

Mr. Tiffany.

Mr. TIFFANY. Is the Reverend Irwin Johnson here?

Mr. Arthur Johnson, executive secretary of the Detroit Branch of the National Association for the Advancement of Colored People.

Vice Chairman STOREY. Mr. Johnson, will you hold up your right 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. JOHNSON. I do.

Vice Chairman STOREY. Have a seat.

Chairman HANNAH. Mr. Johnson, you have been observing the manner in which we have been holding this hearing. You have submitted a very lengthy statement which we have and which will be incorporated in the record, and we would appreciate it, sir, if you would take about 10 minutes to either condense your statement or, if you can, tell us anything else that you think is significant and permit the Commissioners to ask you questions.

**TESTIMONY OF ARTHUR L. JOHNSON, EXECUTIVE SECRETARY,  
DETROIT BRANCH, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**

Mr. JOHNSON. Thank you, Mr. Chairman. I am grateful for this opportunity. The problem of police brutality is one of the most serious problems confronting the Negroes of Detroit.

I think without question, insofar as the Nation as a whole is concerned, in the major communities of this Nation we can find a fairly accurate index to the state of a community's race relations by looking at the relations between Negroes and the police. You have had testimony presented here in this day and a half so far showing that Negroes are second-class citizens in Detroit. They experience discrimination in every major area of community life—housing, employment, education—and I want to demonstrate that they are also second-class citizens in the eyes of the law-enforcement agencies.

My personal observations and evaluations on this problem are based on 10 years of active interest and work in the human relations field in the North and 25 years of residence in the South. I can say, therefore, that I know something of the problem from the experience and viewpoint of the North and the South; and I hasten to emphasize here that while police brutality and general mistreatment of Negroes in Detroit, as elsewhere in the North, is a very serious problem it is lacking the very vicious and caste aspects of the problem in the South.

It is important that we recognize at the outset that police brutality against Negroes is not an isolated problem. It does not exist in a

vacuum unrelated to the other forms of racial discrimination and the social forces which control and characterize the relations between white and Negro citizens in this community.

I want to cite for you two very brief examples of the problem in some of its basic aspects as it involves both Negroes and even white citizens. I want to cite a brief experience here of a judge in Detroit. He is a distinguished member of the Wayne County Circuit Court. This particular judge had gone to a precinct station to get his driver's license renewed. He took his place in line and waited his turn. He observed that for those Negroes ahead of him the officers were using first names and such terms as buddy and fellow. As the judge came to the desk, the officer blurted: "All right, Wade, any outstanding tickets?"

About the same time another officer asked: "Aren't you Judge McCree?"

To the answer, the attending officer exclaimed, "Oh, my God. We use first names around here, judge, trying to be friendly, you know."

Judge Wade H. McCree is a Negro. He accepted that explanation of the officer, but to emphasize the real impact of this incident and its meaning, and particularly what it means to the average Negro, he has told this story many times since.

The second experience is the experience of a white man. He is Mr. Sidney J. Harris of the Detroit Free Press. Mr. Harris wrote an article in the Free Press on November 16 of this year, and in this particular article he relates this experience. A policeman stopped him and said: "Hey, buddy. Let's see your driver's license."

"It seems that I had parked too close to a fire hydrant," Mr. Harris states, "and the policeman had just finished writing out a ticket. I handed him my driver's license."

"Oh, I'm sorry, Mr. Harris," he said in a changed tone of voice. "I wish you had come back a little sooner. The ticket's all written out now. We'll remember your car next time."

These experiences indicate how race and class consideration enter into routine police work. As a result, the police do not as a rule even recognize properly the dignity of the Negro business or professional person, as the experience of Judge McCree shows, and if, as the experience of Mr. Harris indicates, the police discriminate among white men, it is almost pointless to speculate as to the kind of treatment reserved for Negro citizens, since Negroes as a whole, are generally regarded as being of lower status than white people in the community.

The so-called Negro crime problem has particular relevance here. It is in this aspect of the police community relationship there is clearly manifested the vicious circle. Community prejudices about Negroes influence police attitudes and conduct and police mistreatment in turn help to nourish and sustain the prevailing community prejudices.

I have quoted in my statement here a very accurate statement made by the Chicago Commission on Race Relations in 1922, and I would emphasize that insofar as the experience of Negroes in Detroit is concerned, as well as in other major sections of the country, this statement has very accurate meaning even today:

The testimony is practically unanimous that Negroes are much more liable to arrest than whites, since police officers share in the general public opinion that Negroes are more criminal than whites and also feel that there is little risk of trouble in arresting Negroes while greater care must be exercised in arresting whites.

If a basic policy does not exist supporting containment of Negroes in the community, intimidation and general mistreatment of Negroes, there exists with the same effect very strong anti-Negro, anti-integration and anti-civil rights practices and attitudes which dominate the Detroit Police Department's image in the Negro community. It can be said quite possibly without correction that no responsible Negro citizen in Detroit today would have difficulty relating at least one personal encounter or observation which would support the basic charges being made here.

Underlying the eruption of police brutality between the police and the Negro community are several specific offenses. I want to emphasize these. They are the general experience of Negroes in Detroit. They experience 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 personal associations—and this is a very serious problem—and violent, intimidating police reactions to their protests against improper treatment—and to my mind this is one of the more serious aspects of the police community problems, where the Negroes are intimidated even at the point of their challenging improper conduct by the police.

Negroes in all classes make these complaints, because the offenses are directed against Negroes as a group.

On the matter of indiscriminate searching of Negroes on the public streets, the president of the NAACP has accurately pointed up the problem in saying that in 33 years of residence in Detroit he has yet to see a white man being treated on the street as has been the case with countless Negroes. The police brutality problem is a direct result of anti-Negro attitudes and practices and their related conflicts and tensions which permeate the relations between the police and the Negro community.

