

EAST BAY
CIVIL RIGHTS CONGRESS

REPORT
ON
POLICE
BRUTALITY

Report presented to the Committee on Crime and Correction, Chairman Vernon Kilpatrick, by Bertram Edises, General Counsel of the East Bay Civil Rights Congress and Hursel W. Alexander, Executive Secretary, and a delegation of people representing the Richmond, Oakland and Bay View Branches of the Civil Rights Congress, Alameda County Independent Progressive Party, ILWU #6, Alameda County Communist Party and the Alameda County CIO Council.

Interested Assemblymen present were: John E. Moss, Harlan Hagan, A. F. Hawkins, W. M. Rumford, J. E. McCormick, Committee Investigator.

Saturday, June 18, 1949
Sacramento, California

1. Frank EDMONDS, September 20, 1948, kicked in stomach at 6th street Lock-up.
2. Stanley WILSON, January 4, 1949, struck in solar plexus by a Service Division officer in the receiving room at the Oakland City Jail.
3. Melvin E. CUNNINGHAM, January 8, 1949, kicked in the abdomen, bladder ruptured by Patrol Wagon driver Robert E. Leen.
4. William C. BROWN, February 25, 1949, struck in stomach in booking office of Oakland City Jail.
5. Andrew L. HINES, April 17, 1949, shot and killed by Patrolman Spencer O. Amundsen.
6. Annie Lee HARRIS, April 23, 1949, held for three days in the Oakland City Jail without charge for a "health check-up."
7. George B. McDANIEL, May 11, 1949, struck with club and fists by Inspector Charles Wood at the Oakland City Hall in "third degree" questioning.

In each of the above cases efforts have been made without success to bring about a change in the methods of the Oakland police department. In each case, with the exception of the last two listed where no findings have been reported, police department investigations have resulted in vindication of the officers involved.

Earlier in 1947 a traffic officer Lloyd E. Hunt was charged with using unnecessary physical force in arresting Mrs. Ceda Cowan, 1230 Campbell street. Mrs. Cowan was in turn charged with battery against Hunt, consisting of allegedly throwing cherry pits at the officer, and for resisting arrest. The case ended in a hung jury. Charges against Mrs. Cowan were dropped.

In July, 1947, Hunt was adjudged guilty of using extreme force against Alonzo Striklin, manager of the El Rey theatre. Chief of Police Robert P. Tracy suspended Hunt for 60 days. Hunt is still on the police force.

Sporadic efforts by widely divergent community groups and organizations to end such outbreaks of violence have been successfully stymied to date by the Police Department which has, in the main conducted the investigations of charges against itself.

The establishment of a Mayor's Committee on Civic Unity which has been engaged in an independent investigation of several recent cases for months was looked to as a possible forward step. The Committee, however, lacking subpoena power and funds has been hampered severely.

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The following statements on the above-listed cases have been drawn up to indicate the general pattern of Oakland police methods, especially in its relationship with minority groups. Although reports show that police excesses are not restricted to Negro citizens---all principals in the seven cases listed are Negroes.

FRANK MCKINLEY EDMONDS

Frank M. Edmonds, 2434 Adeline Street, Oakland, reported he was arrested on or about 1:30 a. m. September 21, 1948, near the corner of Washington and 7th street in downtown Oakland on a charge of being drunk.

Arresting officers were A. J. Matulich and G. D. Stewart.

Edmonds stated that he was sitting in his parked car with a friend, Walter Handy, Jr., 521 Henry street, showing him a map with the aid of a flashlight when the two officers appeared.

Taken to the "Sixth Street Lock-Up" between Broadway and Washington, an emergency detention center located in a firehouse, Edmonds said he protested his arrest and was kicked in the abdomen by Officer Matulich and called a "black son-of-a-bitch." He was then taken to the City Hall prison, booked and released on \$25 bail. Upon his release Edmonds reported another officer warned him "not to be caught on the streets of Oakland again."

Edmonds' inability to appear in court the following day was testified by George V. Vandeventer, M.D., 3223 Telegraph Ave., Oakland.

In their report the arresting officers volunteered the information that Edmonds had told them he was drinking to relieve pain caused by a stomach ailment.

Edmonds was found guilty on the drunk charge by Police Judge Chris J. Fox on October 1, 1948. On the same day a delegation called on Chief of Police Tracy and was promised an investigation would be made. On the delegation were Paul Heide, President of the CIO International Longshoremen & Warehousemen's Union Local #6; Ole Fagerhaugh, then secretary of the Alameda County CIO Council; Claude O. Allen, then editor of The Beacon, West Oakland weekly; Ann Yanish, Executive Director of the East Bay Civil Rights Congress; Joseph Melia, Secretary of the Alameda County Independent Progressive Party and Bertram Edises, Civil Rights Congress General Counsel.

The investigation brought no results.

