a long career in city politics, Jackson championed a singular vision of equal provision of public services for white and black districts. During the fight over Morris Jackson's proposed millage to hire 200 police officers over the summer of 1964, Leo Jackson took an inspired stand in

¹¹² Hervey A. Juris and Peter Feuille, *Police Unionism: Power and Impact in Public-Sector Bargaining* (Lexington, Mass.: Lexington Books, 1973), 60; Louis H. Masotti and Jerome R. Corsi, *Shoot-Out in Cleveland, Black Militants and the Police: July 23, 1968*, A staff report to the National Commission on the Causes and the Prevention of Violence (Washington, D.C.: Government Printing Office, 1969), chapter 2, 65-69; *Plain Dealer*, August 1, 1969, November 5, 1969, June 5, 17, 1971.

¹¹³ Letter from Albert G. Giles to Carl B. Stokes, November 13, 1968, Container 82, Folder 1596, MS 4370 Carl B. Stokes Papers, Western Reserve Historical Society (WHRS), Cleveland, Ohio; *Plain Dealer*, October 29, 1965, September 30, 1968, October 27, 1969; see also, *Plain Dealer*, October 1, 2, 3, 4, 1968.

solidarity with his fellow black Eastside councilmen. After Mayor Ralph Locher denied a police shortage, Jackson drew up statistical tables and with the aid of a projector presented his findings on the floor of city council in July. The tables demonstrated that black districts had fewer patrol officers than white districts not only per capita but also per crime. In 1963, the mainly-white second district on the West Side, the city's safest, had nine percent of total crime but roughly thirteen percent of all patrol officers, while Hough's fifth district had over thirty-one percent of all major crime—the highest in the city by far—but received less than nineteen percent of patrol officers.¹¹⁴

As the city of Cleveland blighted and bulldozed hundreds of acres in black neighborhoods for its misbegotten urban renewal projects during the 1960s, Jackson demanded colorblind uniform law enforcement to defend the quality of life for his constituents, whom he often identified as “the stable Glenville homeowner.” Jackson used his position as chair of city council's Urban Renewal Committee to assail absentee landlords, unenforced housing codes, the explosive growth of taprooms in black wards, zoning decisions that spread blight, and, above all, “displacement without relocation.” He even held up funding for renewal projects until he obtained guarantees of adequate police protection in black wards and safeguards to halt the spread of blight. “In five years, Glenville will be a Hough,” Jackson told a reporter in 1966. The sixth district already had a high crime rate. “Why is there no respect for the law?” he asked. “Because crime has

¹¹⁴ Leo Jackson and thirteen other councilmen supported a 1.2 mill to hire 500 new officers; the final mill, passed in November, was one-third that value, for 200 officers. The tables can be found in Container 4, Folder 1, MS 5301 Leo A. Jackson Papers, Western Reserve Historical Society (WHRs), Cleveland, Ohio; *Plain Dealer*, July 12, 1964, July 18, 1964, , November 5, 1964, November 8, 1970; “Judge Leo A. Jackson,” *Cleveland State Law Review*, 35 (1987): 349; Carol Poh Miller and Robert Wheeler, *Cleveland: A Concise History, 1796-1990* (Bloomington: Indiana University Press, 1990), 161; Jon C. Teaford, *The Rough Road to Renaissance: Urban Revitalization in America, 1940-1985* (Baltimore: The Johns Hopkins University Press, 1990), 146-148, 159-162, 215.

been condoned in the Negro areas.” Police protection was inadequate. Courts were too lenient. “If one of these attackers got the book thrown at them, the word would get around fast,” Jackson said. “These guys don’t want jail.” As the city failed to fix the systemic problems associated with depopulation and urban renewal, Jackson increasingly focused on what he considered its most shocking, direct consequence: skyrocketing violent street crime.¹¹⁵

By the early 1970s, Cleveland and Detroit tied for the second highest homicide rate in the country, behind St. Louis. Detroit climbed from 125 murders in 1964 to 800 a decade later—despite losing 160,000 residents along the way. Cleveland also shed 126,000 residents or fourteen percent of its population during the 1960s, while the homicide rate almost quadrupled. Like all violent crime, young urban men were especially victimized by murder. The national homicide rate in 1970 for men 25 to 34 years old in metropolitan areas was 36 per 100,000. In Cuyahoga County, the rate was 67. For young black men in Cleveland, the rate was 344. The sudden influx of cheap gun imports likely explains some of the rise. In 1960, over half of all black homicide deaths in Cleveland involved a gun. A decade later, it was almost nine in ten. Each year the black wards on the East Side recorded the highest totals for murder, rape, robbery, and assault. In 1967 and 1968, three in five murders took place in Hough and Glenville.¹¹⁶

¹¹⁵ *Plain Dealer*, February 18, 1961, February 26, 1961, February 28, 1961, March 7, 1961, March 11, 1961, May 14, 1964, September 4, 1964, April 23, 1965, May 26, 1965, August 10, 1965, December 13, 1965, December 14, 1965, February 22, 1966.

¹¹⁶ U.S. Bureau of the Census, *Census of Population: 1970*, Vol. 1, Characteristics of the Population, Part 37, Ohio-Section 1 (Washington, D.C.: U.S. Government Printing Office, 1973), Table 6, 37-12; Norman B. Rushforth et al, “Violent Death in a Metropolitan County: Changing Patterns in Homicide (1958-1974),” *The New England Journal of Medicine*, 297, no. 10 (1977): 531, 533-534, 536. In 1967, Cleveland had 148 homicides. The Fifth District (Hough) had 58. The Sixth District (Glenville) had 27. Of 176 homicides in 1968, the Fifth had 83 and the Sixth had 29. See the charts contained in Memo from Tom Monahan to Pete Halbin, October 4, 1969, Container 81, Folder 1573, Stokes Papers, WHRS; see, also, 1965 Homicide

