Policing, Race, and Politics in Chicago

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Abstract
Policing, Race, and Politics in Chicago asks how local political institutions structured the relationship between race and policing in Chicago. It follows Renault Robinson, the Afro-American Patrolmen's League, and their allies, as they challenged both a political order in which black politicians and voters played critical roles and a Police Department that had the most black officers of any in the United States by the early 1960s. Their activism impelled recognition that Richard J. Daley’s Democratic Party and city government simultaneously incorporated and subordinated black urbanites. Daley’s political monopoly forced the League to seek leverage outside of local electoral politics, through tactics that included citizen monitoring, legal challenges, alliances with state and federal political actors and institutions, and, ultimately, political revolt. The rise of “law and order” among police officers in the mid-1960s was only half of a more complicated story in Chicago. League members challenged their colleagues and the blue wall of silence by working with black communities and police reform activists. They participated in the creation of a network of organizations, the institutionalization of which increased the capacity of citizens to monitor police behavior. They also engaged the federal government, whose transfer of federal funds to state and local criminal justice agencies was more than a catalyst for punitive policies. The League’s efforts to use Title VI to compel civil rights compliance produced more robust federal civil rights enforcement and this, in turn, transformed local personnel practices. Finally, their struggle over policing provided a wedge issue for black politicians to break from the regular Democrats. Robinson and the League facilitated this transition from politics to protest, playing key roles in forging an insurgent movement to defeat the machine. Despite their success in Harold Washington's epic 1983 mayoral victory, their experience tracked growing intra-racial stratification. Even as the Mayor sought to deliver greater public safety to his constituents, federal fiscal hostility and local white intransigence, limited his options. His reliance on more intensive policing of drugs as a vehicle to stem gang-motivated homicides began a local war on drugs with devastating consequences for black communities.
Subject Categories
African American Studies | Public Policy | United States History

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POLICING, RACE, AND POLITICS IN CHICAGO

Peter Constantine Pihos

A DISSERTATION

in

History

Presented to the Faculties of the University of Pennsylvania

in

Partial Fulfillment of the Requirements for the

Degree of Doctor of Philosophy

2015

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Michael B. Katz

(April 13, 1939 – August 23, 2014)
ACKNOWLEDGEMENTS

In the fall of 2006, Bill Novak was kind enough to spend an hour or so discussing history graduate school with me. Among the other things he told me was that I would not be able to find a better committee anywhere than Michael Katz, Tom Sugrue, and Sally Gordon at the University of Pennsylvania. Bill Novak is a smart guy.

I have many lasting memories of Michael B. Katz, to whom this dissertation is dedicated. The one that I cherish most comes from the last time I had lunch with him, in a Vietnamese restaurant off Baltimore Avenue in West Philadelphia on December 23, 2013. While Michael was already undergoing treatment for the cancer that would take his life, he showed the same zest to be out in his city, listening carefully, and sharing freely of his knowledge and experience. Michael was a critical scholar in the best tradition and yet, one of the most important lessons he taught me was the priority of understanding over critique. He believed that criticism is often the easy way out; scholarship, like life, is messy and imperfect. His question always was what can we learn from it and what can we do with it? It is this lesson, above all else, that I hope comes through in this dissertation, in my teaching, and in my life.

Even before Sally Gordon took over my committee, I felt a profound debt to her as a scholar and a person. That’s not exactly right, though, for Sally effaces the common distinction that we make between the work and its human embodiment. Her extraordinary empathy crosses these boundaries. Sally’s moving work on how religious outsiders have tried
to make a place for themselves in the American constitutional order speaks to the broader ethical ordering of her life. I feel privileged to be a part of it.

One of the great pleasures any 20th century American historian can have is an hour or two talking history with Tom Sugrue. It is not merely that few people know as much about things that interest me as Tom; rather, it is his infectious joy and curiosity, and his ability to see things as few others do. Tom’s example as a scholar asking vital questions about race, power, and cities has profoundly shaped what I do and how I think.

I consider myself quite lucky for the various ways in which Walter Licht showed up in my academic career as a teacher: first, schooling me in American capitalism; then in a wonderful semester as his teaching assistant; critiquing and challenging the proposal on which this dissertation was based. Thank you, Walter, for your unceasing enthusiasm for my work and for the way in which you have supported countless others. We notice.

John MacDonald was gracious to join this committee in its final stages. I look forward to a continuing dialogue with him as I try to continue to master some of the complex questions about crime and policing at the heart of this dissertation.

None of this work would have been possible without funding from the University of Pennsylvania, including a dissertation completion grant from the School of Arts and Sciences. I also benefitted from a fellowship at Harvard Law School during 2012-2013, and from the tutelage of Tomiko Brown-Nagin, Ken Mack, Jed Shugerman, and Bruce Mann, among others. Librarians at the Chicago Public Library Municipal Reference Collection and Special Collections, the University of Illinois at Chicago, and the University of Chicago, offered repeated assistance.
Many friends and colleagues assisted me throughout the process of writing this dissertation. Early on, I met a quartet of women also writing about the history of criminal justice in New York City. Elizabeth Kai Hinton, Jessica Neptune, Meghan Stubbendeck, and Logan McBride, all provided friendship, encouragement, and inspiration. Special thanks goes to Rachel Guberman and Sean Dempsey, who helped me to keep focused in the dog days. Julilly Kohler-Hausman has offered invaluable wisdom and good cheer on a number of occasions, as has Anne Fleming. My debts to Adam Goodman cannot be repaid, since I continually run up a tab on his extraordinary bigheartedness.

My students and their curiosity are the reason that the life I have chosen is meaningful. Thanks are due to many and, in particular, to the men of DS12 and DS13. Over the past three semesters, many Duke freshman have enlivened my days and deepened my appreciation for the privilege it is to try and convince young people that doing history can change their understanding of the world.

Though they may not see their influence directly in these pages, this dissertation begins and ends with my families, who have supported me in all ways. I continually marvel at great good fortune I had in acquiring the Heims and Franceschettis, who have been such an important part of the last 16 years of my life. Tante grazie a voi. My own family seems to multiply with big men and little men each year: John, Cary, Kosta, Markos, Nikitas, and Dean—can I say more than this list of names does? As to you who have been there for all time, Mom and Dad, Deanna and Andria: As Marilynne Robinson has said, we intimately know from the death of our beloved brother and son, Michael William Pihos, “All love is in
great part affliction.” And, it is so much more. The six of us have shared both the joys and sorrows. No adequate thanks are possible.

Stefania and Michela: only you two know what has brought this project to fruition. Perhaps it speaks well of me that I managed to locate the single being who could make it possible for me to live this life and we created a second who is equally game.

We are what we can be together never enough
Though without each other we don’t know our selves
And would spend the rest of our days looking over our Shoulder where we thought we saw ourselves
Crossing another street.\(^2\)

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ABSTRACT

POLICING, RACE, AND POLITICS IN CHICAGO

Peter Constantine Pihos
Sarah Barringer Gordon

Policing, Race, and Politics in Chicago asks how local political institutions structured the relationship between race and policing in Chicago. It follows Renault Robinson, the Afro-American Patrolmen’s League, and their allies, as they challenged both a political order in which black politicians and voters played critical roles and a Police Department that had the most black officers of any in the United States by the early 1960s. Their activism impelled recognition that Richard J. Daley’s Democratic Party and city government simultaneously incorporated and subordinated black urbanites. Daley’s political monopoly forced the League to seek leverage outside of local electoral politics, through tactics that included citizen monitoring, legal challenges, alliances with state and federal political actors and institutions, and, ultimately, political revolt. The rise of “law and order” among police officers in the mid-1960s was only half of a more complicated story in Chicago. League members challenged their colleagues and the blue wall of silence by working with black communities and police reform activists. They participated in the creation of a network of organizations, the institutionalization of which increased the capacity of citizens to monitor police behavior. They also engaged the federal government, whose transfer of federal funds to state and local criminal justice agencies was more than a catalyst for punitive policies. The League’s efforts to use Title VI to compel civil rights compliance produced more robust federal civil rights enforcement and this, in turn, transformed local personnel practices. Finally, their struggle over policing provided a wedge issue for black politicians to break
from the regular Democrats. Robinson and the League facilitated this transition from politics to protest, playing key roles in forging an insurgent movement to defeat the machine.

Despite their success in Harold Washington’s epic 1983 mayoral victory, their experience tracked growing intra-racial stratification. Even as the Mayor sought to deliver greater public safety to his constituents, federal fiscal hostility and local white intransigence, limited his options. His reliance on more intensive policing of drugs as a vehicle to stem gang-motivated homicides began a local war on drugs with devastating consequences for black communities.
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INTRODUCTION

Policing, Race, and Politics in Chicago follows Renault Robinson, the Afro-American Patrolmen’s League, and their allies, to ask how local political institutions structured the relationship between race and policing in Chicago. Robinson and a handful of other young black patrolmen founded the League in 1968 to address hostility between black communities and black policemen. Their remarkable challenge to the city’s Police Department and political order over the succeeding fifteen years provides this dissertation’s ark. These men were middle class strivers, whose places in policing were secured through reforms made possible by Mayor Richard J. Daley. Through their efforts to change the Police Department they sacrificed this career advancement. For many, League membership resulted in exile, either off the force or to the worst and most humiliating jobs, such as the Transit Authority’s “burial detail” or watching an alley behind Police Headquarters for eight hours a day. From the margins, they struggled to end racial discrimination within and by the Police Department and to transform its role in the social order. This journey took them out of their precinct stations and into community meetings, the homes of brutality victims, to political rallies, into courtrooms, and before Congress. By 1983, they had forced the Police Department to institute affirmative action, revitalized administrative enforcement of civil rights law, and shaped the independent black political movement that defeated Chicago’s regular Democratic organization.

The primary obstacle that Robinson, the League, and other police reformers faced was the unified political party and city government under the control of Mayor Richard J.
Daley. Beginning in the 1930s, the Chicago Democratic machine had an enigmatic relationship with black voters. Black people secured greater representation within electoral politics in Chicago than almost anywhere else. The high numbers of black officers within the Police Department evidenced that the power of this representation was more than just symbolic. Indeed, it was presence of the members of the Afro-American Patrolmen’s League as insiders within the political system that made them simultaneously powerful and vulnerable. Yet the presence of black people within politics and government did not always serve the cause of black advancement. League members often squared off with other black people, who by virtue of their affinities, histories, and interests, advanced policies that simultaneously allowed their participation and perpetuated structural black inequality.

Making headway against the Daley regime’s political monopoly required the League to use whatever avenues were available. While its principle goal was to organize black officers, League members worked with public housing residents on community safety, ran a police brutality intake service, and networked with public interest lawyers and black legislators in Washington, D.C. As Robinson fought to save his job in the early 1970s, he also hectored the federal government to investigate racial discrimination in police hiring and promotions. The League’s biggest victory was in the federal courts, and yet this owed as much to Robinson’s networking as it did to legal strategy. The men found allies when and where it could, among organizations and individuals who by position, principle, or interest could (or desired to) act against the interests of the regular Democrats. This entailed

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partnering with the Black Panthers and future Republican governor James R. Thompson, and anyone else who sought to rework the relationship between policing, race, and politics.

By following the activism of these insiders-turned-outsiders, this dissertation offers a new perspective on the relationship on policing and black activism over more than two crucial decades. Law enforcement prerogatives did not displace civil rights in the mid-1960s at the moment of their enshrinement in federal law. Rather, concerns about the extension of civil rights law into local police forces made the federal government’s initial steps into funding local police tentative. Over the course of the 1970s, the League worked to make effective civil rights enforcement just as likely an outcome of federal funding as repressive policing. Nor did the politics of policing benefit only conservatives. Rather, the League’s history demonstrates the paradoxical nature of those politics. During the 1970s, police brutality powerfully signified the subordination of black Chicagoans by the local state and played a crucial role in shaping black political subjectivity. It provided the leverage for long-time machine politicians, such as Ralph Metcalfe and Harold Washington, to move outside the machine and garner sufficient support to survive the efforts of their former associates to defeat them. This trajectory, from politics to protest, represents a fundamental reworking of narratives central to our histories of black politics.

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*Policing, Race, and Politics in Chicago proceeds chronologically and thematically. The first three chapters explore the changing relationship between black Chicagoans and the Police Department as the city’s politics evolved from machine competition, to a dominant, though decentralized, Democratic machine from 1931 to 1955, and, finally, to the centralized party-
state of the Richard J. Daley years. If Daley’s consolidation of power restricted opportunities for African-Americans elsewhere, it enabled black inclusion and advancement in policing from 1960 to 1966. The rise of law and order policing thereafter reversed these gains and exacerbated racial divisions among police officers, leading to the creation of the Afro-American Patrolmen’s League in 1968. The Department repressed the League, demoted and humiliated its founders, and even attempted to have them fired. If these actions discouraged new members, they also gave civil rights and black power activists a reason to identify with the League and made the organization a credible witness to police racism.

The dissertation’s middle three chapters demonstrate how Daley’s political monopoly shaped efforts of activists to democratize policing in Chicago between 1970 and 1974 through citizen activism, black politics, and federal administrative enforcement of equal opportunity law. The murders of Black Panthers Fred Hampton and Mark Clark by police officers working for State’s Attorney Edward V. Hanrahan in 1969 spurred the institutionalization of anti-brutality activism in a network of organization. Working in parallel and in concert, they challenged the methods used to ignore or cover up police brutality. The politicization of police brutality remade black political subjectivity. By 1972, one of Chicago’s leading black machine politicians, U.S. Congressman Ralph H. Metcalfe, found himself becoming a central figure in independent black politics, working to unseat his party’s candidate, State’s Attorney Edward Hanrahan. Efforts to enlist the assistance of federal agencies in enforcing civil rights law to the Police Department more egalitarian ran into the institutional structure of the new federal agencies created to fund local policing.
The final four chapters of *Policing, Race, and Politics in Chicago* examine the development and consequences of these efforts at democratization between after 1974 and 1987. The successes of police reformers in Chicago during this period were hard won, as they came in the teeth of continued racism and brutality within the Chicago Police Department, as well as an increasingly punitive shift in the national politics of policing. Robinson and the League succeeded in their legal quest. A federal court found the Police Department’s hiring and promotion practices discriminated, and cut off federal law enforcement and General Revenue Sharing funds, until the Police Department complied with its ethno-racial and gender-based hiring quotas. The League also played a pivotal role in the elaboration of a stronger federal agency administrative enforcement regime.

The frustrations of pursuing change through the courts and citizen action led League members to become more directly involved in electoral politics over the second half of the decade. At first, these efforts produced little. When Frank Lee and Howard Saffold, two League founders, ran for Aldermen, they lost handily. Robinson efforts to bring Chicago a black mayor, including serving as Harold Washington’s campaign manager in 1977, were no more fruitful. Nonetheless, Robinson and the League became important actors within Chicago politics. When surprise mayoral victor Jane Byrne sought to shore up her credentials with black Chicagoans after defeating the machine in 1979, she turned to Robinson, naming him to the Board of the Chicago Housing Authority. Her failure to live up to her promises of reform led Robinson to be a constant thorn in her side.

By the time that Harold Washington defeated Mayor Byrne and Cook County State’s Attorney Richard M. Daley four years later, Renault Robinson and the other men who made
up the long-time core of the League, had moved from being outcasts in the Police Department to being at the very center of Chicago politics. By virtue of his position as supervisor of Washington’s security detail, Howard Saffold became one of the highest-ranking officers in the Department. He recruited Washington’s entire security detail from the League’s ranks. Yet, illustrating the broader paradoxes of racial inequality in the post-civil rights age, the success of some did not translate into the betterment of all. In the mid-1980s, Mayor Washington’s police force, led by the city’s first black Superintendent, responded to legitimate concerns about gang violence by launching a bureaucratically driven war on drugs that would disproportionately target black youth. In policing as elsewhere, black political success was intimately linked to processes that reinforced the structural subordination of large segments of black Chicago.
On the night of Monday, September 27, 1971, three Chicago Police officers entered the Third District (Grand Crossing) Police Station, in the heart of the city’s South Side. They wore the black jackets of the Afro-American Patrolmen’s League, affixed with a Black Power fist inside a police star. The officers, Renault Robinson, Howard Saffold, and Bill Bixby, were amongst the League’s most stalwart members. Since the Police Department’s publicity unit downtown lost or destroyed their materials when they tried to use the internal mail system like other police organizations, they passed out monthly meeting notices by hand at district stations. The opposition of police leadership to the organization meant that such excursions were almost never uneventful. Travelling in a party of three might not be efficient, but it meant there would be witnesses.

While talking to other black police officers inside the station, they overheard the sounds of an interrogation going on in a nearby room. “What’s your name Mother Fucker?” The suspect mumbled his name. *Slap.* “I said what’s your name Mother Fucker?” *Slap.* Laughter. The League officers maneuvered themselves to view the interrogation room and found a black suspect who “appeared to be under the influence of alcohol” and two white officers. One “watched with a smile on his face,” while the other “continuously slapped and struck the black suspect.” About to enter the room to intervene as they had done on other occasions, the three League officers noticed Lieutenant Lynch, one of the Third District’s
command personnel, watching. “We asked him to stop the beating; he refused and walked away, stating he was not going to get involved.”

Robinson, Saffold, and Bixby pressed their complaint to the watch commander, the on-duty officer in charge of the station. He assigned a black sergeant to investigate, who “complained bitterly to us stating that we had put him in the middle and he did not want to get involved.” When they pressed the sergeant to file a complaint against the two patrolmen and Lieutenant Lynch with the Internal Affairs Division, “he did everything he could to discourage us.” During his reluctant call downtown, he “attempted to embarrass [Robinson].” After the three patrolmen reminded the sergeant that Department rules protected whistleblowers by keeping the names of the complaining witnesses from the officers named in the complaint, “he aided the white police officers in seeing our report … That’s a Soul Brother for You.”

From the mid-1960s through the mid-1980s, the officers of the Afro-American Patrolmen’s League and their radical, liberal, and even (on occasion) conservative allies fought an epic struggle to transform the role of the police in perpetuating racial domination in Chicago. This was not quite what the men expected when they took the police exam in the mid-1960s. They were not activists who decided to become policemen, but policemen who became activists. They joined the Department when reform Superintendent Orlando (O.W.) Wilson was in charge and actively recruiting black officers as part of his quest to transform the relationship between policing and politics. As they developed their craft on

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2 Ibid.
the street, they also immersed themselves in the rising currents of Black Nationalism that reshaped social politics in Black Chicago during this period.

“Chicago is a divided city,” Robinson argued in 1970 his weekly column, “The Black Watch,” in the Chicago Defender, “[d]ivided racially, socially, economically, and politically.”¹ The officers of the Afro-American Patrolmen’s League felt these divisions intensely. They were part of the establishment, insiders with municipal jobs that provided a foothold into the middle-class; yet, they were subordinate within their Department and the city’s geography of power. During the latter years of the 1960s, as police repression of black youths and radical political figures intensified, so did their political consciousness. They came to question whether they were being used as tools of their own subordination.

Robinson and his partner Frank Lee were working on the West Side during the uprising that followed the murder of Martin Luther King, Jr. In big squads, “maybe 50 of us at a time,” he recalled, “we’d just sweep down a block and grab everybody and fill up the police wagons. I mean everybody.”² As many Chicago police officers came to identify “law and order” as a way of maintaining their authority, the League embraced Black Power, a perspective that allowed them to see their role as patrolmen central to the reproduction of inequality within the city. They imagined, instead, using their positions to transform the relationship between black Chicagoans and the Police Department. They self-consciously framed their goal as achieving Black Power through law.

This dissertation begins with the central contradiction raised by Robinson’s slant
view on policing brutality in the opening vignette. This interaction, between white officers
and a black arrestee, has occurred with such unvarying frequency and uniformity that its
cumulative weight seems to collapse time and space, rendering the history of race and police
power flat. This scene took place on one early autumn night in Chicago, but it could have
been almost any city at almost any time across many decades. Except, it was not. In Chicago,
in 1971, in a South Side Police District, three black patrolmen confronted the Lieutenant
who let police brutality continue. And not just that: the on-duty commander responded by
fobbing them off onto a black sergeant, leaving him to deal with the disgruntled patrolmen.
A story that might be read as eternal recurrence reveals itself as something else: a miniature
of the complex and multi-faceted possibilities for black subjectivity on questions of race,
policing, and politics, in action.

* * *

_Policing, Race, and Politics in Chicago_ recounts how a network of rebellious black
patrolmen, activists, lawyers, and even (on occasion) politicians contested and remade state
power on a local level. They sought to change police behavior by transforming the
relationship of the local state to its denizens. “In the eyes of a great many persons, whose
economic status is similar to that of the great mass of Negroes,” Harold Gosnell concluded
in _Negro Politicians_ (1937), “the police officers are the local government.” This bears
emphasizing: Local police are the visible agents of state power. Regardless of how parochial

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or remote from purposeful rationality officers on the beat might have seemed, they made administrative policy in their everyday interactions in urban spaces. To miss this is to fail to recognize the essential reality of the historical development of local governance in the United States. We Americans entrust police officers with the authority to affect lives in profound ways, and we do not systematically constrain their behavior. Instead, such controls vary dramatically by jurisdiction. This is not a simple artifact of the U.S.’s republican heritage: it is a system continually re-forged as disputes over race, crime, and law enforcement are contested through the many-layered legal and institutional architecture of American federalism.

Much of the best recent scholarship on criminal justice looks to how Americans have remade state power across criminal justice institutions over the last five decades. Some go further to integrate these changes with shifts in American political economy or social structure. Since 1970, long-term processes appear to have been “thrown into reverse,” David Garland writes, with “punitive sentiments and expressive gestures that appear oddly archaic and downright anti-modern” emerging in public discourse and official policy. The statistical dimensions of this change are well-known: a quadrupling in the rate of imprisonment, from its historically stable level of around 100 persons per 100,000; more than two million people incarcerated, and some six million more under other forms of penal

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7 This idea was most famously expressed in Kenneth Culp Davis, *Police Discretion* (St. Paul: West Publishing Co., 1975). Davis call for police to engage in administrative rulemaking, particularly in the realm of non-enforcement, has not been heeded.


supervision; and vast racial and class disparities in rates of contact with the criminal justice system. The harshness of American penal practices invites extreme comparison, such as the historian James Whitman’s claim that they resemble those in Yemen, China and Russia, pre-2001 Afghanistan, and Nazi Germany, more than those in wealthy, liberal democratic peer nations. And punishment itself is merely the beginning; the reach of the punitive state produces cascading consequences that undermine individual life chances, community stability, and American democracy.

Ironically, while conflict over urban policing in the 1960s produced a generation of histories about the birth and development of police institutions, corresponding attention has not been given to their subsequent elaboration. The relationship between local institutions, politics, and policing since the 1960s remains indistinct. The first wave of social histories was highly attentive to the context of its own production, and these historians plumbed the

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past to understand what police did and why.\textsuperscript{13} This vein of scholarly inquiry more or less atrophied after Eric Monkkonen’s \textit{Police in Urban America, 1860-1920} (1981), as the conflict that initially sparked the field receded from public view.\textsuperscript{14} During the central years of the punitive turn, the 1980s and 1990s, study of the police became largely technical in orientation, framed as “as a tool of progressive management and innovation” for police institutions. With a few notable exceptions, the crime control agenda of the state played a formative role in shaping research agendas.\textsuperscript{15} Only in recent years, as the importance of “stop-and-frisk” and “zero tolerance” policing in reproducing inequalities in everyday life have become clearer, has the social history of policing re-emerged as an important area of inquiry.

This dissertation examines the relationship between race, policing, and politics in a single jurisdiction. Rather than looking synoptically down at the city through national or state-level changes in criminal justice policy and practice, I situate \textit{Policing, Race, and Politics} in Chicago and look up. The Chicago Police Department, in contrast to the county courts and jail or the state-run prisons, is a creature of the city’s jurisdiction. Emphasizing that policing


and other criminal justice functions originate from different locations within the jurisdictional hierarchy of American federalism forces us to reckon with how the city as a juridical entity matters. Monkkonen’s recognition that “the history of the police is so much a part of the history of the city,” addressed the development and bureaucratization of police forces in the 19th and early 20th centuries. Nonetheless, his claim that “it is essential that the history of the city provide the first and most dominant framework within which to analyze the police,” continues to have force.\textsuperscript{16} The center of gravity of law enforcement policy-making undoubtedly has shifted in recent years as the matrix of incentives and constraints constructed by state and federal governments have changed. But even in 1987, at the end of the period covered by this dissertation, the funding of policing remained overwhelmingly local. That year, local governments still made nearly three-quarters of the $56 billion in yearly police expenditures nationwide, with states and the federal government splitting the rest.\textsuperscript{17} Moreover, police-related expenditures continued to make up the largest share of overall spending on criminal justice, accounting for 49 cents of every dollar.\textsuperscript{18}

Focusing on the city allows me to build upon important insights of historical institutionalists. Marie Gottschalk argues that “particular social movements and interest groups” act “within the constraints of larger institutional structures.”\textsuperscript{19} Though Gottschalk focuses on how the structure of the American welfare state shaped federal criminal justice


\textsuperscript{18} “Table 1.7: Justice system per capita expenditures: By type of activity, United States, fiscal years 1980-99, and 2001\textbackslash{}a,” \textit{Criminal Justice Sourcebook Online}, http://www.albany.edu/sourcebook/csv/t17.csv

policymaking, her method informs many recent studies, including those that address the
variegated development of imprisonment practices in different states.\textsuperscript{20} Facing similar
problems, states pursue a variety of policies that are shaped by distinctive state-level
institutional arrangements and political cultures. The results are tremendous differences in
state-level imprisonment rates. While the average state imprisoned 478 people per 100,000 in
2013, this includes the spectrum from Louisiana (704 per 100,000) to Maine (148 per
100,000).\textsuperscript{21} “The reality of American penal sanctioning,” Vanessa Barker argues,” is much
more complicated, uneven, and obscure than the discussion of national trends allows.”\textsuperscript{22}

\textit{Policing, Race, and Politics} begins from policing’s localism. Urban political institutions
structure politics in different ways from state or national ones, in part shaping the ways in
which different groups may access them.\textsuperscript{23} The transformations of American political
economy and social geography over the past 50 years reinforced the differential
opportunities provided by the structure of politics. As jobs fled central cities and
metropolitan areas spread out, as new streams of migrants arrived, and as the northward
flow of white and black Southerners reversed, American cities were remade. This
demographic sifting of the metropolitan area played a central role in reconstructing Chicago
politics and its relationship to both the state and federal government. If in the aggregate
American politics were “Rightward Bound” during these years, the trajectory of politics in

\textsuperscript{20} Outstanding examples of this literature include Vanessa Barker, \textit{The Politics of Imprisonment: How the Democratic
Process Shapes the Way America Punishes Offenders} (New York: Oxford University Press, 2009); Mona Lynch, \textit{Sunbelt
Perkinson, \textit{Texas Tough: The Rise of America’s Prison Empire} (New York: Picador, 2010); Joshua Page, \textit{The Toughest

\textsuperscript{21} Data from the Sentencing Project, \url{http://sentencingproject.org/map/map.cfm} (visited Oct. 29, 2015)

\textsuperscript{22} Barker, \textit{The Politics of Imprisonment}, 6.

\textsuperscript{23} Lisa Miller maps the varying levels of accessibility to local (Pittsburgh and Philadelphia), state (Pennsylvania),
and national policymaking to multi-issue community groups, and convincingly demonstrates that political
arenas shape political policies. Lisa L. Miller, \textit{The Perils of Federalism: Race, Poverty, and the Politics of Crime Control}
Chicago depended in important part on how its residents and institutions responded to these epochal changes.  

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The relationship between the Democratic Party, the Mayor, and the Police Department structured this history of struggle. “The Chicago Police Department is a political institution, operated with a firm hand by Mayor Richard J. Daley,” Renault Robinson argued. The Department was difficult to change because Mayor Daley used his position at the center of party and state to insulate it. Robinson frequently employed the classic language of police reform, damning policing for its relationship to politics. What he actually sought, though, was the democratization of policing—primarily by empowering black Chicagoans to shape and oversee police conduct. Although Mayor Daley and other Democratic Party stalwarts justified their power by reference to their often-spectacular electoral majorities, they achieved these results by systematically biasing elections in their own favor. All political parties attempt to do this to some extent, but Chicago’s Democratic Party was unusually successful. From 1931 to 1979, Party regulars achieved an unparalleled level of dominance.

A successful monopoly on electoral success is distinct from machine politics, which can be more fruitfully thought of as a process or set of techniques. It is “the manipulation of certain incentives to partisan political participation,” such as “favoritism based on political

26 The language of bias comes from Jessica Trounstine, Political Monopolies in American Cities: The Rise and Fall of Bosses and Reformers (Chicago: University of Chicago Press, 2008). She helpfully creates a taxonomy of different techniques used by the two types of political monopolies she studies.
criteria in personnel decisions, contracting and administration of the laws.”

The hub of machine politics was the political ward, each of which was represented by a committeeman, whose rank within the party hierarchy and access to patronage was determined by the size of the vote margins he delivered on Election Day. The committeeman was dependent on his precinct captains for delivering the votes; in turn, they depended on him to supply the patronage jobs. This link between their material wellbeing and their political productivity was the engine that drove the machine model of politics. From the Civil War through the 1930s, Republicans and Democrats each used the machine model to compete robustly for preeminence in the city. Each party was rife with factionalism. Not until the municipal election of 1931 did competitive balance disappear in the face of Democratic dominance.

“On the ruins of the Republican organization,” Harold Gosnell declared in *Machine Politics: Chicago Style* (1937), “the Democrats have built the most powerful political machine that the city has ever seen.”

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29 Quotes from Gosnell, *Machine Politics: Chicago Model*, 12, 25. Chicago Democrats exploited their dominant position after the 1931 election to entrench their position, not only through the local mechanisms for biasing votes (patronage, vote buying, ballot stuffing), but also by linking with the federal New Deal programs to vastly expand the patronage resources available for distribution. Democratic dominance in the 1935 municipal elections, in which Kelly won of 83 percent of the vote almost doubled the Democratic percentage from 1927, led Roosevelt to entrust Chicago Democrats with distribution of nearly 68,000 Works Progress Administration jobs to their constituents. Stephen Erie, *Rainbow’s End: Irish Americans and the Dilemma’s of Urban Machine Politics, 1840-1985* (Berkeley: University of California Press, 1988), chap. 4.
In the 1950s, Mayor Richard J. Daley fused the Democratic Party and the City of Chicago into a “party-state.” The result was a remarkably resilient structure in which each of his two roles, as party chairman and the as city mayor, reinforced the other. As Renault Robinson and his allies sought to contest law and order policing beginning in 1968, they continually ran up against its impermeability. Every direction they turned, it seemed, there was a Sergeant Soul Brother of one type or another, grabbing for “the little clout, the little crumb drops they give” and attempting to make a place for himself in a racially-stratified social and political order. The AAPL President remonstrated against such figures, especially black police supervisors and black elected officials, for their unwillingness to confront power: “they all were chicken-shit and scared” that they would lose what little they had. Yet, he “had a lot of friends among them,” he noted. “They were people that I liked.” Robinson “understood their fear. I didn’t criticize them for it. I criticized the issue, you know, in general, that the fear was so pervasive that these guys.”

It was not these individuals who were the problem; it was the whole system by which the Democratic party-state ruled.

* * *

Policing, Race, and Politics in Chicago makes three interlinked arguments. It begins by arguing that Superintendent Wilson’s reforms during the first half of the 1960s reshaped the role of race in the Police Department. He created more rational appointment and promotion procedures, which limited the influence of politics in the Department and resulted in the appointment and promotion of more black officers. He also changed the activities of

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policemen: Professional policing on Wilson’s model centered around increased technological capacity, which took officers off the streets and put them in cars, and relied heavily on aggressive “preventative patrol,” both of which produced tension on the streets. Finally, the reconstruction of the Department’s administrative structure reproduced the alienation felt by many street officers, subjecting them to new rules and oversight from Downtown that impinged upon their prerogatives. These changes structured the rise of “law and order” politics within the Department, a politics that City Hall embraced in the aftermath of Wilson’s departure.

Law and order’s most significant creation in Chicago was not repressive and discriminatory policing. Policing in the 1970s was repressive and discriminatory (and grew somewhat more so over the second half of the decade). But the continuities with the 1960s are more striking than the differences, particularly when viewed next to changes that took place in the last two decades of the 20th century. By hiring and promoting more black officers, Wilson opened up new fissures within the Department. He increased black presence at a time of racial retrenchment.32 This opened up a divide between black policemen. Many sought advancement through the ranks, even despite double standards at work. Renault Robinson and the members of the League rebelled, opposing law and order with Black Power. Law and order’s most lasting achievement in Chicago was the creation of the Afro-American Patrolmen’s League and a broader network of other police reform organizations.

Police reformers during the 1970s sought to democratize the Chicago Police Department. Through sheer persistence and a pragmatic willingness to ally with anyone who

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32 The plummeting of black hiring during his later years and after he retired reflected this. See Figure 1, Appendix II.
sought change, these organizations populated the field of police policymaking with ordinary Chicagoans, unaffiliated with the political machine. Doing so provided new forms of oversight, and this forced the Department to change many of its practices over the course of the 1970s. Activists won access to more information about police practices; they remade the civilian Police Board as a forum for interaction and debate over police policy; they transformed policing hiring and personnel practices; and they ended the practices of police intelligence gathering. Perhaps even more importantly, police reform activists, especially Renault Robinson, transformed local politics: their challenge to police brutality transformed the relationship between black politicians and voters and the Democratic machine. Renault Robinson and the Afro-American Patrolmen’s League provide a thread connecting the collective response to “law and order” repression to the creation of the black independent political movement that put Harold Washington in power fifteen years later.

The intractability of local politics caused the League to reach outside its confines to build power. By examining its efforts to enlist the federal government in its struggle, this dissertation recasts the federal role in local criminal justice policy, and that of local politics in shaping federal policy. By 1971, when the League first sought the Law Enforcement Assistance Administration’s (LEAA) assistance in addressing discriminatory personnel practices, it did not appear a particularly enthusiastic or likely ally. Indeed, recent historical work identifies the entrance of the federal government into state and local criminal justice policy in the 1960s one of the lodestones in the creation of a punitive state. “[A]t the very same moment that the American Civil Rights Movement had succeeded in newly
empowering African Americans in the political sphere by securing passage of the Voting Rights Act of 1965,” historian Heather Thompson argues, “America’s white politicians decided to begin a massive new war on crime that would eventually undercut myriad gains of the Civil Rights Movement.”33 Between 1968 and 1983, the LEAA spent nearly $73 billion on state and local criminal justice projects—a considerable amount but a tiny fraction (less than 5 percent) of total nationwide justice system expenditures.34

Looking at federal intergovernmental aid from Chicago up (rather than trying to understand the LEAA by looking synoptically out from Washington) offers a different perspective. In light of other changes in federal aid that resembled the LEAA in structure, such as President Richard Nixon’s General Revenue Sharing program, the agency’s spending in Chicago is best understood as fiscal aid program that both simultaneously sustained the party-state in power and provided resources and secured greater legitimacy for police reform organizations. Federal dollars did something else important, too. They brought federal civil rights law into local police departments. In 1971, when the League appealed to the LEAA for civil rights assistance, the agency was ill equipped for its role in enforcing Title VI of the

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Civil Rights Act of 1964. Robinson’s persistent entreaties, testimony before Congress, and public pressure tactics ultimately forced the agency to act. This unleashed a process of reciprocal transformations that would provide for greater opportunities for black officers in the Chicago Police Department and also result in the creation of a much more robust federal enforcement machinery that made a significant difference in forcing police departments to hire more women and people of color.

It was not until the 1980s that the federal government’s influence on local policing turned decisively in favor of punitive action. Even then, it was complicated. While federal programs at the end of that decade funded punitive action, perhaps the biggest federal impact was on cities’ fiscal health. During the 1960s and 1970s, increased federal spending helped to make up for the declining resources available to Chicago from local tax sources. After 1978, though, federal aid plummeted, including the elimination of the LEAA and General Revenue Sharing. With reduced federal money, cities were forced into difficult choices about where to spend and they most often chose law enforcement. When the Chicago Police Department launched its war on gangs and drugs in the mid-1980s, it was the retraction of federal dollars as much as any punitive federal policy initiatives that shaped its choices.

Harold Washington, Chicago’s progressive black mayor, and its first black Police Superintendent oversaw the initiation of the punitive war on gangs and drugs in the mid-1980s. This dissertation’s final question is how they got there. The answer can be found in part in the trajectory of black politics. As activists like Robinson grew frustrated with the
pace of legal and administrative action, they concluded that politics was the only way.

Robinson reminded Defender readers:

The next time your precinct captain has the nerve to knock at your door and ask for your vote for King Daley remember what you are voting for: a police department that does nothing to stop serious crime in the black community—a police department that refuses to hire and promote black police officers—a police department that disrespects black people—a police department that kills black people—a police department that takes bribes which allow dope to be sold to black children—a police department that permits vicious gang activity—a police department that is presently being investigated by the federal government. 35

The question was not whether policing was a political act, but how to build a politics around reforming policing.

Efforts to stop police brutality intertwined with efforts to construct independent black politics over the course of the 1970s. As Robinson’s exhortation reflected, activists were concerned about many different problems, and did not separate questions of crime and police brutality from one another. Rather, Robinson saw them as both intimately connected to the place of blacks within the political order. Nonetheless, anti-crime initiatives opened up political divisions within black communities, even in the face of efforts for solidarity. By contrast, anti-brutality activism brought together a diverse set of actors of different political orientations.

In Chicago, the key question surrounding politics was not how to put black people in office, for that had been occurring for decades. It was how to use politics to end racial domination, and this meant overturning the party-state that preserved such inequalities. The path to black political power moved not “From Protest to Politics,” as in Bayard Rustin’s classic formulation, but “From Politics to Protest.” The task of building an black political movement capable of defeating the Democratic regulars was in getting black politicians and voters long disillusioned by their lack of voice to join a electoral protest movement. Police brutality and activists who put it in the public spotlight, such as Renault Robinson and Howard Saffold, played key roles in negotiating this transition from inside the machine to independent Democrats, first for Ralph Metcalfe in 1972 and later for Harold Washington in 1977 and 1983.

As my account of black politics and police behavior offers a transformed chronology and a more hopeful picture of local activism during the 1970s, it also tracks the rise of punitive policing that targeted black youth in the 1980s. The timing and nature of that transformation was the culmination of the remaking of Chicago politics. Mayor Washington arrived at City Hall carrying the hopes of the unified mass of black Chicagoans who had elected him. If confronting crime presented challenges for independent political organizing, it presented even greater challenges for governance. Yet as black political success had shifted the city government in a more liberal direction, the rest of the country was moving to the right. As Mayor, his efforts to respond to his constituents demands for protection from drug dealing and gang violence ran into the teeth of this right wing shift. In making policies, Washington had to navigate both a reactionary City Council majority that drew upon tropes of black criminality to disrupt his plans for reform at every turn and a shrinking budget with
no money for social programs and little for violence intervention. Stuck with the Police Department as his only well resourced agency, Washington used it to police black youth more intensively. The policies produced new forms of stratification of the social order that were only exacerbated as the federal and state incentives changed the calculus of policing.

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This is a Chicago story but it is also an American one. In some sense, the assertion that local variation is the American story in one of the claims at the heart of this dissertation. Chicago’s unique party-state during Mayor Daley’s reign from 1955 through 1976 required black Chicagoans to undertake a distinctive trajectory to achieve independent political success, marking out an important variation on civil rights themes. Yet, it is the rearticulation of race and class inequalities embedded in the institutional structure of our federal system that strikes me as the most uniquely American aspect of this history. Harold Washington, like many black political actors before him, built his triumph on the dispossession of black communities, in particular their inability to escape the confines of the city as whites fled to better opportunities, more stable housing markets, better resourced schools, and fairer and more effective policing from which blacks were excluded. If his triumph marked another step on the path to more adequate racial representation, it did not transform the basic conditions of its making.

Ultimately, *Policing, Race, and Politics* offers a window onto the place of the local state in the United States in shaping black destinies over the past four decades. The tale of collective struggle culminated in the opening of new opportunities for many talented black individuals. Renault Robinson served Harold Washington as Chairman of the Chicago
Housing Authority. After spending his whole career as a patrolman, Howard Saffold became a Police Commander under the Mayor. Almost all of the Mayor's bodyguards were drawn from the League, and they grew to be some of his closest confidantes. And yet, acting within divided government and federal fiscal retrenchment, and in the political context of punitive anti-crime politics, the same administration produced new forms of stratification. In attempting to solve the seemingly intractable problem of black Chicagoan’s disproportionate vulnerability to violence with the means at their disposal, they chose practices that subjected black youth to new forms of punitive control. Local power mattered immensely; but so did the transformed institutional and political context in which it took place.
CHAPTER 2: RACE, POLITICS, AND THE LOGIC OF POLICE REFORM

For five decades of the twentieth century, from 1910 to 1960, the strange history of the color line in Chicago simultaneously constrained and enabled black participation in politics. Because the structure of politics was centered upon the ward, and the police districts in the black wards overlapped closely with this political structure, a symbiotic relationship emerged between these two areas of institutional life. Using police as their agents, black politicians built a machine that depended on financing from illicit entertainment. These aspects of the social and political geography of the city, would shape the relationship of black politicians and voters with both the Republican and Democratic parties until the 1950s. Throughout, black political influence was rewarded with the segmented incorporation of black officers into the Police Department. While black men were hired in relatively large numbers compared with other cities, the color line nonetheless limited their place inside the police institution.

Only after Mayor Daley consolidated power did the relationship between policing and politics in black neighborhoods dramatically change. Despite the reputation of Mayor Daley’s Democratic machine for politicizing governance, a police scandal in 1960 led him to insulate the Department from party politics and to hire police reformer O.W. Wilson as the Superintendent. In his efforts to make the Chicago police more professional, the “college cop” transformed the relationship between race, policing, and politics. Because Wilson’s reforms did not take into account the fundamentally social nature of the police role, however, they exacerbated the social isolation of many rank-and-file patrolmen from the
people they policed. While his racial egalitarianism meliorated some of the symptoms of division between police officers and black and Latino/a urban residents, they ultimately could not contain the emerging conflict.

**Black Politics, Black Police, and Illicit Activity**

Black Chicagoans took up electoral politics from almost the moment the Fifteenth Amendment introduced black suffrage in Illinois. At first, abolitionist networks and patron-client relations defined black political representation. By the second decade of the twentieth century, though, “black politicians were part of the larger process of institutionalizing the machine.”¹ In the era of machine competition, Republicans and Democrats used their positions at the nexus of politics and government to try and build their coalitions. To induce others to participate in the hard work of nominating, electing, and controlling officeholders, they offered the potential to influence “government policies, policy stands, projects, graft, appointive government jobs, and other valued things.”² Within this political system, the pursuit of an anti-racist agenda was adjunct to the pursuit of material benefits.³

The emergence of a black Republican machine in the Second Ward was made possible by the institutionalization of relationships between politics and underground entertainment, such as vice, gambling, and prostitution.⁴ This business was done at the ward

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level, where the police formed a key link between the machine and illicit entrepreneurs. Although there were slightly fewer police districts than the fifty wards, the boundaries of most of the “inner city” districts were congruent with the boundaries of a political ward, where ward committeemen controlled the assignment of Police Captains. Political control over policing produced a patchwork of local legal orders. “In one district a police regulation takes the place of the law. In another, the law becomes operative to a slight degree, while in still a third it is apparently enforced.” The ward-based political organization and its police adjuncts encouraged a diversity of local states.

In the 1910s, racial discrimination and government policy concentrated Chicago’s booming black population and illicit activities on “a narrow finger of land,” jutting south from the Loop that became known as the Black Belt. Prior to the Great Migration, black Chicagoans lived in only few of the city’s neighborhoods. In its aftermath, the racial homogeneity of those neighborhoods increased dramatically. Whites met each attempt to exit segregation with “a campaign against Negroes … A continuous struggle marked by

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8 “None of Chicago’s blacks in 1910 had lived in a census tract that was more than 75 per cent Negro; in 1920, 35.7 per cent of the black population did. Only 30.8 per cent in 1910 had lived in one that more than 50 per cent Negro; in 1920, 50.5 per cent did.” William M. Turtle Jr., “Contested Neighborhoods and Racial Violence: Prelude to the Chicago Riot of 1919,” *The Journal of Negro History* 55 (1970): 270. For more, see Spear, *Black Chicago*, chap. 1 and 7.
bombings, foreclosures of mortgages, and court disputes.”

When the police destroyed the city’s principal vice district in 1912, the emerging Black Belt quickly became a haven for the illicit activities. The choice, according to historian Cynthia Blair, was “initiated by the joint efforts of white reform organizations, the state’s attorney’s office, the city government, and a police force that demonstrated little concern about the consequence … for the ‘residence districts of the race.’”

Relocation to the Black Belt was driven by the factors that shaped black residential immobility: white racism, black poverty, and political indifference.

Amongst the ironies that characterize the history of black Chicago is the central role of racial segregation and vice entrepreneurs making black politics possible. This process cannot be attributed to numbers alone: Voters elected Oscar DePriest, the first black Alderman, in 1915, just as the Great Migration was getting underway. Rather, “effective organization, inspiring political leaders, and the specific social conditions and political

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11 Cynthia M. Blair, *I’ve Got to Make My Livin’: Black Women’s Sex Work in Turn-of-the-Century Chicago* (Chicago: University Of Chicago Press, 2010), 215; Kevin Mumford, *Interzones: Black/White Sex Districts in Chicago and New York in the Early Twentieth Century* (New York: Columbia University Press, 1997), 27. “Invariably the large vice districts have been created within or near the settlements of colored people. In the past history of the city every time a new vice district was created downtown or on the South Side, the colored families were in the district, moving in just ahead of the prostitutes.”
structures found in the urban North,” combined to create political possibilities.\textsuperscript{14} Lack of ready access to loans drove black entrepreneurs into the vice trades, and the quick profits made in illicit activities became capital for investment in legitimate businesses. Black vulnerability within the criminal justice system made political protection particularly important. Entrepreneurs and politicians created systems of reciprocal obligations, rooted in their mutual desire for power independent of white control. The proprietors of commercial leisure establishments provided black politicians with financing in exchange for mediating their relationship with the police, which saved them from needing protection from white underworld figures.\textsuperscript{15} William Hale (Bill) Thompson’s narrow mayoral victories in 1915, 1919, and 1927, depended in part upon the black Second and Third Ward organizations that they built.\textsuperscript{16}

\textit{Insert Table 1}

Black police officers have long been a metric for the relationship between African-Americans and politics. Chicago hired its first black police officer in 1872, but in the decades before civil service and stable party factions, the numbers of black officers fluctuated dramatically and were reliant on personal connections to white patrons. Black advancement up the ranks was restricted, but it occurred. The Chicago Police promoted their first black Lieutenant only a year after New York hired its first black officer.\textsuperscript{17} During the era of machine competition, the Irish dominated municipal employment, especially police and fire

\textsuperscript{14} Ibid., 201.
jobs. Nonetheless, during Thompson’s years in office, black Chicagoans secured a place within the municipal bureaucracy roughly equal to their percentage of the population.

Appointments to the Chicago Police force symbolized blacks’ place within Republican politics. By 1933, “there were 124 Negro patrolmen, 4 sergeants, 2 lieutenants, 1 police operator, and 2 police women, for a total of 133.” As Table 1 suggests, even if growth in police offers in Chicago did not match the black population boom, it remained steady and substantial.

The presence of black police addressed material and symbolic concerns. Many black Chicagoans believed, with Gosnell, that black police officers would provide better police protection and also safeguard black residents from discrimination. Yet police jobs had a special status in urban politics, and the desire for black officers responded to this concern “with the prestige which colored officers would bring to the race.” Gosnell speculated, “the

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19 By the mid-1930s, blacks constituted 6.9 percent of Chicago’s population and held 6.4 percent of city jobs. Even though most of these were menial and low paying, this level of parity between population and jobs was nonetheless remarkable. (In New York, the parity ration was only .57 as compared with Chicago’s .93). Patrick D. Joyce, “A Reversal of Fortunes: Black Empowerment, Political Machines, and City Jobs in New York City and Chicago,” Urban Affairs Review 32 (1997): 298.

20 Thompson’s election in 1915 brought blacks into more high profile positions than ever before, including numerous appointments of black lawyers to the city law department and the appointment of Bishop Archibald Carey to a seat on the Civil Service Commission. In the Police Department, Thompson oversaw the appointment of far greater numbers of black officers than any other official during the party-building period. He made almost half of the total appointments of black officers (122 of 267 total), in addition to eighty-six reinstatements. Gosnell, Negro Politicians, 251. Chicago far outpaced other cities. W. Martin Dulaney, Black Police in America (Bloomington, Ind.: Indiana University Press, 1996), chap. 3. By 1926, New York only had forty-six black officers, despite its larger police force, and much greater black population. Marilyn S. Johnson, Street Justice: A History of Police Violence in New York City (Boston: Beacon Press, 2004), 85, 182.
newcomer from the south could say, ‘What colored man’s heart does not beat a little faster when he sees a Negro officer go by in his neat uniform of blue?”

Conflicts over policing, politics, and illicit enterprise in the Black Belt deeply marked black participation in formal politics. Time and again, white Democratic politicians—sometimes with the support of black reformers—targeted the relationship between illicit activities and black ward organizations. In 1917, for example, the Democratic State’s Attorney indicted and tried Alderman Oscar DePriest for taking bribes from gamblers. Such attacks reflected much more than the corrupt triangular relations between politicians, police captains, and underworld operators, for these relationship existed in white wards as well. Rather, they targeted blacks for their vulnerable and despised status within the city’s social order in an effort to tip the political balance in the Democrats’ favor.

The 1931 municipal elections and 1932 Presidential election remade the landscape of local politics as if by seismic rupture. Democrats exploited their victory to entrench their position, not only through the usual mechanisms for biasing votes (patronage, vote buying, ballot stuffing), but also by linking with the federal New Deal programs to vastly expand the

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21 The single largest wave of black hiring under Thompson followed the riot of 1919. Citing the role of white officers in failing to restrain, enabling, and even joining white mobs, black Chicagoans demanded more black officers for their own protection. Gosnell, *Negro Politicians*, 246.

22 Following a defense conducted by Edward Morris and Clarence Darrow, DePriest was acquitted. Ibid., chap. 9; Garb, *Freedom’s Ballot*, 220–222.

23 For example, in the mid-1920s, Mayor William Dever targeted the Black Belt for a series of gambling raids that resulted in over 1,000 arrests, as part of a campaign of race-baiting Republicans that included hiring musicians to play “Bye-Bye Blackbird,” in reference to Mayor Thompson. Douglas Bukowski, “Big Bill Thompson: The ‘Model’ Politician,” in *The Mayors: The Chicago Political Tradition*, Fourth Edition (Carbondale, Ill.: Southern Illinois University Press, 2013), 75–76.

24 “Chicago’s mayoral election of 1931 was clearly a local version of critical election, one in which voters turned out in large numbers, in which there were significant reorganizations of existing electoral coalitions and partisan organizations, and in which the issues in the election mobilized significant numbers of new participants.” Dianne M. Pinderhughes, *Race and Ethnicity in Chicago Politics: A Reexamination of Pluralist Theory* (Urbana: University of Illinois Press, 1987), 47.
resources available for distribution. They also looked to expand their resources locally.

When Anton Cermak took control of Chicago in 1931, he had police raid South Side gambling and vice operators to send “a clear message that black gamblers would have to assist in the building of a Democratic organization on the South Side if they wished protection from police interference.” Unlike Democrats’ earlier efforts to constitute themselves in opposition to “black Republicans,” Cermak and his successors sought to expand the available boodle by creating black Democratic organizations in the second and third wards.

Led by Second Ward committeeman and U.S. Congressman William L. Dawson, black Democrats built strong ward organizations, but their place in the Party would continue to be bedeviled by the conditions of their existence. It took two election cycles after 1931 for black wards to hit the 50 percent Democratic threshold in both national and local elections. Thereafter, their momentum in national elections continued its upward trajectory; locally, returns in Mayor Martin Kennelly’s second mayoral election in 1951 slumped back below 50 percent. Dawson was the cause: he sat out the election on account of Kennelly’s crackdowns on the South Side’s large-scale “policy” gambling operations, which formed the economic basis of his organization. In 1955, Dawson joined with other committeemen to dump the two-term incumbent from the Democrat slate. They tabbed Richard J. Daley, the

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25 Democratic dominance in the 1935 municipal elections, in which Kelly won of eighty-three percent of the vote almost doubled the Democratic percentage from 1927, led Roosevelt to entrust Chicago Democrats with distribution of nearly 68,000 Works Progress Administration jobs to their constituents. Erie, Rainbow’s End: Irish Americans and the Dilemma’s of Urban Machine Politics, 1840-1985, chap. 4.

26 Haller, “Policy Gambling, Entertainment, and the Emergence of Black Politics: Chicago from 1900-1940,” 728, 728–32.

27 Dawson was a Republican alderman from 1933 to 1939. He became the Democratic committeeman of the Second Ward in 1939. Christopher Manning, William L. Dawson and the Limits of Black Electoral Leadership (DeKalb, Ill.: Northern Illinois University Press, 2009), chap. 3.

Party chairman since 1952, in his place. Kennelly blamed Dawson for his fate, and in his primary campaign he cloaked racist appeals in anti-machine rhetoric. He cast Dawson as “a political overlord of a district where policy rackets and narcotics peddling flourish as they do nowhere else in the city.”

Marshaling the voters in five wards that made up the South Side Black Belt by 1955 into a massive turnout, with 75 percent going for Daley, Dawson played a critical role in delivering both the primary and the general election for the organization’s candidate. In 1955, “the black wards displaced the poor white immigrant wards as the Daley machine’s electoral stronghold.”

Dawson’s role in bringing Daley into power would be bitterly ironic. Rather than elevating the First District Congressman in the party hierarchy, Daley’s consolidation of power as head of party and local state, allowed him to cripple Dawson. Daley used the power of each to reinforce the power of the other and, in the process, reengineered the operation of the local state. As Mayor, Daley took governing authority away from a City Council that had dominated his predecessor, in particular by putting budgetary authority in the Mayor’s office. The chairman greatly reduced the influence of the ward organizations by centralizing the distribution of both patronage jobs and favors that were once the prerogative of ward leaders. Most importantly, he undercut Dawson by installing black

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committeemen personally loyal to him and not the Second Ward leader.\(^{32}\) Daley’s renovation of the party and governance greatly reduced the leverage of black politicians, making it much more difficult to extract substantive rewards. Despite their tremendous support for Daley during the first half of his mayoralty, “at no time did the black ward organizations acquire rewards commensurate with either their population size or their productivity.”\(^{33}\)

During the years of Democratic dominance from 1930 to 1961, the size and complexion of the police force changed dramatically, as Table 1 shows.\(^{34}\) The rise of blacks to 11.8 percent of the force far outstripped the rate of black population growth, although it remained well below parity.\(^{35}\) During these years, when black employment options remained severely restricted, the Police became amongst the most attractive of government employers. A number of the black officers who joined the Police made it their ultimate destination after hop-scotching through various civil service jobs. Rudy Nimocks was the extreme case: “I drove a bus for five years [for the CTA], and I worked in the U.S. post office for a short time, but I wasn’t satisfied with those jobs, so I went to the fire department for one year. Then I came to the police department.”\(^{36}\) Most men were not “looking for a career” or

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\(^{34}\) Although the Chicago Police kept employment statistics by race when Gosnell was doing his research, they stopped doing so during the heyday of Democratic machine control after 1931. Outside of the newspapers, the documentary record on the Department between the 1930s and 1960 is very spotty. The Police Department, which merged with the thousand-strong Park District Police in 1959, grew from 6,163 officers to 10,065 officers, despite the fact that the population of the city only inched up (increasing from 3.376 million to 3.55 million).

\(^{35}\) Although 22.9 percent of the city that was black, the proper denominator for considering employment parity would be the percentage of black men, age twenty-one to sixty-five.

\(^{36}\) Timuel D. Black, Jr., “Interview with Dr. Rudy Nimocks,” in *Bridges of Memory: Chicago’s First Wave of Black Migration* (Evanston, Ill., and Chicago: Northwestern University Press and DuSable Museum of African American History, 2003), 422. Fred Rice worked at the post office while taking exams, for the “park district, police exam, fire department exam, the Chicago [Illinois] police exam and any other exam that popped up.”
“promotions,” according the Leroy Martin. They joined “to get away from that ‘last to hire, first to fire’ situation, because, you know, that has always been the albatross … [A]t least the police department and the post office offered you some sort of security, and that’s why most of us joined.”37

Little changed for black officers within the Department during Daley’s first term.38

“Scratch the surface of the Chicago Police Department,” the Chicago Defender declared in 1959, “and you will find Jim Crow everywhere, most colored officers will tell you.”39 A Jim Crow quota fixed black promotions, such that in 1955 there were only five black sergeants and one black Lieutenant.40 A single promotional list was compiled during the 1950s, and no black officers qualified.41 The problem was not the written exam. “If you want to know about the Negro’s change for promotion,” Gosnell quoted one retired officer, “you had

37 Timuel D. Black, Jr., “Interview with Leroy Martin,” in Bridges of Memory: Chicago’s First Wave of Black Migration (Evanston, Ill., and Chicago: Northwestern University Press and DuSable Museum of African American History, 2003), 454. Rice similarly stresses the security over the salary. Interview with Fred Rice, HistoryMakers, session 1, tape 2, story 2.


39 Dan Burley, “How Jim Crow Freezes Cop Jobs: Bares Jim Crow System in Police Department,” Chicago Defender, February 14, 1959, 1. This was always true. In the 19th century, black officers were not allowed to work in uniform. During the era when police slept in dormitories at the station, blacks slept in a segregated bedroom. Even when blacks promoted, black officers were not given “active commands.” The first black Lieutenants William F. “Childs was not assigned to a station where it was feared his rank might cause dissention, but was sent to the bureau of identification.” “Negro a Police Lieutenant,” Chicago Tribune, Oct. 18, 1912, 3.

40 Every officer interviewed by Tim Black stressed the lack of black supervisory and command personnel. See Black, Jr., “Interview with Leroy Martin,” 448; Black, Jr., “Interview with Dr. Rudy Nimocks,” 424; Timuel D. Black, Jr., “Interview with Fred Rice,” in Bridges of Memory: Chicago’s Second Generation of Black Migration (Chicago and Evanston, Ill.: Northwestern University Press and DuSable Museum of African American History, 2007), 134.

41 “It is tragic that the Chicago civil service commission posts a promotional list, after two years delay, without a single Negro policeman in 1952 being in line for elevation to the rank of sergeant, lieutenant, or captain, despite the presence on the force of Negro Veterans and college graduates.” Robert Howard, “Brown Lashes Negro Police Policy of City,” Chicago Tribune, May 4, 1952, pt. 3, 1. This list would last until O.W. Wilson’s appointment in 1960.
better see who gives him his efficiency rating.” Kinzie Bluett’s promotion from lieutenant to captain in 1954 made him the only black captain out of 49. None of the 250 lieutenants were black. There were only six black sergeants out of 750, and four of them were “‘hidden’ as though there is afoot a calculated program to minimize Negroes in any command capacity.” The Defender estimated that given number of blacks the force, there ought to be “200 black sergeants, 14 lieutenants, and 3 captains.”

Black politicians lacked the clout to get black officers promoted. Despite civil service regulations, many officers and police observers believed that a small group of captains at Police Headquarters made promotions in accordance with the wishes of Democratic politicians. Once symbolic racial quotas were filled, black officers harbored few hopes of promotion. Nimocks’s acceptance of the widely held belief that only those with clout could move up slowed his promotion. “For many, many years a lot of black police officers would say, ‘Why take the examination? If you don’t have some clout—if you don’t have somebody behind you—you’d just be wasting your three dollars.’” The result was that black officers just did not enter the force expecting to embark on an upward trajectory. At best, Leroy Martin claimed, “We hope[d] we would make detective—be out of uniform—

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42 Gosnell, Negro Politicians, 263.
43 “Names 3 New Captains on Police Force: O’Connor Promotes 10 Others, Transfers 64,” Chicago Tribune, April 16, 1954, A13. “We have urged the upgrading of Negro police officers in Chicago for more than a dozen years, but during this period only ONE officer was promoted—Capt Kinzie Bluett [sic].” Lewis A.H. Caldwell, “Commentary,” Chicago Defender, March 11, 1959, 8.
45 To Leroy Martin, promotion “was an impossible goal because there were too many political ties at that time, and blacks didn’t have any voice in this town politically.” Black, Jr., “Interview with Leroy Martin,” 454.
47 Black, Jr., “Interview with Dr. Rudy Nimocks,” 424.
before we retire, but the thought of becoming a lieutenant or a sergeant wasn’t even in our thinking.”

The color line shaped every aspect of black police officers’ experience at work. Two-thirds of the officers were assigned to districts that were 80 percent black, with most at the Prairie and Wabash Avenue Stations. This was a function of Chicago’s geography of racial segregation: officers wanted to work near home and “often black police officers were not welcome in certain districts in Chicago … The people in this city just were not accustomed to being policed by blacks. They were, of course, accustomed to black people being policed by whites.” Beyond geography, certain special assignments were off limits. Even detectives, one of the few positions to which black officers could aspire, faced many restrictions on their work: “the only places where a black detective was allowed to work was in burglary and robbery. They weren’t working in homicide even thought we had a lot of blacks killing blacks.”

Within the station houses themselves, black officers also faced restrictions. Squad cars were a particular flashpoint. The Englewood district had seven squad cars in 1959, “but Negroes only operate one of the number, car 203. When any of the ‘white’ squad cars breaks down, the Negro policemen sigh: ‘Well, ho-hum, man, there’s old 203 turning white

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48 Black, Jr., “Interview with Leroy Martin,” 454.
50 Making detective was a big deal because “the detective division was all down at Eleventh and State,” and not in a segregated black neighborhood. Black, Jr., “Interview with Dr. Rudy Nimocks,” 425–426.
51 The Defender cited as examples of black exclusion: “there are no Negroes on the homicide, burglary, cartage-hijacking of interstate trucks, etc.—pawn shops and hotels, laundry, missing persons, bomb and arson squads and a single one on the vice or sex bureau squad.” Dan Burley, “Blame Racism in Police Scandals,” Chicago Defender, January 24, 1959, 2.
52 Nimocks noted that “in some police stations, they only had certain automobiles that blacks could work in, and certain posts in districts where they were allowed to work, and certain posts where blacks were allowed to work in plain clothes.” Black, Jr., “Interview with Dr. Rudy Nimocks,” 424.
again.”53 This complaint wasn’t simply about prestige; the men wanted shelter from the Chicago winter.54

**Race and the Logic of Police Reform**

By 1957, Herbert Brean argued in *Life*, Chicago “probably has the worst police department of any sizeable city.”55 Herbert Goldstein, who helped reform the department in the 1960s anatomized the problems: “It had a poor reputation for service, corruption was widespread, partisan political influence was pervasive and determinative for all important decisions made in the department, and personnel were poorly trained, disorganized, at times dispirited, and even disgraced.”56 If the endemic relationship between policing and underworld activities remained, their relationship to black politics had changed considerably. In the 1950s, the Chicago Outfit knocked off the last of the so-called South Side “policy kings.” It neither asked for nor required the protection of Dawson and the other black committeeman.57 Moreover, once Daley consolidated political power, there was neither the need nor the incentive for black committeemen to maintain an economic base to run their organizations independently. Funds for elections now came from downtown.

The 1959 scandal of Joe Smith and “sin corner” demonstrated the continuing connection of illicit activities and policing in the Black Belt, and their attenuation from politics. Joe Smith, the protagonist, was a middle-aged church-going painter and NAACP member who tried to get the police to crack down on prostitution at 63rd and Cottage Grove

54 Jobs inside were also hard to come by. In 1955, out of thirty-eight stations, only the two predominantly black ones had black officers behind the desk. Black, Jr., “Interview with Leroy Martin,” 449.
in Woodlawn. Police complicity in “sin corner” led to Smith instead finding himself accused. According to Woodlawn detectives, a prostitute turned herself in for having been paid to “french” Mr. Smith—that is “put his penis in [her] mouth.” Nontheless, the crucial mistake of the Cottage Grove Station Commander, Captain Phillip Breitzke, was his belief that “nobody would go to bat for Joe Smith because he was a Negro.” Actually, no one went to bat for Breitzke and his detectives, who were reassigned from their duties at the station even before the jury returned a “not guilty” verdict. Still, as long as the scandal was confined within the parameters of the Black Belt, it could not generate the conditions for serious reform.

A year later, a larger scandal broke in the North Side Summerdale District. It was a doozy. As liberal Hyde Park Alderman Leon Despres put it in the Nation, “The recent confession of one slight twenty-three-year-old burglar that his numerous accomplices were Chicago policemen has greatly upset the city.” The 77-page confession of Richard Morrison, known as the “babbling burglar,” recounted how he had worked with policemen in the Northside Summerdale district in a series of robberies for nearly two years. Morrison blabbed right away, but his words turned into scandal only once he found the right listener: Republican State’s Attorney Benjamin Adamowski. After his 1956 election, the new Cook

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62 In 1955, Adamowski was the third candidate in the Daley-Kennelly Democratic primary. Cohen and Taylor describe him as “one of the great might have-beens of Chicago politics.” Cohen and Taylor, *American Pharaoh*, 116.

If there were any doubts about Mayor Daley’s political deftness in the early 1960s, his handling of the Summerdale scandal put them to rest. “The most amazing thing about the police scandal,” according Alderman Seymour Simon, was “the way Daley turned it to his own advantage.” It was a two-step maneuver: First, Daley fired Police Commissioner O’Connor.\footnote{Quoted in Royko, \textit{Boss: Richard J. Daley of Chicago}, 123.} Then, he invited Orlando W. Wilson, the nation’s leading advocate of police reform, to chair a blue ribbon committee with four local notables, to pick the next police chief.\footnote{Adam Cohen and Elizabeth Taylor argue convincingly about Daley’s use of such prestige candidates. Cohen and Taylor, \textit{American Pharaoh}, 105–106 and 255. At the end of the 1960s, Daley would go one further by backing Adlai Stevenson III, who had become the head of the state’s most influential reform group trying to end the use of patronage in politics, for U.S. Senate. Ibid., 495-497.} Unsatisfied after an extensive search, the committee turned and recommended Wilson as the only man who could do the job.\footnote{Police Selection Committee to The Honorable Richard J. Daley, February 22, 1960, Despres 152-2.} With Wilson’s appointment, Simon noted, “Daley ended up being treated like a hero and a reformer.”\footnote{Royko, \textit{Boss: Richard J. Daley of Chicago}, 123.}

Lateral entry was the only way Wilson could have ever gotten to the top of the mid-century Chicago Police Department. For starters, he was not Irish or Catholic. A “tall, slender, graying man” of Norwegian ancestry, Wilson came to Chicago from the University of California, Berkeley, where he was Dean of the School of Criminology.\footnote{Stephan Benzkofer, “Legendary Lawmen, No.8: O.W. Wilson,” \textit{Chicago Tribune}, July 7, 2013, http://articles.chicagotribune.com/2013-07-07/news/ct-per-flash-owwilson-0707-20130707_1_chicago-police-department-search-committee-legendary-lawmen.} A chain-smoker and martini drinker, Wilson was much more comfortable with the socialite crowd at the...
Lyric Opera than with the crowd at Sam Sianis’s Billy Goat Tavern. Wilson’s police career began in 1921 when, as a first-year student, he scored highly on a University-administered intelligence test and decided to respond to Berkeley Police Chief August Vollmer’s call for applications in the student newspaper. Upon his graduation, Vollmer secured him a post as the Police Chief in Fullerton, California; he later went on to run the Department in Wichita, Kansas. He returned to Berkeley in 1939 as professor of police science. A leader of the movement to professionalize the police, he went on to write such scintillating tracts as

*Distribution of Patrol Force* (1941), *Police Records: Their Installation and Use* (1942), *Police Administration* (1950), and *Police Planning* (1952). During his time at Berkeley he directed reorganization surveys of more than a dozen police departments.

Daley worked hard to protect Wilson from political influence, especially during his early years. As unusual as it might seem, this move fit well with Daley’s centralization of political power and his principle strategy of for preserving it: providing quality city services.

The Mayor gave the Superintendent *carte blanche* and he made great headway in destroying the warrens of power and patronage in the Department, primarily by centralizing control over nearly every aspect of police administration. At the same time, much to the dismay of critics such as Leon Despres, Daley personally rather than legally protected Wilson. A year after

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69 O.W. Wilson, *Training by Correspondence: Vollmer’s Influence on Orlando Wilson, Berkeley’s Most Famous “College Cop,”* interview by Jane Howard Robinson, July 2, 1971, 1, August Vollmer Historical Project, Regional Oral History Office, Bancroft Library, University of California, Berkeley.


Wilson had arrived, “Chicago now has the best police department it has ever had,” Despres conceded, but there was no way to guarantee that things would remain that way.72

Wilson’s reform project sought to turn policemen into professionals and police departments into bureaucracies run on sound organizational principles. Reformers argued that the wrong men directed the wrong kind of officers in the wrong kind of activity. Accordingly, they directed their major reforms at each of these problems, seeking to centralize power over policing in the hands of professional administrators, to attract more qualified (e.g., college educated) officers, and to limit the police role to crime prevention.73

Nothing characterized Wilson’s enlightened reform project better than his efforts to standardize crime-reporting periods. Since months were not uniform, how could one learn anything by comparing crime across them? Wilson put the Department on a schedule of thirteen police periods, each twenty-eight days long.