I want to cite here an example of a police brutality case. I have included with my statement which you have, several examples of this problem. I want to read from just one. It is the case of a man by the name of David Lawrence Mundy. He states that he and Miss

Watkins, a friend of his, parted at the corner of Canfield and John R. Streets here in Detroit:

"Miss Watkins walked east on Canfield. I noticed four white men coming out of the Flame Show Bar and three of these men crossed the street while the fourth man starting walking behind Miss Watkins and began whistling at her and called out, 'Hey, baby, do you want some business?' Miss Watkins pretended not to hear and continued on her way. I walked back, stopped the man and asked him what he meant by making such remarks to Miss Watkins, and I went on to explain she was my girl friend. He then asked me: 'Who do you mean? That nigger baby going along there?' About this time the three men with whom this man had been seen came running back across the street. One of these men attempted to get behind me. I told this man not to get behind me. The first man continued talking and said that he didn't care if Miss Watkins was my girl friend. All of the officers grabbed me. The officer referred to as Bruno jumped on my back. I threw him off. All of us were scuffling at this time and during the scuffle one of the officers said, 'You don't know who you're messing with. We're police officers.' I calmed down and one of them handcuffed me. They put me into an unmarked car, one officer at the wheel, one sitting beside him and an officer sat on either side of me in the back. "En route to the police station all officers except the one driving struck me continually with their fists and called me 'nigger,' 'monkey,' and so forth. After we arrived at 1300 Beaubien, two of the officers threw me down in the elevator, kicking, hitting and calling me names. One of the officers said en route to the station: 'We'll give you something to tell the NAACP.' I was charged with accosting and soliciting, and I was to go to court on May 7 and placed on bond, a \$500 bond."

In the court trial of this particular incident the charge against Mr. Mundy of accosting and soliciting was dismissed and he was found not guilty. This case and what we have been saying here about the relations between the police and the Negro community reflect a common experience of the NAACP over a period of many years.

For the purposes of this hearing we examined the police brutality cases of the NAACP over a period of 5 years and in this period we have evidence of 244 complaints alleging various forms of police mistreatment of Negroes. One hundred and forty-nine of these complaints alleged police brutality. It must be noted that we have been looking at the record of the complaints received by the NAACP. It is obvious, therefore, that the complete record is not available, not even to the NAACP.

There is much that we would like to present here, but I want to emphasize what I would suggest in the way of a corrective action program. I have five specific recommendations:

(1) Investigation of police brutality complaints by the police department, itself, is an inherently wrong procedure. A citizen review board should be established for this purpose with authority and power to adjudicate complaints and to make binding recommendations to the head of the department. Any action on appeal from the board's decision should rest with the mayor.

(2) The hiring, placement and promotion policies and practices of the police department should be modified so as to eliminate race discrimination at all levels.

(3) The inservice human relations training program of the department should be based on sound democratic practices within the department, itself, and not merely on teaching and instruction.

(4) The working conditions of police personnel, including salaries, should be improved, and a higher level of training required for employment.

(5) The major leadership of the community from the mayor down should speak more often, forcibly and clearer in support of democratic practice and the great need to eliminate the problem of police brutality and all other forms of police mistreatment of Negro citizens.

In conclusion, I think it is clear from the evidence and some of the materials we have cited here and attempted to interpret that there is in Detroit a problem of unjustified police violence directed against Negroes. I probably have not been able to describe very well the real impact of this problem on the Negro community and how the average Negro feels as a result of his relations with the law enforcement agency, but I would emphasize in this area we have one of the greatest challenges confronting this community, because if the Negro citizen cannot be treated as a first-class citizen in the eyes of the law enforcement agency there is little hope for his finding adequate solution of his problems in the other areas of concern which have been discussed before this Commission. I would hope, therefore, that what is presented here will be of some aid to this Commission and to this community in coming to a resolution of the problems we face in the law enforcement area.

Thank you very much.

Chairman HANNAH. Thank you, Mr. Johnson.

Mr. Vice Chairman, do you have some questions?

Vice Chairman STOREY. Mr. Johnson, I noticed you have five recommendations all directed toward the local or municipal government. You do not have any specific ones within our jurisdiction. Have you any suggestions along that line so that we will come within the meaning of the act under which we operate and by which we are limited?

Mr. JOHNSON. I think, Dean Storey, that a specific area of concern to this Commission would be the problem of how the Federal Government relates itself to police brutality and the abuse of Negroes within the police precinct station. I have evidence here of many cases which originated within the precinct stations of the police department in Detroit, and I think this is a matter of concern that goes beyond the local and State level. It should be a matter of concern to the Federal Government as to how effective legislation can be enacted that would help us to control the problem at that point.

Vice Chairman STOREY. As you realize, we are limited to investigation and factfinding with reference to such actions of, shall we say,

State and municipal officers that is tantamount to denial of equal protection under the Constitution.

Mr. JOHNSON. Indeed.

Vice Chairman STOREY. And you realize that many individual cases have received the attention of the Supreme Court of the United States.

Mr. JOHNSON. Yes.

Vice Chairman STOREY. And you are familiar with those. I am just at a loss to understand how any of your recommendations, as worthy as they are, would come within the purview of recommendations that we could make. I don't see them in a hurried examination of the five you recommend, and I was just wondering if you had any others.

Mr. JOHNSON. I would suggest we explore how the civil rights statutes can be strengthened and improved which would help us to regulate police conduct at the point of the problem as it occurs within police precinct stations. After all, police abuse of a citizen is not merely a matter of local concern. It seems to me it must be a matter of Federal concern, and I would be particularly interested in legislation which would help us to develop a stronger control at the point of this problem as it occurs within local precinct stations. I don't think that is a matter for State legislation primarily. I think it should operate on the national level.