Black political leaders had many tragic occasions during the late 1960s to assert a demand for diligent law enforcement. After a five-day stretch in March 1967, in which three men on the East Side were murdered in holdups, Cleveland was on pace for 200 murders for the year, a sixty-seven percent increase over 1966.¹¹⁷ In the end, the city would have 149 homicides, a smaller amount but still a disconcerting seven-point rise, especially after the shocking nearly twenty-nine percent increase from 1965 to 1966. By the end of 1967, two East Side police districts accounted for well over half of the total. The fifth district alone had fifty-eight murders—meaning, more than one in three murders in all of Cleveland in 1967 were in Hough. Nationally, according to FBI statistics, the homicide rate for January to March jumped by twenty-three percent from 1966 to 1967. Amidst daily reports of brazen street attacks, East Side residents demanded more police protection. A week after the three slayings, Reverend Dennis G. Kuby gathered with a small group in his Unitarian church. After discussing the dangers of anti-crime “vigilante” groups then forming, they decided to enlist the help of city officials and the police. John Kellogg agreed to set up a meeting. “These people refuse to let the one percent of hoodlums terrorize the ninety-nine percent of good citizens,” Kuby said.¹¹⁸

April brought more death, violence, and disorder. On April 4 alone, fifty fires were started on the East Side. Fire officials attributed many to “vandals throwing fire bombs,” primarily in the Quincy-Central area, about two miles south of Hough.

Firefighters had to fend off large hostile crowds. Two patrolmen even fired their pistols

Report, Container 82, Folder 1594, Stokes Papers, WHRS; *Detroit Free Press*, January 1, 1975, 3A, 16A, July 6, 1975, 1, 10A,

¹¹⁷ *Plain Dealer*, March 5, 1967, March 6, 1967, March 8, 1967, March 9, 1967, March 13, 1967, March 19, 1967; *Call and Post*, March 11, 1967, March 18, 1967.

¹¹⁸ *Plain Dealer*, March 21, 1967; for the police district crime rates for 1967, see Tom Monahan to Pete Halbin, October 4, 1969, Container 81, Folder 1573, MS 4370 Carl Stokes Papers, WHRS; Uniform Crime Reporting press release, June 24, 1969, *ibid*.

into the air to disperse teenage stone-throwers.¹¹⁹ The *Plain Dealer* had led off the month with an editorial titled “Mobs Are Menace to Freedom.” The paper criticized a recent string of incidents where bystanders interfered with police making routine arrests. In the words of the editorial, these crowds “were susceptible to the urgings of irresponsible hoodlums to ‘get’ the bluecoats.” Early on Sunday morning, April 16, a group of youths pulled the iron grating from Hatlo’s Men’s shop on E. 105th Street, in Glenville, and carted away clothing. In the ensuing melee with police, a prominent black nationalist, Fred “Ahmed” Evans, and several followers, were arrested on charges of disorderly conduct for accosting police with chants of “Get Whitey” as they tried to disperse looters. Hours later, at 10:30 p.m., teenagers looted stores and stoned police along Superior Avenue between 79th and E. 107th Street. Chief Richard R. Wagner consider the outbreak “retaliation” for the arrest of Evans and his followers. Rioting broke out again on Monday night. The crowds, mostly teenagers, numbered no more than 200. Stores on Euclid and Hough Avenues were especially hard-hit. Not even “soul brother” stores were “immune,” observed the *Call and Post*. Police made a couple dozen arrests in total.¹²⁰

After six weeks of gun violence and arson, the Glenville-Hough riots provoked a massive outcry for punitive action. Mayor Locher received a standing ovation from city council when he vowed to “fill every jail we have, if necessary, to quell this rowdyism.” “The mayor and council are going to run this city and no one else,” he said. “Shoot ‘em dead,” said Democrat Wilson M. Lattimore of Ward 31 in the southeast. “The only good hoodlum is a dead one.” “The best way to leave a hoodlum is to leave him on the street to

¹¹⁹ *Plain Dealer*, April 5, 1967, April 8, 1967, April 10, 1967, April 11, 1967, April 12, 1967, April 13, 1967, April 18, 1967, April 19, 1967, April 20, 1967; *Call and Post*, April 8, 1967.

¹²⁰ *Plain Dealer*, April 1, 1967, April 17, 1967, April 18, 1967; *Call and Post*, April 22, 1967.

be picked up by the ambulance,” said Democrat Edward F. Katalinas of Ward 21, which had rioting. “If police have to break some skulls, what will be the reaction of the people in the area?” Democrat Jack Banko of Ward 23 asked. “Riots? Or will they rise to the occasion and support the police? Let’s find out.” The day after the Superior Avenue disturbance, the *Plain Dealer* declared that the “current wave of violence and vandalism sweeping the Negro areas has nothing to do with civil rights or racial equality.” “This is a battle for control of the streets,” the paper said. “Lined up one side are roving mobs of maladjusted kids. On the other side is a police department that appears reluctant to meet force with force and to show the lawless element who is in charge.” Noting the low riot arrest count, the paper concluded that police “are conceding control of the streets to lawbreakers.”¹²¹

Black councilmen and black residents had used similar tough rhetoric in the past. In February 1966, after two black detectives arrested fourteen black youths while investigating an assault upon a white man and his son, Leo Jackson ignored the youths’ complaints of harassment and physical brutality and declared that the two officers “should be given special ribbons, promotions and encouragement.” After the mass arrests, George L. Forbes, a popular black Democratic councilman of Ward 27 and future council president for most of the 1970s, said, “I feel we should close our eyes to the search and seizure laws in an effort to rid our neighborhoods of these hoodlums.” Leo Jackson also asked for a crackdown on “this general lawlessness.” “This city cannot progress if Glenville is going to hell!” he said.¹²²

¹²¹ *Plain Dealer*, April 18, 1967, April 19, 1967.

¹²² *Call and Post*, February 5, 1966; *Plain Dealer*, February 1, 1966.

