

Michigan Law Review

Volume 64 | Issue 1

1965

Order and Civil Liberties: A Complex Role for the Police

George Edwards

Judge of the United States Court of Appeals for the Sixth Circuit

Follow this and additional works at: <https://repository.law.umich.edu/mlr>



Part of the [Civil Rights and Discrimination Commons](#), [Law and Race Commons](#), and the [Law Enforcement and Corrections Commons](#)

Recommended Citation

George Edwards, *Order and Civil Liberties: A Complex Role for the Police*, 64 MICH. L. REV. 47 (1965).
Available at: <https://repository.law.umich.edu/mlr/vol64/iss1/4>

This Article is brought to you for free and open access by the Michigan Law Review at University of Michigan Law School Scholarship Repository. It has been accepted for inclusion in Michigan Law Review by an authorized editor of University of Michigan Law School Scholarship Repository. For more information, please contact mlaw.repository@umich.edu.

ORDER AND CIVIL LIBERTIES: A COMPLEX ROLE FOR THE POLICE†

George Edwards*

This article expresses the views of a man well qualified to discuss the vital topic of law enforcement and its relation to minority groups. In 1961 the residents and newly-elected city administration of Detroit felt that there was a real possibility of a major riot similar to the one in 1943. Mayor Cavanagh therefore persuaded Judge Edwards to leave his position as a Justice of the Supreme Court of Michigan and assume the responsibilities of Police Commissioner of Detroit.

IN the aftermath of the Los Angeles riot the editors have asked me to agree to the publication of my speech of last spring to the United States Conference of Mayors, and to comment briefly on Los Angeles. The first request is easy to agree to; what I sought to tell the mayors was what needed to be done to prevent race riots in 1965. Certainly these comments lost nothing in timeliness as a result of the events in Los Angeles.

As to Los Angeles, after we join all public authority in decrying mob violence and disrespect for law, the problems of causation and of recurrence still remain. I pretend no competence to solve these problems with specific reference to any city other than my own. However, the discussion that follows represents the result of a quarter of a century of study of the same problems in Detroit, and I have no reason to believe that the factors which produced the 1943 race riot in Detroit, or the methods by which Detroit has sought (successfully to date) to prevent recurrence in the 1960's, are of importance only in Michigan.

I. THE DETROIT RIOT OF 1943

I cannot overemphasize the fact that race hatred is not a one-way street. There are extremists with names other than Ku Klux Klan. There are extremists who have black faces as well as those who have white faces, and extremists of both varieties took over the streets of Detroit for twenty-four bloody hours in 1943. Thirty-six people died during that reign of terror. I believe that I can fully illustrate the pattern by describing the fate of two of the victims.

One of these was a Dr. de Horatius, who was of Italian origin, I believe; certainly of white skin. Dr. de Horatius had served on the east side of Detroit for many years, and among his patients he had

† This article is adapted from a speech by the author to the United States Conference of Mayors in Saint Louis, Missouri, May 31, 1965.—Ed.

* Judge of the United States Court of Appeals for the Sixth Circuit. Judge Edwards was Police Commissioner of the City of Detroit in 1962 and 1963.—Ed.

many Negroes. At approximately ten o'clock on the morning the riot broke out, he was called to assist a patient on the east side of the city. In pursuance of his duty, he responded. He was met on the streets by a mob full of anger and race hatred. They didn't know Dr. de Horatius from a bale of hay; all they knew about him was that they, the mob, had black faces and that he had a white face. They stoned him to death with no more knowledge than that.

Later in that twenty-four hour period, a Negro workman was going home from his job, driving alone. He was stopped by a mob with anger and race hatred in their hearts. They did not know any more about him than that the mob's faces were white and this man's face was black. They overturned his car, and when the gasoline spilled out of the tank, they lit a match and set fire to it, burning up the man inside the car.