Vice Chairman STOREY. Thank you.

Chairman HANNAH. Father Hesburgh.

Mr. JOHNSON. I should say this, too, Dean Storey: It is undoubtedly true, as I tried to indicate in this statement, that police brutality, as I said, is not an isolated problem. It is really a part of and its foundations are in the national climate where there is discrimination against Negroes in every field. The law enforcement agency in Detroit, as in other major cities, reflects the prevailing attitude in these communities, and if we can't enact legislation which will enable the Negro citizen to obtain equality of opportunity in housing and in employment and in education we can't hope to get at this problem in the law-enforcement field. Actually, I have suggested here that this abusive and violent conduct on the part of police officers represents a part of a broad policy of containment of Negroes, to keep them in their place, to keep them segregated citizens, and in a community like Detroit, where we don't have segregation by law, this kind of conduct on the part of the police operates effectively to keep the Negro in a segregated, second-class position, and Negroes regard this conduct on the part of the police as representing the attitudes and the wishes of the dominant white community.

Chairman HANNAH. Father Hesburgh.

Commissioner HESBURGH. I was wondering, Mr. Johnson, if you thought some of these things you recorded would cause on the part of the Negro community a kind of disrespect of law or law-enforcement as a whole.

Mr. JOHNSON. It doesn't cause disrespect, but it causes a lack of confidence, a tremendous lack of confidence, and I think one of the most tragic aspects of this thing, as I look at the problem from the point of view of my own children—I want to train them to respect police officers; I want to train them that police officers are their friends, but the conduct on the part of the police in Detroit in relation to the average Negro is to make the Negro citizen afraid of the police officer and to treat him as though he is not a part of the community deserving of equal respect with other citizens.

It is very difficult to relate this problem in the eyes of children.

Commissioner HESBURGH. Thank you.

Chairman HANNAH. Dean Johnson.

Commissioner JOHNSON. Mr. Johnson, to the extent that you are able to document these cases of police brutality in terms of unequal treatment of Negroes solely because of their race, you could bring yourself within the Federal Civil Rights Statute, could you not?

Mr. JOHNSON. Indeed.

Commissioner JOHNSON. Has any effort been made to call these instances of police brutality to the U.S. Department of Justice?

Mr. JOHNSON. We have not in the NAACP as such, but it has been done by some lawyers representing some of the claimants who have come to us.

Commissioner JOHNSON. My reason for asking the question is that in response to Dean Storey's query you suggested strengthening existing legislation. My only point was: Has the legislation that now exists upon the Federal statute books been tested to determine whether it is adequate?

Mr. JOHNSON. I am not sure that—I can say it has been tested sufficiently to the point that I would say it is not entirely adequate. I do only have the testimony of some of our friends in the legal profession who have commented about the problem in this area, and it is strictly on their advice that I made my comment in that respect.

Chairman HANNAH. Governor Carlton.

Commissioner CARLTON. No questions.

Chairman HANNAH. Thank you very much, Mr. Johnson.

Mr. JOHNSON. Thank you, Mr. Chairman.

STATEMENT OF ARTHUR L. JOHNSON, EXECUTIVE SECRETARY, DETROIT BRANCH, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

POLICE BRUTALITY AGAINST NEGROES IN DETROIT

Mr. Chairman and Members of the Commission: My name is Arthur L. Johnson. I am executive secretary of the Detroit Branch National Association for the Advancement of Colored People which position I have held for the past 10½ years. I am pleased and encouraged by the Commission's decision to hold this hearing in Detroit. It provides an unusually significant opportunity for interested citizens and professional workers here to make a fresh and much needed appraisal of where Detroit is and where it stands in the complex of our national problem of racial discrimination and segregation. It is a timely, and in a sense, urgent mission on which you are engaged that is altogether in the national interest. Of this fact, we believe there is general appreciation in the Detroit community, and it is in this spirit that we express profound gratitude for this signal opportunity.

Detroit is a dynamic and growing community whose vital and unique importance to our national welfare and prestige are acknowledged both here and abroad. It is a city of keen competition and great opportunity, but where the immense task of making enterprise free and opportunity equal is the number one challenge which confronts us all. Here, the problems of race and color, nationality, religion, and social class discrimination are all to be found. In varying degrees, they run the range of discrimination practices: Employment, housing, education, public accommodations, medical service, churches, social organizations and law enforcement. For the Negro minority in particular, the effort to find a truly free place and position in the community is a virtual life and death struggle. And although this effort is undeniably less difficult and more promising in Detroit than it is in the deep South, it is nonetheless serious. It can be said here without qualification that the problem of racial discrimination and inequality touches every segment and facet of the community life from birth to the grave and from the church to the policeman on the beat. To this extent, Detroit should offer for the Commission an impressive case study of the hard core existence of the racial discrimination and segregation problem in the North.

One of the most serious problems affecting the well-being and position of Negro citizens in Detroit is police brutality. By its very nature, it is perhaps the most openly oppressive form of racial injustice Negroes suffer here. This problem is the major concern of my statement. It is my purpose to focus attention on the role of the police, of law enforcement, and quite specifically the crime of unjustified police violence directed against Negro citizens. I intend to show that the problem of police brutality exists, to indicate some of the varied and variable factors contributing to it, and to suggest finally a corrective action program which can be implemented by the appropriate authorities and the community.