Amid the violent disorder in the spring of 1967, African-American political figures assertively endorsed the get-tough approach. Jackson sponsored a council resolution in support of a state law to make the electric chair the automatic penalty for murder of a city bus driver. After the Hough-Glenville riots, he requested National Guard patrols to help enforce the juvenile curfew. Bertram Gardner, the black president of the Cleveland Community Relations Board, demanded “wholesale arrests.” Attributing teenage gangs to community indifference and even tacit approval, Gardner encouraged black residents to “forget this police brutality business and if the cops have to use a little force, look up at the stars, look away.” After the second night of rioting, a black woman and a constituent of Councilman Katalinas said that no one in the neighborhood was surprised. The city had allowed a “carnival” of “undesirables” to congregate in the area. “Now the gangs have run through here, the carnival has moved off, and we are left with the filth which was thrust upon us,” she said. In mid-May, Jackson and 200 constituents presented to Mayor Locher a petition signed by over 5,000 residents of Ward 24 asking for stricter curfew enforcement to control the “problem of juveniles roaming the streets at night and in large numbers and causing rowdyism.”¹²³

Jackson lined up opposite the rising class of black militants who rejected interracial cooperation and middle-class respectability and who, most troublingly for Jackson, claimed to represent the interests of marginal black youth, precisely the demographic that Jackson and other black councilmen wanted to police more aggressively. In late March 1967, after the string of lethal holdups, Jackson, George D. White, and John C. Armstrong—three black East Side councilmen—sponsored a

¹²³ *New York Times*, April 24, 1967; *Plain Dealer*, March 7, 1967, April 18, 1967, April 19, 1967, May 16, 1967, May 17, 1967; *Call and Post*, May 20, 1967.

resolution to establish a council committee with the power to subpoena what they termed “hate groups.” This label, as Jackson clarified, applied to the United Black Brothers and the Ku Klux Klan. “We intend to find out who these people are, how they operate, where they are getting their finances and what we as legislators can do to stop the poison they are spreading by word and deed,” he said. Jackson questioned why the police department’s antiradical squad, which he praised as a national leader, had failed to disrupt black militant organizations through surveillance.¹²⁴

Leo Jackson invoked this harsh view of black militants similar in his reaction to Glenville’s days of unrest in July 1968. The riot began with a shoot-out between Fred Ahmed Evans’s band of militants and police, in which three police, three militants, and one bystander died. For three days, large crowds looted and burned stores and pitched debris and brickbats at police along Superior Avenue. Police killed two more black people and brutally treated countless other black residents. On the second night, Mayor Carl Stokes withdrew all white police from the riot area and sent an all-black security force made up of detectives, deputy sheriffs, activists, and city officials. Although no one was killed that night—for that reason the daring Mayor’s Committee earned plaudits—several dozen stores were looted and firebombed. Leo Jackson, as expected, criticized the withdrawal as a dangerous, ineffectual maneuver. “People in my area didn’t care if they were green, red, brown, white, or purple,” he said. “They wanted those police in there to give protection.”¹²⁵

¹²⁴ *Plain Dealer*, March 28, 1967, March 29, 1967, March 31, 1967, April 6, 1967,; *Call and Post*, April 22, 1967,

¹²⁵ *Plain Dealer*, July 26, 1968, July 28, 1968.

The Glenville shoot-out and the tense weeks that followed seemed to vindicate Jackson's longtime lament about police protection. In September, in the first ever television broadcast of city council, Councilman Katalinas declared a "state of anarchy" on the East Side, complaining that police appeared reluctant to confront young armed militants conducting military drills on Superior Avenue. When he was finally given the floor, Jackson savored the moment. "It is interesting to note tonight that all of the councilmen expressing grave and deep concern about crime were my white colleagues," he said. "It is significant because for 10 years they said I was crying in the wilderness when I was asking for uniform police protection." Although agreeing that the police department needed more officers, cars, and equipment, Jackson said council must correct a deeper failure. "We have allowed to develop in many people a latent hostility toward the police," he said. "We did it by your indifference, our failure and complacency."¹²⁶

A few weeks later, Jackson introduced a gun control bill. In 1962 and 1964, he had introduced or sponsored ordinances to more tightly monitor and restrict gun possession and more harshly punish illegal sales.¹²⁷ His proposal in 1968 required registration of all guns, restricted ownership to U.S. citizens of voting age (twenty-one years old), barred any person previously confined to a mental institution or drug rehabilitation facility and anyone previously convicted of a felony or a misdemeanor involving interpersonal physical violence, and imposed a sliding scale of severer fines and jail-time for multiple offenses. Reviving the issue of gun control after Glenville allowed Jackson to challenge the authority of black militants and, in his view, curb the

¹²⁶ *Plain Dealer*, September 10, 1968; *Call and Post*, September 28, 1968.

¹²⁷ *Plain Dealer*, April 24, 1962, November 20, 1964, September 23, 24, 1968, February 12, 1969; January 4, 1970; Emergency Ordinance 889-62, Container 3, Folder 18, MS 5301 Leo A. Jackson Papers, WHRS.

serious problem of street violence. “The responsible citizenry must stand up and be counted,” Jackson said after introducing the bill. Council must guarantee “security in the streets, the home and the right of all of us to participate in our society.” A few days later, he observed the disarray in recognized black leadership. “The stable citizens have remained quiet,” he said. “Now no one knows who really represents anyone.”¹²⁸

Wishing to extinguish any confusion or doubt, Jackson brought over 500 silent “stable citizens” to council chambers a few weeks later. During a special session attended by Mayor Stokes, Jackson spoke for thirteen minutes and was interrupted by applause at least ten times. “These people are here to make crystal clear the hopes and aspirations of the Glenville people, Mr. Mayor,” Jackson said. “They are not for looting. They are not for violence. They believe in democratic principles. They are here asking, looking for and hoping to achieve uniform, even-handed law enforcement.” After delivering his signature line, Jackson ticked off the demands of his Glenville constituents. “We want you to get the numbers operators....the bookie operators....to prove to us that you can enforce the law against suburban landlords who are dragging our property down,” he continued. “We’re going to stop our area from being a place where everybody makes their buck and then goes elsewhere. We’re going to show what quality people are. We don’t want anyone stigmatizing us. We’re solid first-class Americans ready to fulfill all the responsibilities that go along with it.”¹²⁹

In February 1969, Jackson cosponsored another gun control bill. George Forbes noted with great alarm how both whites and blacks appeared to be arming themselves in

¹²⁸ *Plain Dealer*, September 23, 1968, September 24, 1968, September 27, 1968; *Call and Post*, September 28, 1968; Emergency Ordinance 889-62, Container 3, Folder 18, Leo A. Jackson Papers, WHRS; Leo A. Jackson to J. Edgar Hoover, April 26, 1962, *ibid*.