Wilson took on “the greatest challenge confronting law enforcement in the United States today, perhaps in the world,” with aplomb.74 Having spent decades theorizing how to run a police department, Wilson came in with what one of his executive assistant Herman Goldstein described as a bold and detailed “top-down plan.”75 Wilson modernized and renovated the physical plant and technological capabilities of the department, simplified the basic organizational structure of the department, created greater capacities for review of the department, including the development of an Internal Investigations Department, transformed personnel practices, engaged in active public relations, shifted the deployment

of officers, and tried to change their style of policing.\textsuperscript{76} Whether Wilson merely gave the department “more of a face lifting than a fundamental reform,” was hotly debated.\textsuperscript{77}

Wilson was against racial prejudice. In reflecting on his mentor, Chief Vollmer, Wilson admired how he hired a black officer when “there were no social pressures to appoint minority groups to police forces.”\textsuperscript{78} Yet his use of racial egalitarianism as Police Superintendent was strategic. Wilson argued that to elevate policemen’s status, the Department had to “establish procedures to assure that only the best qualified are allowed to join our ranks.”\textsuperscript{79} The color line symbolized what was wrong with the old Chicago Police Department. As Leon Depres asked with shock, “Do you realize that we still have segregation in patrol cars in Chicago? A modern, non-corrupt, non-political police commissioner would not tolerate such a waste of manpower for one day.”\textsuperscript{80} Wilson eliminated barriers to hiring, promoting, and assigning officers based on his perception of their merits, rather than on political (or other) criteria.

Getting the best men in the right jobs was important to this strategy. Making sure those men knew that it was Wilson’s reforms that put them there was equally important. In a police force where politicians traditionally controlled hiring and promotion, commanding officers’ loyalties often lay outside of police headquarters. The Superintendent’s egalitarianism targeted those political relationships, especially familial and ethnic loyalties. Despite the changing demographics of the city and the increasing numbers of black officers,


\textsuperscript{77} William W. Turner, The Police Establishment (New York: G.P. Putnam’s Sons, 1968), 107. Wilson, on the other hand, had little doubt about the efficacy of his reforms. Fogelson, Big-City Police, 219.

\textsuperscript{78} Wilson, Oral History, 4.

\textsuperscript{79} “Merit System,” Chicago Police Newsletter, November 1960, 1, CPL-MRC.

\textsuperscript{80} Leon M. Despres, “Why Honesty on the Police” February 1960, 2, Despres 152-3.
the Department remained astonishingly insular. When James Q. Wilson surveyed hundreds of sergeants in 1960 and 1965, for example, half had relatives who were police officers and one-fifth were sons of cops. 81 Above all, the Irish still dominated, both among line officers and at the command level. Despite the fact that such ethnic niches characterized nearly every sector of the post-WWII economy, the over-representation of men of Irish-descent was continually be cited a mark of the Department’s insularity. 82

Daley’s Democratic party-state repeatedly frustrated Chicagoans efforts to end the color line in housing, schools, and jobs. Before Wilson’s arrival, the Mayor had done little to increase black hiring in the Police Department and nothing to advance black promotion. Yet it was Daley’s protection that allowed Superintendent Wilson to transform the Department and run it without political interference. This is to say, Wilson challenging the color line within the institution was a product of the same regime that enabled its persistence in some many other ways. 83 Indeed, Wilson sought to make the Police Department more egalitarian, in part on account of those conflicts over the limitations the color line placed on black life. They made black officers vital resources for easing racial tension and hostility. Black officers

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82 Roger Waldinger, Still the Promised City?: African-Americans and New Immigrants in Postindustrial New York (Cambridge: Harvard University Press, 1999). James Q. Wilson argues in the case of Irish policemen, their occupational niche may have outlived its usefulness. “The police forces of many large cities have continued to be heavily Irish Catholic long after the great wave of Irish immigration and long after the spread of mass education, the collapse of anti-Irish discriminatory practices, and the growth of the urban middle class should have made police work a career of diminishing value to a group so long in this country.” Wilson, “Generational and Ethnic Differences Among Career Police Officers,” 522.
83 As Alex puts this, “In other words, the Negro was hired, not because of greater freedom of opportunity, but because he was a Negro … This set the stage for his being treated in many ways in terms of his racial identity, rather than his professional one.” Nicholas Alex, Black in Blue; a Study of the Negro Policeman. (New York: Appleton-Century Crofts, 1969), 201.
were assumed to be “far more effective in dealing with a ghetto population,” and Wilson assigned them wherever he thought race could work to the Department’s advantage.84

Wilson greatly stepped up recruitment of black men. The Department placed articles in the Defender calling for such recruits; used Captain Kinzie Blueitt’s Wabash Avenue District as a surrogate recruiting station to render assistance to black men in filling out applications; enlisted black businessmen through the Cosmopolitan Chamber of Commerce to put recruiting posters in their windows; and Wilson made the case directly in the media that college-educated black applicants not overlook the fact that “police work has developed into a field requiring high skill and giving back excellent compensation.”85 He also eliminated obstacles that the Civil Service Commission used to screen black applicants out, such as the arbitrary application of irrelevant medical criteria.86

Insert Figure 1

Wilson was most successful in recruiting black applicants in his first years on the force. And the proportion of black recruits fell slowly but steadily during the Wilson years.87 Even in subsequent years, twenty percent of new officers were black. By 1966, the

84 Ibid., 200–201.
86 Wilson commissioned a staff study that concluded requirements—like no flat feet—disproportionately hurt black applicants. He convinced Wilson’s staff concluded that black applicants were applying in ample numbers but many were being eliminated on the basis of irrelevant medical criteria such as flat feet—a prohibition which Wilson convinced the Civil Service Commission to drop Bopp, “O.W.,” 97.
87 Wilson worried that this was the fault of a poorly designed civil service exam. As John E. Furcon, a researcher at the Industrial Relations Center of the University of Chicago who Wilson hired to develop a better test, related, Wilson “was concerned that altho the civil service examination [for Chicago policemen] was of value, it seemed to screen out black applicants who might be good police officers and allowed in white applicants who are not good policemen.” “Wilson’s Concern Over Bias Recalled,” Chicago Tribune, June 13, 1974.
percentage of black policeman had risen to nearly seventeen percent.\(^{88}\) Compared with most cities these percentages were astounding, and the size of Chicago’s force meant it had many more black officers than other Department.\(^{89}\) Despite these striking numbers, the city’s changing racial demographics meant that the force remained much whiter than the population, which had become almost one-third black by the end of the decade. Despite Wilson’s concerted efforts to recruit black officers, then, the share of black officers relative to population actually fell during the 1960s.

Black officers advancement on the promotional track was simultaneously striking and disappointing. When Wilson took the helm, he realized that the Civil Service Commission had not created a new promotional list for twelve years. Many patrolmen, “some of whom under normal promotional policies would already be lieutenants and a few, perhaps, even captains,” had never even had a chance to apply for promotion.\(^{90}\) Wilson worked quickly to reverse this vacuum in supervisory and command positions, and over time he ensured more rapid promotion by giving more exams.\(^{91}\) By 1964, he had appointed 870 new sergeants, 226 new lieutenants, and ninety-four new captains.\(^{92}\)

Prior to Wilson, black officers had been excluded almost wholesale from promotions, and Leroy Martin credited the Superintendent for their subsequent

\(^{88}\) Justin McCrary, “The Effect of Court-Ordered Hiring Quotas on the Composition and Quality of Police,” *American Economic Review* 91 (2007): 324, Fig.1A.

\(^{89}\) In 1967, the percent of black police in the following cities was: New Orleans, Oakland, Boston, and Buffalo (four percent), New York and Detroit (five percent), San Francisco (six percent), Cleveland and Pittsburgh (seven percent), Atlanta (nine percent), and Newark (ten percent). Only Philadelphia with 21 percent and Washington, D.C., with 20 percent outpaced Chicago. Fogelson, *Big-City Police*, 248.

\(^{90}\) “Promotional Examination,” *Chicago Police Newsletter*, July 1960, 2, CPL-MRC.

\(^{91}\) Interview with Fred Rice, HistoryMakers, session 1, tape 2, story 6.

\(^{92}\) A majority of the men in senior ranks owed their promotions to his actions. Wilson, “Police Morale, Reform, and Citizen Respect,” 142.
advancement, claiming, “most of us would not have made rank had it not been for him.” It was slow going at first, but as the Defender remarked in May 1961, “If the promotion of only two Negroes out of this whopping total [of 100] seems puny, consider that this is the first elevation to a lieutenancy for a Negro in a decade.” In seven months on the job, Wilson promoted twenty-four new black sergeants and four lieutenants. By December of 1962, there were fifty black sergeants, and blacks occupied eight command posts. By 1966, Wilson boasted of the vast improvements in black status on the force: in six years the Department went from being fifteen percent black with just one black captain and five sergeants, to having “four Negro captains, three lieutenants, and 71 sergeants,” as well as three of twenty-one District Commanders. At the same time, top administrative personnel and Wilson’s own staff remained all white. None of the three Deputy Superintendents, five assistant Deputy Superintendents, or ten Deputy Chiefs were black, nor were any of the six Area Chiefs. “Negroes thus hold no policy-making jobs on the Police Department at all, save for the three commanding districts—and it’s debatable whether district commanders shape policy.”

Wilson’s reliance on voluntary change to affect integration of assignments and stations was the least successful aspect of efforts to eliminate the color line inside the Department. Circular Order Number 8 (March 1960) was a commitment that men would

93 Black, Jr., “Interview with Leroy Martin,” 454.
98 A group of black residents in the Maxwell St. area, for example, brought forth complaints that the district commander refused to enforce the order and give black patrolmen better assignments. Adolph J. Slaughter, “Claim Superiors Subvert Wilson’s Equality Orders,” Chicago Defender, November 22, 1961, 1.
not be turned away on racial grounds. Its principle effect was to provide integration proponents with leverage, but it was also used, on rare occasions, to discipline. While black officers were sent to stations that were formerly all white, they suffered the fate of many integration pioneers: they were “confronted with long entrenched loyalties of their white counterparts and their superiors.” Black officers remained dissatisfied with their assignments and their continuing exclusion from two-man patrol cars outside of white neighborhoods. Wilson responded in two stages. In September 1963, he told black officers, “if you feel that your assignment to another area or district will contribute to the integration of the department, I urge you to apply.” Only in 1966 did he finally make integration an affirmative policy. Wilson’s new directive ordered, “Negroes, Latin Americans, Jews, and members of other minority groups will not work together when there are other two-man teams available for integration.” “Incompatible officers”—those who refused to work in integrated teams—would be put on a one-man job or transferred.

**Police Solidarity and Public Alienation**

Wilson’s efforts to break down the color line were part of an administrative project to centralize and rationalize state power. Policing’s bureaucratic isolation from Democratic
politics allowed him to pursue egalitarian reforms even as the local state otherwise perpetuated racial division. Even if Police Department could be insulated from the political influence of the Democratic Party, though, it could not avoid the politics and experience of the rank-and-file and the social divisions of the world they policed. The professional project rested at bottom on notion of the Police Department as distinct from the world. But officers were part of that world, and in refusing to acknowledge their social relation to it, Wilson’s reforms exacerbated the isolation of many police officers. Black activists in the 1970s would often argue in retrospect that everything changed when Wilson retired, but many of the factors at the heart of the strife over policing from 1967 to 1970 were put in place during his regime. An often-hidden police subculture undergirded the police rebellion that was at the heart of “law and order” politics.

A few weeks after taking command of the Chicago Police Department, Superintendent Wilson gave a speech to the rank-and-file, in groups of 5,000, in a downtown theater. He identified morale as a major concern: “We all know that you have lost public respect, you have lost public support. I imagine the morale of the department in recent months has sunk to a low ebb. … This is a completely unsatisfactory situation and it must be corrected.” For Wilson, the answer to the problem of police morale was “obviously a rising of standards.”

Wilson did raise standards. And yet morale—at least as measured by what police officers believed the public thought of them—remained low. James Q. Wilson studied how the reform of the Police Department between 1960 and 1965 affected police morale and citizen respect. Over the five-year period, he found, “there was a substantial improvement in how the sergeants thought the department was run but little or no

104 O.W. Wilson, “An Address to a Mass Meeting of the Chicago Police Department” March 12, 1960, 2, CPL-MRC.
improvement in their morale or in their perception of citizen respect.”¹⁰⁵ This suggested that morale had little to do with professionalism; instead it was “dependent on factors over which police administrators have little control.”¹⁰⁶

The problem of police morale was ubiquitous. In study after study, during the 1960s, academics across the country described policemen who did not believe that they were seen as protectors of the citizenry. As sociologist William Westley reported, “The policeman finds his most pressing problems in his relationships to the public. He is regarded as corrupt and inefficient by and meets hostility and criticism from the public. He regards the public as his enemy, feels his occupation to be in conflict with the community, and regards himself to be a pariah.”¹⁰⁷ Another study found that police officers reported feeling a “lack of respect for the police, lack of cooperation in enforcement of the law, lack of understanding of the requirements of police work.”¹⁰⁸ In his book City Police (1973), Jonathan Rubenstein, a Philadelphia Inquirer reporter who embedded himself with the Philadelphia Police Department, argued, “the nature of [the policeman’s] obligation isolates him from most other people.”¹⁰⁹

Race was not the only vector that created isolation. Noting James Baldwin’s observation that “The only way to police a ghetto is to be oppressive,” Jerome Skolnick observed that “there is greater social distance between police and ‘civilians’ in general

¹⁰⁵ Wilson, “Police Morale, Reform, and Citizen Respect,” 144.
¹⁰⁶ Ibid., 148.
regardless of their color than Baldwin considers.” Nonetheless, relations were most frayed between police and black urbanites. Albert Reiss’s studies provided empirical evidence of both police racism and black skepticism. In cataloguing the racial attitudes of more than 600 officers in Boston, Chicago, and Washington DC, Reiss noted that the vast majority of white officers were either “highly prejudiced, extremely anti-Negro” (38 percent) or “prejudiced, anti-Negro” (34 percent). These percentages were even worse for white officers who policed in predominantly Negro districts, with 45 percent being scored as highly prejudiced. In these districts, only one percent of officers expressed attitudes sympathetic to Negroes. Not surprisingly, Reiss noted, “whites are more satisfied with the job the police are doing than are Negroes.”

Many Americans believed that police were under attack from all corners of society. As *Time* opined in 1968, “Nothing is tougher than being a policeman in a free society.” Ridgely Hunt, a reporter for the *Chicago Tribune*, captured the nature of this difficulty in the title of a multi-part series called: “The People vs. The Police.” Hunt stressed that the police “must perform their duties on streets crowded with people whose hatred of the established order is focused entirely on them and their uniforms.” These impressions elide the truth in certain important respects. General public opinion of the police actually improved from 1947 to 1963, an era in which opinions about most professions were otherwise remarkably

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stable. Reiss’s intimate surveys in 1966 revealed that, in general “residents of Boston and Chicago see police as doing a good job.” A “deep strain of nostalgia” for a time “when officers enjoyed the respect of citizens and commanded the authority necessary to do their job” shaped what officers perceived about public opinion.

The unrecognized truth was that policemen were active agents in constituting themselves as a group apart. “The policeman’s sense of alienation from society results in the development of a distinctive ‘subculture’ or ‘code’ among police officers by which they can live, thus providing a basis for self-respect independent to some degree of civilian attitudes,” scholar James Q. Wilson argued. Police isolation drew police officers into relationships with their colleagues that were rooted in a shared occupational outlook. Rubenstein concluded that the ambiguities of policemen’s work were such that the “only persons who can fully appreciate the policeman’s situation are his colleagues.” If these relationships are complex, as Skolnick argued, it is nonetheless true that “police show an unusually high degree of occupational solidarity.” Policemen were not merely buffeted by the people: they embraced their rejection, forming an inward-looking circle of loyalty and mutual support.

O.W. Wilson’s programs reinforced the social isolation and solidarity of rank-and-file policemen. If black policemen welcomed Wilson’s even hand with regard to recruiting and promotion, much of the rest of the force treated him with almost immediate skepticism.

117 Fogelson, *Big-City Police*, 238.
118 Wilson, “Police Morale, Reform, and Citizen Respect,” 138.
119 Rubenstein, *City Police*, 438.
When he arrived, many officers conceded the need for change. Nonetheless, as James Q. Wilson notes, “the change that they got was more than they had bargained for and it made them deeply apprehensive. Given his commitment to change, almost every action Superintendent Wilson took was bound to increase rather than allay these anxieties.”

Wilson’s speeches, his communiqués—known as Pax 501’s—and the articles in the house organ he started The Chicago Police Newsletter, often worked against him in their pedantry.

The Superintendent, like other police reformers, was suspicious of ordinary patrol officers. Wilson’s biographer William J. Bopp noted, “Wilson held that policemen, if not closely controlled, would avoid work, engaged in extralegal behavior, and would subvert the administration’s goals.” In this sense, although Wilson disagreed with the criminal procedure decisions of the Warren Court, he was not averse to their basic desire for greater control over police behavior. Wilson believed that officers needed to operate according to rules, but he wanted those rules to be the creation of police administrators, who should have broad latitude to fashion aggressive police strategies.

Wilson’s approach was unremittingly bureaucratic: he issued reams of administrative rules and used chain-of-command and internal investigations to see that such rules were followed adequately. Patrolmen responded with equal suspicion. Police organizations openly opposed his attempts to change disciplinary procedures. Following one rally, the Superintendent and the Mayor, “decried the ‘shocking display’ of police demonstrators who

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121 Wilson, “Police Morale, Reform, and Citizen Respect,” 140–141.
physically ejected a representative of the corporation council …”

Resistance was most intense during the Superintendent’s early years, occasionally reaching open disrespect, but it never entirely quieted. Wilson’s biographer even claimed “he limited his contact with the rank and file in order to avoid their verbal abuse.”

If Wilson oversight policies alienated many rank-and-file officers from their supervisors, his patrol policies distanced them from the public. Wilson limited the number of officers walking a beat, decreasing their regular (and non-confrontational) contact with the public. His preference was motor patrol, which he argued increased effectiveness “several hundred percent” because of the greater mobility of cars. He decreed that one-man patrol cars be preferred to two-man cars, for their ability to do double the patrol without increasing variable costs. Under Wilson’s theory of motor patrol, he ubiquity of squad cars would give “the criminal the idea that police are everywhere at once.”

Similarly, Wilson took officers away from districts to create special tactical squads. These squads could be mobilized to put a high degree of pressure on a particular area. Using officers in this way sacrificed regular contact. It also employed an almost militaristic show of force to intimidate residents. Task Force officer Howard Saffold related that during such actions, “Everybody wanted to make sure that they knew the police were there.”

Wilson wanted his officers to engage in “aggressive preventative patrol”—to prevent criminal activity rather than respond to it. Wilson laid out his vision for the choices facing

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125 “Wilson, Daley Blast Cop Action at Rally: Counter Proposals Sought,” Chicago Defender, March 1, 1961, 1.
127 O.W. Wilson, “Putting the Cop on the Beat,” Public Management, June 1953, 125. Motor patrols were not intended to exclude foot patrols. See O.W. Wilson to Leon M. Despres, October 20, 1960, Despres 149-2.

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police in an article on arrest privileges in 1960: “To prevent crime, the police must either stand guard at every possible point of attack, which is a physical and economic impossibility, or intercept the person with criminal intent before he robs, rapes, or kills.” Wilson argued for broad privileges to stop and frisk a suspect if the officers had a reasonable suspicion that an individual was “seeking an opportunity to commit a crime.” He illustrated this through example. Police needed to be able to take the initiative power “to investigate by questioning a person who was lurking in the in the neighborhood for no apparent reason … to discover whether the suspect was armed and, if so, to disarm him and prosecute him should it be discovered that he was carrying the weapon illegally.”

Police Professionalism, Civil Rights, and Law and Order

Ultimately, policing was about responding to events in the world. Wilson’s demand for aggressive preventative patrol and for broad, but clearly defined, legal authority responded to the political changes remaking the city. Wilson’s strategic efforts to promote black officers offer a window into how urban change impacted the police. Wilson prided himself on his role in fairly policing civil rights demonstrations. In his Pax 501 of June 1, 1964, Wilson began by noting, “Over the past four years, the Chicago Police Department has earned the respect and goodwill of the Negro Community by its sincere effort to provide fair and impartial enforcement of the law in dealing with wade-ins, move-ins, civil rights demonstrations and other incidents with racial overtones.” When Dr. Martin Luther King, Jr. came to Chicago in 1966, Wilson invited him to meet with an integrated group of top

police commanders to explain his program.\textsuperscript{133} Wilson tried to conserve police resources by instructing his officers to avoid making arrests of demonstrators wherever possible.\textsuperscript{134}

King and other civil rights leaders were hardly satisfied by the protection provided by the police. White mobs attacked marchers and burned their cars, forcing the police into decisive action. For many white officers, policing demonstrations put them into the position of invoking police authority against white Chicagoans who were trying to enforce racial barriers that officers wanted to see preserved. As officer Greg Parzanski described, “There were also more black families moving into neighborhoods around us, and there were lots of families like mine that were becoming worried.” Black officers, too, were alienated by the impact of civil rights activities, though with a different valence. As Fred Rice put it, “police had the task of regulating conduct on all these marches and all like that and sit-ins and all like that. Police … were the bad guys because they’re the ones that had to enforce the laws.”\textsuperscript{135} For both black and white police, then, the struggle for black freedom exacerbated the fundamental tensions they already faced in dealing with the public.

Resistance to integration generated the demand for police presence, but Wilson and his officers often put the onus on protestors for the consequences. The Police Department’s Annual Report in 1966 highlighted the continuation of the high crime rate throughout the city even after the demonstrations of the Chicago Freedom Movement and white riots of Southwest and Northwest Side residents had ended. “It can only be concluded from these statistics that civil disturbances such as these not only nourish an attitude conducive to


\textsuperscript{134} Bopp argues that Wilson restrained Daley’s urge to use more force with demonstrators. Bopp, “O.W.,” 116.

\textsuperscript{135} Interview with Fred Rice, HistoryMakers, session 1, tape 2, story 4
criminal behavior but that the attitude continues even after the disturbances have ended.”

Wilson’s explanation echoed the arguments made by Southern Democrats in Congress, as they tried to criminalize civil rights activities. These were the limits of Wilson’s particular form of bureaucratically-rooted egalitarianism. Because his vision of the police isolated it from the broader political context in which it took place, he naturalized the underlying inequalities.

Aggressive preventative patrols brought about some of the sharpest conflicts of the 1960s, especially because police intervened in disputes where individuals might have otherwise proceeded unmolested. As James Q. Wilson observed in his case studies for *Varieties of Police Behavior* (1968), one result of such aggressive policing was that “any group that experience such a high level of police activity and is self-conscious about these matters may feel that it is being ‘harassed.’” This was particularly true for black people. The NAACP argued against the stop and frisk bill favored by Wilson, citing “the simple fact of being a Negro encourages police detention and questioning.” Their success in delaying the passage of such a bill by the legislature until 1968 did not restrain the use of such tactics on the street.

Such encounters were fraught, both for police officers and the people they policed. The widely believed link between black freedom and crime made the use of

authority in street stops inescapably a question of power. William Westley argued in the 1950s that policemen especially used violence in response to disrespect for their authority.\textsuperscript{142} But the willingness to accept assertions of police authority has historical dimensions. In this moment, rank-and-file policemen were being asked to exercise their authority widely and decisively, even as it was being challenged from below, particularly by youth of color.

Resistance to police harassment became an important part of the way in which black Chicagoans articulated their opposition to the authority of a state that had little regard for their well-being.\textsuperscript{143} Whether police brutality actually increased during the 1960s remains an open question. But in the context of the freedom struggle, the everyday resistance to police brutality became part of a larger political contest to contain police power through law, with mainstream figures like the Defender, Alderman Leon Despres, and civil rights lawyers taking up the cause.\textsuperscript{144} From 1963 forward, claims of police brutality remained almost constantly in the news.

Such claims put Wilson in a difficult spot and he staked out a circumspect position. His executive assistant Herman Goldstein explained, “A police chief who feels that the effectiveness of his preventive efforts is dependent on the degree to which he can motivate his men to be vigorous in their patrol activities is hard-put to review a complaint alleging overly-aggressive behavior.”\textsuperscript{145} In 1964, in the face of sustained public pressure, Wilson put his thoughts to paper. His Pax 501 gestured in multiple directions, reassuring the black public that brutality was not to be tolerated where it existed, and reinforcing officers’ belief

\textsuperscript{142} Westley, “Violence and the Police,” 38 tbl.1.
\textsuperscript{143} Diamond, \textit{Mean Streets}, 255.
that “most complaints of brutality arise out of instances where the complainant has resisted arrest, thus necessitating the use of force.” What the document established, however, was that the greatest threat for Wilson was ceding control over police authority to any civilian body.146

Civil disorders on the black Westside in 1965 and in the Puerto Rican barrio in 1966 reflected the difficulty of taming the conflict over authority that was occurring on the street. Wilson’s first line of defense was his black command staff. Following the Puerto Rican uprising, he shifted his field command so that, in the words of the Defender’s Donald Mosby and Arnold Rosenzweig, “Negroes now command all the districts which could give Chicago a long hot summer.”147 These black commanders toed the party line. When interviewed by the Chicago Tribune about his promotion in 1965 to command the tough Fillmore district, which encompassed some of Chicago’s poorest Westside neighborhoods, George Sims reported that he had already been visited by a group of men who identified themselves as black nationalists. According to Sims, “They told me they were going to keep a close eye on me. They said their activities in the area might hinge closely on my performance as a Negro.” Sims told newspaper readers that he rejected their framework entirely, “I told them I was a policeman. I let them know that enforcing the laws and protecting the community’s citizens was my job as a policeman—not a Negro.”148 Even as the Police Department used race to head off conflict, Commander Sims argued that police authority and not racial legitimacy was their primary concern.

146 Wilson, “Pax 501.”
Over the course of the twentieth century, policing went from being deeply embedded within a local political organization to being a more rationalized and bureaucratized agency. Black politicians built their power out of stark racial segregation and illicit entertainment. The permeability of the Police Department to political influence created the key mechanism by which the growth of this power became possible. By the late 1940s, attacks on these arrangements, and the independence they provided for the burgeoning black political sub-machine, created a conflict with the Mayor Martin Kennelly and other Democratic reformers. In resolving this conflict, William Dawson’s organization helped Richard J. Daley to consolidate power over politics and governance in the city.

Paradoxically, this consolidation of power provided the conditions for the reform of the Police Department. Even as other parts of the city seemed to be become less racially egalitarian, O.W. Wilson challenged the color line inside the Police Department. This was part of a broader series of reform practices that sought to centralize, professionalize, and depoliticize policing. Wilson’s reforms of personnel practices were partially successful, many of his other reforms only exacerbated tensions between the police and the black public.

Among Wilson’s strategies for confronting those tensions were the criminalization of black protest and the use of black officers to diffuse symbolically conflict over police action. Only as Wilson was on his way out of Chicago did these tensions between the various aspects of his professional project emerge into full-blown conflict. Four years later, Renault Robinson—an officer brought into the Department because of Wilson’s outreach to black men—would challenge the very premises of his program. “In the Chicago Police
Department there are seven high ranking blacks who are supposed to be representing the black community,” Robinson avowed. “[N]one of them will even admit that police brutality exists and that the racial problem in racially changing areas is as bad as it really is. We, as a people would be better off if these seven men worked in the Sanitation Department.” The conflict that would emerge over the rest of the decade had its roots in the project of professional police reform.

CHAPTER 3: BLACK MEN WITH GUNS

At 2 pm on July 12, 1968, nearly 200 people crowded on the sidewalk in front of 1105 E. 63rd Street. Renault Robinson, a twenty-five year old vice officer for the Chicago Police Department, had invited the press and friends to come to a third-floor office, but the crowd was too large to fit into the tiny space. So, his press conference took place outside, in the ninety-degree heat, under the green line elevated tracks that ran through the heart of the Southside Chicago neighborhood of Woodlawn.¹ All the major media outlets were in attendance, and undercover Chicago Police officers and F.B.I. agents scribbled just as furiously as the reporters.

Five black men faced the crowd. In the center was charismatic, thirty-three year old Edward L. “Buzz” Palmer. Tall and lanky, the light-skinned Air Force veteran had been a policeman for just three years. The baby-faced Robinson and State Senator Richard Newhouse stood on one side of him. Only two years earlier, Newhouse, with the assistance of the city’s militant civil rights forces, had defeated a ten-year incumbent backed by Mayor Daley’s Cook Country Democratic Central Committee to enter the Illinois Legislature.² Two more men, Reverend George Clements, an assistant diocesan priest at St. Dorothy Catholic Church, and Frank Lee, Robinson’s partner in one of the city’s only all-black undercover teams, mirrored them on the other side.

Palmer announced the formation of the Afro-American Patrolmen’s League (AAPL). The fledgling organization had six members in addition to Palmer, Robinson, and Lee.\(^3\) Out of the forty or so other black patrolmen who had shown enough interest to come to a meeting, another twenty had signed pledges to become members.\(^4\) There were already plenty of police organizations: in addition to the Confederation of Police, the Fraternal Order of Police, the Chicago Patrolmen’s Association, the Patrolmen’s Benevolent Association, and a host of rank-based organizations, there were others based on officers’ identification with particular ethnicities—the Irish, the Polish, the Italians, and the Jews all had their own groups.\(^5\) But in the minds of the men gathered, those organizations “were nothing but social clubs.” As Robinson noted in retrospect, “the guys that were in the original group thought that we could deal with our own social activities so if we are going to get into an organization, it had to do more than that.”\(^6\) It was “not just another police organization formed for the purpose of furthering the policeman’s lot.”\(^7\)

The first step was escaping the narrowly defined sense of their occupation inculcated by police training and practice. Robinson noted, “it wasn’t the type of thing that sprang up overnight, and we just decided were going to be public servants and have a social conscious

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\(^3\) George Jones, Willie Ware, Curtis Cowsen, Jack DeBonnett, Nathan Silas, and Jerry Harden. Curtis Cowsen, “The Formation of the Afro-American Patrolmen’s League of Chicago” August 1968, 9, AAPL 63-20. Wilbert Crooks had been part of the initial group that explored forming an organization, but he dropped out, according to Cowsen, “because he felt our position too radically opposed to the administration.” Ibid., 3.

\(^4\) Davis, “Negro Cops Form Association; Oppose Stop and Frisk Law.”

\(^5\) Interview with Howard Saffold, HistoryMakers, session 1, tape 4, story 5. Renault Robinson, “Untitled (Narrative of Renault Robinson’s Ordeal)” n.d., 3, AAPL 25-4. Robinson argued that the “the powerful Police Sgt.’s Association and all its officers and principles were Irish and that the Sgt.’s Association was known [sic] as the Irish Mafia for the Dept.” Ibid.


\(^7\) “Untitled (Formation and Purpose of the Afro-American Patrolmen’s League)” n.d. (likely 1968, 2, AAPL 63-20.
[sic] all of the sudden.” They had spent months debating and theorizing, developing an understanding of their role as policemen. They concluded that as black patrolmen, they were in a unique institutional position. As the occupational sociologist Joseph Bensman wrote in 1969, “in every period of historical crisis there are groups, occupations, and classes who are ‘accidentally’ located in the ‘nut-crackers’ of history. Such groups experience in extreme form all the cross-pressures, tensions, and contradictions of a society in the process of tearing itself apart. … [It] is black policemen, the blacks in blue, who experience the nut-cracker of history in its deepest sense.” While locating themselves directly at the center of history, the AAPL founders did not see themselves as merely subject to it. Rather, on that sweltering July day, the officers declared their intention to change history.

The rise of the Afro-American Patrolmen’s League reorients our understanding of Black Power and its relationship to urban policing. Following the League requires us to trace Black Power inside the local state and into the Police Department, whose violence formed the principle object of Black Power activism. Looking at these black patrolmen takes us

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8 “Charles Harris Interviews Renault Robinson,” 16.
back to one of black power’s key insights—power flows from the barrel of a gun—and traces what happened to the black men who recognized this because they wore a badge. This is an important twist, for elsewhere the primary experiences of critics of state power were as its objects.11 The League transformed often anti-statist claims by locating the police, the local state’s most visible agents, at the center of their idea of black liberation. This was in part a domestication of black power by liberalism.12 But it reciprocally expanded the boundaries of liberal thought and action. In Chicago, interracial politics meant for decades that individual black success was coupled with the maintenance of broadly separate and unequal worlds. In Chicago, “Black power did not displace liberalism; it created a broader popular base and new arguments about the city’s political economy that, together, reshaped a longstanding commitment to building a more open city.”13 Members of the Police Department, even as black officers advanced up the ranks, were key agents in maintaining these racial hierarchies. In its turn to black power, the League sought to reverse this role: to use racial solidarity to make police agents in helping black people to overcome those limits.

The League shifts our understanding of policing and the impact of law-and-order politics in urban places. The phrase invokes images of Richard Milhous Nixon for many, but by 1968 many local police officers had already embraced law and order as their credo.14 It was an organized and politicized response to the age-old dilemma of police authority in the

11 For example, experiences with state institutions are central to Donna Murch’s account of the formation of the Black Panther Party: “Alienation from local schools, harassment by police, and growing incarceration prompted migrant youth to develop critiques of the existing order …” Murch, Living for the City, 7.
13 Hegelson, Crucibles of Black Empowerment, 239.
street encounter at a very specific historical juncture. Beginning in the 1950s, ethnographic studies found that patrolmen’s alienation from the people they policed led them to think of themselves as a band apart. By a decade later, the street encounter was a stand-in for a much broader struggle over the geography, politics, and order of the city. Many police saw themselves as the front line troops in containing the upwelling of black people’s demands for their right to the city. Nonetheless, the Afro-American Patrolmen’s League attests that this account of police and their behavior is partial. Police Departments became sites of struggles to determine the future of the city as those patrolmen who were swept up by the idea of Black Power confronted their colleagues and their bosses. Chicago was home to more black officers than any other city, and by 1970 it was also the site the largest and most militant cadre of black officers standing up against law and order.

We should see the officers of the Afro-American Patrolmen’s League not simply in opposition, but in relation, to the alienation of their fellow officers. Historically, many black patrolmen felt estranged from the people they policed. This distance paralleled the experience of their white colleagues. Black officers were often excluded from the occupational and ethnic solidarities with their fellow officers that came to underpin law-and-order police politics. Their own exclusion formed the basis for recognition of a broader series of divisions that played out in urban space: how police treated black and white neighborhoods, and black and white people, differently. It was this culture of policing, and the law-and-order politics that accompanied it, that split urban police forces along racial lines and created the opening for the rise of Black Power in blue.

In parallel to white officers, black officers sought refuge from their dilemma of professional alienation in solidarity. But they grounded their conception of solidarity in ideas
of masculinity and racial authenticity. The League officers claimed that the proper role for black police as black men was to be protectors of black people. This required a thorough rethinking of their occupational role: if police work as it was currently done produced alienation between the police and black communities, their sense of black solidarity dictated it was the police work and not communities that needed to change. This chapter tells the story of how this bond was built.

**From Double Standards to Black Power**

A case of police brutality sparked the officers’ first meetings. Most of the original group had attended the police academy together in 1965. Although their assignments dispersed them throughout the city, they remained in touch. They first met up in the late fall of 1967 or early spring of 1968 to discuss the double standard at work after prosecutors alleged that three black officers had beaten two white youths to obtain a confession. In the minds of League members, “the accused three had merely followed standard, informal police practices[,]” the kind of casual brutality white police routinely used against black youth with impunity. Why did the Department dismiss black claims against white officers while pursuing white claims against black officers? The question was how could black policemen get equal treatment with whites at work?

These career-oriented and upwardly-mobile men hardly seemed likely to buck the system. Like their predecessors, most joined the police for economic reasons. If anything, deindustrialization made government jobs, as a whole, more important as avenues into the

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middle class for African Americans. Economic stability informed Reggie Robinson’s choice: “I thought I’d get the benefits. I had a baby. I needed insurance and, you know, the whole nine yards. They paid for me to go to school.” Like Robinson, all of the men already had significant work experience. Howard Saffold’s trajectory was typical. Returning home to Chicago from active military duty, Saffold worked “for the VA for about a year. Then I drove a CTA el for about a year and a half. And then somebody announced a Chicago Police Department exam. … [I]t was a step up from, from CTA, you know, in terms of status, I guess.” Some of them were direct beneficiaries of Wilson’s efforts to diversify the force. Recruiters told Robinson there was “a shortage—I didn't realize then, but the shortage was minorities.”

Many of the AAPL members had prestigious assignments. Even before attending the Police Academy Robinson worked on a special undercover assignment with the Vice and Gambling squad for a year. After graduating, he was assigned to the West Side Marquette District, where he and Frank Lee became partners. From 1965 to 1968, Robinson compiled a tremendous record undercover, making more arrests than any other vice officer in the district and earning many citations from the Department for outstanding police work. His efficiency ratings were consistently spectacular. As Robinson later ruefully noted, he and

18 Curtis Cowsen was an assistant manager for Beneficial Finance Company; Robinson followed in his father’s footsteps working as a commercial printer. Cowsen, Edward Palmer, and Howard Saffold had been in the armed services.
19 Interview with Howard Saffold, HistoryMakers, session 1, tape 2, story 8.
20 Interview with Renault Robinson, HistoryMakers, session 1, tape 1, story 9.
Lee, “we had plainclothes … and we had our own cars and all of that.” Saffold enjoyed similar advancement. After beginning his career in a mostly white neighborhood on the North Side, he became a member of an elite Task Force unit. “[T]hat was an upward step,” he told an interviewer. “I mean when you got into an elite unit such as Gang Crimes or, or Task Force, you, your efficiency ratings were gonna be high, and you were gonna do all right.”

Their meetings could have been no more than bull sessions, but as Robinson noted, “We had a couple of guys who were not really police-oriented in the group, they were more oriented in doing other things—you know—reading … [T]hey said let’s examine this not from just a narrow perspective from being a cat out here in a uniform but let’s examine it in terms of what’s going on.” Buzz Palmer was the “unquestioned leader.” He was the oldest and the worldliest, having served in Air Force intelligence in both Germany and the Philippines. Palmer’s interest in civil rights had come out of his earlier work in human relations, which had “sensitized him to the needs of black people.” Palmer “constantly called meetings” and reached out to other black leaders to help the group formulate their ideas. Perhaps no one in Chicago had experience more relevant to that task than Father George Clements, the Roman Catholic priest who became their chaplain and confidant. As a black Catholic, Clements instinctively appreciated the insider-outsider dynamics that plagued the

23 Interview with Renault Robinson, HistoryMakers, session 1, tape 2, story 6.
24 Interview with Howard Saffold, HistoryMakers, session 1, tape 6, story 1.
25 “Charles Harris Interviews Renault Robinson,” 16.
patrolmen’s relationship with the police institution. He faced similar choices. In 1962, as the assistant pastor at St. Dorothy’s, he was “a nice colored priest,” involved in Catholic inter-racialism. Only working under a “brilliant old Irishman,” Father Gerald Scanlon, was transformed “from being the purist to activist.” By 1968, Clements had already embraced the call for Black Power. “White fear, not black power,” he declared, “is the real problem.”

The same questions that faced the black patrolmen faced black priests: what roles should black people play in black districts or parishes? What roles should they play in formulating departmental or diocesan policy towards blacks? Clements credited Father Scanlon with driving the dialogue forward by suggesting to his parishioners, “‘Black people should never allow white people to have any position of prominence in the black community until they are allowed to have comparable positions in the white community.’” Like the patrolmen, Clements was loyal to what the church’s mission even as he criticized it. “The church is in a struggle for survival in the ghetto, and the church is going to die unless strong,

29 Chicago was, and remains, one of the most Catholic American cities. In 1970, 43.9 percent of the 5.5 million residents in the boundaries of the Archdiocese of Chicago identified as Catholics. Dominic E. Faraone, Urban Rifts and Religious Reciprocity: Chicago and the Catholic Church, 1965-1996 (PhD diss: Marquette University, 2013), 99 tbl.5. There were in 1969 an estimated 85,000 black Catholics. Patricia Krizmis, “New World Assails Black Groups’ Tactic,” Chicago Tribune, January 12, 1969, 7. Black Catholics figured prominently in post-war Chicago politics: Mayor Daley selected many black Catholics as ward committeemen. William Grimshaw argued this was part of Daley’s strategic plan to ensure his black committeemen knew where their loyalties lay: being “Catholic added yet another bond between them and the machine’s Irish Catholic leadership, while it estranged them from the people they were supposed to represent.” William J. Grimshaw, Bitter Fruit: Black Politics and the Chicago Machine, 1931-1991 (Chicago: University of Chicago Press, 1992), 132, and see 131–134 and 135 tbl. 10.


31 Ibid., session 1, tape 3, story 7.

32 “Color It White,” Cleveland Call and Post, November 26, 1966, 10B.


34 Interview with George Clements, HistoryMakers, session 1, tape 3, story 7.
positive action is taken.”\(^\text{35}\) Clements’ challenge to the Archdiocese would accelerate in parallel to the League’s confrontation with the Police Department.

Robinson had little idea what he was getting into. But, led by Palmer and Clements, the men quickly moved beyond “the selfish motive of protecting the black policeman” to consider “the plight of black people in a broader sense.”\(^\text{36}\) In formulating their questions, they drew upon black Chicago’s own organic forms of racial solidarity, what history Jeffrey Hegelson describes as “an extraordinary and broadly shared black nationalist response to the direct experience of segregation, discrimination, and diminishing opportunity for working-class black residents.”\(^\text{37}\) This led them to examine the relationship between the police department, themselves, and the public. They asked big questions about how police power was constituted and exercised. In Robinson’s words, the men considered “how the police department reacted to people generally and how they treated blacks. Who commanded and who ran and who operated the police department? And to whose advantage was it? What role did we play? Did we have a real function in the police department?”\(^\text{38}\)

**Law and Order**


\(^\text{37}\) Hegelson, *Crucibles of Black Empowerment*, 202. During the 1960s, neighborhood-based organizations built by or in the tradition of Saul Alinsky, such as The Woodlawn Organization (TWO) and the Kenwood-Oakland Community Organization (KOOCO), sought to create independent political power outside of the Democratic machine. They imagined alternatives to the forms of black political engagement that saw individual advancement as a synecdoche for black power. They worked to construct communities that challenged the collective limitations of a broader system of race and class domination by engaging with the concrete and everyday problems of their communities. John Hall Fish, *Black Power/White Control: The Struggle of the Woodlawn Organization in Chicago* (Princeton: Princeton University Press, 1973); Hegelson, *Crucibles of Black Empowerment*.

\(^\text{38}\) “Charles Harris Interviews Renault Robinson,” 16.
Many rank-and-file officers across the country asked similar questions in this moment, albeit from a slightly different angle. During the second half of the 1960s, the mostly white police officers across urban America rebelled against challenges to their authority and thrust themselves into politics. The central question raised by this new politics of “blue power,” Ed Cray argued, was, “Who is to control the nation’s police forces: the police themselves or the community?” Many patrolmen, both white and black, answered the question decisively in favor of the police. In some places, such as New York City, a majority of citizens seconded them. So did Mayor Daley.

In general, Mayor Daley left the politics of law enforcement to the professionals. When he did enter into the fray, his maneuverings were often discrete. In 1966, following a large uprising of Puerto Ricans on Division Street and minor revolt of blacks on the West Side, he named a Citizens Committee to Study Police Community Relations. It was classic Daley management of a problem: creating a committee stocked with civic notables, but no one with any ties to either the Puerto Ricans or the West Siders who had clashed with the police. Nor did the Mayor exactly relinquish control to the committee. He sent over a city lawyer, Marvin Aspen, to head up its staff. When it issued its report, the committee did not deny that police behaved poorly. But it claimed the main issue verbal abuse and not physical

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brutality. It rested its policy prescriptions primarily on understanding of police brutality as rooted in “[t]he inadequacy of constructively sympathetic communication.”

With the large-scale destruction of the West Side following the assassination of Martin Luther King, Jr. on April 4, 1968, Daley’s handling of the police changed. By 1968, Superintendent Wilson had retired and his number two man, James B. Conlisk, Jr., had taken over. Conlisk was the son of a police captain, one of the old-line Irish power brokers Wilson ousted upon his arrival in the city. Nonetheless, Conlisk thrived as an administrator during Wilson’s epoch. During those April 1968 nights of civil disorder, there were a number of suspicious deaths at the hands of the police, and indiscriminate arrests, but the Superintendent’s basic strategy was restrained. A week later when the fires were extinguished, Daley remarked at a sensational press conference that prior to conferring with Conlisk after the riots, he “assumed any superintendent would issue instructions to shoot arsonists on sight and to maim the looters, but I found out this morning this wasn’t so and therefore gave him specific instructions.” These instructions were “very emphatically and very definitely … to shoot to kill any arsonist or anyone with a Molotov cocktail in his hand in Chicago because they’re potential murders, and to issue a police order to shoot to maim or cripple any arsonists and looters—arsonists to kill and looters to maim and detain.” His statements “won the enthusiastic support of several associations of police personnel.”

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marked the definitive moment at which the tension over race, protest, and policing in the city shifted—for both black and white cops.

Ideas of law and order embraced by the rank-and-file shaped the new politics articulated by the Afro-American Patrolmen’s League. In retrospect, they would cite the events following King’s assassination as a driving force behind their organization. For Father Clements, King’s death was transformative: “When that bullet went through Dr. King’s head … I looked in the mirror and the face starring back at me was that of a clergy prostitute. And I said, ‘From that day on I was gonna be what Mr. and Mrs. Clements made me. A black man.’”45 In the months after the Daley’s press conference, the pace of the patrolmen’s informal meetings picked up “and the talk grew more militant.”46 The law and order backlash, with its cheap vision of black life, made the men hyper-aware of the repressive potential of the state power that they exercised.

Once the group decided to go public, one of the last orders of business was deciding on a name. There were supporters of describing the group as Negro, as Afro-American, as black, or with no ethnic designation at all. The question of which name would best symbolize the group highlighted just how different the men’s political orientations were in the beginning. Curtis Cowsen considered both Palmer and Jack DeBonnett to be “ultra black,” while he “thought of [Reggie Robinson] as ultra conservative, and often found myself opposed to his views …”47 One example of Robinson’s conservatism was the fact

that he favored “Negro.” Was Negro “a white man’s definition that was condescending and did not offer any sense of black pride?” Was the designation “black” too militant or too broad? They compromised by naming themselves the Afro-American Patrolmen’s League.

The Afro-American Patrolmen’s League

Standing in front of the crowd of 200, on July 12, 1968, Buzz Palmer read a prepared text drawn from a larger statement of purpose that the new AAPL members had crafted and ratified by consensus. During its drafting, they struggled collectively over how to state their aims precisely. As Chicago Defender reporter Robert McClory chronicled, they did not want to be “so overbearing that they would all lose their jobs the day the inevitable public announcement was made.” They wrestled over choices of language, with the somewhat turgid result being a combination of Willie Ware’s Black Power rhetoric with a slightly formal diction. The group was vague about exactly what they planned on doing, because they did not yet know. Instead, the statement identified a series of tensions in the men’s roles. They were simultaneously insiders and outsiders, both in their communities (as police) and in the department (as black men). They sought to knit their professional roles and their racial identities together, to achieve, in W.E.B. DuBois’s words, a “self-conscious manhood, to merge his double self into a better and truer self.”

Like other cops, the AAPL founders felt that the public had little understanding of them and their actions. But unlike most other officers, they did not blame the public. Rather, they focused on how their actions as policemen alienated them from black Chicagoans. To reverse this, they began to think “in terms of solidifying the black policeman with the black community,” as Cowsen described. Palmer’s statement accordingly triangulated the relationships between black police, black communities, and white police. The League’s exploration of this triad revealed the difficulties of articulating a bridge between police and community. As the officers confronted the obligation to convince both white police and black Chicagoans of their sincerity, they wrestled with the question of police authority that plagued nearly all officers. The answers they offered pointed to the deep contradictions they faced in trying to seek Black Power through law.

Their statement’s first line offered a declaration of intent: “We are going to elevate the black policeman in the black community to the same image-status enjoyed by the white policeman in the white community; that is a protector of the citizenry and not a brutal oppressor.” This declaration identified the basic struggle of black officers: how to earn the respect of black communities while enforcing norms that perpetuated the domination of those communities. The black policemen’s function, sociologist Nicholas Alex wrote in *Blacks in Blue* (1969), “would probably be understood by some Negroes as enforcing the status quo, legitimating white authority, and generally doing the ‘dirty work’ of white society in imposing a white upper class reality on minority groups.” Nor did this happen simply by

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accident; rather, during the Wilson years and after, the assignment of black personnel was made in order to blunt the sharpest edges of social conflict. The AAPL zeroed in directly on this paradigm, charging that black policemen “were relegated to the role of being brutal pawns in a chess game.”

Being “blue” had not blinded the AAPL officers to being black. Rather, being a black policeman was, to follow Du Bois, to be “gifted with second-sight.” Palmer declared, “We are husbands, fathers, brothers, neighbors and members of the black community. Donning the blue uniform has not changed this. On the contrary, it has sharpened our perception of our responsibilities as black males in a society seemingly unresponsive to the needs of black people.” If there was no doubt that the police establishment would be skeptical of them, the League also realized that it would be necessary to overcome “the reservations on the part of … black citizens to this organization.” Yet, even as the officers sought to identify with other black people, and make community needs central to the police conceptualization of their role, they emphasized their expertise, suggesting that black officers “must equip themselves to perform their job in the highest professional tradition.”

To navigate these tensions, the men turned towards a series of tropes that had come to dominate black power thinking about race and racism. Like many black power advocates, League members embraced “a psychological understanding of racism and its effects,” which cop in the eyes of the rank and file meant being tough on their own people. Thus, a segment of the black police population embraced their identity as police officers who happened to be black, instead of being black police officers.” Moore calls this “white policing syndrome” because, he argues, it involves adopting “white perceptions of black communities.” Leonard N. Moore, Black Rage in New Orleans: Police Brutality and African American Activism from World War II to Hurricane Katrina (Baton Rouge: Louisiana State University Press, 2010), 8.

at its core “privileged masculinity.” In an interview with the Tribune, Palmer described their “centralizing theme” as “black manhood,” and argued, “The question of manhood is seriously strained when black policemen see their brothers, sisters, and neighbors being brutalized by members of police departments.” The response to this was to position the League as the legitimate defenders of other black people. In doing so, the League drew on a broader tradition of armed self-defense that captivated many Black Power advocates. As George Clements argued, “I see the Black Policeman as the only real hope that Black people have of protection against extermination from this racist nation. Black Police are the only group of Black Men—outside of the military—who literally hold the power of life and death over the lives of people in this country.” Unlike so many advocates of black self-defense, policemen formally had the role of protecting black communities; what these men argued is that they should actually do it.

Here, highly gendered notions of black masculinity reverberated with a the men’s conception of the police role. These ideas about black masculinity drew upon three decades of writing on the pathology of black families that culminated in Daniel Patrick Moynihan’s infamous 1965 report on The Negro Family. That they attempted to invert the supposed weakness of black masculinity did little to obscure their acceptance of Moynihan’s fundamental premises: the problems of black families had to do with their lack of

60 George Clements, “No Title (Why I Am Involved with the AAPL)” (n.d.), AAPL 69. Reflecting on his experience forty years later, Palmer argued, “What was novel, and perhaps revolutionary, about what I formed with the African-American Patrolmen’s League was that these were black men that were legally authorized to carry guns. And some of the reporters would query us, and me in particular, about whether we were prepared to use our weapons in the protection of the black community against anybody. We said anybody.” O’Bannon, The Perfect Couple, 6:09.
conformity to a particular set of gender norms. It is easy to see how this fit together with a conception of their occupational role as masculine activity based in confrontation, strength, and danger, but it also replicated law-and-order ideas. Rather than fundamentally critique the existing social order, the emphasis on black masculinity bound together some of the most pernicious ideas about masculinity both in black families and in policing.

In taking on this role, League members simultaneously stressed their place within the establishment and the way in which blacks could not and did not fit comfortably there. AAPL members always appeared at public events in their uniforms, even while off duty. This was an extraordinary statement about the political power of the uniform for the men’s message. In *Blacks in Blue*, Nicholas Alex devoted entire chapter on the relationship of black officers to their uniforms. The officers he interviewed almost uniformly disliked wearing their uniforms, referring to it as “a ‘bag’ or a ‘monkey suit.’” The uniform symbolized all of the complexity of being a police officer: one the one hand, it “stigmatizes him in the ghetto as the agent of outside white society. But on the other hand this uniform is the symbol of his accomplishment in escaping the lower depths of the ghetto.” In staking claim to being policemen of a different sort, the officers of the AAPL transformed the symbols the police, including the uniform.

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62 Alex, *Black in Blue*, 172.
63 Ibid., 203.
League members sought to escape uniformity, redefining what it meant to be a black police officer at the level of the self. League officers redefined the uniform, rather than the other way around. As “The Saga of the Saph,” a short sketch about Howard Saffold, articulated: “A uniform’s s’pose to do wondrous things for a man. T’weren’t so with the Saph. He did things for the regulation blue of the Chicago Police Department—big and beautiful and black things.” This was ultimately about Saffold’s attitude towards policing and style marked the change. It provided a way of identifying with young black men and women, a way of participating in “authentic form[s] of black racial expression.”

Through their embrace of popular styles, AAPL members sought to make visible the historic erasure of blackness by the blue uniform. One way of doing so was demonstrated in League members’ demand that they be allowed to wear their hair “natural.” In the first edition of the organization’s *Grapevine* newsletter in 1970, Wayne Horse highlighted the significance of a haircut. He asked: “Shall we continue to wear our hair in [the] semi-Yul Brenner style merely to satisfy the upper echelon...? Is the Natural appearance disliked, as a style, or feared as a symbol of the trend of black self-awareness and the reversal of self-hatred that so long characterized the black race?” Refusing the order of a white superior to cut his Afro was, for AAPL member Jack DeBonnett, a way of illustrating the “new scope of dignity and self-pride in my personal psychological traits.”

Finally, the AAPL made clear that the political turn taken by white policemen drove the need for an oppositional black police organization: “We find it impossible to operate within the framework of existing police organizations. For example, we disagree categorically

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with the position of the Fraternal Order of Police supporting ‘Stop and Frisk’, and their position supporting the order to ‘shoot to kill’ maim [sic] looters during civil disorders.”

What was their answer to the “law and order” politics of white officers and politicians?

Traditionally, police reformers responded to the presence of what they saw as politics in policing by demanding greater professionalism. The League echoed this language, calling for professionalism as it tried to project its authority. Yet the patrolmen’s behavior in starting a militant organization, criticizing the department, and calling for greater responsibility to the community, rather than the police bureaucracy, was hardly the role that the reformers like O.W. Wilson had imagined for police professionals.

Though the League did not vote to adopt the symbol used by the Society of African-American Police in New York until October, it succinctly illustrates some of the basic dilemmas faced by the League from the beginning. The symbol, a black power fist inside of a police star, simultaneously gestures in two directions. It forthrightly signified the League’s adoption of the language and images of Black Power. By doing so, the officers linked the League with a radical critique of police brutality and violence, and announced its presence as an oppositional block within the police department. At the same time, the officers marked themselves off distinctly from the world of Black Power activists as cops. In the insignia, for example, the Black Power fist was placed within the center of the police star. The relationship between the two is ambiguous. Was it an organic union? Or, did the star somehow contain or subordinate the fist? These questions could only be answered over time as the officers acted and built their legacy. But from the outset, it also distanced the AAPL from Black Power, as if in an effort to demonstrate that the officers were not

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“hoodlums and thugs” as so many black radicals had been tarred. Nodding towards militancy and moderation simultaneously, the League sought to capture the aspects of Black Power that projected black strength while limiting the reach of negative stereotypes about the lawlessness of Black Power.

The Limits of Organization Building

As AAPL members recognized in their initial announcement, their activism and ideas had audiences outside and within the Department. In fact, the reception they received from black Chicagoans would be bound up with the Police Department’s reaction. Because of their activism, the League faced police repression. Police treatment of the League did more than reinforce the organization’s critique; it also deepened the black public’s identification with them and Black Power ideas that were circulating within the city. Here, League members were not passive recipients; they helped to create a pragmatic and responsive black political culture that leveraged black participation in Chicago’s governing institutions for broader community aims.

The League kicked off its activities by trying to demonstrate its reasonableness, not its militancy. Their first major project was a series of seminars they hosted at the University of Chicago’s Center for Continuing Studies. By addressing “meaty, significant issues,” the seminars provided the officers with an opportunity to demonstrate that they were not rabble-rousers, but men serious about reform.⁷⁰ High-ranking police personnel participated

including director of human relations Sam Nolan, who gave the men a talk about the
importance of social work in forging relationships with the public.\textsuperscript{71} Black Daily News
columnist Lu Palmer, who was a known black nationalist, endorsed the overall program as a
“meaningful and lasting approach” and praised the policemen as offering “leadership from
the grassroots,” while also recognizing, “This may be a slow route to improved police-ghetto
relations.”\textsuperscript{72}

The image the man projected to the Department mattered little, for the police brass
began trying to destroy the organization even before their July 1968 announcement.
Robinson had mentioned their interest in founding a black police association to his
immediate supervisor, Sgt. Richard Barrett, and the Marquette District Commander, William
McCann. At the time Barrett was head of the Sergeant’s Association, known colloquially
within the Department as the “Irish mafia.” Barrett discouraged him, arguing, apparently
without any awareness of the irony, that it would be divisive for policemen to belong to a
race-based organization.\textsuperscript{73} Shortly thereafter, the Department sponsored the formation of
their own group called the American Negro Police Association.\textsuperscript{74} The Chicago Police and the
F.B.I. already had the League under surveillance on the day of its announcement.\textsuperscript{75}

\textsuperscript{72} Palmer, Jr., “Black Cop Caught Between Two Worlds.”
\textsuperscript{73} Robinson, “Narrative of Robinson’s Ordeal,” 3.
\textsuperscript{74} One of Vice Presidents of the mainstream Chicago Patrolmen’s Association was made its head. “It’s an Honor,” \textit{Chicago Defender}, April 29, 1968, 6; “Lester Cole Elected to Patrolmen’s No. 2 Spot,” \textit{Chicago Defender}, May 4, 1968, 16. A year-and-a-half later, George T. Sims would consolidate them with the other black organizations into a single organization called the Guardians; only the League refused to take place in this consolidation. “Sims Asked to Help Scuttle AAPL,” \textit{Chicago Defender}, May 24, 1975, 1.
\textsuperscript{75} On July 12, 1968, an officer from the Intelligence Division interviewed a confidential informant who informed him that the “Afro American Patrolmen’s League” would be “holding a press conference this date announcing its formation,” and also discussed these developments with FBI agents. Like so much human intelligence, the report contained a mixture of fact and fiction. The Intelligence Division reported the meeting
The police administration opposed League recruitment. When the League attempted to distribute recruitment posters through the Office of Public Information to be placed on the Department’s 200 bulletin boards across the city, its director initially refused to accept the signs. After they removed the supposedly offending phrase, “Brothers Unite,” the Office accepted their new signs. But they were never put up. League officers made the rounds themselves, only to have the Department remove the posters because they had not gone through official channels.\textsuperscript{76}

Nonetheless, the League recruited members. Howard Saffold saw League members on television, and “sought them out. I went looking for them because at that point, I was about to quit the Chicago Police Department. I was totally disgruntled between Dr. King and … the Democratic Convention. I was kind of convinced that I was in the wrong profession.” He arrived while the League was still in its “embryonic stage,” and noticed that there “there was a lot of openings for … officers (laughter). It was in formation.”\textsuperscript{77} He took over recruiting,\textsuperscript{78} and three months in, 270 black patrolmen had signed pledges. The list reflected the geography of race within geography of police districts. Almost all of these patrolmen came from the six heavily black districts: Wabash (2\textsuperscript{nd} District), Prairie (21\textsuperscript{st} District), and Grand Crossing (3\textsuperscript{rd} District) on the Southside, and Marquette (10\textsuperscript{th} District),

\textsuperscript{76} This violated common practice allowing officers broad latitude in posting information on these boards.

\textsuperscript{77} Interview with Howard Saffold, HistoryMakers, session 1, tape 4, story 2.

\textsuperscript{78} Ibid., session 1, tape 6, story 1.
Fillmore (11th District), and Monroe (12th District) on the Westside. Grand Crossing, with thirty-nine pledges, supplied the largest contingent of the membership.79

The Police Department went far beyond obstruction. They punished League members without ever identifying their affiliation as a reason. Outraged members fought back: “No official department spokesman will make a public charge against our organization because it can not be substantiated,” Robinson declared. “If they could, they would have run us out of existence a long time ago.”80 But, changing work conditions was easy. Robinson and Lee, for example, lost their undercover vice assignments and were sent to the uniform division.81 Almost every other member of the League Board experienced a diminishment in his working conditions either because their superiors transferred him without reason or because they refused to do so. The Department assigned four of the men (Palmer, Cowsen, Saffold, and Silas) to the wet, cold, subterranean CTA Task Force, the so-called “burial detail,” widely viewed as having “a particular onus.”82

This repression was not ad hoc. Robinson’s supervisor informed him, “these orders came from above.”83 By the beginning of 1969, the Police Department held command-level meetings to discuss how to get rid of the AAPL, the details of which George T. Sims later

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79 Of the 270 men, 171 identified their district assignments. Afro-American Police League of Chicago, “Initial Supporting Pledges Received as of 12 October 1968” n.d., AAPL 68.
82 Jack DuBonnett was moved from the Youth Division to Loop Traffic. Curtis Cowsen was moved from the Evidence Tech Division. Nat Silas requested a transfer from Evidence because his sergeant refused to accommodate his scheduling requests so he could continue attending college. Saffold disagreed with the modus operandi of the Gang Intelligence Unit and requested a transfer. Finally, Palmer was moved from the 9th District. Abner Mikva (IL), “Proceedings Before the Ad Hoc Investigating Committee of Black Illinois State Legislators-II,” Cong. Rec. 91 (1970): 29099.
83 “Conversation Between Renault Robinson and Supervisors at the Third District, Tape 3,” 3.
recounted in court. At the time of the meeting, Commander Sims ran the 11th Police District, and was one of the Department’s highest-ranking black officers. The group called together by Superintendent Conlisk included every senior black officer, including all four black district commanders, other black captains and exempt personnel, and selected white exempt personnel. First Deputy James Rochford led off the meeting by declaring, “we have a problem with the Afro-American Patrolmen’s League and members of the League, particularly Renault Robinson.”

Supervisory officers constructed a formidable disciplinary history for Robinson, who previously had an unblemished record. They began to give him summary punishments and file the more serious Complaint Register (CR) numbers against him in 1968 and never stopped. Over half of a year, he received four summary punishments and one sustained CR number. The AAPL President followed police custom by accepting these charges and the minor punishments they entailed. In 1969, he faced an avalanche of paperwork, with fifteen CR numbers pending by mid-September. These sought to punish a wide variety of behaviors. He would later describe the violations as “not having my hat on, not being respectful, bringing discredit upon the department, improperly loading a shotgun, being late to work, not filling out a report properly, calling a supervisor crazy, things of that nature.”

As this description suggests, some involved enforcement of petty rules; others sought to punish him for his statements on behalf of the League; others, still, came from insubordination. After the first few months of trying to toe the straight and narrow, Robinson, Saffold, and others, got a bit unruly. “[I]t wasn’t unusual for one of us to talk

84 “Sims Asked to Help Scuttle AAPL,” 1.
back to a supervisor who addressed you improperly,” Saffold noted.87 League members
openly challenged the assertion of authority at the core of police hierarchy.

League members continually had to confront their rejection by other black officers.
“[T]he vast majority of tried to act as if we didn’t exist,” Saffold described. “I mean they
really would walk the other way when they saw us coming.”88 This reflected a generational
divide, as the youngest and most inexperienced patrolmen had less to risk and were less
acculturated to departmental norms. The first edition of the League’s irregular
mimeographed newsletter, The Grapevine, contained a short, unsigned column entitled
“Together We Stand,” which noted that while most of the harassment of the League had
come from members of the Police Department, “most of the criticism, surprisingly enough,
has come from our own backyard. Yes, from brothers! Veteran brothers. Those with ten
years or more experience on the force. The Veteran brothers, of course are not members of
the League.” Ninety percent of the League membership had less than ten years of service.89

Police leadership expected black supervisory personnel to be on the front line of
suppressing the League, as Commander Sims testimony recounted. This was why, Robinson
argued, promotions only went to “good, safe, niggers.”90 The description was anything but
an abstraction for League members. “With all this action we go through with the ‘man,’”
Curtis Cowsen carped in The Grapevine, “we have to be more wary of our black supervisors.”
One black captain worked so hard to be “unbiased,” “you might think he may be the leader
of some anti-black organization.”91 Howard Saffold’s district commander, “a brother—but

87 Interview with Howard Saffold, HistoryMakers, session 1, tape 4, story 5.
88 Ibid., session 1, tape 4, story 5.
from another generation,” was the source of his disciplinary problems. Saffold’s refusal to meet traffic citation quotas earned him a new partner, “A hunky sergeant.” The sergeant’s role was “To sort of point out the traffic violations for him. So the Saph rode his beat with the Sergeant.” The two men got in an altercation over the sergeant’s treatment of a civilian and Saffold refused to continue riding with him. Upon learning this, the Commander demanded, “Are you disobeying a direct order? … The brother from the other generation sputtered about discipline and review boards and arrogant Negro patrolmen.”

The League officers challenged their supervisors’ identification with the occupation over race. Cowsen asked of black supervisors, “If he sells his dignity and manhood, can he afford to let you exhibit yours? When a black supervisor humiliates you, is he really trying to regain something he no longer possesses?” Robinson echoed this, stressing that many black policemen, “have little if any ‘soul.’ They have been for the most part de-natured.” These critiques rested on an idea that there could be “a true, identifiable, authentic form of black racial expression and that movement energies should be directed towards the production and reproduction of it.” Serving the imperatives of the power structure was constructed as a form of deracination; the only way to redeem one’s self was by exhibiting one’s black nature.

**Law & Order**

If other officers perceived the League as divisive, Buzz Palmer denied the charge.

“[T]he black policeman was already polarized when he joined the force. Like people

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92 “The Saga of the Saph.”
93 Cowsen, “...And I Am Curtis Cowsen.”
everywhere, he had nothing to do with his separateness. It’s white cops who have the power to end polarization, not us.”96 The years 1968 and 1969 saw police magnify their claims to authority on the street and in politics. These years represented the apex of the ‘law and order’ police rebellion in the cities. It became clear, as Cleveland Mayor Carl Stokes wrote, “Police have an amazing political power, a power that has mushroomed in the last few years with the advent of the big-city crime scare.”97 Local police used a variety of both lawful and extralegal techniques to assert their authority.98

Nowhere was police power articulated more forcefully than in Chicago, which ACLU lawyer and scholar Frank Donner, called “the national capital of police repression …”99 A warm up for the coming Democratic Convention took place in April 1968, when 500 riot-helmeted officers waded into a 6,000-person antiwar march downtown, wielding justice by billy club. A citizens’ panel blamed the police brutality on the city’s political and administrative leadership, arguing, in particular, “The Mayor’s repeated insistence that ‘there will be no trouble [at the Democratic Convention]’ cannot help but communicate to the police that all dissent is to be intimidated and repressed …”100

Daley’s image was forever marked by what happened at the Democratic National Convention in 1968. For non-Chicagoans, he became “the man who reacted to the peace movement and the civil rights movement with comprehending hostility, and who sent his

Police force out to beat up protestors and reporters.” This “police riot” was shocking to some, but to others it was a delight: a Harris poll showing that sixty-six percent of respondents nationwide were on the side of Daley and the police. Supt. James B. Conlisk issued three-sentence Pax 501. He claimed, “threats to the safety of the city … severely tested the Department’s ability to maintain the well-being of our community,” and went on to “express my pride in your dedication to the service upon which this community ultimately depends for its safety.” Two months later, Conlisk demurred from the conclusions drawn by Chicago attorney Daniel Walker in Rights in Conflict, his report for the National Commission on the Causes and Prevention of Violence. If some minor misconduct had occurred—he claimed the Department had taken disciplinary action against at least fourteen officers—the Superintendent insisted, “The world knows who the rioters were.”

The Democratic convention was eye opening for some individuals who believed police brutality was just about race. As veteran Chicago civil rights leader Al Raby concluded, “The police are not only against blacks. They are against anybody who messes with their thing.” Raby perceptively recognized how much the brutality demonstrated at the convention was a product of the broader challenge to police authority. Class, gender, and sexuality also structured interactions between the police and the public, often in relationship to each other. Just as black youth and New Left radicals challenged police invocations of authority, so did gay activists in the aftermath of the Chicago convention. According to historian Timothy Stewart-Winter, “Police misconduct was the first issue on which gay activists collaborated over a sustained period with other urban constituencies—and it was on

102 Flamm, Law and Order, 154–161, esp. 159.
103 James B. Conlisk, “Pax 501” August 30, 1968, 1, CPL-MRC.
104 James B. Conlisk, “Pax 501” December 3, 1968, CPL-MRC.
these issues that they departed most sharply from the law-and-order views with which Chicago’s white ethnic voters, and the Mayor who spoke for them, were increasingly associated.”