The principal sources of the evidence and background information contained in this testimony are the following:

- (1) Detroit Branch NAACP records on police brutality complaints.
- (2) Reports of police investigations of brutality complaints.
- (3) Related studies of police practices and procedures by the Detroit Bar Association and the Mayor's Committee on Police Procedures.
- (4) General and related studies in the field of race relations and criminology. My own personal evaluations and observations on these materials are based on 10 years of active interest and work in human relations in the North, and 25 years of residence in the South. I can say, therefore, that I know something of the problem from the experience and viewpoint of the North and the South. And I hasten to emphasize here that while police brutality and general mistreatment of Negroes in Detroit as elsewhere in the North is a very serious problem affecting the freedom and well-being of Negroes, it is still lacking of the more vicious and caste-like aspects of the problem in the South.

It is important that we recognize at the outset that police brutality against Negroes is not an isolated problem. It does not exist in a vacuum, unrelated to the other forms of racial discrimination and the dominant social forces which control and characterize intergroup relations in this community. To understand and effectively treat the problem, therefore, we must examine it in its broad social context. In this connection, we want to look briefly at the general role and character of the American police; the police, social class and minorities;

and the police and the problem of so-called "Negro crime." Against this background, we shall describe the relationships that exist between the Negro community and the police, and the relationships between these two entities and the dominant white community in Detroit.

Historically, the role of the police has been that of guardians of the peace and security.<sup>1</sup> To the average citizen, they are the symbol of law and order. One student of American police systems remarked years ago that "nowhere else in the world is there so great an anxiety to place the moral regulation of social affairs in the hands of the police, but nowhere are the police so incapable of carrying out such regulation."<sup>2</sup> What is expected of the police, therefore, and what they actually do are quite different matters. Add to this some of the frailties which beset other men and the complex role of the American police can be appreciated more fully.

Barnes and Teeters, two noted authorities in criminology, have stated that the chief criticisms of the American police are "(1) their subservience to political bosses through a system peculiar to American cities; (2) lack of professional training and ignorance of the law and of the duties inherent in their jobs; and (3) their ruthless 'third degree' methods."<sup>3</sup> All of these criticisms, quite obviously reflect the social climate and conditions under which the police are called upon to perform their duties.

The American police function in a society which stands on the premise that it is governed by laws, not men, but which is at times, as has been seen in the school desegregation crisis, grossly disrespectful of both laws and men. Our society believes in free enterprise and the validity of private property, but rank discrimination against Negroes and other minorities in employment and housing is a monstrous and widespread evil. American society is in fact, class and race conscious, and the day-to-day conduct of the police reflects the conflicts and values of our system. In this regard, we should like to cite three real experiences. They are indicative of the race and class factor in police-community relations in Detroit and in general the rest of the Nation. They happen all to be experiences involving the Detroit police.

The first involves an officer attached to the License Bureau of the Detroit Police Department and a distinguished member of the Wayne County Circuit Bench. The judge had gone to a precinct station to get his driver's license renewed. He took his place in line and waited his turn. He observed that for those Negroes ahead of him, the officers were using first names and such terms as "buddy" and "fella." As the judge came to the desk, the officer blurted: "All right Wade, any outstanding tickets?" At about the same time, another officer asked, "Aren't you Judge McCree?" To the answer, the attending officer exclaimed, "Oh my God! We use first names around here judge, trying to be friendly you know." Judge Wade H. McCree is a Negro. He accepted the explanation of the officer. But to emphasize the real impact of the incident, he has since told the story many times before different groups.

The second experience is the topic of an article by a very discerning and sensitive newspaper columnist, Mr. Sidney J. Harris, of the Detroit Free Press. Mr. Harris is a white man. The article to which I refer appeared in the Free Press on November 16 this year. Because of the distinct character of this experience and the vigor of Mr. Harris' statement in relation to it, I should like to ask the Commission's indulgence to quote Mr. Harris' article in full. The caption of the article is "Why the 'Hey Bud' Police Attitude?" It reads as follows:

"Hey, Buddy!" The policeman in the squad car leaned out of his window and barked at me, as I was climbing into my car at the curb. "Let's see your driver's license."

"It seems that I had parked too close to a fire hydrant, and the policeman had just finished writing out a ticket. I handed him my driver's license.

"Oh, I'm sorry, Mr. Harris," he said in a changed tone of voice. "I wish you'd come back a little sooner. The ticket's all written out. We'll remember your car next time."

"He drove off expecting me to be pleased at this recognition and respect. But I was not, for it is exactly his changed tone of voice that creates so much resentment and dislike of policemen in American big cities.

<sup>1</sup> Barnes and Teeters, "New Horizons in Criminology," Prentice-Hall, Inc., New York, 1939, p. 251.

<sup>2</sup> Fordick, Raymond B., "American Police Systems," Century, 1920, p. 48.

<sup>3</sup> Barnes and Teeters, op. cit., p. 258.

"Why should I be 'Hey buddy!' at one moment, and 'Mr. Harris' the next? Suppose I were Mr. Zilch? Would I not still be entitled to courtesy, to be addressed as 'sir,' to be treated as a responsible member of the community until otherwise proved?"

"Why should there be two attitudes—and this pervades our whole social structure, not merely the police department—one for so-called celebrities, and another for unknown citizens?"

"Politeness is not a luxury to be reserved for the famous or powerful; it is an essential lubricant to make the wheels of society turn more smoothly.

"One of the first differences an urban American traveler notices in London, for instance, is the courtesy of the English hobby.

"He treats every person like a potential prime minister; and, because he gives respect, he gets respect.

"England may have a few corrupt policemen (human nature being what it is), but it is hard to find a rude one.

"But American big-city police tend to treat every citizen as a lawbreaker, until he can demonstrate some impressive credentials.

"The courts judge a man innocent until proved guilty; the police too often judge a man guilty until he proves innocence.

"If he is poor and powerless, sometimes even innocence is no protection against their arrogance, suspicion and contempt.

"I was neither pleased nor gratified at being recognized; instead, I was ashamed at being treated differently than Mr. Zilch. Not until we eliminate the 'Hey, buddy!' mentality from the police force will the citizenry look upon the police as protectors more than as persecutors."