(continued - police brutality)

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STANLEY WILSON

AFFIDAVIT OF STANLEY C. WILSON

STATE OF CALIFORNIA)

COUNTY OF ALAMEDA)

ss

STANLEY C. WILSON, being first duly sworn, deposes and says:

My name is Stanley C. Wilson and I am an American of Negro ancestry and I reside with my wife and child at 1536 Harmon Street, Berkeley. On Tuesday, January 4, 1949 at about a quarter to 5 p.m. o'clock I went to the office of the clerk of the Police Court at the City Hall in Oakland to post bail in the sum of \$14.00 in connection with a traffic offense (speeding). The clerk declined to accept the bail and I was arrested as a defaulting defendant and taken to a room on the main floor of the City Hall, adjoining the Service Division. Nothing unusual happened until my wife, who is a white person, came in to see me. After she left I noticed that the officers began to act in a hostile manner toward me. First I was questioned at length, then searched, then required to take off my shoes and stockings, which were turned inside out, then I was told to stand against a wall in my bare feet. I stood there for about five minutes and then asked for permission to put my socks and shoes on. This was granted and as I was pulling on my left sock while still standing against the wall, an officer told me, "Pick up your things and take them over there," pointing to a bench. I asked him if I could finish putting my sock on first. The officer then grabbed me roughly by my shoulders, shoved me across the room, and slammed me forcefully against the wall. When I turned around another officer hit me a terrific blow in the solar plexus. I fell to the floor, doubled up and groaning. A couple of officers came over and picked me up and threw me on the floor of the jail elevator. They threw my shoes in afterwards.

All of the foregoing took place in a little room just off the service desk at around 6:00 p.m. on the evening of Tuesday, January 4, 1949. Everything that took place could be seen in the Service Division office through a large glass window.

My behavior was respectful at all times and I gave absolutely no provocation for this violent attack. I am convinced that the treatment given me was on account of my color and because of the fact that I, a Negro, am married to a white wife.

(signed) Stanley Wilson

Subscribed and sworn to before me
this 17 day of January, 1949.

(signed) Elizabeth White
Notary Public in and for the
County of Alameda, State of California

(continued)

Repeated efforts by Wilson to confront his attackers were refused by the Police Department. A simple denial on the part of the Service Division officers was sufficient investigation for the Department to write finis to the case.

On duty at the time he was attacked were two emergency officers Thomas W. Briggs and William Singledecker.

WILLIAM C. BROWN

William C. Brown, 1225 Myrtle Street, Oakland, young Army veteran who served overseas three years in combat engineers. At the time of his arrest he was unemployed but an apprentice carpenter and member of AFL Carpenters Union Local #36.

Brown was arrested at approximately 10:30 p.m. February 25th at the Ritz Cafe, 1710 Market Street, for disturbing the peace. When he protested innocence a patrolwagon driver allegedly cursed him and shoved him against a wall of the building. When taken to the City Hall, Brown reported that the driver told a booking officer, "This guy's a smart son-of-a-bitch."

Brown said the booking officer slugged him in the stomach - that he was struck several times in the booking office and the jail elevator. Brown posted \$25 bail which he forfeited.

The next morning, Saturday, February 26, Brown reported the incident to a police captain who had him examined by a doctor in the City Hall. The doctor, Brown reported, told him his stomach soreness was caused by a blow.

Nothing further came of the investigation when the Police Captain told him the story was "hard to believe."

MELVIN CUNNINGHAM

Melvin E. Cunningham, 44, 1011 - 14th Street, Oakland, a machinist and member of the CIO Steelworkers Union Local #1304, reported he was kicked in the abdomen between 12 noon and 1 p.m. January 8, at the entrance to the Oakland City Jail by a patrol wagon driver named Robert E. Leen.

The kick caused a ruptured bladder. Cunningham's sworn statement before a police court jury related that his efforts to secure the service of a doctor were ignored by jail attendants. He was not taken to the Highland County Hospital for an emergency operation until 15 hours after the injury was inflicted.

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Melvin E Cunningham

An operation Sunday morning, January 9 was credited with saving his life.

Cunningham was arrested near the corner of 14th and Brush on the way to his home by patrolman Ralph L. Wetherbee (5613) after a visit to the office of Attorney Samuel Gold in the Bank of America building at 12th and Broadway. He was charged with being drunk. An Oakland police court jury later found him 'not guilty' of the drunk charge.

Wetherbee called a patrol wagon driven by Leen (5334) and attended by Officer Paul E. Ritchey (5600). According to Cunningham's testimony, Leen called him a "black son-of-a-bitch" while en route to the City Hall. Cunningham said he voiced resentment at Leen's remark to Ritchey.

"When we got to the city jail," Cunningham said, "the driver (Leen) opened the back door. The other officer (Ritchey) got out first. Then I stepped out behind him. Just as I stepped out the driver kicked me right in the stomach."

Cunningham said he was then dragged into the jail where he asked an unidentified receiving officer to let him use a telephone to call a doctor, complaining that he was badly hurt.

Instead of getting a doctor to examine the prisoner the officer struck Cunningham in the stomach with his fist. Eventually he was placed in the drunk tank of the jail on the 13th floor. It was not until the jailers' shift changed at midnight that he was finally sent to Highland.

He was released from the hospital January 26.

On March 19 the police court jury returned the 'not guilty' verdict after hearing the testimony of 13 police officers which covered events from the time Cunningham was arrested until he was taken to Highland, as well as inspectors reports on the police department's investigation of his injury.