Many black leaders reacted to the “police riot” with considerable cynicism. As AAPL member Willie Ware told the Defender, “in the uproar over the events on Michigan ave., people failed to recognize that black people have been beaten and killed for years. The only difference between that incident and disturbances on the Westside is color.” Some took the optimistic position that by committing on national television acts that typically remained hidden behind the veil of racial segregation, the police unwittingly lent credence to black cries of brutality: “the ‘police brutality’ in Chicago should prove to the white man that such things are not figments of Negroes’ imagination.” A skeptical patrolman Ware argued that the events were likely to have precisely the opposite effect. Now that police have “beaten white heads with impunity,” Ware claimed, “they are more able to beat heads anywhere, anytime without having to answer for it.”

While political polarization went beyond racial lines, race remained the primary flashpoint for controversy over policing. The driving force behind the police persecution of the AAPL was that it focused an intense spotlight on the question of police legitimacy in black neighborhoods. Once the League members recognized the role of race in structuring police behavior, the everyday actions of the Chicago Police Department provided a continual stream of incidents that allowed them to refine and escalate their critique. The threat of

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police violence seemed omnipresent in black Chicago, and League officers focused on its use in the routine ordering of the city. By the spring of 1969, they had moved from discussing “meaty topics” in a university seminar room to directly confronting “specific police actions against blacks.”

Their response to the police decision to equip squad cars with Ithaca Model 27 shotguns provides one example. In the spring of 1969, shotguns were mounted “between the two front seat occupants in such a position as to expose the barrels of the shotguns to the public at all times.” Near the time that this happened, the Confederation of Police also pushed the Superintendent to give officers even greater capacity to force, “distributing petitions asking Supt. Conlisk to lift his recent ban on automatic weapons, blackjacks and weighted clubs.” This decision reflected the pervasive fear that police authority was under attack. Conlisk’s instructions to the police force noted that that shotgun was a much blunter weapon that a service revolver. Shotguns did not need to be aimed; all that was necessary was “to merely point it at the target and shoot.” The weapon’s effectiveness came not from its precision, but from “its shocking power at close range.” The Police Department embraced this shocking power and its psychological effects: It would cause criminals fear; it would make black communities feel protected; and it would give policemen confidence. Rather than criticizing the police for putting such powerful weapons in officers’ hands for ready use, Deputy Superintendent for Community Services Sam Nolan suggested that civil

110 “Robinson Plaintiffs’ Post-Trial Summary of the Evidence and Discussion of Legal Authorities, Robinson v. Conlisk, Civil Action No. 70-C-2220,” 12.
rights groups should “join with the citizens of your community who are truly concerned about the protection of their loved ones.”

Buzz Palmer offered a more critical psychological reading of the differences between an officer’s service revolver and a shotgun. Palmer’s explanation highlighted how “the shotgun is an indiscriminate weapon. A revolver discharges one projectile at a time while the shotgun discharges from 12 to 16 pellets.” The key question for the League was when and why an officer would use such a weapon. For Palmer, “The use of this weapon tells us that in the subconscious mind of the police officer he is no longer against the individual offender, the outcast, but against society.” Rather than providing protection, Palmer argued, “The use of the shotgun brings up the question of genocide.”

The Superintendent’s decision to lock the shotguns in the trunk to prevent robbery did not prevent tragedy. Rookie patrolmen Martin Anderson responded to screams from inside an apartment at 1502 S. Kedvale, by using his shotgun to shot out the lock. In doing so, he killed Linda Anderson, a black nineteen-year old mother of two whose husband was serving in Vietnam. Holding a press conference in front of Anderson’s apartment to show the damage done by the shotgun, the League was joined by a wide swath of supporters. The

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113 Sam Nolan to Sherri Goodman, May 28, 1969, AAPL 1-3. Supt. Conlisk argued, “The shotgun has a psychological effect on persons who believe it may be used against them.” Coalition United for Community Action, “Press Release,” 2. Sam Nolan claimed, “progressive departments,” used “this type of firepower to assure the community of a strong patrol designed to protect their lives and property from criminal attack,” and that it would “the officer with an assurance that he has the ability to overcome an attack with superior force.” Nolan to Goodman, May 28, 1969.


115 The Superintendent insisted that the “criticism of civil rights groups, street gangs, and others” was irrelevant to his decision. Six guns had been stolen from the front-seat mount. “Shotguns Put in Trunks of Police Squads,” Chicago Tribune, June 25, 1969, AAPL 1-3; Donald Mosby, “Cops Hide Shotguns, Seek to Foil Thefts,” Chicago Defender, June 25, 1969, 1; Mrs. John J. Bergan to Members of the Welfare Council of Metropolitan Chicago, June 25, 1968, AAPL 1-3.
use of the shotgun in this case dramatized the claim that police had, in the words of League
spokesman Tom Mitchell, “complete disregard for black life.”¹¹⁶

Robinson illustrated the power of the shotgun in what was probably his brashest
incident of insubordination, a few months later. Generally, Robinson avoided checking out a
shotgun when leaving the station, as he was supposed to do. On December 30, however, his
supervisor forced him to do so. According to a memo written by Robinson’s lawyers,
“Robinson believes he loaded the gun, which was required, in the garage on the way to his
car. He believes that he misloaded the gun and through inadvertence allowed a live shell to
enter the chamber. While walking to the car Robinson was holding the gun down and it
discharged into the pavement.”¹¹⁷ It seems doubtful that this was the case. But even if it was
an “accident,” given high level of politicization, it still hinted at a resolution to the contested
point. Shotguns were more dangerous than service revolvers, and it was frightening to
imagine how their widespread distribution could lead to casual use.¹¹⁸

Linda Anderson’s killing was not an aberration. From May until the beginning of
December, the police shot and killed ten other black youths on the West Side. As the
Commission of Inquiry into the Black Panthers and the Police would later report, “In most
cases the police offered explanations of the deaths. In most cases residents of the
community and families of the dead youth claimed that these explanations were false or

¹¹⁸ Robert McClory recounts that following the boom of the shotgun, “Robinson stood completely still and
stared at the smoking barrel. ‘Sorry guys,’ he said. ‘I guess it went off.’” McClory, The Man Who Beat Clout City,
66–67.
inadequate.” Both the Coroner’s juries and the IID exonerated the officers involved.\textsuperscript{119} No bills of indictment were retuned.

\textbf{Repression and Resistance}

In July 1968, the AAPL had announced itself to the public by highlighting the gulf in relations between its members and black Chicagoans. By mid-1969, the League described itself as the legitimate representatives of black Chicago on the issue of criminal justice. As Robinson wrote in a letter, “We … represent the views of the black people of the City. We, the Afro-American Patrolmen’s League, are the representatives of the people.”\textsuperscript{120} This justification came in part from the League’s participation in the Coalition for United Community Action (CUCA), a gathering of around sixty community groups. “Our participation in the social struggles of blacks has given us a new image which enables us to give a credible witness to the alienated.”\textsuperscript{121} But it was also because the League members were themselves subject to police treatment that reinforced their critique of the Department and put them in the same position vis-à-vis police power as other black Chicagoans.

Throughout moments of crisis in 1969, the League and the Department each escalated the pressure on the other party. The League worked by continually pointing out the failures of the Department, particularly by bringing publicity to incidents of police brutality or indifference. They used these opportunities to demand a meeting with the

\textsuperscript{120} Renault Robinson to The Chicago Forum, May 8, 1969, AAPL 1-3.
\textsuperscript{121} Ibid. “[B]lack people are not credible witnesses. When they say there is brutality, nobody believes them. When they say they can’t get any police service, nobody believes them. But when we say it, they’ve got to believe us, because we are policemen. We know what’s going on.” Renault Robinson, “Our Clout Is in the Community” 1971, 12, AAPL 54-371.

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Superintendent, in which the League would represent black Chicagoans: “We will not meet with anyone other than Conlisk, because that would only waste time. And if Conlisk is serious he will meet with us; if he isn’t he won’t.” \(^{122}\) The Superintendent deflected their entreaties. \(^{123}\)

In mid-September of 1969, Robinson’s disciplinary case took an important turn. A sergeant in the IID confidentially tipped off Robinson that the Department was planning to combine a number of charges in order to get him dismissed from the force. \(^{124}\) Robinson stopped accepting summary punishments and mounted a vigorous public campaign about the Department’s treatment of him. On September 14, Robinson detailed the Departments harassment, including its plan to fire him, in the *Chicago Sun-Times*. \(^{125}\) That night, as he was driving home from a community meeting in the West Side Austin neighborhood, police officers pulled him over at 3:30 am. Perhaps he was being followed; perhaps police thought his swerve to avoid a pothole indicted something else. \(^{126}\) Either way, as he explained at a hasty lunch-hour press conference the next day, they refused to extend him “professional courtesy,” and let him go. \(^{127}\) They arrested him and charged him with four traffic offenses.

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\(^{125}\) “Robinson Plaintiffs’ Post-Trial Summary of the Evidence and Discussion of Legal Authorities, Robinson v. Conlisk, Civil Action No. 70-C-2220,” 78.


\(^{127}\) Vasilopulos, “Arrest Afro Police Leader; Charge ‘Frame,’” 4.
To be denied preferential treatment (even of professional courtesy) hardly seems like a good issue for social mobilization. But such courtesies were customary, and in the context of the extreme racial polarization over policing and Robinson’s recent charges, the incident caused an uproar. The next weekend, 20 AAPL members and Father Clements appeared onstage during the weekly Saturday morning meeting of Operation Breadbasket, in their respective uniforms. Jesse Jackson introduced Robinson to the more than 2,000 people in attendance at the Capitol Theater, as “a dedicated policeman who is standing up for justice.”

Three South Side community groups issued a statement decrying “the repressive tactics being demonstrated against the Afro-American Patrolmen’s League, and in particular its president Renault Robinson.” Gus Savage, a liberal black newspaper editor and frequent political aspirant, argued, “League members deserve praise rather than punishment.” He called upon “all citizens, black and white, to protect the rights of League members to fairly criticize the police department … without fear of unfair consequences.”

Even the conservative Tribune ran a surprisingly sympathetic overview of the League’s views.

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128 All charges were dismissed, although Robinson admitted not carrying his license. “Black Police Leader Charges Harassment in His Arrest,” Chicago Tribune, September 16, 1969, 8.
129 “When asked if that meant that there are two sets of laws governing policemen and private citizens, Robinson said, ‘It looks that way.’” Vasilopulos, “Arrest Afro Police Leader; Charge ‘Frame,’” 4.
The hearings put on by Illinois state legislators to investigate Robinson’s charges of harassment explicitly linked his plight with that of other blacks at the hands of the Chicago Police.\textsuperscript{134} State Senator Richard Newhouse led the committee of fourteen, which also included active participation by Harold Washington, Otis Collins, and Charles Chew.\textsuperscript{135} Ironically, the irregular nature of the ad-hoc body helped to broaden the scope of the inquiry. They had no subpoena power and Conlisk and other police officials rebuffed the committee’s attempts to secure their testimony. As the Superintendent replied, “The involvement of a political committee in the process of the Police arm of government would be unique, and in my judgment, not in the interest of sound Police Department discipline.”\textsuperscript{136} This put pretty strict limits on the amount of fact-finding the committee could do. The hearings turned into an opportunity to voice grievances against the Chicago Police Department. Buzz Palmer caught the attention of the \textit{Tribune}, by claiming that “the Chicago Police Department, as it is presently constituted is both segregationist in its structure and racist in the formation of its policy.”\textsuperscript{137} Clements suggested that a much more important investigation to undertake would be inquiring into the “stranglehold on the Police Department [that] has been traditionally exercised and is exercised up to this moment by Irish Catholics.”\textsuperscript{138}


\textsuperscript{136} Mikva (IL), “Proceedings Before the Ad Hoc Investigating Committee of Black Illinois State Legislators-I,” 28904.

\textsuperscript{137} Mikva (IL), “Proceedings Before the Ad Hoc Investigating Committee of Black Illinois State Legislators-II,” 29101.

\textsuperscript{138} According to Clements the Irish “comprise only 13 percent of the population of the City of Chicago, and …yet control 83 percent of the Command position in the Police Department.” Ibid., 29102.
After the second hearing, which like the first was held downtown in the state of Illinois building, “the hearings [were] taken to the community in order that grass roots persons may be encouraged to testify." 139 The legislators held additional sessions at the Henry Horner Boys Club on the Westside and the St. Johns Church in on the Grand Boulevard on the Southside.140 At these meetings, the public linked the treatment of the AAPL with the questions that the AAPL raised about the Chicago Police Department; namely, “whether or not the[re] is police brutality and intimidation exercised against residents, particularly teen-aged youth, in the black community and minority communities.”141 In a very short amount of time, the question of the treatment of the League became a broader referendum on police treatment of black Chicagoans.

**Black Men with Guns**

The most divisive issue amongst black Chicagoans in the late 1960s was police treatment of young black men with guns: namely, street gangs and, later, the Black Panthers. During the mid-1960s, black street gangs multiplied in size in a dynamic and competitive process. As one grew, its rivals sought other gangs to incorporate or risked suffering that fate themselves. “By the end of 1966,” historian Andrew Diamond concludes, “the Blackstone Rangers were believed to represent some two thousand members and the Conservative Vice Lords between fifteen hundred and three thousand; other black gangs like the Disciples, the Roman Saints, and the Cobras likely possessed memberships of at least

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several hundred.” Super gangs became increasingly influenced by a Black Power ideology that mapped well onto their existing sense of territoriality (leading the Blackstone Rangers to change their name to the Black P. Stone Nation) and turned toward political action, participating, however warily, in certain aspects of the Chicago Freedom Movement in the summer of 1966. The Blackstone Rangers and their rivals, the Disciples, worked with Chicago’s most dynamic community organization, The Woodlawn Organization (TWO), to secure a $927,000 federal grant for manpower training, incurring Daley’s wrath by trying to prevent the city from playing a role in administering the funds. Finally, even as the gang members and some of the leadership turned “pro-social,” gang sets became increasingly involved in criminal activity, drawing upon ideas of community control to push white underworld operators out of black neighborhoods.

In the years between 1967 and 1970, debates over violence in black neighborhoods and police brutality centered almost entirely on the question of what to do about street gangs. In 1967, the Police Department escalated its crackdown on the gangs by creating a ten-man Gang Intelligence Unit, run by Lieutenant Ed Buckney. Whether it was motivated the party-state’s worries over black power or crime in black neighborhoods has been hotly

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143 Ibid., 261–283.
146 Arnold Rosenzweig, “Police Set Up New Intelligence Unit to Battle Street Gangs,” Chicago Defender, March 22, 1967, 3. Many have argued that this crackdown had political root rather than being primarily concerned with crime. Diamond, Mean Streets, 275–283.
debated. Alarmed groups stood on both sides of increased police action.\textsuperscript{147} Some demanded government intervention, with one Woodlawn minister imploring TWO's leader, the Rev. Arthur Brazier to try to get the National Guard called in.\textsuperscript{148} Others called for police to use an iron hand. At one community meeting of the Concerned Parents of Woodlawn, the crowd applauded as a member shouted, “To heck with getting accused of police brutality, let’s use some force on these punks!”\textsuperscript{149} By contrast, the Reverend John Fry, a stalwart supporter of the Rangers and Disciples, accused Gang Intelligence of “buying witnesses, rigging testimony, and performing all kinds of payoffs and shakedowns.”\textsuperscript{150} In either case, only a year after the police crackdown did homicides classified by the police as gang-motivated spike.\textsuperscript{151}

This was street milieu that the Black Panthers existed in when they were organized by Fred Hampton, Bobby Rush, and others on the West Side in 1968. Distinctions between gangs and social movements were blurry. As William O’Neal, who served as the Chicago’s Panthers Chief of Security and an FBI informant, commented, “the day I joined I was pretty sure it was just another gang, unlike, not unlike the Blackstone Rangers, or, or the Cobras or something. I had no idea of, anything about their politics.”\textsuperscript{152} Confusion reigned on the street, too, with the Egyptian Cobras and Black P. Stone Nation interpreting the Panthers as


\textsuperscript{149} Quoted in Diamond, \textit{Mean Streets}, 263.


potential rivals. Following their objections to Panther recruiting on their turf, Rush and Hampton set up a meeting with Blackstone leader Jeff Fort. Rush described the Panthers’ choreography: “we left our office on the West Side, drove to the South Side. We had weapons, all of us had shotguns and, and, and rifles. And we pulled up … on 67th and Blackstone and on the side of the Stones’ headquarters we got out of our vehicles and … with military … precision, got into a military formation and actually marched about a block to the Stones’ headquarters.” The FBI tried to exploit this potential rivalry and sent anonymous letters to Fort alleging that the Panthers were planning a hit on him. Although the Panthers were not made up of gang youth, they tried to recruit them both as members and allies. When the Panthers formed a “rainbow coalition” in 1969, they partnered with the Young Lords, a former Puerto Rican street gang that had transformed into a community organization.

The Chicago Police Department treated the Panthers like a gang. As an officer in the Gang Intelligence Unit, Howard Saffold was assigned in 1968 to “what they called … the Panther Squad.” The Chicago Police Department, Saffold retrospectively reflected, could not distinguish “between the criminal element” and “a social movement.” Instead, “everybody with a Black tam and every with combat boots was a Panther.” Yet, if they saw

155 Ward Churchill and Jim Vander Wall, The COINTELPRO Papers: Documents from the FBI’s Secret Wars Against Dissent in the United States (South End Press, 1990), 138.
157 Howard Saffold, Eyes on the Prize II Interviews, interview by Terry Rockefeller, October 18, 1988, question 5, Washington University Film and Media Archive, Henry Hampton Collection, http://digital.wustl.edu/eyesontheprize/ .
158 Ibid., question 7.
the Panthers as no better than a criminal gang, the FBI’s COINTELPRO Program channeled the Chicago Police specifically towards repressing the group. It was the FBI that “orchestrated a coordinated national effort to infiltrate and destroy the party.” Sometimes this involved direct FBI action. On June 4, 1969, for example, Special Agent in Charge Marlin Johnson led a raid of the Panther office supposedly in pursuit of George Sams, a wanted fugitive. Sams was later revealed to be an FBI informant and highly disturbing agent provocateur. Nonetheless, the FBI primarily worked indirectly, passing information from their informant, William O’Neal, to the Police and the State’s Attorney.

From April to December of 1969, the Police continually escalated their efforts to repress the Panthers, arresting members eleven different times during the summer, and raiding their offices on at least three different occasions. The Panthers alleged substantial unlawful confiscation and destruction of Panther property during these raids. Violence between the Panthers and the Police escalated. In July, police shot Panther Larry Roberson, who died three months later of complications from his wounds and poor medical care. In November, Panther Spurgeon “ Jake” Winters, cornered by police an abandoned hotel, went on a shooting spree, killing officers Frank Rappaport and John Gilhooly, wounding eight others, and destroying five police cars.

159 Murch, *Living for the City*, 160.
The raid that killed Fred Hampton and Mark Clark was a response to the killings of these two police officers, even if the notional justification was the Panthers possession of illegal weapons, namely sawed-off shotguns. Fourteen Chicago Police officers detailed to the Cook County State’s Attorney’s Special Prosecutions Unit—created just year to fight street gangs—carried it out. At 4:30 am, on December 4, 1969, “the pigs vamped on the chairman’s crib.”\footnote{Haas, The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther, 72.} Hampton and eight others were asleep. The officers made no attempt to flush them out of the apartment. They massed at the front and back doors and following a quick knock, burst in firing. The officers would claim that the Panthers had shot first. They would claim that when they called for cease-fire on three occasions, the Panthers yelled, “Shoot it out!” The Police fired somewhere between 83 and 90 shots during the incident. The Panthers fired at most one. The initial hail of bullets killed Peoria Panther Mark Clark. Police killed Fred Hampton in his bed, with two bullets to the head fired at close range from a downward angle.\footnote{Commission of Inquiry into the Black Panthers and the Police, Search and Destroy: A Report.}

In their epic history of the Black Panther Party, Joshua Bloom and Waldo Martin concluded, the “unusual aspect of [Fred Hampton’s] case was not that the state killed him … but rather the broad mobilization in response to his killing. If not for this support …[t]he outrageous details of the killing would never have been exposed.”\footnote{Bloom and Martin, Black against Empire, 246.} The League was at the center of these efforts. The night of the raid, League leaders visited with one of their members (George Jones), who had been amongst the five black officers involved, and he described to them how it had gone. Robinson and Saffold were amongst the first people to visit the Panther apartment after the raid. Robinson told the \emph{Times} thereafter, “We doubt
what was said by the physical evidence …”166 A few days after the raid, Howard Saffold gave a statement to the press that contradicted many of the most important claims made by State’s Attorney Hanrahan and the raiders (Hampton had not fired any shots, Hampton had been shot from close range, there had not been a shootout). Going well beyond the conclusion that the police merely conducted the raid improperly, he concluded that it was “obviously a political assassination.”167 When the police finally sealed off the crime scene two weeks after the shooting, they detailed Saffold to guard the front door in the sub-zero weather.168

Father Clements celebrated a mass for the slain men and spoke at Hampton’s funeral. He shielded Bobby Rush, Hampton’s chief deputy, from the Police by giving him sanctuary in his church.169 When Police raided Rush’s apartment at 2040 South State on the morning of December 5, he was not there. He eventually turned himself over to the police at a highly-choreographed meeting of Jackson’s Operation Breadbasket. Such public surrenders were a regular practice in the 1970s to ensure fair police treatment.170 Rush rode to the meeting sitting on Renault Robinson’s lap in ACLU attorney Kermit Coleman’s two-seat sports car. At the meeting, Rush declared, “I am turning myself into black people and black people will dictate my future actions.” Coleman and Robinson handed him over to George

168 Saffold, Eyes on the Prize II Interviews, question 14.
169 Louis Truelock relayed this information to Jeff Haas that the police declared, “Rush is next.” Haas relayed this to Rush. Jeff Haas, The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther (Chicago: Lawrence Hill Books, 2010), 81. Clements “told Bobby that there has always been, for centuries, a thing called Right of Sanctuary. And that people are still kind of reluctant to go in and invade a church. So I told him to come here and that I would put him up here and that I felt he would be safe here, at least for a while, because I don’t think they would have the guts to come here and actually invade this, this church and drag him out and kill him.” George Clements, Eyes on the Prize II Interviews, October 19, 1989, question 11, Washington University Film and Media Archive, Henry Hampton Collection, http://digital.wustl.edu/eyesontheprize/.
170 At least one other time during 1969, a Black Panther wanted by the police turned himself into Renault Robinson. In Philadelphia, for example, Inquirer columnist Chuck Stone played this role on many occasions.
T. Sims and Robert Harness, two of the Department’s black commanders, who guaranteed his safety.\textsuperscript{171}

Five months later, May 9, 1970, Robison was back on the stage at the Operation Breadbasket Saturday morning meeting at the Capitol Theater. On May 4, the police suspended him, pending a hearing on the Superintendent’s request that he be fired.\textsuperscript{172} In contrast with the fifteen League members sitting on stage in their uniforms, Robinson wore a grey suit. Handing his gun, badge, baton, cap, department gas mask, and blue riot helmet over to his former partner, Frank Lee, Robinson told the audience, “I have always seen myself as your representative. It was you who gave me this gun and badge. Now I surrender them to you for safekeeping. If I ever get them back, it will only be because of you.”\textsuperscript{173} In Rush’s case, the audience was there to protect the sanctity of his physical person. Now, they were being reminded of their political role in protecting black policemen and in changing the culture of policing in Chicago.

On July 2, as the date of the hearing on Robinson’s dismissal hearing approached, he wrote about what would happen to the League if he were fired. Robinson began by arguing that the police penalties directed against him were calculated to raise the costs for other policemen of joining the League. But he also argued that this did not matter: “If the AAPL had all 2300 blacks in the ranks we would not have any more clout than we have now.” Robinson’s argument that the number of members did not matter much was rooted

\textsuperscript{173} McClory, The Man Who Beat Clout City, 74.
principle underlying the organization—the principle it had announced as its first press conference. This was that the League’s “clout is not in the members itself,” but in the relationship between black police officers and black people. As he wrote in his column, “Our clout is in the community.”  

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The politics of policing shifted between 1968 and 1970. During the early part of the 1960s, the challenge to police authority took place on the street, often in the interactions between black youth and police officers. By the end of the decade that conflict had moved inside the Department, as the officers of the AAPL picked up strains of Black Power’s radical critique of policing and fitted it to their own experience as agents of the state. What was truly revolutionary, particularly within the context of Chicago’s politics, was that these men used their relationship to state power to challenge its exercise. In so doing, they sought to change the decades-old political bargain that had both promoted and limited black advancement as subordinate partners in governing Chicago. The League’s criticism of other black officers was the most telling element of this ideological shift. For black police officers embodied this political bargain: they represented middle-class advancement through government employment and, yet, they also served as instruments to limit the advancement of other black people.

For League members, the solution to this paradox was fundamentally political. They did not seek to abandon engagement with state power but to put it on a new foundation. In this, they followed the generally pragmatic trajectory of Black Power in Chicago, pointing to

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what Hegelson has identified as the “conflict between the sense that Chicago had failed black people … and the idea that the institutions of the city could be reformed to deliver greater equality for all.”\textsuperscript{175} It was clear to these black patrolmen that solidarity to the Chicago Police Department meant perpetuating the broader political and economic order. Drawing on ideas of communal black solidarity and racial authenticity, they sought to establish a new basis of police authority. “Organized Black policemen represent Black police power. Organized Black police power, with the Black community behind it represents a real threat to the power structure’s control over the lives of Black people.”\textsuperscript{176}

\textsuperscript{175} Hegelson, \textit{Crucibles of Black Empowerment}, 239.
\textsuperscript{176} Robinson, “Racist Power Is Black’s Downfall,” 10.
CHAPTER 4: CITIZEN MONITORING AND THE GOVERNANCE OF POLICE Brutality

In the early 1970s, a network of citizen activists mobilized to monitor the Police Department following the murders of Black Panthers Fred Hampton and Mark Clark. The exceptional nature of the public response to the killings made these efforts possible. Activists turned back the institutional mechanisms that usually operated to reinforce the authority of law enforcement on State’s Attorney Edward Hanrahan, challenging his credibility. The outrage of most black Chicagoans, and liberals and radicals of all races and ethnicities, forced law enforcement officials to take unusual steps in order to justify the raid. Instead of buttressing state power, these actions forced processes typically shrouded in the haze of routine bureaucratic action into the light of public view. The most important revelation to emerge from the outrage over the murders was not how police used violence in Chicago; instead, it was how the institutions of law enforcement operated to obscure such violence.

Deliberate citizen participation in law enforcement in Chicago was almost non-existent before 1970. As activists worked to reform the police in the aftermath of the Black Panther murders, what unified them was not the specific policies they sought to implement—though there was much continuity in that regard. Instead, by finding institutional nodes at which they could exert pressure on the criminal justice system, they tried to open “a path … for meaningful public participation in the solution of major police
problems.”

This emergent network of police reformers envisioned and tried to enact citizen participation as an essential ingredient for bringing justice into law enforcement. Sustaining this activism required the coordination of different types of groups: those that relied on legal or professional expertise helped to open up space for citizen action and to provide citizen groups with knowledge for action.

Some elements of this history are familiar. In turning towards citizen participation and community-based organizations, Chicagoans took part in political processes that reshaped American politics and policymaking during the 1970s. “The idea of justice as rooted in the active work of democratic communities came, in the first instance, out of the 1960s left,” according to historian Daniel Rodgers. While other cities veiled the exercise of force by their officers as well, activists for police reform in Chicago believed that their city’s particular system of political interest was to blame. Outraged by police homicide, they came to see the actions of law enforcement officials as a raw expression of racial domination under the Democratic Party. To them, the political system that linked the interests of the police to the interests of Mayor Daley perpetuated brutality. Democratic conduct of politics also provided a model for the governance of law enforcement. Police obfuscated brutality through processes homologous to those that allowed the Democratic electoral monopoly to endure. Both exercised control over information—what political scientists calls “information bias.”

Both coordinated action across institutions to reinforce this bias. Their everyday

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3 On the various methods of biasing electoral politics, including information bias, see Jessica Trounstine, Political Monopolies in American Cities: The Rise and Fall of Bosses and Reformers (Chicago: University of Chicago Press, 2008), chap. 2.
processes of governance operated to obstruct understanding of how and when the policed exercised force.

To activists, police practices replicated the forms of political exclusion practiced by the Democratic Party. By creating a network of institutions focused on police power, activists sought to invert the city’s methods for governing police brutality. Confronted by the Democratic Party’s seemingly hermetic insulation to change through electoral politics, they probed other avenues to leverage their claims. Mimicking the tactics that the government used to shut them out, they sought to produce knowledge about police brutality and disseminate it to the public in ways that would force the City to respond. They disrupted the coordination of various agencies by finding administrative avenues for citizen monitoring of government action. If this changed the calculus for how the governing institutions performed their duties, however, it did not fundamentally transform them.

Institutionalizing a Police Reform Network

By 1976, there were 100 citizens’ organizations in Chicago on file with the Illinois Law Enforcement Commission, the state criminal justice funding agency, and likely countless other less formalized groups. They engaged in a wide variety of activities that extended from improving particular criminal justice processes (such as the assignment of bail in county court), to offering youths recreational and employment opportunities, to so-called “target hardening” programs that seek to make crime more difficult through changes in the
physical environment. The activism I chronicle in this chapter was focused on monitoring the police and other law enforcement institutions with the capacity to impact police brutality. Although many groups played important roles in these campaigns, I focus on four: the Afro-American Patrolmen’s League; the ACLU’s Ghetto Project; the Alliance to End Repression (and its police-work committee, Citizens Action), a participatory civil liberties organization; and the Chicago Law Enforcement Study Group, a research-for-action organization based at Northwestern. Linked with each other through shared institutional membership and common programmatic concerns, these organizations transformed the way citizens monitored the police in Chicago. They provided research, police, knowledge, legal talent, and—most importantly—citizens who represented interests not adequately recognized by the Daley organization, and created an infrastructure that the Police Department found itself increasingly unable to ignore.

In May of 1968, the ACLU hired Kermit Coleman to start up its Ghetto Project. The organization already had a long history of challenging police brutality, but its previous focus was on abstract protection and expansion of restraints on government power. By contrast, the Ghetto Project sought to “do nothing but represent ghetto residents in their fight for equal rights.” Coleman bridged the gap between black grassroots movements for justice and white liberals. As the first black staff lawyer the ACLU of Illinois ever hired, both the lawyer and the organization felt compelled to explain their mutual association. The

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6 “The ACLU and the Ghetto,” *Civil Liberties*, September 1970, ACLU 1973 Deposit 22-11. The Ghetto Project was part of the broader growth in the provision of civil legal services. The Office of Economic Opportunity would create a cadre of poverty lawyers, paid for by the Legal Services Corporation. Other lawyers would heed the calling of greater social responsibility in breaking off from the Chicago Bar Association and creating the activist Chicago Council of Lawyers.
ACLU magazine, *Civil Liberties* awkwardly explained: “Coleman finds that black militant groups do not denigrate his ‘white liberal’ connections or shun him because he represents the ACLU.” Similarly, Coleman explained to readers of *Muhammad Speaks*, “I don’t know any other group of white folks in this country (and in this city, in particular) who give as much hell to the established order as the ACLU.”

Over his four years with the ACLU, Coleman became a ubiquitous figure, handling more than 600 cases. As reporter Lu Palmer noted, in Chicago, “when ghetto residents face the awesome weight of what’s called justice in America … the accused’s first words are likely to be ‘Get Kermit.’” Tall, light-skinned, and slim, with an Afro that seemed to grow in volume each year, he was the unofficial general counsel for black activists—and the official counsel for many of them, including the Black Panthers and the Afro-American Patrolmen’s League. Robinson claimed, “Almost anyone active in any civil rights group in the 1960’s used his great legal talents.” Coleman was circumspect about the value of legal action; he recognized repeatedly that “the kind of work he is doing ‘won’t solve the problems that face that black community.’” Instead, he sought to open space for community action.

The Alliance to End Repression was “a new kind of innovative flexible people’s civil liberties movement.” Its creation was “directly sparked by the assassination of Mark Clark

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7 Ibid., 5.
12 Jack Mendelsohn, October 1971, Alliance 1-2.
and Fred Hampton in late 1969.” The organization’s animating spirit came from a trio of religious liberals: Jack Mendelsohn, a Unitarian Priest, John Hill, a Catholic priest, and Betty Plant, a Catholic nun. True to its name, though, it was an organization of organizations. As a representative from the Chicago Urban League described, it was “an interracial but predominantly white group of leaders from civil liberties, religious, peace, service and community organizations.” It brought together a wide variety of partners, such as the Contract Buyers League, the Japanese-American Association, the Nuns of Merrilac House, and the Amalgamated Meat-Cutters. If the Alliance skewed white and middle-class, it nonetheless prided itself on cutting across geography and demographics to “create a working coalition of a variety of organizations reaching from the inner city to suburbia” and to “unite the efforts of black and white, radical and moderate, young and middle aged.” By 1972, its efforts related to the police largely would be taken over by Citizens Alert, which not only outlasted its parent organization, but also was much more racially diverse.

The Alliance’s self-conscious cosmopolitanism was accompanied by a reformist political orientation. As the Rev. Mendelsohn explained to University of Chicago students, “The alliance is one of diversity which has not included those whose analysis of society

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16 Mendelsohn, October 1971.
17 Citizens Alert’s diversity was due to Ruth Wells, the Westside organizer who became its executive director in 1973. See John Hill, “Position Paper for Steering Committee Meeting” (Alliance to End Repression, July 31, 1973), Alliance 2-1.
includes destruction of its institutions.”

John Hill described the organization in a manner that touched on its complex image and organizational position: “We were a group of liberals with a radical name and a conservative style.” The distinction from organizations like the ACLU, or even the radical Committee to Defend the Bill of Rights, resided fundamentally in the Alliance’s description of itself as “a prime mover in this new concept of citizens’ participation …” This was an intimate form of activism that depended on personal contact and involvement. Accordingly, Alliance activists favored modes of action like “knowledgeable involvement in public meetings, sustained small group interaction with public officials, continuing education, litigation when appropriate and necessary, [and] volunteer police-community cooperative projects.” The organization was not geared towards building power but instead to opening up space for representative citizens to enter the seemingly closed loop of politics and governance. Despite being radically democratic, Alliance activists embraced these conservative tactics.

Finally, the Chicago Law Enforcement Study Group reexamined the civil liberties paradigm by questioning the barrier that the “objectivity question” interposed between study and action in the post-WWII university. The Study Group was housed at Northwestern University’s recently founded Center for Urban Affairs. Funded by the Ford Foundation, the Center was “designed to bridge the gap between basic research and clinical practice …” The project fell within the portfolio of the Center’s Assistant Director, John L. McKnight, former director of the Midwest office of the United State Commission on Civil Rights. The

frustration of change-oriented groups in the late 1960s with the effects of Chicago’s closed political system drove its creation. “They found that citizens’ groups were at a tremendous disadvantage in trying to deal with the managers and professionals who run large urban bureaucracies, and that the reason for this was the lack of specialized information.” Like the Alliance, Study Group oriented its efforts to providing entrée for citizens to break down the police barriers surrounding policy-making: “We have directed our research efforts towards the investigation of Chicago’s criminal justice system to provide a basis for community involvement in reform measures.”

These organizations each operated independently, but linked with each other in multiple ways. For example, the initial cluster of eight organizations that sponsored the formation of the Study Group included the Alliance and the ACLU, along with other flagship legal and social policy organizations; the AAPL would later join. The ACLU was also a founding member of the Alliance, which the AAPL also ultimately joined. More important was their functional interdependence. One memo, written for Citizen’s Alert when it proposed to take over the police-focused work of the Alliance in 1972, summed up the relationships. The proposal noted that in addition to playing a role on the Citizens Alert Board of Directors, the organization would rely in particularly on the “advice and council” of three organizations: “Consultation on police and community affairs will be provided by the Afro-American Patrolman’s League; legal services will be provided by the American Civil Liberties Union … In formulating specific reform objectives, Citizen’s Alert will utilize the

24 The others included the liberal legal organizations, Businessmen for the Public Interest, Chicago Council of Lawyers, Community Legal Council, Lawyer’s Committee for Civil Rights Under Law, and the Legal Aid Bureau of United Charities of Chicago, as well as the social policy organizations, Chicago Commons Association, Community Renewal Society, and Leadership Resource Program. “Memorandum of Understanding Governing the Chicago Law Enforcement Study Institute (Draft),” 1970, CUL II-243-2442.
research capability of the Chicago Law Enforcement Study Group.” In addition to this, of course, Citizens Alert drew on the expertise of the Alliance’s John Hill “as a consultant on community organization strategy and tactics.”25 The experience of the prior two years—of working in parallel and in concert—taught that Citizens Alert could maximize its capabilities through networked action.

**Shaping Knowledge**

On December 12, 1969, Cook County State’s Attorney Edward Hanahan held a press conference to address skepticism about the exclusive story given to the *Chicago Tribune* by the police officers that killed Fred Hampton and Mark Clark. Despite much evidence to the contrary, he maintained that the officers had taken heroic action defending themselves under gunfire from the Panthers. The press conference was a vintage Hanahan performance. Questioned about evidence that cast doubt on the veracity of the police narrative, the State’s Attorney turned incredulous. “I would have thought our office is entitled to expect to be believed by the public,” he fulminated. “Our officers wouldn’t lie about the act. I’m talking about the credibility of our officers here and myself.”26 With nothing left to fall back on except his office, he stomped out.

This was not bluster. It was how things worked. In most cases, it was exceptionally difficult to challenge the State’s Attorney and the Police. This began with the production of evidence. Law enforcement institutions turned crime scenes and witness recollections into

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25 Alliance to End Repression, “Citizen’s Alert: A Proposal for Police Reform in Chicago.”
evidence and they often controlled access to inchoate evidence. To substantiate a charge of police brutality, a complainant had to be able to offer convincing proof. Problems ranged from lack of any evidence, in some cases of police homicide, to questions of credibility and corroboration. Police brutality often occurred, like the work of policing, in low visibility environments. (The “rough ride” in the back of a squadrol is a classic example.) The most frequent witnesses to police brutality were other police officers. When civilian witnesses existed, their statements—if heard at all—rarely carried the same evidentiary weight as the testimony of the officers they challenged. Physical corroboration did not often exist. Regardless of the truth of law enforcement claims, it often was quite difficult for brutality victims to prove them false.

The Panther case demonstrated the advantages law enforcement had in influencing media portrayals of events. They typically presented the first, and sometimes only, version of a story to the press, under conditions of their choosing. In shaping public narratives through the media, law enforcement institutions managed the evidence to support their explanations of their behavior. The morning of the Panther raid, for example, the State’s Attorney offered a credible portrayal of the life-or-death circumstances in which the police officers found themselves. It was made more convincing because he gave it from behind a table covered with piles of guns and ammunition supposedly recovered from the apartment. This visual affirmation of Panther viciousness was enough to convince the Sun-Times to bury the day’s only highly skeptical story; also, the only one written by a reporter who had actually visited the crime scene. It initially appeared that the Panther murders might quickly disappear as a matter of governmental concern, as had other suspicious killings of young black men by police that preceded this event.
Beyond the presentation of evidence and the timing of its dissemination, the press also had a relationship of comfortable coexistence with both the Department and the Democratic organization. At its worst this involved outright collusion between a regular network of reporters and the Police “subversive section,” or red squad, which spied on just about every activist in Chicago from 1960 to 1975. In this arrangement, civil libertarian Frank Donner described, “reporters, in exchange for favorable press coverage, received information about targets or activities in disfavor with the red squad.” Otherwise, newspapers generally reproduced the police self-image as the defenders of law-and-order and maintained a skeptical distance from claims of police brutality until the end of the 1960s.

Don Moore, a staff attorney for the ACLU of Illinois, noted in 1963, “The newspapers have not been an important factor, except for sporadic outbursts in connection with particular cases—every three or four years.” He criticized them as “indifferent, bland, unconscious, sometimes, hypocritical. Strong language, but, I think, justified.” Later in the decade, Donald Mosby at the Chicago Defender, would prove an exception, fighting “a lone battle against police brutality … in those days—1966, ’67, ’68, ’69—[he] was the only reporter on

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27 Former Alderman Robert Merriam argued that the newspapers used to play “a more independent active role than they do today. They were still, in the 1940s, supportive of someone trying to propose something for the improvement of the city. They all made their peace with Mr. Daley. They sally forth now and then, and get very indignant, but by and large they don’t seem to want to rock the boat.” Milton L. Rakove, “Interview with Robert Merriam,” in We Don’t Want Nobody Nobody Sent: An Oral History of the Daley Years (Bloomington, Ind.: Indiana University Press, 1979), 262–263.

28 Frank J. Donner, Protectors of Privilege: Red Squads and Police Repression in Urban America (Berkeley: University of California Press, 1990), 90–91. Police spies concentrated on Left and liberal activists, but their net was exceptionally broad. They maintained files on a wide range of establishment figures, too, including longtime Daily News columnist Mike Royko, heavy-weight corporate lawyer Albert Jenner, Chicago Bears star Gayle Sayers, Sears, Roebuck Chairman Arthur Woods, University of Notre Dame President Ted Hesburg, seven black Illinois state legislators, and many, many others. Ibid., 95. The unit held files on more than 117,000 locals, 141,000 out of town subjects, and 14,000 organizations. Ibid., 92.

29 Referring specifically to the Chicago Tribune and Chicago Today, Donner, Protectors of Privilege, 139.

30 Donald P. Moore to Thomas B. Morgan, April 21, 1963, ACLU Papers V-80-10.
the case in this town.”31 Until the early 1970s, the historically white press kept “police brutality” in quotes.

The extraordinary manner in which the Panthers challenged the State’s Attorney’s story underscored the difficulty of the undertaking. The Panthers’ access to potential evidence in the apartment at 2337 W. Monroe Street made this possible. The Police left the apartment unguarded a few hours after the raid, and no one it sealed off for two weeks.32 According to Hanrahan’s assistant, Richard Jalovec, this was standard operating procedure. He noted, “in retrospect, it is easy for me, too, to say this should have been sealed off, [but] it is something that is not normally done and was not done that morning.”33 The surviving Panthers and their lawyers had an apartment full of blood and bullet holes to substantiate their tale. They fashioned evidence and a persuasive account out of the chaos the raiders left behind.34

The Panthers’ access to this evidence provided the foundation for an immersive, almost theatrical production of their counter narrative. They used the Monroe Street apartment to re-stage the story of the assassination. Their tours of the death scene were the cellphone videos of their day, and they provided powerful witness to the conditions of the killing. Their authors presented a visceral experience of death: “there was blood everywhere.

32 Evidence does not just exist. It must be fashioned through purposeful human action.
33 “Report of the January 1970 Grand Jury” (United States District Court for the Northern District of Illinois, 1970), 41. Jalovec testified, “in … talking to Commander Flannigan, the head of Homicide, when we talked about sealing the apartment—and he has been head of Homicide in Chicago for 20 years—he said he doesn't know of one instance where an apartment was sealed.” Quoted in Ibid., 40.
34 During the two weeks after the raid, Panther lawyers catalogued ten boxes of evidence from the apartment. Flint Taylor, Eyes on the Prize II Interviews, October 18, 1988, Washington University Film and Media Archive, Henry Hampton Collection, http://digital.wustl.edu/eyesonthetrize/; Haas, The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther.
There was blood on the mattress right where he was killed, young man didn’t get up and
shoot anybody because he was killed on the mattress, sleeping! On the mattress, and we saw
that. Oh, lord …”35 Visitors left with few doubts about the general course of events.

“[G]oing into the house and looking at all, all the gunshots, the, the bullet holes, um, how
they had tore the whole house up, everything, it was, it was, it was obvious it was an
invasion.”36 The Panthers’ story made sense of the scene: “Hampton was killed in his sleep;
that after the shooting began he rolled over and protected Deborah Johnson, giving his life
to save hers; that he was shot through the door; that he was shot through the window; that
the pattern of bullet holes showed the police had done all the firing …”37 The tours of the
apartment did not bring Hampton and Clark back to life but they did reanimate their deaths.

Using the death scene to contest the police account, the Panthers reversed the State’s
Attorney’s institutional advantages. Their vérité presentation of the “shoot in” pulled back the
curtain on the regular surreptitious staging of evidence undertaken by law enforcement
institutions outside of public notice. Daily News columnist Mike Royko responded to his visit
to the apartment with an acerbic column on December 10. The iconoclastic voice of white,
ethnic Chicago lampooned the State’s Attorney’s false piety in declaring that his men
escaped unharmed only by “the grace of God.” “[I]t does appear that miracles occurred,” he
mocked. “The Panthers’ bullets must have dissolved in the air before they hit anybody or
anything. Either that or the Panthers were shooting in the wrong direction—namely, at

35 Nancy Jefferson, Eyes on the Prize II Interviews, interview by Judy Richardson, October 22, 1988,
Washington University Film and Media Archive, Henry Hampton Collection,
http://digital.wustl.edu/cgi/t/text/textidx?c=eop;cc=eop;q1=fred%20hampton;rgn=main;view=text;idno=jeff5427.0754.076.
36 Marion Stamps, Eyes on the Prize II Interviews, interview by Madison Davis Lacy, Jr., June 3, 1989,
Washington University Film and Media Archive, Henry Hampton Collection,
http://digital.wustl.edu/eyesontheparize/.
Royko’s corroboration of the Panthers’ story revealed how easy it had been for Hanrahan and the Police to promote their story in the first place and redoubled the embryonic skepticism of the press.

The State’s Attorney’s attempts to provide a convincing rebuttal to the Panthers’ dramatic theater only emphasized the artifice of his presentation and drew attention to his own stagecraft, furthering the demand for an independent inquiry. On December 11, he convinced the Tribune and WBBM-TV to run “exclusive” stories—a take-it-or-leave it proposition that required them to accept the officers’ accounts as given by the officers. The WBBM broadcast was a reenactment of the events, “a television spectacular … acted out by the policemen who did the shooting.” The police built a mock-up of the apartment in which the men walked through the raid one-by-one over 28 minutes. The Tribune made an embarrassing mistake by misidentifying two nail heads in a doorframe as Panther bullet holes in blown up picture on its front page. More important, though, was the desperation Hanrahan showed in endeavoring to control the narrative. By taking the extraordinary step of giving such exclusives, he revealed what went on everyday, behind the scenes: law enforcement institutions exercised tremendous control over knowledge.

Citizen Knowledge

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39 The federal grand jury did “not understand how the right to a fair trail can ever be guaranteed when the major prosecution witnesses all give a detailed testimonial re-enactment.” “Report of the January 1970 Grand Jury,” 118.
The production and dissemination of knowledge was a key tactic in the interlinked relationship between law enforcement and political power in Chicago. “The veil of secrecy over police matters,” anti-brutality crusader and Congressman Ralph Metcalfe declared, “is one of the hurdles we are trying to overcome.” Only in moments of rupture did the glare of public scrutiny part the curtain over police activities. In ordinary cases and on a daily basis, information about nearly every aspect of police behavior remained relatively shrouded. Nor was access the only problem. Evidence of the governing rationality of the Democratic Party in Chicago can been seen as clearly in what its law enforcement institutions chose not to know as in what they kept from the public. Not knowing was as significant an act as not sharing, for it operated to sanction particular behaviors. Secrecy redoubled the problem, as what the Police Department knew remained nearly always an open question.

By drawing attention to the production of knowledge, the Hampton-Clark case helped to produce a legacy of citizen inquiry that shapes what we know today as we look back on policing in the 1970s. Much of my own understanding comes from the archives of the Chicago Law Enforcement Study Group. Time and again they fought for access to information. For example, the “major barrier” to figuring out whether there was a pattern of racial discrimination in the transferring of juveniles to adult court was “[a]ccess to a list of the juveniles transferred during the last two years …” Similarly, the principle problem in

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41 Neither the city nor the state had a freedom of information law in 1970.
42 To understand what police do, we need statistics down to the beat level as to when and where police interact with people, from a “consensual” interactions, to street stops, to an arrests, all the way through prosecution. There may be legitimate concerns about the burden that the collection of such information puts on the Police Department and disputes about the Police’s responsibility for providing such information to the public; there can be no doubt, however, about the value of producing knowledge down to this level of granularity for understanding police activity.
examining the State’s attorney’s failure to prosecute police for homicide was “the access to public records.” With the Study Group and its sponsor organizations frequently running up against this wall, its no surprise they turned to “a general discussion of the problem of access to public information. Most of the representatives agreed it would be a recurring problem … It was suggested that the LESG consider a continuing project in the area of disclosure of public information.”43

What aspects of police behavior were knowable in 1970? The single best source of information on the Department’s law enforcement activities was its *Annual Report*, although it still omitted crucial details.44 The Department had an Information Division as the point of access for questions, but it had limited resources and even less knowledge. The Municipal Library seemed like it ought to be useful, but police administrators read the municipal ordinance that required them to send their publications there narrowly and excluded materials like the Department’s Annual Report on homicide. Nowhere could interested persons obtain a complete, indexed, collection of departmental rules and regulations. Nowhere could they find a comprehensible budget. Nowhere could they find a list of studies of the Police Department. (Although if they knew the name of a study, it was probably in the Municipal Library.) Perhaps most importantly, nowhere could they find reliable answers to questions about police practices.

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43 “Advisory Committee to the Law Enforcement Study Group Meeting Minutes” December 16, 1970, CUL III-172-1874.
44 Ralph Knoohuizen, *Public Access to Police Information in Chicago* (Chicago: Chicago Law Enforcement Study Group, 1974), 24. There was little or no information on: crimes and arrests by district; the disposition of arrests; the numbers and types of arrests by special police details; police dealings with juveniles; the discharge of firearms; the wounding or killing of police officers or civilians by police officers; and the disposition of complaints against police officers.
Police behavior kept evidence of police brutality out of the public eye. In part, this involved avoiding creating evidence in the first place. Renault Robinson and Kermit Coleman recommended that victims not file charges with the Internal Affairs Division. Robinson argued, “Not only is the IAD a whitewash operation, but they will take statements from victims and use them to prepare a defense in case a civil suit is filed against the city and the police department.”45 In other cases, police avoided investigations by convincing complainants to drop their cases. This was usually the product of a “charge swap”: the police dropped the charges lodged against arrestees—disorderly conduct, resisting arrest, and assault—in exchange for the arrestees dropping their brutality complaints. Courts often facilitated such exchanges. One judge admitted, “A court like mine can’t affect the actions on an [Internal Affairs] complaint.” Nonetheless, once the defendant agreed to such an exchange on the record, “He doesn’t think he can pursue the complaint.” Such encouragement was “a little secret of the trade’ used by judges in order to alleviate crowded court dockets.”46 If earnestly held, this belief was nonetheless incorrect: this type of docket traffic was unnecessary and, in fact, abetted by just such schemes.

Even when Internal Affairs sustained brutality complaints, it kept them quiet. Discipline cases became public only when the requested discipline was over twenty-nine days of suspension and the case went before the Police Board. Otherwise, Internal Affairs was extremely secretive, even refusing information to the brutality complainant. Many survivors complained that they were never informed of the disposition of their cases, even when the Department sustained their allegations. Where they were notified, it was by a form letter that omitted the officer’s punishment. Instead, letters read, “the policeman will be ‘disciplined

Director Alfred Conrad explained this policy to the *Chicago Tribune*. “You don't want to ruin morale,” he argued. “If a policeman is disciplined and you publish it, then his family knows it, his neighbors know it, and he is disgraced in front of his children.”

All of the citizen efforts aimed at reforming the system; few sought to disgrace individual officers in front of their children. The most conventional of these was the Study Group’s efforts to research the use of lethal force by police officers, a field of study that was as yet in its infancy in 1970. Their work testified to epistemological uncertainty of its production, as the Police Department refused to share any information on police homicides—not even raw numbers. The Study Group’s archives reveal the doggedness with which the organization assembled all publically available data on each killing. Unlike run-of-the-mill police brutality cases, some public records on these homicides existed: there were aggregate statistics collected by the Police Weapons Center of the International Association of Chiefs of Police, as well the records of inquests into the cause of death convened by the Cook County Coroner. Chicago’s newspapers provided invaluable details, and researchers meticulously combed them for scraps of information. This did not stop Superintendent James B. Conlisk from later criticizing the Study Group for peddling factual inaccuracies.

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48 “Conlisk Assails 'Trigger Happy' Report,” *Chicago Tribune*, April 17, 1972, 3. Conlisk supplied Leon Despres with higher figures of police homicides in other cities: double in New York (45, 21) and Los Angeles (16, 8); and four-and-a-half times as many in Detroit (18, 4). Leon M. Despres to Friends, June 6, 1972, Despres 147-1.
This amounted, in the words of spokesman Marshall Patner, to criticizing the Group “because it does not furnish information that the department refused to provide.”

Although its authors framed *The Police and Their Use of Fatal Force* as a “first step,” it did not prevent them from reaching number of provocative conclusions about the use of lethal force by Chicago Police. Using rudimentary statistical techniques, the Study Group pointed to three correlations. Chicago Police shot and killed more civilians than police in other cities: “the Chicago civilian death rate was over three times that of New York, Los Angeles, and Detroit, and 1.5 times that of Philadelphia. Controlling for arrest rates, size of police force, and police death rate does not explain Chicago’s relatively high civilian death rate.”

Black Chicagoans were more than six times as likely as white to be shot by police: fifty-nine of seventy-nine people killed by the police over the study period were black. This over-correlation remained even when the disproportionate black felony arrest rate was taken into account. Finally, the *Fatal Force* Report concluded that the four review institutions (Police, State’s Attorney, grand jury, and Coroner) failed to address evidence of police misconduct.

While the *Fatal Force* Report substantiated the lines of criticism pursued by many critics of police use of force, anti-brutality activists had a hard time recognizing its full significance. Russell Meek bluntly argued that the report simply codified common knowledge: “Everyone knows that white police kill blacks with little or no provocation and it

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51 There was substantial evidence of police misconduct in 35 percent of the 79 cases during 1969 and 1970, but public officials took action in very few. In ten cases, the authors concluded that potential criminal misconduct existed; only three were presented to the grand jury. Ralph Knoohuizen, Richard P. Fahey, and Deborah J. Palmer, *The Police Use of Fatal Force in Chicago* (Chicago: Law Enforcement Study Group, 1972).
should be called genocide at worst and murder at best.”

Renault Robinson’s slightly more diplomatic response affirmed the same basic conclusion, “The Report contained a great deal of information, that we of the AAPL, and people in the black community have known for years.”

If the report highlighted felt-truths that black nationalists, liberals, and radicals commonly articulated, it went well beyond them. Just the act of trying to account for all police killings made the report new. To understand the police exercise of lethal force, after all, it was necessary to understand the many instances in which the report’s authors concluded that there was little question about the legality of the officers’ use of force. By the Report’s count, 87 percent of killings did not involve a question of potential criminal charges. By revealing the massive scope of the killing—seventy-nine deaths in only nine months—the Report laid bare the scope and scale of the shootings, even apart from any adjudication of fault in a particular incident. The Fatal Force Report revealed that Police Department committed an equivalent dereliction of duty: not making police homicide knowable.

Policy research created one kind of knowledge. Black activists created a different type through social infrastructure. Both the Afro-American Patrolmen’s League and the Urban League’s Action for Survival program set up intake hotlines. The Urban League

52 “Asks City to End Killing of Blacks: Community Focus,” Chicago Defender, April 1, 1972, 3.
described its “Survival Line” as a “monitoring system.” They created it to “help the Black community to find ways to police the police so that they will be accountable to the community, to end crime in our streets and to provide an effective network among Black people in Chicago.”\textsuperscript{54} The Line’s creator speculated that “based on the calls, we could begin to see a pattern of the type of repressive acts taking place in the community… we would have the facts to show exactly what is happening to us—the type of police service we are getting as well as the lack of service.”\textsuperscript{55} During the first year that the Survival Line was up and running, 30 percent of the calls coming in dealt with “criminal action and police brutality.”\textsuperscript{56} Many of these cases of brutality were referred to the Afro-American Patrolmen’s League’s Police Brutality Complaint and Referral Service, which also did its own intake, for assistance.\textsuperscript{57}

The principle purpose of the intake lines was help individuals respond to state violence, but they also came to serve collective purposes. In the summer of 1972, U.S. Congressman Ralph Metcalfe held a “blue ribbon” panel on the misuse of police authority in Chicago. Metcalfe’s hearings drew upon many different resources from within the network of police reformers Jack Mendelsohn of the Alliance, and John McKnight of the Study Group both sat on the panel. Kermit Coleman served as general counsel for the hearings and wrote the panel’s report, which the Urban League printed and distributed. The most

\textsuperscript{54} Communications Department to All Staff, “Survival Line,” July 10, 1970, II-241-2414.
\textsuperscript{57} As early as 1969, Robinson met with attorneys from the Chicago Council of Lawyers to create a formal program. Joel Henning, “Police Abuse and Brutality Project of Chicago Council of Lawyers and Afro-American Patrolmen’s League,” August 8, 1969, AAPL 3-9. A $10,000 grant from the Wieboldt Foundation made the launch of the group possible. League to Improve the Community, “Police Brutality Complaint and Legal Referral Service: 1972 Reort,” January 1973, 4, AAPL 100-2. In 1972, for example, the League categorized the 880 cases that it handled as follows: police brutality (306), police harassment (158), police abuse (230), lack of service (65), property taken or bribery (9), and, even, non-police incident (112). Police Brutality Complaint Program and Legal Referral Service of the League to Improve the Community, 1972 Report (Jan. 1973), Attachment #1, AAPL 100-2
important contribution to the hearings were the citizen witnesses who testified to their experiences—or those of family members—at the hands of the Chicago Police. For two days, they offered stories of abuse that took on great collective weight through their aggregation. Many of these witnesses came from the Urban League and Patrolmen’s League intake services.58

Metcalfe’s hearing flipped the usual direction of law enforcement inquiry. It was not an investigation of the people who appeared before the blue ribbon panel. Instead, the members of the panel served as both interlocutors of and representatives for the witnesses in turning scrutiny onto law enforcement. As in the Black Panther case, this inverted the usual presumptions. Renault Robinson went further, using his weekly op-ed column in the Chicago Defender, “The Black Watch,” to try the police for their treatment of people who came to the League for assistance.59 Like Metcalfe and the Study Group, Robinson used the information about individual instances of brutality to make the case that a structural problem existed. But, as the Internal Affairs chief feared, Robinson sought to disgrace brutal police officers. He took the disgrace and shame felt by survivors of brutality, as well as black policemen who operated within a system that condoned such brutality, and turned it back against its source.

It was one thing to indirectly violate the “blue wall of silence” by speaking in general terms about police racism and brutality as the AAPL head often did. It was something else to tell specific tales in this variety of ways. Robinson styled one column in the form of a police report:

CRIME: Rape & Robbery

59 Robinson’s column ran for approximately 3 years.
VICTIM: A black woman, mother of two girls

OFFENDERS: Three white uniformed patrolmen:

1. 6'2", 175 of 180 lbs., blonde with a shag haircut, side burns. …
2. 5'7", about 150 lbs., black hair, thick mustache and eyebrows. …
3. 5'7", a little stockier than the driver, champaigne [sic] blonde (or sandy) wore thick prescription glasses (frames).

DATE OF OCCURRENCE: Saturday, June 16 1973

TIME: 3:45 A.M.\(^{60}\)

He gave other shocking descriptions of the abject inhumanity with which police treated people, especially black women. In relation to the rape described above, he noted “while they raped her [the three officers] kept calling her nigger bitch.”\(^{61}\) He detailed the humiliation of another woman, beginning with a minor traffic stop and ending in the 115\(^{th}\) Street Station, where “After two hours of begging to go the bathroom, I couldn’t hold it any longer and was forced to urinate on myself … All three [officers] roared with laughter at this act as though it were a joke.”\(^{62}\) On a third occasion a police officer arrested a twenty-four year old, pregnant woman. He “handcuffed Miss Hill. He beat her, and kicked her in the stomach. Miss Hill eventually lost her baby because of the beating.”\(^{63}\)

In his columns, the AAPL chief took a no-holds-barred approach to fellow officers. He named names: Officer James C. Amendola “beat[] Mrs. Lavelle Rogers, a black woman, [and]…


\(^{61}\) Ibid.


\(^{63}\) Robinson, “The Black Watch.”
after he had answered a call to her apartment.” When Richard Leftridge tried to step in, “Officer Amendola, and four other white policemen then turned on Leftridge, and beat him so badly he lost one eye.”\textsuperscript{64} Similarly, “Patrolmen John Rafferty, Start Number 4375, … a white policeman who works in the 6\textsuperscript{th} District … Officer Rafferty’s favorite past time is beating and kicking, and cursing black women in his district. In fact he is so fond of beating and abusing black women he has beaten the same black woman on more than one occasion.”\textsuperscript{65} Robinson’s radicalism consisted not in his character of his beliefs about reforming the police but the dramatic ways in which he was willing to violate the norms of police loyalty to fellow officers in order to prove his loyalty to other black Chicagoans.

Robinson’s writing reflected the network of resistance that grew up around the League. In piercing the blue wall of silence, Robinson advanced the notion that black police could be the protectors of black communities and, particularly, black women. The problem of police brutality was—and is—often conceived in terms of violence done to black men. But Robinson’s stories were artful constructions that allowed him to navigate the particular challenges created by the ideology of black masculinity that League officers embraced. Writing about black men abused by the police was dangerous, because romantic notions of resistance undermined men’s ability to be sympathetic victims. (Indeed, that Police attacked the Panthers in their sleep allowed them to escape from this bind.) By putting black women’s vulnerability at the center of his columns, Robinson was able to represent blackness as vulnerable by its relation with the police department. But he also provided a way out: His columns enacted his claims about black policemen’s loyalty to black people over blue uniforms. Like all forms of community-building, this one contained hidden (or not so

\textsuperscript{64} Renault Robinson, “What’s Wrong with City’s Police Boss,” \textit{Chicago Defender}, April 10, 1972, 8.
hidden) forms of domination. In the act of giving voice to black women’s grievances against the police, he also silenced them as actors. The black male cop, articulating these grievances, became the agent for redemption, rather than the women themselves as actors.

The Anatomy of a Cover Up

Creating knowledge, or refusing to do so, was critical to the Police Department’s policy of hiding brutality. Activists contested this by using their locations—within communities, the university, Congress—to try and produce their own knowledge. Institutions did more than just produce facts. They told narratives that used those facts, and then corroborated them. For example, in a police homicide case, four different institutions reviewed the action of the officer in Chicago in 1970: the Police Department, the State’s Attorney, the Coroner, and a grand jury. As the Study Group speculated, “The presence of four reviewing bodies would normally lead to the presumption that police use of fatal force is thoroughly scrutinized.”66 This idea is engrained in basic theories of American adversarial justice. Legal scholar Richard Leo argues adversarial justice relies on a division of labor, pitting the prosecution against the defense with the judge as an impartial referee and on division of functions separating investigation, prosecution, adjudication, and punishment.67 The presumption that the four institutions would adequately review police homicides relied on the notion that they checked each other’s power. The police were responsible for investigating crimes and developing evidence. The state’s attorney, responsible for prosecuting crimes, decided whether this evidence was sufficient to present an indictment to

the grand jury and used it to conduct the prosecution. The grand jury provided an independent review of the prosecutor’s decision-making, deciding whether to indict a suspect. Finally, the coroner’s investigations of the cause of death were orthogonal to, and cut across, the others.

In reality, these institutions reinforced the decisions of police officers in cases of homicide. The presumption of independent scrutiny “[w]as compromised by the interdependence of the four bodies.” Their findings, the Study Group concluded, “tended to interlock.”68 The most egregious example was the detailing of police officers to the State’s Attorney’s office as part of the Special Prosecutions Unit, literally merging investigation and prosecution. Less extreme examples of interdependencies were numerous. As Leo notes, detectives regularly adopt a highly partisan and strategic conviction psychology in which they decide who is guilty and thoroughly “align[ ] themselves with the prosecution in orientation and goal.”69 Because prosecutors are entirely dependent on police officers, they lose their incentives to make independent judgments of the evidence. The Chief Judge of New York, Sol Wachtler famously complained, “district attorney’s now have so much influence on grand juries that ‘by and large’ they could get them to ‘indict a ham sandwich.’”70 Similarly, most coroner’s inquests in Cook County in the early 1970s had a single witness: the investigating police officer.71

69 Leo, Police Interrogation and American Justice, 23.
In Chicago, a tight network of political interest and affiliation sustained these institutional dependencies. Ensuring coordination did not require a firm hand from City Hall. Shared beliefs, habits, practices, and goals amongst men produced it. High-ranking law enforcement officials (cops, state’s attorneys, etc.) perceived events and acted in response to them in relation to their understandings of Democratic politics. This was a practical sensibility whose contours accorded with the nature of bureaucratic action in government dominated by a single, hierarchically constituted political party. Such coordination was the manifestation of the structural logic of party governance in their individual behavior. The training of the men who ran these institutions habituated them, and regular processes of interaction with their counterparts reinforced their habits of mind and action. These sensibilities filtered down to uniformed officers. In a city where the vast majority of patrolmen believed one needed a political sponsor to advance, can there be any surprise that men acted with the political effect in mind? “Don’t make no waves,” was the first rule of the Party. But police behavior did make waves, and the men trying to calm them usually responded in ways that accounted for their understanding of political consequences. That being said, their grasp of political consequences was often much less sophisticated than Mayor Daley’s.

In responding to the Black Panther murders, law enforcement institutions engaged in their habitual practice of reinforcing police claims. A profusion of inquiries, both official and

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unofficial, took place over the next two years.\textsuperscript{74} Community based investigations were one path by which anger, fear, and a desire for accountability manifested at the grassroots. But the demand for justice extended beyond the creation of community solidarity around a counter-narrative. A grand jury, the Police Department’s Internal Investigations Division, and a Special Coroner’s Inquest all completed their investigative or prosecutorial actions within two months after the incident. Jerris Leonard, United States Assistant Attorney General for Civil Rights, convened a special federal grand jury, which finished its work in May 1970. The case finally ended with the appointment of a special Cook County prosecutor and a special grand jury; the trial that resulted was not over until November of 1971.

Although collectively the investigations provided some answers as to what happened in the Monroe Street apartment, they are more useful as a map of the various strategies that institutions used to protect their interests. For the local institutions, that meant protecting the State’s Attorney, the Police Department, and the Democratic Party. For the Department of Justice, it was in shielding the federal involvement in the Panther murders from public scrutiny. The divergent nature of their actions was a mirror of these contradictory desires.

The Police Department’s Internal Investigations Division provided one model for the exercise of power, a barely disguised assertion of police prerogative. Following Supt. Jim Conlisk’s orders to investigate the raid, the Internal Investigations Division Produced a report nine days later. Conlisk’s terse two-sentence press release recounted its conclusion that the officers did nothing wrong. Even the \textit{Tribune}, which ran the officers’ exclusive a

\textsuperscript{74} Five members of the Congressional Black Caucus, Charles Diggs, John Conyers, Bill Clay, Louis Stokes, and Adam Clayton Powell, Jr., held a daylong hearing and visited the crime scene on December 20. The Panthers held a “People’s Inquest” at which the survivors testified to a jury of their peers. The National Emergency Conference to Defend the Right of the Black Panther Party to Exist assembled in Chicago from March 6 to 8, with more than 500 attendees. Roy Wilkins and Arthur Goldberg (later to be replaced by Ramsey Clark) put together a Commission of Inquiry into the Black Panthers and the Police, which would issue a thorough report in 1973.
week earlier, was skeptical, headlining its story, “Police ‘Clear’ 14 in Panther Raid.”

Completed in a matter of days, with no public participation, the report convinced no one.\textsuperscript{75} It was, as the special grand jury revealed, a product of fantasy rather than investigation. Sgt. John Meade, a former State’s Attorney, used the television re-enactment to prepare questions, then preparing answers with three of Hanrahan’s assistants and Sgt. Daniel Groth, the commander of the raid. These men then briefed the other officers before interviewing them. Capt. Harry Ervanian, head of the Internal Investigations, admitted that “the investigation was not ‘complete,’ that the circumstances had not been developed ‘with any great degree of accuracy,’ that it was an ‘extremely bad’ investigation, and that it would not be unfair to conclude that it was ‘nothing but a whitewash.’\textsuperscript{76}

The Special Coroner’s Inquest represented a contrary strategy that responded more directly to the crisis of authority. In the weeks after the raid, resolutions came from all quarters, including from inside the Democratic Party and the downtown establishment, calling for an extraordinary inquiry “to restore the public confidence which has been shaken by these events.”\textsuperscript{77} These calls aimed to reestablish public faith in government, an object altogether different than the justice demanded by those most critical of the State’s Attorney and the Police. Chicago Bar Association President Frank Greenberg argued that any


legitimate investigation needed to be “open to the press and participated in by representatives of the black community …” Even the Mayor agreed. Repeated experience with political scandal taught him when and how to distance the Party, and a controlled public inquiry seemed appropriate. Despite his continued backing of Hanrahan personally and politically, the Mayor concluded, “It is necessary that an orderly and complete investigation by an impartial body receives everyone’s cooperation so that all doubts may be resolved.”

