

16235 Monica
Detroit, Michigan 48221
January 7, 1965

Hon. Jerome Cavanaugh
Mayor of the City of Detroit
City--County Building
Detroit, Michigan

Dear Mr. Mayor:

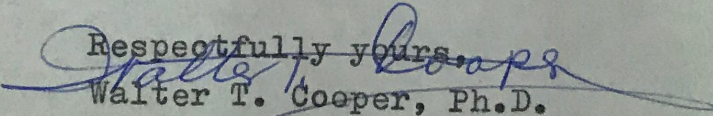
I have followed with intense interest the controversial subject relative to the creation of a quasi-judicial commission empowered with the authority to hear and decide cases involving complaints filed with it, pertaining to so-called police brutality.

It is my opinion that any such action taken in that direction would not only be unconstitutional but would be inconsistent and not feasible with regard to modern, progressive government.

The creation of a system of government of necessity involves all the safeguards reasonably necessary to its protection; therefore, the legislative power may properly provide for restriction of the exercise of private rights with a view to its proper preservation. Some acts are punishable as crimes because they would interfere with the proper operations of government and the discharge of its functions. On this principle, treason is made criminal. The interference with the action of officers in the discharge of their duties is prohibited, and the courts are authorized to deal in a summary manner with any one whose conduct tends to impair their efficiency or prevent their proper pursuits. The necessity and justice of the exercise of this kind of police power is so manifest that further discussion would be superfluous. The only effects of the general limitation on legislative power are the necessity for procedure in accordance with due form and a recognition of the principle of equality of rights.

If the Civil Rights Commission is authorized to have the power to act as a "Supreme Court" in the aforementioned subject; the present Police Trial Board and the Police Commissioner will be supplanted and therefore will become superfluous.

Respectfully yours,


Walter T. Cooper, Ph.D.