The Honorable Edward J. Jeffries was Mayor of the City of Detroit at the time. He was a great mayor; but he had not known that this terror was imminent or that it was even possible. This attitude was shared by most of the city's residents, and to say that Detroit was not ready for this outburst of racial strife would be to put it mildly. In this respect, every mayor in America would find it useful to read a recent journalistic account of the events of that twenty-four-hour period.¹ The authors of this commentary were not very kind in their judgment of Detroit. With the benefit of twenty-two years of hindsight, it is easy to criticize the lack of preparation and the failure of performance which left thirty-six people dead on the streets of Detroit and army units in command of the city. Nevertheless, whatever may have precipitated this violence in 1943, it is clear that in 1965 no one will make excuses for any city's inability to foresee the possibility of racial trouble in any large city in this country. The warnings from the summer of 1964 and the 1965 Los Angeles riot are too recent. Therefore, the following discussion is dedicated to seeking answers—in advance of disaster.

II. THE IMPACT OF A CHANGING SOCIETY

The police function is in trouble in every section of our nation. This fact may be attributed to the impact of four historic trends: the increasing urbanization of our country; the increasing insistence of the United States Supreme Court on strict compliance by the police with the principles of the Bill of Rights; the vast and continuing migration of millions of Negro citizens, principally from

1. SHOGAN & CRAIG, *THE DETROIT RACE RIOT* (1964).

southern rural areas to the great metropolitan centers; and the civil rights revolution of the 1960's, which is seeking to establish within this decade full freedom and equality for all Negro citizens.² I do not decry any of these trends, but it is quite evident that each of them imposes certain problems upon the metropolitan police function.

A. *Effects of Urbanization*

Social order has always been the basic function of every organized government. However, our American government, while plainly designed to preserve order, has also made the signal contribution to history of avowing as a governmental objective the achieving of individual liberty for its citizens. Thus, the policeman has the responsibility of reconciling these two objectives of order and freedom; in a large city, this is a complex task.

Freedom in a metropolitan area is entirely different from the freedom that was once enjoyed on the frontier. In relation to the man of the frontier, liberty could almost be defined as the right to do what one wished without hindrance. In a big city, however, liberty might be more accurately referred to as the maximum freedom of choice consistent with the maintenance of similar freedom for the other members of society.

In the days of Daniel Boone, there would have been little point to a traffic light at a crossing of foot trails; today we accept the interference with our liberty represented by traffic signals because we know that without them there would be hopeless confusion. Similarly, when a generation or two ago a farm boy on a spring day yelled, ran, or picked up a rock and threw it—who cared? He was a boy. However, today this same conduct in a large city—with perhaps no more basic motivation than the animal spirits which moved the boy's rural grandfather—would almost inevitably produce a police call and a police statistic. In an earlier period, few people would have been bothered by bitter and violent words uttered by a pioneer to a few companions around a campfire. However, in the hot city streets of summer, words of equal violence addressed to a Ku Klux Klan-minded crowd in St. Augustine or to a Black Muslim-minded crowd in Philadelphia could prove to be a major public hazard.

These examples are provided only to remind us that law enforce-

2. "[T]he Negroes' impatience, bitterness, and anger . . . are likely to increase the closer they come to full equality. This is not a quirk of Negro character but a characteristic of all disadvantaged groups: the closer they are to their goals, the harder it is to understand or justify the disparities that remain." SILBERMAN, *CRISIS IN BLACK AND WHITE* 357 (1964).

ment in a rural society and law enforcement in our modern urban society are vastly different. Today, most Americans live in metropolitan areas, where millions of people who do not know one another nevertheless live and work in close proximity and with greatly increased chances for conflict.³ At least partly from necessity—and frequently without recognizing what we have done—we have turned over to the police officers of our big cities many functions which used to be among the most important duties of the individual and the family. A modern policeman's tour of duty is full of radio runs which require him to correct the conduct of children, to mediate family quarrels, to determine the right of way between over-eager drivers, to care for the injured on the streets, and to protect our homes at night and our persons in the daytime. All this is expected to be done with the concern of a social worker, the wisdom of a Solomon, and the prompt courage of a combat soldier. It is interesting to note that in our day when the parable of the Good Samaritan is re-enacted on a city street, almost invariably the modern Good Samaritan wears a blue coat.