¹²⁹ *Cleveland Press*, October 29, 1968; *Plain Dealer*, October 29, 1968.

preparation for interracial conflict. “If we are going to try and preserve this democracy,” he said, “then we have just got to lay down these guns,” he said. Carl Stokes, who as a state senator had introduced a gun control law that was never enacted, testified in support of Jackson’s proposal. The public safety director and police chief also spoke in favor. But council decided to shelve the measure. The vote was not even close—23 to 10. Lining up in favor were Charles Carr, John Kellogg, and George Forbes. Many of the opponents represented safe West Side districts and were white. Even law-and-order stalwart Katalinas voted against. The one black East Side councilman who cast a nay vote was James Bell, who feared that the law would enable police “intimidation” of black residents. Shortly after the bill’s demise, the *Cleveland Press* published a survey showing that four in five city residents approved of tighter gun controls.¹³⁰

As 1969 drew to a close, the longtime Ward 24 officeholder could not hide his frustration—not that he ever tried. “I’m just damned tired of seeing Negroes being permitted to kill each other,” Leo Jackson said. Morris Jackson, a state senator since 1967, was at that moment campaigning on the promise of enacting gun control. He won reelection and went on to serve for another fourteen years. In 1970, Leo Jackson’s fifth gun control bill was put on the shelf for the final time. At the end of the year Leo the Lionhearted left for the circuit court.¹³¹

Meanwhile, gun violence continued to tick upward disproportionately in black wards. In 1968, the city had 176 murders, an increase of eighteen percent over the previous year. Sixty-three percent took place in just two districts: the fifth and sixth. The

¹³⁰ *Cleveland Press*, February 11, 1969, February 20, 1969; for a copy of the ordinance, see Container 4, Folder 1, Leo A. Jackson Papers, WHRS;

¹³¹ *Plain Dealer*, January 30, 1969, January 31, 1969, February 7, 1969, April 15, 1969, May 5, 1969, June 19, 1969, October 9, 1969, December 5, 1969, January 4, 1970, January 30, 1970, October 12, 1970.

fifth alone had forty-seven percent of the total. Homicide jumped again by more than fifty percent in 1969 and the city closed the decade with 266 murders. By contrast, in 1960, a much more populous Cleveland had only eighty-four homicides. In the fall of 1970 police published statistics showing that out of 220 homicides through September, 158 were by handgun and thirteen by shotgun. Eighty percent of the victims—175 people—were black. It would only get worse. In 1972, 46,000 people resided in Hough. Ninety-three percent were black. About forty percent lived beneath the federal poverty line. Unemployment in Hough was likely higher than the nineteen percent rate for all black Clevelanders. That year the city cracked 300 murders for the first time in its history.¹³²

Low-income urban residents of color expressed alarm about the worsening crisis of street violence concentrated on their blocks, and local and federal officials appeared finally to acknowledge the problem of inadequate police protection from crime as a civil rights issue. It was a historic change but with little immediate effect as activists and residents confronted a more partisan police intransigence. By the early 1970s, rank-and-file unions had won new rights and power on the job, which in turn shielded them from top-down control and public oversight. As the new decade dawned, low-income urban residents of color facing a dramatic rise in criminal street violence thus had to rely upon local police departments and their more militant, disgruntled, and empowered rank-and-file. The patrol unions recognized they had more effective leverage to claim political power in cities facing crises of rising crime, depopulation, and fast-disappearing high-wage

¹³² *Plain Dealer*, October 21, 1970.

manufacturing jobs. But the unions were unable to curtail the organizational changes proposed by the IACP and implemented by reformer police chiefs to make street policing more efficient, bureaucratic, and tightly-managed from above.

EPILOGUE

The events of the past few years emit an eerie echo of the period chronicled in this dissertation. Since the 2013 killing of Trayvon Martin, a black teenager, by a neighborhood watch vigilante, and the 2014 police killings of Eric Garner and Michael Brown, both working-class African-American men, the Black Lives Matter movement has arisen to demand sweeping changes to urban street policing, such as an end to proactive tactics like Broken Windows and stop-and-frisk, stricter use-of-force guidelines, and greater transparency and accountability in the way departments investigate citizen complaints and punish officers.¹ Some activists have even demanded abolition of the police.² Street rioting has erupted in economically-distressed cities like Baltimore and Milwaukee, and even the small suburb of Ferguson, Missouri, home to Michael Brown, following the deaths of young black men at the hands of police.³ In 2015 President Barack Obama convened a national commission on police-community relations and banned the transfer of certain military equipment to local law enforcement.⁴

¹ German Lopez, "Campaign Zero: Black Lives Matter Activists' New, Comprehensive Policy Platform, Explained," *Vox*, August 21, 2015, accessed November 15, 2017, <https://www.vox.com/2015/8/21/9188729/police-black-lives-matter-campaign-zero>; Jay Caspian King, "Our Demand is Simple: Stop Killing Us," *New York Times Magazine*, May 4, 2015, accessed November 15, 2017, http://www.nytimes.com/2015/05/10/magazine/our-demand-is-simple-stop-killing-us.html?_r=0.

² Mychal Denzel Smith, "A Q&A With Alicia Garza, Co-Founder of #BlackLivesMatter," *The Nation*, March 24, 2015, accessed November 15, 2017, <http://www.thenation.com/article/qa-alicia-garza-co-founder-blacklivesmatter/>; Maya Dukmasova, "Abolish the police? Organizers say it's less crazy than it sounds," August 25, 2016, accessed November 15, 2017, <http://www.chicagoreader.com/chicago/police-abolitionist-movement-alternatives-cops-chicago/Content?oid=23289710>.