Rather than creating a new procedure, the Democrats adopted the coroner’s inquest as the vehicle for the inquiry. Bar President Greenberg, suggesting it, describing the inquest “as the only existing instrument within our framework of law, by which the necessary open investigation can be carried out.” The coroner’s office, and his inquest, was an institutional survival from an earlier era, whose task it was to affix the cause of death in cases of “unknown or suspected undue causes.” Inquests employed six person juries, giving them a familial resemblance to a criminal trial, but they were emphatically “not a judicial proceeding.” Inquisitorial, rather than adversarial in nature, they lacked the evidentiary rules

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81 The coroner’s duties derived from statute as well as tradition. Ludvig Hektoen, “The Coroner (in Cook County),” in Illinois Crime Survey (Chicago: Illinois Association for Criminal Justice, 1929), 377. It investigated approximately one in five deaths in Cook County. Most were “[a]uto accidents, deaths due to drug reactions and unattended deaths…” Murders made up just seven to nine percent of all investigations. Charles B. Cleveland, “Chicago: Can Dr. Stein Make the New Medical Examiner’s Office Work in Cook County?,” Illinois Issues, January 1977, 30.
82 Constitutional Convention Bulletin No.10: The Judicial Department, Jury, Grand Jury and Claims Against the State (Springfield, Ill.: Legislative Reference Bureau, 1920), 812. Lawyers were “shocked by the way the inquest was conducted.” Irregular procedures led to humorous reporting. This, from the Tribune: “[Deputy Coroner Cornelius] Dore overruled [lawyer] Moore, contending that inquests are not bound by courtroom rules.” “Argue Inquest Procedure at Shooting Quiz,” Chicago Tribune, August 2, 1958, A7. Coroners also complained about
governing a criminal trial and proceeded largely at the presiding coroner’s discretion. Lawyers representing the decedent’s family were regularly allowed to participate, although the presiding coroner controlled the number and type of questions that might be asked on cross-examination.

While the public nature of the inquest and the possibility of inclusive participation gave it potential legitimacy, it was hardly a neutral forum. The Coroner was an elected position, no less influenced by political imperatives than any other official. Moreover, for nearly two decades, anti-brutality lawyers repeatedly tried to leverage the inquest’s potential for publicity and participation and were almost never successful. No one was less optimistic about the procedure than Kermit Coleman. From 1968 to 1972, he became a specialist in representing families of the dead before the inquest, taking on at least twenty-five cases. He never won. As he noted in the aftermath of the shooting of a nineteen-year-old lawyer “‘trying to make a circus and a brawl out of the inquest … [and] obstructing the efforts of the coroner to determine what happened in this case.” “Lawyers Tangle at Inquest in Love Triangle Slaying,” Chicago Defender, October 27, 1958, 9.


Researchers witnessed the coroner threaten not to allow cross-examination in order to cut off a line of questioning. Ultimately the lawyer was forcibly ejected from the inquest. Fahey and Palmer, “An Inquest on the Cook County Coroner,” 28. Witnesses had a statutory right to a lawyer. Illinois Revised Statutes, 1967, chap. 31, para. 18.1.

Republican County Coroner Walter E. McCarron, by claiming that in Republican hands his office could be “a hard hitting investigative branch of local government.” Buck, “Coroner McCarron—Nobody Bosses Him,” H34. With a Republican coroner, “the people of Cook county are assured that in law enforcement they are provided with the check and balance system of our democratic form of government.” “Sketches of Two Candidates for Coroner: McCarron Seeks Relection,” Chicago Tribune, October 27, 1956, 6.

old black boy, “he was not surprised by the jury’s verdict, since ‘every police killing in this city for the last 75 years has been justified.’”

The Coroner publically distanced the inquest from politics. He handpicked a racially-balanced jury (three black and three white men), choosing professionals free from political involvement. Moreover, he appointed former Assistant United States’ Attorney Martin Gerber to preside as a special deputy coroner. Nonetheless, Gerber also gave a hint of just how the inquest might be wielded for political effect, which followed up on Daley’s emphasis on “everyone’s cooperation.” Knowing that the Panther’s stated intention not to testify, Gerber declared, “If there is not a full hearing, only those who refuse to testify will be responsible.” This was the political catch. Like all of the available state-sponsored legal processes, the inquest put the Panthers in a bind. Participate and potentially legitimize a whitewash. Refuse and be blamed for allowing the State’s Attorney and the Police to walk. Circumstantial evidence suggests that the Corner preferred to lay blame on the Panthers by not having them testify. When they refused to answer questions, he did not seek a judicial order for them to do so on penalty of contempt, which would almost certainly have been granted. He did have one of their lawyers jailed for contempt, though, for refusing to

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89 The Panthers likely had no legal ground to avoid testifying because they refused to plead their right not to incriminate themselves, arguing that they were innocent. William Chapman, “Panther Guns Untested for Prints, Police Say,” Washington Post, January 9, 1970, A1. At the inquest attorneys Kermit Coleman and James Montgomery argued that Panther testimony might vitiate their right to due process, given the pending charges against them. Donald Mosby, “Panther Witnesses Clam Up, Walk Out,” Chicago Defender, January 7, 1970, 1. Once the State’s Attorney dropped the charges, they argued that the federal grand jury was not composed of their peers (only two of the twenty-three members were black). Seth S. King, “5 Chicago Panthers Shun Grand Jury,” New York Times, May 13, 1970, 28.
produce evidence.\textsuperscript{90} Keeping the Panthers out of jail for contempt likely served the greater end of an impartial appearance.\textsuperscript{91}

Despite the best efforts of the “blue-ribbon” jurors, the coroner’s inquest did not restore faith in law enforcement. The special deputy coroner repeatedly undermined the credibility of the proceeding. He took it “on himself to reply for witnesses being interrogated by the attorneys representing the slain Panthers’ families.” Worse, he interfered with the jurors, who undertook their questioning of witnesses with the utmost seriousness; “on several occasions[ he] prevented two jurors … both attorneys, from asking questions …”\textsuperscript{92} One juror refused Gerber’s orders to stop questioning Sgt. Groth.\textsuperscript{93} The real damage was done, though, when the Special Deputy Coroner indicated in an interview that the homicides were justified, \textit{prior to the inquest’s completion}. The jurors chastised him, “We are the sole determiners of the evidence, here.”\textsuperscript{94} When the jurors issued they ruling of “justifiable homicide,” they did so with the caveat that it was “based solely and exclusively on the evidence presented.” The Mayor and the Special Deputy Coroner hoped the Panthers might be blamed for such a limited presentation of evidence.\textsuperscript{95} But this did not appear to convince those already doubtful of the raid’s legality. The \textit{Defender} reported a consensus “that [the


\textsuperscript{91} This is what the foreman of the Special Federal Grand Jury declared after the Panthers refused to testify there. Ted Lacey, “Verdict on Panthers Shakes City,” \textit{Chicago Defender}, May 18, 1970, 3.


\textsuperscript{93} Chapman, “Panther Guns Untested for Prints, Police Say,” A1.


\textsuperscript{95} Ibid.
verdict] was expected even before the proceedings began and that the proceedings were a legal farce.”

Ultimately, it was the special federal grand jury that made knowable the multiple ways in which the Police, State’s Attorney, and the Coroner advanced the interests of party. This was of great use to activists interested in the local criminal justice system. But its revelation of how local power worked was a function of its obscuring of the federal deep involvement in counter-intelligence activities against the Panthers and, in particular, of the role played by a federal informant (Panther Chief of Security William O’Neal) in providing the intelligence and a map of the apartment prior to the raid. In leading the grand jury, Jerris Leonard embodied the multiple, conflicting interests that characterized the federal role in the case. He was also the man charged with keeping them hidden. Leonard was Chief of Staff for Attorney General John Mitchell’s Civil Disturbance Group, “which was instructed to coordinate intelligence, policy, and action within the Department of Justice concerning domestic civil disturbances.”

Even if this was unknown at the time, liberals harbored suspicions about Leonard’s neutrality. On a plane with the Assistant Attorney General a few weeks earlier, ACLU head Jay Miller heard Leonard explain Bobby Seale’s inclusion in the trial for the disturbances at the 1968 Democratic National Convention thusly: “The Black Panthers are nothing but hoodlums and we’ve got to get them.”

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concluded, “He was supposed to be looking into civil rights violations against the Panthers, yet he had the responsibility to help the FBI and other law enforcement agencies monitor and destroy them.” Only later in the mid-1970, after Watergate, would the FBI efforts to destroy the Chicago Panthers be revealed. 

The 132-page Report issued by Leonard’s Special Grand Jury on May 15, 1970, was a bureaucratic sleight-of-hand. It exposed the wrongdoing of the local law enforcement while blaming the incident and the lack of indictments on the Panthers. Leonard got Hanrahan to drop the indictments against the surviving Panthers by “let[ting] it be known that if the indictments against the Panthers by the state prosecutor were dismissed that we would not seek indictments against the police officers and the police, and the city officials and Hanrahan in the Grand Jury case.” While the Assistant Attorney General framed himself as protecting the Panthers, his magnanimity was a byproduct of institutional interest. By convincing the State’s Attorney to drop the charges, Leonard avoided the possibility that a trial would reveal federal involvement.

The Special Grand Jury’s most decisive intervention was in accounting for the cover up of police violence. Normally, such a “charge swap” was a prelude to a non-investigation, with evidence of brutality remaining undeveloped. Here, the Report created a public record of

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100 For example, investigations revealed that the FBI’s COINTELPRO included trying to incite violence between the Panthers and the Blackstone Rangers. A small but probative sampling of COINTELPRO documents related to Fred Hampton can be found in Ward Churchill and Jim Vander Wall, The COINTELPRO Papers: Documents from the FBI’s Secret Wars Against Dissent in the United States (South End Press, 1990), 135–141.
101 The report’s dubious legality is discussed in Commission of Inquiry into the Black Panthers and the Police, Search and Destroy: A Report, 222.
the evidence, albeit in a way that the *Black Panther* claimed, “conspired to cover up, hide and protect the actions of the State’s Attorney and his raiders …”\(^{103}\) The *Report* was flawed; it omitted crucial evidence; and it reached unjust conclusions.\(^{104}\) Nonetheless, it also overwhelmingly confirmed the Panthers’ interpretation of the evidence.\(^{105}\) Moreover, by exposing the processes used by the Chicago Police, the State’s Attorney, and the Cook County Coroner, the Special Grand Jury powerfully echoed the Panthers’ critique of the legitimacy of those law enforcement institutions. The *Report* showed, one activist concluded, the “DISTORTION OF SYSTEM OF JUSTICE RESULTING FROM POLITICAL MACHINE CONTROL OF ALL BRANCHES.”\(^{106}\)

The grand jury demonstrated with stunning clarity how the actions of law enforcement institutions intersected and overlapped in order to reinforce the State’s Attorney’s claims. For example, it found the performance of the I.I.D. to be “so seriously deficient that it suggests purposeful malfeasance.” Moreover, “the publication of the results of this ‘investigation’ … was misleading to the general public by inferring that a legitimate

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\(^{104}\) The *Report* had three primary flaws. First, it presented the “most consistent version” of the raiding officers’ accounts, rather than interrogating the disparities within and between them. Second, it did not answer basic questions about the raid: Who fired first? How did Hampton die? Commissioner of Inquiry into the Black Panthers and the Police, *Search and Destroy: A Report*, 222. Despite never saying who fired first, and concluding the Panthers only fired once, the grand jury wrote: “If officers of the law are on a legitimate and proper mission to search for illegal weapons that could endanger countless persons they should not be met with gun fire.” “Report of the January 1970 Grand Jury,” 125. Third, it blamed the Panther survivors for their lack of cooperation, even as the federal government hid relevant information about what happened. “[T]he Grand Jury is forced to conclude that the [Panthers] are more interested in the issue of police persecution than they are in obtaining justice. … Perhaps the short answer is that revolutionary groups simply do not want the legal system to work.” Ibid., 126. To flail the Panthers on these grounds required Leonard to ignore the reasons that the group had to fear the federal government—truths that he knew better than the militants themselves.

\(^{105}\) There was an “irreconcilable disparity between the detailed accounts given by the officers and the physical facts and evidence examined and reported by the FBI.” Physical facts showed one Panther bullet, but “the participating officers say they were fired at from 3 to 6 times with shotguns, 6 times with pistols and from 1 to 3 times by unidentified weapons—a total range of 10 to 15 shots, at a minimum.” “Report of the January 1970 Grand Jury,” 108, 110.

\(^{106}\) “Outline of Talk on Hanrahan - Ethical Humanist Society,” October 1, 1972, 2, Alliance 1-3.
investigation was held.” The orientation of the Chicago Police Crime Laboratory was similarly lacking. The Mobile Crime Lab’s team leader averred “that the team’s only purpose was to gather evidence supporting the officers’ stories, makes it clear that there simply was no thorough examination of the premises.” 107 Finally, the Report questioned, “whether the continuation of the [coroner’s] inquest system is in the best interests of justice. The findings were based on incomplete evidence and, in fact, were not binding on anyone.” 108 Like the other two investigations, the coroner’s procedure appeared to serve no purpose beyond providing a veneer of impartiality to a highly partisan set of findings.

Some critics of police action believed that grand jury Report did the same, albeit in a subtler manner. Panther leader Bobby Rush declared, “we see the (county) coroner’s inquest as a simple whitewash; the IID investigation as a simple whitewash and the federal grand jury report as a highly sophisticated whitewash.” 109 Nonetheless, anti-brutality advocates seized on the evidence provided by the Special Grand Jury. ACLU lawyers Alex Polikoff and Kermit Coleman argued, “the IID cover-up in this instance is not an exception, not an aberration, but the normal pattern of IID operation over the years.” They wrote to the Mayor and the Police Superintendent, “We are compelled to say, ‘We told you so. Many, many times. Over many, many years.’” 110

The ACLU was right, but it got the mechanics of the case backwards. Internal Investigations personnel, the crime lab, and the coroner acted in ways that were not part of the “normal pattern … of operation.” In the normal pattern, most evidence was not in an

108 Ibid., 122, 121, 120.
accessible apartment. In the normal pattern, the press accepted the Police and State’s Attorney’s stories. In the normal pattern, the IID had no need to coordinate a fake investigation. In the normal pattern, the coroner had no need to tightly control the proceedings. And, in the normal pattern, the state’s attorney did not have to cut deals with the federal government. This is to say: in the normal pattern, covering up required much less effort and left many fewer tracks. In the normal pattern, it required only quotidian institutional behavior. Only because the Panther case was not in the “normal pattern” were the routine interrelationships between institutions revealed so clearly.

**Citizens Challenge Bureaucratic Processes**

Police reform activists responded to the Black Panther case trying to find ways that citizen could participate in governing the police. Pockets of potential citizen power existed throughout the law enforcement bodies that formally governed the city, but the practices of the Democratic Party largely neutralized them. As an anti-brutality network emerged in 1970s, it sought to use citizen participation to reinvigorate these institutions. Through participation, they sought to shift the locus of accountability away from the Democratic Party. Two of their campaigns responded directly to the circumstances of the Black Panther case: activists sought the appointment of a special prosecutor to indict Hanrahan and to change the operation of the Cook County Coroner. The third was a campaign to empower and transform the existing civilian Police Board. Each of these campaigns enjoyed some success, although none resulted either in as much accountability or as much citizen participation as the activists wanted. Despite this, they represented a reordering of the
regulation of force by police officers. By populating the institutional field with a new network of actors, they disrupted the coordination between institutions that had previously operated to obscure brutality. Inserting citizen as monitors, they limited opportunities for covering up brutality.

The newly formed Alliance to End Repression began its campaign against Hanrahan almost as soon as he dropped the charges against the surviving Panthers on May 9; the group called on the Chief Judge of the Cook County Courts to appoint a special prosecutor in the case. “Nothing less can satisfy the minimum standards of ‘equal justice under law.’”111 The release of the special federal grand jury’s Report on May 12 added legal heft to their claim. Even if the raiders committed no federal crimes, the grand jury provided a plethora of evidence of state law crimes. With the failure of either state or federal grand jury’s to charge the State’s Attorney and his officers, the arc of justice seemed to stop bending somewhere short of Chicago’s Loop. But “the Black and concerned communities would not be appeased and the outcry for justice grew.”112 Deviating from the Urban League’s traditional non-partisanship, executive director Laplois Ashford called “for immediate action by the responsible authorities to bring about the resignation or dismissal from office of all law enforcement officers or officials who participated in or condoned the notorious perversions of justice and legal process in this case.”113 He led League employees in discussions about

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111 Alliance to End Repression, “Call for Appointment of Special Prosecutor for State’s Attorney,” May 12, 1970, Alliance 1-1.
113 “Press Release: Statement by the Chicago Urban League; Black Panther Case,” May 21, 1970, CUL II-242-2423. Even at the height of the campaigns for school and housing integration in Chicago during the 1960s, when neutrality was most difficult to maintain, the League refused to be drawn into demonstrations “directed against any particular employer, trade union, institution, governmental installation or person …” Bill Berry to All Staff, “Administrative Memorandum No.1, Direct Action Demonstration and Political Action,” March 15, 1965, 1–2, CUL III-170-1856.

In moments of interracial tension, long-time executive board member Dr. Nathaniel O. Calloway argued that the League “should be serving as a ‘basis of contact with all the power structures of this City’”—mediating the conflict over schools rather than participating in it. Dr. Nathan
how to get “the community rallied and organized around the issue of removing Conlisk and Hanrahan.”

The Alliance channeled these hopes for accountability back into the legal system. It recruited organizations to sign on to a petition drafted by the ACLU to appoint a special prosecutor. Over two weeks, the Alliance put together a roster of six-seven organizations to sign the petition to the County Court. Along with the seventeen other groups that submitted motions along the same lines, the petitioners formed a broad cross-section of Chicago’s social welfare and non-profit organizations. It included churches, street gangs, social welfare providers, students, unions, homophile organizations, YMCAs, and many others.

That the petition compelled Democratic officials to conduct yet another inquiry reflected the exceptional damage inflicted by the grand jury’s Report. Daley again called for a full and fair hearing, arguing, “The people should know, both the white community and the black community, both for the serving of justice and the serving of the rights of every man and woman, we should know actually what happened.” The case conveniently found its way to the docket of his former law partner and Bridgeport neighbor, Joseph Power, the presiding judge of the Cook County Criminal Court. To signal the prosecutor’s

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independence, Judge Power selected Barnabas Sears.\textsuperscript{117} Twelve years earlier, Daley’s sworn enemy, State’s Attorney Benjamin Adamowski, had chosen Sears to prosecute the crooked cops responsible for the 1960 Summerdale scandal.

The limits of impartiality were evident, but the institutional context meant that the costs of meddling were stiffer than they had been in the coroner’s inquest. For months, Sears and his four assistants (two black, two white) proceeded unimpeded. When rumors began to circulate that the grand jury was prepared to issue indictments, however, Judge Power took action. \textit{New Yorker} staff writer Michael J. Arlen summarized: “Judge Power first told Sears that he had to call more witnesses; then—when Sears replied that this sort of a request to a Grand Jury was not within a judge’s province—Judge Power publically berated Sears; then—when the Grant Jury presented a sealed indictment to Power—the Judge refused to open it.”\textsuperscript{118} Further shenanigans followed, as the Judge determined to investigate whether Sears exercised “undue influence” in securing an indictment. Only the intervention of the Illinois Supreme Court forced Judge Power to finally open the indictments of fourteen individuals, including Hanrahan and eight of the fourteen raiders, for obstruction of justice.\textsuperscript{119} Even then, trial was a long way off. Although Power handed the case off to Judge Phillip Romiti, he continued down the same partisan course. Sears had to win a second decision of the Illinois Supreme Court before the court set the case for trial.

\textsuperscript{117} “Order Consolidating Petitions, Granting Leave to Join in Petition, Appointing Special States Attorney and Directing Issuance of a Special Venire for Grand Jury.”
\textsuperscript{118} Arlen, \textit{An American Verdict}, 64.
At what point do legal processes, earnestly undertaken by their participants, become part of a cover-up? Was Barnabas Sears’s indictment for obstruction of justice (instead of homicide) a part of the obstruction of justice, as the Panthers argued? Was it “a feeble attempt on the part of the state to redeem itself in the eyes of the People”? In retrospect, it appears that Daley’s calculation in favor of a special prosecutor paid off, as the slow and complex trial created “a boredom of real and almost dangerous proportions” that distanced the conduct of the case from the events that motivated it. On October 25, 1972, Judge Romiti dismissed all charges at the conclusion of the prosecution’s case-in-chief. The evidence was “simply not sufficient to establish or prove any conspiracy against any defendant,” so he dismissed all counts. Black reaction was muted: “there was little likelihood of obtaining a judge in this country who would have done other than Romiti did,” said Alderman William Cousins. Bill Hampton, Ralph Metcalfe and others all concluded the same thing: it was “no surprise.”

Few people, aside from Kermit Coleman and a handful of other lawyers, paid

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120 They added, Hanrahan “should be charged with First Degree Murder, Conspiracy to Murder and Attempted Murder of the occupants of the apartment.” “Hanrahan’s Indictment for Bad Lying.”

121 Arlen described the “near endless testimony” of the prosecution’s best witness, ace FBI ballistics expert Robert Zimmers, as so boring that even the newspapers stopped showing up. Arlen, An American Verdict, 159. The biggest controversy of the case occurred when the prosecutor discovered notes, supposedly from an interview of Panther survivors Louis Truelock and Ronald Satchel by lawyer Skip Andrew the day after the shoot-in, in the middle of the trial. In the notes, Truelock claimed to have fired a shotgun twice and Satchel once. No entirely satisfactory explanation has been given for the testimony. Panther lawyer Jeff Haas speculates that the men were embarrassed for failing protect Fred Hampton and lied to cover up. Haas, The Assassination of Fred Hampton: How the FBI and the Chicago Police Murdered a Black Panther. Nor is it clear why the testimony should have mattered so much: the “three supposed new Panther shots were never found” amongst the detritus in the apartment Moreover, “they would bring the total of panther shots to four—four against anywhere from eighty-three to ninety-nine, most of which had been fired by machine gun…” What mattered was that “The Panthers lied (maybe).” Arlen, An American Verdict, 69.

122 Bill Hampton: “it was unfair and unjust, but it was not too surprising.” Ralph Metcalfe: “His exoneration comes as no surprise to me.” Andy Barrett (NAACP): “I am not surprised at the acquittal.” Tom Todd (Operation PUSH): “It does not come as a surprise.” James M. Stephens, “Leaders Rip Romiti’s Decision,” Chicago Defender, October 26, 1972, 1.
attention to the County Coroner prior to the Hampton-Clark murders. Afterwards, the necessity of the inquest procedure became a legitimate question.\textsuperscript{123} The Study Group’s research on fatal force, for example, led to the cleverly titled report, “An Inquest on the Cook County Coroner.” It formalized the widespread conclusion that the “Cook County inquest rubber-stamps the decisions of the police and the state’s attorney instead of acting as an independent, public-interest inquiry into the facts that pertain to an unnatural death.”\textsuperscript{124} Its most novel contribution was the result of empirical inquiry into the Coroner’s juries. Jurors—all men—served by application, and their assignments were regular rather than random. When researchers examined the reports of 151 randomly selected inquests during 1969 and 1970, they found that just 70 jurors heard all of the cases. One man sat on 42 juries. Repeat players produced exceptionally brief deliberations: 41 of 51 verdicts that Study Group researchers observed took nine minutes or less. Just one took longer than half an hour.\textsuperscript{125}

In constructing a reform campaign to follow up on the Study Group report, the Alliance presented the question in classic civil libertarian terms. The process failed “to ‘provide sufficient legal safeguards to the rights of individuals.’” Their critique was rooted in due process: the jurors were “‘virtually employees’ of the coroner,” deputy coroners were “political appointees with little or no legal or medical training[,]” and procedures highly

\textsuperscript{124} Fahey and Palmer, “An Inquest on the Cook County Coroner,” 29.
\textsuperscript{125} Jurors were not drawn from either grand or petit jury lists, but from the coroner’s own list of applicants. The main incentive for service was the free of $2.60 (plus mileage) per inquest per day. This led to the high rate of repeaters. (Given 6 jurors for each case, the 70 jurors filled 906 slots, making for an average of 13 cases per juror over two months). The inquests themselves were quite speedy, taking only 45 minutes on average. Of those observed by researchers, one-third (17) took less than 20 minutes, while just nine took 45 minutes or longer. Fahey and Palmer, “An Inquest on the Cook County Coroner.”

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discretionary.\textsuperscript{126} Appearing before the County Board in November 1971, the Alliance argued for random jury selection; more formal rules; efforts to train the deputy coroners; and upgrading the pool of officers for sensitive cases, by having the Chicago Bar Association recommend qualified lawyers.\textsuperscript{127} Their efforts revealed Coroner Toman’s lack of investment in the existing institutional design of the inquest. His interest was in politics, jobs, and perks. Accordingly, he promised to implement the changes he could, and seek authority from the State Legislature for the others.\textsuperscript{128} Yet he refused to be pinned down with a commitment.\textsuperscript{129} The Coroner’s swift agreement to the Alliance’s terms reflected the changed landscape of law enforcement politics. The presence of organizations with the capacity to produce both knowledge of state behavior and turnout at meetings encumbered the actions of state institutions. But then, promising reform was a great way to diffuse the reformers’ energy. Time and again, Mayor Daley promised reforms in the public and left the details for hammering out in the more favorable terrain of the Fifth Floor of City Hall.

In this case, Coroner’s Toman’s commitment was publically tested and found wanting. The occasion was another police homicide, in which an off-duty, white policeman shot a black, 21-year-old ex-Marine, Cornell Fitzpatrick.\textsuperscript{130} Whether Fitzpatrick had a gun was the disputed question in the case—only the officer and the other security guards saw one, supposedly hidden in his palm.\textsuperscript{131} The anti-brutality network snapped into action: the family retained Kermit Coleman; the AAPL investigated; and the Alliance and Citizens Alert

\textsuperscript{129} He refused to sign a Memorandum of Understanding proposed by the Alliance. Alliance to End Repression, “Minutes of Dec. 14 Meeting,” December 14, 1971, Alliance 1-2.
\textsuperscript{130} The officer was working security at Kenwood High School, where Fitzpatrick had been a student, and where he was visiting when the shooting occurred.
\textsuperscript{131} “Metcalfe Report,” 4.
joined local residents in demanding an independent inquiry. The Coroner agreed. Then he changed his mind and delivered “a slap in the face to all those concerned about this matter.” Citing the “commendable way” he handled the Hampton-Clark case, the Coroner appointed Martin Gerber as Special Deputy Coroner.

Renault Robinson summed up the outrage sparked by the Coroner’s appointment of Gerber:

Once again the City of Chicago stands accused – the mayor, the police chief, the state’s attorney and the coroner are the same actors in the same play. ‘The Killing and Cover Up of Cornell Fitzpatrick,’ starring Martin Gerber with guest stars white Patrolman Bernard Martin and special guest the ‘Drop Gun.’ This is a repeat performance – the actors are basically the same. The guest star is always a white policeman, the victim is always a black young man. Any black person in the city of Chicago can give you the outcome of the play (An American tragedy).

Irrespective of the result, which was “involuntary manslaughter,” the whole nasty process confirmed to the Alliance and the others that the Coroner’s Office was scientifically inexcusable, legally indefensible, and politically irredeemable. In July, the Alliance and

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133 James W. Clement, Marshall Patner, and Jack Mendelsohn to Coroner Toman, April 13, 1972, 2, ACLU Papers, Calvin v. Conlisk Records 24-“Sources of Potential Plaintiffs.”
136 “Report on Meeting of Alliance to End Repression” March 9, 1971, Alliance 1-2; Robert McClory, “Cop to Grand Jury,” *Chicago Defender*, May 6, 1972, 1; Robert McClory, “Coleman: Fitzpatrick Verdict Historical
Citizen’s Alert convinced the Cook County Board to sponsor a referendum eliminating the coroner’s office in favor of a medical examiner.137

This was a strange result to a campaign for greater citizen involvement: it eliminated citizen involvement altogether. The proposed transformation appealed to the impulse to professionalize the medical side of the coroner’s work. But it also removed the delusion that the coroner’s office served justice. The impeccable political logic of the petition divorced the question of reforming the coroner’s office from the question of its occupant, and left the question of the medical examiner’s appointment in the hands of the Democratically controlled County Board. When the Republican candidate “seized upon the ALLIANCE position for the substance of his platform” in the Coroner’s race—indeed, making it his only issue—he boxed Coroner Toman into a corner.138 The incumbent came out in support of the referendum.139 In the (otherwise) historic election of November 7, 1972, the voters of Cook County overwhelming abolished the Coroner’s office.140

The campaigns to hold the State Attorney and the Coroner accountable demonstrated how an institutional network capable of creating information and mobilizing actors changed the calculus by which criminal justice institutions performed their duties. On

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138 Ibid.
140 The referendum did not go into effect for four years, until November of 1976. When the Medical Examiner’s office was established, Cook County Board President George Dunne invited Citizens Alert to have a member of the organizations serve on the Medical Examiner’s Advisory Board. “Citizens Alert to Aid New Medical Examiner,” The Bridge, December 1976, 1, CUL III-180-1946.
a process level, they discovered that citizen action could disrupt bureaucratic domination even while not entirely transforming it. Yet, this amounted to a less full participation than organizations like the Alliance sought. As activists looked to democratize policing—to bring citizens into the policy-making processes—they discovered that Chicago already had a five-man civilian Police Board, responsible for making police policy. As Ruth Wells of Citizen’s Alert later noted, “At the time we ‘discovered’ the Chicago Police Board, it was almost unknown to the public and the news media although it had been in existence for eleven years.”\textsuperscript{141} For more than a decade, the Alliance and Citizen’s Alert would carry on a sustained campaign to invigorate the Police Board.

The Police Board was O.W. Wilson’s legacy.\textsuperscript{142} In 1960, the City Council vested the power in the five-man Board “to supervise and control the department and to make and enforce all necessary and desirable rules therefore, and to direct the Superintendent of Police in the management of the Department.”\textsuperscript{143} By 1970, the Board held real disciplinary trials, such as the trial of Renault Robinson, but was otherwise a rubber stamp, with perfunctory meetings on policy and budgetary matters.\textsuperscript{144} Alliance coordinator John Hill pointed out, “One Board member stated that in eleven years he could not recall one instance when a general order had been disapproved or modified.”\textsuperscript{145} Superintendents Wilson and Conlisk were so correctly confident of Board approval that they typically issued orders first and presented them to the Board later. The meetings were “congratulatory sessions” at which

\textsuperscript{142} It solved the dilemma of the Illinois Constitution’s one-year residency requirement for municipal officeholders. A commissioner of police was considered to fall within the statute. Bopp, ‘O.W.’, chap. 8.
\textsuperscript{143} The Board had power “to supervise and control the department and to make and enforce all necessary and desirable rules therefore, and to direct the Superintendent of Police in the management of the Department.” Chicago Municipal Code § 11-3 (as passed on March 2, 1960).
\textsuperscript{144} “Metcalfe Report,” 158.
“the board smilingly approving everything Conlisk asks, even when they don’t know what he’s talking about.”

The Alliance/Citizen’s Alert campaign to democratize the Board took various forms. It began in 1971 with an effort to intervene in the appointment of a new member. Appointment powers were a crucial link between governance and politics. Just as with constructing a slate of candidates for office, the Mayor sought balance on the Board. The mix usually included top-notch law enforcement people, downtown establishment figures, and stalwart extra-governmental members of the Daley coalition (typically, labor leaders). Symbolic representation through the appointment of one black Chicagoan on the board was a constant. The appointment of the Reverend Wilbur Daniel in 1972 was typical. Daniel had an ambivalent relationship with the city’s racial militants. During his term as head of the NAACP in 1963, protestors picketed his church carrying signs that read, “No More Tokens or Toms,” in part because Daniel apologized for an anti-Daley demonstration during a recent NAACP convention. A year and a half into his term, Daniel resigned to run as a Republican against the aging Bill Dawson in the 1964 congressional election. It was a bad miscalculation, and Dawson trounced Daniel. In the aftermath the Baptist preacher pledged loyalty to Mayor Daley. “I realized that I lived in a city that Daley was running and I wanted

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to be with him. I wanted to be with him because he could help me with what I wanted to do.”

The Study Group, the Alliance, and the Urban League’s Action for Survival all played a role in the changing relationship between Daley and the members of the Police Board. “The board’s lack of independence,” the Study Group concluded, “arises from the fact that its members have been selected largely for their loyalty to city hall.” The remedy, according to Citizens Alert and others, was to make the Board “accountable to and truly representative of the various Chicago constituencies rather than to the narrow interest of the city administration.” Daley was not about to give up choosing the members of the Board. Nonetheless, activists asked the Mayor in 1971 to create a “representative” Police Board Nomination Commission that would submit a list of candidates to the Mayor. Only after they got no response for a month did John Hill and the Alliance conclude their request was “not seriously considered by the Mayor.”

The Alliance/Citizen’s Alert persisted. In January of 1973, they asked the Mayor to reconsider his appointments of Paul Goodrich, Morgan Murphy, and Louis Peick, and to appoint a nominating commission. When Daley did not respond, they implored the City

149 Quoted in James R. Ralph, Northern Protest: Martin Luther King, Jr., Chicago, and the Civil Rights Movement (Cambridge: Harvard University Press, 1993), 84.
Council to vote down the Goodrich and Murphy nominations because they were insufficiently representative. “Both are well-to-do business executives whose life style and experience remove them from the everyday experience of ordinary citizens for whom law enforcement is a life-and-death matter.” Louis Peick’s nomination that year for the “labor” seat on the board brought forth a different criticism: “The REAL REASON for the appointment of Louis Peick is to PAY OFF A POLITICAL DEBT to a powerful union leadership. This ‘reason’ is not good enough. The lives and security of Chicago citizens should take precedence over patronage politics.” Despite the different thrusts, the essences of the arguments were the same. The men represented the interests of the political status quo. They were not representative citizens, because they had no connection to ordinary Chicagoans for whom changes in policing were the most important.

Changing the composition of the Board was not the only strategy to make it more democratic. Once becoming involved with the question of Police Board composition, activists began to try and transform the way the Board worked. This began with attending the meetings themselves. When a large contingent of Alliance and Action for Survival members showed up at a Board Meeting for the first time, police photographers snapped their pictures and plainclothes officers took notes. The first time they attended, the Board “met in a very small room and tried to limit our attendance to six people. We pushed in and sat on the floor.” Defender reporter Robert McClory lampooned that after six months of sustained effort, the groups two achievements were “lengthening the time of board meetings

155 “Give Westside Representation on Police Board” (Citizen’s Alert, 1973), Alliance 17-31.
from three minutes to one hour, and they have forced the board to move its meetings to larger quarters.”

“We must get [the Board] to act on their responsibilities,” Fred Glick implored his fellow Alliance members. Appearing at Board meetings and asking questions about racial discrimination in hiring and promotions, for example, was an effort to get the Board to acknowledge its basic oversight responsibility for these matters. Citizen involvement was an end in itself, but it was also a means to other equally important substantive policy changes. Procedural transformation provided a path for dialogue. A list of important issues raised by Citizens Alert over the first half of the 1970s included, “Non-discriminatory procedures for hiring and outside monitoring of police exams, psychological testing of police officers, police brutality, police board information center, relationship between local commanders and community people, respectful treatment of rape victims, foot patrols, and obtaining a system of special coroner’s juries for inquest into police-caused deaths.” Yet, the point was not just to raise issues but to change behavior.

The Board’s reluctance to engage the Alliance was met with continual presence, which made them impossible to ignore. At first this led to indirect interactions. Alliance members would ask questions following the Superintendent’s report to the Board, and he would answer them—or some more congenial version thereof—in his report the next month. Nonetheless, over time, public presence transformed the nature of the Police Board. By the late spring of 1973, the Alliance reported that the Police Board held “a genuine public hearing” on the issue of solicitations by police organizations at which “representatives of the

Confraternity of Police, by people from the Better Government Association, the Better Business Bureau and other public interest groups …” testified to their views. Procedurally, Alliance members concluded, “Continual questioning and concrete proposals of this board is one of the best means of presently effecting policy change in the department, outside of direct court action.” The Police Board, and its meetings, became the best place for citizens to get information about policing and to make their voice heard about police policy. “Citizens registered grievances, made requests, sought investigations and information and otherwise let off steam … Investigations were ordered, information was given, questions were answered, and inquiries were promised.”

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The extraordinary response of the Black Panthers and their allies to the killings of Fred Hampton and Mark Clark opened a window onto the operation of law enforcement in Chicago. Their creation and dissemination of a counter-narrative called forth a series of government responses that demonstrated to the public in new detail how it was possible for institutions to routinely obfuscate the behavior of their agents. Activists used this knowledge to try and democratize oversight of policing during the first three years of the 1970s by animating pre-existing governance structures. They succeeded in engaging these institutions, as their presence and their knowledge made the organizations all but impossible to ignore. In this sense, they were successful: they populated the terrain of law enforcement with citizens, who, at the very least, institutions had to take into consideration. This was a partial success, even if it did far more to expose the limitations of institutions than to achieve justice. Only

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with the establishment of the Police Board as a hub for information and dialogue were activists able to create a place for citizen participation.

These efforts also revealed just how difficult it was to achieve reform in a political structure dominated by a monopoly party. Like the Summerdale scandal of 1960, the aftermath of the Hampton-Clark killings showed that the potential for reform was greatest when actors outside the closed loop of Chicago politics became involved. In both of those cases, Republican prosecutors provided the critical leverage that created momentum for reform. But this depended on political opportunity. In 1960, the State’s Attorney’s ambition to become Mayor prompted Daley to action. Here, Jerris Leonard’s own political priorities and beliefs allowed him to expose law enforcement in Chicago but only to the extent that he did not also expose the federal government’s own unlawful activities. Greater success would have to wait for the creation of new political opportunities.
CHAPTER 5: FROM POLITICS TO PROTEST

Two images of striking similarity, twenty-nine months apart, symbolize Ralph Metcalfe’s shift from politics to protest. On December 20, 1969, when he testified in front of a large crowd of civil rights and Black Power activists, he had been one of Mayor Daley’s favored black lieutenants for nearly two decades. On the dais listening were five of his future colleagues in the Congressional Black Caucus.¹ They came to Chicago in order to hold a hearing on the murders of Black Panthers Fred Hampton and Mark Clark. They visited the apartment at 2337 West Monroe Street where the killing took place, and took the testimony of 19 witnesses.

Like Metcalfe, Ahmed Arabia “A.A.” Rayner, Jr. (known to his friends as Sammy) testified before the Black Caucus members on December 20th. The men received startlingly different receptions. Both were aldermen representing majority black wards on the city’s Southside. They were about to enter into a fierce race in Chicago’s First Congressional District, the seat that Oscar DePriest first won in 1929, and William Dawson held since 1943. It was Rayner’s campaign against Dawson in 1968, winning forty percent of the vote, that forced “The Man” into retirement. The hearing highlighted how race militants saw the coming electoral contest. Nearly every important black political figure in Chicago gave testimony, and Panther Deputy Minister for Defense, Bobby Rush, criticized all of them—all except Sammy Rayner, who he described as “truly a friend of the Panthers.” The rest were “using Hampton’s death as a springboard because congressional elections are coming up.”

¹ Charles Diggs, John Conyers, Bill Clay, Louis Stokes, and Adam Clayton Powell, Jr.
Though the audience treated a number of the speakers with derision, Ralph Metcalfe fared the worst. When he spoke, the audience erupted with abuse: they booed throughout his testimony and at one point an audience member interrupted him to ask, “Who wrote that for you, Dick Daley?”

Nearly two-and-a-half years later, on Saturday, May 6, 1972, Metcalfe stood in front of a similar capacity crowd at Shiloh Baptist Church. The occasion was a Saturday morning meeting of Operation PUSH, and the First District Congressman was the featured speaker. In 1969, the Saturday morning Operation PUSH crowd watched Bobby Rush turn himself into the police following the Hampton-Clark killings. In 1970, they watched Renault Robinson turn in his gun and badge before a hearing to remove him from the police force. On this day, they watched Ralph Metcalfe turn from politics to protest. He positively beamed, “I never felt so good being black and taking a stand in the struggle.” There was no question as to the authorship of his speech on this occasion. Two months earlier, Metcalfe had laid a challenge for police reform at the feet of Police Superintendent James B. Conlisk, Jr. After twenty years of loyal service, Metcalfe knew that his challenge would reverberate in the Mayor’s Office. Rotating his habitual position of facing Bronzeville from City Hall, Metcalfe demanded: “the mayor … must come here to the ghetto where we have the criminally-minded police on one hand and criminals on the other.”

Ralph Metcalfe underwent a stunning political transformation. In the course of a year, he went from being a hard-working, resourceful, loyal Daley machine lieutenant to launching himself into political legend. His break from Mayor Daley was a singular moment:

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it was the first time a successful black machine politician turned his back on the Democratic machine. It inverted the typical trajectory of thinking about black politics. Rather than moving, in Bayard Rustin’s classic formulation, “From Protest to Politics,” Metcalfe’s reversal led him out of the Daley’s inter-ethnic coalition and into independent political protest. In making this journey, from politics to protest, Metcalfe set a template for black success in independent Democratic politics in Chicago.

This choice was shaped by the conditions of its making. Metcalfe’s revolution embodied the changing character of racial representation in the early 1970s. For most of Metcalfe’s life, representing the race meant being an exemplary Negro as he achieved across the boundaries of the color line. But as the history of the Afro-American Patrolmen’s League demonstrated, even black people working within the establishment no longer saw this performance of race as adequately representative. By 1972, outspoken opposition to police practices, framed as a critique of the distribution of political power, convincingly signified to them a more authentic representation of blackness. That police brutality was the bridge for this transition was no accident; rather, police brutality was the most intensely contested site of conflict between law and order and black power, two of the mainsprings of Chicago politics by the early 1970s.

To say that Metcalfe moved from “Politics to Protest” is to denaturalize the idea that black politics proceeds along any particular trajectory. Black politicians including Metcalfe participated in the construction of the political order in which Mayor Daley consolidated power over the Democratic Party and Chicago politics in the 1950s. The Third Ward committeeeman’s choice to cast his lot with Daley in the early 1950s was no less authentic an expression of race than his turn against Daley twenty years later. To oppose Daley’s failure
to crack down on police brutality was, from all indications, a better representation of the preferences of Metcalfe’s constituents in 1972 than was his silence. It undoubtedly was a savvy political choice, one that Metcalfe took knowing full well it could cost him his job and his political power. This choice was no less political because he framed it as a “black” position. Rather, it was a skillful navigation of a changing context, in which Metcalfe correctly hazarded that he could break away from the power of the Democratic Party, maintain his electoral position, and vault to widespread admiration. Given his twenty years in politics, it is frank disrespect to think about his choice as either inevitable or merely racially authentic. It was good politics.

**Ralph Metcalfe and Machine Politics**

Although he had been circling for some years, Ralph Metcalfe settled into orbit around the County Democratic Chairman Richard J. Daley’s sun in 1952. The forty-two year old Atlanta native’s ascent directly into the inner sanctum of the Party, as the committeeman of the Third Ward, was the second fastest thing Metcalfe ever did. The first was run. Having moved to Chicago as a child, Ralph won a national interscholastic sprint championship in 1929, and began his meteoric rise. For half a decade, he competed for the title of the world’s fastest man. While at Marquette University, a Jesuit school in Milwaukee, Metcalfe won national collegiate sprint championships in 1932, 1933, and 1934. He broke world records in every sprint distance from 40- to 220- yards. More than anything else, though, his great fame derived from his Olympic achievements. His ticker-tape finish with Eddie Tolan in the 100-meter dash in the 1932 Olympics in Los Angeles—Metcalfe was, perhaps unfairly, deprived of the gold—remains amongst the closest in Olympic history. At the Nazi Olympics in
Berlin in 1936, he held on for silver after Jesse Owens overtook him at the 90-meter mark in the 100-. He finally captured gold for running the second leg of the 4 x 100-meter relay.

Fifteen years after leaving for college, Metcalfe returned to Chicago still surrounded by a golden aura. After the Berlin Games, he earned an M.A. in physical education from the University of Southern California, built a top-quality track team and taught political science at Xavier University (New Orleans), and served as a lieutenant in segregated World War II Army, for which he was awarded the Legion of Merit. Still trim at thirty-five, Metcalfe had a leggy sprinter’s build and a coiffure that seemed to sweep back ever so slightly as though he were running at top speed. He quickly integrated himself into the South Side’s black bourgeoisie. He parlayed his hero status into a series of governmental appointments over the next half-decade, directing the civil rights department of the Mayor’s Commission on Human Relations in Chicago and then sitting on the board of the Illinois State Athletic Commission, which controlled the lucrative sport of boxing.

Metcalfe was a quintessential race man. His status as a black hero reflected how he stood out in a white world. Almost everywhere he went he was the first Negro or the only one: only member of the Sigma Alpha Nu (Marquette’s honor society); first president of the senior class; first director of the alumni lettermen’s “M” club; first winner of the Catholic

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5 The Human Rights appointment was by Chicago Mayor Martin Kennelly. It was a “temporary post” meaning it was not subject to civil services restrictions, a typical condition for a patronage job. Edward Scheiber, “City Burocracy Big Field for Slashing Waste,” Chicago Tribune, May 16, 1947, 1. Governor Adlai Stevenson appointed him to the Athletic Commission. He also was involved in a series of real estate ventures, which culminated after his entrance into politics in the formation of an insurance company with the four other black ward committeemen.
Interracial Council James J. Hoey Award for Interracial Justice; first member of the State Athletic Commission. Following this appointment, the black bourgeoisie, included Congressman William Dawson, feted him with the customary testimonial dinner. He embroiled himself in but one race controversy, joining 30 other black guests in walking out between the first and second courses of the banquet in honor of the Chicago Tribune’s centennial when they found themselves seated at segregated tables in the corner. Even as the 1940s turned into the 1950s, he remained in the public mind, “Ralph Metcalfe, famed Negro athlete and Olympic champion.”

The years between 1952 and 1955 marked the end of a struggle for power within the Democratic Party. Metcalfe’s elevation in the Third Ward was crucial move. When Richard J. Daley was elected chairman in 1952, the Party remained primarily an organization for coordinating the actions of different ward-based blocs despite dominating government since 1931. Its internal politics remained fluid and factional, a reality that was exacerbated as Republicans gained a third of the seats in the City Council in 1947. Daley changed everything. Contrary to the way in which Daley is remembered today—as Boss or Lord of the Last Machine or an American Pharaoh, as three of his biographies are entitled—his election was

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“widely hailed as a victory for progressivism and reform within the party.”\footnote{Adam Cohen and Elizabeth Taylor, \textit{American Pharaoh: Mayor Richard J. Daley: His Battle for Chicago and the Nation} (Boston: Back Bay Books, 2001), 100. See also Royko, \textit{Boss}; Bill Granger and Lori Granger, \textit{Lords of the Last Machine: The Story of Politics in Chicago} (New York: Random House, 1987).} Daley did reform the machine, and in the process he fit it for the context in which it now operated. He disentangled lines of political authority and disabled the power of his rivals. One of his key tools in doing this was restocking the ranks of the ward committeemen with men loyal to him. Ralph Metcalfe was such a man.

Richard J. Daley created Metcalfe as a political actor, and Metcalfe in turn reinforced Daley’s power. While the Olympic champion’s name already surfaced as a potential candidate for public office in 1950, his slating for the coveted committeeman’s spot was nonetheless a shock.\footnote{“Boom Ralph Metcalfe for Aldermanic Post,” \textit{Pittsburgh Courier}, December 30, 1950, 12.} It was almost unheard of for an individual who had never even served as a precinct captain to be given such a position. But this made him an attractive to Daley, for Metcalfe owed no one but him. The press’s assumption that Dawson chose Metcalfe was the product of Dawson’s considerable efforts to create “a network of obligations and loyalties” in order to bring “under his control the organizations of five or six Negro wards.”\footnote{James Q. Wilson, \textit{Negro Politics: The Search for Leadership} (New York: The Free Press, 1960), 50. The \textit{Defender} reported, “Congress William L. Dawson took over direct control of Chicago’s third ward last week when State Senator C.C. Wimbish … stepped down as ward committeeman after threatening a fight. He was immediately replaced by Ralph Metcalfe, former Olympic champion … Metcalfe is backed by Dawson.” “Rep. Dawson Shows Power in Chicago,” \textit{Chicago Defender}, January 26, 1952, 1.} But Daley was already beginning to limit Dawson’s power and had forced Metcalfe on him despite the Congressman’s remonstrations.\footnote{Former State Representative Corneal Davis, a Dawson protégé was the chief source of the claim that Dawson did not want Metcalfe. William J. Grimshaw, \textit{Bitter Fruit: Black Politics and the Chicago Machine, 1931-1991} (Chicago: University of Chicago Press, 1992), 86.}

By 1970, Dawson’s political adversaries, like Metcalfe’s, saw his actions as the product of a psychic deformation, an “Uncle Tom” personality disorder. But Dawson’s
politics, and Metcalfe’s, were conditioned by the structure of opportunity in Chicago politics. It was their unfortunate fate that their actions in supporting Daley’s bid for Mayor in 1955 restricted rather than expanded those opportunities. But there was no other credible alternative to the racially-biased reformism of Martin Kennelly. For Daley, the 1955 election proved his wisdom in selecting Metcalfe. In his first important primary, the new committeeman greatly increase the “surplus” of Democratic votes produced by his ward. It rose from the 33rd biggest majority citywide in 1951 to the 8th. This redounded to Metcalfe’s credit, as he prevailed in his aldermanic race against the deeply experienced and equally notable incumbent Archibald Carey. The Defender blared the day after the primary, “Biggest upset in the aldermanic races was the victory of former Olympic sprinter Ralph Metcalfe over Archibald J. Carey for the aldermanic seat in the third ward … [T]he whole campaign issue was Kennelly versus Dawson. Carey got caught in the cross fire.”

By winning their contest against Kennelly, the Southside committeemen unwittingly delivered their futures to Daley.

**Black Democrats**

The Democratic Party used its inclusion of black participants to perpetuate and defend a system of racial domination and exclusion. This required, first, the construction of an electoral monopoly that integrated politics and government, which Metcalfe’s election in 1955 helped consolidate. All electoral monopolies, whether based on “machine politics” like Chicago or “reform politics” like San Diego, operate by working to institutionalize electoral advantages that favor the party in power. The Cook County Democrats did more than simply win elections. They ensured that it was almost impossible for anyone else to win.

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elections. Through various biasing mechanisms, Mayor Daley and his coalition tilted the field of electoral contest in their favor. Moreover, they coordinated the activities of a wide variety of groups and individuals to ensure that they remained in power. Thus, they were able to structure politics such that the election of candidates was “wholly disconnected from quality of candidates and representation of voters.”

The fate of black independent Democrats during the 1960s illustrated the practical choices faced by black politicians once they helped Daley consolidate his power. As the clamor for black equality rose during the early 1960s, middle-class black voters began to defect from the regular Democrats at the polls. The wards located below 63rd Street on the South Side defected first. In 1963, Charles Chew became the first black candidate to prevail over the machine in an aldermanic election. In 1967, Sammy Rayner and William Cousins also won seats on the Council. Two years later, Fred Hubbard prevailed in one of the poorer wards north of 63rd Street; two years after that, Anna Langford. None save Cousins succeeded in entrenching a position. Voters initially rallied to the cause of independent political power, but isolation from patronage jobs and other instrumentalities of machine politics made institution building difficult. The regular Democratic organization’s precinct captains worked hard; their livelihoods were at stake, after all. It was hard to beat them twice. As a result, most independents either made peace with the machine (Chew, Hubbard) or failed to get re-elected (Rayner, Langford). Only Cousins succeeded in building “a

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15 Through control over information, by control the size of the electorate and barriers to entry for candidates, by using government resources to political ends, and by ensuring that votes for machine candidates translated into more seats than average. Jessica Trounstine, Political Monopolies in American Cities: The Rise and Fall of Bosses and Reformers (Chicago: University of Chicago Press, 2008), chap. 2.
16 This terminology “political monopoly” and the framework centering upon bias and coordination as the key techniques for establishing a monopoly, along with the quote come from Ibid., 22.
continuing organization[] to keep the campaigners together, trained, and ready for another day.”

Participation in the machine required submission to Party discipline. Daley “uses blacks (Negroes) in political maneuvers to pass legislation in interest of the party,” Renault Robinson claimed, but “these Negroes have little or no decision-making power; no say so on programming.” Black Aldermen were not unique in their silence. For most of Daley’s reign, only one Democrat, Hyde Park liberal Leon Despres, consistently attempted to pass legislation in any other interest. While he had no power over anyone’s decisions but his own, his introduction of legislation occasionally bore fruit. But his influence on programming was highly indirect. Despres’s bills were almost always referred to the Rules Committee to die. When Daley or his top Council lieutenants liked one of his ideas, though, they might introduce and pass their own bill—tweaked around the edges, if necessary, to fit Party objectives. The primary point is that on matters of policy, “white aldermen were silent as well.” As Mayor Jane Byrne recalled the era, “To be an alderman was to vote as [the machine] directed and to speak out only with permission.”

The tradeoff came in influence. James Taylor, the 16th Ward committeeman and the longtime rival of Harold Washington recounted with pride, “I make aldermen, state representatives, judges, and sanitary district trustees. I enjoy being just what I am. That’s a

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18 Joe Mathewson, *Up Against Daley* (LaSalle, Ill.: Open Court, 1974), 133.
20 This could occur even on not obviously controversial issues. Llorens provides the example of bill addressing elevator repars. David Llorens, “‘The Lone “Negro Spokesman” in Chicago’s City Council,’ Negro Digest, Dec. 1966,” in *Challenging the Chicago Machine*, by Leon M. Despres (Evanston, Ill.: Northwestern University Press, 2005), 146.
powerhouse, the ward committeeman.” Black committeemen demanded resources like whites. As Byrne remembered from her time in the patronage office set up to administer federal War on Poverty spending, the black politicians were “rather firm about their requests, sometimes demands, for jobs and improvements in their wards.” Black and white politicians responded to similar incentives with similar behavior. The difference was blacks got less within the party and perpetuated a social order that was stratified by race.

Black Democrats came in for such criticism for the same reasons that black police did. They were expected to hold the line against challenges to the social order. “A motion resolution or amendment introduced before the city council by Alderman Despres is almost invariably the prologue to a ritual,” wrote David Llorens, “usually beginning with a repudiation by Alderman Holman (and frequently joined by other administration aldermen) whose remarks often approach the point of insult.” Holman’s disdain for Despres was matched only by his enthusiasm for the Mayor. He was “renowned for standing up at each council meeting and exhorting, ‘Thank God for Mayor Daley!’” Holman’s thundering, like his compliments were a performance, calculated for specific effect: greater clout. In this he was successful, as he got “the largest slice of Daley’s patronage pie within the black wards.”

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23 Byrne, My Chicago, 185.
His aldermanic successor noted, “Holman was prepared to take the Uncle Tom lumps publicly as long as he could produce for his people privately.” These were the incentives under Daley’s political monopoly.

Holman’s primary rival for the Mayor’s affections was Ralph Metcalfe. Despres described the difference in their styles: “Metcalfe didn’t have a streak of meanness in his entire body.” In his understated way, he stood up for the Mayor and against civil rights activists, leading racial militants to view him “as a Tom, a negative force, a collaborator.” He earned special enmity for a few of his high profile interventions in civil rights politics: For example, in 1964, Metcalfe spoke for Daley’s resolution favoring the seating of the all-white Mississippi delegation over the Freedom Democratic Party at the Democratic National Convention. In 1965, he served as the administration’s principal counterweight to the Chicago Freedom Movement, forming his own organization called the Chicago Conference to Fulfill These Rights. Despres observed that after the Alderman helped facilitate conditions for Dr. Martin Luther King, Jr. to save face and get out of Chicago, “Metcalf could hardly conceal his pleasure.”

Metcalf was not entirely wrong when he argued that “for Black people coming up from Mississippi and Alabama in the Second World War, the political machine had been a very helpful vehicle, and under Congressman Dawson, the organization of Blacks in Chicago politics was probably the best in the world. The machine had served the Black community

28 Ibid., 236.
well.” Government employment was and has remained an almost immeasurably important avenue for black social mobility. By 1968, blacks enjoyed far more decision-making positions in government, especially local government, than they did in any other employment sector with the exception of labor unions and social welfare organizations. Indeed, they were most locked out of the downtown corporate world and the white-shoe law firms.

Nonetheless, black efforts to secure the “divisible goods” the party-state had to offer never quite lived up to their promise. The principle that governed Democratic slate-making—“Every ethnic, racial, religious, and economic group is entitled to have some representation on the ticket”—ensured at least symbolic representation. Once the party filled its racial and ethnic quotas, though, all aspirants saw their chances for advancement reduced to the degree that they were not male, white, and of Irish descent. This was not exclusively a black problem: getting slated for higher office, longtime Jewish Democratic Committeeman Marshall Korshak noted with more than a little salt, was “like winning a ticket in the Irish Sweepstakes.” Fully half of the ten most important city and county-wide elective posts were held by men of Irish descent in 1970, and the proportions were considerably higher in administrative positions. The upper-ranks of the Police Department

31 Andrew Young, Eyes on the Prize Interview, interview by Paul Steckler and Jackie Shearer, October 27, 1988, Washington University Film and Media Archive, Henry Hampton Collection, http://digital.wustl.edu/eyesontheprize/.
33 Milton L. Rakove, Don’t Make No Waves ... Don’t Back No Losers: An Insider Analysis of the Daley Machine (Bloomington, Ind.: University of Indiana Press, 1975), 96.
34 Milton L. Rakove, “Interview with Marshall Korshak,” in We Don’t Want Nobody Nobody Sent: An Oral History of the Daley Years (Bloomington, Ind.: Indiana University Press, 1979), 73. People of Irish descent made up about 10 percent of the city’s population (350,00) in 1955, dwarfed by those of Polish descent (600,000) and African Americans (750,000). Their hold on seats in the city council declined from one-third in 1955 to one-sixth in 1970. They held one-third of the committeemen’s seats in 1970. Rakove, Don’t Make No Waves, 34–35.
were the most Irish of all, encompassing 83 percent of command personnel in December 1969.  

**Black Politics and Black Youth**

The race to replace William Dawson as U.S. Congressman in 1970 took place just as the killings of Mark Clark and Fred Hampton brought these questions about the relationship of the police and racial domination to the fore. The Panther raid, and the effort to keep tabs on young black men with guns (whether gangs or revolutionaries) of which it was a part, took center stage in politics as Ralph Metcalfe and Sammy Rayner squared off. Rayner was one of the very few liberals to support the Panthers prior to the killings, and this provided him with considerable credibility as black people turned almost wholesale against Hanrahan their aftermath. Dawson’s retirement already portended a reshaping of black politics in the city, and the ongoing Panther legal drama seemed to reconstitute it on terms unfavorable to Metcalfe.

Prior to the raid, the Metcalfe-Rayner contest promised to present voters with the two contrasting styles of political engagement that had come to dominate politics in black Chicago since 1963. To Metcalfe’s race man, Rayner was “a colorful, outspoken militant.”

His father was a prominent Chicago mortician, and Sammy followed him into the business.

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A.A. Rayner Sr. conducted Emmett Till’s open-casket wake in at the Rayner & Sons funeral home in 1955. His son Sammy arranged for an independent autopsy of Fred Hampton in 1969 and held the wake at Rayner & Sons, as well. While Metcalfe patiently labored in Daley’s vineyard, Rayner was in perpetual political motion as one of the leading gadflies of independent black politics. After losing races for alderman in 1963 and Congressman in 1964, he prevailed against Sixth Ward Alderman Robert Miller, one of the “Silent Six,” in the landmark election of 1967. He ran well against Dawson in 1968, but—for better or worse—Metcalfe was not Dawson.39

The campaign mirrored the ongoing electoral struggles between machine and independent candidates, whatever the pressing political issues at hand. Rayner ran against Daley, describing the campaign as being “about a political machine that has hopelessly entrapped over one million black people by conspiring to deny us proper welfare reforms, adequate housing programs, quality education, and the necessary black economic development in our cities.”40 Metcalfe’s campaign was run by his protégé Harold Washington, and it depend on the usual people and arguments. Support came from black businesses and ministers as well as the AFL-CIO. Metcalfe used the same lines machine aldermen had used against independents for years, “People here want service, not a lot of meaningless hollering. We work with the team and we get results—lawyers for people in trouble, playgrounds, cleaner streets, jobs. We give out 1,200 food baskets in this ward every Christmas. These things still count.”41

Rayner tied his campaign as closely to the Panther case as possible. Twelve days after the killings, he called the workings of Hanrahán’s men an “assassination,” on the City Council floor. Supporters billed a December 31st rally to commemorate the two victims as a chance to show support for the independent alderman’s congressional candidacy. The campaign became a symbol of the ongoing struggle over “law and order” politics in black communities in Chicago and other cities. At the official campaign kick-off in January, Gary mayor Richard Hatcher—the first black mayor of any major U.S. city—and Georgia State Representative Julian Bond blew the starter’s whistle; other luminaries of the rising black political class, including John Conyers, lent their support as well. National papers, such as the *New York Times*, *Washington Post*, *Wall Street Journal*, and *Los Angeles Times*, all sent reporters to cover the story. Media attention put the question of the relationship between black politics and black youth at the center of the race. The dispossession of black youth by the Daley organization was an important element of Rayner’s basic political message, and the Panther killings seemed to provide a real-life case study of its devastating consequences.

While black Chicagoans unified against impunity for Hanrahán and his raiders, they had not arrived at any singular way of understanding and responding to the violence in their communities. Perhaps the most important and widespread area of citizen participation during the 1970s and 1980s was around the question of crime prevention, a history longer and more diffuse than the mode of citizen participation chronicled in Chapter 3. Nonetheless, community anti-crime efforts intersected with movements for police reform in ways that revealed the complex politics surrounding crime, law enforcement, and police

42 Alderman Keene, Daley’s floor leader responded, “This man is a contributing factor to what is going on. … He went to Russia [two years ago] as a guest of the Soviet Union and is out on the south side contributing to racism and creating problems.” Edward Schreiber, “Council Rips Black Ban on Whites,” *Chicago Tribune*, December 17, 1969, 1.
reform. Whatever their positions on questions of police reform, whatever their beliefs about
the system of criminal justice, black Chicagoans expressed almost universal concern about
crime. This concern took many different forms; just as crime was not uniform across the city
neither was the intensity or nature of concern uniform across the city’s various black
geographies. Nonetheless, in 1970, it was hard to find any writer in the black press or
member of black community organizations not emphatically in favor of implementing some
kind of citizen-based crime prevention program.44

When the race turned away from the State’s Attorney and to youth gangs, the
militant Rayner’s momentum flagged. At the beginning of March, the popular deejay and
owner of Southmoor Bowl, “Daddy-O Daylie” (Holmes Bailey) charged that the Black P.
Stone Nation tried to extort protection money from him. The Chicago Police Department’s
Gang Intelligence Unit was quick to follow up the charges and, within a few weeks produced
a 35-page report detailing the extortion of Daylie and others.45 Stones leader Charles Bey
maintained that the charges were exaggerated “because of our relationship with Ald.
Rayner.” In a joint television appearance with Metcalfe on Daddy-O Daylie’s talk show, “For
Blacks Only,” the independent candidate noted that such adverse publicity was “a conspiracy
designed to cloud the thinking of voters and to prevent the airing of true campaign issues.”46

44 That this is even a point of discussion at all reflects the intensity of attachment to ideas of racial criminality.
See Elias Isquith, “‘A 21st-Century Segregationist Claim’: Why Giuliani’s Race Screed Is so Foolish — and
Dangerous,” accessed November 4, 2015,
http://www.salon.com/2014/12/12/a_21st_century_segregationist_claim_why_giulianis_race_screed_is_so_f
oolish_and_dangerous/.
46 The show appeared on Chicago’s local ABC affiliate. “Congressional Candidates Debate on ‘Blacks Only,’”
Chicago Defender, March 7, 1970, 35.
The intended effect, according to Bey, was clear: “If the people turn against the gangs, they turn against Rayner and to Metcalfe.”

The voters’ turn to Metcalfe was decisive. He doubled Dawson’s winning margin from two years earlier. Some credited his victory to his skillful exploitation of the crime issue. The Tribune quoted one “knowledgeable” black politician, who claimed that black voters in the first district “fear the street gangs more than they hate the mayor.” But others found political organization to be the more likely culprit. The independent Democrat lacked the robust precinct organization of his machine opponent. “At only one of 10 polling places visited was there a Rayner poll watcher; on only one street corner was there a Rayner man passing out literature,” reported R.W. Apple, Jr., of the New York Times. Nowhere was “there any visible effort to get out the Rayner vote.” By contrast, Metcalfe had his corps of precinct captains stocking polling places, knocking on doors, and even driving the elderly to the vote. Apple concluded, “Building a lasting organizational counterforce seems out of reach.”

War on Crime

Metcalfe was a crime fighter before he became an anti-brutality crusader. To score political points against Rayner, he employed the same rhetorical strategies embraced by proponents of law and order, pivoting from the unifying outrage over police brutality to the divisive question of crime. This was politics, and yet it did not mean that Metcalfe was insincere in trying to address crime. The residents of his third ward were exceptionally vulnerable to violence. Between 1965 and 1974, violent crime rose at incredible speed in

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Chicago, with the homicide rate more than doubling, as Figure 2 demonstrates.\textsuperscript{50} This reality was particularly brutal in the third ward, where the Wabash Police District was home to the highest reported crime rate in the city.\textsuperscript{51} Over the late spring and summer months of 1971, for example, thirty-three people were murdered in a district of just 66,000 residents.\textsuperscript{52} The Ward encompassed some of the city’s densest areas of concentrated poverty and social exclusion, including the Robert Taylor Homes that stretched down State Street for two miles. At Robert Taylor, the challenge of maintaining social order was among the most important concerns of social life throughout the 1970s.\textsuperscript{53} In particular, people were up in arms about gangs. “Gang-motivated” homicides experienced rapid growth over the second half of the 1960s, rising from just ten in 1965 to forty-four in 1968 to seventy in 1970, before beginning a rapid decline to its previous levels by 1975.

\textit{Insert Figure 2}

As gang homicides escalated and remained high, the question of how black organizations ought to respond weighed heavily on their leaders. Dr. Charles G. Hurst, president of Malcolm X College, a two-year city school on the Westside, blamed the gang question for destroying the “the splendid spirit of togetherness and unity generated out of the tragic deaths of Fred Hampton and Mark Clark.”\textsuperscript{54} This was evident when the Urban League convened a wide variety of black organizations to try and turn anger over the Black

\textsuperscript{51} This would translate to a homicide rate of 150 per 100,000 if it was maintained over the course of a year Bob Hunter, “Wabash Police District -- It’s City’s Most Perilous,” \textit{Chicago Defender}, July 17, 1968, 3.
\textsuperscript{54} Hurst was referring specifically to the call for Ralph Abernathy to mediate the dispute between Curtis Burrell of KOCCO and the Black P. Stone Nation. Dr. Charles G. Hurst, “Black Focus,” \textit{Chicago Defender}, August 6, 1970, 5.
Panther killings into a constructive program in May of 1970. Discussions at the meetings ranged widely—one might even say wildly. Only gangs grabbed everyone’s attention, but opinions about how to think about them and what to do about them revealed deep divisions. Some attendees sought to include gang leaders in future meetings, while others expressed their belief that “more people should speak out and say what they gangs are doing is wrong.” Should gang members be offered financial aid, “thereby greatly decreasing their reasons for stealing and killing”? The role of black adults was discussed at length. One attendee suggested, “Black leaders are not projecting themselves as images to youth,” leading them to emulate less responsible role models (cowboys, gangsters, the mafia). Black adults must chastise black youth so the argument went, lest they end up in front of a jury of twelve whites.  

The group took the name Action for Survival. They issued a programmatic statement a few weeks later that framed the question of crime broadly by highlighting various forms of violence and exploitation by white-dominated institutions—including the Police Department, the syndicate, slumlords, unfair merchants, the courts, white dealers in narcotics and illegal guns—perpetuated against black Chicagoans. It also dealt head on with the “most abhorrent and self-defeating” crime of “Black people murdering Black people.” Despite alluding to gangs, the statement did not mention them, and it refused to make them the scapegoat for the problems of black Chicago. Instead, the authors argued, “There is no one segment of Black Chicago that is responsible for the rapidly rising crime rate.”

55 “It was further stated that Black adults should be able to chastise Black youth as well as give them direction, and because Black youth in trouble are tried by a jury of 12 white people, there is little hope that they will receive a fair chance.” Action for Survival, “Meeting Minutes,” June 26, 1970, 2, CUL II-242-2392.
Following the release of the statement and a round of press appearances, members of Action for Survival expressed some dismay about its reception. On the television show “Our People,” one member noted, “the primary concern seemed to be whether the movement had been established to fight Black youth in the community.” Much-handwringing ensued as to whether the group might “be used by some people as another device to set Black people against Black people.”