B. *Effect of Recent Supreme Court Rulings*

For the moment, let us leave the frontline defender of society—the police officer—and turn abruptly to another agency of our law: the Supreme Court of the United States. Notwithstanding the foregoing complimentary remarks about our police departments, I do not intend to attack the recent Court decisions in which the rights of persons suspected of crime have been vigorously upheld. Indeed, I see nothing inconsistent about simultaneously praising both the police function and the protective policies laid down by the Supreme Court.

For over a decade our Supreme Court has been engaged in leading this country toward making more effective the high ideals of our American Constitution. It has been setting ever higher standards of law enforcement; it has told us that equality before the law and the equal protection of the laws must be made realities of everyday life; it has told us that deprivation of human liberty is essentially a

3. "[T]he most important factor [affecting crime and law enforcement] is the simplest. It is the trend of concentration of our population in a few large metropolitan centers—it is people living closer together than ever before. Crime as well as other human behavior, is a function both of the number of persons involved and their proximity to each other. This is probably the most single difficult problem with which law enforcement must deal." Acheson, Remarks at the Semi-Annual Meeting, Central Eastern Area Armed Forces Disciplinary Central Board, Bolling Air Force Base, October 15, 1964.

decision for the judiciary; it has told us that as far as the Constitution is concerned, absent probable cause or a judicial warrant, there is no such thing as a lawful arrest for investigation only; and it has told us that forced confessions are anathema to American law and that a citizen has a right to counsel in all felony prosecutions. Thus, it seems clear that the Constitution and the Supreme Court have ruled out of our system of law such old-fashioned police measures as dragnet arrests, detention for investigation only, and third-degree procurement of confessions.⁴ However, no matter how much we approve in general of the objectives just outlined, it must be recognized that they demand more intensive police training and increased police manpower.

C. *Effect of Mass Migration of Negroes*

The third tremendous change which has taken place in this nation and which has had a concomitant impact on law enforcement and social order has been the redistribution of millions of Negro citizens who have departed from the rural areas in the South. To some degree, this movement is still continuing. The problems which confront American cities as a result of this human migration were well summarized by one recent writer:

[The solution] is not, as so many assume, to bring the wandering middle class back from the suburbs. The large city . . . cannot import a middle class; it must manufacture its own . . . [B]ringing people from society's backwaters into the mainstream of American life has always been the principal business, and the principal glory, of the American city

It isn't any longer; the city is in trouble today because it isn't dealing successfully with its newcomers. They are still pouring in—not from County Cork, or Bavaria, or Sicily, or Galicia, but from Jackson, Mississippi, and Memphis, Tennessee, and a host of towns and hamlets with names like Sunflower, Rolling Fork, and Dyersburg. The new immigrants are distinguished from the older residents not by religion or national origin, but by color. Between 1950 and 1960 the twelve largest U.S. cities lost over two million white residents; they gained nearly two million Negro residents.

4. To a large extent, recent Supreme Court decisions have not *changed* substantive standards as much as they have sought *compliance* with existing standards, and have not imposed "tighter restrictions" on police powers, as much as they have sought tighter *enforcement* of long standing restrictions. See generally Kamisar, *On the Tactics of Police-Prosecution Oriented Critics of the Courts*, 49 CORNELL L.Q. 436, 440-46 (1964).

It is the explosive growth of their Negro populations, in fact, that constitutes the large cities' principal problem and concern.⁵

The writer of this commentary also observed that city slum problems are regarded by city officials as primarily the product of physical deterioration of areas inhabited by Negroes. He also noted that juvenile delinquency and mounting welfare payments are frequently associated with the problems encountered by Negroes because of their failure to adjust to city life.