The third incident is an experience of my own. It involves an informal meeting and dinner at which I met a number of official representatives of the Detroit Police Officers Association. After rather extended discussion on several divergent and related issues, I asked one of the officers, "Why is it that police officers invariably refer to Negroes by their first names or with such terms as 'boy'?" The reply was, "We don't always do that. We look at a man and if he looks like a professional or businessman, we call him mister." I asked "Why take the time of making a difference?" The answer: "We just do it." These experiences indicate how race and class considerations enter into routine police work. As a result, the police do not as a rule even recognize properly the dignity of the Negro business or professional person as the experience of Judge McCree shows; and if, as the experience of Mr. Harris shows, the police discriminate among white men, it is rather pointless to speculate as to the kind of treatment reserved for the average Negro, since Negroes as a whole are generally regarded as being of lower status than white people in the community.

The so-called "Negro crime" problem and police treatment of it are intricately related to the circumstances we are describing here. In this aspect of the police-community relationship, there is clearly manifest the vicious circle. Community prejudices about Negroes influence police attitudes and conduct, and police mistreatment in turn help to nourish and sustain the prevailing community prejudices. A statement made by the Chicago Commission on Race Relations in 1922 has yet a timely meaning:

"The testimony is practically unanimous that Negroes are much more liable to arrest than whites, since police officers share in the general public opinion that Negroes 'are more criminal than whites,' and also feel that there is little risk of trouble in arresting Negroes, while greater care must be exercised in arresting whites."

This general proposition has been reinforced by leading criminologists; one stating:

"These statistics probably reflect a bias against all of the minority races but especially against the Negro."

And another:

"The explanation for this difference lies in the greater problem of adjustment facing Negroes than those facing whites in the United States, and the greater liability of Negroes than that of whites to be arrested by police and to receive

<sup>4</sup> "The Negro in Chicago," Chicago Commission on Race Relations, 1922, as quoted in Barnes and Teeters, "New Horizons in Criminology."

<sup>5</sup> Sutherland, "Principles of Criminology," Lippincott, 1930, p. 121.

differential justice in the legal process—all of which factors are incidental to the minority-group status of the Negro."<sup>6</sup>

It is undoubtedly true that the continuing presumption of a "Negro crime" problem is used to justify the excessive contact between Negroes and the police, and the open brandishing of police power in predominantly Negro living areas.

We have attempted up to this point to sketch in broad outline the backdrop of our problem. Attention has been given to the general role of the police, the function of race and class considerations, and the pervasive aspect of the so-called "Negro crime" problem in police-community relations. It is against this background and in this social context that we wish to lay bare police-Negro community relations in Detroit and more specifically the problem of police brutality against Negro citizens.

Relations between the Negro community and the police in Detroit are not good. They are characterized by persistent conflict and tension. Negroes do not generally regard the police as being friendly and respectful. They see the police as being antagonistic and often willing instrumentalities in the racial segregation aims of the dominant white community.

The attitude of police toward Negroes in Detroit was demonstrated in the sensational police-ticketing strike in March 1950. This act of rebellion was brought on as a part of police opposition to limited, initial plans of integrating scout cars in Detroit. The demonstrations were so widespread that for a brief period a virtual crisis was created in the police department.

Employment discrimination which figured in the ticketing strike, reflects basic attitudes and administration policy in the police department. The weak position of Negro personnel in the department is ringing proof of the scope and gravity of this practice.

At absolutely no point in their experience do Negroes see the law enforcement agency as being truly color blind. The situation is aptly described by Charles J. Wartman, distinguished editor of the Michigan Chronicle:

"Relations between the Negro community and law enforcement agencies long have been a sore spot in Detroit. This has been so primarily because the treatment of some Negro citizens by some members of the police force has been interpreted by practically all Negroes as symbolizing the reality of second class citizenship.

"This is reinforced by the general conception that discriminatory law enforcement represents the attitudes and wishes of the majority group where treatment of Negroes is concerned.

"Whether this is true or not is beside the point inasmuch as the Negro community believes them to be true and the department has shown great reluctance to change some of the outer manifestations of what would appear to be a basic policy."<sup>7</sup>

If a basic police policy does not exist supporting containment, intimidation and general mistreatment of Negroes, there exist, with the same effect, very strong anti-Negro, anti-integration, and anti-civil rights practices and attitudes which dominate the Detroit Police Department's image in the Negro community.

It can be said, quite possibly without contradiction that no responsible Negro citizen in Detroit would have difficulty relating at least one personal encounter or observation which would support the basic charges being made here.

Underlying the eruption of police brutality and the tensions between police and the Negro community are several specific and related offenses. Negroes complain of illegal and unreasonable arrests, of indiscriminate and open searching of their person on the public streets, of disrespectful and profane language, of derogatory references to their race and color, of interference with personal interracial associations, and of violent, intimidating police reactions to their protests against improper treatment. Negroes in all classes make these complaints, for the offenses are directed against Negroes as a group. On the matter of indiscriminate searching of Negroes on the public streets, the president of the NAACP has said that in 33 years of residence in Detroit, he has yet to see a white man being treated on the street as has been the case with countless Negroes.

The police brutality problem is a direct result of the anti-Negro attitudes and practices and their related conflicts and tensions which permeate relations between the police and the Negro community. In the initial point of contact,

<sup>6</sup> Reckless, "Criminal Behavior," McGraw-Hill, 1940, p. 115.

<sup>7</sup> This quotation is taken from an article by Mr. Wartman which appeared in the February 5, 1950, edition of the Michigan Chronicle, p. 1.

the Negro citizen is made conscious of his second-class status. More than the usual respect and cooperation with the police are demanded of him. He is expected to be submissive and never to challenge police mistreatment. If he falters in meeting these expectations, he exposes himself to the act or immediate threat of police brutality.

