

(GENERAL)

FILE NO. 252114

PETITION

OF
A.C.L.U.
FOR

INVESTIGATION OF ALLEGED POLICE DEPT. PRACTICES.

*11/16/64 - Police Chief
then Civil Serv.
Comm later*

NOV 16 1964

FILED

C. G. ERLANDSON
COMPTROLLER AND CITY CLERK

BY *W. A. Jensen* DEPUTY

ACTION OF THE COUNCIL

REFERRED

NOV 16 1964

REFERRED

REFERRED

REPORTED

MAR 15 1965

RE-REFERRED

REPORTED

TO *Personnel & Judiciary*

PUBLIC SAFETY

COMMITTEE

TO

TO

DISPOSITION

on file

TO

DISPOSITION

REPORT OF COMMITTEE

Mr. President:

Your

to which was referred the within

would respectfully report that we have considered the same and respectfully recommend that

Committee

(GENERAL)

250114

FILE NO.

PETITION

OF

A.C.L.U.

FOR

INVESTIGATION OF ALLEGED POLICE DEPT. PRACTICES.

11/16/64 - Police Chief
then Civil Serv.
Common letter

NOV 16 1964

C. G. ERLANDSON
COMPTROLLER AND CITY CLERK

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ACTION OF THE COUNCIL

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REPORT OF COMMITTEE

Mr. President:

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CHAIRMAN

CHAIRMAN

SPECIAL COMMITTEE OF THE CITY COUNCIL

FEBRUARY 19, 1965 -- 9 a.m.

Continuation of Public Hearing Re. Petition of the American Civil Liberties Union for investigation of alleged Police Department practices and for establishment of a Police Review Board in the City of Seattle.

Mr. Luke, Chairman

All members of the City Council present except Mr. Miller who was excused because he was representing the City of Seattle in Olympia. (Present -- Mr. Alexander, Mr. Carroll, Mr. Eckmann, Mrs. Edwards, Mr. Best, Mr. Mitchell, Mr. Luke). Mr. Massart was Acting Mayor and was present throughout the hearing.

Also present were A. L. Newbould, Corporation Counsel and the following members and staff of the Human Rights Commission: Elliott Couden, Charles M. Stokes, Rev. Lincoln Eng, Mrs. Kirby D. Walker, Johnny Allen, Rev. Samuel B. McKinney, John Eichelberger and Y. Philip Hayasaka.

The Committee considered:

File No. 252114, petition of the A. C. L. U. for investigation of alleged Police Department practices.

File No. 252113, Petition of N.A.A.C.P., et al., supporting the A.C.L.U.'s petition re. alleged Police Department practices.

File No. 252130, Petition of Ben Daniels, Inland Bonding Company, et al., supporting Seattle's Police Department and charging that claims of Police brutality are unfounded and part of a national campaign.

File No. 252129, Petition of Paul K. Thompson re. alleged Police Department practices.

Chief of Police F. C. Ramon presented the case for the Police Department. He and all the witnesses were sworn in by the Chairman of the Special Committee -- Councilman Wing Luke.

The Chief of Police, after presenting his statement, called on:

Deputy Chief M. E. Cook, who was questioned by A. L. Newbould, Corporation Counsel, after he had finished speaking. Councilman Carroll and Councilman Alexander also questioned Chief Cook.

The Chief of Police then proceeded to reply to the statements made at the hearing of the Special Committee on January 22, 1965 by the following persons:

Richard Variot, Kenneth Spencer, Richard Hoidal, Norman Hoppman, James E. Saxon, Clayton Hostetler, Maximillian Contreras,

The Special Committee recessed at 10:25 a.m. and reconvened at 10:40 a.m.

Communications were then received and read from Mayor J. D. Braman and King County Prosecutor Charles O. Carroll.

The Chief of Police then proceeded with his reply to the A.C.L.U. petition by discussing Mrs. Browning's statement; also statements of Alan Froelich and Mr. Ed Wood.

The Chief of Police then called on Gordon S. Clinton, private attorney and former Mayor of Seattle, for a statement. Following his statement, Mr. Clinton was questioned by Mr. Newbould, Corporation Counsel.

The Chief of Police then called on Mr. Richard D. Auerbach, formerly with the Federal Bureau of Investigation. After making a statement, Mr. Auerbach was also questioned by Corporation Counsel Newbould.

The Chief of Police then summarized his case and the Committee recessed for lunch at 12:05 p.m.

February 19, 1965

The Special Committee reconvened at 1:35 p.m. On a call of the roll, all members were present except Mr. Miller, who was excused. Mr. Massart was present as Acting Mayor.

The hearing then continued with Councilman Ted C. Best questioning the Chief of Police. Corporation Counsel Newbould and Councilman Carroll also questioned the Chief of Police further.

The Chief of Police concluded his presentation and the following persons from the audience were then sworn in and presented statements:

Mr. Wayne Wright, representing Mr. Philip D. Hamlin.

Mr. Wright then called on Mr. Harley Hudgens who was questioned by Mr. Wright.

Mr. Philip Hamlin was then called to make a statement and was questioned by Mr. Wayne Wright.

Mr. Fredrych P. Nelson, Bremerton, Washington

Mr. Robert Olson, representing the Citizens' Committee for Effective Law Enforcement, made a statement and presented Exhibit No. 10.

Mr. Donald E. Hetzel made a statement and presented Exhibit No. 14.

Mr. Millard Larson made a statement and presented Exhibit No. 15

Mr. Lawrence Timbers made a statement and presented Exhibit No. 16

Mr. Larry H. Abraham, Western Washington Coordinator of The John Birch Society, made a statement and presented Exhibits Nos. 17, 18, 19, 20, 21 and 22.

Mr. Alvin Zientz, Attorney for the American Civil Liberties Union, was then granted 10 minutes to make a summation.

Motion was made by Councilman Mitchell, and seconded by Councilman Alexander, that the request of the American Civil Liberties Union for a Police Review Board be DENIED. Motion carried unanimously.

It was then moved by Mrs. Edwards, and seconded, that a Special Committee of the City Council be appointed to confer with the Mayor, Chief of Police and Corporation Counsel in regards to procedure in handling complaints against the members of the Police Department. Motion carried.

The meeting of the Special Committee of the City Council adjourned at 3:55 p.m.

