

8. Type of case: Police brutality.

Date of report: June 29, 1960.

Name: Mr. Joseph Terry.

Telephone number: TE 2-3669; LO 8-0701.

Address: 1106 Selden.

Age 17.

Date incident occurred: June 25, 1960. Time: 3-4 a.m.

Summary of case.—Mrs. Odell Terry reported to the NAACP office that her son, Joseph; her nephew Ossie Tate (19) and Will Adams (21) were driving on John C. Lodge when a police car pulled alongside of them and asked them to pull over. They did so and a cab driver who was in the scout car said that Ossie looked like the fellow who robbed him. Joseph Terry was asked to unlock the trunk of the car. As it was taking Joseph too long to open the trunk, an officer told him that he was being smart and began to hit him. He broke Joseph's jawbone and three fingers. Joseph is now in Receiving Hospital. The officers took all three fellows to Woodward Station. Will Adams stated that the officers did not bother him. Ossie stated that he attempted to stop the officers from beating Joseph and he was knocked unconscious. Ossie and Joseph were booked for armed robbery.

On Tuesday, June 28, Ossie, the cab driver and a detective appeared before Judge Davenport in Recorders Court. The cab driver stated that Ossie looked like the fellow who robbed him but he could not be sure, so he couldn't press charges. The charge for armed robbery was dropped and the fellows were charged with resisting arrest.

When Joseph is released from Receiving Hospital, the group is to appear again before Judge Davenport. No warrant has been issued and Ossie was released on his promise that he would return when the group is called for another meeting.

9. Type of case: Police brutality.

Date of complaint: October 7, 1960.

Name: Famous L. White.

Telephone Number: WA 1-5002.

Address: 6403 Iroquois, Detroit.

Age: 35.

Occupation: Cabdriver.

Place of work: City Cab Co.

Date of incident: October 6, 1960, Thursday (Woodward at Edmund Place). Time: 2:30 a.m.

Summary of case.—The complainant was driving on Woodward and noticed three men beating a Negro. He stopped his cab, not knowing they were policemen, to aid the Negro. When he asked what was happening, he was told "None of your business—move on." Complainant returned to his car and parked it, followed the officers and the Negro up the street. When he reached them, they turned on him and a fight ensued. Complainant admitted knocking out one of the officers. A passing cruiser was hailed and complainant was taken to police headquarters where he was beaten by officers in the station and jailed overnight. He was released on personal bond. Court date: October 11, 1960.

Complainant stated City Cabdriver No. 47 witnessed part of the incident.

NOTE.—On day complainant appeared in office, his eye was bloodshot, swollen, and black and blue, one tooth missing and two loose, and his lip was cut.

Chairman HANNAH. Mr. Tiffany, will you call the next witness?

Mr. TIFFANY. Mr. Joynal Muthleb, who is a former officer of the police department of the city of Detroit.

Vice Chairman STOREY. Will you hold up your hand and be sworn, please?

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MUTHLEB. So help me God.

Vice Chairman STOREY. Have a seat, sir.

Chairman HANNAH. Mr. Muthleb, it is my understanding you are here in response to a subpoena issued by this Commission. We would appreciate it if you would make your statement in whatever way you see fit, and then if the Commissioners have questions we would like to address them to you.

TESTIMONY OF JOYNAL MUTHLEB, FORMER OFFICER, DETROIT POLICE DEPARTMENT

Mr. MUTHLEB. Well, first of all, the paper that I have written for the Commission here covers five points:

(1) Brutality against Negroes as far as the Detroit police is concerned; (2) discrimination by the department against Negro police officers; (3) discrimination on the part of the police as to the rights of Negro citizens in the city of Detroit; (4) the attitude of the police regarding antidiscrimination laws and my own personal experience in this area; and (5) my general reflections on the policy of containment.

Now, before I start into this, I understand I have a 10-minute limit—

Chairman HANNAH. Right.

Mr. MUTHLEB. And I have got a lot to say in 10 minutes, and if it would please you I would like to read as much as I can because I might lose some of the effectiveness of the—

Chairman HANNAH. Go right ahead, sir.

Mr. MUTHLEB. All right. First of all, you know my name, and I have been a police officer for 10 years, and presently I am teaching for the board of education, working on a master's degree in special education. Now, first of all, one of the cases of brutality toward Negro citizens that I actually saw as a police officer was in 1953 when the 13th precinct cruiser crew brought in a Negro prisoner who was handcuffed with his hands behind him. Four white members of the cruiser crew were mauling the prisoner and kicking him toward the desk where the lieutenant was to hear the facts of the case. As the prisoner was pleading with the officers to stop beating him, one of the officers took his blackjack and repeatedly hit the prisoner on the head until blood was spattered on the lieutenant's white shirt, and he was sitting behind the desk, and on my shirt—I was just giving the lieutenant a report—and the lieutenant told the arresting officer to "lock him up before he ruins my shirt."

Now, so much for the police brutality. As a police officer, I have seen it. I know it exists. So, therefore, I don't think there is a problem as far as knowing the Detroit Police Department does use brutality against Negroes. Now, in my personal reasons for not issuing a complaint during the time I witnessed several police bru-

tality cases was fear of recriminations on the part of the police department and unnecessary pressure being put on me as a police officer.