My reporting of these general observations should not be taken as an indication that I am identifying crime in big cities as a race problem. On the contrary, I think crime is a problem which is produced by human degradation. If you subject any portion of a population, regardless of its national origin or color, to conditions of poverty, lack of education, lack of culture, and lack of employment opportunities, that segment of society will in relatively short order begin to produce a disproportionately large number of delinquents and criminals. Although it is true that in most of our large cities a higher percentage of recorded crimes are committed by Negro citizens than by whites, it also is true that statistically a far higher percentage of Negro citizens reside in slums. They constitute a much higher percentage of employees with the lowest paid jobs, a greater percentage of the unemployed, a far higher percentage of school dropouts, and a far higher percentage of people who have known degradation, poverty, and discrimination throughout the past three hundred years.⁶

In every one of our large cities, there are two other factors which should be obvious to any who will look. First, it is clear that the portion of our society with the greatest stake in effective, vigilant, and vigorous law enforcement is the Negro community. Although more crimes are committed by Negroes than by whites in the core areas of our cities, Negroes also constitute a higher percentage of the victims than do whites.⁷ For example, eighty-four per cent of the

5. Silberman, *The City and the Negro*, Fortune, March 1962, pp. 88-89.

6. "On any scale of economic adequacy or inadequacy—measured, e.g., in terms of number unemployed, number on relief, number in unskilled occupations, number in professional work, income levels—the Negro would have to be rated as from two to four times worse than the white man." Johnson, *The Negro and Crime*, Annals, Sept. 1941, p. 94. He concluded that "the position of the Negro in American society, with all that this means in terms of subordination, frustration, economic insecurity, and incomplete participation, enters significantly into almost every possible aspect of Negro crime causation. Indeed, it is so important as to constitute virtually a special and major set of sociological and psychological factors which can 'explain' Negro crime in so far as it needs special explanation." *Id.* at 103.

7. "[T]he damming-up of resentment is one reason for the high incidence of crime among lower-class Negroes; this is further supported by the fact that the vast

assault victims in Washington, D.C., are Negroes. A study conducted in one of Detroit's precincts heavily populated with Negroes disclosed that although seventy-eight per cent of the identified assault offenders were Negroes, seventy-six per cent of the victims were also Negroes. Similarly, a 1963 survey undertaken in Dallas revealed that sixty-eight per cent of the persons arrested on suspicion of homicide were Negroes and that sixty-nine per cent of the victims were likewise of Negro extraction. Finally, in Philadelphia a five-year study of homicides indicated that all but 6.6 per cent of the crimes were committed by offenders belonging to the same race as the victim. With respect to the small number of interracial homicides, 2.7 per cent were committed by whites and 3.9 per cent by Negroes. Thus, it can be seen that, contrary to widely held beliefs about the nature of crime in the United States, Negroes are much more likely to be victims of crimes involving violence than are whites.

The second factor that deserves emphasis is that just as it is true that it is easy to police the better sections of the white-occupied portions of any city, so it is also far easier to police the better sections which are occupied by Negro residents. A good example of this exists in Detroit, where for approximately forty years a particular neighborhood has attracted Negro businessmen, lawyers, doctors, and skilled craftsmen, who have built homes and reared their children in a pleasant residential atmosphere. Indeed, this neighborhood—Conant Gardens—is known as one of the quietest areas in the entire city of Detroit. Thus, it should be evident that the notion that crime is a race problem is totally false. But wherever there has been discrimination, impoverishment, and denial of rights, automatically there will also be built-in problems in relation to social order.

D. *Effect of the Civil Rights Revolution*

The foregoing observations provide a background for a discussion of the fourth major influence upon the law enforcement function—the civil rights revolution of the 1960's. As a nation, we are engaged in the historic task of seeking to raise eleven per cent of our people from the effects of the slavery, segregation, and degradation in which they have lived for the past three hundred years. This

majority of violent acts by Negroes are directed towards other Negroes. To put it another way, one might say that for the lower-class Negro, avenues have been closed off by the social structure, so that violent crime against members of his own race is one of the channels of least resistance open to him for the expression of aggression." Solomon, Walker, O'Connor, & Fishman, *Civil Rights Activity and Reduction in Crime Among Negroes*, 12 ARCHIVES OF GENERAL PSYCHIATRY 227, 234 (1965).

is a stupendous challenge, and none of us can assume that it will be easy to accomplish in any respect. However, it is certainly obvious that the role of the police in this historic revolution is crucial. Unfortunately, to date that role has all too often been entirely negative.