List of Exhibits presented at the hearing are as follows:

- Exhibit No. 9 - Seattle Police Dept. file re. Mrs. Ola P. Browning. (2/11/65)
- Exhibit No. 10 -- Citizen's Committee for Effective Law Enforcement, by Robert Olson./
- Exhibit No. 11 -- Greater Seattle Committee to Support Our Local Police
- Exhibit No. 12 -- "Message from the Director" -- F.B.I. Law Enforcement Bulletin of January, 1965.
- Exhibit No. 13 -- Statement entitled "Alleged Police Brutality" by Philip D. Hamlin
Affidavit of Harley Hudgens in Support of the Seattle Police Dept.
and/or the conduct of arresting officers.
Affidavit of Elsie Anderson in Support of the Seattle Police Dept.
and/or the conduct of arresting officers.
Affidavit of H. D. Anderson in Support of the Seattle Police Dept.
and/or the conduct of arresting officers.
- Exhibit No. 14 -- Citizens' Committee for Effective Law Enforcement -- statement by Donald E. Hetzel, Chairman (2/11/65)
- Exhibit No. 15 -- Statement of Millard Larson -- Against formation of a Police Review Board.
- Exhibit No. 16 -- A Report on Police Review Board, by Lawrence Timbers (2/19/65)
- Exhibit No. 17 -- Release of The John Birch Society, Belmont, Massachusetts (J. H. Rousselot)

List of Exhibits (continued)

Exhibit No. 18 -- Twelfth Report of the Senate Factfinding Subcommittee on Un-American Activities, 1963 -- California Legislature.
-- Reference Page 39.

Exhibit No. 19 -- Hearing before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate -- 87th Congress, 1st Session - June 13, 1961 -- "A Communist Plot Against the Free World Police"

Exhibit No. 20 -- Summary Report of the Select Committee on Communist Aggression -- House of Representatives, 83rd Congress, 2nd Session, Under authority of H. Res. 346 and H. Res. 438 -- Dec. 31, 1954.

Exhibit No. 21 -- Copy of "People's World" -- Saturday, November 28, 1964 containing an article entitled "Alarm spreads over Birch Cops".

Exhibit No. 22 -- The September, 1963 Bulletin of The John Birch Society.

WCH:ej

SPECIAL COMMITTEE OF THE CITY COUNCIL

JANUARY 22, 1965 -- 9 a.m.

Public Hearing Re. Petition of the American Civil Liberties Union for investigation of alleged Police Department practices and for establishment of a Police Review Board in the City of Seattle.

Mr. Miller, Chairman; Mr. Luke, Vice-Chairman.

All members of the City Council present (Mr. Alexander, Mr. Carroll, Mr. Eckmann, Mrs. Edwards, Mr. Best, Mr. Massert, Mr. Mitchell, Mr. Miller, Mr. Luke).

Mayor J. D. Braman, Members of the Human Rights Commission of the City of Seattle, and Mr. David Levine, President Emeritus of the City Council were also present.

The Committee considered:

File No. 252114, Petition of the A. C. L. U. for investigation of alleged Police Department practices.

File No. 252113, Petition of N.A.A.C.P., et al., supporting the A.C.L.U.'s petition re. alleged Police Department practices.

File No. 252130, Petition of Ben Daniels, Inland Bonding Company, et al., supporting Seattle's Police Department and charging that claims of Police brutality are unfounded and part of a national campaign.

File No. 252129, Petition of Paul K. Thompson re. alleged Police Department practices.

Mr. Alvin Zientz, Attorney for the American Civil Liberties Union, 3874 West Mercer Way, Mercer Island, Washington, presented the case for the A. C. L. U.

The following persons were called by Mr. Zientz as witnesses:

Mr. Richard Variot, now residing in San Francisco, California

Mr. A. L. Newbould, Corporation Counsel, questioned Mr. Variot after he had completed his testimony.

Motion was made by Mr. Luke, and seconded by Mr. Best, that all witnesses be placed under oath. Motion carried.

Mr. Variot was recalled and the oath was administered by Mr. Zientz.

The following witnesses were then called and the oath was administered by Mr. Luke, Vice-Chairman of the Council's Special Committee.

Dean George N. Stevens, University of Washington Law School, on behalf of the Seattle Urban League.

Mr. Kenneth Spencer (from Jamaica), a graduate student in Electrical Engineering at the University of Washington.

Mr. Richard Hoidal of Bremerton, Washington

The hearing recessed at 11:58 a.m. to reconvene at 1 p.m.

The hearing reconvened at 1 p.m. On a call of the roll, all members of the City Council were present.

Mr. Alvin Zientz, Attorney for the A. C. L. U. introduced Mr. Ray Moore who attended the hearing as a member of the Washington State Advisory Committee to the United States Civil Rights Commission.

The following persons then presented testimony in behalf of the petition of the A.C.L.U.:

Mr. Norman Hoppman, 2337 15th Avenue South, Seattle
Mr. James E. Saxon, Tacoma, Washington
Mr. Clayton Hostetler, 10001 31st Avenue Southwest, Seattle
Mr. Maximillian Contreras, 4335 11th Avenue Northeast, Seattle
Mr. Ed Wood, 4228 12th Avenue Northeast, Seattle
Professor Ernest Barth, University of Washington, Department of Sociology
Professor William J. Chambliss, University of Washington, Department of Sociology
Mrs. E. June Smith, President of the Seattle Branch, N.A.A.C.P., 2310 E. Pine St.

The Committee recessed at 2:50 p.m. and reconvened at 3:17 p.m.

The following persons then presented testimony in behalf of the petition of the A.C.L.U.:

Mr. Philip Burton, Attorney
The Reverend Samuel B. McKinney, Pastor of Mount Zion Baptist Church
Mr. Alan Froelich, Attorney
Mrs. Ola Browning (Mrs. John P. Browning), Teacher and member of the Washington State Board Against Discrimination.

The hearing concluded with comments by Mr. Alvin Zientz, Attorney for the A.C.L.U. and Mr. Seymour Kaplan, speaking for the Anti-Defamation League of B'nai B'rith.

The Special Committee then rose, reported progress and begged leave to sit again at a time and day to be set at a later date in order to hear from the other side.

The Special Committee rose at 4:40 p.m.