Discrimination by the Detroit Police Department regarding Negro policemen in the matters of recruitment and assignment and in their general attitude: I feel the Detroit Police Department certainly has a discriminatory attitude toward its Negro officers. I feel that, and many Negro officers I know on the job feel it, but, of course, they can't do anything about it.

Now, when it comes to assignment in the specialized bureaus, Negro officers just aren't considered, even though they are qualified. Now, at the present time, while I don't have to make the rundown of the bureaus that there are no Negro officers in at the present time in Detroit, that is a matter of police department record.

Now, it is my personal feeling and the feeling of many Negro officers that Negroes are not encouraged to join the police department. The so-called rigid qualifications seem to have a lot of elasticity when it comes to recruiting white prospects for the job, but in the case of a Negro that applies for a job he must qualify to the letter, and even beyond that.

Promotions: The mobility upwards in the department—it's very, very difficult for Negroes. The police department uses a personnel rating system. If an officer is intelligent enough to write a written examination and pass the written examination, 9 out of 10 times his service rating—he will be given a low service rating; and in the case of those officers who might not be so—well, can't write good examinations—well, usually, knowing that there is no threat for promotion, they have given him a very high service rating.

Now, at one time—I would like to mention the personal experience I had when it came to transferring from the uniform bureau into the scientific laboratory. In my case it took 3 months before I could get a transfer request, through channels, out of the station to the personnel office downtown. Well, my transfer was either thrown in the wastebasket or when it got to the inspector's desk he threw it in the wastebasket. I confronted the inspector, and he told me any time I put any request on his desk he would throw it in the wastebasket.

Well, soon this inspector was transferred to another station and a more sympathetic inspector took his place, and he told me that my request for transfer would be acted upon. Anyway, even when he tried to put the transfer through, it never got to the station. So, he, personally, took it downtown to the personnel office, and a week later I received a reply that the request had been denied. Now, my curiosity for the reason for this denial led me to seek an interview with the personnel chief, James Lupton. He told me to go back to school and

get a bachelor of science degree in chemistry and to try again, and to this I answered: "I know officers in the scientific bureau that do not have degrees." And he told me the trend in the scientific bureau was to the hiring of scientific personnel. I replied I knew of few civilians in the scientific bureau, and he told me in a very exasperated manner: "Let me put it this way: There was a white officer that had a bachelor of science degree in chemistry and he applied for the job, and you know why we turned him down? Well, we felt he could not get along with the public." Now, he made it clear to me to stop beating my head against a stone wall.

In my police career I never took a promotion examination because I knew I could never get a service rating high enough for promotion. It seems when a white officer gets in the range of promotion there seems to be a concerted effort on the part of the ranking officers to help him by increasing his personnel rating. In the case of Negro officers, they lower his rating if they think he can write a good examination.

Now, to skip for a moment over to the discrimination on the part of the Detroit Police Department as to Negro citizens, harassing searches on public streets, and traffic offense tickets, well, I feel—I sometimes wonder if a Negro citizen in the city of Detroit can really claim to be a citizen in the full, true sense of the word. I have felt and still feel that the Negro is living in a police state. I mean by this rash statement that the white officers of the department concentrate their enforcement efforts in the Negro community as a whole and specifically against the Negro. This has been reflected in my seeing on several occasions Negro citizens being stopped by scout cars for minor traffic violations and given a complete search, both the automobile and the person. As a coverup for these searches, the officers will use some old teletypes for wanted individuals or find a current teletype to justify the search and the stopping of the automobile.

Now, the people who went to the station—they are given the run-around by the ranking officers in the station and other white officers. I have made personal observations of white neighborhoods and Negro neighborhoods, and in the white neighborhoods and shopping sections—now, if the police are in the areas, many minor violations are overlooked by the officers. Now, in the Negro community the police are everywhere, and it just isn't for the protection of the Negro citizenry. It is evident that the police are there to write tickets. The philosophy of "open season on Negroes" all year-round seems to be prevalent among the white officers. This statement was actually made by a white officer to me, and this officer further stated to me that if he were a Negro living in the city of Detroit he would not drive an automobile because of the open-season philosophy.

When I worked on a scout car and walked a beat in the 13th precinct, I noticed that the parking situation was flexible as far as the department was concerned. Around the white churches and places where most of the white people congregated there was—they didn't write as many tickets and there was less enforcement in that area; but in the areas of the Negro churches, the Negro communities, they always seemed to bear the weight of the ticket writing.

At the first precinct, where I was recently assigned, a lieutenant at roll call stated to the afternoon shift going on duty that the NAACP was having a protest meeting at either the Ford Auditorium or the Veterans' Building. This lieutenant further stated to the officers at roll call: "Let's not give those zombies a break. Write them up." As a general policy, when other organizations meet at these places, the lieutenants issue instructions on the parking enforcement.

Another incident of preferential ticket enforcement is on some of the residential streets in Negro areas. I, personally, saw an officer on a tricycle pass up trucks, automobiles, expired meters, double parking and sundry other violations on a busy thoroughfare in the 12th Street-Clairmount area and start writing tickets for parking in excess of 1 hour, 7 a.m. to 6 p.m., on a quiet residential street, with no traffic problem whatsoever.