According to Inspector Joseph M. Bertoglio, who testified at the trial, the police were unable to find out how and where Cunningham received the bladder rupture, although the resident surgeon of Highland Hospital, Dr. Clyn Smith, testified that it was "highly improbable" that any one could walk about with such an injury even under the sedative influence of alcohol -- which would place the time and place of the injury after his arrest and while in custody of the police.

Typical of the testimony of the police was that of jailer Carl A. Lofstedt (5653) who filled out forms to send Cunningham to Highland.

Using a standard police form which was introduced in evidence at the trial, Lofstedt testified that Cunningham gave the following answers to the questionnaire:

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Melvin Cunningham

produced and the statement of the delegation, the case warranted further investigation which he would start on immediately and report his findings to the Civil Rights Congress and the delegation. No report from Mr. Tracy has been received by the C.R.C. to this date.

Currently investigating the case is the Mayor's Committee for Civic Unity. It has brought in no findings, although its investigation has been going on for nearly three months.

Throughout, the attitude of the police department has been defensive, devoted to protecting the members of the department, rather than uncovering the truth. The City Attorney's office has considered the case a matter of litigation rather than a search for the truth.

The difference between this case and numerous other cases reported through the years is that Mr. Cunningham's bladder was ruptured, a fact that cannot be denied. Efforts by the police to determine that the injury was inflicted outside their custody have persisted.

ANDREW L. HINES

Andrew L. Hines, 36, unemployed cannery worker who resided at 1057 - 37th Street, Emeryville, was shot and killed Easter Sunday morning, April 17, 1949, by Oakland patrolman Spencer O. Amundsen, 25.

Although Amundsen said he shot Hines in self-defense, the victim was unarmed and according to the original story of key witness Enoch Millor, Jr, in whose apartment at 1057 - 37th st., the shooting occurred, Hines made no threatening gesture toward Amundsen.

Amundsen told a coroners' jury a story which did not match the original police version that Amundsen had made a "gun bluff" -- had "reached toward a pocket" in a "threatening gesture."

The policeman said he observed Hines outside the rooming house early Sunday morning and suspected him of "prowling." He approached Hines with drawn gun and ordered him to raise his hands.

"I noticed the man acting suspiciously in the shadows of the building adjacent to 1057 - 37th street," Amundsen testified (Hines lived in a rear apartment at the house). "I crossed the street and put my flashlight on him. I told him to get his hands up."

"The man (Hines) put his hands up and asked me what was wrong. And I told him I wanted to know what he was doing. At that time he said, 'I'm not doing anything' and he started to lower his hands, and I told him to put them up again."

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"He (Hines) kept trying to lower his hands...and making motions. I took him to the door. He started to lower his hands again. He was mumbling something under his breath. I shoved the door open (door to Miller's ground floor apartment) and told Mr. Hines to go in and keep his hands up. He got in the light - the room was well lit up - I noticed his coat was open...something about the way the coat was hanging that there might have been something in his back pocket."

"He started to lower his hands. I had to tell him several times to keep them up. He turned around and lowered his hands. I told him to keep his hands up. I shot with the intention of hitting him in the arm to disarm him. He stood there a minute and then he keeled over."

Hines was declared dead on arrival at Highland Hospital from bleeding caused by the bullet wound in the right side of his body.

The coroners' jury handed down a decision of justifiable homicide.

According to Miller's original story, altered slightly, but not in any greatly significant detail at the inquest -- Hines did lower his hands upon entering the room where he had been a few minutes before Amundsen accosted him -- a natural reaction of a man who is suspecting of being a "peeping tom" or "proowler" when he is confronted by the occupants of an apartment who are friends -- in the knowledge that they will identify him as a resident of the house and not as a lawbreaker.

Miller added that Hines was shaking badly in the face of the levelled pistol--that when Amundsen ordered him to "get your hands up" -- Hines' arms were in a half-cooked position, as if he were trying to raise his arms but was suffering from semi-paralysis caused by intense fright.

There were three witnesses in the room including Miller. They were his cousin, Mrs. Lena Lee, 47, a widow, and Edward Davis, 3439 Mabel Street, Oakland, who was lying on a bed. Mrs. Lee and Miller were in almost direct line of fire from Amundsen's gun.

There is no testimony by any of the witnesses that Hines made a "gun bluff" or that the shooting was in any way provoked by Hines, except for the fact that he did not raise his hands when Amundsen shouted at him.

Hines left several near relatives in the Bay Area. Efforts by his family to bring about the prosecution of Amundsen have failed. The Alameda County District Attorney J. Frank Coakley dissuaded them on the basis of the unreliability of the witnesses.

A request for the suspension of Amundsen was made before the Oakland City Council by the Ministerial Alliance headed by the Reverend G. Linwood Fauntleroy, Alliance President, and pastor of the Greater Cooper A. M. E. Zion Church, 1420 Myrtle Street, Oakland, on May 5th.

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Andrew L. Hines

The City Council ordered the Mayor's Committee on Civic Unity to investigate and report back within 30 days. The Committee has since requested an extension of time.

Reverend Fauntleroy was named to the Committee during the investigation.

A \$150,000 damage claim has been filed against the City, City Manager John Hassler, ex-chief of police Robert P. Tracy, and members of the City Council by Hines' sister, Mrs. Exie Lee Hudson, 3136 West Street, Oakland.