List of Exhibits presented at the hearing are as follows:

- No. 1 Release of RICHARD H. HOIDAL (given in consideration of the Order of Dismissal in the case of The City of Seattle vs. Richard H. Hoidal, King County Cause No. 40789).
- No. 2 Copy of Letter dated January 13, 1965, of Ward C. Miles, M.D., General Practice Section, Group Health Clinic Medical Staff, 200 15th Ave. E., Seattle -- re. Mr. Richard H. Hoidal.
- No. 3 Copy of Letter dated August 14, 1964, of Will W. Lee, M. D., 3315 Beacon Avenue South, Seattle -- re. Norman Hoppman.
Copy of
- No. 4 /Report entitled "Investigation of Police Booking Practices in the Seattle Jail-- inquiry initiated by the Due Process Committee of the American Civil Liberties Union - period of Jan. 1, 1963 to June 30, 1963 selected for sampling.
- No. 5 Copy of Report of the Mayor's Advisory Committee on Police Practices, dated January 5, 1966.
- No. 6 Copy of Report entitled "Structures of Civilian Complaint Review Boards, New York City Weiss Bill and other models"
- No. 7 Booklet entitled "With Justice For all" -- a guide for law enforcement officers - published by Anti-Defamation League of B'nai B'rith, New York.

Exhibits continued:

No. 8 Affidavit of John Albert Cherry, Jr., dated January 21, 1965
Affidavit of James Fox, dated November 16, 1964
Affidavit of Loren Hoviland, dated November 10, 1964

Affidavit of Mirrell Trimble, dated November 11, 1964
Statement of Frank Houston, dated June 10, 1964
Affidavit of Beth Lee Blakely, dated November 24, 1964

Affidavit of Christopher Kirschner, dated September 10, 1964
Affidavit of Robert Gross, dated September 10, 1964
Affidavit of Victor Fimia, dated September 10, 1964

Affidavit of Peter Caka, dated September 10, 1964
Affidavit of Leon Dumas, dated October 16, 1964

WCH:ej

BEFORE THE COUNCIL OF THE CITY OF SEATTLE

IN THE MATTER OF THE APPLICATION)
of)
WASHINGTON AFFILIATE, AMERICAN))
CIVIL LIBERTIES UNION)
for)
AN INVESTIGATION PURSUANT TO)
SEATTLE CITY CHARTER, Article IV,)
Section 4, Sixth)

PETITION FOR INVESTIGATION
OF THE SEATTLE
DEPARTMENT OF POLICE

COMES NOW, Washington Affiliate, American Civil Liberties Union and petitions the Seattle City Council to investigate the personnel and efficiency of the Seattle Department of Police, hold a public hearing regarding the same.

Areas of administration and policy to be explored by such investigation and hearing include, but are not limited to, (1) improper treatment of persons in police custody; (2) the sanction of such conduct by the administration of the Police Department by their refusal to discipline police department personnel guilty of conduct which is a cause for dismissal under rules adopted by the Civil Service Commission; (3) the arrest and detention of persons for unreasonable periods of time without charge or bail; (4) the absence of any impartial investigating body to hear a complaint of police abuse.

Attached hereto in support of this request are:

- (A) Affidavit of Richard J. Variot, former employee of the Seattle Police Department, relating details of assaults by policemen on prisoners in the Public Safety Building.
- (B) Affidavit of Kenneth Spencer, student at University of Washington, relating beating suffered at hands of police.
- (C) Affidavit of Floyd C. Dugger, relating beating suffered at hands of three Seattle Policemen in padded incommunicado cell at city jail.
- (D) Failure to discipline officers despite criminal conviction and civil damage recovery for brutality.
- (E) Excerpts from: (1) The Seattle City Charter; (2) Rule XI, of RULES adopted by the Seattle Civil Service Commission; (3) Revised Code of Washington 41.12.040 (4), 9.33.020.

(F) Booking practices in the City Jail. Summary of a study of records maintained in the Police Department's Bureau of Records, showing that during the period studied (January 1st to June 30th, 1963) 158 persons were held for investigation in the Seattle City Jail for periods from one to fourteen days and released without ever having been charged with any offense.

(G) Past events relating the investigation of police abuse.

Wherefore, petitioner prays that the Council of the City of Seattle,
(1) investigate and hold a public hearing on the above mentioned matters, and
(2) take such steps as are necessary to insure that the provisions of the general state statute (RCW 41.12 requiring that Civil Service Commissions, on the petition of a citizen shall investigate complaints of police abuse or irregularities) be applied to Seattle.

Signed _____

David H. Guren
American Civil Liberties Union
of Washington, Inc.
By David H. Guren
Executive Director

STATE OF CALIFORNIA)
) ss.
City and County of San Francisco)

During the months of my employment as a clerk in the property room on the 12-midnight-to-8 a.m. shift, I witnessed a great number of crimes against persons and property by various policemen. The police property room is on the third floor of the Public Safety Building. The south wall of the property room has a window overlooking the area where prisoners are unloaded from patrol wagons and patrol cars. From this area they are taken either to the office of the captain of the day or to the jail elevator. Any activity in this landing area can easily be seen by the property room clerk.

The first major assault I witnessed was a case involving two teenagers; one Caucasian, the other of Indian extraction. They had obviously been drinking. The Caucasian boy was perhaps 16, the Indian was a year or so younger. The Caucasian boy was taken to the area outside the captain's office in view of the property room. There were six or eight policemen in the area. He began yelling about being handcuffed, and one of the officers hit him, knocking him over in the chair to which he was manacled. He screamed louder, calling them various foul names. Each time he called such a name, one of the officers would either strike him or kick him. This went on for two hours. He

lost any ability for rational action and screamed, cried, and called them names intermittently. Meanwhile, during this period, two police officers, one in plain clothes and the other in uniform, took the Indian juvenile back to the patrol wagon and pushed him inside. Ten or twelve policemen had followed to watch. The one in plain clothes got into the wagon with the youth, and another officer closed the door. I watched from the side window of the property room. The patrol wagon, which is a large truck, rocked back and forth under the action inside. The officers outside made various comments: "They're going to have to get new springs for it"; "He's really got a hard on for that little bastard", etc. After ten minutes or so, the officer inside banged on the door and one of the other officers opened it. The officer got out and they stood making remarks about the comatose condition of the youth. Some three hours after these youths arrived at the police station they were taken to the Youth Center. The white boy was still handcuffed and he was crying quietly. The Indian boy was unconscious and was supported and dragged to the police car by two officers.

After witnessing this, I went to the Personnel Department in the County City Building to talk with one of the members of the interview board. I asked whether some type of social maturity test could not be given to applicants for patrolman. I was told that they could not be given because there was a great reluctance on the part of the Police Department to have this as part of the requirement. I was told they try to screen applicants, but errors were possible and that the really bad personnel would eventually be weeded out.