Such discord quickly disappeared from public dialogue, even as it continually bubbled up in black neighborhoods. In June 1970, a dispute with the Reverend Curtis Burrell followed closely on the heels of the Stones’ conflict with Daylie. Burrell was a Mennonite, who found God while incarcerated for crimes related to his narcotics addiction. By the end of the 1960s, he was preaching in Woodlawn and leading the Kenwood-Oakland Community Organization (KOCO). Echoing other social ministries, Burrell argued in 1968 that the city’s crackdown on gangs was misguided. KOCO “will not stand by and watch as the youth of this community are repressed and degraded by the inhumane and unwarranted tactics of the Chicago police,” he defiantly broadcast. “We will not be divided from our young men who belong to any club or organization, by a city policy of ‘black gang busting.’” They sought more productive engagement and, in the fall 1968, the organization hired a number of Stones to participate in a community-organizing project. Following many other War-on-Poverty-era projects, KOCO sought to transform gang members into the agents of their own liberation by giving them responsibility and skills. The program failed

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60 The program had the oddly white supremacist name, “Toward Responsible Freedom.” Arthur Siddon, “$9000 Youth Job Goes to Gang Leader,” Chicago Tribune, November 9, 1968, 3. The restaurant never got off the ground.
for complex reasons, not the least of which was that its self-help ideology was insufficient to the task of mainstreaming gang members.

Burrell’s termination of the program in June 1970 quickly turned into a call to black unity, as against the gang.\textsuperscript{61} Challenged by members of the gang on the project staff, the self-described “cosmic gangster of God” pulled out a nine-millimeter semi-automatic and fired shots in his office.\textsuperscript{62} In subsequent days, the gang (allegedly) firebombed the KOCO office; fired nine shots at his house; and got in in a shootout with Burrell’s new bodyguards at his church.\textsuperscript{63} In response, Burrell walked back his earlier refusal to be divided from black youth. “The people have complained about an oppressive dimension of gang activity and these concerns have not been addressed as clearly as they need to be.”\textsuperscript{64} Burrell suggested that “an aroused black community” should ostracize, excommunicate, and isolate the gangs. They “must be made to feel the pressure of the black community. They must see themselves as a people cut off from their main body, where there is no protection or refuge, because of their crimes against their people.”\textsuperscript{65}

Yet, Burrell never issued a call for police repression. As things cooled down, he emphasized that the difficulty of handling street gang violence related integrally to the problem of racial domination by the Police. He described the paradox black Chicagoans

\textsuperscript{61} The KOCO leader claimed that the differences were solely because the Stones divisive approach to community problems. “KOCO’s Burrell Ousts Sengali: Claim Office Fire Bombed,” \textit{Chicago Defender}, June 17, 1970, 1.


\textsuperscript{65} Burrell, “Blacks Facing Crime Issue,” \textit{Chicago Defender}, October 29, 1970, 16. Curtis Burrell, “Blacks Facing Crime Issue,” \textit{Chicago Defender}, October 29, 1970, 16. Yet at the same time, if they black people might mitigate criminality through social means, it did not relieve whites of their obligations or change the basic etiology of crime. As he continued, “Simultaneously, of course, there must be the opening of socio-economic options for Black youth as alternatives to the cycles of decay, of which the gangs [sic] is one of the manifestations.” Ibid.
confronted as a choice between genocide and suicide. “Not to move, means certain death. To move the wrong way, means suicide.” On the one hand, failing to act might “let Black on Black crime pull us down to total death and decay.” On the other, he argued, “we are presently living in a semi-police state.” In Chicago’s courts, black youth “are immediately suspect. They are deemed guilty until proven innocent, simply because they are Black youths.” Black people had to approach the question of crime “[k]nowing that one’s methods may well contribute to this perversion.” Which is to say: “black people must chose a method which deals effectively with the crime issue and the equally socially destructive force of genocide (in its various forms) and totalitarianism.” Despite the failure of self-help in transforming the Stones, the Mennonite minister responded to the paradox of genocide or suicide by turning to the indigenous solution of community development. He drew upon time-honored notions of racial uplift central to black social politics. He counseled “the development and exercise of a disciplined, diligent spirit to be injected into the ‘Black Thang.’” Burrell offered an incisive critique of policing, but his notion that self-discipline might be the solution to gangs only reproduced ideas about black social responsibility—and irresponsibility—that underlay the law and order thinking.

When Metcalfe waded into this most divisive area of social politics in 1971 with the creation of the Third Ward Commission on Crime Prevention, he addressed a set of problems with which black organizations were already deeply engaged. Metcalfe’s approach to crime echoed Burrell’s in turning inward towards community development. He sought “to mobilize responsible community and city leadership to deal with the problem of crime in the

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Third Ward of the City.” In a speech given across the pulpits of black Chicago on Oct. 3, 1971, he and his allies talked tough: “I serve notice on those who would despoil our people and violate their property that we declare war on lawless acts … and I say so with the full knowledge that we have the support of the entire community.” But the actual practices that they endorsed focused merely on raising awareness, on “arousing the community to the seriousness of problems of crime in the Third Ward,” and on “involving the community actively in the solution of the crime problem.” Unsurprisingly, Metcalfe’s vision of self-help involved greater linkage with the state, including reporting crimes, closer cooperation with the police, testifying in court as witnesses, providing education and information about the criminal justice system, and finally recruiting and training men for police exams.

Nonetheless, his main concern was getting people to band together and say “no more.”

In the 1970s, many black people and organizations wanted to do something about crime, and in this they participated in a tradition that stretched across the color line and back in time. Above all, these efforts evinced a profound impulse to action in the face of gross inequality. Renault Robinson warned of the dangers of being “so damned fundamental that we are unable to deal with anything that meets the eye.” Deep analysis of conditions producing crime could not produce safer streets. Rather, he stressed, action was needed, and “nobody has told us how blacks can, here and now, do something about every black man woman and child having to be fearful in every black neighborhood in Chicago.” Even if he admitted that his own solutions might be superficial, it was important to pursue them

69 Third Ward Committee on Crime Prevention, “Speech on Crime Prevention.”
71 “5,000 Pledge to Fight Crime Here,” Chicago Defender, October 7, 1971, 2.
nonetheless. The alternative was to excuse crime and sentence “the peaceable hard working blacks of the ghetto to a horrible brand of tyranny of hustlers, murderers and extortionists in their midst.”

At the same that time Robinson embraced self-help and worked with community groups to develop community anti-crime programs, he critiqued the mismatch between the obsession with teen gangs and the broader nature of black vulnerability to violence and privation. He encouraged “people to think about the deaths and killings that take place in Chicago, in a context greater than and in addition to the popular gang oriented theory.” Teen gangs were the symptom of a much deeper problem: destroying them “will not end the problems of violence.” Rather, Robinson argued that black people needed to become aware of the “real problems of violence in our community” and be involved in “constructively” solving them. “Chicago is a violent community,” he said, and “for the most part, the city government does little or nothing to prevent crimes of violence, or to eliminate the conditions that led to violence and killing.” Focusing on street gang violence, and sanctioning the police to use brutal tactics did little to stop gangs. For Robinson, the problem was not that police were doing too much. Rather, the police had done nothing to stop “street gang terrorism.” They had merely used it as a further excuse for brutal practices.

The AAPL executive director described the creation of black neighborhoods as sites of vulnerability to violence as a dynamic process and not a static condition. The absence of adequate social resources reduced black communities to states of abjection in the face of

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73 Ibid.
75 Ibid.
crime. “Out of the feeling of helplessness and fear, this community will seek the help of the
police.” Black people “had no one else to turn to.”77 When receiving a call for help, however,
the Police would send in “the Task Force or just the regular police officer, only he’s very
vicious and when you complain about police brutality the Police Department remarks, ‘You
people ask for service and our help and when you get it you complain about the service we
give you—what do you want?’”78 In response to black vulnerability to violence police
exercised violence, and then blamed black people for complaining about the reproduction of
the same problem they had called upon the police to eliminate. Black Chicagoans suborned
their own harassment because they had few options.

**Metcalfe and Hanrahan**

Despite the institutionalization of police reform activism, and the widespread
condemnation of State’s Attorney Edward Hanrahan, he still had not been called into
account for his role in the Panther raid when he appeared before the Democratic Party slate-
makers to seek their endorsement in his campaign for re-election as State’s Attorney on
December 7, 1971. Judge Joseph Romiti was still insisting on holding hearings into the
propriety of the special county grand jury’s indictment. That was about to change. Over the
next ten months, the Special Prosecutor’s efforts to prosecute him would overlap with the
State’s Attorney’s own efforts to get re-elected. His legal and political fortunes would
continually fork in opposite directions. No sooner did one process end in disappointment
for one party than his adversaries quickly found a way to turn the tables in another context.

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78 Ibid. In other cases, Robinson noted that to “serve and protect black people,” frequently meant not
responding to their calls for help, responding too slowly, refusing to take reports or investigate charges, or
refusing to act upon a complaint. Renault Robinson, “A Backwards View of Problems,” *Chicago Defender*, June
26, 1971, 30.
Ralph Metcalfe led the forces within the Chicago machine against giving Hanrahan the Party's stamp of approval. In the immediate aftermath of the raid, Metcalfe endorsed an independent inquiry into the raid, but political observers viewed him as continuing to support his fellow Democrat. But two Decembers later, he and State Senator Cecil Partee urged the Democrats considering endorsements to dump Harahan or suffer widespread rebellion among black voters. Though their opinions were considered, they were not heeded. The leaders of social welfare and community organizations across the city reacted with fury. Some of the most perceptive commentators on race viewed the endorsement as an index of the Daley organization’s opinion about the political power of black Chicagoans. Alderman Cousins identified it as “a pitch for the backlash vote which Mayor Daley apparently believes is stronger than any kind of a front lash vote blacks might make.”

Black voters had been the heart of Daley’s coalition during his first three elections. But in the mid-1960s, black voters in the middle-class wards began to reject the machine and black voters throughout the city began to participate in electoral politics in much lower numbers. Already by 1967, the Mayor had begun to turn the Democratic electorate “inside

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80 What has confused many partisans was the statement by Mayor Daley that the original slate was approved unanimously. Most people don’t realize that a final vote to give the ticket ‘unanimous approval’ is a ritual established to present a public image of party solidarity.” “Charlie Cherokee Says,” *Chicago Defender*, December 8, 1971, 5; George Tagge, “I.V.I. Also Voices Opposition: Slating Gets Protest on the Outside,” *Chicago Tribune*, December 8, 1971, 1; Vernon Jarrett, “Two Who Fought Hanrahan,” *Chicago Tribune*, December 22, 1971, 14.
81 A single *Defender* story carried critiques of the Hanrahan slating from the Urban League, city council independents William Cousins and Anna Langford, state senator Richard Newhouse, community organizations such as The Woodlawn Organization (TWO) and the Garfield Organization, the predominantly black Cook County Bar and Physicians Associations and Physicians, as well as Renault Robinson, Dr. Charles Hurst, president of Malcolm X College, and Russ Meek of Search for Truth. Robert McClory and Faith C. Christmas, “Mobilize to Defeat Hanrahan: Ald. Holman Hit,” *Chicago Defender*, December 9, 1971, 1.
out.” His strength shifted from the inner city wards that had secured his dominance, to the “outlying white areas on the Northwest and Southwest sides of the city.”83 With weary resignation, Renault Robinson took note of the fact that “The party has slated unfortunate candidates in the past and they were never blocked by the black community.”84 With disturbing glee, Fourth Ward Alderman Claude Holman agreed. “The blacks are not going against Hanrahan.”85

If Metcalfe failed to convince the slate-makers, his performance nonetheless earned him plaudits amongst public-opinion makers. These compliments were redoubled a few weeks later when, following the Illinois Supreme Court’s refusal to allow Judge Romiti’s inquiry, Democrats reversed themselves. Metcalfe’s argument that “the momentum of feeling against Hanrahan was gathering at such a terrific rate that I was fearful for the party,” carried the day.86 His dissent does not seem to have been a matter of principle, unless “Don’t back no losers,” can be described as such.87 Regardless, it was a major victory for Metcalfe and a vindication of his place in the Party, argued his protégé, Third Ward Alderman Tyrone Kenner. “This just shows that men who are able to lodge protests within the council of the

87 Metcalfe only substantive criticism of the State’s Attorney was of his “record as a law enforcer.” Robert McClory, “Dispute New Claims Made by Hanrahan: Blacks Rip Hanrahan’s Claims,” Chicago Defender, December 23, 1971, 1.
Democratic Party can be effective—more so than those who just scream on the streets.  

Even the independents applauded. “Since we have been very liberal with our derogatory adjectives in describing ‘machine controlled blacks’ who devote full time to the art of politics,” Vernon Jarrett genuflected, “perhaps it would inspire them and us if we extended a few expressions of praise when they display the kind of backbone that some of their severest critics don’t always show in private.”

**Insert Table 2**

Hanrahan did better with primary voters. “If I don’t seek reelection,” the State’s Attorney argued in explaining his decision to stay in the race, “that would be the Black Panthers’ biggest propaganda victory.” While Daley and other prominent Democrats accepted this decision with unusual equanimity, Metcalfe openly grumbled, admitting that he “resented the challenge by Hanrahan. He does not concern himself with the welfare of his party.” The State’s Attorney’s victory was front-page national news, and it provided succor to those who believed Daley had never wanted to drop him. Certainly white party regulars continued to work for Hanrahan against the candidate slated in his place, Traffic Court

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90 The *Tribune* said what everyone was thinking: “He is trying to make the primary election a contest of black versus white and present himself as a champion of law and order.” “Editorial: Hanrahan’s Last Stand,” *Chicago Tribune*, December 23, 1971, 16.
Judge Raymond Berg, and liberal former ACLU lawyer and Assistant United States Attorney Donald Page Moore.\textsuperscript{93}

Black voters did not lose because their committeemen did not deliver on Election Day. They lost because of the processes unleashed by their long-term subordination within the party-state. Metcalfe and the black committeemen delivered dominant majorities for Berg. While the white suburbs and white city wards voted for Hanrahan, the black wards actually voted more strongly against him in percentage terms. The difference was numbers. The historic demise of registration and voter turnout in the black wards after 1963 was an electoral technique that helped the machine to maintain its strength even as black voters grew increasingly disaffected.\textsuperscript{94} This decline of black voting was not a defect of black voters; such patterns emerged everywhere monopolies successfully controlled local politics. Low turnout in this context was an effect of the deeper shift in the operation of Democratic electoral power.

**Metcalf\textsuperscript{e} Turns Black**

As he waded into anti-crime politics with the creation of the Third Ward Committee on Crime Prevention Metcalfe also stepped cautiously into anti-brutality politics with his opposition of Hanrahan inside party circles. Over the ensuing months he would bring the two together in a campaign to demand better police services for Chicago’s marginalized

\textsuperscript{93} Hanrahan walked a tightrope during his campaign. He viciously attacked Berg but remained solicitous towards the Mayor. During the St. Patrick’s Day Parade, he let two white doves out of his hat in front of Daley’s reviewing stand. Organization Democrats barely hid the fact that they continued to support the State’s Attorney. For example, at a meeting of the 2000 precinct captains to get out the vote for Berg, there were Hanrahan buttons on every table. “Challenge Posed to Daley,” New York Times, March 18, 1972, 16. Jane Byrne similarly argues that the machine “secretly worked for Hanrahan.” Byrne, My Chicago, 233. Contrast this with the treatment accorded Robert Miller, who was left to die on the vine in his race against Sammy Rayner in 1967 for a symbolic protest vote. Grimshaw, Bitter Fruit: Black Politics and the Chicago Machine, 1931-1991, 136.  
peoples. This campaign began on the morning of the March 21 primary, even as voters were going to the polls to choose Hanrahan as the Democratic nominee in the fall election. Metcalfe led a delegation of black men from the Third Ward Committee on Crime Prevention to meet with Superintendent Conlisk.95

This meeting is famously remembered as the start of Metcalfe’s work as an anti police brutality crusader, because its proximate cause was police mistreatment of Dr. Herbert Odom, one of Metcalfe’s closest political allies.96 Two Task Force officers pulled over Odom’s late-model Cadillac a few days earlier, supposedly for not having a light above the rear license plate. During the course of the stop, they manhandled Dr. Odom and ultimately arrested him. The indignity of the arrest had everything to do with social class, and the presence of the Third Ward Committee in Conlisk’s office had everything to do with political influence.97 Nevertheless, the men used this particular exercise of authority to raise questions about just what the police were doing in black communities. They called upon the Superintendent “to take disciplinary action against the two arresting officers, to issue a memorandum to all members of the police department to stop immediately the harassment of black citizens and to seriously consider the elimination of the task force which—in the view of the community representatives present—has not curbed crime in the black community.”98

95 “Ask Probe of Dr. Odom’s Arrest,” Chicago Defender, March 16, 1972, 1; “Metcalfe Sparks Meeting: Conlisk Pressed on Dr. Odom,” Chicago Defender, March 21, 1972, 1.
96 “Metcalfe Sparks Meeting: Conlisk Pressed on Dr. Odom,” 1. On Odom’s role in Metcalfe’s campaign, see “Who’s Who Behind Metcalfe: A Select Committee,” Chicago Defender, April 1, 1972, 5.
97 Robinson initially found the attention given to Odom odd: “we should be concerned when any citizen is abused by the police but to make so much fuss over one slight abuse when over 250 people have been ‘beaten’ in three months seems strange.” Renault Robinson, “The Black Watch,” Chicago Defender, April 1, 1972, 26.
98 “Metcalfe Sparks Meeting: Conlisk Pressed on Dr. Odom,” 1.
The sad reality of the history of police brutality and neglect in Chicago has been that once one is attuned to it, a short wait almost inevitably turns up an obnoxious case of police mistreatment. The cause of the furor in 1972 was not changing patterns of behavior but changing patterns of attention, themselves the product of unceasing agitation over brutality during the previous two years. Less than a month later, police bungled a second case involving another doctor friend of the Congressman. The consequences this time were worse, as the man slammed into another car after having a stroke while driving; police locked him up without medical attention and he went into a coma. 99 Although Conlisk had ignored their first set of requests, the Third Ward Committee met with him again on April 17. This time they delivered six demands at the nexus of crime and brutality: the elimination of all task force operations; the establishment of a citizen’s board in each police district “acceptable to the community of that district”; and reform of hiring and promotion practices. 100 The final demand was that the Superintendent implement the plans by May 31.

Metcalfe’s spat with Superintendent Conlisk might have remained just that. The conflict escalated slowly enough that at nearly any point it seemed possible that either side would back off. 101 Even going that far left Metcalfe “scared to death” of challenging the machine, Renault Robinson noted, “because he was one of them.” But it would have been more embarrassing not to speak out about brutality against “his campaign manager and chief

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100 Conlisk insisted that Deputy Sam Nolan was one of five persons with authority to make decisions, and was challenged by Ald. Kenner and Rev. Clements. Vernon Jarrett, “Charges Misconduct: Metcalfe Demands Police Change Ways With Blacks,” Chicago Tribune, April 25, 1972, 3.

101 “If you or your office cannot find it possible to effectively deal with the problems affecting our community, it is incumbent upon us then to go back to the community and set up techniques of survival for ourselves—and this, we are prepared to do.” Tony Griggs, “Conlisk Considers Six Demands: Metcalfe Issues Ultimatum,” Chicago Defender, April 25, 1972, 1.
fundraiser. So he had to say something.” And Conlisk was a vulnerable target. Nixon had named an ambitious, young prosecutor named James R. Thompson as United States Attorney on November 29, 1971. He immediately launched a host of political corruption prosecutions and, by March of 1972, had empanelled a special grand jury to look into police corruption. (The Knapp Commission also had just opened its hearings in New York City.) In March, the Study Group published its Fatal Force Report. By the beginning of July, the Tribune declared that Supt. Conlisk’s job was on the line. The scandal sizzled for eighteen months, until convictions finally him brought down in October 1973. In a political battle, the Congressman could make somebody believe he might best a weakened Conlisk. The plaudits he won from the black press could only have reinforced his self-belief. As the Defender’s political gossip column recognized, “Rep. Metcalfe may be a product of the

system but he has given the system a serious challenge on the police issue now. No black elected official in Chicago has ever been given the support that he is getting now.”

Each conflict with the Superintendent pushed Metcalfe further away from reconciliation, until he made his stand by challenging Daley. Reggie Robinson described the process as an iterative one: “the further we pushed him out there, the further estranged he got from Daley.” The terms of the showdown were set by early May: Metcalfe invited Mayor Daley to meet with him and other leaders at Liberty Baptist Church to discuss the problem of police brutality on May 1. The Mayor did not show, but his response evidenced the seriousness with which he took Metcalfe’s challenge. He took the initiative, invited the Congressman to a City Council meeting at City Hall on May 3 to discuss police and black community relations. Metcalfe declined. The Superintendent and Mayor made a thirty-minute presentation offering a number of modest concessions. As the conflict progressed, the Mayor and the black machine Alderman would constantly be scrambling to get in front of Metcalfe on the issue, holding City Council hearings and offering public criticism of Conlisk.

Metcalfe staked out his anti police brutality position on the terrain of racial solidarity and authenticity already employed the Afro-American Patrolmen’s League and others.

108 Frank Sullivan, Mayor Daley’s press secretary at the time, recounts these events from the inside, see Frank Sullivan, Legend, the Only Inside Story about Mayor Richard J. Daley (Chicago: Bonus Books, 1989), 102–104.
109 Interview with Renault Robinson, HistoryMakers, session 1, tape 2, story 9.
111 Some sought to eliminate obvious sources of friction (more Spanish-speaking officers, not requiring drivers to post their licenses or bond for minor traffic violations), others highlighted necessary changes in police culture (visiting groups reflecting minority cultures, stressing human relations, and more in-service training on the dignity of the individual and the evils of abusing police authority. “Statement by James B. Conlisk, Jr.,” May 3, 1972, Alliance 1-3.
Powerful currents of black-nationalist thought surrounded Metcalfe, and it was hard not to get swept up. This began with his son Ralph Metcalfe, Jr., who came of age with Black Power. But it was equally a product of his experience in Washington. Moving outside of the narrow confines of everyday life as a committeeman and Alderman was important. There was a lot of distance between Congress and Chicago, and during his first term there Metcalfe submerged himself in the politics of race in a new way. He was among the founding members of the Congressional Black Caucus. In 1971, after President Nixon refused to meet with the future caucus members, they boycotted his State of the Union address. Metcalfe admitted the influence of his younger, more militant colleagues. “In the caucus we have decided to put the interests of black people first—above all else and that means even going against our party or our political leaders if black interests don’t coincide with their positions.” Similarly, as his conflict with the Police Superintendent and the Mayor developed, he participated in the National Black Political Convention in Gary, Indiana. The Convention was “in many respects the high point of the Black Power movement,” as men and women from across the political and ideological spectrum came together and outlined a program for political change. In the coming months, the Congressman’s remarks spilled forth with the optimism of the Convention.

113 Earl and Miriam Selby’s interviews with Ralph Metcalfe and his militant son, Ralph Metcalfe, Jr., which were done well before the switch, are particularly revealing in this regard. Earl Shelby and Miriam Shelby, *Odyssey: A Journey Through Black America* (New York: G.P. Putnam’s Sons, 1971), 123–142.
Metcalfe framed both his resistance to Daley and his own political transformation as recognition of their true selves. After describing everything that he and others had done to work within the system for reform of the Police Department, the Third Ward committeeman recalled a series of prayer-ins the Ward’s Anti-Crime Committee held against crime and fear. “Yes,” he said, “we got down on our knees and prayed. And we had the Superintendent to kneel with us.” Nothing changed. “Well, brothers and sisters, we also have gotten up off our knees,” he continued. “This seems to be the biggest problem with this Administration. The Mayor can’t seem to tolerate us unless we are down on our knees.” But, “The Mayor of this city is not the almighty God that I was taught to pray to.”117 After years of obeisance, Daley appeared to Metcalfe as a false idol.

Metcalfe’s framing of his own transformation revealed the power of the racial imaginary. Throughout his career, Metcalfe persistently argued in favor of advancing the cause of black people through party politics, often in opposition to black critics. His career spoke of nothing if not the multiple positions within black politics.118 Each was rooted in a person’s location within a complex matrix of institutional affiliations, social positions, and political beliefs, and each constructed a particularized version of what it meant to be black.119 He described his own transformation from organization man to racial militant as a racial conversion narrative. He informed the audience, “I held a personal meeting with myself, my conscience and the people who elected me and decided that when I look into the mirror I...”

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117 "‘…We Will Not Kneel to Daley,’” Chicago Defender, June 1, 1972, 12.
can be proud of a man who has the guts to participate in the struggle.” Repudiating his previous politics, he declared that when others asked, “‘what has happened to Ralph Metcalfe,’ and ‘what took him so long’ he replies, ‘it is never too late to be black.’” It was, as his erstwhile opponent Sammy Rayner characterized, a complete 180: “All of a sudden, he’s become black and beautiful.” In this moment of shifting possibilities, he justified his political transformation in terms of his racial subjectivity.

As he presented the case, black subjectivity grew out of political subjection: “It is not only Ralph Metcalfe on the spot today,” Metcalfe implored, “every black man is on the spot.” Metcalfe’s statement mirrored an ontology of racial oppression that failed to recognize humanity of black people. Rather, it equated one black person (Ralph Metcalfe) with any other black person (every black man). Metcalfe turned this racial ontology towards the service of imagining a political destiny that could overcome divisions among black people. He highlighted to the audience the stark terms of the struggle to come. Despite the decline in their turnout over the last half-decade, black Chicagoans represented a still inchoate political power because of their sheer numbers. As he put it, “that’s power if used correctly and we can be powerful from this moment on.” But as the Congressman knew, any challenge would be bitterly resisted. At City Hall, he informed his audience, “they’re not too sure that we blacks mean what we’re saying and are sure we’re going to do nothing but make a lot of noise, since they’re convinced we can’t stick together for a long time.”

Metcalfe’s invocation of shared conceptions of black vulnerability to state violence did much to create the very unity it purported to describe. From their first meeting with the

120 Christmas, “Metcalfe: Unity Is Key to Victory,” 1.
Superintendent, through the announcement of the six demands, the Third Ward Committee on Crime Prevention highlighted both police brutality and ineffective police protection. Similarly, Metcalfe’s demand to the Mayor was that he “come here to the ghetto where we have the criminally-minded police on one hand and criminals on the other.” Nonetheless, police brutality, and not police protection, provided the most effective issue for political mobilization. If crime proved divisive, police brutality bridged class and neighborhood, as well as experiences with the criminal justice system. In the wake of Metcalfe’s stand, “Black unity … bust[ed] out all over in Chicago.” Even in the moment when black social stratification was accelerating, black people of all classes remained at some risk of mistreatment by the police, even that risk was not identical. This common ground saw meetings of Metcalfe’s new organization, the Concerned Citizens for Police Reform (CCPR), encompass “every brand of conservative seriously and joyously mixing with every shade of militant.”

Police brutality also provided an issue for building relationships with Latino/as, who despite the Division Street riot in 1966 remained almost completely excluded from participation in the governing coalition. Chicago’s large and growing Mexican and Puerto Rican populations were nearly invisible to regular Democratic politicians. Police brutality provided the first major issue where blacks and Latino/as came together seeking to make a joint intervention into city politics. Latino/a support made it clear to Metcalfe that “the problem existed in city-wide proportions and that a larger movement was necessary.” In late May, he pushed beyond the specific boundaries of blackness: “I no longer represent the

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123 Ibid.
3d Ward and the 1st Congressional District, but all oppressed people. My goals are the same but I have a broader base, for the people are directing me, the people are supporting me.”

During the summer of 1972, Metcalfe brought all the social and political forces that formed part of the anti-brutality crusade together to hold hearings on the misuse of police authority. This “blue ribbon” panel had all of the trappings of a legislative hearing. The sea of black and brown faces, however, made it fundamentally unlike most legislative hearings. Collectively the participants sought to imagine a new paradigm for governing, questioning how—given adequate political will—they might re-channel police behavior to protect such citizens. The panel possessed none of the power to move law. Instead, it used the enthusiasm and anger of police critics to generate momentum in the arena of politics. Nonetheless, this tremendous moment of communal togetherness should not obscure how Metcalfe also used the hearings to successfully consolidate his position as the leader of the reform forces. Without Metcalfe the hearings would not have happened, but he constructed them on top of the previous four years of effort by Renault Robinson and the other members of the Afro-American Patrolmen’s League, Kermit Coleman, and the various organizations who participated in the police reform network chronicled in Chapter 3.

In the story of rising black independent political power in Chicago, Metcalfe has long been lionized as a hero. He did take risks in stepping out against Daley. Over breakfast with Robinson on morning, he fretted, “this is gonna be a disaster for me and my career. He said, they’re gonna take everything away from me. And they did. They took all of his clout.” Metcalfe lost his police bodyguards. He lost patronage jobs that he had controlled for years,

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127 Interview with Renault Robinson, HistoryMakers, session 1, tape 2, story 9
including the three workers who ran his popular athletic program. He was soon under investigation by the I.R.S. for activities that occurred while he was chairman of the City Council Zoning Committee. Nonetheless, it would be incorrect to recognize Metcalfe as substituting a politics of interest with a politics of value. Whatever his faults, he was a shrewd and conservative political operator who sensed the limits of the possible. Just as changing political opportunities made possible Metcalfe’s ascent in the Third Ward, Metcalfe’s whole history points to his recognition of the changing costs and opportunities of the political moment.

**Defeating Hanrahan**

When Hanrahan won the March primary election, he became the candidate of Metcalfe’s party. Daley and most of the party hierarchy were happy to welcome him back into the fold. When a reporter cornered Metcalfe early May to ask his feelings, the Congressman snapped, “I’m not prepared to support the State’s Attorney.”\(^{128}\) Metcalfe’s activism against police brutality brought them into open conflict. In a speech to the Chicago Jaycees, Hanrahan argued that Metcalfe and other black leaders “frequently charge police brutality, but never utter a word about the constant massive civilian brutality which primarily victimizes their fellow blacks and has too often caused the death of Chicago Police officers.”\(^{129}\) He put himself forward as the only individual willing to defend the interests of residents of black communities. “[T]hey know that no other state’s attorney made any real


effort against the street gang violence. They know that I’ve been trying to have the law applied, by God, the same so far as South Side crime as Oak Park and Winnetka.”

Hanrahan was not the only one who thought this way. “The average black who moves from neighborhood to neighborhood,” one letter writer to the Defender argued, “is not running from the police, he is running from black hoodlums.” Louis A. Fitzgerald, a controversial sometime Defender columnist, further disparaged: “Blacks who continually castigate the police and condemn them for lack of law enforcement are also those who do not participate and cooperate in the curtailment of increasing incidents of crime. … It is disgusting to see no one in the Black community stand up and be counted and renounce Black Crime!” Moreover, he condemned structural explanations for crimes committed by black people: “Blacks who continually blame racism, poverty and bigotry as a reason to commit acts of violence and property destruction are no better than those who commit the acts.” You’re either with us or against us.

These criticisms were flatly inaccurate. Well-known Woodlawn educator Barbara Sizemore cited Ralph Metcalf and Father George Clements in exposing the false dichotomy constructed by Hanrahan and the others. Black leaders, Renault Robinson noted, “are concerned about crime and also feel that Chicago must have a responsive Police Department.” Their principle argument was that the white criminal justice system gave too little thought to black victims of crime. Describing the father of a murdered fifteen-year old,

130 Sneed, “Hanrahan Discusses HisDumping and Campaign Hopes,” 1.
134 Barbara A. Sizemore, “How to Stop This Madness,” Chicago Defender, September 25, 1972, 8.
Vernon Jarrett editorialized, “He knew that if his son had been killed by a white person, the slaying would have become a cause célèbre. But since this was a black-on-black murder, it was soon forgotten.” Some even went as far as suggesting that black people convicted of crimes against other black people got lesser punishments. “It has been a pattern in the courts, so some lawyers say, that black on black crime results in ‘rewards’ for assailants rather than punishments.” Jarrett and others used the language of “black on black” crime—which would be picked up by reactionaries in the 1980s—not to highlight some black “innate depravity” but the refusal of law enforcement and the media to give equal consideration to black lives.

In criticizing Hanrahan, Metcalfe and his allies stressed the relationship between police violence and crime, and how the failure to stop one exacerbated the others. “Laxity in the state’s attorney’s office has contributed to the creation of the dangerous climate in our police department today.” Metcalfe argued, “corruption, brutality, violence, and possibly murder, are not only tolerated but seemingly condoned.” If the Congressman already had made many bold statements in recent months, his decision to actively campaign for Republican Bernard Carey in his race against Hanrahan was his most decisive action. He framed it in terms of Hanrahan’s failings in black neighborhoods. The New York Times

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137 “Cherokee Charlie Says,” Chicago Defender, July 22, 1971, 5. This question sometimes came up in court. In 1972, Judge Saul Epton presided over two murder trials. In each, the alleged killer was black; in one, the victim was white, in the other, black. The State’s Attorney explicitly appealed to Judge Epton to sentence the latter defendant to the same sentence as the former. In imposing the sentence, Epton declared, “There is a fiction in the black community that the sentence will be less when a black person kills a black person than when a black person kills a white person. This is the exact same sentence. I see very little difference from the previous case.” “2 Get Same Term; Race ‘Myth’ Cited,” Chicago Tribune, August 5, 1971, B16.
138 One study found that the Tribune, the Sun-Times, and the Daily News covered 47.9 percent murders in white police districts and 29.6 percent in black districts (the Defender covered 42 percent in black districts, and none in white.) Newspaper editors said “newsworthiness, not racial boundaries” drove coverage. Molly Bedell and Lois Kazakoff, “White Murders Rate News Coverage; Facts Tell Different Story,” Chicago Reporter, May 1977, 2, 6.
139 “Metcalfe Widens Police Criticism; Assails Hanrahan,” Chicago Tribune, June 24, 1972, S5.
reported, the Congressman “will instruct his precinct captains to work against Mr. Hanrahan because of ‘his low conviction record, his non-existance [sic] rate of prosecuting police for corruption and extortion and his poor street gang prosecution rate.”"\(^{140}\) Carey echoed these criticisms, openly disparaging Superintendent Conlisk for providing contradictory testimony in the Hanrahan case.\(^{141}\) He spoke against firing at fleeing suspects.\(^{142}\) Yet his campaign ads stressed Hanrahan’s record as a prosecutor. As one read, “This race is not about race! It’s not about white vs. black. Not about black vs. white. It’s about the bungling of criminal justice.”\(^{143}\)

Although the black regular Democratic committeemen had worked assiduously against Hanrahan in the primary election, only Metcalfe among them supported Bernard Carey in the November general election. His allies in this effort included the independent aldermen (and lone alderwoman), as well as State Representative Harold Washington and State Senator Richard Newhouse. The rare entrance of non-partisan organizations accompanied Metcalfe’s usual stance against his own party into the race. The Alliance concluded, “it would be inconsistent with the objectives to the Alliance to remain neutral and not seek actively to bring about a change in the administration and policies of that office.”\(^{144}\) They joined Jesse Jackson’s Operation PUSH and many other organizations in supporting the Republican.


\(^{141}\) “Carey Seeks Probe of Conlisk Testimony,” Chicago Tribune, October 8, 1972, E27.


\(^{143}\) “Advertisement: This Race Is Not About Race!,” Chicago Tribune, November 6, 1972, A6.

\(^{144}\) Alliance to End Repression, “Draft Statement and Resolution on Hanrahan Election,” June 13, 1972, Alliance 3-25.
Machine politics in Chicago was the art of making the expected happen. With Judge Phillip Romiti’s decision to dismiss all charges against Hanrahan a week before the election, his victory on November 8, 1972 seemed inevitable. Jack Mendelsohn of the Alliance, like other opponents, implored, “Legalities aside, the facts cannot vindicate Hanrahan’s conduct.”145 Perhaps the greatest obstacles were the liberal candidates on the ballot. The anti-Hanrahan forces also desperately wanted to elect George McGovern (over Richard Nixon) and independent Democrat Daniel Walker for Governor. The answer was “vote-splitting,” a cumbersome procedure using Chicago’s voting machines. Operation PUSH’s political education division “started teaching classes … in the vote splitting techniques.”146 Expectations remained low in the face of what was expected to be a massive turnout in the white ethnic wards.

Insert Table 3

On November 8, the saga of Edward Hanrahan came to its unexpected conclusion. After two years of twists and turns, his loss provided at least a minor measure of justice. By the slim margin of 1,167,872 to 1,038,666, the voters of Cook County elected Bernard Carey State’s Attorney. Among the critical sectors of voters there were some surprises. Hanrahan’s percentage of the votes in white ethnic wards moved only a small percent from the primary.147 Although he won the suburbs in March, he lost there in November, as the suburban Republicans who had crossed over to support him in the primary backed their own by a small margin. The fact that Carey was the lone Republican to win office in Cook

147 He got 53 percent of the primary vote and 59 percent of the general election vote.
County, however, demonstrated that it was not Republicans that made the biggest difference. It was the black and lakefront liberal wards that turned the race. In the primary, Hanrahan received sixteen percent of the votes in black wards. But together, he and the regular Democratic candidate captured more than sixty-one percent. (In the liberal wards, both Hanrahan and Raymond Berg captured over twenty-nine percent each, adding up to near 60 percent). With the power of the Democratic organization behind him in thirteen of fourteen black wards in November, only one ward—Claude Holman’s—went for the State’s Attorney.148 He could not clear forty percent, as all the other majority black wards favored Carey and gave commanding majorities to the Democratic gubernatorial and presidential candidates.149 Black voters split their tickets more than twice as often as whites, leading one political commentator to marvel: “The black voters of Chicago may be the most sophisticated black voters in America.”150 Ralph Metcalfe won reelection by the largest margin of any Congressman in city.

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Ralph Metcalfe’s political evolution, together with Edward Hanrahan’s defeat in 1972, highlights the importance of police brutality to independent black electoral politics in the 1970s. Independents had already demonstrated that they could beat the regular Democratic organization in any one ward on multiple occasions since 1963. But what happened in 1972 was different: in a high-profile countywide election, black and liberal voters provided the decisive margin to defeat a favorite son of the regular Democratic

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148 One difference between the white liberal wards and the black wards was that three of the five liberal wards had independent Aldermen (Leon Despres, William Singer, and Dick Simpson) who supported Carey.
organization. Hanrahan was the candidate of law-and-order, and his loss revealed how such currents swept unevenly over the rocky terrain of American politics.

During the two years following the murders of Fred Hampton and Mark Clark, activists organized to challenge the Democratic party-state’s capacity to cover up police violence. In politics, police brutality provided the bridge for Ralph Metcalfe to negotiate a new political identity for himself. Activists sought to populate the institutions of governance with representative citizens, rooted in particular politics rather than loyal to the party-state. Metcalfe’s personal transformation embodied a similar process, as he remade his lineaments of affiliation outside of the political party.

Metcalfe was a politician, and his transformation—however sincerely felt—reflected the available political opportunities. These years revealed much about the conditions under which black Chicagoans might be able to construct a politics free from the racial domination of Daley’s party-state. Even within the hopefulness of the moment, though, the events of the early 1970s offered mixed signals about the kind of politics that would emerge and its vulnerabilities. Metcalfe’s success in turning against the regulars demanded his projection as a leader of police reformers. He swooped in, putting himself at the forefront of a more participatory politics and making himself a focal point for negotiation with the city. Until 1975, when Metcalfe endorsed Daley’s opponent in the mayoral election, there remained a palpable fear on behalf of activists that he would return to Daley’s fold, disabling the work that had been done.

Just as ambiguous was the place of anti-crime efforts in the emerging political alignment. Contrary to the dichotomies constructed by advocates of law-and-order, those
individuals screaming “police brutality!” were also screaming “too much crime!” At no point
did liberals and independents cede the question of crime to conservatives. But, in practice,
_attempts to organize around crime only fostered social division. Building a political
movement that placed the local state’s role in fostering disparities in their vulnerability to
crime at the center was a complex and difficult task that—despite its paramount importance
to many involved—remained on the fringes of this particular political rebellion. The political
conditions under which Metcalfé was able to break away from the regular organization
presented ominous signals for the ability of an independent black politics to address some of
the key questions it faced.
CHAPTER 6: FEDERAL POWER, POLICING, AND CIVIL RIGHTS

By the summer of 1970, Renault Robinson faced dismissal from the Chicago Police Department. As he and his lawyers prepared for an upcoming hearing before the civilian Police Board in October, the Afro-American’s Patrolmen’s League pursued all avenues to protect him. They held press conferences and rallies, solicited support from community groups and politicians, and had sympathetic aldermen call for an investigation.¹ A delegation of “middle-class Blacks” secured an audience with Mayor Richard J. Daley to plead Robinson’s case.² On September 9, in a last ditch effort, Robinson turned to the federal courts. He and other League members sued Superintendent James B. Conlisk, the city, and the Police Board, alleging violation of their rights under the First, Fifth, and Fourteenth Amendments to the U.S. Constitution. As the Complaint’s “Statement of Facts” averred, the Department engaged in “unequal treatment, arbitrary suspension, other arbitrary discipline, and other forms of harassment” against Robinson and the League, “because … they are black men, because the League is an organization of black Department members, and because Renault Robinson and the League have criticized the Department.”³ The suit sought to stop the Department’s retaliation and to use law to demarcate space for organizing.

² Robinson was convinced that this was crucial. As he told Jet, “Several influential, middle-class Blacks asked for and got an audience with the mayor (Richard J. Daley) and convinced him my firing was not in the interest of him or the League. He agreed and that’s what saved me from being dismissed.” “Suspend Black Cop; Black Community Gives Money, Support,” Jet, December 17, 1970, 5.
³ Complaint, Robinson v. Conlisk (N.D. Ill.) 70 C 2220, AAPL Papers 22-1
While the complaint gestured toward racial discrimination, it contained only a hint of the general offensive against the Department’s personnel practices that would begin nine months later. By July 1971, Robinson remarkably remained on the force and Robinson v. Conlisk remained in motion around the Northern District of Illinois, moving from the docket of Judge James B. Parsons, who recused himself, to Judge Abraham Lincoln Marovitz, and then, finally, settling with Judge Frank J. McGarr.4 The League suspected the city of “taking a position of just waiting us out.”5 As the patrolmen looked for leverage, they discovered that “Chicago was receiving in excess of $10 million in funds from the Law Enforcement Assistance Administration [(LEAA)].” (Actually, yearly totals were much smaller.)6 Recognizing that the agency had “regulations which required them not to give money to agencies that would discriminate,” and having accumulated many complaints from black applicants and officers about personnel administration, the League requested that the LEAA investigate and hold a public hearing.7 In the pendency of such a hearing, Robinson asked the agency to temporarily halt funding to the Chicago Police.8 He hoped this might “prod the slow process of the court along.”9

That these two institutions—the Afro-American Patrolmen’s League and the Law Enforcement Assistance Agency—should come together was no surprise; they were equally products of the combustible reactions over race, space, and power that characterized the urban conflicts of the 1960s. The LEAA was the federal government’s institutional answer to the controversies over law enforcement at the center of American political life,

6 The Chicago Police never received anywhere near that amount money in a single year.
7 Revenue Sharing, 81.
9 Revenue Sharing, 82.
particularly in the years between 1964 and 1968. The bill that Lyndon Johnson proposed in early 1967 differed in key ways from the Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act) that he signed a year and a half later. Congressional conservatives used the hearings and debate over the Act to rhetorically link rising crime, urban riots, and political protest, deploying them much in the way that Richard Nixon would in his election to the presidency in 1968. The Safe Streets Act they passed portended the Republican’s domestic agenda. It was a reconfiguration of state power that Nixon would, as President, call the New Federalism. By using block grants to channel Washington’s dollars to states and cities while restricting federal bureaucratic oversight over how they were spent, the Safe Streets Act became the New Federalism’s first practical experiment.

This chapter reframes federal involvement in local law enforcement as a fiscal assistance program by setting the LEAA in relation to Nixon’s other major New Federalist program, General Revenue Sharing. If the law enforcement program was the vehicle through which the federal government fought crime, the battle in Chicago was not much more than a skirmish.\textsuperscript{10} Between the passage of the Safe Streets Act in 1968 and 1974, federal money had little effect on the conduct of policing in Chicago. Rather, the most high profile example of LEAA spending in Chicago was for the creation of the Police Community Service Aides program, which hired 400 residents of the city’s four Model Cities neighborhoods. This program did not bring the community into the Police Department, as its self-described aims purported. Rather, it was an example of Mayor Daley’s creative engagement of the federal

\textsuperscript{10} Rather then demonstrating a federal role in instantiating our contemporary punitive practices, my study of Chicago echoes the conclusions of the scholars who studied the program a generation ago that the agency did little to reform the criminal justice system and less to stop crime. Malcom M. Feeley and Austin D. Sarat, \textit{The Policy Dilemma: Federal Crime Policy and Law Enforcement Assistance Administration, 1968-1978} (Minneapolis: University of Minnesota Press, 1980).
government in order to strengthen the Democratic party-state by creating a new series of patronage jobs.

Robinson had his own ideas for bringing representative community members into policing: more black officers and a fairer system of promotion. His hopes that the federal money would bring leverage for this were misplaced. This was because of the structure of the federal program. If conservatives sought to launch a war on crime in the late 1960s, they remained ambivalent about the use of federal power in those efforts. This chapter traces the effects of their ambivalence. Congressional conservatives feared giving the federal government greater power over law enforcement: criminal justice institutions were bulwarks of white supremacy, and they did not want the federal government to use federal civil rights law to reform them. Accordingly, they sought to blunt civil rights enforcement by restructuring intergovernmental aid. Through the New Federalism, they limited federal control over how state and local governments spent federal money and, thereby, successfully limited civil rights oversight.

New Federalism and Civil Rights

Passed four years apart and signed into law by Presidents from different parties, the Safe Streets Act and the General Revenue Sharing Act tried in similar ways to transform the structure of inter-governmental funding. By putting federal money into the hands of state and local governments with little federal oversight or direction as to how to spend it, they sought to transfer the center of gravity for policy-making away from Washington. This had everything to do with limiting civil rights gains, in an even more direct way than scholars have noticed. It began in 1968, when Congressional conservatives justified changes to the
President’s law enforcement bill in terms of their fear of federal civil rights enforcement in the context of local policing. Their institutional solution, the block grant, was the first step towards New Federalism.

Insert Figure 3

Changes in the tax structure and financing of American government after the New Deal undergirded all discretionary federal grant programs. The relative fiscal positions of local, state, and federal governments underwent massive transformations during the middle decades of the twentieth century. As Figure 3 shows, measured as a percentage of Gross Domestic Product, federal revenues grew five-fold from 1932 to 1970, while local revenues actually fell by nearly thirty-nine percent. As a proportion of total collections, local revenues fell from fifty-two to under eighteen percent—much faster than local spending fell.\(^{11}\) Different taxation mechanisms produced these inter-governmental disparities. State and city tax bases rely on weak and regressive property and sales taxes. By 1970, they produced seventy-four percent of state and local revenue.\(^ {12}\) Urban tax bases eroded especially dramatically in the decades after World War II, as the changing political economies of postwar industrial and residential development restructured metropolitan geographies and produced massive declines in the value of taxable real estate within cities. The past generation of monographs on metropolitan history demonstrated how a wide variety of

\(^{11}\) Converted into constant 1970 dollars—that is, by adjusting normalizing spending using growth in the consumer price index—federal, state, and local revenues all grew between 1932 and 1970, with federal revenues growing about three times as fast as state or local. Measuring change in constant dollars, however, does not capture the full impact of what happened. Calculating spending as a percentage of GDP offers a better measure of revenue collection in relation to the overall size of the economy. Bruce A Wallin, *From Revenue Sharing to Deficit Sharing: General Revenue Sharing and Cities* (Washington, D.C.: Georgetown University Press, 1998), 3.

government programs incentivized and shaped this decline.\textsuperscript{13} By contrast, the federal government raised revenue with an enhanced and progressive personal income tax after 1932. Its tax system possessed “a broader reach, provisions for withholding, a progressive rate structure fueled by inflation, and [was] unfettered by tax competition concerns.”\textsuperscript{14} The creation of this superior tax system made the federal government’s predominance in post-WWII American politics and policy possible.

The growth of federal categorical grant programs reflected this shift in fiscal power. Viewed narrowly, these programs vindicated federal interests in particular policy problems. Grants-in-aid focused on defined purposes and gave federal agencies a high degree of control over which state and local entities received funds (recipients applied for the program, met criteria, and prevailed over others) and the performance conditions for programs.\textsuperscript{15} From a wide angle, however, categorical grant programs collectively addressed their recipients’ weak fiscal capacity. Urban governments lacked the means to address the demographic, social, and political legacies they faced; discretionary federal spending through categorical grants provided both dollars and policy direction.


\textsuperscript{14} Wallin, \textit{From Revenue Sharing to Deficit Sharing: General Revenue Sharing and Cities}, 5.

When Lyndon B. Johnson sent a bill to Congress to create a grant-in-aid program for law enforcement early in 1967, he called for federal funding of an unprecedented scope for activities that local governments previously had funded on their own. The federal government had been involved in law enforcement since the country’s birth. Federal involvement in criminal justice was outlined in the Constitution, and the first Congress criminalized a wide variety of behaviors. Over time, the breadth of these prohibitions was limited only by the shifting boundaries of federal jurisdiction. In the twentieth century federal power stretched to reach an increasing array of behaviors, “subject to the changing winds of politics, to fashions and movements.” Prior to the 1960s, the new subjects of federal criminal regulation included lotteries, alcohol, auto theft, “white slavery,” and drug crimes. The events of the late 1960s in Chicago, including the assassinations of Mark Clark and Fred Hampton and the prosecutions following the Democratic National Convention, demonstrated how state and federal jurisdictions often overlapped. Nevertheless, local agencies remained on the front line of law enforcement, as the growth of federal categorical

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16 The Constitution authorizes Congress to punish “counterfeiting the Securities and current Coin of the United States,” as well as piracies and felonies on the high seas, offenses against the law of nation, and treason. United States Constitution, Article I, section 8 and Article 3, section 3.
17 This was particularly so with regard to race. When the Supreme Court aborted Congressional criminal prohibitions to safeguard the lives, property, and votes of African-Americans in the 1870s and 1880s, it set the protection of African-Americans largely outside of the boundaries of federal jurisdiction.
19 As Lisa Miller stresses, “the growth of congressional jurisdiction over the criminal law is an of the nationalization of a wide range of social issues in the first half of the twentieth century.” Lisa L. Miller, The Perils of Federalism: Race, Poverty, and the Politics of Crime Control (New York: Oxford University Press, 2008), 44.
20 Federal prosecutors based their case in the Chicago Seven trial following the 1968 Democratic Convention almost entirely upon the testimony of undercover police officers. FBI domestic surveillance, and an FBI informant, supplied local officers with the information for the December 1969 raid on the Black Panthers apartment. What was true in these high profile political cases was also true in other realms of federal crime control, such as drug enforcement and organized crime.
grants before 1968 brought only a trickle of money and little federal oversight into criminal justice.\textsuperscript{21}

Johnson took up criminal justice in 1965, and his bill was the culmination of much federal effort, including two years of study by the Presidential Commission on Law Enforcement and the Administration of Justice.\textsuperscript{22} The first Title of the Act was its heart: it proposed the creation of the Law Enforcement Assistance Agency (LEAA) to dispense grants-in-aid directly to state and local law enforcement institutions.\textsuperscript{23} Southern Democrats, particularly in the Senate, transformed many aspects of Johnson’s bill.\textsuperscript{24} To score political points, they focused public attention on their attempts to overturn \textit{Miranda v. Arizona} and to allow more liberal wiretapping.\textsuperscript{25} But their chief achievement, and the one that most precisely

\textsuperscript{21} Most federal criminal justice dollars were spent on explicitly federal functions, not supporting state and local institutions. In 1969, for example, the federal government spent $554,614 million on direct criminal justice expenditures. The vast majority of this direct spending (almost 60 percent) came through the Department of Justice. Then home of the U.S. Attorneys, U.S. Marshalls, the Federal Bureau of Investigation, the Bureau of Narcotics and Dangerous Drugs, the federal Bureau of Prisons, as well as the Immigration and Naturalization Service, the DOJ spent $356 million [1969 dollars] on direct law enforcement. The Department of the Treasury, home to the Bureau of Customs, the Secret Services, the Internal Revenue Service, and the Bureau of Alcohol, Tobacco, and Firearms, spent more than $90 million. Grant-in-aid funding was spent on basic education in state and local penitentiaries, juvenile delinquency prevention efforts, model cities, and programs involving military veterans. \textit{Making the Safe Streets Act Work: An Intergovernmental Challenge} (Washington, D.C.: Advisory Commission on Intergovernmental Relations, 1970), 5, tbl. 3.

\textsuperscript{22} At a cost of more than $2.5 million, the nineteen commissioners, “63 staff members, 175 consultants, hundreds of advisors, 5 national surveys, 3 national conferences,” the “Crime Commission” produced a comprehensive, if over-stuffed and dull, report structured around a laundry list of more than 200 hundred reforms. Thomas E. Cronin, Tania Z. Cronin, and Michael E. Milakovich, \textit{U.S. v. Crime in the Streets} (Bloomington, Ind.: Indiana University Press, 1981), 39.

\textsuperscript{23} The LEAA built upon the efforts of the Office of Law Enforcement Assistance (OLEA), which spent a little more than $20 million between 1965 and 1968 funding the education and training of law enforcement personnel, and research on law enforcement.

\textsuperscript{24} The Act the President signed into law contained a grab bag of liberal and conservative provisions. These included titles restored the pre-\textit{Miranda} rules for admissibility of confessions and allowing interlocutory appeal by the government when evidence is suppressed (Title II, VIII); restricted and permitted wiretapping (Title III); and regulated handgun sales and possession (Titles IV, VII). \textit{Omnibus Crime Control and Safe Street Act of 1968}, Public Law 90–351, 82 Stat. 197 (1968). President Johnson objected to Title II and believed that the bans in Titles III nor IV did not go far enough.

\textsuperscript{25} No one grandstanded more than Subcommittee chairman John L. McClellan, who opened 10 days of hearings by declaring, “Three bills that the subcommittee will consider are of particular importance … S. 674, on confessions; S. 675, on wiretapping; and S. 678, on outlawing the Mafia …’’ He pointedly ignored S. 917, the Johnson administration’s bill. Senators Ervin, Hruska, and Thurmond also signaled out the confessions bill 218
reveals the interactions between “law and order” politics and federalism, was their remaking of Title I’s structure.

Congressional debates illustrated the striking paradox conservatives faced in turning to “law-and-order” in the late 1960s. How could they advance federal aid to state and local law enforcement without giving greater power to the federal government to control those institutions? Conservatives might want law-and-order but they worried that greater federal power might come at the expense of local capacity to structure racial hierarchies. The same people who wanted to limit the reach of civil rights laws also sought to limit federal intrusion into state and local criminal justice institutions, precisely because such intrusions might bring vigorous civil rights enforcement.

Title VI of the Civil Rights Act was heart of the problem for Southern conservatives. As originally enacted in 1964, section 601 provided, “No person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” Title VI applied largely to cover those programs where “public or private institutions that intervene between the Federal Government and the intended beneficiaries—and the program benefits reach the individual beneficiary indirectly.” Although programs under this mandate varied widely, their common element was that they “operate[d] through intermediaries, called ‘recipients.’” In 1974, the United States

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Commission on Civil Rights undertook searching examination of Title VI compliance and found it applied to more than 400 programs, with spending of $50 billion (more than half-a-trillion dollars in 2013, when converted as a proportion of Gross Domestic Product).27 As Assistant Attorney General Thomas Perez noted in 2010, “Title VI’s breadth of coverage is extensive and it can address a huge array of injustices: from environmental racism to discriminatory profiling, and from disparities in health care and basic service to inequities in transportation, housing, and education.”28

Southern conservatives endeavored to directly limit the application of civil rights law in the crime control context. Senator James O. Eastland worried that creating the LEAA to dispense moneys through direct grants to local agencies, “would undermine the basic premise of our Federal Republic; that is, that there should be local control and supervision over law enforcement. In my judgment, this undermining of local control of law enforcement could lead to a national police force, and perhaps to a national police state.” Eastland focused primarily on the power of LEAA administrators to “establish ‘guidelines’, compliance with which would be a condition for the granting of Federal funds.” The Mississippian was vague about how such guidelines might reduce state governments to a state of abjection, referring only to the “painful experiences” of other state and local institutions in “attempting to comply with guidelines laid down by other Federal agencies in the disbursement of Federal funds.”29 Eastland’s writing is thin on substance and thick with allusion, yet there can be no mistake about his meaning.

Senators John McClellan (D-Ark) and Strom Thurmond (D-SC) fleshed out Eastland’s allusions, zeroing in on the “painful experiences” of southern school districts with the Department of Health, Education, and Welfare’s (HEW) desegregation guidelines. In a colloquy with Attorney General Ramsey Clark, Thurmond asked, “Are you not going to develop here the same pressures and irritations that now are going on between HEW and the States? … Of course I am speaking of the Guidelines …” During the Johnson Administration, HEW’s actual or threatened use of Title VI to cut off of federal aid was the most effective tool for transforming the racial make-up of recalcitrant school districts. In exchange for nearly $590 million of federal money, the seventeen border and southern states had to comply with HEW’s guidelines. For example, they contained a “percentage scale for normally expected progress” for districts using “freedom of choice” plans. A district that was eight or nine percent black in 1966-67, for example, was expected to double the figure by the next year. The Senator submitted that it was these guidelines, “which went further than the Supreme Court decision, which went further than the civil law itself, and which is causing so much trouble now.” If by trouble, he meant effective integration, he was right. Implementation of HEW’s annual guidelines was a crucial step in the recasting of the

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31 Freedom of choice plans eliminated zoned assignments and allowed students to choose which school they would attend. Dunn, “Title VI, the Guidelines, and School Desegregation in the South,” 63.


33 Controlling Crime Through More Effective Law Enforcement, 485.
meaning of Brown toward “a legal obligation not merely to stop segregating students, but to achieve racial integration in schools.”

As Congress transformed the bill into a model New Federalist program, conservative members of both Houses sought to prevent the new agency from imposing Title VI guidelines on law enforcement. This aim was most visible in the Senate committee hearings, where McClellan quizzed the Attorney General, “would you have any authority under this bill, with respect to plans involving personnel or police departments generally, to require a planning entity to have a ratio of police personnel according to race corresponding the racial population of the area covered by the plan?” Where the population was evenly divided between blacks and whites, would the Attorney General be able to say, “You have got to have 50 percent of your policemen colored, otherwise you get no money and the plan is no good?”

The Senators remained suspicious of the Attorney General’s assurances. The most direct solution, which was ultimately adopted, was inserting a rule into the bill that barred the use of quotas. The Safe Streets Act prohibited the Administration from using Title VI to “require, or condition the availability or amount of a grant upon the adoption by an applicant or grantee under this title of a percentage ratio, quota system, or other program to achieve racial balance or to eliminate racial imbalance in any law enforcement agency.”

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35 Controlling Crime Through More Effective Law Enforcement, 487.

36 Whether their experiences with Southern law enforcement or with liberal promises were the decisive factor, the Southerners remained skeptical of Clark’s assurances. During the Attorney General’s testimony Senator Thurmond alluded to Hubert Humphrey’s promise to “eat his hat” if Title VII of the Civil Rights Act ever led to racial quotas. Ibid., 493. A grant be discontinued for these reasons. Safe Streets Act, vol. 82, sec. 518.
would make the issuance of integration guidelines on the same model as those issued for Southern schools impossible.\textsuperscript{37}

The Safe Streets Act went beyond this to offer a structural limitation on “Federal usurpation of control”: the block grant funding mechanism.\textsuperscript{38} In debate, conservatives focused less on the substance of Title I than on how it would structure inter-governmental relationships. Their solution to the paradox of how to strengthen state and local law enforcement without extending federal control was the elimination of categorical grants. They used block grants to put decision-making over spending in the hands of fifty State Planning Agencies (SPAs), to be created by state governors.\textsuperscript{39} The LEAA would disburse Part B (Planning) grants to the SPAs in order to devise a statewide plan.\textsuperscript{40} Once LEAA accepted the state plan, it would disburse Part C (Action) funds in an amount determined by statutory formula, which the state agencies would then pass through.\textsuperscript{41} Given that everyone assumed LEAA-funded programs would focus on law enforcement, the decision to put governors at the center of planning made little practical sense.\textsuperscript{42} As the Attorney General argued, “The cities have historically had the leadership and the responsibility for local law

\textsuperscript{37} Clark insisted the government would cut off funds where discrimination produced racial imbalance, which his interlocutors saw this as merely restating the question. Thurmond’s response: “Discrimination is not the point. Racial balance is the point …” \textit{Controlling Crime Through More Effective Law Enforcement}, 491. He insisted, however, that such action would not be necessary: While “every major city in the country has a smaller proportion of Negro policeman to population than whites … in nearly all of these jurisdictions, if not all, a conscious effort is being made because of the practicalities of law enforcement to quality and train and recruit more Negro police officers.” Ibid., 493.

\textsuperscript{38} Statement of Senator Hruska (R-NE), \textit{Cong. Rec.}, May 10, 1968, S5346. If this was not enough, section 518 also explicitly barred the federal government and its employees from exercising “direction, supervision, or control.” \textit{Safe Streets Act}, vol. 82, sec. 518.

\textsuperscript{39} The only previous block grant program, the Partnership for Health Act, created state planning agencies. \textit{The Partnership for Health Act: Lessons from a Pioneering Block Grant} (Washington, D.C.: Advisory Commission on Intergovernmental Relations, 1977).

\textsuperscript{40} Much of this money would be passed through to state and local planning agencies.

\textsuperscript{41} LEAA also distributed Part D “discretionary grants” directly to recipient institutions. LEAA disbursed 85 percent of its funds as Part B and C grants and the remaining 15 percent as Part D grants.

\textsuperscript{42} After 1970, the focus would broaden to more deliberately include prisons and jails, and later courts.
enforcement, and the State has not played a role.”43 Governors had “no experience in the field.”44

But it made sense for those who wanted to limit the impact of Title VI. There, what mattered most was not who planned the spending but who granted the funds and their relationship to federal civil rights law. Congressional conservatives did not propose block grants—as would advocates of spending cuts after 1980—in order to consolidate programs and shrink federal aid.45 The Safe Streets Act created a costly new program in a new substantive area.46 Congress used block grants not to change the size of government but to change its shape. Block grants redistributed political power away from Ramsey Clark and the federal bureaucracy and put it into the hands of state governors. This did not explicitly restrict Title VI’s reach. Rather, the Safe Streets Act reduced federal civil rights oversight by limiting federal contact with state and local institutions, federal oversight of their activities, and federal dexterity in wielding federal dollars.

The LEAA shaped the relationship between criminal justice and civil rights policy. General Revenue Sharing was equally important. One of the centerpieces of Nixon’s domestic policy, Revenue Sharing responded directly to the pressure on state and local

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43 Controlling Crime Through More Effective Law Enforcement, 814.
44 Ibid., 382.
45 This was unlike the Reagan administration, which using block to eliminate individual entitlements to services and replace them with fixed grants to the states. President Reagan proposed in his first term consolidating 85 federal programs into seven block grants in order to reduce social spending. In the Omnibus Budget Reconciliation Act of 1981, the Democratic Congress stopped just short of what the President wanted—reducing 77 categorical grants into nine block grants—they cut the overall level of funding of those programs almost twenty-five percent.
46 Indeed, in 1976, John Conyers joked, in relation to LEAA, “we have now what some people have termed … a ‘fiscal relief program,’ for the law enforcement agencies of America at every level.” Statement of Rep. Conyers (D-MI), Law Enforcement Assistance Administration: Hearings Before the Subcommittee on Crime of the Committee on the Judiciary. House of Representatives. 94th Cong. 2d Session (Mar. 11, 1976), 446.
budgets in the 1970s by dispensing $30.2 billion from 1972 to 1976 ($143.9 billion in 2013 dollars). Although funds could be spent on many things, the importance of police departments to municipal budgets implicated this New Federalist program in the practical working out of civil rights in law enforcement during the 1970s. While the Title VI implications of the law were not addressed as explicitly as in debates over the Safe Streets Act, they were no less apparent. Like the block grant, the structure of General Revenue Sharing offered a fiscal technology to supply federal dollars while neutralizing federal civil rights enforcement.

President Nixon structured federal fiscal assistance in a manner that “carried the principles behind block grants to their logical conclusion.”\(^47\) From the present, it might appear odd that the largest discretionary domestic program in history had fewer strings and less accountability than any previous spending program, but these were essential characteristics of the plan. Nixon sought to remake the federal power by cutting down on bureaucracy and consolidating authority in the White House.\(^48\) The General Revenue Sharing Act mandated “a set portion of the revenues, from federal income taxes, be remitted directly to the states, with a minimum of federal restrictions on how these dollars are to be used.”\(^49\) It cut out federal decision-makers in almost every significant respect: “the money is automatically distributed according to a formula to all those jurisdictions which meet certain


\(^{48}\) As a whole, Nixon’s quest to remake the federal bureaucracy failed. Categorical grant programs grew faster than the general inflation of federal spending during his first term, from $18.6 billion to $34.4 billion (an increase of just over 50 percent in constant dollars). As a percentage of the federal budget, grant-in-aid expenditures grew from 10.4 to 14.9 percent. Congressional and bureaucratic politics subverted Nixon’s attempt to convert 130 categorical grant programs into six Special Revenue Sharing Funds: Law Enforcement, Manpower, Urban and Rural Community Development, Transportation, and Education. Only the Comprehensive Education and Training Act of 1974 (Manpower) passed. Conlan, *From New Federalism to Devolution*.

objective eligibility criteria and … that recipients are left free to spend the money on a wide range of public services.”

Although Nixon had wanted no strings attached to general revenue sharing funds, in the final bill Congress established eight priority areas for local government expenditures on operations: public safety, environmental protection, public transportation, health, recreation, libraries, social services for the aged and the poor, and financial administration. Recipients of funds under the program submitted projected- and actual-use reports to the Office of Revenue Sharing. According to the actual-use reports, federal revenue dollars flowed disproportionately towards public safety: in the first two and a half years, nearly $2.2 billion, almost twenty-three percent of the total reported expenditures. Big cities declared spending at triple this level: 62.3 percent of funds for public safety. Chicago claimed an even higher rate, allocating $70 of its $95 million in revenue sharing in 1973 just for police salaries.

Analyses of the fiscal effects of General Revenue Sharing suggest that less was spent on urban policing than these actual-use figures declared. Cities’ weak revenue collection

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52 Actual use reports showed the use of such funds as operating or capital expenses and further broke them out into functional categories. Municipalities (as compared with states) spent the plurality of these funds ($1.5 billion), four-fifths of which went to operations (as opposed to capital expenditures). Municipalities with more than 250,000 spent 88 percent of their law enforcement dollars on operations. Richard P. Nathan et al., *Where Have All the Dollars Gone? Implications of General Revenue Sharing for the Law Enforcement Assistance Administration* (Washington, D.C.: National Institute of Law Enforcement and Criminal Justice, 1976), 6, tbl. 3, and 7, tbl. 4.

53 Cities with over a million residents. Nathan et al., *Where Have All the Dollars Gone? Implications of General Revenue Sharing for the Law Enforcement Assistance Administration*.


55 The problem of fiscal effects goes beyond the mere intentional shifting of moneys between accounts. For example, in a given year a government may have actually increased its spending on law enforcement the amount reported to the Office of Revenue Sharing. But, given the importance of policing to local politics, perhaps this increase would have occurred in the absence of revenue sharing dollars, with cuts coming
capacities meant that they needed money to maintain a wide variety of services. The fungibility of revenue sharing funds meant that big city mayors could claim this new, federal money was being dedicated to policing, even though many cities would have spent similar amounts without it. Funds that would have been spent on policing could then be shifted to preserve existing services across the budget. Even so, this overstating of public safety in actual-use reports expresses how important policing was to urban fiscal politics. The infusion of federal dollars gave big city mayors an opportunity to declare the priority of public safety regardless of the actual net fiscal effect of the dollars.

Liberals and civil rights leaders noted their appreciation for the basic idea of revenue sharing by recognizing the crucial aid that the program might provide to cities. Moreover, it might do so while embracing principles of tax fairness, encouraging state and local governments to rely on progressive and broad-based income taxes. In spite of these

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56 Judith Stein, *Pivotal Decade: How the United States Traded Factories for Finance in the Seventies* (New Haven: Yale University Press, 2010), 24–26. While Nixon’s push for revenue sharing contained some elements that would later inform the devolutionary policies brought to fruition under Ronald Reagan, his tax agenda was quite distinctive from his Republican successors. In contemporary politics, activists, politicians and commentators freely mix anti-Washington and anti-tax rhetoric. Moreover, anti-tax rhetoric today is remarkably uniform, only lightly distinguishing between various forms of taxation and the entities that levy them. But the so-called “tax revolt” of the 1970s began in California with a particular type of taxes—property taxes—and under a particular set of historic conditions that degraded urban tax bases and limited the remedies, such as annexation, that cities might undertake to reinforce them.