The claim as in the case of several others, was referred automatically to the city's insurance carrier, the Pacific Indemnity Company with offices in the Central Bank Building, 14th and Broadway, Oakland.

A check of Amundsen's civil service record reveals only that he was appointed November 1, 1947, was suspended once for tardiness and in June, 1948, for reporting to work in an intoxicated condition.

Amundsen is still on the force.

MRS. ANNIE LEE HARRIS

The following letter addressed to Oakland Police Captain by the East Bay Civil Rights Congress general counsel, Bertram Edises, contains the relevant facts regarding the detention of Mrs. Harris by the police.

A follow-up letter was finally answered by Chief of Police Lester J. Divine. Divine wrote that the matter had been referred to City Attorney John Collier.

May 9, 1949

Captain Ora E. Rhodes
Oakland Police Department
City Hall
Oakland, California

In re: Annie Lee Harris

Dear Captain Rhodes:

In accordance with our telephone conversation of May 3, 1949, I give you herewith the facts which have come to my attention regarding this case.

On Saturday night, April 23, 1949, at about a half hour past midnight, Mrs. Annie Lee Harris of 2930 Avalon Avenue, Berkeley,

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(our Annie Lee Harris)

was stopped by four police officers near the corner of tenth and Broadway. At the time Mrs. Harris was on her way to 12th and Broadway to take a taxicab home.

One of the officers said to her, "What have you been doing with your big black belly?" Another said, "When was the last time you saw a doctor?" Stating that they were going to give her a V.D check up, they called the wagon and took her to the city jail where she was held until Tuesday, April 26, at about 5:00 p.m., a period of nearly three days. The medical tests were negative.

Mrs. Harris is a respectable Negro-American, thirty-six years of age. She is married and has no children. She has been a resident of this county since 1943, and is employed as a cook in the home of Mrs. F. P. Farquhar, where she resides. Mrs. Harris has never before been arrested. Prior to this incident she had no police record of any kind. Despite the fact that she was purportedly detained under the provisions of the Health and Safety Code, and not as a criminal or suspected criminal, she was fingerprinted and "mugged" at the I.D. Bureau.

I am informed that it is common practice for members of your department to detain persons for V. D. Investigation in the absence of any criminal charge. My understanding of the law is that such detentions are wholly illegal for the following reasons:

1. Sections 2554-2574 of the Health and Safety Code, which presumably are the sections relied on, apply only to "health officers." The phrase "health officer" as defined in Section 2500 of the Health and Safety Code does not include policemen.
2. Even bona fide health officers cannot detain an individual for investigation of a communicable disease in the absence of probable cause for belief that the arrested person is diseased. Probable cause means more than a mere suspicion; it means possessing positive information based on the prior record of the individual concerned or other definite knowledge. For a full discussion, see In re Martin, 83 C. A. (2d) 164. See also In re Milstead, 44 C. A. 249; In re Shepard, 51 C. A. 149; In re Arata, 52 C. A. 380; In re June King, 128 C. A. 27.

There is a sound reason for the rule of law limiting the right of quarantine detention to health officers and requiring reasonable grounds to believe the person infected. Persons held in quarantine are not bailable. Accordingly, if police officers may arrest on mere suspicion, or without any grounds at all, as in the instant case, the result would be to make the liberty of every citizen subject to the uncontrolled whim of every policeman. The constitutional guarantees against arbitrary arrest and detention would thus be set at naught.

I will appreciate your inquiring into the circumstances surrounding the arrest and detention of Mrs. Harris and letting me know the result. I would also like to know what legal basis, if any, the Police Department regards as justifying detention of citizens

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Annie Lee Harris

by police officers for investigation of venereal disease. These requests are made as the attorney for Mrs. Harris, and likewise as general counsel for the Civil Rights Congress, an organization concerned with the defense of civil rights.

Yours very truly,

Bertram Blases (signed)

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cc: Chief of Police, Lester J. Divine

City Attorney Collier

Dr. Franaworth, Oakland Health Department

GEORGE B. McDANIEL

The following was taken from the minutes of the Mayor's Committee for Civic Unity:

Chairman Desky announced that this committee meeting would be devoted to the matters referred to it by the City Council in re: recent police cases involving minority groups. The first of these cases having been discussed at the last meeting and the committee having left off on the subject of G. B. McDaniel, whose case would be continued at this meeting.

The Chairman stated that in connection with the Hines Case, the Civil Service records of Officer Spencer O. Amundsen, the officer in question, showed that Amundsen is 25 years of age; he was appointed a regular patrolman, Nov. 1, 1947; he was suspended on one occasion due to tardiness; suspended one day and received a fine of \$50.00 for intoxication in June, 1948. Other than these details, the records do not indicate anything more.

Chairman Desky explained that at the last meeting the committee had requested the presence of G. B. McDaniel; Mrs. McDaniel and Rev. Mayfield, their Pastor, in order that they might tell their stories in their own fashion with reference to the McDaniel case. The Chairman suggested that each person tell his story in full and at the conclusion, if committee members so desired, they could question them. He assured each of these persons that they not be frightened in any way. He suggested Mrs. McDaniel relate her story first.