During my employment at the Police Department, I witnessed a dozen or more assaults as I have described above. Each time I would become upset at the brutality and sadism and also the helplessness of the victim and needlessness of the occurrence.

Repeatedly, I saw officers bring beer into the Police Department when they had finished with their shifts. They often left to drive home

between three and six in the morning in various states of obvious intoxication. I have seen uniformed officers unconscious from drinking, carried bodily from the Police Department, apparently to be driven home by other members of the Department.

I have seen prisoners brought in in the patrol wagon who were so drunk that they had to be wheeled in a chair to the jail elevator. I have seen officers go through the prisoners' pockets and take money and the contents of their wallets before calling the elevator.

I talked with many officers who did not like what was going on and privately stated their views. I often said I could not see how they put up with their "partners". They always said that they wished things were not as they are and hoped they would get better. They stated that they themselves did not participate actively in the assaults, robberies, etc., but that they did not interfere or report them because of repercussions they were certain would occur. The only person at the Police Department that I know of who did speak out was taken out of his position dealing with the public in concert with other police officers and put into a position where he dealt only administratively with the public and worked solely with civilian personnel.

The attitudes of the Police Department in Seattle toward Negroes is predominantly hostile. With few exceptions, the hundreds of officers that I dealt with personally, and who made reference to Negroes did so in derogatory terms. To hear the statement, "I almost got me a nigger tonight but the S.O.B. gave up" was commonplace.

One night in early April, 1964, a plainclothes officer and several uniformed officers brought a suspect past the property room and into the traffic assembly room across the hall. It was about 2 a.m., and the traffic units were quitting for the night, periodically opening and closing the door, exposing the action inside. When the door opened the first time, the plainclothes officer had the suspect's arms pinned behind him, forcing him into a position of being bent forward. The

officer rammed the suspect's head against the wall. The other times when the door was opened I witnessed either that action being repeated, or the officer was cursing and kicking the suspect who was on the floor, or hitting him as he held him propped against the wall. There was a great deal of blood on the man's face and shirt. There had been none when he passed the property room. I went to the back room of the property room and smoked a cigarette, hoping it would be over quickly. When I returned, it was continuing. The assault was witnessed by six or eight officers in the room, three or four looking through the glass in the door to the captain's office (one of whom was a sergeant), and a reporter from one of the Seattle newspapers.

When my supervisor came in the next morning, I told him that if the above type of activity occurred again I would be compelled to intervene and that I would go to the Chief of Police about it. However, my supervisor went to the Chief of Police about it, and simultaneously (and a completely divorced action on my part from the above) I began a week's vacation.

When I returned from the vacation, I was asked to go to the office of Assistant Chief MacDougall. When I arrived, he asked me for the particulars on the matter, and I described it as I have above, but in more detail. He only asked whether the man was white. I said yes, that he had been. I told Chief MacDougall that I did not take offense at an officer striking a suspect or prisoner in either anger or temper. Many of the people brought to the station are unruly and extremely trying, and hitting them could be construed as a human reaction. The thing I was objecting to were obvious and prolonged assaults, and I would like all members of the night shift to know that if I witnessed an assault again it would not go unreported, including the names of the officers involved. After I had concluded my reporting of the details of the assault, Chief MacDougall thanked me, and then asked if I had ever participated in any civil rights demonstrations. I said yes, that I

had twice. I related to him the demonstrations in which I had participated.

That same evening, which I returned to work a detective asked me to go with him to the fifth floor for a talk. The detective questioned me about my civil rights demonstrating. He asked me if I belonged to any of the organizations that had staged these demonstrations, to which I replied in the negative. He repeated this question several times during the interview. At the end of the interview, he pointed out that a check made by the day shift had revealed that my address of record did not correspond with my present residence address. Realizing that this was ground for dismissal, the next morning at the end of my shift I went to the Personnel Office and submitted my resignation.

I name none of the officers involved since I believe most engage in this sort of thing only because it is tolerated by their superiors.

The foregoing statement contained in an affidavit of 5 pages is true and I subscribe to it under the penalty of perjury.

Richard J. Variot
RICHARD J. VARIOT

SUBSCRIBED and sworn to before me this 19th day of October, 1964.

Ernest Dasing
Notary Public in and for the State of California
City and County of San Francisco
My commission expires: Dec. 24, 1964

A F F I D A V I T

STATE OF WASHINGTON)
County of KING) ss.

KENNETH SPENCER, being duly sworn on oath, says:

By profession I am an engineering physicist. I am currently enrolled in the graduate school at the University of Washington and am working toward an advanced degree in electrical engineering.

I spent the past summer in Louisiana and returned to Seattle in the early part of September. One of my friends who lives on Nineteenth Avenue East was allowing me to stay at his apartment until I found a place of my own.

On the evening of September 22, 1964, I was visiting with friends at an apartment on East Mercer Street near Broadway. We watched television while waiting for another friend, with whom we had planned to have dinner. My friend was working on the "swing" shift and so was due to arrive at about 1 a.m. He arrived at one o'clock. We had dinner and I left about 2 a.m. to walk the nine blocks or so to Nineteenth Avenue. I walked on the south side of Mercer Street at a moderate pace and was going east. A police car passed me at about the middle of the 1400 block. The car was traveling westward. It apparently went up the street and turned around for it pulled up beside me as I neared the intersection of Fifteenth Avenue East and East Mercer Street. The car was now going east. I was on the sidewalk and I had a bag with books in my hand.

Someone shouted from the car, "Hey! What's your name?"

I replied, "Spencer."

Then there was a sharp question, "What Spencer?"

I replied sharply, "Jack."

The conversation, or rather interrogation, continued as follows:

"Where are you coming from?"

"Up near Broadway."

"Where are you going?"

"Home."

"Where's that?"

"Down on 19th. Near to Republican."

"What's the number?"

"I don't know but it is by the school."

"Edmond Meany school?"

"I don't know the name of the school. I just came back to town and stay down there with a friend."

"Where do you work?"

"I don't work. I go to school out at the U."

"What do you have in the bag?"

"Books, papers."

The sharp tone was maintained as someone from the car said, "We want to see your ID."

I replied, "I have not got one."

"You must have been in the Army. What about your Army discharge?"

"I was not in the Army. I do not have any Army discharge."

I was then told that I had to have an ID and I replied that I did not have to have one.