Now, the attitude of the Detroit Police Department regarding enforcement of the antidiscrimination laws and my own personal experience: Without reservation, I will say that the Detroit Police Department has a definite policy of not enforcing any of the laws that deal with antidiscrimination. It is my feeling and the feeling of many of my fellow Negro officers that the Detroit Police Department is the last official agency that we would notify if our civil rights were violated. We know, through the experience of others, by hearsay, and by actually experiencing discriminatory action as Negro police officers, that the case of the Negro citizen and his civil rights is a lost one in the city of Detroit.

Now, from the moment that a Negro citizen gets involved in a civil rights case and calls the local police, that Negro is treated as if he had violated the law. The attitude of the white officers is one of smugness, partiality to the real defendant, and often the white officers say, "Why don't you go somewhere to eat and drink where you are wanted?" Or, better yet, "What do you expect me to do?"

Now, this last point I would like to make very clear is my own personal experience when I was in full uniform as a Detroit police officer in a restaurant. Well, I noticed that police officers frequented this establishment either on foot or in the course of scout car duty. One afternoon I entered the restaurant and noticed a group of police officers in uniform having coffee. I went to the counter and ordered

two hamburgers and a cup of coffee, and it took the waitress quite a while before she came to serve me the hamburgers and coffee. In fact, she consulted with two members of the police department that were already in there and, after talking to them, then she came and took my order for the hamburgers and coffee. When she served me—I was drinking the coffee and eating the hamburger—she mentioned to two civilians sitting next to me, "It's too bad the coffee went up to 50 cents a cup."

Well, I heard it, and then I didn't hear it, but after I finished my lunch she presented me with the bill for \$1.03, and the bill was itemized—25 cents for each hamburger and 50 cents for a cup of coffee.

Well, this disturbed me and I asked one of the police officers who I—who took his training with me in the police academy, and I said, "How much do we pay for coffee in this place?"

He told me: "Well, we usually get it free, but if you pay for it it's 10 cents."

And, so, I asked him—I said, "Well, the waitress just charged me 50 cents for a cup of coffee."

And he told me, "Well, that's for the colored people that belong to the union across the street, and that's to keep them out of here." And after he said that he realized that he was talking to a colored person and sort of blushed.

Well, anyway, I immediately went to the station and notified my superior officers as to the incident, and they told me it was a hot potato and to forget about it and they would take care of it, and I finished walking my beat that day.

The next day when I came to work I was told in a very rough, brusque manner that the detective lieutenant wanted to see me. I went in to see the detective lieutenant and he said: "I understand you were over at Harvey's trying to create a disturbance."

And I said: "Well, what do you mean—I was trying to create a disturbance?"

And whereupon I got fairly angry and I told him I wanted to prosecute the restaurant under the civil rights statute at the time.

And he told me: "Do you know what you're doing?"

And I told him I was sure I did.

He said: "You know, fellow, you've got to work with us."

And by that time I was so heated that I went on through with writing the report on official departmental stationery telling of the whole incident. I was taken downtown to the prosecutor's office, and I walked in the door without knocking, and there in the corner was the prosecutor, or one of the assistant prosecutors, the police officer that was in the restaurant, the restaurant owner and the whole

crew, and the assistant prosecutor told me: "Well, what do you expect me to do?" And I said: "I expect you to prosecute this man under the existing civil rights statute." And he told me: "I can't tell this man how to run his business." And I told him as long as he had an official license hanging on his wall that he could. And by that time I got the drift that anything I would say would be discredited, and they told me to sign a paper not to prosecute, which I did, and after that I was constantly harassed and transferred from the station to do a traffic detail during the midwinter months.

I guess my time is up, I see. So—

Chairman HANNAH. Thank you very much, sir.

Mr. Vice Chairman.

Vice Chairman STOREY. How many Negroes are employed by the police department, or the percentage?

Mr. MUTHLEB. Police officers or civilian personnel?

Vice Chairman STOREY. Well, both.

Mr. MUTHLEB. Well, I would say as far as—I can't say too much for the civilian personnel, but as far as the Detroit Police Department is concerned—between 140 and 160. That might be high.

Vice Chairman STOREY. Out of how many as a whole?

Mr. MUTHLEB. Out of 4,200 or 4,300. Forty-two or forty-three hundred.

Vice Chairman STOREY. What about the civilian employees?

Mr. MUTHLEB. I am not acquainted with that.

Vice Chairman STOREY. You are not familiar with that. Did you leave the employ of the city on your own accord?

Mr. MUTHLEB. I resigned October 1st to take another job.

Vice Chairman STOREY. I believe you have gone into teaching?

Mr. MUTHLEB. That's right.

Vice Chairman STOREY. That is all. Thank you.

Chairman HANNAH. Father Hesburgh.

Commissioner HESBURGH. Mr. Muthleb, do you think this situation would be bettered by having more Negroes on the police force?

Mr. MUTHLEB. I feel, have always felt, that way, that it would be better to have more Negroes in the police department and not concentrated in any one particular precinct, which is the situation today.