³ Paul Lewis and Jon Swaine, "Ferguson Ablaze After Michael Brown Verdict: 'This Is A War Zone Now,'" *The Guardian*, November 25, 2014, accessed November 15, 2017, <https://www.theguardian.com/us-news/2014/nov/25/sp-ferguson-ablaze-michael-brown-verdict-war-zone>; Kevin Rector, Scott Dance, and Luke Broadwater, "Riots Erupt: Baltimore Descends Into Chaos, Violence, Looting," *Baltimore Sun*, April 28, 2015, accessed November 15, 2017, <http://www.baltimoresun.com/news/maryland/freddie-gray/bs-md-ci-police-student-violence-20150427-story.html>; Jaweed Kaleem and Matt Pearce, "Riots in Milwaukee After Police Shooting: 'The People Are Fed Up,'" *Los Angeles Times*, August 15, 2016, accessed November 15, 2017, <http://beta.latimes.com/nation/la-na-milwaukee-unrest-20160814-snap-story.html>.

⁴ *Final Report of the President's Task Force on 21st Century Policing*, May 2015, https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf; Gregory Korte, "Obama Bans Some Military

Conservatives have responded to Black Lives Matters by bemoaning a “war on cops” and promoting the Blue Lives Matter movement led by police unions. The unions have lobbied state legislatures to impose harsher criminal penalties on police assaults, to restrict public access to officer personnel files, and to protect the “Bill of Rights” clauses in union contracts first won in the late 1960s.⁵ After murders spiked by double digits in 2015, the largest increase in twenty-five years, and then rose again, substantially in St. Louis and Baltimore, in 2016, conservative pundits blamed de-policing in response to protests, which critics labeled the “Ferguson Effect.”⁶ Then in November 2016 the Republican real-estate mogul and reality-TV star Donald J. Trump won the presidency after promising to get tough on criminals. Endorsed by the national Fraternal Order of Police, Trump as president has embraced Blue Lives Matter in tough rhetoric and in policies intended to escalate militarized policing and the War on Drugs.⁷

Equipment Sales to Police,” *USA Today*, May 18, 2015, <https://www.usatoday.com/story/news/politics/2015/05/18/obama-police-military-equipment-sales-new-jersey/27521793/>, accessed November 15, 2017.

⁵ Harrison Jacobs, “Pennsylvania Lawmakers Passed A Bill Critics Say Could ‘Fuel The Flames’ After Police-Involved Deaths,” November 2, 2016, accessed November 15, 2017, <http://www.businessinsider.com/pennsylvania-hb-1538-police-shootings-id-2016-11>; Julia Craven, “32 Blue Lives Matter Bills Have Been Introduced Across 14 States This Year,” *Huffington Post*, March 9, 2017, accessed November 15, 2017, https://www.huffingtonpost.com/entry/blue-black-lives-matter-police-bills-states_us_58b61488e4b0780bac2e31b8.

⁶ Jeff Asher, “The U.S. Murder Rate Is Up But Still Far Below Its 1980 Peak,” *FiveThirtyEight*, September 25, 2017, accessed November 15, 2017, <https://fivethirtyeight.com/features/the-u-s-murder-rate-is-up-but-still-far-below-its-1980-peak/>; Heather Mac Donald, “The Ferguson Effect,” *Washington Post*, July 20, 2016, accessed November 15, 2017, https://www.washingtonpost.com/news/volokh-conspiracy/wp/2016/07/20/the-ferguson-effect/?utm_term=.8de1fd8c507f; John Shjarback, Scott Decker, Scott Wolfe and David Pyrooz, “Did the Ferguson Shooting Make Police Less Proactive,” September 18, 2017, accessed November 15, 2017, https://www.washingtonpost.com/opinions/did-the-ferguson-shooting-make-police-less-proactive/2017/09/18/a5ac91f2-76fb-11e7-8839-ec48ec4cae25_story.html?utm_term=.bd9d46cc0916; Heather Mac Donald, *The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe* (New York: Encounter Books, 2016).

⁷ Dara Lind, “How ‘Blue Lives Matter’ Went From a Reactive Slogan to White House Policy,” *Vox*, February 9, 2017, accessed November 15, 2017, <https://www.vox.com/policy-and-politics/2017/2/9/14562560/trump-police-black-lives>.

In some respects, this dissertation documents the making of the world that has become familiar to Americans today. In the 1950s and 1960s, police chiefs first tested the top-down coordinated proactive strategies that continue to cause controversy. State and federal courts began to impose new rules and guidelines to monitor and regulate police conduct in street-corner situations. Black Power activists and Blue Power police unions fought each other over the power to dictate and regulate police behavior on the beat. Between the *Mapp* decision in 1961 and the *Terry* decision in 1968 the American public wrestled with the traditional catch-all order-maintenance function of police in light of new legal mandates to respect individuals' constitutional rights. Activists pressured local police to hire more officers of color to bridge community divides, efforts which found some success in large cities following federal lawsuits.⁸ Amidst the urban riots of the 1960s, police-citizen street-corner encounters became a key measure of social inclusion and full citizenship for historically-marginalized groups.

For all the similarities to the 1960s, however, the postwar era of urban street policing was a different time and place. This dissertation has also chronicled a profound shift in street sovereignty in U.S. cities in the nearly-three decades after World War II. In the postwar period, jurists, politicians, academics, activists, and police chiefs transformed street policing from an informal, quasi-vigilante style into a top-down legalistic, more bureaucratic mode. State and federal court decisions on stop-and-frisk and resisting arrest were part of a growing trend of delineating clear rights and obligations in police-citizen encounters. Police professionalization produced parallel changes too, as big-city police brass mandated higher education standards in hiring, introduced more rigorous training in

⁸ Peter Constantine Pihos, "Policing, Race, and Politics in Chicago" (PhD diss., University of Pennsylvania, 2015), chap. 7.

the criminal law and gun use, and installed new administrative routines to monitor police-citizen street contacts. The urban rebellions of the 1960s, then, arose from an older world of street justice, in which police might not think to use handcuffs to detain a prisoner and instead use physical force to compel citizen cooperation. The riots in turn helped to usher in a world in which police-citizen encounters were increasingly dominated by bureaucratic and legalistic routines that have made more programmatic, streamlined, and thus legitimate the traditional order-maintenance strategies long pursued ad hoc by officers on the beat.