57 Wallin, *From Revenue Sharing to Deficit Sharing: General Revenue Sharing and Cities*, 5. For example, in comparison with cities in other states of similar size and composition, Texas cities got less money because “Texas is one of the few states which has yet to enact an income tax … Rather than bemoaning this situation, [one should] welcome the penalizing of a regressive state tax system.” United States Commission on Civil Rights, *Making Civil Rights Sense Out of Revenue Sharing Dollars*, Clearinghouse Report 50 (Washington, D.C.: United States Government Printing Office, 1975), 15 fn. 25. As the staff of the Joint Committee on Internal Revenue Taxation explained, “the formulas for distributing the funds are designed to encourage State governments as well as local governments to meet their revenue needs to the greatest extent possible out of their own tax sources, either by greater use of income taxes or other revenue sources.” Staff of the Joint Committee on Internal Revenue Taxation, *General Explanation of the State and Local Fiscal Assistance Act and the Federal-State Tax Collection Act of 1972*, H.R. 14370, 92d Congress, Public Law 92-512, 2.
potential goods, they were skeptical of the program. They raised what Nixon special advisor Ed Harper described as “persistent questions about whether or not the revenue sharing programs will result in a reversal of civil rights gains.” These concerns only partially related to the questions of whether the bill should contain a specific civil rights provision. Critics of revenue sharing focused broadly on the Nixon’s plan’s blithe ignorance of “the states [failure] in their responsibility to the people. Federal power has been needed to correct local injustices such as discrimination and neglect of cities.” Or, as Bayard Rustin put it more bluntly, revenue sharing “simply means states rights.”

Organized labor, civil rights organizations, and the Congressional Black Caucus all criticized revenue sharing on these grounds. Congressman Gus Hawkins argued, “when Nixon talks about giving government back to the people and ‘revenue sharing,’ I doubt that he is motivated by interest in meeting the needs of black and brown Americans.” Hawkins and others focused much of their attention on the potentially negative impact of revenue sharing on programs designed to assist urban residents, particularly the poor and racial minorities. Nixon proposed an overall increase in federal funds, but the New York Times editorialized, “revenue sharing can be a device for scaling down as well as increasing the flow of funds from Washington.” In particular, advocates worried that revenue sharing would be used to eliminate the federal transfers going towards established grant-in-aid

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59 Whitney M. Young, Jr., “To Be Equal: Nixon Revenue Sharing Plan Allows Integration Evasion,” Baltimore Afro-American, August 30, 1969, 4. Senator Javits echoed this point, arguing, “the federal government had initiated [antipoverty, antislum programs] in the first place because the governments ‘closer to the people’ were unwilling or ill-equipped to assume the responsibility.”
program areas. Even if the level of funding maintained, the Times warned of “[a]n even greater danger … that the return to states and localities of unearmarked Federal money will result in a decline, rather than an expansion in total public action to deal with urgent social problems.” Cities and states might subvert the cause of equality without federal direction.

Critics also raised an overlapping set of questions about civil rights enforcement by the Office of Revenue Sharing. Nixon’s initial proposal in 1969 mentioned nothing about civil rights, causing activists immediately to seek assurances that civil rights guarantees would apply. As National Urban League chief Whitney Young argued in his syndicated column, “If federal power is to be shared with local government the federal government must build into its proposals iron-clad safeguards that will prevent discrimination.” Moreover, they wanted to extend the reach of Title VII, the 1964 Act’s employment discrimination provision. As part of the set of compromises necessary to pass the bill, Congress exempted state and local governments from its coverage. When the House Ways and Means Committee considered Nixon’s General Revenue Sharing Act in 1972, a Labor subcommittee simultaneously contemplated the removal of the state and local government exemption from Title VII as part of the Equal Employment Opportunity Act of 1972.

The two bills had no formal relationship. Nonetheless, civil rights activists understood how the revenue sharing would transform inter-governmental relations. Father Ted Hesburgh, Chairman of the U.S. Commission on Civil Rights, argued in a letter to the Nixon administration that the Title VII expansion was imperative to Revenue Sharing’s success. “Since revenue sharing would serve to increase the responsibility of state

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governments, prior enactment of effective equal employment opportunity controls is
imperative.” Although Nixon had not initially supported the change to Title VII, the
administration shifted its position during committee hearings. This was reportedly to assuage
worries about potential discrimination with General Revenue Sharing funds. The successful
removal of the exemption gave “the federal government power to combat racial
discrimination in local police forces and other state and municipal agencies.”

Within the administration, there also was debate over whether Title VI applied of its
own force to the General Revenue Sharing Act. Assistant Attorney General for Civil Rights
Jerris Leonard opined, “since Title VI is dependent on the concept of specific ‘programs or
activities’ (e.g., public school program), it seems doubtful that in general Title VI would
apply of its own force to the revenue sharing payments.” Other figures inside the
White House disagreed. Whether to mollify their critics about their commitment to civil
rights or out of concern that Title VI would not apply, the White House included—and
touted—a Title VI-style guarantee in the General Revenue Sharing Act. Section 122 even
formally outpaced Title VI by protecting against discrimination on the basis of sex and

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65 Howard A. Glickstein to Robert H. Finch, Enclosure: “Revenue Sharing – Minimum Civil Rights
Requirements,” Feb. 6, 1971, Harper 24-Civil Rights – Revenue Sharing. See also Shanahan, “Race Bias Feared
in Funds Sharing: Commission on Civil Rights Urges Stronger Curbs,” 21.
administration officials offered similar opinions of other provisions of revenue sharing. For example, Richard
Kleindienst, then Deputy Attorney General, concluded that the requirement in 12 U.S.C. s1701u would not
apply to the Community Development and Rural Development Revenue Sharing bills, because that provision
required employment of lower income persons only where the HUD Secretary was involved “in the
administration of” a program providing “direct financial assistance” in the aid of certain projects. Allocating
revenue sharing moneys was not the administration of a program because it did not involve discretionary
decision-making. Furthermore, Kleindienst concluded, it arguably was not “direct financial assistance,” since
money went to the state’s to distribute. Richard Kleindienst to George P. Shultz; Mar. 22, 1971, Harper 24-
Civil Rights – Revenue Sharing.
68 See, for example, Samuel J. Simmons to David O Maxwell, 1971, Harper 24-Civil Rights – Revenue Sharing.
69 Richard M. Nixon, “Annual Message to the Congress on the State of the Union,” ed. Gerhard Peters and
John T. Woolley (The American Presidency Project, January 22, 1971),
www.presidency.ucsb.edu/ws/?pid=3110. Other speeches on General Revenue Sharing addressed this point as
well.
covering employment even where it was not the purpose of the funded program or activity, as well as giving the Attorney General independent authority to bring suit directly “whenever he believes that there is a pattern or practice of discrimination.”

The value of the statutory prohibition was not easy to calculate. The Commission on Civil Rights and other organizations already were highly critical of the Nixon administration’s enforcement of Title VI for categorical grant programs. Revenue sharing was massive in scope; over 38,000 governmental units would get money each year. This created a new set of problems. Any federal agency attempting to police the compliance of so many recipients would face a burden of major proportions. Then-Assistant Attorney General for Civil Rights Jerris Leonard wondered whether a compliance operation was even compatible with the structure of New Federalism. He questioned “whether the extent of federal surveillance over state and local government would be consistent with the purpose of revenue sharing.” His suggestion was to recognize and embrace this incompatibility, by making civil rights enforcement the job of the states. This was precisely the solution that conservatives had sought to the dilemma of how to use the federal government’s capabilities to strengthen states and cities, without disturbing the status quo racial hierarchy, all along. This became the era of the New Federalism.

**Federal Money and Local Law Enforcement**

Examining the expenditure of federal money in Chicago reinforces the sense that the LEAA’s primary role was not as a vehicle of repression through tougher policing but as a fiscal support program. Chicago’s Democratic regime employed it to its own ends, in part

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70 31 U.S.C. s1242(c).
because the block grant structure made this relatively easy. Other than the approval of state plans, the LEAA left the choices about funding with the Illinois Law Enforcement Commission. (See Figure 4.) In turn, the state was divided up into a series of regional committees, which contributed ideas to state plans and also passed along applications for funds in their region along with a recommendation. With few exceptions, the Illinois Commission followed the recommendations of its regional committees.

*Insert Figure 4*

The Illinois Law Enforcement Commission allocated a majority of its spending from 1969 to 1975 to policing. Almost all of those funds went to government agencies. There were important exceptions to this rule, as the Afro-American Patrolmen’s League, Citizens Alert, and the Law Enforcement Study Group all received federal funding for projects related to monitoring the police.\(^{72}\) Nonetheless, just five percent of funds went to non-criminal-justice agencies. Of the rest, statewide, 52 percent of funds were allocated for policing, 20 percent for corrections, nine percent for courts, and 14 percent for a combination of the three.

The Illinois Law Enforcement Commission granted a large portion of its monies in Chicago to the Police Department. The years between 1969 and 1971 are particularly important to the argument that the LEAA was used for repressive purposes.\(^{73}\) Only during those years did the LEAA match funds for anti-riot purchases at a higher rate than for other purposes. These funding mechanisms led police departments nationwide to over-concentrate

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\(^{72}\) The Special Bail Project of the Alliance to End Repression also received funds for its volunteer court-watching program.

\(^{73}\) These are the only years on which I have been able to assemble a complete set of data for Chicago and their limited temporal scope confines the reach of my analysis somewhat.
their spending on tactical hardware. As well, funds flowed disproportionately to police
during these years, due to questions about the meaning of funds for “law enforcement.” The
Chicago Police Department spent $159,625 of the $5.85 million it received on anti-riot gear,
which included the purchase of face shields for helmets and body armor. They also spent
$115,121 on a microfilm retrieval system for intelligence files. This is to say: the Police
Department spent a less than seven percent of its LEAA funds on riot and surveillance gear.
Given that LEAA funding made up five percent of the total Departmental budget, this
means that marginal impact of this funding was miniscule—around a third of a percent of
the total Department budget.

By contrast, substantial funds poured into three other projects: portable radios
($844,882 of federal money), a new building for Area 4 headquarters ($1.7 million), and
Police Community Service Aides Project (almost $2.6 million). Over the course of the 1970s,
the pattern of spending for the Chicago Police Department broadly followed these contours.
Large grants went to capital projects and projects purported to improve police-citizen
relations. The capital projects focused on technological investment or infrastructure
revitalization. Neither of these should be sniffed at in explaining the rise of punitive policing:
scholars repeatedly have demonstrated that physical and technological modernization is
perfectly compatible with, and often useful for, repression. But this happens only when
repression forms part of the agenda of the governing regime (even in the guise of anti-crime
activities). In this case, the introduction of more technological capacity and better
infrastructure at most furthered the capability of the Chicago Police Department to conduct
operations in the particular style it had already established, with the radios giving centralized
command slightly more control over officers.
The most persuasive evidence that the use of these funds did not make the Chicago Police Department more repressive comes from the Department’s arrest data. Arrests are, of course, an imperfect metric for police activity: they only cover one type of behavior and may not represent the way in which police contacts with the public were otherwise changing. Nonetheless, they do provide one way of looking at change over time. Statistics from the Police Department’s Annual Reports show that numbers of arrests were remarkably stable during the 1970s. As Figure 6 shows, arrests for major crimes, such as assault, robbery, burglary, and auto-theft, increased slightly from 1966 to 1974, as both the rate of crime and the number of police officers increased. As I explain in Chapter 7, although it is certain that crime was increasing over these years, the scale of that increase is unknowable—the product of the epistemological uncertainty surrounding crime statistics, discrete definitional changes, and the Chicago Police Department’s deliberate manipulation of their numbers. Regardless, the increase in the number of arrests was quite modest, particularly when compared with the doubling of the number of homicides in these years. As crime leveled off after 1974 and the number of policemen fell, arrests similarly declined. Over the sixteen-year period as a whole, though, the increases and decreases are much less striking that the relative constancy of

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75 Problems with crime statistics have been a central preoccupation of scholars of crime. The particular problems in Chicago are distinct. For example, reported Assaults, robberies, burglaries, thefts, and auto-thefts in these categories all underwent dramatic increases in 1983, but this was only because the Chicago Police Departed started reporting crimes. Previously, the Police Department systematically downgraded and undercounted crimes to create the appearance of decrease. Massive increases in theft, similarly, are not even related to reported thefts, but instead to the decision to remove the $50 threshold for reporting theft. Similarly, technological improvements, including the widespread introduction of radios during the late 1960s, may have played some role in the increased in crimes known to the police between 1966-1975.
arrests.  

Insert Figure 6

Public order offenses tell a story of apparently even more consistency. Arrest for major crimes represented a relatively minor portion of police work; arrests for the seven major crimes that make up the official crime rate never consisted of more than 20 percent of total arrests. By contrast, arresting people for public order crimes—for being out of place—constituted the most significant use of the state’s monopoly on legitimate force. When a Police Department is cracking down, or becoming more punitive, public order arrests seem like one likely place for such activities. Within the category of arrests that I have classified as public order arrests, particular offenses differed dramatically over time. For example, police made 76,000 arrests for drunkenness in 1962; this was by far the most frequently made type of arrest, making up forty percent of all arrests. By 1977, police no longer made arrests for drunkenness. Nonetheless, the total number of public order arrests remained very close to what they had been fifteen years earlier. This is to say, police appear to have substituted one type of arrest for another. For example, disorderly conduct arrests made up almost entirely for the fall in arrests for drunkenness, rising from a 32,000 in 1962 (when drunkenness arrests were at their peak) to almost 93,000 in 1977 when drunkenness arrests hit zero.

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76 This is particularly true in comparison to the period from 1982 to 1987, and thereafter, which saw dramatic shifts in the numbers of arrests for these crimes.

77 I have included as public order arrests those categories which correspond to behavior inappropriate because of its public location: drunkenness, disorderly conduct, vagrancy, suspicion, curfew or loitering, runaways, vandalism, and the residual “catchall” category describing crimes not falling into other categories. It may be that such arrests rose to 76 percent of total arrests and never fell below 59 percent.

78 Such arrests are included in the residual “other arrest” category. I included it because total arrests are much more stable each year if it is included, making it seem likely that the various arrests in that category were substitutes for other public order offenses. This circular reasoning (public order arrests are more stable if it is included, ergo it must be a public order arrest). Nonetheless, this was as persuasive as any justification I had for leaving it out.
Together, drunkenness, disorderly conduct, and an undefined catchall category for other disturbing behavior made up almost half of the arrests in year, and they remained at a remarkably consistent level.\textsuperscript{80}

The Police Community Service Aides Program was by far the largest LEAA funded project in the state of Illinois in these years. This program was the latest step in a long line of efforts to formulate programs under the “police-community relations” paradigm. In Chicago, a formal program of police-community relations started under O.W. Wilson. Each expansion of the division was driven by crisis: following civil disorders in 1967, Superintendent Conlisk created a Community Services Division; after the Black Panther murders, he elevated it to the status of a Bureau and appointed Sam Nolan, a black officer, as the Deputy Superintendent in charge. This made Nolan one of the six highest-ranking officers in the Department.\textsuperscript{81} Such symbolic representation was typical, for police-community relations directed themselves almost entirely to relations between black people and the Police Department.\textsuperscript{82} This approach framed conflict over policing as a problem of communication and understanding. Rooted in social scientific notions of racism as an irrational psychological disposition, advocates of police-community relations sought to resolve urban conflict by addressing underlying prejudices held by the police about black communities and black people about the police.\textsuperscript{83}

\textit{Insert Figure 7}

\textsuperscript{80} They averaged 138,829 arrests each year. The standard deviation was 9,304 and the maximum deviation in any year was just 14,334.

\textsuperscript{81} “Statement by James B. Conlisk, Jr.,” May 3, 1972, Alliance 1-3.


This was not what happened in practice. Renault Robinson argued, “for the most part, police community relations programs are really only police public relations—and there is a big difference between the two.” Community-relations programs did not provide an opportunity for dialogue. Rather, they asked residents to be passive, one-way recipients of attempts “to sell the police image to the public,” and to “accept the department as it is.”

Robinson argued that the problem was one of police policy towards black Chicagoans, and the solution had little to do with image. “Unless the legitimate grievances relating to the police are confronted by the police administration frankly and effectively improvement of police-community relations will be impossible.” Police-relations programs failed, he argued, because they offered no way for black people to “influence … the power or policy making structures of the police department,” without which, Robinson claimed, they would not succeed.

The Police Community Services Aides addressed the problem of involving black people by hiring them, not as officers, but as aides. The program was funded almost entirely with federal dollars from the LEAA and the Model Cities Program, part of the second phase of the War on Poverty. The goal of the Model Cities Program was to increase coordination of existing urban programs in each of five target areas in Chicago, and to provide additional funds for local plans. Mayor Daley’s War on Poverty agency, the Chicago Committee on Urban Opportunity, conceived of the program to address two problems: (1) the disproportionately high amount of crime in the target areas, and (2) improvement in the

85 Ibid.
relationship between the communities and the police.” More than 400 aides were hired and nearly seventy police officers were reassigned to six storefront “service centers.” The aides were hired primary from the four Model Cities areas: Uptown (North), Grand Crossing (Near South), Woodlawn (Mid-South), and Lawndale (West). They spent many hours in a hastily prepared and executed training program and wore special green uniforms that identified them as Community Service Aides.

The lack of community involvement in planning and administration led many to reject the broader Model Cities program. For example, the city rejected out of hand The Woodlawn Organization’s proposed plan for the Mid-South Model Cities area. Instead, as one mild critic described, Model Cities programs attempted, “to find a way to get the citizens to participate on terms that are acceptable to them, the administrators.” Activists resisted these entreaties: in one incident, The Woodlawn Organization members who formed a minority block on the Area Planning Council proposed an amendment to give the Afro-American Patrolmen’s League control over the Board that was to oversee the Community Service Aides program. They distrusted the program that the city set up, and worried that it might “turn into a network of ‘police spies.” Such fears had not entirely dissipated a year

into the program: Community Service Aides themselves testified that they “believed
community residents saw them as spies for the police department.”94

The problem, though, was not that the aides were too close to the Police
Department. It was the precise opposite: they had almost no relationship with the district
officers. “They are not to be spies, stool pigeons, or policeman,” Sergeant Charles Walker
informed the Tribune. “In fact, if they learn the name of a drug peddler, I’d rather they
wouldn’t turn it in to the police.”95 This distancing was so successful that surveys of both the
Police officers and Aides revealed that “the Community Service Aide Project has little
identification with the police.”96 Most rank-and-file officers were totally disinterested but
those who responded to a survey expressed “distinctly negative” views “toward the
program’s values and existence.”97 Despite the stated intention that the Aides serve as a
bridge, the program merely emphasized the existing gap between the Police and residents of
the Model Cities neighborhoods.

The case of the Aides program emphasized that the City never intended to
incorporate citizens in policing. It sought to change them. As the Chicago Police Star, the
Department’s in-house organ described, the Aides “were able to see things through the eyes
of the police and they saw a different picture of what an officer on the street is faced with in
his daily work.” The Star concluded that, although many of Aides began the program with
mixed emotions about working with the Police, their experiences changed their attitudes.98

Police saw themselves as engaged in a pedagogical enterprise, making model citizens as a

95 Robert Nolte, “20 Who Live in Lawndale to Aid Police: Hired to Help Spread Good Will,” Chicago Tribune,
Feb. 11, D10.
97 Ibid., 56.
path to making model cities. When surveyed about the most important goals of the program, both officers and Aides answered, “upgrading the citizenry” far more frequently than any other answer. Officers believed such “upgrades” would improve police-community relations, but Aides more often saw them as distinct issues.99

This tutelage was related to a second aspect of the Program: crime control. The initial proposal identified crime as the issue that prompted the program, and it put the onus for crime squarely on the Model Cities communities: “The lack of responsiveness and responsibility in the community for law and order, is at the base of the problems.”100 In action, however, the Community Service Aides Program put almost no effort into any activities specifically aimed at reducing crime.101 It merely hoped. Maybe putting extra bodies on the street would help: “Just their presence in the neighborhood will be a deterrent,” Police Captain Richard Rochford speculated.102 Or, maybe the tutelary role of the Police would produce an anti-crime dividend. As the program statement on crime reduction stressed: “It is only through development of this citizens involvement, that the responsibility for law enforcement will become the community’s and not solely that of the police department.”103

99 A much higher number of Police believed that improved police-community relations were a goal of the project (68 percent) than did Aides (just 26 percent). Criminal Justice Education Foundation, “Community Service Aide Evaluation Report,” 22. Making model citizens involved offering tutelage to the Aides and the Model Cities areas as to how to have a better community. “We have to show aides and residents how to want more for themselves and for their community,” described Sergeant Leonard Walker. “Community Service Aides,” Chicago Police Star, August 1970, 7, CPL-MRC.
100 Joint Youth Development Committee, Committee on Youth Welfare, City of Chicago, “Model Cities Problem Statement: Crime Reduction,” August 23, 1968, 6, CPL-MRC.
In the end, the programmatic objectives seem to have mattered little to the Police Department. The Illinois Law Enforcement Commission denied the Department’s application for more funding for the program in August of 1973 in large part because its evaluation was “at best inconclusive as to the project’s impact upon community residents and the project contribution to document [sic] crime reduction in the target area.”104 This is not to say the program was without effects, but they had little to do with its stated objectives. The Aides allowed the city to bureaucratize some of the social service functions played by ward precinct captains.105 A description of the activities of the aides in the Police Department in 1971 read like an updated version the list of favors done by precinct captains that Harold Gosnell recorded in 1937: “the investigation of adult missing persons cases, increased effort at elementary schools to prevent harassment of little children by older youngsters, an animal control program, and intensified emphasis on the detection of stolen autos.”106 During the late 1960s and early 1970s, the City cleared more than 50,000 abandoned autos each year.107 Almost every article on the Community Service Aids noted what a critical role they played in identifying and reporting such vehicles. This might be understood as an attack on the outward signs of neighborhood disorder that would become such important signifiers in criminological theory in the late 1970s and early 1980s.

The program’s final role was not to be overlooked: it provided federal employment for Chicagoans. From the beginning the project proposal stated, “a collateral purpose is the issue of underemployment and unemployment in the Model Cities neighborhoods through

the hiring of more than 400 community residents.”

These jobs were exempt from civil service requirements and therefore were useful tools for the Democratic Party. Tribune reporters turned up some evidence that “potential employees reportedly have to have a letter from their ward committeeman before being hired.” Renault Robinson criticized, “The program opens up the possibility of ‘buying’ the loyalty of at least 400 more black people and expanding the mayor’s ‘network’ in the black community by 400 more ‘agents’ all at the expense of the federal government.”

Whether or not this was the purpose of the program, this was its principle effect: expanding and reinforcing the existing structure of politics by bringing black (in Grand Grossing, Woodlawn, and Lawndale), as well as Latino/a and poor white (Uptown) Chicagoans into the party-state’s network of interest on the bottom rung.

The AAPL, the New Federalism, and Civil Rights Compliance

Even as the LEAA preserved the status quo by providing funds to expand the reach of the party-state, the League engaged and tested the New Federalist institutions and how they would carry out their civil rights responsibilities. The League began by filing a complaint with the LEAA alleging that the Chicago Police Department discriminated by race in its personnel practices on July 2, 1971. Two years and two months later, in September of 1973, the Chicago NAACP and the Joint Civil Committee on Mexican American Affairs joined the League in filing a similar claim with the Office of Revenue Sharing. They brought the first action under Title VI, and the second under the General Revenue Sharing’s own Title VI-like provision. Institutional design deeply shaped the way each agency addressed their complaints.

The Afro-American Patrolmen’s League’s complaint was the first and most
important test of civil rights compliance for the New Federalism. In contrast to the
complaint they filed in Robinson v. Conlisk, the League’s two-and-a-half page letter to the
LEAA—and their much more developed 13-page complaint to the Office of Revenue
Sharing—hardly mentioned the black policemen’s specific grievances. As their brief
numerical portrait of the Department’s racial composition highlighted (see Table 1), the
question before the agency was generalized discrimination in the Department’s personnel
practices. The seven charges they leveled addressed four major facets of personnel
management: hiring, promotion, assignments, and discipline. In each area, the League alleged
that the discrimination was “purposeful and intentional,” although Robinson also stated, “it
would be obviously very difficult to prove the existence of a ‘gentlemen’s agreement.’”
Alluding to the Supreme Court’s decision three months earlier in Griggs v. Duke Power, he
noted, “it does not matter whether it is purposeful or not, it must be stopped.”111

Robinson’s advocacy of equal employment practices was multivalent. His advocacy
was oriented in part to “make sure that blacks and women get our equal portion of the
pie.”112 But it was also part of an analysis of the relationship between politics and power. His
critique of why black police officers, especially those with goals of advancing up the
Department hierarchy, often threw their lot in with the “Chicago Political System,” made
clear that black officers were not a unified political block. Despite their understanding that
shared racial identity did not always produce common political interests, the League
nonetheless advocated that the Department hire more black men. Robinson declared, “there

112 Statement of Renault Robinson, Law Enforcement Assistance Administration: Hearings Before the Subcommittee on
Crime of the Committee on the Judiciary. House of Representatives. 94th Cong. 2d Session (Mar. 11, 1976), 497.
are too many white police who don’t care about Black people and some white police hate Black people. These two groups coupled with the few Black police who don’t care constitute the majority of Police in the Black community.”

Changing hiring practices to include more black officers seemed like the most straightforward way to create more community participation in the police force. Changing promotional practices was equally important. The promotional system was central to why black officers on the force did not care—or, rather, cared more about trying to please their superiors.

Robinson paired advocacy for more black officers with a deep engagement of the question, “How can we secure the kind of black policemen that we need?” His answer was “that the black people of Chicago are going to have to demand the right to oversee this mass induction of new men into the force.”

His “concrete solution” was for the Superintendent to contract with a black agency for “screening, testing, and examining all black applicants for the Chicago Police Department.” While this was impermissible under state civil service laws, the proposal still asserted something crucial: “blacks are available who can be trained to be competent and efficient police officers. At the same time, we shall always demand that these men be compassionate toward the black community in the execution of their duties.” In approaching the promotion of black officers, Robinson took a similar approach, arguing, “it must be accomplished without filling jobs with black enemies of black people.” To find such people, the Department needed to consider the “opinion of organizations,” like the AAPL, whose members were “totally involved in the struggle for black liberation.”

As the League became more deeply involved in this vector of struggle, its demands for equality escalated.\footnote{This is a common story in civil rights struggles. Two classic examples are the changing claims articulated by the Birmingham bus boycotters and the changing claims of the black plaintiffs in the schools case that would ultimately become Briggs v. Elliott, 342 U.S. 350 (1952).} Whereas in the summer of 1970 the black patrolmen anticipated a proposal to hire 500 black recruits, a year later they sought a much more dramatic shift. Robinson advocated that all police trainees should be black until “the entire force is integrated or at least fifty-five percent of all police in the Black community including officers above the rank of Sergeant are Black.” In nine of the 21 districts, he argued that there should be a “Black District commander and Black Watch Commander and Black Field Lieutenants and a majority of Black Sergeants and, of course, seventy-five to eighty-five percent of the men in these areas should be Black.”\footnote{As well specialized units (task force, traffic, detectives, youth officers, as well as district tactical units and vice officers) ought also to have a nigh number of black officers. Renault A. Robinson, “Black Watch: Says Community Wants More Black Policemen,” \textit{Chicago Defender}, June 12, 1971, 24.} By October 1971, he translated this into numerical terms, arguing that black officers should be increased by 30\% or 3,000.\footnote{Renault Robinson, “Black Watch,” \textit{Chicago Defender}, October 23, 1971, 27.}

When Jerris Leonard became the administrator of the LEAA on May 14, 1971, the agency’s compliance program was virtually non-existent. It had little staff, fewer procedures, and no standards.\footnote{A critique written by a case officer in the Department of Justice’s Community Relations Service concluded: “LEAA has not articulated standards that would determine racial imbalance in a law enforcement agency, nor has LEAA articulated how it would process civil rights complaints, nor has it formulated the necessary administrative papers which would give some guidance as to what information is expected from a complainant. LEAA has not determined who would make the investigation of a complaint. LEAA has not formulated standards that would require a law enforcement agency to adopt programs that would eliminate discrimination in policies and practices.” Werner Petterson to Niathan Allen and Edward A. Kirk, “Afro-American Patrolmen’s League Complaint of Discrimination by the Chicago Police Department,” August 4, 1971, 1–2, AAPL 8-2.} After examining the LEAA’s handling of the League’s complaint, a civil rights specialist from the Department of Justice’s Community Relations Service, eviscerated
the agency as “an embarrassment to the U.S. Justice Department.” And these were just the administrative problems. More importantly, neither the administrators at the LEAA nor the Office of Revenue Sharing accepted responsibility for enforcing civil rights. Each embraced the antipathy to federal bureaucracy underlying the New Federalism. The administrator of the Office of Revenue Sharing claimed that the organization could “construct and manage a comprehensive compliance system,” without creating its own bureaucratic organization.  

Enforcement of Title VI varied widely by agency across the federal government. With few exceptions, as Father Robert Drinan (D-MA) noted, “there is no big bureaucracy enforcing civil rights in any of these agencies.” What set the two New Federalist agencies apart was their disavowal of the most effective enforcement tools, such as preapproval reviews or even post-award compliance reviews. Herbert Rice, who became chief of Civil Rights Compliance at the LEAA in 1971, concluded that preapproval “reviews might interfere with the ‘delicate balance between Federal/State relations[.]’” Since both agencies granted money to the states and localities to allocate, they had “no way to determine in

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120 Ibid.
122 Indeed, one would expect the level of Title VI compliance to vary, at the least, in relationship to how civil rights related to the agency’s core mission. This point is made with respect to the LEAA in “Enforcing a Congressional Mandate: LEAA and Civil Rights,” Yale Law Journal 85 (1976): 734–735. These two agencies were amongst the worst. United States Commission on Civil Rights, “Statement of the United States Commission on Civil Rights on 'The Federal Civil Rights Enforcement Effort--One Year Later,'” in The Federal Civil Rights Enforcement Effort: One Year Later, Clearinghouse Publication 34 (Washington, D.C.: United States Government Printing Office, 1971), I–XII.
123 The only agencies that ever really had large Title VI bureaucracies were HEW and Labor. Civil Rights Aspects of General Revenue Sharing, 16 (Statement of Rep. Drinan). There’s no doubt that Father Drinan, and Edmund Muskie both concluded that deference to local decision-makers occluded enforcement. Drinan suggested that Watt had concluded that the General Revenue Sharing Act was “softer on civil rights,” Ibid., 36. Muskie concluded: “future payments are not to be withheld as a way of recovering funds spent in a discriminatory manner.”
advance of funding ... to which state or local ... agencies funds will be distributed or how they will be spent.”

For example, Chicago declared that most funds went, or would go, to the Police Department. Did withholding funds based on such declarations prevent the city making an independent decision to spend them on something else?

Complaints about discrimination in public employment (and for the LEAA, specifically in police departments) became the focal point of each agency's civil rights compliance operation. Despite a preference expressed in LEAA regulations for judicial (over administrative enforcement), by November of 1971, “the only enforcement actions undertaken related to LEAA activities have been amicus curiae (friend of the court) briefs filed by the Department of Justice” in suits that alleged racially discriminatory employment procedures in the Mississippi Highway Patrol and Boston Police Department. By 1974, the Office of Revenue Sharing had neither initiated administrative hearing against any government for discrimination nor referred a case for litigation.

Filing an administrative complaint put the League in a structurally distinct position from civil litigation. In the latter, it had the burden of proof as well as the benefit of the power to scrutinize the Police Department’s records through discovery. In administrative


125 Nonetheless, neither showed much capacity for effectuating resolution of a grievance of any complexity. Although the LEAA “handled” 11 civil rights claims in 1970 and 31 in 1971, they involved little action. Law Enforcement Assistance Administration, 3rd Annual Report, Fiscal Year 1971 (Washington, D.C.: United States Government Printing Office, 1972), 19. Office of Revenue Sharing’s performance echoes this. By June of 1974—two years into revenue sharing—its compliance staff had handled 41 discrimination complaints, 18 of which had been resolved. The agency concluded that seven cases were beyond its jurisdiction and five involved no discrimination. Discrimination compelled action in only six and in most the interventions were minor. Revenue Sharing, 52–57 (submission of Graham Watt).


proceedings, the League had no burden to convince a neutral fact-finder. Instead, the agencies’ civil rights enforcers operated under the legal obligation to ensure that federal moneys were not spent to discriminate. LEAA officials responded defensively to Robinson’s pressure. Herbert Rice lectured him, “Your best assurance for expeditious handling of this matter … would seem to be for you to cooperate fully with me in putting together the facts.”

Rice’s idea of cooperation meant asking “Mr. Robinson to be an investigator of his complaint.” As Rice wrote Robinson, “all parts of your complaint would be susceptible to further documentation.” Affidavits regarding medical examination, promotion, efficiency ratings, and police discipline were “essential to a proper evaluation of the complaint.”

Robinson supplied six—though not quickly—averring to discrimination in hiring, discipline, and evaluation. What they demonstrated was that the League’s accusation demanded a more searching examination of the Police Department’s actions than affidavits from the aggrieved could provide.

Insert Table 4

LEAA recalcitrance did not stem from its administrators’ failure to recognize that hiring patterns within the Chicago Police Department were problematic. Based on the descriptive statistics that Robinson provided, Rice and Leonard surmised that the Department likely needed “an affirmative action program to more effectively recruit, train, and promote minority applicants.”  

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128 His defensiveness was partially the product of Robinson (and his allies) appealing to more senior Justice officials for action. “As you know, the writer has been given principal responsibility for matters relating to your complaint …” Herbert C. Rice to Renault Robinson, September 22, 1971, AAPL 8-2.


130 Rice to Robinson, September 22, 1971.

promote minorities into and within its ranks.”

But how could an agency structured to disperse federal funds get a local institution to change its behavior? LEAA’s approach reflected the orientation of the Safe Streets Act: Rice and Leonard sought the Police Department’s voluntary cooperation. Compare Rice’s pedantry towards Robinson with his encomium to the Police Superintendent’s Aide and Legal Advisor, Charles Finston: “I want you do know, Charley, that we feel the cordial manner in which you, Supt. Conlisk and the others in the Department have cooperated with us as we consider this manner has been very helpful. Please feel free to call me at anytime I might be of assistance.”

Consider, approve, wish, allow: these were the verbs that peppered the LEAA’s requests to the CPD.

The LEAA’s investigation of the Department’s personnel practices, conducted by three independent contractors, underscores how seriously the agency took its mandate to cooperate with funding recipients. The LEAA requested the Department’s approval, both for the idea of conducting a study and for the investigators. They agreed on three ex-police officers: Ph.Ds. Paul Whisenand (the team leader) and Robert Hoffman, and lawyer Lloyd Sealy. The LEAA neither requested nor welcomed Robinson’s input; he learned about the

\[\text{132} \text{ Herbert Rice to Charles Finston, Sept. 27, 1971, Leonard Papers 1-Official Correspondence [September 1971].}\\ 133 \text{ Herbert Rice to Charles Finston.}\\ 134 \text{ Public presentations stressed cooperation: a questionnaire on personnel practice, designed to be taken by a sample of black officers was presented as “Sponsored By: Law Enforcement Assistance Administration … and Chicago Police Department”; its occasion, a collective “dec[ision] to initiate a short-term … study of existing personnel practices, rules, and problems within the CPD.” Paul M. Whisenand et al., “Survey of Personnel Practices for the Chicago Police Department: Questionnaire,” 1972,AAPL 8-3. This provoked an angry response from Robinson, who wrote Jerris Leonard to point out, it “lies about the true nature of this survey as well as the reason for the survey …” Renault A. Robinson to Paul M. Whisenand, April 18, 1972, 2, AAPL 8-3.}\\ 135 \text{ When Rice inquired after Department personnel records, he presented an alternative proposal of commissioning an independent survey of the department. He later inquired in conditional language, “If you have decided to allow such a survey to be made …” Herbert Rice to Charles Finston. The Department considered fifteen candidates.}
survey in the newspaper. Once the study team got down to business, they rejected most of the League’s suggestions. They refused to hold public hearings. Later, they even refused to survey black officers about their experience, an omission that Robinson argued, “severely limits the capacity of any investigation.” Robinson feared a whitewash.

The report issued by the LEAA study team, *The Chicago Police Department: An Evaluation of Personnel Practices* (the Whisenand Report), did not produce action. Nonetheless, it provided the League and its allies with a blueprint for their case against the Chicago Police Department for discrimination in hiring, promotions, and discipline. The Report concluded: “the survey team did not observe any intentional or planned program … to exclude blacks or other minority group members from either employment or promotion.” Yet, this hardly

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136 Robinson carped to Senator Adlai Stevenson III, “We have no idea when the final selection of the team will take place, nor do we have any idea when the investigation will officially start.” Renault A. Robinson to the Honorable Adlai E. Stevenson, III, February 18, 1972, AAPL 8-3.

137 The absence of public hearings made Jack Mendelsohn of the Alliance to End Reppression fret that the investigators might “come and go and no one will even know they’ve been here.” Jack Mendelsohn to Herbert C. Rice, January 4, 1972, Alliance 25-10; Herbert C. Rice to Jack Mendelsohn, January 20, 1972, Alliance 25-10; Jack Mendelsohn to Herbert C. Rice, May 3, 1972, Alliance 25-10. Robert McClory, “U.S. Backs Down on Cop Bias Quiz,” *Chicago Defender*, January 27, 1972, 1. Moreover, while they did not hold a public hearing, they did solicit statements from a variety of black non-profit and community groups. While this testimony revealed problems with the Chicago Police, potentially cognizable within the LEAA’s title VI responsibilities, but little about the Department’s employment practices. Robert McClory, “U.S. Cop Probers Stumped for Data,” *Chicago Defender*, April 10, 1972, 1; “Urges Blacker Police Force,” *Chicago Defender*, April 15, 1972, 6. For an example of the testimony, see James W. Compton, “Testimony before Law Enforcement Assistance Administration,” April 6, 1972, CUL III-172-1881.

138 Ralph Knoohuizen of the Chicago Law Enforcement Study Committee helped Robinson put together a scathing criticism of the study team’s questionnaire for black policeman. The team responded by choosing to give up on gathering officers’ opinions altogether. See Ralph Knoohuizen, “Analysis of LEAA Questionnaire on Police Personnel Practices,” 1972, AAPL 8-3; Renault A. Robinson to Jerris Leonard, July 7, 1972, 2, CUL II-218-2155.

139 Lawyer Eric Graham’s comments six months later emphasize how the AAPL was always skeptical of the LEAA study team. “Eric Graham’s Comments,” June 1972, AAPL 8-5.
summarized the Report’s finding, Robinson described it as “only a face-saving device intended to soften the contents of the report.”

Whisenand and his co-authors spent the majority of the report exploring the various ways in which blacks were “adversely affected by the present personnel system.” It offered a numbing catalogue of disparities. Black and Latino men applied to the police force in numbers roughly equal to their percentage of the population, but the report concluded that government action caused their numbers to drop at every step. In hiring: “The written test and the medical tests disqualify a disproportionately high number of minority group applicants and do so without adequate justification in terms of demonstrated requirements for job performance.” In promotion: “[T]he present promotional process does have the effect of disproportionately excluding blacks from promotion[,]” primarily through the written exam. In assignments: “Certain key positions which have a high propensity for either face-to-face or verbal communications with the public have relatively few black officers.” In discipline: “The data shows that black officers in the Department are charged with … violations [of

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140 “Freeze U.S. Funds to Police: Robinson,” Chicago Tribune, September 8, 1972, A13. It’s possible to read the state as a a narrow epistemological delimitation. The authors dedicated two lines in the report to the question, noting that an “intentional or planned program” of exclusion was not “observe[d]” and, later, that “[t]he study found no evidence …” of the same. Paul M. Whisenand, Robert E. Hoffman, and Lloyd Sealy, “The Chicago Police Department: An Evaluation of Personnel Practices; Prepared for the Law Enforcement Assistance Agency” 1972, 1.11 and 2.1, AAPL 22-6. The study team based their conclusions almost entirely on personnel data. If it proved to be a powerful and robust source for demonstrating that the Department’s practices disadvantaged blacks, personnel data contained no information on either intention or experience. Moreover, after dropping the survey instrument in the face of criticism about its inadequacy, the study contained no other components focused on producing knowledge about the subjective intentions of the command personnel and the civil service commission in carrying out their duties. The Report’s narrow phrasing might be understood simply to recognize the limited scope of the authors’ data. Robinson and Saffold even made this point in their letter to Leonard: “[W]e find the statement that there was no evidence of ‘intentional’ discrimination strangely inconsistent with the objective findings of the report and in any event beyond the stated scope of the panel’s inquiry.” Renault A. Robinson and Howard Saffold to Jerris Leonard, “Immediate Action on Recommended Changes in Chicago Police Department,” September 7, 1972, AAPL 8-2.
While the Whisenand Report offered no legal conclusions about the Department’s failure to meet its equal employment obligations, it hinted at the legal framework for making such a judgment. It opened by explaining “the ‘right’ and the rationale for the federal government to become legally involved” with the personnel practices of the Chicago Police Department. In addition to Title VI, the Safe Streets Act, and implementing regulations, it also noted the extension of Title VII to apply to state and municipal governments in 1972. As the authors recognized, Griggs v. Duke Power Co. was the most important Title VII case addressing “artificial, arbitrary and unnecessary barriers to employment.” Griggs was essentially concerned with the meaning of intent under Title VII with respect to aptitude tests similar to those used by the Chicago Police Department for hiring and promotion. The Court concluded that Title VII prohibited “not only overt discrimination but also practices that are fair in form, but discriminatory in operation. … If an employment practice which operates to exclude Negroes cannot be shown to be related to job performance, the practice is prohibited.” Faulty practices could not redeemed by “good intent or absence of discriminatory intent.” This quick survey suggested that the authors likely understood

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141 Whisenand, Hoffman, and Sealy, “Whisenhand Report,” 3.30 (Hiring); 5.6, 5.12 (Promotion); 6.9 (Assignment); 8.3, 8.12 (Discipline).

142 Robinson made this point in his testimony before the Labor subcommittee. Discrimination in Employment (Oversight) (Washington, D.C.: United States Government Printing Office, 1972). Herbert Rice claimed that such a “final judgment” could only be made by a “court of competent jurisdiction or an appropriate administrative proceeding … and then only after the steps necessary are accomplished.” Herbert C Rice to Renault A. Robinson, July 12, 1972, AAPL 8-5.

143 Ibid., 1.1–1.2.

federal law did not require an “intentional or planned program” of discrimination to find discrimination within the meaning of Title VI.145

The Whisenand Report clearly described how CPD’s personnel practices discriminated against black applicants and officers, and provided a roadmap to improve those failures. The most important of the authors’ thirty-six recommendations drew directly upon the framework of Griggs. They recommended concrete action in addressing hiring: to “discontinue the use of the present type of written test until and unless the test is validated as (1) having a demonstrable relationship to effective job performance, and (2) as being fair (differentially validated) for both minority group and non-minority members.”146 In the realm of promotion, the report went further. It called for adoption of “[a] policy and program of affirmative action on the promotion of minority group members,” including “realistic goals with which to provide direction for minority group promotion.”147

By design, the voluntary compliance paradigm ignored a history of state and local obstreperousness on civil rights. Chicago’s leaders, beginning with the Mayor, possessed a wealth of experience in the bureaucratic skill of collaborating to achieve nothing. They drew out the investigation process. Jerris Leonard proposed an independent study on Sept. 1,

145 One important question was whether the prohibitions on discrimination in Title VI and Title VII were congruent.
147 Ibid., 5.13.

When the LEAA asked the Department to postpone the scheduled captain’s promotional exam to allow for further discussion of its suggested reforms, for example, the city refused, and then ignored the suggestions.\footnote{Renault A. Robinson and Howard Saffold to Herbert C. Rice, September 20, 1972, AAPL 4-1. It did allow federal monitors to be present at the exam. “U.S. to Have Watchers at Police Test,” Chicago Tribune, September 30, 1972, 2.} Departmental leaders were dismissive: Superintendent Conlisk “disparaged the report as a ‘numbers game’ which was of ‘no concern’ to him.” His successor, James Rochford declared in a 1974 deposition, that he “had not bothered to look at the report since becoming Superintendent and had no plans to do so...”\footnote{U.S. v. Chicago, 411 F. Supp. 218, 234 (N.D.Ill. 1976). Later on, Leonard asked the Department not post a promotional list from the exam. They did so on November 30. Jerris Leonard to John H. Dent, November 9, 1972, AAPL 8-7; Renault A. Robinson to Jerris Leonard, “Discrimination within the Chicago Police Department,” December 6, 1972, AAPL 8-2. Just 3 of 57 men on the list were black. Afro-American Patrolmen’s League, “Narrative Statement Concerning the LEAA’s Findings of Racial Discrimination in the Chicago Police Department and the Unsuccessful Attempt to Secure Voluntary Compliance,” 1973, AAPL 8-2.} Even as the Department ignored the LEAA, it took nine months to admit failure. Not until May 22, 1973 would Herb Rice conclude, “Discussions and correspondence with the official of the City of Chicago have not resulted in a commitment by those officials to undertake significant steps to achieve what this agency believes to be voluntary compliance with the civil rights laws and regulations.”\footnote{Herbert C. Rice to Renault A. Robinson, “Complaint of Discrimination of the Afro-American Patrolmen’s League Against the Chicago Police Department,” May 22, 1973, AAPL 4-2.}

The sequencing of the investigations meant that the League’s attempt to get the Revenue Sharing agency to enforce compliance differed considerably from its actions with the LEAA. The agency benefitted from the findings of the LEAA’s study team and the
ongoing federal court action, and it moved quickly to complete an onsite audit and civil rights investigation of the Department (see Timeline). As to voluntary compliance, the past was prologue. From the completion of the four-day audit and civil rights investigation on October 26 until May 22, 1974, the Office of Revenue Sharing took no action. This was in part because the Department of Justice was now suing the city and urged the Office of Revenue Sharing not to act on its own. But the agency’s understanding of its role reinforced inaction. By now the city’s unwillingness to voluntarily change was clear; the New Federalism’s lack of alternative approaches to compliance was equally evident.

Most telling of the “very cautious, very restrained, and very inhibited” civil rights enforcement was the refusal of either agency to suspend, defer, or otherwise withhold federal funds, even where they concluded the Department discriminated. One critical report described, “The main difference between the LEAA and its civil rights critics centers on the question of whether or not the law requires the agency to stop paying money to discriminatory grantees. … [F]unds have never been terminated for civil rights reasons.” The same situation obtained with respect to Revenue Sharing. Harold Himmelman, one of the League’s lawyers, argued that the power to defer federal funds “can be implemented even prior to administrative hearings … so long as deferral is pursuant to some safeguards.”

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153 Office of Revenue Sharing did engage in tri-partite negotiations with the DOJ and the city. The League was, once again, left out entirely. “Chronology of Actions Relating to Alleged Discrimination in the Police Department of the City of Chicago,” Revenue Sharing, 34–35.
154 Statement of Senator Muskie (D-ME), Ibid., 32.
156 Statement of Harold Himmelman, Revenue Sharing, 61.
interpretation; instead, the administrator responded with a declaration, “I do not suspend payments until after the completion of an administrative hearing, or litigation.” Although the agency had temporarily deferred payments for failures to file paperwork, it insisted that no such powers of action existed to prevent discrimination.

* * *

The LEAA, like the New Federalism of which it should be considered an integral part, offered flexible fiscal assistance for state and local governments. For congressional conservatives, such a financing structure provided a way to involve the federal government in state and local crime control, while making it extremely difficult for the agency to use Title VI to ensure equal employment opportunity. While preserving the racial status quo within police departments, the structure of the program meant that local programs would not serve any coordinated federal end. While the failure of the the Police Community Service Aides program frustrated local activists who wanted to see representative citizens incorporated into the Department, they never leveled accusation that the program turned LEAA funding towards repressive ends.

The presence of federal dollars attracted the Afro-American Patrolmen’s League, leading them to attempt to induce a civil rights compliance. “What we found,” Renault Robinson noted, “is that we did not have a friend in the Federal Government as we thought we had in terms of them following their own regulations.” The failure of these agencies to create viable arenas for the vindication of equal employment claims sent the AAPL back to

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157 Statement of Graham Watt, Revenue Sharing, 32.
158 Statement of Graham Watt, Revenue Sharing, 31. He persisted with this interpretation even after a federal district court declared that deferral was within his discretion. Robinson v. Shultz, No. 74-248 (D.D.C. Apr. 4, 1974).
159 Statement of Renault Robinson, Revenue Sharing, 81–82.
federal court. What they found was that their efforts to force Title VI compliance continued to shape every aspect of their case.
CHAPTER 7: ENFORCING TITLE VI

The League’s complaint against the LEAA was among the first wave of actions undertaken by police officers and aspiring police officers to hold municipal institutions accountable for employment discrimination.¹ Over the three years that the League sought administrative remedies for its case, it acquired a whole new range of allies, arguments, and strategies. Robinson already had proven his mettle in the face of three years of exceptional hostility from the Police Department. Being stonewalled by federal agencies produced a different sort of activist. With remarkable stamina, the League chief fired off letters to an array of individuals: local allies, members of Illinois’ Congressional delegation, the leaders of the Congressional Black Caucus, other legislators, the heads of other federal Departments, including the Attorney General and the Secretary of Labor, and even the President of the United States.² Adopting a variety of rhetorical postures and arguments, he sought to convince any and all of them to use their influence to get the agencies to address the officers’ discrimination claims.³ These connections would transform the place of the AAPL in the overall architecture of activism on behalf of civil rights enforcement. The administrative enforcement experience transformed the group’s capacity for making claims that both reflected and shaped emerging movements for equal opportunity in policing.

² Most of these letters can be found in the AAPL collection. AAPL 8-2 and 8-3.
This history shows that bureaucratic action and legal activism represented complementary paths to social change. League members initially filed the LEAA complaint because they wanted to avoid the slow pace of litigation. Two years later, when the agency gave up trying to secure voluntary compliance from the Chicago Police, *Robinson v. Conlisk* was still slowly wending through federal court. The League’s go-round with the Office of Revenue Sharing did no more to bring compliance. Nevertheless, the administrative enforcement process created the conditions for the League to succeed in court: it produced a more precise legal theory with a more robust and coherent array of claims, greater resources for litigation, and a wider set of legal targets. Legal victory was a massive and complicated undertaking. It involved many different lawsuits in two different courts. They generated 10,000 pages of testimony and a staggering number of motions, written decisions, and interlocutory appeals. Even if the Police Department never buckled to the will of the courts, or to the demands of the plaintiffs, it was remade, through litigation, in the image of the city.

This is a history of reciprocal action. Federal civil rights enforcement, particularly with respect to equal employment opportunity in Police Departments, was also remade. Changes in national politics following President Richard Nixon’s resignation made the refashioning of civil rights law possible. Nonetheless, it was the League’s ability to capitalize on its experience with the LEAA and the Office of Revenue Sharing that shaped the restructuring of federal civil rights enforcement. In Congressional hearings, Chicago became a key example of what was wrong with civil rights enforcement under the New Federalism. Renault Robinson and League allies became the key players in driving change in Congress.

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4 The most important rulings took place on **November 7, 1974** (Marshall granted plaintiffs a preliminary injunction); **December 18, 1974** (Judge Smith cut off Revenue Sharing funds); **January 5, 1976** (Marshall ruled for the plaintiffs and imposed hiring quotas); **March 31, 1976** (Marshall scheduled the resumption of Revenue Sharing); and **January 11, 1977** (Seventh Circuit upheld most of Marshall’s rulings).
Legal Mitosis

The fruits of the LEAA compliance process were visible in the Second Amended Complaint the League filed in April 1973. The League’s lawyers, led by Tom Gottschalk of the venerable Chicago firm of Kirkland & Ellis, nested grievances about ill-treatment within a broader lawsuit about racial discrimination. The suit now contained a second count accusing the Department of “a pattern or practice of racial discrimination” in assignments, promotions, supervision, and discipline. If many questions remained to be answered during the 60 days of trial, the Report had traced more boldly the League’s initial sketchy assertions of racism in personnel practices.

Insert Figure 8

The League’s actions and their networking produced a form of legal mitosis. (See Figure 8.) While the Robinson plaintiffs were well situated to bring claims regarding discrimination against black officers, they had no standing to challenge the Department’s hiring practices. Citizens Alert addressed this gap. By 1973, the Alliance had been working on the issue of employment discrimination for three years. In June of 1971, along with the Chicago Urban League, they petitioned the head of the civilian Police Board to make more efforts to hire black applications. In 1972, during the LEAA study, they filed a request with the city’s Human Relations Commission to “seek remedies to the recruitment deficiencies of the Police Department” and filed a charge with the federal Equal Employment Opportunities Commission on behalf of black and Latin American applicants. On May 16, 1973, the Alliance supported eleven black and Latino applicants to the police force, who

6 John Hill to James Taylor, June 7, 1971, CUL II-244-2456.
filed suit in federal court under the caption, *Camacho v. Conlisk*, alleging discrimination in hiring.\(^8\)

When Chicago refused to comply voluntarily to remedy its discriminatory practices, both the LEAA and the Office of Revenue Sharing referred the League’s complaints to the federal Attorney General. LEAA regulations expressed a preference for judicial rather than administrative resolution of claims, providing that “where judicial proceedings … are as likely or more likely to result in compliance than administrative proceedings … [the responsible Department official] *shall* invoke the judicial remedy rather than the administrative remedy.”\(^9\) Using litigation rather than the generally faster administrative adjudication paralleled the Nixon administration’s handling of school desegregation. In that context, the administration did not avoid its civil rights responsibilities so much as seek to moderate the pace of compliance. In both cases, administrators succeeded in shifting attention for enforcement away from the executive branch and onto the courts.\(^10\)

The federal government filed a third lawsuit in the Northern District of Illinois on August 15, 1973. United States Attorney General Elliot Richardson announced the lawsuit, captioned *United States v. Chicago*, from the Department of Justice in Washington, D.C. it was first time the Department of Justice had used its new powers under the 1972 amendments to Title VII to sue a local police department.\(^11\) This complaint went beyond the others,

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\(^8\) Jack Mendelsohn, “Statement to Press on Federal Suit Against the City of Chicago, the Chicago Police Department, and the Chicago Civil Service Commission,” May 16, 1973, Alliance 2-1.


\(^11\) Robinson’s persistent entreaties pushed Justice to begin considering the suit had been under consideration since April, even before the LEAA officially referred the case to them. Glen Elasser, “U.S. Considers Suing Chicago Police for Discriminatory Hiring,” *Chicago Tribune*, April 22, 1973, 1. They ultimately filed suit only when the Department forced their hand, by refusing to back down from its decision to hold a promotional exam for sergeants on Aug. 18. District Judge Phillip W. Tone denied the federal government’s motion for a
inasmuch as it provided a unitary vehicle for raising all the problems with the Chicago Police Department’s personnel practices. These included the failings detailed in the *Whisenand Report*, but went beyond them to incorporate the demographic group categorically excluded from nearly all police positions: *women*.\(^{12}\) Title VII’s inclusion of sex produced a revolution in police forces, greatly increasing the already growing percentage of women officers.

The addition of women—in particular, white women—in a lawsuit traceable entirely to the League’s efforts had a certain irony. In the organization’s early days the AAPL’s leaders spoke of restoring “black masculinity.” Such an idea, common in black power circles in the late 1960s, inverted the racial pathologies that were described in a long lineage of studies of Afro-American life, crystallized in Daniel Patrick Moynihan’s 1965 report, *The Negro Family: A Case for National Action*.\(^{13}\) It also drew on particular ideas about the relationship of masculinity to the police role. The understanding of policing as an activity based in confrontation, strength, and danger came under assault during the early 1970s. Most studies have not demonstrated these to be key characteristics of police activity or found gender to be an important variable in understanding potential success as a patrol officer.\(^{14}\)

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\(^{12}\) The number of parties to the litigation would continue to multiply during 1974. On the plaintiffs’ side, a class of women denied the right to be patrol officers intervened with Carolyn Burauer, as the named plaintiff. By contrast, three groups of men joined the suit to defend their prerogatives under the existing entrance and promotional exams: Roy Isakson was the named plaintiff representing the men who held spots on the 1971 patrolmen’s roster; Louis Arado those who held spots on the 1973 sergeant’s rosters; and Nicholas J. McNamara sat similarly situated with respect to the 1970 lieutenants roster. U.S. v. Chicago, 411 F. Supp. 218, 225–229 (N.D.Ill. 1976).

\(^{13}\) See Chapter 2 for a discussion of Moynihan.

If masculinity made sense as a frame for the League’s activities in 1968, League officers understood by the early 1970s that women fit into their conception of the professional police role quite well. Far from resisting the inclusion of women, AAPL officers pushed to have data on the exclusion of female applicants included in the LEAA’s investigation. The League emphasized the “definite need for having more policewomen—and an even greater need for having more Black policewomen.” In preparation for the policewomen’s exam in the summer of 1972, more than 1,000 women attended AAPL tutoring classes. Moreover, “a number of women … did not get a chance to register because of the enormous turnout at City Hall [and] others stood in line for hours.” All told, 5,200 women took the June exam, despite the fact that there were no current openings for policewomen.

Women’s presence in the lawsuit raised slightly different questions than those asked by the black and Latino men. No one denied that women were categorically barred from most police jobs on the basis of sex; they simply justified this exclusion based on what police did. Women’s work within the police department—more particularly, their limitation to special job categories—“was consistently defined and understood in terms of their gender.” Such discrimination was permissible only where it was a “bona fide occupational qualification reasonably necessary to the normal operation of that particular … enterprise.”

There was no such thing as a race-based bona fide occupational qualification. Even so, the

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15 Curtis Cowsen and Ivory Clark, “Afro American Patrolmen’s League Workshop for Policewomen,” May 20, 1972, AAPL 4-1; Wyola G. Evans to Paul Wisenand, “Policewomen’s Exam,” June 28, 1972, AAPL 8-4. Nor was this unique unto Chicago’s officers. The National Black Police Association’s official policy expressed support for expanding opportunities for women in law enforcement. See Statement of Tony Fisher, Hearings on Civil Rights Enforcement by the Office of Revenue Sharing, Subcommittee on Civil and Constitutional Rights, Committee on the Judiciary, House of Representatives, 97th Cong. 2d Sess. (Dec. 1 and 2, 1982), 76.
women’s case bore on that of minority men because it focused attention on the police role, albeit from an orthogonal perspective. These lawsuits asked police departments to demonstrate what being a police officer required. How did different characteristics matter—physical stature and strength, cognitive abilities and education, psychological acuity, cultural awareness? Women’s demands for inclusion challenged the notion that policing was a “fundamentally male” occupation. Answering the question—What makes a good police officer?—was not precisely the task of the federal court in adjudicating lawsuits seeking equal opportunity. But it gave shape and urgency to the litigation.

Its most important change was fortuitous. In the fall of 1973, Robinson v. Conlisk was calendared to the docket of newly appointed federal district court judge Prentice H. Marshall. He was a Democrat proposed by Republican Senator Charles H. Percy and nominated by President Nixon. An experienced civil litigator and law professor, Judge Marshall quickly got up to speed. Over the stout objections of the city, he granted the motions of the Camacho and U.S. v. Chicago plaintiffs to consolidate all three cases on April 24, 1974, and he set briefings on the question of a preliminary injunction to begin in May.

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18 I am minimizing the complex relationship between race and sex here. Serena Mayeri, *Reasoning from Race: Feminism, Law, and the Civil Rights Revolution* (Cambridge: Harvard University Press, 2011). Testimony of Penelope Brace, the most high-profile female patrol officer, discussing her experience in Philadelphia illustrates some of the differences: “Commissioner O’Neill state that God in his wisdom made women different, and that we had times of accounting within ourselves when we were physically and psychologically unfit for police duty. The commanding officer of the juvenile aid division implied that to open the department to women would be to invite rampant lesbianism.” Statement of Penelope Brace, *Law Enforcement Assistance Administration: Hearings Before the Subcommittee on Crime of the Committee on the Judiciary. House of Representatives. 94th Cong. 2d Session* (Mar. 11, 1976), 503.


As Marshall would reflect years later, “We moved that case pretty fast. We held hearings on the preliminary injunction and I granted the preliminary injunction. Then we moved the merits along well too. … I thought that it was desirable to get everything done at once.” 23

When Robinson finally had his day in court, the League had more allies at the plaintiffs’ table as well as the litigation resources of the Department of Justice; and they had a judge ready to fairly and speedily consider their claims.

The Revenue Sharing compliance process opened a second legal flank, eventually allowing the plaintiffs to trap the city in the pincers of two federal courts. The League filed its administrative complaint with the Office of Revenue Sharing a month after the Department of Justice had filed U.S. v. Conlisk. Donald Allen, the lead attorney from the Civil Rights Division, was “very distressed by this having been filed in a city where Justice had already filed a lawsuit.” Traditions of regulatory enforcement encouraged all other agencies to step back once Justice had taken steps in a particular city. Allen’s principle concern was that precipitous action by the Office of Revenue sharing might adversely affect the lawsuit. What if the agency found the CPD to be in compliance—an unlikely prospect—or, even worse, reached a weak settlement with them? Allen sought to head off this possibility. He met with Revenue Sharing civil rights compliance staff and made it clear that the Justice Department would be watching the agency’s actions closely. 24

Given his experiences, Robinson must have known that filing a second administrative complaint was risky. He believed that litigation of Camacho and U.S. v. Chicago

23 Interview with Retired Judge Prentice H. Marshall, 84–85.
would change the calculus for the city: “we figured at that point something would happen.”

But nothing did, and “then we saw a long trial, and we saw years going by and we saw nothing being done.” The purpose of the administrative complaint was to bring the city to the table. It asked the agency to cut off

$70 million temporarily as an aid to help prod Chicago along in changing its employment practices. We were not concerned with stopping the money completely because law enforcement needs the money very badly. But we hoped that that would cause them to speed up their attempt to change their practices by holding up $70 million.25

The Office of Revenue Sharing denied that it had any authority to withhold funds. Their refusal embroiled the agency in a case with an increasingly complex array of issues and parties.

Rather than withdrawing their administrative complaint, or leaving the Justice Department to handle negotiations for both agencies (as Assistant Attorney General Allen desired), the League pressed forward to file a second lawsuit in federal district court in Washington D.C. on February 7, 1974. This suit changed the regular pattern: it put the matter of enforcement squarely between the League and the agency. The Police were not a party.26 Robinson charged the Office of Revenue Sharing with unlawful inaction; they “never moved to implement the statutory requirements of notification which starts the whole


26 “[I]t is clear that it was, at all times aware of the action.” U.S. v. Chicago, 395 F. Supp. 329, 333 (N.D.Ill. 1975).
Less than two months later, on April 4, 1974, Judge John Lewis Smith granted the plaintiff’s motion for summary judgment. He ordered the Secretary of the Treasury to invoke the mandatory enforcement procedures under the General Revenue Sharing Act and to notify the Governor of Illinois of the Police Department’s non-compliance. While he agreed with the League’s argument that the Secretary possessed the power to defer funds, he maintained that this remained a discretionary decision while the Revenue Sharing Act’s mini-Title VI procedures were at work. He refused to order it.28

The enabling acts of both New Federalist agencies required the state governor to be notified in the event of civil rights non-compliance, to give him an opportunity to seek voluntary reformation by the offending agency. Illinois Governor Dan Walker’s lawyers admitted that they had no idea what “the Governor’s office was expected to do as a result of Judge Smith’s ruling in the Robinson case.”29 They requested assistance from Robinson’s attorneys, who found that the legislative history of the General Revenue Sharing Act shed no light on the question.30 While an executive commission (the Illinois Law Enforcement Commission) bestowed LEAA funds, the state had no similar involvement in the distribution of revenue sharing funds.

When the Office of Revenue Sharing notified Governor Walker of the Chicago Police Department’s non-compliance, LEAA director David Fogel was developing anti-discrimination guidelines that were “probably … the toughest in nation.” Fogel, a Berkeley-trained criminologist and experienced administrator, had the agency issue rules requiring

27 Statement of Harold Himmelman, Revenue Sharing, 63.
grant recipients to have a comprehensive antidiscrimination program and to provide a
detailed accounting within sixty days of receiving a grant. Despite being awarded more than
two-million dollars worth of grants in March 1974, the Chicago Police failed to comply.
When the Governor received ORS’s notification the sixty-day window was just about up. On
June 12, 1974, Fogel withheld the funds from the Chicago Police.

The Office of Revenue Sharing also referred the League complaint to the
Department of Justice. On May 30, 1974, the federal government amended its complaint in
*U.S. v. Chicago* to include allegations that the Chicago Police had violated the General
Revenue Sharing Act. When the government’s lawyers moved for a preliminary injunction
that same day, though, they did not ask for a cut-off of revenue sharing funds. This led
Robinson back to D.C. to renew his motion for an injunction before Judge Smith on June 3.
The D.C. court again refused, but its decision alluded to the fact that the referral satisfied the
duty to enforce only “until such time as non-compliance is determined by the court.”

**Officer Quality and Affirmative Action**

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Attempts to settle *U.S. v. Chicago* failed, but not for lack of effort by Assistant Attorney General Allen. The City was willing to accept hiring goals for women, as well as black and Latino men moving forward. But they were unwilling to acknowledge or account for past discrimination.\(^{35}\) For Robinson, a settlement was just the kind of deal-making that always characterized Chicago politics. He refused to “‘sell-out’ and prevent mounds of evidence on police discrimination from ever being presented in federal court.”\(^{36}\) Describing the soon to unfold trial as “Chicago’s Watergate,” he promised, “The AAPL will never make a deal.”\(^{37}\) Nearly 45 months after the League filed suit, trial began on May 30. As the *Chicago Defender* dramatically described, “U.S. District Court Judge Prentice Marshall’s courtroom is the arena where Renault Robinson, advocate of change within the Chicago police department and Superintendent James Rochford, champion of the status quo, will butt heads.”\(^{38}\)

*Insert Figure 9*

Robinson’s case was the most high profile employment discrimination case ever brought against a local police department. The 17-day hearing on the preliminary injunction in May and June of 1974 and the 43-day trial the following year were path-breaking, and exhausting, for the court and the parties. Judge Marshall’s decision tracked the *Whisenand Report* closely. Figure 9 clearly illustrates the moments at which the Department and Civil Service Commission instantiated disparities. The percentage of blacks on the police force

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\(^{35}\) “Police Bias Talks Lag; Trial Thursday,” *Chicago Tribune*, May 26, 1974, 2.

\(^{36}\) Robert McClory, “See Plot to Kill Cop Suit,” *Chicago Defender*, May 14, 1974, 1.


came nowhere close to the percentage of blacks in Chicago.\textsuperscript{39} The percentage of blacks hired after the civil service examination and the background check was far below the percentage of black applicants. Marshall was convinced that this was the product of recent history. Under O.W. Wilson, the percentage of blacks on the force reached near parity with the city’s population of working-age black men. After he retired, the rate of hiring plummeted; the classes hired after 1971 were just ten percent black.\textsuperscript{40} Promotions were worse, in part because the declining number of black men on the force created a much lower baseline. Nonetheless, the percentage of men likely to become sergeants (the top 400) was nowhere near matching even the percentage of blacks that passed the test, and it was further from the percentage that took the exam.