We are attaching to this statement for examination by the Commission a number of signed affidavits which are descriptive of the police brutality problem and its pattern. To sharpen our focus at this point, we should like to quote pivotal excerpts from three of these affidavits.

The first excerpt is from the complaint of Mr. Winfield Seaborn, 4408 28th Street:

"Mr. Seaborn stated that he was walking down the alley behind the Colony Shop as he usually does to get his morning coffee at the H & C Restaurant. While he was waiting for his coffee in the restaurant, the manager told him that a police officer was waiting for him. He went over to the door where the officer was standing, and the officer asked if he worked there. Mr. Seaborn said that he did not and he was only there to get coffee. The officer told him to go outside because he wanted to talk to him and Mr. Seaborn did so. The officer said that he wanted to search him and Mr. Seaborn asked that he be taken to a police station to be searched. The officer said that he was the smart kind and told him to put his hands up on top of the police car. Mr. Seaborn still insisted that he be taken to a police station to be searched. He was told to get in the squad car and to take his glasses off. The officer said, 'Take your glasses off because someone might get hurt.' When Mr. Seaborn refused to remove his glasses, the officer snatched them off. He then took Mr. Seaborn over to a police call box, made a call and asked if he had anything showing his name, and Mr. Seaborn showed his driver's license. The officer then told him that he could go. When Mr. Seaborn got back to the Colony Shop, he told Mr. T. M. Demery, his employer for 15 years, what had happened. Mr. Demery called Palmer Park Station and a couple of sergeants were sent out to talk to Demery who protested Mr. Seaborn's treatment. One of the sergeants asked Mr. Seaborn if the officer actually searched him. Seaborn said he did not. The sergeant said that the officer had every right to search him and that he would reprimand him for not searching him. He further stated that according to the police report, Mr. Seaborn looked suspicious and that an officer has every right to search a man on the street."

The following from the complaint of Mrs. Mary M. Stewart, 6641 Crane Street:

"While operating my automobile on 4-27-57 about 9:30 p.m., with two other ladies in the car (Cecilia Lewis and Mary Washington) I was stopped by a police patrol car while traveling west on East Jefferson. Three officers jumped out of the patrol car and one of them asked if I had a driver's license; I told him yes. He then asked whose car it was and I told him it was mine. He then ordered me to get out of the car. I hesitated long enough to turn off the switch and apply my emergency brake, but before I could remove my key from the ignition this same officer snatched me from the car and struck me several times about the face and shoulders. The other two officers held my arms and held me by the hair while this officer continued to beat on me with his night stick. After the beating, I was then thrown into the back seat of the patrol car and they take me to a hospital and he asked me what happened. When I told him, and the other officers began laughing. I was taken in the police wagon to Receiving Hospital. I was given an injection and three stitches were put in my lower lip. I was then taken to the Women's Division of the prison at 1300 Beaubien and was held until 4:00 p.m., Sunday, April 28 on the charge of drinking and reckless driving. At the hearing in Traffic Court on Monday, April 29 the case was suspended."

The final excerpt is from the complaint of Mr. David Lawrence Mundy, 201 East Alexandrine:

"Miss Watkins and I parted at Canfield and John R. She walked east on Canfield. I noticed four white men coming out of the Flame Show Bar and three of these men crossed the street, while the fourth man started walking behind Miss Watkins and began whistling at her and called out, 'Hey baby, do you want some business?' Miss Watkins pretended not to hear and continued on her way. I walked back, stopped the man and asked him what he meant by making such remarks to Miss Watkins and went on to explain that she was

my girl friend. He then asked 'Who do you mean, that 'nigger' B— going along there?' (About this time the three men with whom this man had been seen came running back across the street. One of these men attempted to get behind me. I told this man not to get behind me). This first man continued talking and said that he didn't care if Miss Watkins was my girl friend. All of the officers grabbed me. The officer referred to as 'Bruno' jumped on my back—I threw him off. All of us were scuffling at this time and during the scuffle, one of the officers said, 'You don't know who you're messing with—we're police officers.' I calmed down and one of them handcuffed me. They put me into an unmarked car—one officer at the wheel, one sitting beside him and an officer sat on either side of me in the back. En route to the police station all officers, except the one driving, struck me continually with their fists and called me 'nigger,' 'monkey,' etc. After we arrived at 1300 Beaubien two of the officers threw me down in the elevator, kicking, hitting and calling me names. One of the officers had said, en route to the station, 'We'll give you something to tell the NAACP.' I was charged with 'accosting and soliciting'—to go to court May 7. Placed on \$500 Bond."

In the court trial of the charge brought against him, Mr. Mundy was found not guilty.

These cases and what we have been saying here about the relations between the police and the Negro community reflect the common experience of the NAACP over a period of many years. For the purpose of this hearing, we made an intensive examination of police brutality and general mistreatment complaints received by the NAACP in the last 5-year period, or specifically in the period from January 1, 1956, through November 30, 1960. This examination revealed a total of 244 complaints had been received. Of this total, 95 of the complaints alleged various forms of improper or abusive treatment, and 149 charged police brutality.

In the table on the following page, a year-by-year analysis of the police brutality complaints is presented along with their disposition.

There are some aspects of this 5-year record which should be given special comment. The first is the large number of complaints which alleged police beatings in the precinct stations. Such circumstances point not only to the unjustified character of this police misconduct, they help even more to validate Negro community mistrust for the whole police organization. And here, without question, is the most seriously criminal aspect of the police brutality problem. Lawyers and the courts have repeatedly condemned the beatings of citizens, for whatever reason, after they have been arrested and brought under the controls of the police station itself.