Commissioner HESBURGH. You mean the police officers who are Negro are kept in one precinct?

Mr. MUTHLEB. Not in one precinct, but precincts where there is a heavy predominance of Negroes living. In Chicago and New York—well, you can find a Negro policeman and officer anywhere—I mean at the airport; many places like that. In Detroit those are considered choice assignments by the police department, and Negroes just don't get them.

Commissioner HESBURGH. How many precincts do the Negro officers serve here?

Mr. MUTHLEB. Well, I believe four or five; possibly six.

Commissioner HESBURGH. Could you identify them?

Mr. MUTHLEB. I would say the first precinct, the 13th precinct, the seventh precinct, the second precinct and the 10th precinct and the sixth—one, two, three, four, five, six—and you see they are in this area.

Commissioner HESBURGH. To get back to my original question, would anything be gained by having Negro officers on the force?

Mr. MUTHLEB. I feel, yes, a lot would be gained. I mean, for one thing, as far as the mental hygiene of the Negro police officer is concerned and of the Negro community, it would be a definite step forward.

Commissioner HESBURGH. Thank you.

Chairman HANNAH. Dean Johnson.

Commissioner JOHNSON. Mr. Muthleb, what is the normal procedure within the police department if a police officer wishes to file a complaint? He files it with his superior officer?

Mr. MUTHLEB. That's right. They go through the chain of command. You first see a sergeant. He refers you to a lieutenant. The lieutenant refers you to your inspector, the inspector to the senior inspector, and so on, until it reaches the bureau, the place where it is supposed to go.

Commissioner JOHNSON. Is there an appeals agency outside of the police department to which a police officer may turn if he feels that he has not—

Mr. MUTHLEB. I understand there is an FEPC in Michigan, but it is my feeling no police officer in his right mind who is on the job now would dare go to the FEPC with any type of complaint—and I know several who have good, legitimate complaints, but they have families; they have got a living to make. They have got a job. They would like to keep it.

Commissioner JOHNSON. I am a little disturbed at this point, and I want to be very frank, because if we have a duly constituted agency to which these grievances can be taken don't you think that that agency ought to be availed of?

Mr. MUTHLEB. I feel that it should be, except it's a different situation when you're working for a department like the police department. It's a closed shop, so to speak, and they take care of most of their business in this closed shop, and this agency is something that's working from without, and a lot can happen to a police officer if—you know, if he files a complaint with an agency like that. I mean the police department, itself, may construe that as being dissatisfied

with your job. "If you don't like your job, why don't you quit? Why don't you get off the job?" That's been said many times.

Commissioner JOHNSON. And you don't believe the FEPC could deal adequately with that situation?

Mr. MUTHLEB. Maybe they could, but so far I don't think any officer has used the service of the FEPC.

Commissioner JOHNSON. I hope one of them tries.

Mr. MUTHLEB. I hope so.

Chairman HANNAH. Mr. Muthleb, in the cases you mentioned in your oral statement, and there are several more that you mentioned in your written statement, all of them being to the effect that Negroes have repeatedly been treated rather violently by the police because they are Negroes—As I understand, that is the statement?

Mr. MUTHLEB. Yes.

Chairman HANNAH. In your experience as a police officer, were there instances called to your attention where officers, either white or Negroes, were violently treated by Negro citizens that were suspect?

Mr. MUTHLEB. Yes.

Chairman HANNAH. Or—what I am trying to get at—in your view, is there any reason for this attitude on the part of police officers? Do they have trouble with the Negro citizens?

Mr. MUTHLEB. No. On the part of any police officer, whether he be white or Negro, the nature of the job will put you in a certain amount of—in position to have to defend yourself at times, but in my 10 years on the job I don't think or can't recall ever striking a man or having to. I have wrestled with them; I have restrained them, but I have never struck a man with a blackjack or used any force. I feel that the initial approach that an officer uses with any citizen is very important, because you can certainly effect an arrest in a lot of cases without having to use physical violence.

Chairman HANNAH. Were you—

Mr. MUTHLEB. This isn't true in all cases. There are exceptions to every rule.

Chairman HANNAH. Were you generally working in Negro districts?

Mr. MUTHLEB. I worked in mostly Negro and mixed neighborhoods.

I worked on the Vice Bureau when I was citywide, and that included all of the city of Detroit. I worked in the 13th precinct, and at the 13th precinct we were—the colored officers were—restricted to the east side of Woodward Avenue. I worked in the sixth precinct, which was fairly well mixed interracially.

Chairman HANNAH. You say in your experience—I assume you arrested many individuals?

Mr. MUTHLEB. Yes, sir.

Chairman HANNAH. You never had to use a blackjack or violence?

Mr. MUTHLEB. No, sir.

Chairman HANNAH. And you always effected the arrest?

Mr. MUTHLEB. Yes, sir.

Chairman HANNAH. And it is your feeling this generally could be accomplished and the treatment that—

Mr. MUTHLEB. Except in a few cases where—well, you never know what a person is thinking of, how they will react when they're being arrested.

Chairman HANNAH. The cases you enumerate in your statement are cases where you feel strong or violent treatment was not necessary?