I will point out that my understanding of the term ID is the regular identification card of the type issued to military personnel or the type issued by the liquor commission. The police officers did not seem pleased with my replies since at this stage they both got out of their patrol car. While the conversation had been proceeding, a towing truck from the Lang

Towing Company came up. The driver parked it on Mercer Street facing westward just a few yards behind the police car. He got out of the truck and took up a position about five yards or so from me. I found myself surrounded and threatened by these three men. The police officers and the towing truck driver did not formally exchange greetings but I immediately got the impression that they either worked together or were known to each other.

I will review our relative positions. I was standing on the west side of Mercer Street about two yards from the intersection of Fifteenth Avenue East. I was facing roughly northwest looking toward the rear of the Mobil Service station across the street. The police officer who had been driving stood close to the car slightly behind and to my right and about three to four yards from me. He did not actually remove his revolver from its holster but he had one hand on it and he appeared ready to draw. He said very little but appeared to be very angry. The other police officer stood about a yard or so in front of me. The towing truck driver stood on the sidewalk facing me about four or five yards to the west.

The following is a brief description of the three men. Both police officers were in uniform. The one who had been driving appeared to be about 5 feet 11 inches in height. He had dark brown hair, rather heavy jaws and a sombre countenance. The other officer was about the same height but he was of a much heavier build. He had blond hair which was cut very short. He grinned and talked quite a bit. The towing truck driver was of a somewhat slight build and was perhaps 5 feet 8 inches or so. He had an angular face and did not seem too sure of himself. He was wearing the towing company's uniform.

The three men surrounded me and the conversation continued. The officers kept insisting that I had to have an ID. I told them that where I was from no person was required to have an ID and I knew of no law here which demanded that a person carry one. The officer who was closest to me became very abusive. I later learned that his name was Schenck. His language was by far the most obscene which I have ever heard used by any police officer anywhere under any conditions. The words he used were so foul that they would perhaps cause a most vulgar person to blush. Both officers glanced about the streets several times as if to verify that there was no one else around. I became extremely fearful for my personal safety. I began to think that maybe these men were not genuine police officers at all and that I might be the victim of some sort of a hold-up. Thoughts of James Chaney and his fate in Mississippi this summer crossed my mind. Perhaps the mildest of Officer Schenk's verbal abuses were the words, "I am not going to take any 'shit' from you." Later he grabbed at my arm. I told him not to hold me since I had not done anything. The tow truck driver then said, "He can hold anybody. He can even hold me if he wants to."

I observed Officer Schenck glance curiously both ways on Fifteenth Avenue. He then said, "You smart 'prick', I am going to teach you a lesson."

He then drew back and unleashed blows to my chest and right jaw. I was shocked. I later learned that the other officer's name was Terry. He moved in behind me, grabbed hold of my neck and began to choke me violently. I offered absolutely no resistance whatsoever but relaxed completely and so was easily pulled down to the ground. My bag had fallen out of my hands. I felt another person holding my feet and twisting my ankles.

My right arm was twisted behind my back and handcuffs were screwed very tightly into the wrist joint. I was suffocating and started to cough and gasp for air. I tried with my left hand to relieve some of the pressure on my throat but this hand was seized and handcuffed behind my back. While still lying on the ground I was kicked. I was then dragged up on my feet and punched. I was then searched by both officers. In my pockets I had billfolds and cheque books, letters, keys and various pieces of paper. These were all taken by Officer Terry. He placed them above the dashboard of the car and searched through them while operating the police radio set. The lights were on in the patrol car. Officer Schenck was standing behind the car. He had placed my bag on top of the luggage compartment and was searching through it. The towing truck driver got into his truck and left about that time.

I was standing outside the car and there was severe pain in my right hand. I told Officer Schenck that the handcuffs were cutting into my right wrist. He replied that I should sit inside the car. I told him that I was unable to sit with my hands handcuffed behind me. He said that other people did it and so I had better sit in the car. He then added:

"If you do not get in, I will break both legs and put you in."

He then pushed me into the back seat; I was able to scramble in and half sprawl across the back seat. After a few minutes Officer Schenck came into the front seat of the car, faced me and asked me if I was from Louisiana. I answered, "No."

He said, "Well, don't you go to school at Grambling College. I see letters addressed to you there."

I replied, "I do not know what is coming off and I have not had any legal advice and so I do not think I have to answer any more questions."

He said, "You are going to answer my questions." Then he punched me.

I asked him, "Is this the way you treat negroes in this country? Are you acting like this because I am a negro?"

An argument concerning the treatment of negroes followed and at the end of this argument Officer Schenck said, "I am going to teach you a lesson."

He then glanced outside up and down Fifteenth Avenue, turned off the lights inside the car and began to beat me in the chest with his flashlight.

Shortly after this the patrol car drove off, went south on Fifteenth Avenue and pulled in at a service station a few blocks down the street. In this region, there might have been about two other police cars and a towing truck. Officers Terry and Schenck got out of their car, went over to one of the other police cars and stood talking with at least one other person. A few minutes passed and then another police officer came over to the patrol car in which I was. He introduced himself as Sergeant _____. [I have forgotten his name but think it might have been Kelly.] His manner seemed cordial. He explained that he was in charge of that district. He further stated that a couple of his men had picked me up and were quite concerned and so had come to talk to him. He added that he was responsible for over 60,000 people in that area and that people had to cooperate with the police. I replied that I had no objection to cooperating with the police but I felt that they should approach people with some amount of courtesy. I then said that I hoped

they had told him how much they had beaten me up without having any just cause for it. My mention of the beating might have aggravated the sergeant. He then said, "I am going to let them take you down and they can talk with the captain."

After a few more words the sergeant left and Officers Terry and Schenck returned and drove off.

Officer Schenck was now sitting in the back seat of the car and was on my left. He made some remark to which I did not reply, but after a few minutes I asked him what he had said. He repeated his remark:

"You have been found guilty."

I asked, "Guilty of what?"

He replied, "Oh, we have not decided as yet."

Later I again complained that my right wrist was hurting. To this Officer Schenck replied, "You do not deserve any better."

On the way down Officer Schenck made various comments. I was half sprawled on the seat and facing the door on my right. Officer Schenck shouted: "Face this way."

I did not move. He reached across as if to hit me but on this occasion he did not. Instead he reached across and pushed down the lock on the door closest to me. I turned my head and tried to read the name on the officer's nameplate. Officer Schenck then said, "Oh, so you are trying to get my name. I will write it out on a piece of paper and give you." Of course this was not done. I replied that I did not really need his name then as I could get it later.