The city’s implausible defense began from a relatively sound premise: blacks now looked upon the police “as ‘oppressive forces of evil.’” Nonetheless, the city’s conclusion that the prevailing sentiment in black Chicago stressed, “you shouldn’t be part of them, you shouldn’t work for them,” was undermined by the fact that blacks continued applying to the force in high numbers.\textsuperscript{41} In 1971, the percentage of working-age black men in the city was just under twenty-six percent, yet they comprised more than twenty-nine percent of applicants.\textsuperscript{42} Judge Marshall concluded, “it appears that black male interest in the Department was up rather than down.” The problem was that after the mid-1960s, the Police Department was no longer interested in having black cops. The “blue rebellion” produced by the conflict over race and space in the 1960s and early 1970s drove the decrease

\textsuperscript{39} Nor did it come close to matching the percentage of black men in the labor force. In 1970, “the male population of Chicago was 60.1% white, 32.1% black and 7% Spanish, while the male labor force was 67% white, 25.8% black, and 7.2% Spanish.” U.S. v. Chicago, 411 F. Supp. 218, 233 (N.D.Ill. 1976).
\textsuperscript{40} Ibid.
\textsuperscript{41} Testimony of Renault Robinson, \textit{Law Enforcement Assistance Administration: Hearings Before the Subcommittee on Crime of the Committee on the Judiciary.} House of Representatives. 94\textsuperscript{th} Cong. 2d Session (Mar. 11, 1976), 504.
in hiring, as the Whisenand Report suggested and the evidence adduced at trial confirmed. Its chief mechanisms were the methods that the Department used to screen police officers.\footnote{Blacks (and Latinos) failed the civil service exam at twice the rate of whites. Department background checks also disproportionately disqualified them, at a rate of 25.7 percent as opposed to 15.2 percent of eligible whites. The statistical case for adverse impact of the promotional tests was similarly disparate: Only 1.77 percent of the 1298 black candidates who took the Sergeants exam ended up within the top 400 (the number likely to be appointed) on the 1973 sergeants roster, as opposed to 7.07% of the white candidates.}

If they followed the LEAA Report, Marshall, and ultimately the Seventh Circuit Court of Appeals, drew the legal conclusions that the LEAA study team studiously avoided. With Griggs as his North Star, Marshall navigated a thicket of testimony and motions to issue a preliminary injunction on November 7, 1974. Concluding that disparities existed was easy. The heart of the case, and the core of the city’s claim, was its claim that disparities in the patrolmen’s exam and background checks, and in the sergeant’s exam and efficiency ratings, were valid. In the end, Judge Marshall concluded that the city had not shown its selection methods to be “demonstrably related to job performance.”\footnote{U.S. v. Chicago, 549 F. 2d 415, 427 (7th Cr. 1977).}

Accurate prediction of job performance required taking steps that the city flatly refused to consider. During O.W. Wilson’s tenure, the Department hired John Furcon of the University of Chicago’s Industrial Relations Center to design a battery of tests that could be used in hiring patrol officers. (These tests were never put into practice.) Furcon found two key facts: First, “There are clear-cut statistically significant differences in response by white and black police officers to the majority of tests in the battery.” Furcon showed that white officers scored higher on some tests (more, overall) and blacks on others. Second, “There is no clear-cut difference in actual job performance between white and black officers …” Accordingly, a department could “use different test performance standards to predict
identical job performance standards.” To find the best cops, Furcon concluded, a department had to hire blacks and whites according to separate standards.\(^{45}\)

The city’s actions indicate that its priority was not to hire the best officers but to preserving its authority to chose how it hired officers. It showed remarkably little curiosity about new approaches to officer quality. Furcon said flat-out, “Efforts to maintain invalid or unproven standards will only result in continued professional and legal pressure to bring selection practices into conformity with professional psychological principles in the testing area.”\(^{46}\) But the city insisted on the validity of its methods, despite continuing pressure. Experts from the Civil Service Commission and academics hired to testify on behalf of the city attempted to validate the status quo. The court of appeals explained, “No job analysis of the position of patrolman was conducted before the 1971 examination or the 1974 validity study, indicating that the criteria used in the study were in fact chosen for their availability rather than because they would accurately predict job performance.”\(^{47}\)

The city could not back its way into validation, and it had little interest in moving forward. Circuit Judge Luther Swygert noted that Judge Marshall “demonstrated unusual patience with the defendants,” despite their recalcitrance.\(^{48}\) Despite the result, the district court was generous to the city. Some examples: Judge Marshall refused to order the

\(^{46}\) Ibid., 41.
\(^{47}\) U.S. v. Chicago, 549 F. 2d 415, 431 (7th Cr. 1977).
\(^{48}\) Ibid., 448 (Pell, J., dissenting in part). This was echoed by Circuit Judge Pell, who dissented in part: “Certainly Judge Marshall … can be said to have given every ounce of devoted attention to the best possible resolution of the thorny questions involved.” Ibid. Marshall treated the city as a loving parent manages a potentially wayward adolescent, not pushing too hard, providing the structure and opportunity for good decision-making, remaining level-headed in the face of intransigence. Later in life, Marshall relished being described as an “activist judge,” this is a product of the politics of judging in the Reagan era, for example, when the federal government tried to undermine his rulings in U.S. v. Conti. Peggy Ellis, “Former District Judge Prentice Marshall, 77,” Daytona Beach News-Journal, May 27, 2004, 6C.
imposition of hiring and promotion quotas with the preliminary injunction, instead hoping that, “a new patrolmen’s examination … hopefully, will cure the deficiencies found in the 1971 exam.”

He reacted with equanimity when the city unilaterally breached an interim hiring agreement made with the other parties in December 1974. Once quotas were in place, Marshall allowed the city substitute lists from their newly designed exam, even though it produced employment ratios less favorable to blacks than the quotas. He did not find that the promotion process for lieutenants was unlawful, despite the tiny number of black lieutenants (eleven of 276 were black or Latino) and the equally dismal roster to fill the existing forty-seven vacancies (with just three blacks or Latinos). Early on in litigation, Marshall announced, “It is far better in cases of this nature that the remedy come from the parties rather than the court.”

He stuck steadfastly to this principle throughout.

**Insert Figure 10**

The court sought to understand police decision-making and to impose as little as possible on the city’s administrative prerogatives, a deference illustrated by his refusal to enjoin their reliance on “efficiency ratings.” Every six months, supervisors ranked the patrolmen under their command in five categories and then averaged these to obtain an efficiency rating. Although the scale was from 0 to 100, more than ninety percent of officers received scores between 80 and 95. The average of black score was less than one percent lower than the average white score. Figure 10 plots an “index of representation” for the ratings of all officers who took the 1973 sergeants’ exam by race. Each black rating would have a dot at 1 if around eighteen percent of those who received it were black (just over 18%

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50 Ibid.
percent of promotional applicants were black), and vice-versa for whites. The size of the dots reflects the number of officers receiving that score. The chart suggests that close averages masked significant differences. What mattered from promotion was not averages, but the distribution of scores. Black officers had far fewer high scores. This is why although black officers made up 9.4 percent of the top 383 scores on the written sergeant’s test, they made up just 5.2 percent of the top 383 sergeant’s applicants once efficiency ratings were taken into account. Marshall knew these ratings did not measure performance. But the close average indicated that they also were not grossly discriminatory. Accordingly, he allowed them in recognition of the administrative imperatives that inhered in running a police department or any other large agency: namely, the need for mechanisms to continually measure employee performance.

Marshall reluctantly imposed, and the appellate court approved, quotas for both patrol officers and sergeants. Opposition to quotas in law enforcement was, of course, central to conservative aims in the passage of the LEAA. Even Robinson’s supporters concluded that it would be presumptuous to argue, “given a certain set of facts, a district

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51 For the period from January to June 1973, 89.6 percent of black officer’s ratings fell between 80 and 95; for whites, 92 percent fell within this range. The average black officer’s score was 84.3; the average white officer’s 85.2. Blacks only made up 323 (13.6 percent) of the 2365 applicants with efficiency scores of 89 or better. Given the racial composition of the pool of applicants (18.4 percent black), a third more black applicants—112—would need to be added to the pool (with a corresponding 112 whites subtracted) to reach parity (index = 1). Ibid.; U.S. v. Chicago, 411 F. Supp. 218, 238 (N.D.Ill. 1976); “Percentage of Blacks and Whites Receiving Various Efficiency Ratings,” in U.S. v. Chicago, 1974, 25 tbl. A, 26 tbl. B. The plot of the best-fit trend-lines for blacks and whites further suggests that this was unlikely a random pattern. There is a strong correlation between race and outlier efficiency ratings that the city failed to explain.


53 U.S. v. Chicago, 549 F. 2d at 450 (Pell, J., dissenting in part).

54 The language around the use of race in hiring obscures more than it explains. For example, by 1974, “An instruction was issued to all SPA’s regarding the use of ‘goals and timetables’ under Section 518(b) of the Crime Control Act of 1973. This instruction concludes that the imposition of goals and timetables represents a permissible method of overcoming the effects of past discrimination against minorities and women found to exist within the hiring and promotional practices of an LEAA-recipient.” Sixth Annual Report of LEAA (Washington, D.C.: United States Government Printing Office, 1974), 189.
court must order certain affirmative action relief.” Seventh Circuit Judge Wilbur Pell, who dissented in part but assented to the quotas, claimed that his reluctance to do so related to “today’s climate of increasing crime, with accompanying increase of public indignation and fear, [in which] the only standard for police department composition at every echelon should be, in my opinion the very best possible person obtainable for the work to be performed.”

This commonly held sentiment seemed to miss the meaning suggested by legal facts in this case: namely, that in terms of predicting an officers’ quality, Chicago’s tests likely were less accurate than Judge Marshall’s quotas.

The quotas addressed the longstanding discrimination built into the Chicago police. Civil Rights activist Jesse Jackson explained quotas like this: “Today, we would make clear that zero is a number and therefore likewise is a quota. Our population is 12, perhaps even 15 percent of the Nation’s. We choose the 12 to 15 percent rather than the zero as our standard.” Jackson’s point was apt: the Police Department already employed racial formulas to regulate employment. It imposed racial quotas by using tests and other screening mechanisms whose relation to job performance they never bothered to understand. The quotas pointed to how opportunities already were distributed unequally along arbitrary, categorical lines.

Pay to Perform

Judge Marshall refused to unfreeze funds that Judge John Smith of the D.C. District Court put in escrow on December 18, 1974, following Marshall’s issuance of a preliminary

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injunction. In upholding Marshall’s action, the Seventh Circuit majority argued that enjoining funds was less intrusive than directly meddling in the administration of local government. Judge Pell dissented on precisely this point: “Stopping the flow of lifeblood to a body is certainly more fatal than enjoining that body from certain activity.”

Pell’s assessment was more accurate: Marshall cut off federal funds to accomplish his primary objective, which included direct meddling in the Police Department. Pell’s dissent erred, though, in its assessment of the city’s bona fides. For example, what Marshall characterized as the city’s “arrogant, contumacious refusal … to honor their interim hiring agreement[,]” Judge Pell labeled unfortunate timing. Judge Smith’s order to enjoin revenue sharing payments came just two days after Judge Marshall approved an interim order agreed to by the parties to hire 600 officers, half black and Latino men and one-third female. The city unilaterally repudiated the agreement without notifying Judge Marshall. Judge Pell saw this in parallel to “the case of the contrived plot, if something had happened earlier or later, how different the results would have been!”

Pell was oblivious to how early and how often the AAPL had contrived the plot point. More than any other aspect of the case against the Chicago police, the fund cut-off particularly reflected Robinson’s determination and tenacity. After seven years as a “constant pilgrim,” Robinson might have stepped back while the Department of Justice brought the city into compliance. But Robinson was skeptical, perhaps rightly. So when the federal lawyers failed to ask Judge Marshall to enjoin revenue sharing funds in their motion for a preliminary injunction in May 1974, Robinson turned to the D.C. federal court Smith initially

58 U.S. v. Chicago, 549 F. 2d at 448 (Pell, J., dissenting).
60 U.S. v. Chicago, 549 F. 2d at 445 (Pell, J., dissenting).
denied his motion, deferring to the need to give the Department of Justice flexibility in its decision-making. Robinson did not give up. When Marshall issued his November 7, 1974, preliminary injunction, Robinson seized this opportunity to renew the promise of Title VI.

Judge Smith’s order mandated that a quarterly payment of revenue sharing funds of nearly $19 million dollars be put in escrow. Although the attempts of the city’s lawyers to collaterally attack the order failed, they did result in the consolidation of Robinson v. Shultz with the other cases on Marshall’s docket. Smith’s escrowing of federal funds poked a huge hole in the city’s budget, of which general revenue sharing funds accounted for nearly twelve percent. Near the end of 1975, after almost $78 million had been withheld the city secured bridge loans from two commercial banks for $55 million to ensure that it did not run short of cash at the end of the year. Whether the freeze tightened the budget too much for the City to carry out the hiring agreement is difficult to assess, in part because neither the city budget director nor the comptroller did the math. Marshall concluded that the best estimates pointed towards a cost of around $350,000 per quarter to hire the 600 new officers. His “inescapable” conclusion: “the City cancelled the $350,000 interim hiring program in an attempt to lever loose $19,000,000 in revenue sharing funds.”

It was a high-risk strategy to rearticulate the nature of the case, oriented towards political aims more than legal strategy. The Mayor cast the city as the victim of an unjust

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61 The City made no motion to intervene in the DC action. Only when its collateral attack on the D.C. court’s jurisdiction failed did the city move to intervene in the D.C. litigation. When it finally appeared before Judge Smith, “[The City] then moved to dismiss the District of Columbia action. Its motion was denied. It moved to vacate or stay the order of December 18, 1974. That motion was denied.” U.S. v. Chicago, 395 F. Supp. 329, 337 (N.D.Ill. 1975).
double standard. After all, the proportion of black officers in his Police Department was much higher than at the FBI or U.S. Attorney’s office in the Northern District of Illinois.\footnote{Richard Philbrick, “Daley Assails Ruling on Police Bias,” Chicago Tribune, April 23, 1975, B1.}

Secondly, City officials and lawyers also claimed that the loss of revenue sharing dollars made it impossible to hire the new officers, and would cause a reduction in police services. This claim was backed up by a gap between authorized and actual force strength. By November 1974, the city reported, “more than 700 patrolman and 50-100 sergeant vacancies have accrued.”\footnote{U.S. v. Chicago, 385 F. Supp. 543, 547 (N.D. Ill. 1974).} Yet the number of police officers was at an historic high, well above 13,000.\footnote{Police staffing levels grew in tandem with rising homicide levels, which reached their all-time peak in 1974.} If the city actually wanted to hire more officers from the existing lists, Marshall preferred they do so by agreement with the plaintiffs. This was one reason why he refused to impose quotas along with his preliminary injunction, and why he invited the parties to ask him “for interim relief which would permit appointments from the current eligible lists upon an equitable basis” pending development of new exams and practices.\footnote{He acted “without prejudice to an application by the parties, upon a showing of necessity…” U.S. v. Chicago, 385 F. Supp. 543, 560 (N.D. Ill. 1974).} As Howard Saffold and Renault Robinson argued, the court gave the city a choice: whether “(1) to curtail police services or (2) to have more patrol officers on a fair basis …”\footnote{Howard Saffold and Renault Robinson, “The Facts About the So-Called Police ‘Crisis in Manpower,’” November 12, 1974, AAPL 63-12.} But the court did not prevent them from hiring.

Whatever the political calculus, the Mayor’s brinksmanship affected the Police Department’s position in court. In an April 21, 1975, opinion on continuing the withholding of revenue sharing funds, Marshall asked, “Have conditions changed so as to render the order intolerable or inequitable? No change has been shown. Indeed, to the extent that
conditions have changed, they support continuation of the order.”\textsuperscript{71} He cited a litany of unilateral actions taken by the Department between December 18, 1974 and April 1975, beginning with the breach of the hiring agreement, and including Acting Superintendent James Rochford’s promotion of “temporary” sergeants and a group of lieutenants, and the setting of the date of a new civil service exam for patrolmen, each without notice to or leave of the court. Even ORS and Treasury officials-now agreed that, “in view of the City’s refusal to implement the interim hiring agreement and to give assurances that it would comply with this court’s order of November 7, 1974, the Secretary had concluded that further revenue sharing payments should not be made to the City.”\textsuperscript{72}

Such resistance eroded only after federal money stopped flowing to the city. Finally, on May 16, 1975, Chicago complied with the court’s March 1975 order to hire 200 officers using the quotas that it had agreed to in December.\textsuperscript{73} In the fourteen months between the imposition of the cut off and the final release of the funds on March 31, 1976, this was the only action taken by the Department to rectify discrimination.\textsuperscript{74} Even then, Marshall decried the city’s proposals as continuing to advance a “pay now—perform later philosophy.”\textsuperscript{75}

The leverage of federal funds did not dismantle the ongoing racial stratification across multiple institutional domains and its effects on black success in meeting police entrance requirements. But it could and did force the city to invest in a new process for screening patrol officers. In its proportions, this hiring far outstripped O.W. Wilson’s

\textsuperscript{73} The May 16 date came from a presentation by Chicago Asst. Corp. Counsel Earl Neal at a meeting on release of Revenue Sharing funds. Harold Himmelman to Tom Gottschalk and Frank Cicero, “Meeting at the Justice Department on March 1, 1976,” March 2, 1976, AAPL 2–6. They also hired 200 temporary sergeants in accord with the quota ratios, but these were only temporary appointments. U.S. v. Chicago, 534 F. 2d 708, 710–711 (7th Cir. 1976).
\textsuperscript{74} U.S. v. Chicago, 416 F. Supp. 788 (N.D. Ill. 1976).
\textsuperscript{75} Ibid.
vaunted recruitment of black officers and, by recognizing the legitimate claims of Latino men and women of all races and ethnicities, ended a much wider spectrum of exclusions. The Department offered a new patrolmen’s exam in 1975, created by professors at Bowling Green University. Marshall accepted it, although it still excluded minorities at a higher rate than whites. Despite its flaws, the new process more than tripled the rate at which black men were hired. As economist Justice McCrary calculated, African-Americans made up approximately 10 percent of new hires from 1971 through 1973. “By 1975 it had climbed to 40 percent, and throughout the 1975-1990 period, the hiring share averaged 32 percent.”76

The overall composition of the Department changed slowly, in part because of its exceptionally low rate of attrition. Even as the black population stabilized at around one-third of the city, the black percentage of the force never quite reached parity. Nonetheless, the case transformed this practically and symbolically important public sector institution in a meaningful way.

For the League, the case brought vindication of the claims of their organization, and especially for the long-suffering Renault Robinson. Judge Marshall’s ruling on the Robinson plaintiffs’ claims on September 27, 1977—more than seven years after they filed suit—declared that “Robinson had been subjected to ‘repeated, planned and systematic violations of his 1st and 14th Amendment rights by his police superiors.’” The court awarded him $75,000 in back pay and ordered his disciplinary record expunged; other League members, including, Ocie Brown, Charles Sias, William Bigby, Jerry Crawley, and Howard Saffold were

76 McCrary, “The Effect of Court-Ordered Hiring Quotas on the Composition and Quality of Police,” 323.
awarded $10,000 each. Not until the League helped to put a black Mayor in office, however, would Robinson’s outstanding account with the City finally be paid.

**Congressional Liberals, Title VI, & the New Federalism**

Were the Chicago litigation the endpoint, this would be a hopeful story of local legal activism: righteous black policemen, aided by dedicated lawyers, defeated the nefarious intentions of southern congressional conservatives and brought the Chicago Political System to heel. This was a triumph, and an important piece of evidence challenging our collective imagination about the federal war on crime and its relationship to civil rights. The influence on the Chicago case went far beyond the city’s borders. Judge Smith’s order to escrow Revenue Sharing funds was the first such suspension for discrimination. Following the decision, a spokesman for the Department of Justice announced that it “could be a precedent for similar actions in several other cities including Tallahassee, Fla., Buffalo and Philadelphia.” The AAPL was also at the forefront of a broad, grassroots movement among police officers and aspirants, led by many of the local affiliates of the National Black Police Association (NBPA). These efforts stretched throughout the country, and unlike school desegregation, their success was not concentrated in any region. Most of the successful efforts in the federal courts were brought under Title VII; many, like Chicago, involved the Justice Department as a party. One scholar described the effect of such litigation as “[a]rguably the most aggressive affirmative action program ever implemented in

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80 No one legal organization played a similarly decisive role, although local branches of the NAACP, the national ACLU, and the Center for National Policy Review all played important roles.
the United States.” Following the Chicago case, LEAA action contributed to equal employment efforts in many cities, including Buffalo, Philadelphia, Atlanta, Milwaukee, Birmingham, Pittsburgh, Los Angeles, Cleveland, and San Francisco, as well as dozens of state and county agencies.

Robinson was an important actor in the effort to challenge the civil rights enforcement under the New Federalism. But he recognized clearly the limits of litigation. As he told one congressional committee, “We are hoping that we don’t have to continue to do the Government’s work by filing lawsuits, that maybe the Government could do its own work.” In the mid-1970s, this issue was central to the broader enforcement of civil rights in intergovernmental aid. Had New Federalism etherized Title VI? Was it possible to enforce civil rights while providing states and localities with direct fiscal aid? Or, did these aims remain—as conservative Southern senators assumed in 1968—structurally at odds?

Robinson’s testimony before Congress in the 1970s reflected the expanding horizon of his equal employment activism. In 1972, he spoke before a House subcommittee on Equal Opportunity as part of a broader hearing into civil rights in employment in Chicago. That hearing was held at the behest of Congressman Ralph Metcalfe. Robinson—like nearly all the invitees—critiqued the city’s hiring record (though most focused on contracting). By

81 McCrary, “The Effect of Court-Ordered Hiring Quotas on the Composition and Quality of Police.”
1974, Robinson had built close relations with the Lawyer’s Committee for Civil Rights and the Center for National Policy Review, bringing him directly into the circle of activists working on regulatory enforcement in D.C. His next appearance before a Congressional committee in 1974, accompanied by Harold Himmelman, focused on the ORS’s response to the League’s complaint. The third time, in 1976, Robinson represented the National Black Police Association. Accompanied by Richard Larson of the national ACLU and Penelope Brace, a pioneer in the fight against sex discrimination from Philadelphia, he spoke of the need for new administrative strategies. Chicago discriminated, Robinson argued, “but Chicago is not alone in that category, every city in the United States is discriminating.” Rather than being part of the remedy, LEAA elided the problem. In the simplest terms, “There should be compliance prior to getting the money. … That would resolve the problem, so the courts would not have to fool with it.” This was much preferable to tying up federal funding all through out the country, an action that “causes heartache to the citizens, and could be easily eliminated if your legislation would just force LEAA to comply to begin with.”

Robinson’s congressional testimony was part of a multivalent strategy to get the LEAA to enforce its mandate, one that played out as we have seen in agency adjudication and in the courts. He also focused on administrative rule-making and legislation. This activism concentrated on two different kinds of reform, which can be illustrated through the attempt of the League and its allies to initiate agency rule-making under section 553(e) of the

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84 Statement of Renault Robinson, Law Enforcement Assistance Administration: Hearings Before the Subcommittee on Crime of the Committee on the Judiciary. House of Representatives. 94th Cong. 2d Session (Mar. 11, 1976), 494, 495, 496.
Administrative Procedure Act in 1971. The black officers joined the National Spanish Speaking Coalition, the NAACP Legal Defense and Education Fund, Inc., and the Native American Legal Defense and Education Fund, Inc., under the organization of the Leadership Conference on Civil Rights, in asking the LEAA to develop comprehensive anti-discrimination rules.86 A coalition organized by the Center for National Policy Review (CNPR) submitted eight substantive petitions, each seeking to expand LEAA’s civil rights regulatory portfolio, on December 9, 1971. These proposed rules ran along two primary axes: rules for equal participation in planning and equal employment, and improvement of compliance. The requests for equality including prohibition of discrimination in the composition of state planning agencies, affirmative action, outlawing minimum height requirements and sex discrimination, and assuring equal employment opportunity for correctional facilities outside of urban areas. The compliance requests tracked what critics had wanted all along, including pre-compliance review, deletion of the preference for judicial remedies, and more detailed complaint requirements and investigation responsibilities and deadlines.87 If “granted,” to use the language of the APA, the eight requests would have renovated the LEAA civil rights regime, bringing it into line with the recommendations of the Commission on Civil Rights.

The fate of this attempt to compel rulemaking ran straight into the design of the Safe Streets Act, refracted through Jerris Leonard. The APA requires agencies to make some

85 The APA provides, “Each agency shall give an interested person the right to petition for issuance, amendment, or repeal of a rule.” 5 U.S.C. § 553(e).
86 “Equal Job Opportunity in Law Enforcement” (Leadership Conference on Civil Rights and The Center for National Policy Review, School of Law, the Catholic University of America, October 1973), AAPL 56-407.
87 Raymond Marcin, “Memorandum of Meeting at LEAA,” January 26, 1972, AAPL 2-2.
disposition of the requests within a reasonable time. Heretofore, the LEAA had issued no guidelines as to how it might act upon a petition for rulemaking. In response to the petitions, the agency issued a regulation barring sex discrimination and a “guideline” putting the burden on police departments to justify minimum height requirements by relation to job performance. Eventually, the agency also informed the recipients of LEAA funds that “goals and timetables” were “a permissible method of overcoming the effects of past discrimination against minorities and women.” But the petitioners made no headway on their larger and arguably more important proposals. The LEAA would make better rules, but it would not construct an aggressive and proactive oversight regime.

Congressional liberals took action. As the Safe Streets Act’s June 30, 1973, date of expiration approached, Nixon pushed Congress to consider a Special Revenue Sharing bill for law enforcement and to shrink the LEAA, which would “retain authority over discretionary funding, national planning, auditing, research, statistics and civil rights

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88 See United States Constitution, amend. 1 (“Congress shall make no law … abridging … the right of the people … to petition the Government for a redress of grievances.”).
90 Marcin, “Memorandum of Meeting at LEAA”; “Equal Job Opportunity in Law Enforcement.” The LEAA published the final regulation (on sex discrimination) and guideline (on height) on March 9, 1973. Subpart E—Equal Employment Opportunity Guidelines, Fed. Reg., vol. 48, 1973, 6388–6390; Equal Rights Guidelines, Fed. Reg., vol. 48, 1973, 6415. This last action was particularly important in Chicago, with its large and growing Latino/a population. Minimum height requirements had been a major path for the exclusion of Latino applicants from the Chicago Police force. Following the December 4, 1971 patrolman exam, for example, doctors examined 106 “Spanish Americans.” A remarkable 46 of these—a remarkable 43 percent—failed their medical examinations, a rate far outstripping blacks (35 percent) and whites (20 percent). The single factor that distorted Latino rejection rates was the height requirement: 24 of the 46 rejections were for being too short. Paul M. Whisenand, Robert E. Hoffman, and Lloyd Sealy, “The Chicago Police Department: An Evaluation of Personnel Practices; Prepared for the Law Enforcement Assistance Agency” 1972, 3.17, 3.22, 22-6, AAPL 22-6. (During the lawsuit, Chicago negotiated a consent decree with the Camacho plaintiffs to lower the height requirements.)
91 Sixth Annual Report of LEAA, 189.
compliance—and the very important areas of leadership and technical assistance.” The requirements that previously encumbered states—LEAA plan approval, matching funds, maintenance of effort—would disappear. Congress spit the bit; instead it amended the Safe Streets Act to look more, and not less, like a categorical grant program. This shift had actually begun in 1970, with the addition of the Part E block grant to fund prison and jail “improvements” and construction. In both 1970 and 1973, Congress added requirements and bureaucratic oversight to the planning and approval process, cutting against the fundamental thrust of New Federalism. Within this overall shift, liberal democrats pushed for stronger civil rights provisions. Democrat Barbara Jordan of Texas led the fight, arguing first for a Title VI or VII provision within organic statute, “The existing LEAA statutes contain no provisions designed to prevent discrimination in benefits or employment … As a result, LEAA has been particularly slow to develop an effective civil rights enforcement program.”

Jordan’s amendments enhanced the LEAA’s civil rights enforcement where individuals had made complaints. First, like Section 122 in the General Revenue Sharing Act, Jordan’s amendment gave the Safe streets Act its own little Title VI, one that went beyond the Civil Rights Act’s contours, including a prohibition on sex-based discrimination and giving the attorney general power to institute suits for a “pattern or practice” violation. It

also erased the historic LEAA regulatory preference for judicial or legislative action, and made fund cut-offs mandatory, once a state governor had a “reasonable time” to respond to an administrative determination. But by focusing on complaint processing, even Jordan’s bill did not fundamentally challenge the separation of civil rights and planning that structured New Federalism. Moreover, Representative Walter Flowers (D-AL) convinced the House to reinsert the anti-quota provision back into the law.

Jordan’s bill highlighted the LEAA’s continuing limitations. The agency did not propose regulations to implement the Jordan amendment until December 1975 (twenty-eight months after it became law). When the agency came up for reauthorization again 1976, the House Judiciary Committee’s Report observed, “LEAA has never terminated payment of funds to any recipient because of a civil rights violation.” The Chicago experience changed the agency. It sought compliance in more ways than before and was more aggressive with complaints. Nonetheless, Representative Robert McClory (R-IL) gave an accurate sense of the landscape when he noted, “There is evidence that LEAA did try to influence the course

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96 Jordan’s bill initially had a 60-day time limit, but she agreed to convert this into a “reasonable time.” House Committee on the Judiciary, “Law Enforcement Assistance Amendments,” H.Rep. (House of Representatives, 93rd Cong., June 5, 1973), 7.
98 Compare Rep. Walter Flowers (D-AL) (“Mr. Chairman, by taking this out of the law … we would be opening the door to interference of all kinds--interference of the operation or the [LEAA]--all the way down to the local police or local sheriff’s department.”) and Rep. Barbara Jordan (D-TX) (“The Courts have said we do not mandate quotas, and the administration has said we do not mandate quotas, and nobody is mandating quotas in this legislation.”), Cong Rec. H4895 (June 18, 1973), in Indexed Legislative History of the Crime Control Assistance Act of 1973 (Washington, D.C.: Office of General Counsel, Law Enforcement Assistance Act, 1973), p. 110.
of the hiring and personnel practices of the offending police departments, but there is also
evidence that the influence was not remarkably successful.”

Most outside observers held Revenue Sharing enforcement efforts in even lower
esteem. To say the agency’s compliance enforcement remained “rather passive,” as the
Commission on Civil Rights did in 1975, was to put it mildly. Even after Judge Smith
declared the agency had both the power—and at a certain point, the obligation—to withhold
funds in the Chicago case, its civil rights compliance personnel continued to be “opposed in
practice to utilizing this means for seeking compliance with civil rights provisions.”

Smith’s decision to suspend funds to Chicago inspired activists elsewhere, who stepped up
their efforts to draw attention to discriminatory employment practices in hopes of a similar
result. In January of 1975, a group of twenty-two civil rights organizations wrote to
President Gerald Ford about their dissatisfaction with the Revenue Sharing program. Their
letter emphasized, “Of all the questions raised about revenue sharing, the issue of civil rights
ranks among the highest.” These concerns were echoed by the Commission on Civil
Rights, which asked Congress to appropriate an additional $7.5 million so that the agency
could increase its civil rights personnel from a mere handful to 300.

Critics saw administrative discretion as the problem. President Ford’s proposed

101 Robert McClory was no particular advocate of federal vigor in civil rights matters. Robert McClory (R-IL),
102 United States Commission on Civil Rights, Making Civil Rights Sense Out of Revenue Sharing Dollars,
n.107.
103 John W. Lewis, Jr., “Revenue Sharing Funds to Be Cut Off When Recipients Are Guilty of Bias,” New
Pittsburgh Courier, January 11, 1975, 2; Ernest Holsendolph, “Discrimination in Public Hiring Is a Target of
16.
105 “Bias Seen in Use of Shared Funds: Rights Panel Urging Hiring of Additional Monitors,” New York Times,
February 14, 1975, 14.
reauthorization of the Revenue Sharing program only deepened such concerns. Its cautious language provided that the Secretary of the Treasury “May withhold all or a portion of funds due that government (found guilty of discrimination), may require the repayment of funds expended in a discriminatory manner, and may terminate the eligibility of a state or local government to receive one or more payments.”

When the agency finally issued regulations for fund cut-off in 1975, they were narrow and discretionary. What advocates wanted was a reduction in agency discretion. The League’s lawyer in Robinson v. Shultz argued that an effective enforcement regime would include “specific time limitations between steps in the administrative compliance process,” as well as “an amendment to direct Treasury to suspend revenue sharing funds to a jurisdiction pending the outcome of a final administrative or judicial proceeding,” whenever prima facie evidence of discrimination existed.

Armed with the Jordan Amendments, the National Black Police Association sued in 1975 to force LEAA to cut off funds where either an LEAA investigation or a federal court had concluded that a state or local government discriminated (NPBA v. Velde). The claim was that the mandatory language—shall—of the Jordan Amendment created a positive duty

on the administrator’s part. The case contained important practical (plaintiff’s standing, defendant’s immunity) and theoretical (separation of powers) questions, and the Supreme Court granted certiorari to resolve some of them. Opinions among the Court’s members were tangled enough after the first draft of the majority opinion that the Chief Justice considered having the case reargued. Instead, the Court vacated and remanded the case for consideration in light of a different qualified immunity case. While the NBPA ultimately prevailed on the legal questions in the D.C. Circuit in 1983, the result was by then academic, as the LEAA had gone out of business.

Nonetheless, the suit was not simply about the courts checking the agency. As Art Jefferson of the Center for National Policy Review wrote to Robinson, litigation and legislation could work hand in hand as Congress considered reauthorizing the LEAA in 1976. Indeed, Congressional reauthorizations of both the LEAA and Revenue Sharing included new civil rights regimes. As Richard Larson, who had directed ACLU efforts to reform compliance, puffed, “the 94th Congress enacted two acts providing for the most comprehensive and effective civil rights enforcement schemes yet conceived.”

Insert Table 5

Larson highlighted new limites on administrative deference: “Rather than providing a wide degree of discretion to a federal funding agency, the new provisions tremendously

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111 A similar suit was filed in the ORS context, although owing to differences in that statutory scheme met a different fate. Council of and for the Blind of Delaware County Valley v. Regan, 709 F. 2d 1521 (D.C. Cir. 1983).
restrict that discretion.”115 As Table 5 shows for the LEAA, the Act established three different periods: the trigger, the 60-day voluntary compliance period, and the 120-day administrative hearing period.116 Defined periods were one of the law’s automatic features: once the “trigger” finding of discrimination had been made—by state or federal courts or agencies, by the LEAA, or by the filing of a suit by the Attorney General—“the initiation of procedures for the suspension or termination of … money is automatic and by law.”117 (According to Larson, had these automatic mechanisms been in place earlier, LEAA would have cut funds to approximately 50 Police Departments between 1972-1975.118) The final mandatory provision of the law required the agency to promulgate regulations within 90 days, establishing timelines for its administrative processes. Not only were the LEAA and Revenue Sharing schemes parallel, but also the provisions of each meant that a finding by either agency would trigger fund cut-off for the other.

In fact, the new regulatory regime modestly improved enforcement. In 1980, the Office of Justice Assistance, Research and Statistics in the Department of Justice issued a report that argued that the “combined enforcement regime for title VI and VII,” created “in effect the most comprehensive civil rights enforcement scheme enacted by Congress.” This

115 Ibid.
117 Gregory J. Utken, “Cutting Off of Federal Monies to State and Local Governments: Civil Rights Enforcement Under the Law Enforcement Assistance and Revenue Sharing Acts,” Res Gestae, October 1977, 434. The case when the LEAA brought suit was slightly different. LEAA must suspend funding of the grantee after 45 days unless within that period the United States or the grantee has obtained a court order to the contrary.” Charles A. Lauer and Thomas A. Llewellyn, “Federal Grant Litigation Involving Law Enforcement Assistance Administration,” in Awakening the Slumbering Giant: Intergovernmental Relations and Federal Grant Law (Washington, D.C.: Advisory Commission on Intergovernmental Relations, 1980), 49. In addition to providing for the Attorney General to bring “pattern or practice” suits, it provided a cause of action for individuals in addition to that which already existed under Title VI, with “the same right as is provided by to the Justice Department to seek the suspension, termination, or repayment of LEAA funding …” Larson, “LEAA Legislation Report,” 4.
118 Larson, “LEAA Legislation Report.”
was an overly glowing self-evaluation: courts often exempted law enforcement agencies from the mandatory fund cut-off. Nonetheless, the agency took more—and more decisive—action. The Office Revenue Sharing’s compliance system continued to draw more criticism, but, this was to be expected for a much bigger program with a heavier burden. Complaints involved not only the time-limitations for state and local agencies, but also the standards used for determining whether to “trigger” the compliance process. Even with these shortcomings, however, the level of improvement from prior to 1976 was substantial.

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Nixon’s New Federalist programs provided important new sources of funds to urban governments during the first half of the 1970s. In light of this story, federal criminal justice

119 See cases collected at Lauer and Llewellyn, “Federal Grant Litigation Involving Law Enforcement Assistance Administration,” 55, fns. 7–9.
120 In addition to the many cases described in the Progress Report, a reading of the LEAA’s Annual Reports offers quantitative and qualitative differences pre- and post-1976. They provide substantial evidence of improvement. In 1976, the LEAA, withheld 18 grant awards were withheld for the lack of an equal employment opportunity program. Eighth Annual Report of LEAA, 57. Unlike the past, termination threats were now wielded, with 20 state governments notified of LEAA’s intention to do so in 1977 (only one was terminated). The threshold for pre-award reviews for Part D (discretionary) grants was lowered to $500,000, as well. Ninth Annual Report of LEAA (Washington, D.C.: United States Government Printing Office, 1977), 26. During Fiscal 1978, it began requiring affirmative action programs for recipients and affirmative action programs for recipients of more than $250,000. It also expanded its compliance reviews, examining departments in Hartford, State of Tennessee, Kansas City, MO, El Paso, Salt Lake City, Dade County, and the South Dakota Prison system. That year, 17 non-compliance notices were sent to Governors and Chief Executives (all were resolved without fund cutoffs), part of 105 total case resolutions. Tenth Annual Report of LEAA (Washington, D.C.: United States Government Printing Office, 1978), 2, 27. In 1978, funds were suspended four different recipients; in 1979 from three, including the Los Angeles and Baltimore Police Departments. Ibid., 123; Eleventh Annual Report of LEAA (Washington, D.C.: United States Government Printing Office, 1979). Overall, compliance agreements between 1877 and 1980 were split between those that resolved an individual’s complaint and those that had a broader group impact. Office of Civil Rights Compliance, Office of Justice Assistance, Research and Statistics, United States Department of Justice, Civil Rights Enforcement Under the Crime Control Act of 1976 and the Justice Improvement Act of 1979; Progress Report: 1976-1980 (Washington, D.C.: United States Government Printing Office, 1980), 20–34.
policy in the 1970s was not a direct negation of civil rights advances; rather, liberals used
federal funding to bring civil rights into new institutional domains. Any history of the
relationship between civil rights and punitive policing must incorporate the rise of equal
employment opportunity norms. Rather than a story of the unfettered rise of law-and-order,
this 1970s tale is of relentless efforts by liberals to impose civil rights regulation on
institutional structures that had been designed to be hostile to such efforts. Liberals
constructed a more robust apparatus that pushed police departments much closer to the
ideals of equal employment opportunity that animated black activists and, in particular, the
officers of the AAPL.

Renault Robinson’s story is a counter-narrative to the inexorable rise of punitive
tpolicing, which would come to characterize American cities in the last two decades of the
twentieth century. By 1976, law enforcement had not triumphed over civil rights. Rather,
through the efforts of local activists and congressional allies, police had incorporated equal
employment to a degree heretofore unknown. In a broader sense, in the post-Watergate
Congress, the political climate that produced the Safe Streets Act in 1968 disappeared in the
aftermath of the President’s resignation. Senator Edward Kennedy highlighted this when he
tested before John Conyers subcommittee on the 1976 LEAA reauthorization. “I …
remember the not too distant past when the slogans of ‘law and order’ and ‘domestic
tranquility’ really blunted any kind of intelligent discussion about this issue.”\textsuperscript{122} In the middle
of the decade, with liberals in the ascendancy in Washington, options for criminal justice
policy seemed much greater.

\textsuperscript{122} Statement of Sen. Edward M. Kennedy, \textit{Law Enforcement Assistance Administration: Hearings Before the
Subcommittee on Crime of the Committee on the Judiciary, House of Representatives, 94th Cong. 2d Session (Mar. 11, 1976)}, 460.
CHAPTER 8: BLACK POLICE ‘ENTER POLITICS TO GAIN CLOUT’

Renault Robinson first approached Harold Washington to introduce a bill on behalf of the Afro-American Patrolmen’s League in 1969. The League President was in the midst of trying to stop the Police Department from dismissing him for a series of trumped-up offenses. He asked the machine Democrat from Chicago to introduce “legislation designed to provide police officers with an element of legal protection against wanton and arbitrary departmental abuses.”

He approached Washington with little expectation that the state representative would agree. Indeed, the State Legislature rarely intervened in the politics of law enforcement in Chicago during the 1960s and 1970s unless the Superintendent of Police or the Cook County State’s Attorney proposed a bill. Nevertheless, as Robinson later recollected, “Harold volunteered knowing full well that, ah, he’d be castigated by Daley and his forces for doing so.”

Washington walked this fine line for years: struggling to remain in the good graces of the Cook County Democrats while at the same time serving as perhaps the leading voice in the House for greater inclusion of African Americans in the political and economic life of the state and city.

During the 1970s, Renault Robinson would absorb from Harold Washington’s many lessons about the inner workings of Chicago’s Democratic Party. “I felt he was a mentor in that he could tell me a lot about the system. He came up in the Democratic party. He came up as a machine politician. He had been involved all of his adult life. That’s all he did, was be

a politician.”

After a half-dozen years on the tilting ground, continually facing off against the Chicago Police in the press, in administrative proceedings, and in the courts, Renault Robinson concluded that only political action could transform the Police Department from an instrument of racial domination into a government agency that promoted the well-being of black Chicagoans. “It is clear now,” he declared in February of 1974 following the appointment of James Rochford as Superintendent, “that reform will come to Chicago only when Mayor Daley is defeated.”

Renault Robinson was a lynchpin, fastening the axle of police reform to the wheel of independent black politics during the 1970s. Ralph Metcalfe’s turn against the Daley organization in 1972 first signaled the possibility that black politicians could break away from the machine. Over the course of the 1970s, Robinson was among the most important activists attempting to channel the momentum generated by Metcalfe’s rebellion back into politics. This required, as Robinson would soon discover, something more than the good name the Afro-American Patrolmen’s League had acquired for itself among grassroots activists. It required organization to change the trajectory of politics that had developed under the Daley administration, in which black voters became increasingly detached from participation.

To the Precinct Hall Born

Harold Washington was to the precinct hall born. Harold’s parents, Roy and Bertha Washington, moved to Chicago in 1917, a year after Roy graduated from high school in

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4 Ibid.
downstate Lawrenceville. Roy went to work on the killing floor at the slaughterhouse Wilson & Company while attending law school at night at Chicago Kent College of Law. Harold, the last of their four children, was born on April 15, 1922. When the Illinois bar admitted Roy Washington the next year, he became one of around a hundred black lawyers in the city. It was not easy to build a legal practice inside the confines of the color line. Like other black attorneys, who continued on as postal clerks or Pullman porters after taking their degrees, Washington continued to work in the slaughterhouse for another two years as he built his practice. He also joined the Democratic Party as one of a pioneering group of black men who anticipated the future of black voters, long before the masses of their fellows left the party of Lincoln in appreciable numbers. Harold and his siblings, who lived with their father after their parents divorced, grew up within the Southside political milieu. The leading South Side politicians of the day, “William L. Dawson, Oscar De Priest, Mike Sneed, Arthur W. Mitchell, and C.C. Wimbish were frequent visitors in our home.” Washington noted. “I was literally raised in a political atmosphere.”

What Roy Washington got out of politics was a living. His plum was a job in the Corporation Counsel’s office, where he prosecuted cases in police court down at 48th and Wabash. It may have been, as activist and author Dempsey Travis described, a “typical colored assignment,” but it provided a steady income. In addition, Washington cultivated political connections and created a base for his steady accumulation of real estate. Nonetheless, he wanted more. The elder Washington’s great aspiration was a judgeship. When that failed to materialize, he convinced his fellow precinct captains to support him to

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become alderman of the Third Ward in 1947. He lost that election to Republican Archibald Carey, the same man that Ralph Metcalfe would defeat for Alderman two terms later, in 1955. Roy Washington’s defeat remains one of the great Southside political intrigues of the period. He was undone by a power struggle over whether the white committeeman (in what was becoming an all black ward) or the rising black boss (William Dawson) would control the ward.9 Dawson prevailed, but at Roy Washington’s expense.

Growing up at his father’s side, Harold learned to preach and politick. Harold was never called to the pulpit like his father and grandfather. Instead, he found his vocation in the political ward. With a precocity and fervor reminiscent of a teenage preacher, Harold worked the precinct with Roy from the age of thirteen or fourteen. In school, he was a voracious reader and a gifted student but also restless. He left DuSable High after three years to join the Civilian Conservation Corps in 1939 and spent three-and-a-half years in the U.S. Army during World War II.10 His path upon his return to Chicago took him out of the Southside and into distinctively inter-racial—and later nearly all white—environments. On the GI Bill, he partook in the great experiment that was Roosevelt University. It was one of the only universities in the country set up with a racially open enrollment policy, and there he became student body president. Washington’s friends were the radicals but he did not count himself among them—a posture that would hold for his entire political life. When he

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9 Despite running a top-notch campaign, which his sons Roy, Jr., and Harold threw themselves into, he could not overcome the factional forces working against him. Washington was the choice of neither the white Third Ward committeeman Mike Sneed nor the Second Ward Committeeman Dawson. To further his own aims, each man sandbagged Washington’s candidacy. Sneed supported Archibald Carey in order to show Dawson and the bosses that his support could make or break a candidate. Dawson sought to bring down Sneed, by helping the Republican win the election. Unsurprisingly, Dawson had the sounder strategy. When Washington lost to Rev. Archibald Carey, Dawson prevailed in the intraparty battle. State Senator C.C. Wimbish was installed as Third Ward Committeeman. William J. Grimshaw, Bitter Fruit: Black Politics and the Chicago Machine, 1931-1991 (Chicago: University of Chicago Press, 1992), 66–67; Travis, An Autobiography of Black Politics.

10 Rising to the rank of technical staff sergeant, he served as a soil technician building landing runways for planes in the South Pacific.
decided to follow the path his father had blazed, he chose Northwestern University Law
School. After Roosevelt, Northwestern’s racial exclusivity must have come as a shock.
Washington was the only black student in his entering class in 1949. In 1952, he began work
in Roy Washington’s law office at 366 East 47th Street.

The year that Harold Washington began working for his father, Ralph Metcalfe
opened the headquarters of the Third Ward Democratic organization in the same building.
Roy saw the new committeeman’s meteoric rise and suggested that his son hitch up his
wagon across the hall. In the last few years before his father passed away in 1954, Harold
took over the job rounding up his votes. But he formally remained outside the Third Ward
Organization, until Metcalfe summoned him a few weeks after Roy passed away. Metcalfe,
then forty-three, asked the man a dozen years his junior, “Are you going to take up your
father’s precinct and also take his job in the corporation counsel’s office?”11 Harold had little
interest in managing his father’s real estate holdings and not much of a legal practice of his
own, so he said yes.12

Roy Washington labored for decades in a police court on the South Side and never
mustered enough support in the Democratic organization to win appointment or election.
By contrast, Harold had been in Metcalfe’s organization for a year when he shared the dais at
a celebration of the tenth anniversary of Roosevelt College with Chief Justice Earl Warren
and former first lady Eleanor Roosevelt. His seatmate was Mayor Daley, who came away
suitably impressed with the speech given by the young lawyer. As Washington later recalled,
corporation counsel John Melaniphy pulled him into his office an informed him, “I think

11 Travis, Harold, 60.
12 Indeed, they would come back to haunt him in the 1983 mayoral election when he was accused of being a
slumlord because of back taxes owed on one of his father’s properties.
Mayor Daley wants to groom you to be the city prosecutor.” During the six months
Washington spent being transferred around the division to become acquainted with all of its
functions, he sensed trouble with his colleagues. “The white folk were trying to get me out
because they thought I was Daley’s favorite house nigger.” Washington could not take the
pressure. He quit and became Metcalfe’s aldermanic secretary and the supervisor of his
precinct captains.

Metcalfe contributed political access, hard work, and a steely resolve. Washington
brought precinct-level know-how, personal charisma, and a talent for recruiting. The
younger man would become the engine of one of the strongest political organizations in the
city as Metcalfe’s key lieutenant, even after Washington left his job with the Alderman to
become an arbitrator for the Illinois Industrial Commission in 1961. A decade after they
experienced a falling out, Washington described their relationship in professional, rather
than personal terms. “Metcalfe and I were never close. It wasn’t his fault. Ralph tried to
effect a friendship but we were just two different kinds of people.” Washington’s portfolio
during the late 1950s and early 1960s primarily focused on bringing youth into the
organization. “Washington re-organized the Third Ward Y[oung ] D[emocrat]s in 1958 and
while president of that group was instrumental in getting them the ‘Outstanding’ Young
Democrat for the state.” He spent about ten years in total organizing and advising the
organization and, in almost every respect, the Young Democrats came to outstrip the regular
Third Ward organization. By 1961, three quarters of the precinct captains in the Ward were

13 Travis, Harold, 64.
15 Travis, Harold, 78.
members of the Young Democrats. In 1963, Washington paved the way for the election of the first black president of the Young Democrats.

A Maverick, But Not Totally

After twelve years working on his behalf, Alderman Metcalfe sponsored Harold Washington for an electoral position. With the support of Chicago’s Democratic organization, Washington became one of the three representatives from Illinois’ twenty-sixth senatorial district in the House of Representatives. Even then, the new state representative continued to be a key cog in Metcalfe’s organization. Washington had been the Alderman’s campaign manager in 1963, and he kept a role in each of Metcalfe’s subsequent campaigns. In 1967, he was the assistant campaign manager, before reassuming the top spot in the Third Ward committeeman’s Congressional campaigns in 1970 and 1972. During Washington’s time in Springfield, he found other patrons, most particularly Speaker of the Illinois House Jack Touhy and State Senator Cecil Partee. Nonetheless, he remained under Metcalfe’s wing as well, calling on the elder man for protection when he angered Daley with some of his independent stands. Only when defeating Metcalfe became Daley’s focus would their relationship change.

Washington found his calling as a legislator in Springfield, where he served in the House from 1965 to 1975, and in the Senate from 1976 to 1980, when he moved on to the U.S. Congress. Throughout his tenure he was widely acclaimed as an “industrious legislator”

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18 Travis, Harold, 67–70.
and “one of the most articulate and hard working members of the General Assembly.”19

Although he never advanced in the official party leadership in either house, he became the chairman of the House Civil Judiciary committee in 1975. He was a key sponsor of certain important pieces of legislation: he made Illinois the first state to recognize the Reverend Dr. Martin Luther King, Jr.’s birthday as a holiday; he sponsored equal opportunity for the physically disabled and a bill to reform medical malpractice lawsuits, as well as saving Provident Hospital with $15 million in state financing.20 Above all, Washington was known as a skilled parliamentary operator. His most notable act in Springfield was probably the legislative maneuver he and three other black Senators used to disrupt that body’s leadership election in 1977 and win concessions for its black members.21

Washington suffered a number of personal setbacks in Springfield. For lack of attention to minor matters,” Mike Royko discerned, Washington “brought big troubles on himself.”22 In 1970, the Illinois Bar suspended his law license for accepting legal fees but

21 In 1975, Washington had played an important role a House leadership election, by entering the race when Daley’s choice, Clyde Choate, was still trying to put together a coalition, and then throwing his support to William Redmond (an independent Democrat from suburban Bensenville) as it became clear that he might be able to put together a majority. Redmond later made him chairman of the judiciary committee. Neil Mehler and John Elmer, “Choate Falls 30 Votes Short in Dem Caucus,” Chicago Tribune, January 8, 1970, 1; Simeon Osby, “Washington Out of Speaker Race,” Chicago Defender, January 14, 1975, 2; Neil Mehler, “Choate Linked to Politics of Clout, Foes Say,” Chicago Tribune, January 16, 1975, A1; Neil Mehler and John Elmer, “Speaker Fight a Victory: Reformer,” Chicago Tribune, January 26, 1975, 6. Two years later, Washington and three members of the black caucus used a similar maneuver in the Senate three years later to block State Senator Richard M. Daley’s pick for Senate President from prevailing. Along with a second block of dissident Democratic Senators calling themselves the Crazy Eights, they outmaneuvered the younger Daley for 35 days, and through a marathon 17 hour negotiating session, until finally reaching a compromise that put their choice in as assistant majority leader and gave Richard Newhouse an important committee chairmanship. John Elmer, “New Senate Head Hynes Vows No Political Sniping,” Chicago Tribune, February 17, 1977, 3.
failing to adequately represent his clients. In one of the cases, Washington admitted to being in the wrong and returned the $150. In the others, he was accused of bilking clients of a total of $265. What seems to have gotten the state representative in trouble with the Bar, however, was his refusal to take its inquiry seriously: he neither responded to letters requesting an explanation nor showed up to his hearings. The Bar suspended his license for a year in response to the complaints. More serious was the case brought by U.S. Attorney James R. Thompson, the “anti-machine gun,” that resulted in Washington serving thirty-three days in jail for failing to file income tax returns for 1964, 1965, 1967, and 1969 (although he owed only $508 in taxes). At the time, neither of these problems disturbed his political prospects. “So durable is his support,” the Defender noted in a long profile of the state representative in 1974, “that when he faced some heat a few years back over some income tax and legal problems, his constituency rallied behind him and his record of professional integrity remained intact.”

A detailed study of Washington’s record in Springfield demonstrates his complex relationship with Chicago’s Democratic Party. He was a machine Democrat, but one who took advantage of the independence that being 200 miles down Interstate 55 permitted. The

24 He would end up needing an appellate decision to keep his total time outside the bar at five-and-a-half years, rather than the seven-and-one-half years that the Bar tried to impose. “Court Lifting Barrier on Rep Washington,” Chicago Defender, November 18, 1975, 2. Washington claimed that he was only suspended for the single year and had merely failed to apply for readmission subsequently. William Griffin, “IVI Board Endorses Washington,” Chicago Tribune, February 24, 1977, 8.
26 Joy Darrow, “Profile: From Sprinter to Distance Runner,” Chicago Defender, September 16, 1974, 11.
organization supported some of the liberal initiatives Washington backed, especially during the late 1960s, including an expansion of FEPC coverage, a state open housing law, expanded regulation of consumer credit and greater protections for creditors, support for recruitment and manpower training of minority groups, and minor civil service reforms. 27 On other measures, which included overturning stop-and-frisk, curbs on demonstrations, cancelling the authority of the City Council to veto siting decisions for public housing projects, Washington opposed organization Democrats. 28 Although Washington stood out as a speaker on some of these bills, he was not alone; other black Democrats from Chicago joined him more than occasionally. 29

In general, the bills sponsored by Washington and other black representatives, primarily addressed programs essential for black social welfare and economic advancement. 30 Washington arrived in Springfield a “moderate on civil rights,” as the Tribune noted in 1966.

For example, when Dr. King arrived to kick of his Chicago Freedom Movement, Metcalfe asked Washington to meet the civil rights leader at the airport. But Washington also joined


the anti-King organization Metcalfe created to testify to the strength of Chicago’s indigenous black leadership. Over the course of fifteen years in Springfield, though, Washington was among the most expansive and diligent of the black representatives in speaking on behalf of fairer credit practices, affirmative action, and fair housing. “[H]e often has shown a not-too-typical fearlessness in speaking out on racial matters[,]” Vernon Jarrett observed in 1972. Within the legislature itself, he helped to form a caucus to seek greater black recognition and inclusion in leadership. Washington introduced, defended, and stewarded civil rights bills through the House, particularly in the realm of equal employment opportunity. He sponsored the Commission on Minorities in State Government and chaired House Contracts Compliance commission. He seemed to be continually asking some version of the same question: “Is a fair share of these dollars getting back to minority taxpayers thru either jobs or contracts?”

Throughout his years in the House, Washington actively tried limit the scope of law enforcement’s power over black people. Washington was a leading opponent of stop-and-frisk from the introduction of the first such bill in 1965 to his unsuccessful campaign for its repeal in 1973. He resisted other “oppressive laws” proposed by the Illinois State’s Attorney’s Association, and supported by Edward Hanrahan, including a number of “ill conceived and dangerous” restrictions on constitutional trial rights. Similarly, he supported

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34 Darrow, “Profile: From Sprinter to Distance Runner,” 11.
36 They included: allowing prosecutors to bring prior convictions to the attention of the jury if the defendant testifies; giving the state’s attorney the right to pick the judge; abridging the right to jury trial for crimes that
curtailing state prohibition of marijuana and policy gambling.\textsuperscript{37} He was a fervent opponent of the death penalty, particularly after conservatives tried to reintroduce it to Illinois law in the aftermath of the Supreme Court’s decision striking down the death penalty scheme at issue in \textit{Furman v. Georgia} (1972). “We don’t need any laws to kill black people,” he stated, “Enough of us already die through poverty, war, and neglect.”\textsuperscript{38} The Chicago Democratic organizations supported few of these stands, but even where Daley took the opposite position, he seemed to view such deviations as annoying but accepted. For example, O.W. Wilson was a major proponent of the state’s passage of a stop-and-frisk law that was first introduced in 1965, and Daley gave the bill his support. That all of Chicago’s black legislators opposed the bill when it was passed and signed into law in 1968 hints that Daley may have accepted this deviation from the party line.

On other matters, Washington responded to the demands of his constituents for greater protection from violence by expanding the state’s punitive reach. In doing so, he furthered interests supported by other Chicago Democrats. Two 1972 bills exemplify this trend: Washington introduced a Witness Protection Act to provide funds for the physical protection of witnesses (either through paying bodyguards, taking the witness into custody, or relocating them to another community).\textsuperscript{39} He also supported a law making gang recruitment of a person under 17 a felony. Remarkably, this law was co-sponsored by all 177 members of the House. Washington argued that the law would “attack the gangs where they require no jail time; allowing testimony from a preliminary hearing to be introduced if the witnesses is “unavailable”; allowing court to impose a jail sentence on an individual on bail for not notifying the court of a change of address. Simeon Osby, “Liberal Dems Suppress ‘Oppressive Legislation,’” June 5, 1971, 24.


are most vulnerable, in their recruitment of new members. … the most terrible aspect is the intimidation of the younger children. This law will make it easier to convict a gang recruiter, and will allow us to put a few in jail for 10 years to set an example for the community.”

There was little reason for state legislators to do or say much that pertained directly to the Chicago Police Department. After Robinson’s first request for assistance from Washington, the legislator often introduced the League’s bills, despite the political consequences. More often than not the bills sought to intrude upon the prerogatives of the Chicago Police Department. In 1972, he introduced a resolution in the House in support of Ralph Metcalfe’s six demands and urging the mayor to respond to the invitation to meet with the Concern Citizens for Police Reform. He also introduced a bill on behalf of the League to overturn the state stop-and-frisk statute, for which both Howard Saffold and Renault Robinson testified in favor. In 1973, Washington proposed the creation of a civil panel with authority to investigate police officers for brutality or corruption, to subpoena department records, and to present evidence to a special prosecutor. Robinson argued, “The commission would operate on an on-going basis and would not in any way be controlled by the Chicago Police Department.” Politically, these bills brought nothing but trouble with Mayor Daley, but the 28th District representative seemed to enjoy the small victory of

43 JoNina Erwin, “Seek Civic Panel to Probe Corrupt Cops,” Chicago Defender, April 28, 1973, 1. Why Robinson thought so is unclear. The bill called for a 15-member commission, with the Mayor appointing 10 members and the Governor, five. Only be eight were to be from the same political party. Robinson seemed to rest his assurances on a clause that stated, “No member of the commission shall be a member or on the staff of, any board or commission of a state or local governmental agency, either full time or part time.”
survival, even if it usually required him to seek the intercession of one of his powerful Democratic mentors to keep Daley’s from kicking him off the Democratic ticket at the next election.

Adlai Stevenson III, Washington’s seatmate when he arrived in Springfield, summed his legislative record up best: “Harold Washington was a maverick, but not totally.”44 In 1967, the Independent Voters of Illinois, the local version of the liberal Americans for Democratic Action, named him Best Legislator of the Year for a voting record they considered the fourth most liberal (out of 177) in the Illinois House. In 1974, Washington was one of the five machine candidates endorsed by the independent Democratic Governor Walker (he supported thirty-six candidates overall).45 Nonetheless, “Washington paid more obeisance to the party as the years went by,” one of his biographers argued, “trading his reputation as Best Legislator of the Year for a modicum of safety in his seat.”46 Each two year cycle, his rating from the IVI fell a little bit, until by 1975, he was number forty-two, which remained nonetheless more impressive than the other Democratic Representative who shared his district, James Taylor, who was rated 134.47 He was a maverick, but not totally.

Political Opportunity and Police Reform

Washington was part of the pressure building for police reform during 1972 and 1973. At the insistence of the Mayor, Police Superintendent James B. Conlisk met the demands of the Concerned Citizens for Police Reform by holding “community meetings” in

44 Travis, Harold, 74.
47 It seems likely this ranking was for 1978. Ibid., 137.
each of the twenty police districts. Intended to bridge divides, instead these meetings revealed and exacerbated them; the reception he received depended almost entirely on the ethno-racial identity of the residents.\textsuperscript{48} The first few meetings in black neighborhoods produced such vehement confrontations that the Superintendent resorted to requiring written questions.\textsuperscript{49} The City also used its patronage operation to pack the audience. At one meeting, “two brave young black women” revealed to a journalist they were Police Community Service Aides; they were sent home at 4:30 to change out of their green uniforms and ordered to “report to the Paderewski Elementary school in the Marquette District where the city was being held.”\textsuperscript{50} Despite the restrictions, members of these audiences wanted to have their voices heard.\textsuperscript{51} Sick of the charade, Renault Robinson and Howard Saffold showed up at the final meeting with bullhorns for the crowd to use to address Conlisk directly.\textsuperscript{52}

Conlisk joined his community meetings with promises for greater oversight of police brutality investigations. The Chicago Bar Association and the Police Department had been in ongoing discussions over police brutality investigations out of the public eye since the killings of Fred Hampton and Mark Clark.\textsuperscript{53} Nonetheless, when Conlisk needed to deflect the results of the Study Group’s \textit{Fatal Force} Report and the stirrings of pressure from

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\textsuperscript{50} Walter L. Lowe, Jr., “Metcalf, France and Memory Lane,” \textit{Chicago Defender}, December 4, 1975, 2.


\textsuperscript{52} Steven Pratt, “Conlisk’s Last Visit Ends in Shouts, Yells,” \textit{Chicago Tribune}, June 21, 1972, 1.

In 1972, he made public the efforts of the Department and the Bar to engage in a “joint inquiry” as to the feasibility of an alternative disciplinary system. The Bar Association made for a great partner: as Conlisk noted, “there is no organization as prestigious as that.” And it did not hurt that the Bar Association’s last report backed the police to the hilt. This was not enough to deflect the demands of Metcalfe’s Concerned Citizens for Police Reform for immediate action. A few weeks later Conlisk announced that the city’s Commission on Human Relations would review all police brutality complaints. By the summer of 1972, public interest lawyer Bob Howard would write a fellow reformer, “the issue is no longer whether the complaint process should be totally controlled by the Police Department—the City administration and the white establishment agree that they can’t get away with that any longer.”

Actually, the City kept getting away with it until new political opportunities emerged at the end of 1973. Superintendent James B. Conlisk resigned in disgrace in October 1973 following the convictions of Chicago Police officers in federal court for shaking down tavern owners. Less than a month later, the Chicago Tribune published an eight-part series of articles on police brutality. Over the course of five months, Emmett George, George Bliss, Pamela Zekman, and William Mullen—the latter three of which had won a Pulitzer Prize for investigating vote fraud in Chicago in 1970—investigated and authenticated brutality accusations at a level of detail that no organization previously possessed the time or

resources to do.\textsuperscript{57} They were much indebted to the activists, who had laid the groundwork. Moreover, some of the black and Latino brutality survivors they profiled initially contacted the League or Congressman Metcalfe or another organization within the emerging police reform network.

“Until publication of these stories,” Ruth Wells the president of Citizens Alert claimed, “the Chicago news media always put quotation marks on the words ‘police brutality.’ Since the series, the media have now accepted it as a fact, without the quotes.”\textsuperscript{58} The Tribune's credibility was in part a function of who the reporters focused on and how they authenticated their claims. Out of the hundreds of cases that the Tribune examined, the thirty-six profiles focused primarily black and white men (twelve each), and also included black and white women and Latino men. Their ages varied from fourteen to seventy, though three-fifths were over thirty.\textsuperscript{59} The reporters concluded, “police brutality can happen to anyone, … it is not reserved for blacks, the poor, or the so-called radicals.”\textsuperscript{60} With this truism, the series obscured broader questions of race, class, power, and politics that provided much of the frisson to police-community relations over the previous decade. More interesting than the victims’ diversity was their un-remarked upon uniformity. They were working people: typical occupations included a truck driver, foundry worker, janitor, city employee, and hospital dietician. They were not people on the social margins, and neither were they radicals or criminals. A few broke laws; e.g., double-parking. Other challenged the

\textsuperscript{57} The quote comes from the headnote to the story, all of which were captioned, “Police Brutality,” Chicago Tribune, November 7, 1973, 1.
\textsuperscript{59} Two of the biggest outliers appeared on the first day: 14-year old Claude Bailey, a white teenager who lost his eye when struck by a police officer, was much younger than anyone else profiled, “Teen-Ager Loses His Left Eye,” Chicago Tribune, November 4, 1973, 10. Harriet Bauman, a 36-year old white housewife living in a $60,000 house in the pleasant, outlying Northside neighborhood of Rodgers Park, was much wealthier. “Housewife Dragged from Rogers Park Home,” Chicago Tribune, November 4, 1973, 10.
\textsuperscript{60} George Bliss et al., “Police Brutality Exposed,” Chicago Tribune, November 4, 1973, 1.
authority of police officers—mildly. But in no case was any behavior accused that would
challenge their fitness as members of the urban polity.61

The Tribune used the strength of their medium to reinforce the credibility of the
stories they told. In photos and in pictures, they constructed sympathetic characters. These
stories showed police brutality survivors to be normal people and upstanding community
members. The portraits acquired heft over the course of the series. It was one thing to find
four respectable persons abused by police, as was the case in the first set of stories on
November 4. By the time a reader reached the final article eight days later on Mr. and Mrs.
Nearly—the 35th and 36th persons profiled—the stories had taken on a collective meaning
that eclipsed the individuals. The reporters also relied on technological authentication.

“According to some experts,” readers were informed in a sidebar to the first day’s story, “a
lie test can readily determine if a suspect should be released or be held for further
investigation.”62 The polygraph appeared almost as a character in some of the stories,
showing up at precisely the right moment to cinch the argument.63 By selecting almost
exclusively to profile individuals who had truthfully answered polygraph examinations, the
Tribune provided a form of seemingly credible, independent witness, a factor that was absent
in many cases that involved pitting an officer’s word against a civilian’s.

61 The Editorial Board’s response to the series concluded, “Gratuitous, unprovoked assault and battery is a
crime, whoever commits it.” This, of course, left the possibility that non-gratuitous and provoked cases of
assault existed and were not criminal. “Editorial: Act Against Police Brutality!,” Chicago Tribune, November 15,
63 The first story in the series, appearing above the fold on the front page, concluded with this powerful piece
of evidence: “Both men took the polygraph test, and Johnson passed with [officer] Francis failed.” Bliss et al.,
“Police Brutality Exposed,” 1. A second untitled article from Nov. 4 provided, “Tim Howard took a polygraph
test, and it supported his story that he was beaten by two policemen who attempted to shake him down for $25
for not arresting him.” Finally, “Mrs. Bauman’s story sounds wholly unbelievable, but witnesses and a
polygraph test arranged by the Tribune support it.” “Housewife Dragged from Rogers Park Home,” 10.
The power of the Tribune story was multiplied by timing. Readers were much more willing in 1973 to believe that the misconduct of government officials went all the way up the chain of command. President Nixon’s dirty tricks had been in the news for more than a year, transforming public skepticism of government in the aftermath of the Johnson administration into outright distrust. In Chicago, advocates of police reform repeatedly turned to Watergate to justify reform. “Just as there is a national consensus that Watergate must be independently investigated, we believe there is a consensus among the people of Chicago that there must be an independent agency to investigate complaints of police misconduct toward citizens.” By printing the story in the immediate wake of Conlisk’s resignation, the Tribune helped to expand the political possibilities for citizen participation.

Mayor Daley embraced Conlisk’s resignation as a political opportunity. He got rid of a Superintendent who had become a liability; he could use the reset to reinforce the Department’s credibility and to lessen the pressure from community groups. Citizens Alert immediately set out to engage the public in the process of picking a new superintendent, holding a half-day conference “to define and list those question which ought to be asked of anyone seeking the superintendent’s office.” They generated 21 questions for potential candidates. Others called for a “candidate from outside Chicago” who might undertake

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66 These included inquiries into racial and ethnic imbalance in the personnel of the Chicago Police Department, police relations with minority communities, general community relations, excessive force, psychological testing, and internal investigations. Citizens Alert, “Note to Interviewers,” 1973, AAPL 60-453.
“aggressive reorganization” of the Department. Mayor Daley played to the crowd: As a banner headline on the front page of the December 6 Tribune read: “Daley Rips Police Brutality.” Citizens Alert brokered a meeting between Daley and West Side activists at which he agreed to expand and reorganize the Police Board. Police Board president Marlin Johnson adopted Citizen’s Alert’s talking points to explain the need to grow the board to between seven and nine members: “A larger Police Board would give the city better representation and there would be more work performed.” He also ordered acting Superintendent James Rochford to examine a host of different policies related to police brutality and the hiring of racial and ethnic minorities. “Rochford, whose application to become permanent superintendent of the department is being considered by the board, accepted each of the Board’s assignments with a quiet nod.”

Many groups circulated proposals to reform police oversight during 1972 and 1973, and the common element that unite almost all of them was a call “for a greater degree of citizen involvement in the police discipline system.” The city’s three bar associations (the

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67 Compton specifically mentioned including reform of the selection process to implement a program of psychological testing; to implement a program of affirmative action in personnel practices; and to establish clear rules for the use of fatal force and investigation of brutality cases. James W. Compton to The Honorable Richard J. Daley, November 13, 1973, CUL III-177-1921.


70 The Board ordered Rochford to submit reports on the Department’s plans for psychologically screening recruits and officers frequently subject to brutality complaints, as well as to study the efforts of New York City in the latter regard. They also ordered him to review the last month’s brutality complaints and to work with a Board subcommittee on studying the low rate of minority hires in the Department. William Mullen and Pamela Zekman, “Probe Brutality, Police Told: Board Orders Rochford to Take Immediate Steps,” Chicago Tribune, November 16, 1973, 1. This proposal was much more assertive than the tepid monitoring board the Bar Association proposed a year earlier. James W. Compton to James W. Kissel, Letter and Attachment (June 28, 1974), CUL II-219-2160.