Mr. MUTHLEB. Not necessary, because in all of these cases the prisoners were handcuffed, with their hands behind their back, you see, and after you effect an arrest there's no need to hit a person.

Chairman HANNAH. One other question: During the period when you were an officer in the police department, were you criticized for the performance of your duties?

Mr. MUTHLEB. Never criticized as to—What do you mean? You must be more specific.

Chairman HANNAH. Well, being less effective in making arrests—

Mr. MUTHLEB. No.

Chairman HANNAH. Than some of your fellow officers?

Mr. MUTHLEB. I never have been.

Chairman HANNAH. What I am trying to—

Mr. MUTHLEB. I have arrested when the occasion called for it. I didn't go out hounding anyone, but I did my duty as I felt a good police officer should.

Chairman HANNAH. You successfully accomplished the desired results—

Mr. MUTHLEB. Yes.

Chairman HANNAH. Effective results, bringing in the misbehaved people, and so on?

Mr. MUTHLEB. Yes.

Chairman HANNAH. One more question: You are now teaching. Are you teaching in public schools?

Mr. MUTHLEB. Yes, sir.

Chairman HANNAH. High school?

Mr. MUTHLEB. Elementary school. I am in the department that is dealing with the emotional and social problems.

Chairman HANNAH. For the board of education.

Mr. MUTHLEB. Board of education.

Chairman HANNAH. One more question, and then I will stop: What is your own educational background?

Mr. MUTHLEB. Well, I have a bachelor of science degree from Wayne State University and I am now working on my master's degree at Wayne State in special education.

Chairman HANNAH. Thank you very much. Are there further questions? Thank you very much, sir. We appreciate your appearing before us.

STATEMENT OF JOYNAL MUTHLEB, FORMER OFFICER, DETROIT POLICE DEPARTMENT

My name is Joynal Muthleb. I am now living at 2074 Atkinson Avenue, in the city of Detroit. I was born and raised and educated in the city of Detroit. I am married and have a 10-year-old son.

Before joining the Detroit Police Department in 1950 (June 18), I worked as a pharmacist's apprentice and a medical laboratory aid at Detroit's Receiving Hospital. I served in the United States Army from 1945-48, and spent 6 months in the European theater of operations in the occupation army.

I had 2½ years of college work at Wayne State University from 1947-50 in the College of Pharmacy.

My experience on the police department includes work in the Vice Bureau; scout car; beat walking; and "special assignments." I resigned from the police department on October 1, 1960.

In June of 1960, I received a B.S. degree in special education from Wayne State University. I am now a contact teacher for the Detroit Board of Education, teaching the socially and emotionally maladjusted child. Presently I am working on a master's degree in this same area.

1. *Brutality toward Negro prisoners*

In my total experience on the police department, I have heard of many instances of unnecessary force in the arrest of Negro prisoners by white officers. My source of information was from other Negro police officers.

Personally I have seen the following cases of what I consider police brutality.

Case No. 1. When the 13th precinct cruiser crew brought in a Negro prisoner who was handcuffed with his hands behind him, four white members of the cruiser crew were mauling the prisoner and kicking him toward the desk where the lieutenant was to hear the facts. As the prisoner was pleading with the officers to stop beating him, one of the officers drew his blackjack and repeatedly hit the prisoner on the head until blood was splattered on the lieutenant's white shirt (behind the desk) and on my shirt (I had just given the lieutenant a report). The lieutenant told the arresting officers to "lock him up before he ruins my shirt." (Approximate date: Summer, 1953.)

Case No. 2. My partner and I had just arrested a colored man for carrying a concealed weapon. Originally, the cruiser crew got the radio run concerning "a man with a gun." My partner and I were just around the corner and so we spotted the man—arrested him—relieved him of the gun and were returning him to the scout car. By this time the cruiser crew arrived and we told them that the situation was under control. We turned the prisoner over to them—and with no questions asked, two of the cruiser crew hit the man about the face with their fists while he was still handcuffed. (Approximate date: Summer, 1951.)

Case No. 3. On many occasions when I worked at the receiving dock at the Detroit Receiving Hospital, I saw many Negroes who were brought in by scout cars and wagon crews who were allegedly, "involved in a fall" while being arrested. I cannot testify as to whether they were injured in a "fall" or not, but I can testify to the fact that when they are handcuffed to the stretchers, the arresting officers or the wagon crew officers, or the officers on duty at the hospital, shackled the prisoner's wrists so tightly that the handcuff cuts their skin causing great physical pain. (Approximate date: March through September 1960.)

Case No. 4. Scout car officers (white) had arrested a Negro for "investigation" of armed robbery. The Negro objected to being shoved into the station by the white officers and also objected to being called, "A no-good black nigger," by one of the officers. The Negro was registered and taken to the rear of the

station by the "doorman." Immediately after them went the white officer who had done most of the pushing and name calling. This officer beat the Negro about the chest and stomach while the doorman held the man with a "full nelson" wrestling hold. (Approximate date: 1953.)