We were now nearing the police station. All along Officer Schenck had appeared to be very happy--he seemed to derive some sort of diabolic pleasure out of his ability to heap

abuses, insults and torture on me. Now he seemed just slightly thoughtful and perhaps saddened by the prospect that his personal role in the night's brutish behaviour was nearing its end. Officer Terry all along seemed to be very angry and disturbed; I was never quite sure with whom or at what. It is true that his behaviour was less aggressive and perhaps less brutal than that of Officer Schenck. However at no time during the night's activities did I observe him attempt by any word or deed to dissuade Officer Schenck from behaving in a dangerous and cruel manner.

At the station we got out of the patrol car; I think the license plate bore the numbers D 1327. I was taken into a room, the handcuffs were taken off and I was told to sit down. Officers Terry and Schenck went into another room and spoke with another officer whom I assumed was the captain. He brought out a book, pointed out a certain section and told me to read it. I assumed that was the ordinance under which I was being charged. I was taken into another room where I was searched again and my address book and belt, which were still on me, were taken. I was asked if I wanted to keep on my jacket and I said yes. My money and other possessions were checked and I was told to sign a form on which some of them were listed. I was taken into yet another room and there I was fingerprinted and photographed. On inquiry I learned that the charge was "Being Abroad" and the bail was \$100. I spoke with other people who had been brought in; some had been accused of drunkenness; one man so accused was told by the jailer that his bail was \$40.

I asked about the telephone and was told that I could use it, could make as many calls as I wished and could stay on it as long as I needed. It was perhaps about 3:30 or 4 a.m. I

telephoned the Automobile Association of America of which I am a member. I gave details of what had happened and was told that an agent would be sent down to arrange for bail. I waited for a while; the agent did not arrive; I was then locked up in a cell with some other people. I had told the jailer that I wanted to call the Automobile Association again and so after about fifteen or twenty minutes he returned and I was allowed to use the telephone again. I again phoned the Automobile Association who told me that their agent was on the elevator to the jail at that moment. I waited about ten or fifteen minutes but no one told me anything. I therefore inquired about the Automobile Association's representative. I was only then told that he had been there but that they would not accept bail from him. Another gentleman was trying to arrange bail over the phone and he told me how the bonding companies worked. I contacted a bonding company and they said that they would put up the bail if I could get someone to come down and countersign for me. I explained that I was a foreign student at the University of Washington and the agent said that it would be sufficient for the Foreign Student Advisor to telephone him. I therefore decided to call the Foreign Student Advisor who would in turn call the bonding company. I could not remember the Foreign Student Advisor's name. However I had it written down on a piece of paper in my bag. I asked the jailer to allow me to get it but he completely disregarded me. I called the operator at the University, gave her details of what had happened and asked her to contact the Foreign Student Advisor. She also did not know his name offhand and when I told her that the jailer would not allow me to get it she asked to speak with him. By this time he had returned and he refused to speak with her but instead told me to hang up the

phone. The operator then requested that I ask the jailer to look on the name in the bag and tell me so that I could tell her. The jailer refused to do this and told me that if I did not hang up the phone right away he would come and hang it up. I therefore had to abandon my efforts and was again locked up. Later that morning I got an opportunity to use the phone again. I then arranged for legal representation.

Kenneth J. Spencer
KENNETH J. SPENCER

SUBSCRIBED and sworn to before me this 19th day of October, 1964.

Philip L. Burton
Notary Public in and for the
State of Washington, residing
at Bothell

BEFORE THE COUNCIL OF THE CITY OF SEATTLE, WASHINGTON

In the Matter of the Application)

of)

FLOYD C. DUGGER, for an)
Investigation of Denial of Human)
Rights by Seattle Police)
Department)

AFFIDAVIT OF FLOYD C. DUGGER
IN SUPPORT OF APPLICATION FOR
INVESTIGATION OF POLICE ABUSE
AND MISCONDUCT

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

FLOYD C. DUGGER, being first duly sworn on oath, deposes and says: that he is a citizen of the United States and of the State of Washington, a resident of Seattle, King County, Washington, over the age of twenty-one years, and makes this Affidavit in support of the request for an investigation by the Council of the City of Seattle into misconduct of members of the Seattle Police Department arising out of the following circumstances:

That he was arrested by Seattle Police Officers on January 26th., 1964. After being booked into the Seattle Jail, affiant was taken to a padded cell in the jail by Officer Victor Heins, Officer W.D. Schenck and T.J. Burns, jailer. There, in the padded cell, the three police officers kicked and beat the affiant, injuring him severely, until affiant was able to sink his teeth into the arm of one of the officers, who asked the other two to stop beating affiant so that affiant would loosen the grip of his teeth. Thereupon, the officers stopped beating affiant for a short interval. However, the beating was resumed during which affiant's jaw was fractured and his teeth loosened so that the same have now had to be fitted with braces. After thus being beaten affiant was released from the padded cell and placed in one of the holding cells.

After his release from jail on bail, affiant went to the office of the Chief of the Seattle Police Department to lodge a complaint of the treatment by the police officers. Chief Ramon was not available and affiant was referred to Inspector Crow, of the Seattle Police Department. Not only did Inspector Crow not receive affiant's complaint and promise to investigate it, but he bitterly denounced affiant, using obscene and filthy language. for emphasis.

Affiant further states that this is but one of a continuing series of contacts with Seattle police where he has been abused by uniformed, on-duty police officers.

That a few years ago, as a result of a suit affiant instituted against Seattle police officers for a beating received at their hands, he obtained payment in cash of an agreed amount in settlement of his claim of damages. That ever since said time he has been harrassed in every conceivable way by various police officers. That time and again, he has complained to those responsible for the management of the Seattle Police Department about the conduct of the police officers, without success.

Signed

FLOYD C. DUGGER

Subscribed and Sworn to before me this 16th day of October, 1964.

Signed

Notary Public in and for the
City of Seattle, County of
King, State of Washington

Failure To Discipline Officers Despite Criminal Conviction And Civil
Damage Recovery For Brutality.

There are two deterrents to wrongful or unlawful acts by a police officer; namely, economic loss by being required to pay civil judgement found against him, and/or disciplinary action taken against him by a superior officer or the Chief of Police, including termination of his employment.

As one of the fringe benefits accorded policemen, they are insured at the city's expense against civil liability for some of their actions taken in the course of their employment. This was intended to be a protection valuable to them and to the public as well, but in practice, it has not been as beneficial as expected, for reasons that need brief explanation.