*Record of police brutality complaints received by Detroit Branch NAACP and their disposition in period from Jan. 1, 1956, through Nov. 30, 1960*

Complaint analysis by year	1956	1957	1958	1959	1960	Total
Number of complaints.....	32	30	44	25	18	149
Cases in which alleged beating occurred in police precincts.....	21	12	11	8	1	53
Cases in which hospitalization was required.....	8	12	13	10	4	47
Cases referred to police department for action.....	11	6	22	4	8	51
Cases in which police department admitted wrongdoing.....		3	1			4

The second aspect of the analysis we wish to point to is the extremely small number of instances in which the police department admitted wrongdoing. We suggest that here is evidence of the nefarious sanctions which permit the police brutality problem to continue. It does not appear anywhere in the record that the police department has the will that is required to stamp out this problem.

The third aspect is the fact the NAACP referred to the department for investigation and action only 51 of the 148 complaints received. This was due to the elimination of cases because of questions of credibility, attitudes of complainants, inadequate followup contacts by complainants, and requests by lawyers representing complainants.

The fourth significant aspect of the analysis which should be noted here is encouraging. It is that in the past year and a half, there is a reduction in the

number of complaints received. At the present rate, we may come to the end of this year with the smallest number of complaints received in a single year in the last 5-year period.

It must be noted that we have been looking at the record of complaints received by the NAACP. It is obviously, therefore, not a complete record of all such altercations between Negroes and the police. We are doubtful whether any agency in the community, including the police department, can provide a total record of such incidents. Clearly then if we must judge from the record as it is and from what is available to us, our problem is one of serious magnitude which begs for attention from government and the community.

As related, supporting evidence for the testimony we are presenting here, we should like to cite the work of two other groups which have studied police practices in Detroit. The first is a report of the Citizens' Advisory Committee on Police Procedures, dated March 22, 1960. The committee of 13 citizens was appointed by Mayor Louis C. Miriani on August 12, 1958, partly in response to the efforts of the NAACP. When the committee report was published it was described by the president of the NAACP as "one of the most important reports which has been published in the past few years." In our view, it almost unwittingly touched the major problem of police brutality. In its evasive and indirect approach, however, the committee did recognize that "one of the major problem areas yet remaining in police-community relations involves complaints of police mistreatment." It then made the following significant admission: "If positive prompt action by the department officials does not result in noticeable improvement in this area in the near future, the committee strongly recommends to the mayor the creation of a committee of citizens to whom an individual, group or organization may appeal." This is the sharpest statement in the 31-page report of the committee, and it was based in part on some of the same evidence presented here today.

The other report which has relevance here is one published by the Detroit Bar Association in 1958. This report gives alarming evidence of the practices of illegal arrests and detention by the Detroit police. It reveals that of a total of 67,301 arrests in the year 1956, 26,696 were made with no warrant ever being issued. While the bar condemned these practices with unrestrained vigor, it expressed the view that a determination to correct the problem did not exist in the police department. These findings of the bar are cited because we believe they are further revealing of the basic difficulties which impinge on police-community relations in Detroit.

In the light of all of this, it is appropriate to ask: What is the community attitude? What is the posture of the prevailing power group in the community in relation to these conditions? The picture here is not encouraging. Except for constant agitation for action and public recognition of the problem by the NAACP and a few other such organizations, there is little evidence of real concern in the larger community. The appointment a year ago of a citizens committee to study the problem by Mayor Louis C. Miriani was the first such step taken to give official and public recognition of the problem at that level since the creation of the old Mayor's Interracial Committee in 1943. In the same period, we cannot find any evidence that any one of the three daily Detroit newspapers (one has just recently died) has ever directly attacked police brutality against Negroes in their editorial columns. Outside of the Negro community, only one major church group\* has supported and urged the creation of a permanent citizens review board to investigate citizens complaints against the police. The police and majority community attitudes are reflected in the fact that it has not been possible to obtain vigorous enforcement of the civil rights laws pertaining to service in public places. Without effective challenge from any quarter of the major business community, the Detroit police continue as a part of the basic pattern of mistreatment, to give differential and discriminatory treatment to civil rights violations involving public accommodations. These are the signs of the prevailing attitude and of the implied sanctions of the power elite in the white community.

Needless to say, the attitudes of Negro and white citizens, alike, must be modified. But it is more important, indeed essential, that the abusive and ugly police practices we have described here today be eliminated. For only in this

\*The Presbytery of Detroit petitioned the mayor in March of this year to set up a permanent citizens advisory committee to handle citizen complaints against the police.

way can healthier attitudes ensue, and fulfillment of the democratic ideal be more nearly realized in practice. The challenge here is one for the whole community. It is acutely pressing on community leadership. To the end of assisting in this responsibility, we offer the following recommendations for a program of corrective action:

(1) Investigation of police brutality complaints by the Police department, itself, is an inherently wrong procedure. A citizen review board should be established for this purpose with authority and power to adjudicate complaints and to make binding recommendations to the head of the department. Any action on appeal from the board's decision should rest with the mayor.

(2) The hiring, placement and promotion policies and practices of the police department should be modified so as to eliminate race discrimination at all levels.

(3) The inservice human relations training program of the department should be based on sound democratic practices within the department itself and not mere teaching and instruction.

(4) The working conditions of police personnel, including salaries, should be improved, and a higher level of training required for employment.

(5) The major leadership of the community from the mayor on down should speak more often, forcibly, and clearer in support of democratic practice and the great need to obtaining the problem of police brutality and all other forms of police mistreatment of Negro citizens.