Case No. 5. This case occurred when my partner and I were in the station making out a report in the "side room." Two white Accident Prevention Bureau officers had arrested a Negro for a traffic violation. The Negro was sitting on a ledge in this "side room." When one of the arresting officers called the Negro a lying-son-of-a-bitch and hit him in the stomach, the other white officer restrained the Negro. My partner stated to one of the officers, "Can't you see the man is handcuffed and can't fight back? He isn't bothering anyone." The white officer reported my partner to the lieutenant and the lieutenant told my partner to "mind his own business." (Approximate date: Summer, 1953.)

II. *Discrimination by the Detroit Police Department regarding Negro policemen in matters of recruitment, assignment, and in general attitude*

The Detroit Police Department certainly has a discriminatory attitude toward its Negro officers. When it comes to assignments in specialized bureaus, Negro officers just are not considered even though they are qualified. At the present time, there are no Negro officers in the mounted bureau, scientific bureau, the police academy, on the cruiser crews, in the Accident Prevention Bureau, holdup bureau, and many other specialized areas of police work. All kinds of flimsy excuses are given to the Negro officers. Seniority; "not enough training"; "would not work out"; and "must have experience in certain areas"; are some of the excuses.

It is my personal feeling, and the feelings of many Negro officers, that Negroes are not encouraged to join the police department. The so-called rigid qualifications seem to have a lot of elasticity when it comes to recruiting white prospects for the job, but in the case of a Negro that applies for the job, he must qualify "to the letter."

The number of Negro officers on the Detroit Police Department numbers approximately 170 out of 4,500 officers. This fact alone should indicate some type of control by the personnel department as far as Negroes are concerned.

Mobility upwards in the police department for the Negro officer is very slow. And it is almost an impossible task to get a promotion or job in a specialized bureau.

At one time, I had applied for a transfer from the sixth police precinct to the scientific bureau of the police department. If a white officer was eligible for a transfer of this type, it would take about 2 weeks for him to get action on his request. In my case it took 3 months before I could even get a transfer request (through channels) out of the station. I asked the inspector of the station about this matter and he told me that any request that I would make would never leave his office! This inspector (Alfred Beckosky) was later transferred and Inspector William Bourke replaced him. Inspector Bourke was very sympathetic with my request for a transfer and assured me that he would see to it that the transfer would be sent to the personnel office. I waited 3 weeks and got no action and I asked the inspector if he had sent the request and his endorsement to the personnel office. The inspector replied that he had sent it, and when I told him that the personnel office never received the transfer request, he was genuinely shocked, and he told me that he would personally see to it that the request reached the personnel office. Finally, after a month passed, the personnel office sent a reply to me which simply stated, "Your transfer request to the scientific bureau has been denied."

My curiosity for the reason for this denial led me to seek an interview with the personnel chief, James Lupton. He told me to go back to school and get a B.S. in chemistry and try again. I told him that I knew of officers in the scientific bureau that did not have degrees and he then told me that the trend in the scientific bureau was toward the hiring of civilian personnel. I replied that I knew that there were very few, if any, civilians hired into the bureau. Lupton then told me in an exasperated manner, "Let me put it this way; there was a white officer that had a B.S. in chemistry and he applied for the job. We turned him down, and the reason we turned him down was because we felt that he could not get along with the public." He made it clear to me to stop beating my head against a stone wall. (Approximate date: Summer, 1956.)

In my police career, I never took a promotional exam, not because I feared examinations, but because I knew that I could never get a service rating high enough for promotion. When a white officer gets within range of a promotion, there seems to be a concerted effort on the part of the ranking officers to help him by increasing his personnel rating. In the case of the Negro officers, they lower his rating if they think he can write a good exam. And for those Negro officers who might be a little weak when it comes to taking exams and there is no threat of his getting a decent mark, they usually give him a very high service rating.

The general attitude of white officers on the job toward their Negro fellow officers is one of disgust, hate, and a continual denial of your presence, except in cases where they can "use" you for a job no one else will or can carry out. In the 10 years that I have been on the job, very few, if any, white officers have ever given me or my fellow Negro officers a decent greeting. Through my home training, and school training, I was taught to be pleasant and smile and to greet people cordially. This I did when I first got the job, and in 99 percent of the times that I greeted my white coworkers, they either turned their backs, or looked right through me without acknowledging my greeting. I soon know that there would be no social intercourse between colored and white officers. I soon adopted the policy of speaking after I was spoken to and this culminated into almost 10 years of keeping to myself and being a good quiet fellow who never talked to anyone.

Many times when I lined up for roll call, I was shoved by other officers unnecessarily or someone stepped on my shoes or put an elbow in my ribs. I had no recourse regarding these acts because I knew that I would have been the person at fault.

As a Negro police officer, I had the great fortune of being on speaking terms with a white officer. We discussed world problems, politics, race problems, education, and so forth. He told me that he could not speak to me in the station because the rest of the officers would call him a "nigger lover" and that he had to live among them. He was assigned to work with me at the hospital detail because he did not see eye-to-eye with a certain sergeant. His punishment was to work with me. After his first assignment with me, he told me, "You know Muthleb, you seem to be a good guy. The rest of the fellows (white) told me that you were lousy to work with, and that you would want to have dinner at my house, and so forth." How anyone could infer these things about me I'll never know because of the lack of conversation between me and the rest of the officers at the station. One of the most pleasant comments I received through him was that some of the fellows were discussing me and they stated, "He's all right except he's colored."