Policemen are employed in the classified service of the city. Any disciplinary action taken against them by their superior officers, including the Chief of Police, may be reviewed by the Civil Service Commission, and if not sustained by the Commission, will be reversed. As matters now stand, and this has been true for at least the last 25 years, no one can initiate action to discharge a police officer, except the Chief of Police. No matter whence the source of a request to discharge a police officer, the Chief of Police may refuse to do so and he may not be overruled. Of course, the Mayor may remove the Chief of Police upon filing a statement of his reasons for doing so with the City Council (Seattle City Charter, Article VI, section 2), but he cannot remove the officer.

The personnel records of police officers are maintained by and in the police department. The personnel department, together with public relations, training, planning and research, intelligence, vice, narcotics, and juvenile, are all under the jurisdiction of the deputy chief of the staff division. The deputy chief of the staff division selects the officers, has charge of their assignments, promotion, training, commendations and, in some instances, their discipline. He is the person who decides what complaints should or should not go into the officer's personnel file. No master file of complaints is maintained. If it is decided that a complaint should not be included in the officer's file, no record of its having been made is kept in the personnel department, although it is conceivable that it could be traced through other departments in police headquarters or in the Mayor's office.

None of the several other departments under the jurisdiction of the deputy chief of staff division maintains a file or record of civil suits initiated against police officers, nor of the disposition of the same. In the strictly legal sense, in a proper case, it is possible to obtain a good bit of information concerning the number of civil suits instituted against policemen, but it is not possible by any technique to obtain, from all sources combined, sufficient information on which to base a judgement, grounded on precise knowledge, as to the effectiveness of the civil suit as a remedy to discourage police brutality or other abuse.

For years, it had been common knowledge to lawyers having civil suits against policemen that disciplinary action against the officer did not follow as a result of his having had a civil judgement for damages for assault assessed against him by the verdict of the jury. This was also true where the suit was settled by payment of damages prior to trial or before verdict. In fact, the Chief of Police and former Mayor Gordon S. Clinton, at a meeting of the Board of Directors of the Seattle Urban League held on June 21st., 1962, were unable to cite a single instance where a police officer had been disciplined for misconduct involving brutality or other abuse to a citizen. At the same meeting, Chief Ramon and Mayor Clinton acknowledged that officer Francis L. Veith, who had been convicted of third-degree assault for having pistol whipped a Negro army sergeant, Herbert Bullöcks, was still on the police force, had not been disciplined in any manner, and there was no plan to do so.

It must be conceded that, notwithstanding a civil suit having been settled or a jury having awarded a damage verdict against a police officer, there may be mitigating circumstances that would militate against the imposition of any disciplinary action. Nonetheless, no combination of exercise of discretion or coincidence can explain the fact an inspection of the personnel files of a fair sample of officers involved in civil suits for brutality, and the criminal prosecution mentioned above, discloses that in not one single instance is there an official reference to the litigation. As far as the officer's employment records are concerned, it is the same as if nothing had ever happened.

Quaere: Is this official sanction of criminal conduct on the part of the police, or shocking inefficiency in the management of departmental personnel and administration.

References to Charter Provisions, Civil Service
Rules and Statutes Pertinent to the Petition

The Charter of the City of Seattle, Article III, Section 4,
POWERS AND DUTIES OF COUNCIL, Sixth, provides as follows:

"Attendance of witnesses and production of papers:
have authority to compel attendance of witnesses as well
as production of papers and things pertinent to business
before it or any of its committees."

Charter Article XVI, Civil Service Department, Section 14, provides
as follows:

"Investigations: The commission shall investigate
the administration of this Article and of its rules and
the action of examiners herein provided for, and the con-
duct and action of the appointees in the classified ser-
vice, and may inquire as to the nature, tenure, and com-
pensation of all offices and places in the public service.
In the course of such investigations each commissioner
or the commissioner's designated agents shall have the
power to require the attendance and testimony of any
city officer or employee or other person, and the
production of books and papers relevant to such investi-
gations."

The Seattle Civil Service Commission, pursuant to the rulemaking power
given it by Article XVI, Section 4, of the city charter, has promulgated civil
service rules, among which is rule XI - Dismissals, which provides in pertinent
part as follows:

"The dismissal of employees can be effected only
as provided by the city charter and these rules. The
following are declared to be adequate causes for dis-
missal, although dismissals may be based upon the
causes other than those enumerated, namely:

- (1) False statements or fraudulent conduct of
an applicant, examinee, eligible or employee,
or such actions by others with his connivance....
- (4) Willful violation of any lawful and reasonable
regulations, order or direction made or given
by a superior officer where such violation has
amounted to insubordination or serious breach
of proper discipline or has resulted in loss
or injury to the city or to the public.....
- (6) Incompetency or inefficiency in the performance
of duties of his proper position.
- (7) Wantonly offensive conduct or language toward
the public or fellow officers or employees....
- (12) An attempt to induce any employee of the city
to commit act or acts in violation of any lawful
or reasonable departmental regulation.....
- (16) Willful and wanton brutality or cruelty to a
prisoner or one who is under arrest or sentence...
- (18) Conduct unbecoming an employee of the city.....

Revised Code of Washington 41.12.010 provides as follows:

"The provisions of this chapter shall have no application to cities and towns which at the present time have provided for civil service in the police department or which shall subsequently provide for civil service in the police department by local charter or other regulations which said local charter or regulations substantially accomplish the purpose of this chapter, nor to cities having police force of not more than two persons including the chief of police. "

Revised Code of Washington 41.12.040 (4) provides as follows:

"The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses, and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in superior court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by the superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such."

9.33.020 Oppression under color of office. Every officer or person pretending to be such, who unlawfully and maliciously, under pretense or color of official authority shall:

- (4) Do any act whereby another person shall be injured in his person, property or rights, commits oppression, shall be guilty of a misdemeanor.
- (5) No officer or person having the custody and control of the body or liberty of a person under arrest shall refuse permission to such arrested person to communicate with his friends or with an attorney, nor subject any person under arrest to any form of personal violence, intimidation, indignity or threats for the purpose of extorting from such person incriminating statements or a confession. Any person violating the provisions of this section shall be guilty of a misdemeanor.

BOOKING PRACTICES IN THE CITY JAIL

The Charter of the City of Seattle, Article VI, section 5, paragraph second, provides in pertinent part as follows:

"The Chief of Police shall keep a correct record of all arrests, showing the time and cause of complaint upon which each arrest was made, with a list and description of all property and money taken from each prisoner."