The local police should always be the representatives of the law; it is, therefore, a tragedy to have their energies diverted to defiance of the law, the Constitution, and the courts. It requires condemnation from every law-abiding citizen in this country. Episodes like those experienced in Birmingham and Selma, Alabama, and in Oxford and Neshoba County, Mississippi, add to the police problems in every section of the country. These episodes represent the most futile exhibitions of this century. There is no real question about whether such fundamental constitutional rights as equal education and equal voting will be granted to all citizens in this country; it is only a question as to when and how this result will be achieved. Equal treatment with respect to these essential rights is required by the basic religious concepts of the American people and is mandated by every aspect of our constitutional law. Even those persons who are engaged in leading the resistance activities must know in their hearts that they must accede to this result.⁸

It is not enough, however, merely to condemn the use of local police to defeat implementation of constitutional rights for Negro citizens. Positive measures must also be applied to dispel the deep-seated belief held by many Negro citizens that equal law enforcement does not exist anywhere in the country. For this reason, the demand for equal law enforcement is increasingly one of the fundamental objectives of the civil rights revolution. No matter how frequently this demand is stated in exaggerated terms, there remains a fundamental problem that must be recognized. Although local police forces generally regard themselves as public servants with the responsibility of maintaining law and order, they tend to minimize this attitude when they are patrolling areas that are heavily populated with Negro citizens. There they tend to view each person on the streets as a potential criminal or enemy, and all too often that attitude is reciprocated. Indeed, hostility between the Negro communi-

8. Perhaps the same may be said for recent Supreme Court decisions dealing with the procedural rights of the accused, although a number of law enforcement spokesmen are fighting a desperate rear-guard action in the mass media. The sharp, and too often intemperate, criticism of the Supreme Court by police-prosecution spokesmen is collected and appraised in Kamisar, *supra* note 4; Kamisar, *Public Safety v. Individual Liberties—Some "Facts" and "Theories,"* 53 J. CRIM. L., C. & P.S. 171 (1962).

ties in our large cities and the police departments is the major problem in law enforcement in this decade. It has been a major cause of all recent race riots. The elimination of this hostility will require attention and reason and great local and national effort.

III. ORIGIN AND MAGNITUDE OF THE HOSTILITIES AND SUGGESTIONS FOR IMPROVEMENT

Conflict between the police and the Negro people is deep-rooted in our history. The Negro citizen sees the police officer in blue coat, with a white face, as the representative of the white man's law, who for nearly 300 years has enforced the laws—first of slavery and more recently of legally sanctioned segregation.⁹ Similarly, the bitterness that has been demonstrated by Negro rioters may be the product of a long series of unforgettable personal experiences. For example, in the 1930's if a teenage Negro boy met a white police officer in the late afternoon on the streets of a town in eastern Texas near where I grew up, his first contact with the law would probably be the command: "Nigger, don't let the sun set on you in this town!" Thirty years later in a large northern city, the bitterness engendered by that memory could turn a Saturday night party that has become loud enough for a police call into a dangerous melee.¹⁰

Feelings of hostility also exist on the other side of the conflict. Police officers have grown up in a tradition in which part of their historic function assigned by the community has been "keeping the Negro in his place." This history produces current attitudes which are illustrated by the great number of present-day police officers who invariably use the hated term "nigger" in talking about (and sometimes to) Negro citizens.

However, some police hostility is based upon personal observations made during the course of duty. A thoroughly unbiased officer

9. "This sense of rejection by American society, a sense which dominates the lower-class Negro's life, tends to destroy his feeling of responsibility to law and authority; law and authority are always white and middle class and always seem designed to keep the lower-class Negro in his place." SILBERMAN, *op. cit. supra* note 2, at 53.

10. "[T]he Southern Negro comes to Harlem not necessarily in search of freedom, but expecting to find it there and determined to enjoy it. He resents any curb on his personal activities by policemen and it seems likely to many that he takes out on Northern policemen the anger he built up against Southern policemen but didn't dare to show. But even many Northern Negroes seem to have a latent hostility to policemen, often traceable to the times that ignorant or unthinking cops gave them the 'move on' or 'what are you doing in this neighborhood, buddy' treatment." SHAPIRO & SULLIVAN, *RACE RIOTS: NEW YORK 1964*, 40-41 (1964). See also LOMAX, *THE NEGRO REVOLT 72* (1962): "I don't know of a single Negro who doesn't get a flutter in his stomach when approached by a white policeman. Anything can happen; sometimes it does."