III. Discrimination on the part of the Detroit Police Department as to Negro citizens (harassing searches on public streets and traffic offense tickets)

I sometimes wonder if a Negro citizen in the city of Detroit can really claim to be a citizen in the full, true sense of the word. I have felt and still feel that the Negro is living in a "police state." I mean by this rash statement that the white officers of the department concentrate their enforcement efforts in the Negro community as a whole and specifically against Negroes individually.

This has been reflected in my seeing on several occasions Negro citizens being stopped by scout cars for minor traffic violations and given a complete search, automobile and person, on the street. As a coverup for these searches, the officers will use some old teletypes for wanted individuals or find a current teletype to justify the search and stopping of the automobile.

I have made personal observations of white neighborhoods and Negro neighborhoods and in the white neighborhoods and shopping areas, many minor violations are overlooked by the officers in the area. If they are in the area, in the Negro community, the police are everywhere and it just isn't for the protection of the Negro citizenry. It is evident that the police are there to write tickets.

The philosophy of "open season on Negroes" all year-round seems to be prevalent among white police officers. This statement was actually made by a white officer to me. This officer further stated that if he were a Negro living in the city of Detroit, he would not drive an automobile because of the open-season philosophy.

When I worked on the scout car and walked a beat in the 13th precinct, I noticed that there was quite a lot of illegal parking in the area of the churches and it was a policy of the police department not to issue tickets. This worked

fine for the congregations of the predominately white churches, but it was business as usual around the Negro churches. Especially when a Negro pastor moved his congregation into a church on Woodward Avenue. When I was assigned to the first precinct, a lieutenant at roll call stated to the afternoon shift going on duty that the NAACP was having some kind of protest meeting at the Ford Auditorium of the Veteran's Building. This lieutenant further stated to the officers at roll call, "Let's not give those 'Zombies' a break, write them up!" (Approximate date: Summer, 1955.) As a general policy when other organizations meet at these places, the lieutenants issue instructions to "go easy" on the parking enforcement.

Another incident of "preferential ticket enforcement" is on some of the residential streets in Negro areas. I personally saw an officer on a tricycle pass up trucks, automobiles, expired meters, and other sundry violations on a busy thoroughfare (12th Street-Clairmount area) and start writing tickets for parking in excess of 1 hour, 7 a.m.-6 p.m. on a quiet residential street with no traffic problem whatsoever!

IV. The attitude of the Detroit Police Department regarding enforcement of the antidiscrimination laws and my own personal experience

Without reservation I will say that the Detroit Police Department has a definite policy of not enforcing any of the laws that deal with antidiscrimination. It is my feeling and the feelings of many of my fellow Negro officers, that the Detroit Police Department is the last official agency that we would notify if our civil rights are violated. We know through experiences of others, by hearsay, and by actually experiencing discriminatory action as Negro police officers, that the case of the Negro citizen and his civil rights is a lost one in the city of Detroit.

From the moment that a Negro citizen gets involved in a civil rights case and calls the local police, that Negro is treated as if he has violated the law. The attitude of the white officer is one of smugness, partiality to the real defendant (i.e., the restaurant owner, waitress, bar owner, etc.) The white officers have said, "Why don't you go somewhere and eat, drink, and so forth, where you are wanted?" Or better yet, "What do you expect me to do?"

Police officers are to make the preliminary complaint report on the incident and in many cases this report bears out the white officer's sympathies with the defendant.

The following is an account of a personal experience I had as a Detroit police officer in full uniform at a restaurant called Harvey's on West Warren Avenue and Bechtou Street.

I noticed that police officers frequented this establishment either on foot or in the course of scout car duty. One afternoon I entered the restaurant and noticed a group of police officers in uniform sitting having coffee. The waitress was quite a time in serving me and after some time, came to a group of civilians sitting near me and in a loud tone of voice said, "It's too bad that coffee has gone up to 50 cents a cup." Soon I received my hamburgers and coffee and was given a bill for \$1.03, the bill indicated that the cup of coffee was 50 cents. I immediately walked over to a white officer and asked him what he paid for his coffee and he responded to the effect that coffee was only 10 cents but that, "They charge 50 cents for the colored fellows who come in from the Union Hall across the street." The officer then realized he was talking to a colored man and was quite embarrassed. I immediately contacted my superior officers and notified them as to what had happened and that I had refused to pay the check since I had only 75 cents or 80 cents in my pocket which was certainly sufficient to pay the advertised price. I was told by a sergeant to forget about it. The next day, I was called into the office by a Lieutenant Roberts and told that the detectives wanted to see me. I was asked by a Detective Lee, "What are you trying to do, set the world on fire?" I told him that I was going to ask for a warrant for violation of the civil rights law. I was given papers to fill out an official report. I was then called by Inspector Beckosky who cautioned me against requesting a warrant. The next day, I was taken in a police car to the prosecutor's office. When I arrived, I was met by several of the officers who had been in the restaurant, the waitress and the owner and Assistant Prosecuting Attorney William Bolio. Mr. Bolio said to me, "Well, what do you want to do? I can't tell this man how to run his business." The atmosphere and attitude of all assembled in the office was such to assure me that my case against this restaurant and prosecution of same was futile and I then signed a statement that I did not wish to prosecute. (Approximate date: Fall, 1955.)