This shift in street sovereignty as part of an effort to professionalize and regulate police-citizen street encounters was evident in a pair of Supreme Court decisions issued a week apart in June 1968. In the first, *Terry v. Ohio*, eight justices affirmed that police had the authority under the Fourth Amendment to frisk a person for self-protection if police had reason to believe criminal activity was afoot. The decision marked the first time the Court recognized a Fourth-Amendment right to frisk, and its stated rationale was to protect officer safety on dangerous urban beats. The *Terry* case revolved around a veteran Cleveland police detective who observed three men walk back and forth, and several times stop to confer, outside a jewelry store in the city's downtown. After several minutes of remote observation, the officer approached the men and asked them their business. When they gave evasive answers, the officer directed them to enter the store where he patted down their outer clothing, discovering loaded pistols on two of them. The *Terry* decision thus validated the frisk for a case in which an officer had legitimate cause to suspect armed criminal activity. It was hardly a dragnet.⁹

⁹ *Terry v. Ohio*, 392 U.S. 1 (1968) at 5-7; Eric J. Miller, "The Warren Court's Regulatory Revolution in Criminal Procedure," *Connecticut Law Review* 43, no. 1 (2010): 58; Wayne R. LaFave, "Street

Chief Justice Earl Warren, who wrote the majority opinion, acknowledged the ruling might “serve to exacerbate police-community tensions in the crowded centers of our Nation’s cities.” The Court therefore insisted that “the police officer must be able to point to specific and articulable facts.” The Court also imagined that officers would primarily use the tactic to avoid armed criminal violence. Citing statistics on police injuries and fatalities published by the Federal Bureau of Investigation, Warren said stop-and-frisk was necessary to protect police “and other prospective victims of violence.” By defining the frisk as mainly a “protective search for weapons,” legal scholar Eric J. Miller has argued, the Court was perhaps intending to establish “an emergency exception” to the probable cause requirement to make an arrest while implying that probable cause was still required for the street stop. The Court therefore upheld the frisk as a means to prosecute crime as opposed to an order-maintenance tactic to sweep the streets. In contrast, the Uniform Arrest Act, the New York Court of Appeals, and a number of state authorities had authorized stop-and-frisk prior to 1968 on the grounds that a “street encounter” merited a lesser standard than probable cause an arrest.¹⁰

Rather than recognize *Terry* as imposing Fourth Amendment restrictions on street police conduct, however, William O. Douglas, the lone dissenting justice, envisioned a more brazen world of dragnet policing. The year before, Douglas had written the majority opinion in *Garrity v. New Jersey*, affirming the constitutional rights of police officers on the job, which rank-and-file unions like the Detroit Police Officers’ Association had used

Encounters’ and the Constitution: *Terry, Sibron, Peters, and Beyond*,” *Michigan Law Review* 67 (1968): 47-48.

¹⁰ *Terry v. Ohio*, 392 U.S. 1 (1968) at 12, 21, 24, 26; Risa Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (New York: Oxford University Press, 2016), 202; Miller, “The Warren Court’s Regulatory Revolution in Criminal Procedure,” 55, 59.

to slow down and obstruct disciplinary proceedings from the Algiers Motel to STRESS. In *Terry* Douglas saw a related, potentially far-reaching threat to the privacy and liberty of citizens from the state, since, as he said, the Fourth Amendment was “closely allied” with the Fifth, at issue in *Garrity*. Douglas argued that the “reasonable suspicion” standard asserted by the majority diluted Fourth Amendment protections because it authorized seizures without probable cause. “To give the police greater power than the magistrate,” Douglas said, “is to take a long step down the totalitarian path.” The Court had succumbed to “powerful hydraulic pressures” from the public to “give the police the upper hand.” “Yet if the individual is no longer to be sovereign,” Douglas continued, “if the police can pick him up whenever they do not like the cut of his jib, if they can ‘seize’ and ‘search’ him in their discretion, we enter a new regime.” For Douglas, that new regime became more apparent with the Court’s next decision, issued a week later.¹¹

The second case, *Wainwright v. New Orleans*, concerned the case of Stephen Wainwright, the young white law student at Tulane arrested on vagrancy charges as a murder suspect in 1964. Wainwright had been hostile to police questioning on the street and had refused to cooperate with officers at the station-house, moving about his cell to prevent police from removing his jacket so they could see whether his forearm bore the “Born to Raise Hell” tattoo of their murder suspect. After initially arresting Wainwright on vagrancy, a holding charge, police charged him with various accounts of assaulting and resisting police. The Court decided to reject Wainwright’s petition. Legal historian

¹¹ *Garrity v. New Jersey*, 385 U.S. 493 (1967); *Terry v. Ohio*, 38-39. Eric Miller argues that the standard liberal interpretation of *Terry*, exemplified by Douglas’s dissent, conveniently ignores its companion case, *Sibron v. New York*, 392 U.S. 40 (1968), in which the Court invalidated the expansive New York stop-and-frisk statute from 1964, which permitted two-hour station-house detentions. Miller writes: “The impact of *Terry* and *Sibron* was to regulate on-the-street policing that targeted urban order despite legislative attempts to remove it from the scope of the Fourth Amendment.” Miller, “The Warren Court’s Regulatory Revolution in Criminal Procedure,” 67.