Mrs. McDaniel stated that her full name is Pearlle McDaniel and that she resides with her husband and seven children at 2049 Peralta Street, a housing project. She related in her own style and manner that she has lived with her family in Oakland for 3 years, originally coming from Louisiana. She said the robbery occurred on Tuesday morning, May 10, 1949, between 9 and 10 AM. She and her Aunt by marriage were talking in the house at the time. Someone knocked on the door and as she never opens the door without asking who it is first, she asked who was there. A man's voice replied, "Wilson". When she opened the door, the man came in and "threw a gun on us".

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He then marched them into another room and shut the door, while he went into the front room. They could hear him. When he had gone from them, she rushed next door to another project and told a boy named, "Harry".

Chairman Desky directed questions at Mrs. McDaniel from time to time to help clarify points in her story. She said when the man stated his name was "Wilson" and she opened the door, she had never seen him before. Her Aunt, Mrs. Clyde Braggs was visiting with her on that morning. "Wilson" said he knew the Aunt. The Aunt said she did not know him. \$1500 was in the trunk. "Wilson" did not see the \$1500.00 as it was in paper and wrapped in clothes. He got the \$54.00. The trunk was in the front room. "Wilson" entered by the kitchen door and went directly to the trunk. Mrs. McDaniel said her 13 year old daughter told her later that Wilson had come to the house a week before, but the daughter did not let him in the house. At that time he had also knocked and when the girl asked who it was, he said, "Wilson". The money had been in the trunk, she guessed, about six months. Mrs. McDaniel said the money belonged to her, her husband and her mother-in-law. The mother-in-law, Mrs. Howard, had earned this money by working at Naval Supply Center, she explained, when the Chairman questioned the source of Mrs. Howard's income. Mrs. Howard is steadily employed now, she said. Mrs. Bragg's husband works at Naval Air Station. His name is Grant Braggs. Grant had said he knew "Wilson". (This, since the robbery.) Mrs. Howard lives with the McDaniel family. Mrs. Howard gave the money to Mrs. McDaniel to put in the trunk.

Mr. Avakian questioned Mrs. McDaniel as to whether Mrs. Howard knew that Mrs. McDaniel did not let people in the house without knowing who they were. Mrs. Howard knew about this, Mrs. McDaniel replied.

Reverend Fauntleroy pointed out that when Mrs. McDaniel said the "money belonged to her, her husband and mother-in-law", she was including the \$54.00.

Chairman Desky called upon Mr. McDaniel to relate his story.

G. B. McDaniel stated he was 39 years of age, and had about a fifth grade education.

Chairman Desky asked him about the statement which he made in writing to the Chief of Police. (If he had written it himself.)

McDaniel explained that his boss had sent him to Mr. Fernhoff (F. Bert) and Mr. Fernhoff sent him to the Chief of Police, where he talked with two lieutenants who put his statement in writing.

Chairman Desky explained that the words in the statement were not necessarily McDaniel's.

McDaniel explained that he first knew about the robbery when he was at work. His wife had been too upset and had someone

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else phone him. The lady who phoned him said merely, "come home at once". McDaniel thought it was one of his children "that was killed". He did not know at that time what had happened. When he arrived home, he was told, "we were robbed". He said he was glad then, because none of his children had been killed. When the man from the Police Department came to take fingerprints, his wife was told to take the things out of the trunk. When she did, McDaniel noticed that an old gun was missing from its place in the trunk. This gun, he explained, came from Mr. Bemiss's ranch. (His employer) When he came home his wife was there with Mrs. Howard. This was after 2:00 pm. McDaniel went to the Police Department the next day to see Inspectors Charles Wood and John J. Murphy. He asked them if they had "caught the man with the gun". He explained that he thought whoever had taken the money, took the gun, and whoever had the gun, that was the man who did the job.

Upon questioning by Mr. Desky, McDaniel explained he had just asked the Inspector "if they had caught the man with the gun" nothing else.

The Inspectors showed McDaniel a gun and asked if that was the one. He said it was. The gun, he explained, belonged to someone at Bemiss's ranch who had asked him to take care of it. It had been in the trunk about 2 years.

McDaniel related the following in his own words:

"When I came to the City Hall, the Inspectors showed me a gun, which I identified as the same one in my trunk. They said to come back the next day at 8:00 AM. I came. A neighbor of mine, Mr. Newby brought me to the City Hall. Mr. Newby waited outside on a bench and I went in to a big room, (Inspectors' room) to talk with the Inspectors. They asked if I knew "Williams" (Wilson). I said I had seen him, but did not know him. They told me to tell Mr. Newby to go home as I was going to jail. I did that. They took me in the elevator to the jail. I had never been in any jail before in my life. They took me in a room and brought in the man "Williams" (Wilson) in front of me. The man said, 'George, didn't you give me this gun to rob your house?' I told him, 'Fellow, do you think I'd ever give you a gun to rob my own house?' This man (Bill Williams) claimed he gave the gun to me at a ball park. I've never been to a ball park. This all happened in front of the two officers. They took Williams away. Inspector Wood told me I was "in" with Williams. He said, 'This man (Williams) is telling the truth and you are lying! Inspector Wood beat me. He slapped my face hard. Made me fold my hands behind my head. (McDaniel illustrated this.) He took his fists and struck me in the stomach."

At a question from Chairman Desky, McDaniel said he did not know how many times Inspector Wood hit him.