Immediately thereafter, I was transferred to another precinct and put on a series of objectionable details. I later requested permission to enter the youth bureau and was summarily refused permission to do so. I was told by one of the officers that I would never be transferred since I was a "race baiter."

From this experience it was interesting to note that I consulted a sergeant, detective lieutenants, and an inspector, and a senior inspector and all of them made me feel that the entire incident was my fault. Throughout the complete episode I was made to feel that I was defending myself against my fellow police officers, the prosecutor's office and the owners and waitresses of this restaurant.

V. General reflections regarding the police department's policy of containment and subjugation of Negro citizens: Involvement of top police officials in this policy

It is my feeling that the leading officials of the police department definitely are aware of the containment policy of both the Negro citizens and the Negro police officer. The very same men that run the Detroit Police Department proudly boast about "coming up through the ranks." Yes, they certainly did come up through the ranks. If conditions are bad for the Negro now as far as police-Negro relations are concerned, they must have been intolerable for Negro citizens and police officers during the time when the present top police brass were in the ranks. In talking with some of the older, retired Negro police officers, I'll never quite understand how a human being can tolerate as much personal abuse as they did.

I definitely believe they know what the situation is with the Negro-police relationship. But, I also feel that no one wants to stick his neck out for the championing of Negro civil rights, especially, a white police officer.

The police department is a semimilitary organization. A semimilitary organization can get things done by issuing orders from the higher echelon of authority. If these orders are written and handed down from a higher authority, they should be enforced by the precinct commanders and their immediate sergeants and lieutenants. However, these people are so busy cementing personal friendships that civil rights enforcement and Negro community-police relationships are not even considered.

Within the last year, the Detroit Police Department has been giving in-service training programs to enlighten many of the officers as to traffic-law enforcement, human relations, etc. I remember attending the traffic class and it lasted from 8:30 p.m. until 11:15 p.m. The class on human relations was to have begun at 11 p.m. The lieutenant who was to instruct the class showed up at 11:15 p.m. It took him 5 minutes to thumb through some typewritten instructional sheets (none of which he read from), and the class was over at 11:25 p.m. This is a case in point, 3½ hours for traffic enforcement, 5 minutes for "human relations." To this day, I do not know the real purpose of the "human relations" class.

Chairman HANNAH. Mr. Tiffany, will you call the next witness?

Mr. TIFFANY. Is Rev. Irwin Johnson here?

Mr. G. Nelson Smith of the Detroit Urban League.

Vice Chairman STOREY. Mr. Smith, will you hold up your hand and be sworn?

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. SMITH. I do.

Vice Chairman STOREY. Will you please be seated?

Chairman HANNAH. Mr. Smith, we would appreciate it if you could make a statement either condensing the written statement you have given us or telling us anything else that you think would be helpful, and we'd appreciate it most if you could keep your statement within about 10 minutes, giving us about 10 minutes for questioning, but you have a total of 20 minutes for all purposes.

TESTIMONY OF G. NELSON SMITH, COMMUNITY SERVICES ASSISTANT, DETROIT URBAN LEAGUE

Mr. SMITH. Thank you.

Mr. Chairman and members of the Commission: My name is G. Nelson Smith, and I am a community services assistant of the Detroit Urban League. Our agency has served this community for nearly half a century, with heavy emphasis on widening the channels of social and economic opportunity for Negro people in Detroit. An example of this lies in the police community relations here in Detroit. In December 1958 the league was requested by individuals and groups alike to make a survey which would determine whether there was apparent justification for the widespread belief that racial factors entered into a recruitment and assignment process utilized by the police department. Information gleaned from conferences held with public officials, police officials, Negro and white police officers, retired police officers, journalists and the like resulted in league concern and activity.

We made two surveys, and in both instances we received the cooperation of the police department. One was made in December of 1958 and another in November 1960, and here are our findings briefly stated:

In December 1958, 133 out of nearly 4,200 people, or 3 percent, of the Detroit police force were Negro, and in November 1960, 144 out of 4,280, or again 3 percent, of the Detroit police force were Negro.

In December 1958, six precincts of the then 15 were void of Negro personnel, and in November 1960 5 precincts of the now 13 are void of Negro personnel.

In December 1958, 75 percent of all Detroit police bureaus or divisions were void of Negro personnel. As of November 1960, this percentage remains unchanged.

In December 1958, seven Negro police officers permanently assigned to police precincts were above the rank of patrolman. Moreover, they had only attained the rank of either sergeant or detective. The promotion of one Negro from patrolman to detective has raised this figure now to eight by November 1, 1960.

In December of 1958, another area of major concern was the unofficial policy, with the official practice, of segregating officers of color in scout cars, on walking beats and in partner assignments. We thought a step in the right direction had been taken in February of 1959. The integration of Negro and white scout-car patrolmen on a temporary basis was authorized. The following month orders for permanent scout-car assignments were issued on an integrated trial basis at the now deceased Hunt Street Precinct Station. The new policy stated that integration would be continued and be extended to all precincts in subsequent months.