Risa Goluboff has speculated that the seven justices who voted against taking the case did not want “to validate physical resistance by those stopped or arrested by the police in other contexts, most critically riots, the civil rights movement, and protests against the Vietnam War.” By the late 1960s tens of thousands of people—not only working-class black urban rioters but also middle-class white college kids—had turned resisting arrest and police confrontations into a political statement against the establishment.¹²

In *Wainwright* both Warren and Douglas wrote dissents addressing in various ways the postwar urban dragnet policing regime. Warren saw in Wainwright’s arrest for vagrancy the all-too-prevalent use of investigative preventive detentions by police. This notorious police practice, he said, deserved “unqualified condemnation.” Warren further observed that under Louisiana law Wainwright had the right to resist his unlawful arrest. But Douglas believed that the “ill-starred case” of *Terry* had watered down the traditional right of a citizen “to offer some resistance to an unconstitutional ‘seizure’ or ‘search.’” “Must he now stand quietly and supinely while officers ‘pat him down,’ whirl him around, and throw him in the wagon?” To Douglas the *Terry* decision answered this question in the affirmative.¹³

Douglas’s critiques of *Terry* and *Wainwright* are important for what they got right and what they got wrong. First, Douglas was correct to worry that the right to resist unlawful arrest was fast-eroding. When the Court dismissed Wainwright’s writ, the right still existed in forty-five states. Between 1969 and 1998, however, it was abolished by

¹² Brief for Petitioner, *Stephen R. Wainwright v. City of New Orleans*, October 1967, 3-9, American Civil Liberties Union (ACLU) Records: Series 4: Legal Case Files, 1933-1990, Box 1814, Public Policy Papers, Department of Rare Books and Special Collections, Princeton University Library (Princeton); *Wainwright v. New Orleans*, 392 U.S. 598 (1968) at 600-604; Goluboff, *Vagrant Nation*, 208

¹³ *Wainwright v. New Orleans*, 392 U.S. 598 (1968) at 607, 613; Goluboff, *Vagrant Nation*, 208.

law or court decision in over thirty states. At the same time Douglas romanticized the right as an effective means of citizen redress against an unlawful state, especially in the riot period of 1964 to 1968 when urban rioters hardly restricted their resistance to unlawful arrests and urban police departments acquired ever-more powerful weaponry. Second, Douglas was correct to worry that *Terry* might validate dragnet policing but failed to anticipate how organizational changes already underway within urban police departments would reinvent the frisk. In the decades since *Terry* big-city police chiefs have increasingly relied upon stop-and-frisk as a coordinated top-down strategy, rather than as a discretionary self-protective tactic. “While the Court in *Terry* authorized police intervention in an individual incident,” legal scholar Tracey L. Meares has argued, “in reality stop-and-frisk is more typically carried out by a police force en masse as a *program*.” In 2013 a federal judge ruled that the Stop, Question, and Frisk program of the New York Police Department was unconstitutional. At its peak in 2011 the NYPD made 685,724 street stops. About half of all persons stopped were between fourteen and twenty-one years old. Fifty-three percent were African-American. Nearly nine in ten were innocent of any crime.¹⁴

Battle of the Corner has told a national story of how reformers laid the groundwork for programmatic stop-and-frisk policing. It has documented the rise of technocratic police administration with ever-greater emphasis on top-down coordinated

¹⁴ Craig Hemmens and Daniel Levin, “Resistance Is Futile: The Right to Resist Unlawful Arrest in an Era of Aggressive Policing,” *Crime and Delinquency* 46, no. 4 (October 2000): 480; Paul Butler, *Chokehold: Policing Black Men* (New York: The New Press, 2017), 90; Tracey L. Meares, “Programming Errors: Understanding the Constitutionality of Stop-and-Frisk as a Program, Not an Incident,” *The University of Chicago Law Review* 82, no. 1 (2015): 162; New York Civil Liberties Union, *Stop-and-Frisk Data*, February 7, 2015, archived at: <https://perma.cc/Z5XK-FXFR>; *Floyd v. City of New York*, 959 F Supp 2d 540 (SDNY 2013); see also Wesley G. Skogan, “Stop-and-Frisk and Trust in Police in Chicago,” June 23, 2016, 1-2, Working Paper Series, Northwestern Institute for Policy Research.

policing. It has shown how liberals, politicians, police brass, and activists attempted to introduce greater order and bureaucratic-professionalism to street-corner interactions between police and citizens in urban neighborhoods undergoing profound demographic change due to mass migrations and urban renewal. *Battle of the Corner* has chronicled how debates over police brutality and civilian oversight helped to politicize police-citizen conflicts as a struggle over civil rights. It has demonstrated how ordinary men and women resisted arrest and intervened to rescue police prisoners and, years before the urban rebellions, staged mini-riots. This dissertation has found a strong current of law-and-order sentiment within urban African-American communities facing rapid neighborhood deterioration and shocking increases in criminal violence after 1965. It has documented the mobilization of police unions to oppose civilian review boards, take advantage of new collective bargaining rights to obtain higher wages and rights in disciplinary proceedings, and by the end of the 1960s claim a share of political power to protect their interests against the increasingly militant advocates of Black Power.

Battle of the Corner affirms to a degree recent arguments made by scholars who highlight how liberal policymakers in the 1960s increasingly emphasized the problem of urban street crime. At the same time, the dissertation gives deeper context for liberals' police reform ideas. Elizabeth Hinton and other historians have persuasively shown how Great Society liberals were not simply coopting conservative law-and-order politicians when they declared war on crime in 1965. Instead the Johnson Administration had an independent interest in strengthening law enforcement machinery, which they did by allocating federal resources to help local police departments attract better candidates, become more efficient, and embrace colorblind and scientific techniques in crime control.

Yet *Battle of the Corner* also documents how Great Society liberals hardly fired the opening shots in the war on crime but instead coopted local efforts that had been underway for at least a decade under the guise of “cheap urban renewal.” Liberal social scientists like Albert Reiss, for example, whose research informed the Johnson Administration’s approach, were sensitive to the potential harm an aggressive crime control program posed to vulnerable populations. Thus they were less interested in waging a get-tough war on crime than in finding ways to ensure vigorous but just and fair police protection. Reiss’s technocratic solution of a Citizen’s Receipt for Service—referencing the literal bureaucratic form that a police officer would give a citizen at every investigative stop—anticipated by several decades similar proposals of civil liberties activists today who have attempted to regulate the use of stop-and-frisk in cities including Chicago and New York.¹⁵

In chronicling the ways that urban police departments supplemented the pro-growth reform coalitions that rose to power after World War II, *Battle of the Corner* contributes to a rich literature on the midcentury transition from the industrial to the post-industrial city. The historian Christopher L. Agee has demonstrated how the police came to occupy a more central place in this political-economic order. Managerial-growth politicians in San Francisco in the 1950s and 1960s, Agee shows, forged a new