McDaniel continued: "Inspector Murphy did not touch me. Inspector Wood called me names. (He mentioned the names.) He kicked my left leg twice. The Inspector then left and told me to wait at the barber shop. I waited an hour. They came back and said,

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George B. McDaniel

'You were telling the truth. Go home to your wife and mother-in-law, they are waiting for you'. When I asked why Inspector Weed had beat me when I was telling the truth, the Inspector said, 'You fell down and hurt your leg'. Mr. Newby and my wife picked me up at the City Hall."

"Inspector Weed beat me over the shoulder with a "stick". He hit me on the right shoulder. I left the station at 2:00 or 3:00 PM. After leaving the Hall, Mr. Newby and my wife drove me to my Boss's office, (Mr. Bemiss) at 18th and Grove Sts. My wife and Mr. Newby drop ed me off and drove home. I saw Mr. Bemiss for about 15 minutes. He saw my condition and called Mr. Farnhoff (Bemiss's attorney). I showed Mr. Bemiss my left leg, etc. With Mr. Bemiss in his office at the time (brought out by Chairman Desky) was Mr. Walter Ogden, his Supt., and Mrs. Robb, his secretary. I went home from Bemiss's office and then went to Rev. Fauntleroy's church. Rev. Fauntleroy called a doctor to treat me at his church."

Chairman Desky explained that the doctor, Dr. Joe E. Lewis, had made a statement to the Chief of Police regarding McDaniel's injuries.

Mr. Avakian asked McDaniel if at any time he had asked the Inspectors why he was going to jail? McDaniel replied he had not.

McDaniel said the day after all this happened he went to Farnhoff's office.

Rev. Fauntleroy explained that Rev. Mayfield had called him about all this and he had suggested to Rev. Mayfield to contact Dr. Geistweitz. When McDaniel arrived at his church, he said he was ill, and Rev. Fauntleroy called three different doctors before he succeeded in getting Dr. Joe E. Lewis, who came out and treated McDaniel. McDaniel had an appointment with Mr. Farnhoff for the next day and when Mr. Farnhoff saw him, he told him to go to the Chief of Police. McDaniel went back to work on May 19th.

Mr. Avakian asked what had happened to Bill Williams, the hold-up man, and Chairman Desky replied that Williams' case was still pending.

Chairman Desky interrogated McDaniel at great length to determine how his Aunt (Mrs. Briggs) made her living.

McDaniel said she had earned it by working. However, he admitted upon a direct question from Chairman Desky as to whether or not she was a "good woman", that in his words, "she is no good".

A discussion followed on whether or not it is the policy of the Police Dept. to take physical action on a suspect.

McDaniel said the way Bill Williams had spoke to him, the Police could not help but think he (McDaniel) was lying.

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Rev. Fauntleroy explained that the Police seemed to think that he (McDaniel) was beat up between the time he left here and time he reached his home.

Upon a question directed to him by Chairman Desky, McDaniel replied he had never fought with anyone in his life. That he was a regular church member.

Chairman Desky asked Mrs. McDaniel to come forward again and then asked her if she had seen McDaniel before he left for the Police station on the morning he was to be at the City Hall.

Mrs. McDaniel said "yes" and that he was alright.

Chairman Desky asked if she had seen him when he got out of jail.

She replied, "yes" and that his left eye was bloodshot; his leg was hurt. She went with him to Bemiss's office, but did not go in. Mr. Nowby and she left McDaniel off. She stated McDaniel was a good husband.

Chairman Desky asked the Pastor for the McDaniel family to come forward.

The Pastor introduced himself as the Rev. Spurgeon J. Mayfield. He stated he had been a Chaplain in the Army for 3 years and 8 months. He had organized a church within the housing area, which is inter-denominational. He stated he had known the McDaniel family for 2 years. He has known McDaniel personally during the last month or two, and that he has a good reputation. He said the day of the robbery, he happened to be in the neighborhood and saw the excitement. He dropped into the McDaniel home. The children told him they had been robbed. Mrs. McDaniel explained her husband had been sent for. "She told me the same story she told here today, and I was impressed with her story." She did not seem excited in any way. I saw McDaniel myself on May 18th, he had a bruise on his cheek and his left leg was sore. He told me the same story he told here today. *****
This happened to Andrew Hines.

Such occurrences are responsible for the development of a state of tension among the Negro residents of West Oakland which, unless swiftly corrected, can have dangerous repercussions upon the entire community.

Other communities in the Bay Region have large Negro populations, such as Berkeley, Alameda, Vallejo, Richmond and San Francisco. Of the incidence of police brutality in Oakland is overwhelmingly greater than in any of these other communities. In Berkeley, for example, complaints of police misconduct are extremely rare. Why is it that Oakland is such a painful exception?

STATEMENT OF EAST BAY CIVIL RIGHTS CONGRESS ON POLICE BRUTALITY IN
OAKLAND

June 18, 1949

I.

POLICE BRUTALITY IN OAKLAND IS INCREASING AND HAS REACHED DANGEROUS PROPORTIONS.

Oakland has the second largest Negro Population west of the Mississippi River. In some ways it is the center of Negro life and activity on the West Coast. Yet the Negro citizens of Oakland live in mortal fear of the Oakland Police Department, an agency of government which is supposed to exist for the protection of all persons, regardless of race or color.