In conclusion, we think it is clear from the evidence, related materials, circumstances and conditions which we have cited and attempted to interpret here that there is an existence in Detroit a problem of unjustified police violence directed against Negroes. We have suggested that the practices described are indicative of a pattern in other sections of the country. It has been indicated further that the existing social climate permits and sanctions racial discrimination in all of its oppressive forms, and that some measure of police mistreatment and violence is a natural consequence of this climate. Finally, we have presented a number of recommendations which in a limited view are aimed at correcting the problem of police brutality. In the larger perspective, we hope that we may have contributed something that will help to hasten the day when it will not be necessary to hold a hearing of this kind anywhere in America.

Thank you for this opportunity.

SAMPLES OF COMPLAINTS FROM FILES OF THE DETROIT BRANCH, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

1. Type of case: Police brutality.

Date of report: July 8, 1958.

Name: Mr. Leroy Arnold.

Telephone number: Home, TY 4-4173; work, WO 2-1808.

Address: 3279 Virginia Park, Detroit, Mich.

Occupation: Porter.

Place of work: Van Boven Men's Clothing, 41 East Adams, Detroit.

Date of incident: July 7, 1958.

Approximate hour: 10 p.m.

(1) Bert Williams, 41 East Adams, witness.

(2) Harvey Hawkins, address unknown, TR 5-8032, witness.

*Summary of case.*—"While leaving the barber shop (Nail's Unique Barber Shop) at 336 Joy Road on above date, with Bert Williams (listed above), I observed a Buick patrol car pulling up. The car stopped and one officer (out of uniform) approached me. I was seated outside the barber shop on the step, waiting for Bert Williams who was closing up. This officer asked me to stand up. I stood up and after I did so, this officer struck me on the left side of my face. I don't know what I was struck with, but it cut the side of my face. The officer then ordered me to get into the patrol car and I did so. En route to the station, the officer who had struck me told me to shut up when I asked what I was being taken in for. Shortly after arriving at Petoskey Station, I was taken to Receiving Hospital. I received two stitches on the left side of my face near my eye. I complained of my shoulder hurting since I had fallen down after the officer struck me—but the attending physician told me that an X-ray wasn't necessary when I asked for one. I was locked up at 1300 Beaubien after leaving Receiving Hospital. (I was fingerprinted before the lockup.) I ascertained from one of the officers in the cell block that I had been charged with "drunkenness." I was held in the lockup until 9:15 this morning. Hearing was held in Judge Ricco's Court and case was "dismissed."

2. Type of case: Police brutality.

Date of report: November 3, 1960.

Name: Mrs. Lorraine Battle.

Address: 2836 Williams, Detroit.

Telephone number: None.

Occupation: Unemployed.

Date of incident: November 2, 1960.

Time: 5 p.m.

Others involved in case: Son, James Battle, age 17, student, MacKenzie High School, employed at Boys Club afternoons, Michigan at Livernois.

*Summary of case.*—Mrs. Battle's son left the house about 4:50 p.m., and was standing on the corner of Williams and Butternut talking to his sister and a friend, when a cruiser stopped. About 5 p.m., James' sister ran to the house shouting that an officer was beating her son. Mrs. Battle stated that she ran to the corner without shoes and saw an officer hitting her son over the head with a flashlight. She attempted to enter the car and one of the officers told her to get her "black———" out of the car.

Mrs. Battle, who is 7 months pregnant, stated further that one of the officers grabbed her by the collar from behind, hit her in the face and stomach and knocked her to the ground. One officer called for assistance and about five cruisers answered. Officers were from the second precinct.

James Battle is being held in jail—charges unknown. According to Mrs. Battle, officers were trying to make son admit he and three other boys were guilty of a recent robbery.

3. Type of case: Police brutality.

Date of report: May 18, 1960.

Name: Kenneth Brookins.

Telephone number: TO 8-5737.

Address: 2098 Pasadena, Detroit.

Age: 15.

Occupation: Student (Durfee School).

Date incident occurred: May 16, 1960.

Time: 9:30 p.m.

(1) Miss Gloria Robertson, 2655 Pasadena, witness.

(2) Mr. Charles Monday, 2669 Pasadena, witness.

(3) Miss Brigett Ann Bridgewater, 2661 Pasadena, witness (TO 9-8771).

*Summary of case.*—Mrs. Brookins, Kenneth's mother, came to the office to make the police brutality complaint. According to witnesses, Kenneth was on his way home from the store carrying an unloaded BB gun. A scout car stopped and the officer told him that he was not to carry a BB gun in the street, and they had received several complaints from people in the neighborhood about broken windows caused by BB guns. Kenneth asked that the officers take him home and they told him that he was going to the juvenile home.

When the officers attempted to handcuff Kenneth, he began to kick and kicked Officer Abner Danto of the Petoskey Station. By this time Mrs. Brookins appeared on the scene and attempted to stop the tussle. Officer Danto ignored her and socked Kenneth in the eye with his fist.

Kenneth was taken to Receiving Hospital by the officers where he is still being held. The parents have not been able to see Kenneth because he is still under police custody even though he is still at Receiving Hospital. Mrs. Brookins cannot get any information about her son's condition from Receiving Hospital or Petoskey Station. Kenneth has been charged with resisting arrest and assault and battery toward a police officer. The officers involved were Abner Danto and Wesley Kelleman of Petoskey Station.

4. Type of case: Police brutality.

Date of report: April 28, 1960.

Name: Leonard Cargill.

Telephone number: TE 1-4939.

Address: 979 Farnsworth, Detroit, Mich.

Age: 14.

Date incident occurred: April 26, 1960. Hour 10-11 p.m.

*Summary of case.*—Mr. James Cargill, father of Leonard, came to the office with his son. Leonard was riding a bike with his friend, "Red." They were riding on Woodward near Wayne State University. A scout car containing plainclothesmen and one uniformed policeman stopped the fellows, pulled Red off