By reason of this requirement the booking record is a public document.

A recent study of this record for the period January 1st to June 30th, 1963, revealed flagrant abuses of authority on the part of the police by arrests for investigation on a scale that had been little suspected.

The study reveals that, contrary to the requirement of law, the normal booking practice, unless a specific charge is placed immediately, is to leave blank on the booking sheet the space provided for the crime the prisoner is accused of having committed. At some future time the blank is then filled, but there is no indication on the booking record itself the time elapsed between booking the prisoner and specifying the charge. If no charge is ever placed, the record is marked, "inv. & rel", meaning "investigated and released". However, in those instances where a charge is eventually placed, it is inserted by hand, and thus it is not difficult to identify those prisoners booked on "open charge" from the mass of bookings. It is estimated that there are from 2,000 to 5,000 of these handwritten charges per year.

In sworn testimony given recently in two superior court trials by the officer in charge of the city jail, and one of the jailers, the operation of incommunicado cells in the jail was described in detail. They each testified in substance that all persons incarcerated in the city jail on "open charge" were placed in certain jail cells until a charge against them is written into the booking record. Until this is done, such a prisoner is not allowed to make a telephone call and is not allowed to see visitors. All jail employees know that prisoners in that special section of the jail are to be permitted no contact with the outside if it can be prevented. Occasionally, such persons are able to notify a friend on the outside, or

a lawyer, that they are in the jail, by sending a "kite" out by another prisoner. In such a situation one's rights are meaningless, for the prisoner is entirely at the mercy of the police. In Seattle, during the period January 1 to June 30, 1963, 158 persons were thus held incommunicado for investigation for periods of up to 14 days and then released without ever having been charged with any offense whatsoever. Such persons do have a "criminal record" though. They have been arrested, booked, fingerprinted and "mugged". Forever afterward, during their lives when filling out a form for any purpose which asks the question "Have you ever been arrested?", they must answer "Yes".

Such an unlawful practice, together with its indelible arrest record, must surely build up resentment and disrespect for the law in the hearts of the people affected.

PAST EVENTS RELATING TO THE INVESTIGATION OF POLICE ABUSE

No single area of denial of human rights has been so persistently troublesome and unmanageable over the last 35 years as has been the effort all over the nation to curb brutality and abuse by law enforcement officers. This has been particularly true of Seattle. In the only study of the problem ever made for the Congress, the Wickersham Committee, in its report published in 1931, entitled "Lawlessness in Law Enforcement", commented upon Seattle, as follows:

"The severe beating of men on arrest is reported by reliable informants to be a usual practice. Men have also been beaten in the patrol wagons and sometimes ridden around the city in police automobiles and beaten therein. After arrival at the police station prisoners have been assaulted in the booking room, when they are handcuffed and consequently incapable of any action that could excuse the use of force by the officers.

"Although there is little evidence of the third degree being employed after a man is booked in his cell, contrary to what has usually been found in other cities, there is evidence that some of the beatings at the time of arrest, during transportation, and in the booking rooms are given for the purpose of 'breaking' a man and getting him to confess.

.....
"Despite the statutes passed for the protection of prisoners, booking on 'open charges' and prolonged detention incommunicado are said to be frequent. It is said on good authority that men are customarily held for 72 hours for investigation, and often longer. Instances are related by well-informed persons where men without friends to look them up have been held incommunicado for as long as two weeks, and from the same sources the statement comes that prisoners are held as long as the police 'can get away with it.'"

--National Commission on Law
Observance and Enforcement,
Reports, Vol. IV, p. 149.

There is reason to believe that the publication of the Wickersham Committee's report may have influenced our state legislature to enact that section of RCW 41.12.040 (4) which is set out in the Appendix. It is typical of the magnitude of the problem, that we find no evidence of any success in attempts to actually use the investigative machinery specifically provided for in that statute.

Since that time, highly respected organizations and individuals have vainly sought to have established an impartial body to investigate and report

on citizens' complaints against policemen. Among such groups which have persistently, year after year, met with, implored, beseeched and begged the several mayors and chiefs of police of Seattle to provide for some impartial investigatory process have been: The Seattle branch, NAACP, the Anti-Defamation League, the Seattle Urban League, the Civic Unity Committee, the Christian Friends for Racial Equality, the Baptist Ministerial Alliance and the Congress for Racial Equality.

In May, 1955, the frequency of complaints of police brutality, particularly against Negroes, reached such proportions that former Mayor Pomeroy appointed an Advisory Committee on Police Practices to study the matter and report to him on its findings. This committee, chaired by John C. Leffler, Dean of St. Mark's Cathedral, met weekly for several months, investigating the problem as thoroughly as it could without legal standing or power of subpoena. Its report of January 5, 1956, to Mayor Pomeroy said in part:

"Under Civil Service, the Police Department is in reality an autonomous branch of our city government responsible to no one. The only thing the Mayor can do is to appoint the Chief of Police with the consent of the Council and to remove him if he wishes. His successor must be chosen from among the top three who take an examination for the position. We are told that advancement in the department is not necessarily the result of exceptional merit, but of the elapse of the required time and the ability to pass an examination. And no one can be discharged from the police force unless guilty of some flagrant violation of the law.

"This of course makes for security in one's job, but it is a security purchased at the price of retarding the man who shows exceptional qualities of personality and leadership. And it also creates a hierarchy within the department which is untouchable by Mayor or Council. It certainly cannot be touched by any citizens' committee!

.....
"CONCLUSIONS:
.....

"6. We recommend that some adequate method for handling complaints be devised through the appointment of a Hearing Board composed of responsible citizens and a representative of the Police Department. We further recommend that those bringing complaints be advised as to the disposition of them."

Regrettably, it is now history that no such committee was appointed, but rather the contrary. The present Mayor in a letter dated August 18th., 1964 to the Seattle branch, NAACP has stated that before becoming mayor he

believed that a police review board was necessary, but that since assuming his position he had changed his mind. There is, in fact, a hierarchy which cannot be touched by the Mayor, and it does not take long for an incumbent mayor to realize it. To refuse to recognize that the Seattle Department of Police is a power unto itself and that, as in all cases of unchecked power, there is repeated abuse, is to deny reality.

The affidavits attached, if true, would seem to show that the Wickersham Report still applies to the police practices in Seattle. During that period all approaches to remedy this situation have been exhausted. It remains to the City Council to grant the prayer of the within petition to the end that substantial justice to the citizens of Seattle be restored.