¹⁵ Elizabeth Kai Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge: Harvard University Press, 2016); on the longer war against crime, see Nathan Douthit, “Police Professionalism and the War Against Crime,” in *Police Forces in History*, ed. George L. Mosse (Beverly Hills, CA: Sage Publications, Inc., 1977), 317-333; Jeffrey S. Adler, “Less Crime, More Punishment: Violence, Race, and Criminal Justice in Early Twentieth-Century America,” *The Journal of American History* 102, no. 1 (June 2015): 34-46; “Landmark Agreement Reached on Investigatory Stops in Chicago,” ACLU-Illinois, August 7, 2015, accessed November 15, 2017, <https://www.aclu-il.org/en/press-releases/landmark-agreement-reached-investigatory-stops-chicago>; “About the Right to Know Act Legislation,” Communities United for Police Reform, accessed November 15, 2017, <http://changethenypd.org/about-right-know-act-legislation>.

cosmopolitan liberal politics by partnering with a reformist police brass that together viewed disciplining and regulating rank-and-file violence against protected and desirable constituencies—namely, upwardly mobile white men and white families—as an increasingly crucial piece of a pro-growth governing agenda organized around halting the mass defection of whites and industry to the suburbs. The dissertation has built upon Agee’s insights in documenting a similar pattern in many northern cities including Philadelphia, Detroit, Cleveland, Cincinnati, and Rochester. When Cincinnati Police Chief Stanley R. Schrotel defended his novel top-down tactical stop-and-frisk policing program as “cheap urban renewal” in November 1957, he was acknowledging that postwar city authorities had given police an expansive mandate to manage problems related to the rapid deterioration of predominantly African-American neighborhoods due to urban renewal, discriminatory housing and labor policies, and a structural shift from unionized manufacturing jobs to low-wage service work.¹⁶

Battle of the Corner also demonstrates how African-American urban politics in the postwar period increasingly revolved around addressing community concerns about crime and safety. In addition to chronicling the efforts of interracial liberal coalitions to professionalize urban police departments after the 1943 summer riots, the dissertation documents in great detail how a new era of urban police reform was made possible by rising black political power owing to white suburban flight and African-American migration to cities. As historian Shannon King has demonstrated for interwar Harlem, law-and-order sentiment in postwar urban black communities arose in part from a

¹⁶ Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* (Chicago: The University of Chicago Press, 2014); Adolph Reed, Jr., *Stirrings in the Jug: Black Politics in the Post-Segregation Era* (Minneapolis: University of Minnesota Press, 1999), 80-89; John H. Mollenkopf, *The Contested City* (Princeton: Princeton University Press, 1983), 141.

longstanding self-help tradition that gave priority to performances of respectability in public. “We must perform as responsible citizens when the curtain goes up,” Cleveland Councilman Leo Jackson said in a law-and-order speech to a Glenville neighborhood organization in May 1965. But whereas interwar Harlemites sought to “reestablish community respectability and safety” as part of a broader struggle for black autonomy, or what King calls “community rights,” Jackson and fellow black councilmen in postwar Cleveland protested criminal violence and street disorder as a symptom of their social exclusion. Thus by the late 1960s Cleveland’s thirteen black councilmen and Carl Stokes, the city’s first African-American mayor, made strident law-and-order appeals for adequate police protection in part to claim a vital public service long denied black communities.¹⁷

In these ways, *Battle of the Corner* challenges the traditional framing in histories of police-citizen conflict in the late 1960s that centers the well-known polarity of Black Power versus Blue Power. Rather, the dissertation demonstrates how rank-and-file police unions accrued real power in leveraging a perceived moral and institutional crisis over police authority and law-and-order in the late 1960s to claim new rights and privileges on the job. That is, unions like the Detroit Police Officers’ Association exploited anti-police violence and white Americans’ antipathy towards Black Power to fortify Blue Power. By providing fine-grained detail on the rank-and-file labor movement, I show how police employee associations were able to shield patrol officers from heightened public scrutiny of misconduct allegations and, with lesser success, from the increasingly draconian workplace demands of management. Following Agee’s work on San Francisco, *Battle of*

¹⁷ Shannon King, *Whose Harlem Is This Anyway?: Community Politics and Grassroots Activism during the New Negro Era* (New York: New York University Press, 2015), 5-6, 123; *Plain Dealer*, May 14, 1965, 7.

the Corner documents how urban police departments were hardly monolithic institutions that pursued unitary collective interests but instead were internally divided between management and the uniformed ranks on many issues, from patrol policy, to gun use, to community relations, to discipline.¹⁸ These internal divisions and the expansive due process rights claimed by rank-and-file unions in turn made it more challenging for police brass to review and regulate police conduct on the beat.

In telling a national story, *Battle of the Corner* has reframed the history of postwar urban policing from the ground-up and top-down. The decisions made by local activists, politicians, and the police brass and rank-and-file struggling over the meaning and purpose of street policing in the three decades after World War II laid the groundwork for contemporary police reform discussions. The recent Black Lives Matter protests over police shootings of unarmed African Americans indicate just how inadequate have been the gains of big-city departments in achieving a more diverse workforce and stricter use-of-force policies. The street rioting that erupted in West Baltimore in April 2015, for example, was led by young working-class black men angry over the death of Freddie Gray, a young African-American man who died shortly after his violent arrest by police officers, in a city with an African-American mayor, police chief, and state's attorney, and a majority-black police department. The shocking, sustained explosion in violent crime in Baltimore since the unrest has heaped additional misery upon a struggling city.¹⁹ The battle of the corner, or the various interests and

¹⁸ Agee, *The Streets of San Francisco*, 10, 232-245.

¹⁹ Justin George, "Arrests Decline, Likelihood of Dying from Shooting in Baltimore Remains High, Report Says," *Baltimore Sun*, January 5, 2017, accessed November 15, 2017, <http://www.baltimoresun.com/news/maryland/crime/bs-md-ci-homicide-analysis-20170105-story.html>.

stakeholders vying to secure just and equitable urban neighborhoods, thus continues to demand our urgent attention.

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