making the run to the Saturday night party referred to above could not miss the hostility which greeted him—and he would neither know nor think about its source. Similarly, many white police officers work daily in core area precincts where they are constantly in contact with crimes committed by Negroes. These same officers probably live in neighborhoods occupied by white residents where there is relatively less crime and disorder; this fact alone makes them tend to identify Negroes with crime and whites with peace and order. We have already seen that such a conclusion is an erroneous oversimplification, but it is nevertheless a part of the hostility problem with which we must deal. Indeed, it is the pressure exerted by these hostilities which makes it so very important that top policy-making be in civilian control and that mayors and civilian police commissioners exercise in fact the control which the law grants to them.

This analysis of the problem leads me inevitably to two simple conclusions, each an enormously difficult goal to achieve: (1) that we should greatly strengthen law enforcement and (2) that we should move in every way possible to guarantee equal law enforcement.

While I was Police Commissioner of Detroit during 1962 and 1963, we formulated a policy for the police department which was specifically designed to achieve these two goals. It provided: "We seek: (1) More law enforcement and more vigorous law enforcement. (2) Equal protection of the law for all law-abiding citizens; equal enforcement of the law against all law violators. (3) The support of law-abiding citizens for law enforcement." We posted this policy statement above the admitting desk in each of the precinct stations. I always thought that the mere statement of these very general principles was of real value, because they were read by both the men on the force and the general public. However, awareness of such a policy is only the initial phase; the real problem relates to the method of implementation. That is, how does one actually guarantee equal and effective law enforcement? The answer to this question is crucial to the task of ending the feelings of hostility, fear, and distrust which currently affect a major portion of the people in American cities. The following guidelines are offered as a means to this vital end.

A. *The Fact-Finding Function*

First, it is essential to find the facts and face them. Unfortunately, this has not always been the practice. "The police officer is always right" is a familiar slogan in precinct station houses, and the tempta-

tion, regardless of the facts, to defend police conduct which violates the book of procedure and the law is a temptation to which many police officers are, by social pressure of their own ranks, quite inclined to yield.

However, facts are frequently misstated against the police as well as in their favor. The criminal arrested on the street almost invariably wants to find something on the policeman. The fact that he would lie to achieve this should surprise nobody. Therefore, some suspicion is justified in relation to almost anything that such a person may offer in mitigation or expiation of his conduct.

Fortunately, there are certain well-defined ways of finding facts. Most things that happen on the streets of large cities are seen by a number of people. If you ask, and take down what is said by those who saw the incident, and look at what is there to be seen, the chances are good of coming out with an accurate picture of what actually occurred.

There are, of course, some questions which cannot be completely resolved. For example, it is impossible to determine exactly how hard an arresting officer should have hit a belligerent drunk who took a swing at him. There is, of necessity, a basic discretion vested in a police officer dealing with such a situation. Thus no one can fairly determine after the fact whether the pounds of pressure exerted by the policeman's fist or by his billy were scientifically calculated to be the least amount of physical force necessary to subdue his antagonist. Similarly, when dealing with violent crime, the police officer who knows that his own life is in jeopardy has legal discretion to utilize any reasonable means to protect himself; in such measures he deserves the support of the community he serves.

However, there are many situations in which this discretion can be abused. If the police have a prisoner with his arms handcuffed behind him and four officers on the scene, it ought to be possible to bring him into a precinct station intact. It would seem to be impossible to suffer a four-inch cut on the top of one's head merely by "falling on the precinct steps." Nevertheless, in the early months of my administration as Police Commissioner, I reviewed reports that described this somewhat fantastic feat as having been accomplished by a shackled prisoner.

This does not mean that every error in judgment made by a police officer should result in his discharge, for policemen are required to deal with difficult and complicated problems. However, as in any other walk of life, if an officer deserves correction, he should have it. As a matter of fact, any situation where the truth is

allowed to be covered up by official reports is productive of a great amount of hostility toward, and disregard for, law enforcement agencies. For this reason, the community relations or complaint bureau in every police department should be manned by permanently assigned officers who have demonstrated sufficient intelligence and courage to face hostilities both inside and outside the department. Their reports should go directly to the civilian head of the department, who should in turn make a thorough investigation of all significant complaints and who should exercise the final decision-making authority.