Scarcely a week goes by without a report reaching the offices of the East Bay Civil Rights Congress of violation of the civil rights of Negro Americans.

A Negro will be sitting in a bar, peacefully having a drink with white companions; an Oakland police officer will come in, order the individuals to "break it up" and frequently will arrest the parties as "drunk." The justification advanced for such conduct is that it is necessary for the "protection" of the white person.

A Negro is arrested on some charge and brought to the City Jail. The booking officers speak to him in insulting terms. If he protests, he is "worked over," usually by means of blows or kicks in the abdomen or other regions of the anatomy which show no bruises. This happened to Melvin Cunningham and Stanly Wilson, among many others.

A respectable Negro woman is walking peaceably along a main street. Four boisterous Oakland police officers accost her, ask her, "what have you been doing with your big black belly?" and send her to jail for a venereal disease check-up, despite the fact that she has no history of infection. She is detained three days and released when the medical tests are negative. This happened to Annie Lee Harris.

A rooky Police officer sees a Negro in front of his own house, orders him indoors at the point of a gun, and upon seeing several other Negroes present, concludes that he is "surrounded" and in fright and panic, pulls the trigger and murders an innocent person. This happened to Andrew Hines.

Such occurrences are responsible for the development of a state of tension among the Negro residents of West Oakland which, unless swiftly corrected, can have dangerous repercussions upon the entire community.

Other communities in the Bay Region have large Negro populations, such as Berkeley, Alameda, Vallejo, Richmond and San Francisco. Yet the incidence of police brutality in Oakland is overwhelmingly greater than in any of these other communities. In Berkeley, for example, complaints of police misconduct are extremely rare. Why is it that Oakland is such a painful exception?

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II

LOCAL AUTHORITIES ARE UNWILLING AND UNABLE TO REMEDY THE SITUATION.

Repeated protests by the Civil Rights Congress and other community organizations have been ineffective in bringing about any improvement in the police brutality situation. Oakland has no Police Commission, and consequently complaints must be directed at the City Council or the Department itself. The Council is prohibited by law from interfering with the administration of any of the City departments. Consequently, protests concerning police misconduct toward Negroes have been referred to the Mayor's Committee on Civic Unity. This Committee is completely powerless to do anything effective. It has no permanent employees or staff members, has no funds, and does not even have the official authority to make investigations, let alone order corrective measures. In practice, brutality cases referred to the Mayor's Committee have become lost in inconclusive talk and discussion and have produced no results whatsoever. Protests to the Chief of Police are utterly ineffective. The Chief promises to make an investigation, but the investigation invariably turns into a whitewash.

Other local measures against police misconduct are likewise unavailing. Civil suits for damages are worthless because of the practical impossibility of getting a judgment against the City or the bonded officials of the City, in the absence of proof of personal participation in the misconduct by such officials. This condition could, of course, be radically changed if police officers were bonded, which is not the case. Criminal prosecutions against the offending officers also are unavailing, because the District Attorney's office, while quick to act in the event of an assault by a citizen on a cop, is most reluctant to do anything about the contrary situation.

The "investigation" made by the Coroner's Office in connection with the Hines killing (the facts of which are set forth in the accompanying statement) conclusively shows the inadequacy of that instrumentality.

In short, corrective action on a local level has been wholly unsuccessful in remedying the flagrant violations of civil rights by the Oakland Police Department.

III

THE OAKLAND POLICE DEPARTMENT'S EFFORTS TO EVADE RESPONSIBILITY FOR ITS MISCONDUCT.

The Oakland Police Department has taken a most reckless and irresponsible attitude toward the efforts of citizens to clean up the rotten conditions within the Department. One of the chief methods used to obscure the situation is that of the "Red Herring." Following a particularly flagrant case, that of Melvin Cunningham who sustained a broken bladder at the hands of Oakland Policemen, an untruthful and distorted version of the event was printed in the Oakland Tribune. Later the gossip column called "The Knave," in the Tribune, alleged that Police Chief Tracy had said that the flood of complaints of police

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brutality was a "Communist Plot", as evidenced by the fact that the only newspaper carrying accounts of the episodes was the Daily Peoples World. The fact is that none of the commercial newspapers in the East Bay will print anything about police brutality, except in most unusual circumstances. Furthermore, the Police Department has attempted to frighten those ministers and other civic minded individuals who have joined in the protests by insinuating that the whole thing is a fabrication and that they are being made the victims of "Communist schemes."

There is reason to believe that Negro witnesses in such cases as the Hines case have been intimidated into giving statements exonerating the culprits. The Department has made every effort to conceal the truth about police brutality, and the higher officers of the Department have conceived it to be their duty to protect the guilty persons rather than to attempt to remedy the situation and bring them to justice.

IV

WHAT CAN BE DONE?

The failure and impotence of the local authorities in the face of the mounting wave of police brutality points to the necessity of action by some superior body. The State Legislature or appropriate committee thereof can make an important contribution toward the correction of the evil by launching an investigation into the facts of police brutality and making appropriate recommendations for the protection of citizens. Such an investigation would help to break the "iron curtain" dropped by the local newspapers over the subject of police brutality and would stimulate local officials into taking remedial action. Such an investigation is urgently necessary for the peace and tranquility of the citizens of Oakland and is earnestly requested by the East Bay Civil Rights Congress.

From all of the evidence before the Committee has reached the following conclusions:

1. We believe that the evidence indicates an unjustifiable abuse of a man because of his race; that Inspector Wood used the language which we have heard used and that he used force and intimidation in order to extract a confession from Sabanigh.

2. We believe that at the time of the beating Inspector Wood and Murphy believed that Sabanigh had conspired with Williams in planning the riot, which belief was later disproved, after further investigation.

3. We believe that Inspector Murphy did not talk with abusive language at force and that he

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(The appendix attached hereto is not part of the report submitted to the Committee on Crime and Correction, June 18, 1949. A copy of the full report has been forwarded to Chairman Kilpatrick)

FINDINGS AND CONCLUSIONS OF REPORT BY MAYOR'S COMMITTEE FOR CIVIC UNITY TO THE OAKLAND CITY COUNCIL, JUNE 30, 1949.

THE CASE OF MELVIN CUNNINGHAM

A matter in which a Melvin Cunningham was allegedly beaten by the Oakland Police was brought to the attention of the Committee, but investigation of this case was not pursued because a civil suit for damages had already been filed against the City, and the Committee thought it would be inadvisable to make an investigation of this case after the commencement of a law suit.

THE FINDINGS AND CONCLUSIONS IN THE
CASE OF ANDREW L. HINES

From all the evidence before it the Committee has reached the following conclusions:

1. We believe that Officer Amundsen used poor judgment in the handling of the case in not ascertaining in the first instance whether Hines was armed, or, if he believed Hines to be a dangerous individual, in not calling for assistance, or in not taking steps to protect himself against Hines by using handcuffs.

2. It is our opinion that, particularly in view of his failure to take the precautions mentioned in Finding #1, Officer Amundsen shot prematurely.

3. We find that evidence of specific racial discrimination is lacking.

THE FINDINGS AND CONCLUSIONS IN THE
CASE OF GEORGE B. MCDANIEL

From all of the evidence before it the Committee has reached the following conclusions:

1. We believe that the evidence indicates an unjustifiable abuse of a man because of his race; that Inspector Wood used the language alleged to have been used and that he used force and intimidation in order to extract a confession from McDaniel.

2. We believe that at the time of the beating Inspectors Wood and Murphy believed that McDaniel had conspired with Williams in planning the robbery, which belief was later disproved, after further investigation.

3. We believe that Inspector Murphy did not himself use abusive language or force and that he

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(continued - Mayor's Committee for Civic Unity)
George B. McDaniel

finally indicated his disapproval of Inspector Wood's conduct.

4. This matter should be referred to the proper Oakland City Officials for disciplinary action.

CONCLUSIONS FROM THESE CASES

It is the opinion of the Mayor's Committee for Civic Unity that the information here under consideration indicates a lack of proper training of Police Officers in our City and to some extent a lack of understanding of their relationships with minority groups.

Oakland is not the only city confronted with this problem as is evidenced by the report of the President's Committee on Civil Rights, page 25, in which the statement is made, "We must also report more widespread and varied forms of official misconduct. These included violent physical attacks by police officers on members of minority groups, use of third degree methods to extort confessions, and brutality against prisoners."

Oakland should be among the forefront of those communities seeking to creatively solve this problem.

The first essential in a proper preventive program is a professional approach to the problem. Specific orders forbidding the use of violence, abusive language, or other indications of lack of proper respect for the rights of all citizens, regardless of race, color, or creed, and social or economic status, should be included in the rules and regulations governing the conduct of Police Officers. Even more importantly, Policemen should be indoctrinated, as a part of their training, with the proper attitudes and methods for performing their duties in the tense atmosphere which sometimes accompanies the arrest of members of minority groups. A properly conducted course of instruction for Police Officers in group relationships has proved beneficial in several cities. Such a course of study will definitely improve the relationships between Police Officers and minority groups. All citizens are, and of right must be, equal before the law. Race, color, politics or religion should make no difference in law enforcement. We believe that a practical study by Police Officers of group relationships, under capable and experienced instructors, will tend to prevent Police incidents involving minority groups. Prejudice against minority groups always results from fear, insecurity or ignorance. Few informed and intelligent persons have these prejudices.

The use of force or violence by Police Officers in attempting to obtain information is never justified. It is contrary to the basic principles of the fundamental laws of our country.

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(continued - Mayor's Committee for Civic Unity)
Conclusions

This report has been unanimously approved by the Committee,
this 30th day of June, 1949.

Respectfully submitted,

MAYOR'S COMMITTEE FOR CIVIC UNITY

By Howard H. Desky
Chairman, Howard H. Desky

Spurgeon Avakian

Helen M. Grant

Jane W. Davis

Marion Chichester

Alvessie Hackshaw

Hachiro Yuasa

Harold N. Geistweit

Enrico Dell 'Osso

Paul Heide

Laurence S. Simon

Marion Brown

John Dillingham

(Rev. G. Linwood Fauntleroy participated in the investigation and deliberations of the Committee but has neither read or signed the report because he was unavoidably absent from the city on account of his wife's death, at the time the report was prepared.)