B. *Communication With the Public*

The second means suggested to achieve impartial and effective law enforcement involves knowing the community. The administrative branch of every police department should open and maintain lines of communication between the department and all sections of the community it serves. Particularly in this decade meaningful communication with the Negro community and its leaders is essential. Police administrators should always be available to meet with them, to exchange information, and to try earnestly to resolve problems. Furthermore, if the administrators are conscious of a problem, they should themselves initiate the discussion instead of waiting for someone else to call.

C. *Abolition of "Alley Court"*

The administration of every police department should also make it known that it will not tolerate the institution commonly referred to in police circles as "alley court." No legal concept or constitutional theory sanctions the use of such disciplinary devices. Nevertheless, a few police officers are sincerely convinced that they are unable to maintain peace and order unless they are allowed to bolster their authority in the streets by the use of a fist or billy when they feel it is necessary. Our total society prohibits "alley court." Punishment is not the function of the police; their function is to detect and apprehend and bring into court for punishment.

"Alley court" is ordinarily used against minority groups. It is easy to see how such a practice can inflame the attitude of such a group—in this case the Negro population. It produces cries of "police brutality," and it deprives the police department of its most important weapon against crime—the support of the law-abiding populace residing in the core areas of our big cities.

There are relatively few police officers who believe in "alley court"; they cannot be allowed to perpetuate an utterly indefensible institution.

D. *Suggestions for Additional Measures*

The remaining suggestions designed to achieve impartial law enforcement do not require elaboration; I have therefore incorporated them into the following checklist:

1. Identify police troublemakers on the force and transfer them to noncritical jobs.
2. Ban "trigger words" in police action.
3. Enforce politeness in the giving of traffic tickets.
4. End investigative arrests.
5. Increase law enforcement in high-crime precincts.
6. Drive out organized crime and pay particular attention to its manifestations in the core areas.
7. Make certain that equal opportunity exists in all phases of department operation—recruitment, assignments, and promotion.
8. Ban the use of police dogs in core areas. A dog companion for a single patrolman on a lonely beat may be useful, but that same dog at a racial demonstration is a symbol of race hatred.¹¹
9. Integrate police teams—particularly details employed at racial demonstrations and "ready forces" employed to respond to street conflicts.
10. Seek more police officers.
11. Seek better training for police officers.
12. Seek better pay for police officers.

I make no suggestion that any of these items is so elementary that it can be the subject of a simple order and then forgotten. Even more important, I do not wish to suggest that any police department with which I am familiar has completely accomplished all of them. However, I do feel that if these policies are adopted as sincere objectives

11. "No one would deny that we need vigorous law enforcement. But should this entail, for example, the use of terror evoked by the threat of setting beasts against human beings? I refer, of course, to the use of police dogs in many of our cities—in the North and West, as well as in the South. Although I am not aware that police dogs have reduced the crime rate, the police assert that they are 'effective.' Assume for the moment that this is so. A full scale reign of terror might be 'effective' too. But could we respect ourselves if we instituted one? Can we pretend that resort to such tactics will foster respect for the law and not merely respect for brute force? By measures such as these, perhaps even the most unsocialized and antisocial people can be forced into a kind of submission—and we wouldn't have to bother to look at the reasons for their plight. *But at what a price!*" Bazelon, *Law, Morality, and Civil Liberties*, 12 U.C.L.A.L. REV. 13, 25 (1964).

and if they are tenaciously adhered to, then significant progress can be achieved. In fact, these policies have been adopted as goals by the Police Department of the City of Detroit. Although the inauguration of this program brought many predictions of dire consequences from prophets of doom both inside and outside the Police Department, the results have been quite gratifying. Since the implementation of this program, Detroit's figures have been significantly below the national trend as indicated by the FBI crime trend index.

By what I have said it must be obvious that I believe wholeheartedly in civilian control of police forces. There are many proposals for achievement of this, including civilian review boards. The best mechanism in my view, by far, is that of a civilian police administration—dedicated to vigorous, effective, fair and equal law enforcement—which has both responsibility for law enforcement and control of police practice.

The great majority of police officers, I believe, want no part of any abusive practices. They want and will support higher standards of training, of pay, and of performance in their profession.

Federal assistance in relation to some local police needs should be sought—particularly, I believe, in relation to police training. In Washington, I recently proposed the founding of a National Police Training College, to be organized, staffed, and financed on a level which would make it comparable to a West Point or an Annapolis. Such an institution could do more to enhance the quality of local law enforcement than any other single program I can imagine.

IV. THE NEED FOR COMMUNITY SUPPORT

Finally, I wish to emphasize that I would like to see more public concern about police work—not less. I would like to see citizens feel that they have a tremendous stake in how their police department operates and feel a duty to support it in the proper discharge of its duties. I would like to see them willing to “get involved.”

A woman was murdered in Queens last year within sight or hearing of thirty-eight people, not one of whom called the police. They did not want to get involved. A police officer was engaged in a desperate struggle to prevent a would-be suicide from throwing himself off an expressway bridge in Detroit. When the officer asked for help in trying to lift the man to safety, one citizen gave it. Others passed by, not wanting to get involved. What commentaries these are on our civilization!

Indeed, the element of citizen support for law enforcement is basic in a democratic society. Without it, the police effort can degenerate into an occupation army attitude.¹² With citizen support, the police are the community's right arm in fighting the evils which make city living difficult.

In the press, by television and radio, and at neighborhood meetings, we openly sought the active support of the civilian population while I was Police Commissioner of Detroit. At that time, Precinct 10 was the most difficult area to patrol in the city, and it also happened to be heavily populated by Negroes. The topic of "community relations" had been scheduled for one of the regular quarterly precinct meetings. The occasion did not turn out to be an ordinary affair. The overflowing crowd (ninety per cent were Negroes) was seated on hard folding chairs, but the people remained for three hours to talk in detail with the precinct officers about law enforcement problems in their area.

The most popular man at the meeting was the precinct inspector, who had been responsible for a vigorous program of law enforcement. During the course of this entire meeting, there was not one complaint about police discrimination or brutality. In fact, these residents were asking for stricter enforcement measures in their particular block or neighborhood, rather than wanting to have the police removed. They were telling us where stills and blind pigs were operating and who was pushing people around in that area. This is the kind of information which makes the job of law enforcement a great deal easier than it might otherwise be.

During this same meeting, we also awarded ten department citations in recognition of outstanding assistance to the police. The circumstances of one of these awards are particularly interesting. Two gunmen had held up a bar; when they left with the loot, three Negro citizens followed them out the door, chased them, caught them, and held them until the police arrived. Although we did not advocate such dangerously active civilian participation, we felt compelled to acknowledge that it was an act of considerable courage. However, we did encourage people to tell us when they were aware of illegal activities, and most of the other nine citations were awarded for this type of service.

12. The charge has been made that in some places this has already occurred: "The officer moves through Harlem like an occupying soldier in a bitterly hostile country; which is precisely what and where he is and the reason he walks in twos and threes." BALDWIN, *NOBODY KNOWS MY NAME* 62 (1961).

V. CONCLUSION

The sort of communication that was represented by that precinct meeting is the very essence of democratic participation in law enforcement. Such avenues of communication will permit us to make further progress in human relations without the eruptions of violence which plagued many of our great cities this past summer.

All good law is basically the codification of the wisdom and morality of past ages. It is never safe to deal with practical problems for long without eventually relating them to moral standards. I feel it is fitting to conclude with such a statement:

Owe no man anything, but to love one another: for he that loveth another hath fulfilled the law

Love worketh no ill to his neighbor: therefore love is the fulfilling of the law.

And that, knowing the time, that now it is high time to awake out of sleep: for now is our salvation nearer than when we believed.

The night is far spent, the day is at hand: let us therefore cast off the works of darkness, and let us put on the armor of light.¹³

13. *Romans* 13:8, 10-12 (King James).