71 Knoohuizen, “The Question of Police Discipline: An Analysis of the Proposed Office of Professional Standards (Draft),” 22. The Commission’s reports of its monitoring of brutality cases from June 1, 1972 to May
Chicago Bar Association, the liberal Chicago Council of Lawyers, and the Cook County Bar Association, the black bar) joined together to propose a fact-finding agency that would employ civilian investigators, who would report to a representative governing board with the power to make findings of fact.\(^\text{72}\) “This proposal,” the Study Group noted, “is the culmination of community pressure which has been building for almost a decade behind the notion that direct civilian involvement at a policy-making level is the answer to the IAD’s continuing lack of credibility with the public.”\(^\text{73}\) Metcalf, Robinson, Marshall Patner of the Study Group, and Bob Howard of the ACLU introduced a similar plan, as part of a comprehensive police reform.\(^\text{74}\)

Mayor Daley’s efforts to appear conciliatory were merely a prelude to unilateral action.\(^\text{75}\) After eighteen months of estrangement from Metcalf, he agreed to meet with the Congressman and a negotiating team with authority to strike a bargain.\(^\text{76}\) Tribune columnist Bob Wiedrich described Daley’s treatment of Metcalf as a series of “obvious overtures” and


\(^{72}\) They sought representation of five groups: the bar associations, police organizations (including the AAPL), business and labor groups, private organizations interested in law enforcement (including the ACLU, the CUL, the League of Black Women, and others), community service oriented groups (including the Concerned Citizens, La Raza and others). They agency would also have independent control over its own staffing. “Joint Statement of the Chicago Bar Association, Chicago Council of Lawyers and Cook County Bar Association.”


\(^{74}\) The proposal included changes to police board representation, employment and promotion practices, police harassment of blacks and Latino/as, and public disclosure of information William Mullen and George Emmett, “Group Proposes New System: Dump IAD, Use Civilians, Cops Urged,” Chicago Tribune, November 17, 1973, S1.

\(^{75}\) One observer suggested that Daley sought to avoid losing white support by looking like he caved into black leaders. “Political Cunning,” Chicago Defender, Feb. 26, 1974, p.11.

argued that the Mayor’s “promises to expand the Police Board and broaden its representation has to be part of a master fence mending plan.” But in the end, he did what he wanted: he hired James Rochford, who had been Conlisk’s principle deputy. Reformers who hoped for an outsider were severely disappointed. At the time, the League’s lawsuit had not yet revealed that Rochford led the effort to get Renault Robinson fired from the Police Department. Nonetheless, Metcalfe knew enough to recognize, “James Rochford has been at the seat of power thru the years of conscious, consistent racial discrimination in police employment … while corruption and brutality have flourished and been tolerated.” Renault Robinson echoed the Congressman’s dismay “Chicago was so close to political reform; it’s unfair for one man, Mayor Daley, to cheat the city out of it.”

**Almost Police Reform**

Over the three years he served at the helm of the Department, James Rochford left a complex legacy. Of all the Department’s Superintendents during the period from 1960 until 1987, he was most frequently caught in crosscutting currents that threatened the autonomy of the Police Department and his power as its leader. From his first day on the job, he sought to instantiate change. He immediately requested letters of resignation from all seventy exempt officers, merely to have on file. At his first press conference he made an eight-point pledge, whose dimensions included “a safer Chicago, control of street gangs, elimination of

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78 This followed a pattern: Conlisk was also O.W. Wilson’s First Deputy Superintendents.
79 See Chapter 2.
81 Robinson, “Editorial Reply: James Rochford.”
82 He legacy is a good deal more complex than I discuss in this chapter, particularly on account of his defense of police intelligence gathering and his resistance to reforming the Department’s hiring practices. Locally, Rochford formed the first line of resistance against the implementation of Judge Marshall’s affirmative action orders.
police misconduct, a reduction in street crime, police respect for citizens and the public’s respect for policemen.”³⁸⁴ His most substantial promise was the creation of the Office of Professional Standards, a new institution for investigating police brutality cases. He incorporated some aspects of the reformers’ proposals: the organization was run by three civilian administrators—one white, one black, one Latino; it was staffed by civilian investigators; it reported directly to the Superintendent with no intervening links in the chain of command; and, finally, cases were sent to the Commission on Human Relations and the Cook County State’s Attorney before a final determination. It constituted, according to the Study Group, “a more thorough overhaul of system than anything attempted by his two predecessors.”³⁸⁵

Though a departure from the status quo, police reformers agreed that these changes were inadequate. The Concerned Citizens resolved not to be manipulated by the symbolic racial politics of Rochford’s appointments: “we will not equate a new face, be it black or white, with the kind of substantive change needed to make the Chicago Police Department responsive to the people. We need a change in the relationship between the Police Department and the people.”³⁸⁶ The Study Group provided some evidence, and plenty of institutional analysis, to substantiate the claim that even civilian investigators would

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³⁸⁶ “Untitled (Resolution on Office of Professional Standards),” 1974, CUL III-180-1949. They were particularly turned off the Superintendent’s performance in interviews, where he claimed to be considering the appointment of a Professional Standard’s Board made up of community members. He made clear in interviews that there would be no room on such a board for the representatives of the “dispossessed.” Urban League president James Compton concluded, “The Rochford Plan is carefully designed to exclude representatives of the poor and all non-white minorities of all stations.” Compton to Kissel, June 28, 1974.
inevitably adopt police perspectives if they remained within and under the control of police officers. Inevitably, institutional context shaped the impact of introducing civilians as investigators.

Once installed as Superintendent, Rochford could not simply ignore reformers. The League, Citizens Alert, the Alliance, and the Study Group remained small organizations, but they were well established by now. Nothing reflected their institutionalization better than their receipt of federal funds during the mid 1970s to carry out their work. In 1974, the local Cook County-Chicago Criminal Justice Commission recommended rejecting applications from the League and Citizens Alert; one member suggested, for example, “the intent of Citizens Alert might be to criticize public agencies.” Nonetheless, Illinois Law Enforcement Commission under David Fogel’s direction chose to fund them. In the League’s case, this allowed a number of officers to take leaves of absence from the force to work part- or full-time as anti-brutality organizers.

The funding for these organizations was paltry compared with the tens of millions of dollars that the Police Department received from the LEAA. For organizations always on the fringe of insolvency, though, these funds had significant fiscal and reputational effects. Citizens Alert existed as an entirely volunteer organization until its grant of federal monies

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89 For overviews of their activities, see League to Improve the Community to Illionis Law Enforcement Commission, “Grant #1448, Progress Report of Law Enforcement Activities for the Period October 1 to December 31, 1974,” January 15, 1974, 1, AAPL 99-8; League to Improve the Community, “Education and Referral Service: A Preliminary Report: January 1st Thru December 31, 1976,” 1977, CPL-MRC.
enabled it to hire its first paid staff member. Porvenir, this staff member, Ruth Wells, was a veteran Westside activist instrumental in broadening the organization's appeal, especially for blacks and Latino/as. Similarly, the $107,000 grant to the League’s not-for-profit arm rescued it from the brink of bankruptcy, where it had been for most of its existence. Relative to the size of their budget and the marginal value of money, the contributions of the Illinois Law Enforcement Commission did much more to shape and enable the actions of these police reformers than they did for the Police Department.

The new stature of these groups was illustrated by Rochford’s behavior toward them. Citizens Alert “praised his willingness to discuss problem areas with various community groups.” The Superintendent, a few of his subordinates, and members of the Police Board, regularly held “accountability sessions” with Citizens Alert. Whatever they accomplished, the remarkable fact was that they allowed “community representatives to meet personally with the Superintendent to talk about problems.” Rochford even took steps to improve public access to information about the police. In its 1976 report on the Office of Professional Standards, the Study Group criticized the Department for keeping relevant data on police brutality from the public. Moreover, Police failure to creatively use its own data meant that even “Supt. Rochford cannot himself assess the disciplinary system for which he promised personal responsibility.” His response was to propose a meeting with the Study Group, “where ‘your people and my people’ who work in statistical analysis will sit down with the

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information requested, analyze it together, and talk about it.” Similarly, he vastly expanded the level of detail in his reports to the Police Board, after Citizens Alert had been requesting such changes for years.

Rochford entered office in the face of a massive uproar over police brutality. He also confronted a mobilization against crime that demanded his attention. The question of why such a mobilization happened in 1974 is not hard to answer: annual homicides had been rising continuously until 1972, when it tailed off to 708. The next two years it shot upwards until hitting its all-time peak of 962 murders in 1974. In 1974, legendary Chicago Defender reporter Ethel Payne, the first-lady of the black press, helped to organize a Coalition of Concerned Women in the War on Crime. On the one hand, Payne offered a structural perspective on crime rooted in long-term inequalities in housing, health, education, and employment, as well as contemporary distrust of government. “On the other side,” she argued, “we have to deal the immediate; that which threatens our personal safety.” The demand for community action existed despite Payne’s belief that such immediate activity dealt only “with the mundane symptoms and not the cause of the problem.” The pressing question was “how to more effectively utilize citizen action as a deterrent to crime.”

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96 To contain, for example, breakdowns of crime statistics over time, the reasons for officer suspensions, and updates on other programming. “Police Board Meeting,” The Bridge, October 1976, 2, CUL III-180-1946.
97 The rate would be hiring in the early 1990s, but there would never again be this many homicides.
meeting with the Police Superintendent, the women also declared their intention “to make
the police responsive to the people.”

Ralph Metcalfe worked with other local, state, and federal officials towards “halting
the immense level of crime that presently exists and runs rampant in Chicago, in particular in
the crime infested Robert Taylor Housing Development, located on the Southside.” The
concerns and experiences of many of the residents were at the center of his story: “residents
are terrified to travel freely throughout the neighborhood and the though of night travel is a
nightmare.” Harold Washington introduced a bill to supply the Illinois Law Enforcement
Commission with emergency funds for witness protection, “so as to encourage witnesses to
come forth and testify against those involved in criminal activity.” Metcalfe’s own efforts
included introduction of one bill in Congress to ban handguns, and another for speedy
trials.

*Insert Figure 11*

Although national (and international) statistics provide some benchmarks for
thinking about how crime rates changed over time, it is difficult to assemble a specific
picture for Chicago in the 1970s. The most commonly cited measure of crime for any local
area is information collected for the FBI *Uniform Crime Reports* (UCR). Part I of the UCR
consists of seven crimes: four crimes of violence (criminal homicide, rape, assault, and
robbery) and three property crimes (burglary, larceny, and motor vehicle theft). The FBI
reports the index as a total of the seven crimes, adjusted to a standardized rate of per
100,000 residents. This records only “crimes known to the police,” and is therefore a

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product of a complex series of activities.¹⁰¹ These include “things which go on ‘out there’ in the environment (crime), the responses of those who are victims of it (reporting), and societies efforts to discover and record it (policing).”¹⁰²

Four institutional factors shaped crime reporting in Chicago during this period. In the first years after O.W. Wilson arrived in Chicago, investments in communication and data processing capabilities produced a skyrocketing official crime rate.¹⁰³ Second, changing crime definitions sometimes caused wild spikes, as can be seen with theft in Figure 11, which climbed sharply when its definition was changed to include thefts below $50. Third, the Police Department routinely downgraded and under-reported crime from some time in the mid-1970s (it is impossible to know when) until 1982, when the Tribune discovered the practice.¹⁰⁴ Finally, the relationship between the police and the policed affected crime reporting: the less legitimate the people of a neighborhood perceive the police to be the less like they are to report crimes. The result of all of this is that the statistics are always “open to diverse and often conflicting interpretations. If they registered a sharp rise in criminal activity, did this mean that the police were getting worse and therefore more crimes were

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¹⁰¹ Critical scholars recognized this upon the inception of the UCR. Sam Bass Warner argued that variations between cities could note “be accounted for by differences in geography, state laws, social and economic conditions, or the size of police forces.” Sam Bass Warner, “Crimes Known to the Police: An Index of Crime?” *Harvard Law Review* 45 (1931): 330.


being committed, or that the police were getting better and as a result more crimes were being reported.”

Insert Table 6

As I argued in Chapter 5, both arrests for index crimes and public order arrests stayed remarkably stable over the period from the mid-1960s to the early 1980s. Within this internal stability, however, there were changes after 1974, which suggests that Superintendent Rochford responded to the calls for more efforts to stop crime. The most important change overall, within the pattern of stability, was how the changes in the composition of public order arrests affected the racial composition of arrestees. Looking at statistics that correlate race and crime (or race and arrests) is always problematic. Here, the instability of racial categories makes it doubly incoherent (or, as it were, reveals the incoherence of the categories). While it appears that the black and white categories are stable, they are not. For example, in the reports, the only group outside of black and white arrested a substantial number of times was “other” from 1973 and 1980. The numbers of arrests make it likely that this category was being used to classify Latino/as. During the years 1981 to 1986 and again from 1993 to 1997 when the designation “Hispanic” was added separate from the racial categories, the Police stopped using “other” in this way. This means that police officers likely identified people as either black or white who might not have self-identified that way. The result of these gyrations is that it is impossible to calculate arrest

107 Indeed, the continual churning of categories is a fine example of what Barbara and Karen Fields have called “racecraft.” Karen E. Fields and Barbara J. Fields, Racecraft: The Soul of Inequality in American Life, Reprint edition (New York: Verso, 2014).
rates according to our contemporary ethno-racial scheme.\textsuperscript{108} Given that the numbers seem to reveal Latinos moving in and out of the “white” category much more so than the “black” category, the only way to construct a reasonable set of comparisons is to use the categories that most officers seem to have employed: black and non-black.\textsuperscript{109}

\textit{Insert Figure 12}

The appeals to greater police protection were the likely cause of a set of very specific changes in policing. The substitution of one type of public order arrest for another was not racially neutral. While police arrested roughly the same number of people in the aggregate, they arrested blacks at higher rates for public order crimes beginning in 1974 than over the previous fifteen years. This is largely the function of a substitution of disorderly conduct arrests for drunkenness arrests. Drunkenness arrests rates, like those for vagrancy, varied relatively little by race and only a little bit over time.\textsuperscript{110} By contrast, arrest practices for disorderly conduct were both more discriminatory (on average) and fluctuated more over time. From 1960 to the height of the mass civil rights action around school integration in 1963, police went from arresting blacks for disorderly conduct at double the rate of non-blacks to arresting them at five times the rate of non-blacks. This ratio fell back to its 1960 level by 1969 before doubling in 1974 and remaining at that high level until the end of the decade. Disorderly conduct arrests grew substantially over this period, so the substitution of such arrests produced a more racially discriminatory arrest pattern. This makes it likely that

\textsuperscript{108} The simplest version of which would now include white Hispanic, black Hispanic, white non-Hispanic, black non-Hispanic, Asian or Pacific Islander, indigenous American, multi-racial.

\textsuperscript{109} In doing so, I do not intend to naturalize this view, but to reveal how officers saw the world.

\textsuperscript{110} The black to non-black arrest ratio (the black arrest rate compared to the non-black arrest rate) hovered around one and a half.
police were not just substituting what they filled out on a form; instead, they changed their behavior and the location of their activities from 1974 on.

**Black Police “Enter Politics to Gain Clout”**

Rochford’s appointment was a political as well as an administrative maneuver, and its influence redounded in politics as well as police policy. Prior to February of 1974, Renault Robinson had been involved in politics only as a means to try and advance the agenda of police reform. Following Rochford’s appointment, however, “the league decided it would have to ‘enter politics to gain clout.’”¹¹¹ The League asked its members to consider running for political office, and came up with six wards where it believed campaigns might be possible—based on the candidates, community feeling, the amount of money that could be raised, and the number of volunteers needed. *Tribune* columnist Bob Wiedrich suggested that the League’s decision to turn to politics was somehow related its receipt of money from the Illinois law Enforcement Commission the same week. He “question[ed] the independent Democratic Mr. Walker’s state commission choosing the exact same time to give Robinson a financial transfusion. That smacks of politics, too.”¹¹²

In the end, Frank Lee and Howard Saffold took the plunge. Their campaign materials stressed how the men’s experience in the League had prepared them to address crime, police community relations, and discrimination. Based on this experience, one campaign brochure suggested, Frank Lee “is not a politician but knowledgeable of Chicago’s political arena and uniquely qualified to make the process work for the people.”¹¹³ As the

¹¹³ Reasons for supporting Lee included, “He is the co-founder of the Afro-American Patrolmen’s League; an experience and successful fighter of discrimination in the Chicago Police Department; He is experienced and
men would soon find out, issues were hardly the stuff of Chicago elections. Rather, particularly in a low-turnout, off-year February race, the question was whether you had the money and organization to mobilize voters. The Afro-American Patrolmen’s League did not. Both campaigns were abject failures.

Insert Figure 13

Frank Lee entered the race in the West Side 28th Ward, encompassing East and West Garfield Park. The ward contained “perhaps the most wretched housing, the highest unemployment rate, and the most abject poverty in the city.”114 Compared with the ward’s located in the historic Black Belt or middle-class neighborhoods south of Woodlawn, the so-called “plantation wards” showed the least independence from the machine.115 None of the four had elected an anti-machine alderman and two of them continued providing the Daley machine with substantial majorities into the 1970s, as black support everywhere else collapsed.116 Prior to the 1975 election, Defender reporter Robert McClory accused two of the West side aldermen, including 28th Ward incumbent Jimmy Washington, of being “best known” for “occupying their seats and saying nothing.”117 In the 1975 primaries, for example, Daley fared far better in the four Westside wards than on other black wards of the city, but almost 70 percent of the voting age population there did not turn out to vote.118 In

accomplished in operating a service oriented community organization; … He is a veteran Chicago Police Officer, expert on crime and police community relations.” “Elect Frank K. Lee Alderman, 28th Ward,” 1975, AAPL 56-407.

116 Ibid.
118 This turnout was also lower than the turnout in other black wards, although turnout there was poor as well.
this political context, Frank Lee’s shoestring campaign might be thought of as a success for clearing the eleven percent threshold.

**Insert Figure 14**

Howard Saffold ran in the 7th Ward, which embraced the middle-class neighborhood of South Shore. Although South Shore was majority black in 1975, Polish Chicagoans dominated 14 of the 58 precincts and turned out in very high numbers to vote. There were also a substantial number of Latino/as. Seven candidates entered the race, but it really came down to a challenge between four contenders—and Saffold was not one of them. One was the former Polish alderman, Robert Wilinski, who had lost the seat when a federal district court threw out maps drawn by the Democrats for racial gerrymandering. The other was the current alderman, Gerald Jones, who had prevailed in the much blacker district after the map was thrown out. In the interim, the appellate court had reversed the district court, reinstating the old map with its Polish precincts. Alderman Jones fell out with his ward committeeman, and the Democratic Party choice to back a different black candidate, Leon Rice. Finally, the Independent Voters of Illinois endorsed an alternative Polish candidate, Eugene Piotrowski. Added to the mix was a long-time aide of Ralph Metcalfe (Wilbur Gaines). Saffold garnered only five percent of the vote, finishing fifth, behind the two alderman and the two endorsed candidates.119 With an already mobilized electorate polarized around a pre-existing issue, the district was an impossible place for the League to make inroads.

More broadly, the municipal elections in 1975 were a false dawn for independent black politics. The League’s difficulty in running credible candidates was echoed by the pains of black activists to put forth a candidate in the mayoral race. Charles Hayes, vice president of the vibrant Amalgamated Meat Cutters’ Union, and lawyer James Montgomery chaired a Committee for a Black Mayor formed to galvanize black voters behind a single candidate who might be able to demonstrate their collective clout.120 Ralph Metcalfe was the overwhelming favorite of members of the committee and the public.121 Harold Washington’s speech to the Committee stressed the qualifications of a serious challenger. “He has an illustrious record of public service. He can draw support from the regular voter and the independent voter. He can get support from the white, Latino, and Black communities.” Despite the fact that he rated high with many, Washington spoke in the interest of “promoting the empowerment of blacks in this city”; he argued, “let’s go with our best—Ralph Metcalfe.”122

The attempt to assemble a black coalition for a citywide election brought to light fissures within the anti-machine electorate. Metcalfe flirted with challenging Daley. He rejected the committee’s draft; then, was interested.123 When the committee fell woefully short of being able to raise the half-million dollars the Congressman felt would be needed, he passed.124 Columnist Vernon Jarrett argued, “[Metcalfe] was called upon to work a miracle,” and embraced his absence as a chance to “seriously and constantly go[] about the

122 Travis, Harold, 88, 90.
124 According to Hayes, many black donors were afraid to give money, lest the machine imperil their livelihoods. Barbara Reynolds, “Metcalfe Out, Hits Machine,” Chicago Tribune, December 4, 1974, 3.
business of preparing for a self-determining, grass-roots-oriented political mobilization.”

In the short term, though, the cause of a black Mayor was definitively sunk when Metcalfe threw his support in the race to the liberal, white Alderman William Singer. State Senator Richard Newhouse was left to carry the banner as the first black candidate for mayor.

“Practical politician that he was, Metcalfe chose to endorse a white liberal with a slim chance of winning over a black who he though had not the chance of a feather in the storm.” In lieu of endorsement, the Committee rated both Singer and Newhouse qualified.

Daley prevailed easily in the primary, but with especially low voter turnout and without getting much over the fifty percent threshold. Voters spread the remaining ballots among multiple candidates: Singer, Newhouse, and former State’s Attorney Edward Hanrahan. While Metcalfe’s endorsement did not put Singer over the top in the black wards, there were promising signs as “his combined vote with Newhouse’s carried seven wards and was close in four more.” Daley received the votes of only twenty-two percent of the voting age electorate, a lower total than in any of his other contested elections. More distinctive was the completely changed composition of the electorate: in 1975, sixty-four percent of the Mayor’s votes came from white voters. Newhouse won just under eight percent of the vote citywide, most of which came from his 18.5 percent in the black wards.

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126 Levinsohn, Harold Washington: A Political Biography, 120.
128 For racial conservatives, like Tribune columnist Bob Wiedrich, this presented the possibility that “white-backed candidates [might] determine they can get elected without black votes, then they may start paying less attention to the demands of black voters.” Bob Wiedrich, “Metcalfe’s Victory Poses a Problem,” Chicago Tribune, March 24, 1976, 4.
129 Levinsohn, Harold Washington: A Political Biography, 120.
130 Kleppner, Chicago Divided: The Making of a Black Mayor, 83.
131 Calculated using the estimates in Ibid., 84 tbl.9.
Metcalfe’s endorsement of Singer in the 1975 mayoral race brought the full force of the aging and increasing embattled Daley organization against him in his 1976 Congressional contest. Daley pulled out all the stops in favor of his candidate, Erwin France. Nonetheless, Metcalfe won easily, carrying all but a few dozen of the First District’s 400 precincts.\textsuperscript{132} Metcalfe’s victory came without Washington’s support. For all of the talk of Washington’s independence, he remained a member of the Democratic organization and knew the limits to Daley’s tolerance. Washington was willing to challenge the machine on the margin: he enjoyed taking small stands, while still living to fight another day. Washington had stuck with Metcalfe from 1972 through 1975. In 1976, he chose personal desire for advancement to the State Senate in 1976. He had a hard enough time getting the party endorsement anyhow, without raising a ruckus.\textsuperscript{133} And he needed the support: Washington’s opponent, the independent Democrat and former-Alderwoman Anna Langford, declared his victory relied on “cheat[ing] by the Democratic machine. Washington called himself an organization liberal but whatever he was, he’s not now. He’s heavily indebted to the machine to the point where I doubt he can really do much on his own.”\textsuperscript{134}

\textbf{After Daley}

The announcement of the Mayor’s death on December 20, 1976, caused an immediate crisis in Chicago politics. Under the rules of succession, the president pro tempore of the City Council, who was the black regular Democratic Alderman, Wilson Frost, was supposed to at least temporarily succeed to the mayor’s chair. But by Daley’s funeral two days later, however, the machine’s power brokers had decided on a different course. They

\begin{itemize}
  \item \textsuperscript{132} Grimshaw, \textit{Bitter Fruit: Black Politics and the Chicago Machine, 1931-1991}, 137.
  \item \textsuperscript{133} Travis, \textit{Harold}, 91.
  \item \textsuperscript{134} Ibid., 92.
\end{itemize}
did not seek Frost’s input so much as his assent. Counting noses, the Alderman realized that he could not get the necessary twenty-five votes, and cut a deal that saw him installed as chairman of the Council’s powerful Finance Committee. On December 28, 1976, the Alderman from Daley’s 11th Ward, Michael Bilandic, became Mayor; Alderman Eddie Vrdolyak became the president pro tempore and Ed Burke continued as chairman of the Police and Fire Committee. In the space of a week, the power brokers who would dominate the regular organization for the next decade—especially Aldermen Vrdolyak and Burke—had taken their places.¹³⁵

Daley’s death opened new possibilities for Washington. On the evening of Frost’s snub, black political leaders assembled at the Community Progressive Church in the Grand Boulevard neighborhood. Following a rousing series of speeches, Harold Washington proposed a resolution to elect Chicago’s first black mayor in the special election to replace Daley.¹³⁶ South Side publisher Gus Savage and Ralph Metcalfe were named chairs of the effort. Renault Robinson was co-chair of the search committee.¹³⁷ Under Robinson, there would be no confusion over backing a white liberal as a substitute. “It should be understood that we are not racist,” he declared. “We are not about to back someone just because he or she is black. We have criteria other than color. Race is important only because we have been dealt out deliberately by people with racist outlooks on life.”¹³⁸ As always, unity was easier to

¹³⁶ The difference between the way whites and blacks saw these events is perhaps best summed up by Bob Wiedrich, who described Metcalfe’s charge that Frost was excluded because he was black and other similar statements, “racist remarks,” and called for “decent black citizens who know that law and order and racial harmony can never be achieved by abrasive words that reopen old wounds” to disavow them. Bob Wiedrich, “Irresponsible Is the Only Word for It,” *Chicago Tribune*, January 5, 1977, B4.
¹³⁷ George Clements and Howard Saffold were amongst its participants. [Ad Hoc Citizens Committee for Fairness], “Coordinating Committee and Search Committee,” 1977, AAPL 239-1.
discuss than to create. This time, the source of tension was the size of the committee. After a divisive meeting on January 2, Robinson cast the tie-breaking vote to expand the committee to interested individuals not among the original invited group. Worried that size would produce divisions, a smaller core split off to form a second, separate committee without even informing him. Robinson quit.\footnote{The first group consisted of 46 people, the second 79. David Axelrod, “Black Mayor Search Panel Head Quits,” \textit{Chicago Tribune}, January 9, 1977, 3.}

Like Metcalfe two years earlier, Harold Washington waffled. When both committees chose him, he was flattered, but also cited “insufficient time and money” as obstacles to running a credible campaign.\footnote{On the committees’ choice, see Neil Mehler and David Axelrod, “Blacks Favor Mayor Bid by Washington,” \textit{Chicago Tribune}, January 20, 1977, 10. On his waffling, see Vernon Jarrett, “Is the Senator’s ‘No’ Really ‘Yes’?,” \textit{Chicago Tribune}, February 16, 1977, B3; Nathaniel Clay, “Sen. Washington Says ‘No’ to Mayoral Bid,” \textit{Chicago Defender}, February 19, 1977, 3.} Actually, Metcalfe was the source of his uncertainty. Despite the overwhelming preference for Washington among committee members, Metcalfe came out against him—presumably in retaliation for Washington’s refusal to back him in his race against the machine the year before.\footnote{Kleppner, \textit{Chicago Divided: The Making of a Black Mayor}, 97; Travis, Harold, 103.} Washington entered, though, in part because the dynamics of the race were more promising: Bilandic did not have Daley’s personality, popularity, or his control of the party. Alderman Roman Pucinski, a long-time political figure, represented the possibility of splitting the white vote; at least, he might cleave off a large percentage of his Polish co-ethnics. Finally, Washington himself represented the possibility of a black-liberal-labor fusion. He won a ballot spot as the candidate of the Independent Voters of Illinois.\footnote{On the IVI, see David Axelrod and George Estep, “IVI Unit Picks Washington in Dem Mayor Bid,” \textit{Chicago Tribune}, February 21, 1977, 1; F. Richard Ciccone, “IVI’s Goal--Get City Blacks in Fold,” \textit{Chicago Tribune}, February 28, 1977, 3. On labor support, see William Griffin, “Union Group Backing Bid by Washington,” \textit{Chicago Tribune}, March 17, 1977, B9.} There would be no asking black voters to chose between a black or liberal candidate: Washington was it. “He stands a good chance,” Vernon Jarrett
declared, “of putting together the first sustained black-led threat to the Democratic machine from within the party.” On February 19, he declared, “I am in the race to offer the voters a genuine option for progress.”

Renault Robinson and the Afro-American Patrolmen’s League were at the center of it all. League members literally surrounded the candidate throughout the campaign, providing security for him despite the candidate’s reluctance. Howard Saffold expressed the perspective of the officers, “We could not have a Black man running around by himself talking about being Mayor of the city of Chicago. The establishment might pay some dude to hit him upside of the head.” More than just protection, though, the officers “wanted to be part of a campaign for a serious Black mayoral candidate.” They decorated a camper with campaign banners and drove around when Washington was in Chicago.

Robinson ran the campaign, his first foray into politics since the failed Aldermanic campaigns of 1975. It was a “learning situation” for all involved. Washington’s largest race to date had covered just five wards. “We wanted to know what would it really take for a Black to run a citywide campaign,” Robinson recalled. “What would it take? What did you have to do? How did you develop the support? How did you handle the press? How did you get, ah, people to assist and help and participate? How did you raise money?” In a relatively short period of time, Robinson and the rest of Washington’s team put together a citywide organization. They drew on fellow activists to develop rudimentary policy materials, particularly about policing, which echoed the themes of the previous decade. “The

145 Travis, Harold, 109.
146 Robinson, Eyes on the Prize II Interview.
Department is intentionally isolated from civilian accountability, from community groups, from researchers, and from open discussions of the alternatives in police policy. But the issues were less important than the experience of trying to organize on a large scale.

Bilandic cruised to victory, if not in an inspiring fashion. Despite the Acting Mayor’s best efforts to pump up his victory, turnout plummeted both overall and specifically in the black wards. Citywide, sixty-five percent of the voting-age population did not vote in the off-year special election; in the black wards this rose to 72.5 percent. Although the Acting Mayor won fifty-one percent of votes cast, it only amounted to eighteen percent of the city’s voting age-population. As hoped, Pucinski split the white wards, with the victor only taking a bare majority. Although Bilandic won less than fifty percent of the vote in the black wards, he nonetheless won the election there, because the Polish challenger did so poorly.

Washington won eleven percent of the vote cast, but his totals nonetheless improved dramatically on Richard Newhouse’s showing two years earlier, when he finished third behind both Singer and Daley in all the black wards. Washington won five of the middle-class black wards and came close to taking a sixth.

Robinson learned many things from the election that made him more sanguine in retrospect, after 1983, and after those things had been put to good use. But in the aftermath of Bilandic’s victory, the election “was a disheartening experience.” In 1974, the city’s intransigence in litigation led him to believe that the electoral arena might provide an “easier and quicker” way win clout. Two election cycles in, the results were mixed: Metcalfe had succeeded, but he had experience, recognition, and martyrdom on his side. Neither the

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League candidates nor Harold Washington had gotten very far. “Nothing comes easy,” he told Robert McClory.151

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The League’s efforts to immerse itself in politics in the 1970s had a number of effects that were not readily apparent. On January 11, 1977, as the coalition to elect a black mayor began meeting to settle on a candidate, the Seventh Circuit Court of Appeals upheld most of Judge Marshall’s opinion in *U.S. v. Chicago*, including his imposition of hiring and promotional quotas on the Police Department. Bilandic resisted the opinion and threatened to appeal to the U.S. Supreme Court. A number of black committeeemen and Alderman convinced him that simply letting the case drop would deprive Renault Robinson’s political group of a potent issue.152 In October, only a few weeks after Judge Marshall’s ruling in favor of the Robinson plaintiffs’ harassment and discrimination claims and his award of monetary damages to the League Officers, James Rochford resigned as superintendent. The news was big enough to make *Jet* magazine, which noted, “insiders say that Rochford was fired by Michael Bilandic because he was becoming an increasing political liability as the police department has had to continually defend itself against changes of racial discrimination and harassing Black policemen of the Afro-American Patrolmen’s League.”153

The League welcomed Rochford’s resignation, but the process of selecting a new Superintendent illustrated how the Democrats retained control over the politics of policing. As the Study Group research director described, the Department’s traditional position was,

152 Ibid., 203–04.
“Trust us, we have the best police department in the country, we will pick the right man.” The Study Group joined with Citizens Alert in asking that selection process instead “be taken out of the secrecy of back rooms and put in the public arena.” The Board refused, and so Citizens Alert held its own forum for the three finalists. Only the one outsider, Daniel Guido, presented himself. The two candidates from inside the Department, Sam Nolan and James O’Grady, questioned the propriety of answering questions about their policy positions. Sam Nolan, the highest-ranking black member of the Department and for many years the head of all programs related to police-community relations, declared, it was “not appropriate for ad hoc groups such as the coalition to be influencing Mayor Bilandic in his choice of a superintendent.”

Then there was Harold Washington. He did not formally break with the machine until after his loss to Mayor Bilandic in 1977. Roman Pucinski, who made noises about being independent throughout the 1977 race, returned to the fold thereafter. Not Washington. Following the race, he finally declared to black journalists that he was going to stay out of the Democratic Party. South Side Democratic committeeman James Taylor, at odds with Washington for years, used the opportunity to try to knock him out of the State Senate in 1978. The Democratic organization slated a precinct captain (and two machine decoys, both named Washington) against him in his bid for re-election. The machine poured money into

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154 Robert Enstad, “Citizens to Fight for Top Cop Voice,” Chicago Tribune, January 8, 1978, 26. At a Police Board Meeting at the end of October, Ruth Wells of Citizens Alert argued in favor of creating a shadow group of “10 representatives of community groups … to work with the police board in selecting candidates. She also suggested that, when the choice has been narrowed to six persons, a hearing be held at which applicants could outline their qualifications.” Phillip Wattley, “Cop Board Fails to Oust TV Crews,” Chicago Tribune, October 28, 1977, B1.


156 Travis, Harold, 111.
the race. Washington prevailed by less than 250 votes.\textsuperscript{157} Two years later, following Ralph Metcalfe's passing in 1978, he would capture swelling anti-machine sentiment to capture his old leader's seat in Congress. Harold Washington was now a maverick. Totally.

Chicago’s regular Democratic Party remained remarkably resilient into the 1980s, despite losing mayoral primaries in 1979 and 1983 to insurgent ex-members.¹ In 1979, Jane Byrne beat Mayor Michael Bilandic in a one-on-one contest and became the first female big-city mayor. A long-time employee of the Democratic party-state and Daley protégé, Byrne ran against “cabal of evil men [that] has fastened itself onto the government of the City of Chicago.”² Luck, black resentment, and dissatisfaction with machine politics produced a winning combination, as middle-class black voters and to a lesser degree lakefront liberals delivered her the victory. Four years later, Byrne was the establishment candidate, as she, Congressman Harold Washington, and Cook County State’s Attorney Richard M. Daley faced off in a three-way race. The media billed the race as a clash between the two white Democratic titans for the future of the Party. Washington’s strong performances in the televised debates and the fervor that his candidacy inspired among black Chicagoans saw him replace Daley as the major threat to Byrne’s re-election. Washington benefitted from the splitting of white votes between the candidates in the primary. Nonetheless, black activists and black voters (with the assistance of large majorities from Latino/a voters and the savvy, more than the votes, of white liberals) earned his victory in the primary and his narrower win in the general election against little-known Republican Bernard Epton.

Differences in Byrne and Washington’s campaigns and constituencies produced different outcomes for each of them once in office. Though Byrne broke with the machine,

she had no fundamental objections to the way machine politics worked. Moreover, she had no constituency, and though she initially made some gestures towards political reform in her appointments, she ultimately came to rely on the same white power brokers that she had run against. Washington on the other hand, was never given a chance to reach an accommodation with the machine. This was both because he felt a sense of responsibility towards his coalition, and because white ethnic alderman refused to countenance reaching an accommodation with him. Byrne did not govern well, but Washington’s opponents seemed not to want him to govern at all.

During and immediately after both elections, both Byrne and Washington signified their intentions toward reform through the politics of policing. Each insurgent made an example out of the Police Department. After a few tactical maneuvers in 1979, Byrne accommodated the status quo. The efforts that she did make to appease black discontent, such as appointing Renault Robinson to the Board of the Chicago Housing Authority, ultimately backfired and showed the shortcomings of her strategy. Washington saw some of his promises through, in particular, remaking the racial hierarchy within the police command staff. Nonetheless, federal austerity and local white backlash prevented him from achieving many of his campaign goals.

“Only Jane Byrne”

Jane Byrne had one of the most remarkable histories of all Chicago politicians. Her father was an executive at Inland Steel; “In the parlance of the time, [he was] ‘lace curtain Irish,’ and his children ate with cloth on the table.”3 The Burke family’s two-story brick

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home in Sauganash was far from Bridgeport, home to the four Democratic mayors between 1933 and 1979 (even Bilandic, who descended from Croatians). The year Daley became mayor she entered society at the Presentation Ball for Catholic daughters. Following her graduate from Barat College, a Catholic women’s school in Lake Forest, she married a Notre Dame boy in the midst of a tour of duty in the Marines and had a daughter named Kathy.

Byrne entered political life under unusual circumstances. After her husband died in a plane crash in 1959, she volunteered for the Kennedy campaign. Her sister Carole was the assistant director of Kennedy’s Chicago headquarters, and when she went back to college in the fall of 1960, Jane was hired to take her place. Her relationship with Mayor Daley, to whom she was finally introduced in 1964, was nearly over before it began: why, he demanded, had she gone to work for Kennedy and not him? And how had they taken care of her? (Not at all.) Daley got over it, and by August, Jane had her first job with the city’s Head Start program. Shortly thereafter she moved inside the Democratic organization’s patronage operation, with a job in the personnel department at the Chicago Committee on Urban Opportunity. She quickly became one of Daley’s star protégés. Less than four years later, on March 4, 1968, Daley made Byrne the Commissioner of Consumer Sales, Weights, and Measures. “If I’m not mistaken,” he noted, “you will be the first woman commissioner in any major city in the United States.” She was his girl Friday. Daley named her to party

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4 Jane Byrne, My Chicago (Evanston, Ill.: Northwestern University Press, 2003), chap. 11.
5 The introduction to my Chicago tells the story of her meeting with Daley in vivid detail. Byrne, My Chicago. Daley already knew the Burke family; one of her priest uncles was the chancellor of the Catholic Archdiocese in Chicago. Ibid., 13–17.
positions left and right, including a seat on the Democratic National Committee and, final, the co-chair of the Cook County Democratic Party in 1975.7

Daley’s death on Monday, December 20, 1976, stripped Byrne of her clout. “She had no ward, no group, no people,” biographer Kathleen Whalen Fitzgerald observed, “Just Daley and now she was alone.”8 Within a week of the Mayor’s death the new chairman of the County Democratic Party, George Dunne, unceremoniously discarded her as co-chair. Within a year, she orchestrated a showdown with Mayor Bilandic, accusing him of “greasing” a taxi fare increase. Embarrassed by the accusation and politically outplayed by Commissioner Byrne, he fired her.9 When she announced her candidacy for the mayoralty on April 24, 1978, Byrne sought a restoration and not a revolution. At her official announcement she declared, “Bilandic has lied to the people and is part of the evil cabal dedicated to the perpetuation of its own power, to the enrichment of its inner ruling clique, and the prostitution of the forces of municipal government to selfish and purely personal ends.”10 It was this betrayal of Richard J. Daley’s Party and government that she sought to rectify.

Bilandic seemed invincible in the run-up to the February 27, 1979, primary. Earlier that month, two political scientists and close observers of municipal politics concluded a

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8 Fitzgerald, Brass: Jane Byrne and the Pursuit of Power, 181.
9 By law, the cab companies were entitled to a 14 percent profit. They secured a far increase by artificially inflating costs through a complex maze of subsidiary companies, all owned in reality by the same company. Paul Kleppner, Chicago Divided: The Making of a Black Mayor (Dekalb, Ill.: Northern Illinois University Press, 1985), 106–108. For Byrne’s perspective on the incident, see Byrne, My Chicago, chap. 17. Plenty of intrigue surrounded the taxi-cab deal, including Byrne writing a memo to her files and having it notarized on July 7, 1977, in which she declared, “I believe the entire action was fraudulent and conspiratorial …” Fitzgerald, Brass: Jane Byrne and the Pursuit of Power, 183.
10 Quoted in Fitzgerald, Brass: Jane Byrne and the Pursuit of Power, 193.
long article on the historic development Chicago Democrats, “Bilandic is virtually without opposition”—a fact they considered remarkable. “In the days following Mayor Daley’s death two years ago, few would have predicted Bilandic’s current dominance of Chicago. The fact is that Bilandic is unbeatable in 1979.”

Even if he had been vulnerable, Byrne did not seem the most likely candidate to defeat him. “It was not a candidacy to be taken seriously,” Milton Rakove reflected. “Byrne had no money, no precinct workers, no programs of any note, and no support from any of the elements of the power structure of the still extant machine … She was unknown in the black community, unwanted by the white-ethnic constituencies, and unpopular with the lakefront liberals who had known her to be part of the machine during the Daley era.” As an internal Bilandic memo underhandedly noted, “You cannot expect the media to ignore your opponent even if it is only Jane Byrne.”

Michael Bilandic’s seeming invulnerability made Jane Byrne’s victory possible. The Mayor received only a marginally smaller share of the vote in 1979 than he had received in the special election. The major difference between 1977 and 1979 was not that Bilandic did so much more poorly (in fact, he substantially increased his total number of votes). Instead, it was that voters only had one alternative. While insiders expected four or five candidates to challenge the Mayor when Byrne jumped in ten months before the election, no others

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14 Kleppner, Chicago Divided: The Making of a Black Mayor, 110.
Jane Byrne’s victory was possible only because no black independent, no white liberal, and no other disgruntled white ethnic politician thought it was worth taking on Mayor Bilandic.

Jane Byrne was not a reformer, and “The Bilandic-Byrne struggle was not a contest between a Machine incumbent and an anti-Machine challenger committed to dismantling it.” But her skillful courting of the disaffected and her rhetoric allowed those disgruntled with the machine to embrace her as an alternative to the Bridgeport politician. Her desire to return the *status quo ante* under Daley went unnoticed. Public fixation was on the fact that she called Bilandic, Ed Vrdolyak, Ed Burke, and others, an “evil cabal.” Liberals were taken in: “Ah, we didn’t really know Jane Byrne,” Uptown activist and organizer Slim Coleman lamented, “some of us had only talked to her for five or ten minutes but we voted for her because she said she was out fighting the machine.” To run her campaign, she had little choice but to turn to the anti-machine forces. Who besides her campaign manager Don Rose even knew how to run—let alone win—a shoestring campaign against the machine?

Byrne courted black voters and they brought her victory. White liberals were important to Byrne’s success, but she ran up by far her largest margins of victory in the middle-class black wards. Bilandic earned the ire of the black middle class when he stole the title of Acting Mayor from Wilson Frost; he exacerbated it by running unpalatable

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candidates for office in black districts. But the terrible snowstorms of 1978-1979 provided a truly galvanizing event. For West Side activist Nancy Jefferson, “the great snow came an it was just like God had ordained it, you know. So that we could prove his, that he was not the person that respected the, the population.” Bilandic would not recover from the “blatant racist assault” of allowing El trains to bypass stations in black neighborhoods on the South and West sides to take commuters from white suburbs and periphery neighborhoods downtown more quickly. In the aftermath of her win, black political activists, such as Jesse Jackson, would meet with Byrne to remind her that she had debts to pay in black Chicago. But, “The black support that she had was black voters. On the street. Who did the unthinkable.” Black power brokers had not played much of a role in her campaign. “Her acceptance speech was made before total strangers because she had no committee. She had no workers. She had nothing.”

Byrne’s efforts to assemble a governing coalition in the aftermath of her election victory were erratic. She began by acting like a reformer. She assembled a transition team run by the Director of Northwestern’s Center for Urban Affairs (the longtime home of the Law Enforcement Study Group) and including only a single member of the old guard. She hired Don Haider, an assistant secretary of the Treasury, as her budget chief. Yet, signs that she was mending fences with the regular Democrats emerged even before the general election.

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19 This included his narrow failure to defeat Harold Washington and his appointment of party hack Bennett Steward to the First District Congressional seat after Metcalfe’s death.
23 Robinson, Eyes on the Prize II Interview.
She courted her former adversaries, eventually coming to rely on long-time power brokers like Housing Authority chief Charles Swibel, and Aldermanic influencers Eddie Vrdolyak and Edward Burke. Between the “coalition crackpots and the party … the powerless or the powerful,” she ultimately chose the regulars. After four years, Don Rose concluded, “I think [her administration] was corrupt, morally bankrupt.”

Jane Byrne’s Police Politics

Perhaps the most controversial issue in the aftermath of Jane Byrne’s victory was her stated intention to fire the Police Superintendent. During the primary, Byrne charged that James O’Grady politicized the Department operations on orders from City Hall and she pledged to fire him. Byrne vowed to hire an outsider without political ties to the Department and suggested the reformer Patrick Murphy, former New York City Commissioner under liberal mayor John Lindsey, as her favored candidate. These pronouncements unleashed widespread jockeying for power: The Council passed an ordinance giving itself the power to confirm the appointment of the Police Superintendent (previously the only cabinet position not subject to its advice and consent) and the right to overturn the Mayor’s decision to fire a Police Superintendent by a two-thirds majority. Mayor Bilandic sought to make lame duck re-appointments of all five sitting members of the Police Board, the body charged with forwarding the names of three finalists for the

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25 Fitzgerald, Brass: Jane Byrne and the Pursuit of Power, 205.
26 Miner, “What Ever Happened to Mayor Jane?”
27 One rumor, advanced by Bob Wiedrich, as that Byrne believed Bilandic had appointed O’Grady as a stalking mare stalking horse for Victor Vrdolyak, the brother of powerful 10th Ward Alderman Ed Vrdolyak. When the time was right, he would remove O’Grady and install Vrdolyak as Superintendent. Bob Wiedrich, “Perspective: Jane Should Have Listened to Dick,” Chicago Tribune, February 26, 1979, D4.
Superintendent’s job to the Mayor—an effort the Council rebuffed. Byrne responded by submitting an ordinance expanding the Board to nine members, which allowed her to avoid picking fights with the old members as well as the flexibility to name new ones.

Byrne’s initial maneuvers in dealing with the Police Department touched on all of the themes of police reform. Indeed, Mayor Bilandic’s reaction to Byrne’s announcement that she would fire Superintendent O’Grady indicated that O’Grady was perhaps too close to politics. On his first day as the ex-Mayor, Bilandic and his wife walked from their house in Bridgeport to Police Department Headquarters at 11th and State to say hello to the Superintendent. “He told reporters: ‘I thanked Supt. O’Grady for the great job he did for the citizens of Chicago.’” In speaking out in favor of a reform minded outsider, Byrne signaled her desire that the Police Superintendent be independent of the machine. Police supervisory and command personnel took this as an affront. One claimed that it was a “slap[] in the face” that labeled them “all party hacks.” By contrast, the elevation of First Deputy Superintendent Sam Nolan to Acting Superintendent, “represented a powerful symbolic gesture by the mayor of a ‘a new day.’”

Although Byrne went through many staffing revolutions, none of them matched the turnover at the top of the Police Department in importance. Elevating Nolan to Acting Superintendent “spark[ed] demands that he be given the job permanently. Nolan has had strong support in Chicago’s black community in the past.” Despite expressing great respect

31 F. Richard Ciccone and Philip Wattley, “Byrne Stand on Top Cop Irks Officers,” Chicago Tribune, April 5, 1979, 19.
33 Ciccone and Wattley, “Byrne Stand on Top Cop Irks Officers,” 19.
for Sam Nolan, Renault Robinson backed Jane Byrne’s suggestion that Patrick Murphy was the man to hire. When it came to reform, Robinson suggested that independence trumped race, and that only a man from outside the Department could reform it. Byrne used Robinson’s support in moving Nolan out of the Superintendent office into a newly created position of City Director of Public Safety. Moreover, she seized on the new alliance with Robinson. On a Sunday, June 17, Byrne showed up an AAPL awards ceremony. “A standing-room-only crowed rose to give her a cheering ovation when she entered the room … flanked by Renault Robinson …” Vernon Jarrett marveled at the situation, “Who would have predicted that in 1979, Chicago would have a mayor who would even listen to a suggestion from Renault Robinson or Howard Saffold?”

Byrne’s cultivation of Robinson was politically savvy, until she began to see that her interests were not aligned with the black grassroots but with the Democratic Party. “Robinson has always been hard to decipher,” declared the reporter who knew Robinson best, Robert McClory of the Chicago Defender, in early 1980. “He is not a racist, not a hustler, not an egoist, and not a personal-power-seeker. After 11 years in the public arena, the record is clear on these points. What he really is remains to be seen.” This was reinforced by his experience on the CHA Board, to which Byrne nominated him in July of 1979. Beginning in 1978, Robinson became particularly active in CHA politics. The League received a grant from the Illinois Law Enforcement Commission to undertake a community anti-crime project in one of the buildings at the Robert Taylor Homes. The project did not go well; Robinson did not have enough allies in the Taylor Homes or the political support among the

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tenant leaders to make it work. Nonetheless, it did turn him into a vociferous critic of the Housing Authority and its Chairman Charles Swibel.

Byrne experienced changes of heart involving both the Police Department and the CHA Board. After moving Nolan out, she named Joseph DiLeonardi—a tough, Mafia-busting cop—as Acting Superintendent. Although he was an insider, his promotion sent the signal that the Police were serious about cracking down on corruption. Less than five months later, the Mayor reversed course and settled on thirty-seven year old Richard Brzeczek, a lawyer and key aide to James Rochford. In response, Robinson “accused the mayor of breaking key campaign promises and consortig with ‘people of ill repute,’ and flatly predicted that she will be voted out of office.” Byrne “chose somebody from the inside,” Robinson protested. “She betrayed me and used me to help her block Sam Nolan from getting the job.” Moreover, the new CHA Board Member resented the Mayor using his appointment as evidence of her willingness to put blacks in policymaking positions. “I think the mayor uses my name in vain,” Robinson told Tribune political reporter David Axelrod in a front-page story. “I’m not one of her confidants, and I don’t have ready access to her.”

On the CHA Board, Robinson challenged administration policy at every turn. The CHA was an easy target because public housing in Chicago was in terrible shape, as nine separate studies conducted by independent consultants and auditors between 1978 and 1982

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38 McClory, “Renault Robinson: The Constant Pilgrim.”
39 On the sergeant’s exam, see “Profiles of Cops Named to Top Command,” Chicago Tribune, May 30, 1979, C1.
repeatedly confirmed.\textsuperscript{42} When a team of auditors from the federal General Accounting
Office came to Chicago and declared the CHA to be facing a crisis of immediate insolvency,
kept afloat only by advances on the next year’s federal subsidy, Robinson was not shocked.
“What did shock me,” he declared, “was that my screaming all these months about
mismanagement, fraud, bribery, and theft went unheeded.”\textsuperscript{43} Once Byrne made up with the
Party, Robinson claimed that Byrne asked him to back off—a claim that she would continue
to dispute nearly a decade later.\textsuperscript{44} Whether she asked or not, Byrne backed Robinson’s target,
Charles Swibel, as Robinson failed in his efforts to depose the noted power broker and CHA
Board chairman.\textsuperscript{45} Nevertheless, by 1982, no one could really say that Byrne and Swibel
prevailed. Rather, comprehensive review of the CHA conducted by Oscar Newman for the
Department of Housing and Urban Development concluded, “the culpability of Swibel in
his organization’s gross inefficiency and managerial incompetence was clear.”\textsuperscript{46} The losers
were the tenants.

Byrne’s handling of police brutality showed similar vacillations. She entered office
amid continuing controversy over police brutality, which did not abate during her time in
office. From the beginning, many police reformers considered Superintendent James
Rochford’s Office of Professional Standards (OPS) to be insufficient. It is hard to know
whether the Office was an improvement on its predecessor because of the lack of real data

\textsuperscript{42} D. Bradford Hunt, \textit{Blueprint for Disaster: The Unraveling of Chicago Public Housing}, Reprint edition (Chicago:
\textsuperscript{43} “Editorial: And Now the CHA,” \textit{Chicago Tribune}, May 9, 1980, D2.
\textsuperscript{44} Compare Robinson, Eyes on the Prize II Interview to Jane Byrne, Eyes on the Prize II Interviews, interview
by James A. DeVinney, June 2, 1989, Washington University Film and Media Archive, Henry Hampton
\textsuperscript{46} Hunt, \textit{Blueprint for Disaster}, 232.
about how either operated. Regardless, Rochford’s new brutality review did not make the issue of police brutality disappear. Indeed, conflict over the use of deadly force intensified, particularly after police killed six teens over the course five months in the latter half of 1977.47 Citizens Alert and the Alliance to End Repression called upon the Police Board to revise the City’s Deadly force policy: “the groups charged that the police department protects police officers involved in shootings by labeling them as ‘justifiable.’ They also charged that the law governing police use of deadly force is ‘entirely too broad and ambiguous.’”48 While U.S. Attorney Thomas P. Sullivan did not indict officers in any of the killings, “He urged ‘vigorous public discussion’” of the prevailing state law rule that allowed officers to shoot fleeing felons, “and suggested several changes.” This call was reinforced by the Chicago Council of Lawyers, as well as Citizens Alert, which “issued a renewed call for federal and state guidelines that restrict police use of deadly force to occasions where the officer’s life or that of another is endangered.”49

When a group of black legislators held hearings on police brutality, the Mayor declared her intention to get “to the bottom” of brutality accusations. On September 23, 1980, she set up a six-person “blue ribbon panel.” Three months later, the panel dissolved. After weeks of petitioning the Mayor for funds and a staff to carry out investigations, the six members of the panel quit.50 The Mayor supported their actions, claiming that there was no money to fund the panel’s operation and that it “‘had served its purpose and done an excellent job,’ even though it had not conducted any investigations.”51 Despite not

48 Ibid.
supporting the panel, the Tribune’s editorial page noted, that the Mayor’s “‘blue ribbon’ committee has come and gone; with its only result increased alienation from City Hall on the part of both the police force and the minorities that provide most of the victims of alleged—and actual—excessive police force.”

The controversy was not all for naught, for it led Superintendent Brezcek to order an audit of OPS. The four-month long audit was released to selected police officials in July of 1981, along with a supplementary summary by Captain Joseph Mildice. In August, two investigators were fired from the Office, “for inattention to responsibilities, incompetence and inefficient work habits.” Someone leaked both the report and the supplement to the Chicago Tribune, which published their results on December 6, 1981. The reports led the Tribune to conclude that the department had personnel issues. Noting that four of the investigators were related to high police officials, the objectivity of the investigators had come into question. A good number were recommended by influential political figures; many were applicants to the police department; and others were related to police officers.

The Tribune’s editorial board concluded, “It has become a haven—or should we say a protective shield—made up of men clearly biased in favor of the police.”

The Office also faced operational problems: These included a backlog of 1,900 still-open cases, some dating as far back as 1975, representing nearly a year’s caseload. (In 1980,

54 “Fact Sheet,” Memorandum from Bonnie Van Gilder to Chris Chandler, Feb. 15, 1983, HWAC Campaign 20-10. After Washington’s election, the Police Board recommended banning all applications from employment who were related to police officers or who were applicants to the Police Department. Letter from Frances K. Zemans to Mayor Harold Washington, May 6, 1983, 2, HWAC Public Safety 16-2.
OPS completed 2,328 cases.\textsuperscript{56} In 318 of these cases, the investigations still remained incomplete. On average, cases were taking 224.3 days to complete.\textsuperscript{57} The backlog was the product of the slow rate of resolution: each officer cleared just four cases during a 28-day “police period.”\textsuperscript{58} Out of a sample of 105 police shooting case files, nearly “[h]alf … were misfiled and, for all practical purposes, lost.”\textsuperscript{59} According to Mildice, however, “the most glaring weakness … is the almost total lack of supervision of investigators and control of cases.”\textsuperscript{60}

During Jane Byrne’s time in office, the worst police scandal of the previous three-and-a-half decades festered. Beginning in the early 1970s, detectives in Police Area 2, associated with and then led by John Burge, had tortured suspects into confessions. Of the 112 known victims who experienced torture by Burge and his compatriots, however, only five had the experience before 1979. It was only at the end of the decade that torture was regularly employed. Although some of the victims filed cases with OPS, they met with little success. The case that would ultimately be John Burge’s undoing occurred in 1982, following the murder of two Chicago Police officers by brothers Jackie and Andrew Wilson. The manhunt that led the Police to the Wilson brothers produced widespread brutality. Citizens Alert implored Jane Byrne in its aftermath, “The severity and frequency of police abuse is the worst in the 15 year history of Citizens Alert’s existence as a police watchdog organization.” Moreover, it argued, “The escalation of police abuse began prior to the unfortunate shooting deaths of two police officers.”\textsuperscript{61} Violence did not stop once the killers

\textsuperscript{57} Captain Joseph T. Mildice to the Superintendent of Police, Aug. 28, 1981, HWAC Public Safety 16-2.
\textsuperscript{60} Emmerman, “Secret Report Blasts Police Brutality Unit,” 1.

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were caught: rather, Andrew Wilson was tortured so badly by Burge and his men that the Cook County Jail refused to admit him. Wilson's civil suit in the late 1980s would begin Burge's unraveling. In the meantime—and long afterwards—torture continued unabated.  

**Police Politics in the Election of Harold Washington**

Harold Washington's election showcased the best and worst of the politics of race in America. "The central political dilemma confronting Washington," according to the historian Manning Marable, "was the need to create a broad-based, progressive, radical-reformist, multi-ethnic, multiclass coalition that would, in theory, embrace African Americans, Hispanics, Asian Americans, low-income working people, and the unemployed." His election demonstrated how such a political majority could be constructed. Washington won because his coalition expanded the electorate significantly: By and large, individuals who four years earlier had not voted delivered his margin of victory. "[The] election was the result of the greatest grass roots effort in the history of the City of Chicago," Washington declared. "It may have been equaled somewhere in this country. I know not where."  

The historian Jeffrey Hegelson argues that black Chicagoans built a "political culture antithetical to Chicago’s political machine" over decades and not just in the years before Harold Washington’s election. “From the beginning of the anti-machine movement,

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electoral politics and the politics of mass mobilization intertwined.\textsuperscript{65} While we can trace out the ways in which anti-machine activities continually used mass mobilization to mount political challenges throughout the 1960s and early 1970s, the coalescing of an anti-machine coalition sufficient to win a citywide victory happened quite suddenly. Indeed, without Renault Robinson’s specific and immediate role in promoting both the cause of a black Mayor and in coaxing Washington into the race, it is possible that Washington would never have run. Long before Washington’s particular role, black activists including Robinson plotted exactly how a black candidate might win election in 1982. Lu Palmer’s Chicago United Black Communities was the central hub for electoral activism, and through 1982 worked on multiple fronts. Repeating the experience of 1975 and 1977, Palmer, Robinson, and other activists held a plebiscite to pick a consensus candidate to represent black Chicagoans in the election. Washington was the runaway winner. Like activists had in 1977, they sought to register a critical mass of new black voters. This time they were successful in increasing registrations on a much larger scale. Although others ran the voting drive, Robinson negotiated the conditions with the Board of Elections by which this large-scale registration happened, including at unemployment and welfare offices.\textsuperscript{66}

Robinson also convinced Ed Gardner, the owner of the hair care products company Soft Sheen to donate seed money for the voter registration drive. Gardner’s experience selling hair products in a segregated market pointed to radio as the most effective channel for advertising. As Robinson recounted, “Black people used, radio, not TV, not newspaper but radio. I picked up on that. Realizing that the only thing that was common to all of us,


\textsuperscript{66} Robinson, \textit{Eyes on the Prize II Interview}. 
rich, poor, middle-class, was that radio.” With Gardner’s advertising department putting together the ads, the “Come Alive October 5” campaign produced remarkable results. In the first five days of October, 135,000 new registrants put themselves on the election rolls, adding to the substantial numbers that had already registered during the summer campaign. It was these numbers that made the 80-80 electoral strategy Robinson promoted feasible: to win, Washington needed to turn out eighty percent of black voters, and have eighty percent of them vote for him.

It was easier to convince Garner to part with his money than it was to convince Washington to run. As he declared, announcing his candidacy: “I prefer not to run.” A legislator at heart, the Congressman “love[d] representing Chicago in Washington, where we need courageous voices to speak out and act against [President Ronald] Reagan and Reaganomics. But I can’t watch the city be destroyed by petty politics and bad government.” At the time, Washington was in the middle of his sophomore reelection campaign. Moreover, he detested the idea of the plebiscite, because he did not believe that a successful candidacy for Mayor could be based on one individual’s personality. “It’s the plan, not the man,” he insisted. Washington was not close to Lu Palmer, and nearly refused to show up to give the keynote speech at the Chicago United Black Communities mass meeting where the plebiscite was to take place. “It took a lot of doing to get Harold to show up there,” Robinson remembered, “and only after a prearrangement between myself and Lu

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67 Ibid.
69 Travis, Harold, 158.
70 If this was not clear before the election, it became crystal clear in its aftermath, as the Mayor chose to endorse longtime ally Charles Hayes over Palmer to replace him in the First District Congressional race. Kevin Klose, “For Chicago Mayor, a Change in Fortune,” Washington Post, July 28, 1983, A8.
that Harold would not be forced to declare his candidacy, did Harold finally agree to show, and, with great reluctance he came and made one helluva speech, absolutely electrifying speech.”  

The racial revanchism of the city’s white Democrats contrasted with this multi-racial coalition. At a political rally a week before voters were to go to the polls, Ed Vrdolyak made the great political bungle of the race. Not realizing there were reporters in the room, he told a group of 200 northwest side precinct captains, “A vote for Daley is a vote for Washington. … It would be the worst day in the history of Chicago if our candidate, the only viable candidate was not elected. It’s a racial thing. Don’t kid yourself. I’m calling on you to save your city, to save your precinct.”  

It was not until the general election, where Washington faced little-known Republican Bernard Epton and his newly-minted white Democratic supporters, that the city’s racism bared its teeth. One of the most striking incidents occurred on March 27, as former Vice President Walter Mondale accompanied the candidate to St. Pascal’s, a Catholic parish at 3935 North Melvina Avenue, on Palm Sunday. The men were met by an angry mob of more than 200 protesters, “their faces red hot with hate.” The doors of the church had been freshly spray-painted with the words, “Nigger, Nigger, die.”

Conflicts over race in the Police Department shaped the mayoral contest. Leaders and much of the rank-and-file supported Byrne in the primary and opposed Washington in

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71 Robinson, Eyes on the Prize II Interview.  
72 Quoted in Travis, Harold, 176–177.  
the general election. Despite his close encounters with the machine over the years, and his long history of confronting racism in the Police Department, nothing prepared Washington for the opposition he faced from within its ranks. The skirmishing began with a television ad by incumbent mayor Jane Byrne starring Superintendent Brzeczek. The ad was, in his opinion, nothing more than “an honest and sincere statement” that Mayor Byrne “had been ‘totally supportive of the police department’.” He later told his subordinate officers that “if you don’t go out and support the mayor, there has to be a deep sense of ingratitude in you.”

Byrne and Brzeczek put the police front and center in the campaign. But policing was a potent issue for potential Washington voters as well. The Congressman characterized Brzeczek as “the top cop who’s become a political prop.” As Byrne’s “minion,” Brzeczek became one in a long tradition of leaders who used the power of office to do the bidding of his political master. Washington did not stop there. He battered away at the police: accusing them of failing to protect Chicagoans and instead fudging crime statistics to make the Mayor and Police Chief look good; criticizing the Department’s review of police brutality cases; and arguing that it was still discriminating against blacks and Latinos in hiring and promotions. He promised to fire the Superintendent.

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77 An audit found that they were dismissing reported crime as “unfounded” incorrectly about 40 percent of the time, dramatically lowering the crime rate Chicago reported to the FBI. Phillip Wattley and William B. Crawford, Jr., “Police Set Review of Data,” Chicago Tribune, Apr. 29, 1983, B1.
Police brutality was highlighted when NBC reporter Pam Zeckman—one of the four who had written the Tribune series on police brutality in 1973—ran a blockbuster four-part television series called “Beating Justice” on the failings of the Office of Professional Standards. Her investigative team spent six months pouring through every police brutality lawsuit they could find. Probably the two most salient facts that came out of the show were that 107 of the 435 policemen accused had two or more complaints of brutality against them (in the lawsuits), and that those who had three or more accusations were not referred for psychological evaluation as required. In court records, the OPS administrator admitted as much, but justified it by saying: “If I were to refer every police officer … who has three or more CRs, sustained or not sustained, within a period of two years, there would be basically no police protection or services or the restoration of order in the city.”

Washington responded by declaring of the Office of Professional Standards: “I will abolish it.”

Brzeczek quit shortly after the primary. On his way out, he attacked Washington’s relationship with black activists—including the Afro-American Patrolmen’s League—arguing that he was the marionette of these puppeteers. “No matter who the Superintendent is under Washington,” he declared, “the Department will be run by three men: Jesse Jackson, Renault Robinson, and Howard Saffold.” In fact, the Washington campaign sought continually to keep the “nettlesome Jesse factor” at bay. While Robinson and Saffold were deeply involved in the campaign, their struggles with the Department had kept them at the

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bottom of the departmental hierarchy and without the managerial experience to play a command role.\textsuperscript{82}

Bernard Epton’s campaign reinforced the implication that a black leader did not merit the city’s trust in matters of law enforcement. The essence of his and Brzeczek’s arguments were this: You can’t trust policing to a black mayor. Washington was a criminal, and his friends were anti-police (if not pro-crime) activists. Even the \textit{Tribune} could not help but ask if the Superintendent was attempting to “whip up fears of a lawless rampage if Mr. Washington is elected?”\textsuperscript{83} On the day it endorsed Washington, the \textit{Tribune’s} editorial board ran a second piece that highlighted the “Constituency of Fear” that was playing such an important role in the race. “For white city residents, crime and the black man have become synonymous: a belief justified by statistics. That the same statistics show most victims of black crime are black offers no solace.” But the underlying argument seemed to go beyond the mere widespread belief in black criminality to a conclusion that black people, and especially black political figures, were not interested in controlling crime. “That a black mayor could and would fight black crime as well as a white mayor is beyond their comprehension.”\textsuperscript{84}

These arguments drove the deep discord that developed between black and white police officers over the election. As Washington’s first Police Superintendent would recall in retrospect, white officers’ dominance within the Department made their actions particularly notable. “We had detectives going to project buildings checking voting rolls. We had automobiles, police automobiles with stickers, Vote for Jane Byrne on, on—if you go into,

\textsuperscript{82} Rivlin, \textit{Fire on the Prairie}, 80-95, 162-168.
you went to a police station you saw election paraphernalia and posters and all like that, very politicized the police department was. The intensity and omnipresence of politics within the city’s station houses in the aftermath of Washington’s primary victory smudged the line between racial division and paranoia. Did Republican Bernie Epton offer the president of the Fraternal Order of Police to give officers a five percent raise and free dental care? Did a poll of the more than 10,000 officers in the FOP bargaining unit show them to be 92.5 percent in favor of Epton, as the FOP president declared? Was there a plot to make massive arrests of blacks on the South Side on election day? Would Washington destroy the Department’s morale? Reporters could not help but sum up the whole controversy by noting the response of some of Epton’s police supporters to a ban on politicking at work. They wore buttons that were plain white.

**New Faces in High Places**

Harold Washington’s election did not vanquish his white opponents. Taking power at a time of national retrenchment, Washington faced the same dilemma faced by nearly all of the black urban mayors who came into office in the 1970s and 1980s. He remarked upon these difficulties in a speech to the U.S. Conference of Black Mayors shortly after his election. Many of these mayors hoped simultaneously to transcend politics and to use politics as a tool of social transformation in frequently racially divided cities. But black mayors came to power only after “previous administrations had crippled the city through

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86 “Bill Ware’s Notes from Meeting with Virgil Parisee,” May 1983, HWAC Campaign 20-7.
mismanagement, cronyism, exclusive backroom deals, and lack of imagination and inadequate solutions to problems.” They had the political challenge of fighting a “city council they don’t control, making it more difficult to institute necessary changes.” Finally, they had to face those thorny problems amidst a conservative counter-revolution. There were no platitudes or easy solutions. Revitalization demanded cutting back spending and seeking new revenues, on renewing neighborhoods and reshaping industries. And, real change required the transformation of national politics through the development of a reform Democratic platform that could “channel present discontent with Reaganomics into a grassroots political movement, and then direct the energy of the movement into a catalyst for the severe crises we face.”

Washington avoided head-on confrontation. Rather, in keeping with his criticism of his predecessors, he largely stayed out of the administration of policing. One of the Mayor’s two administrative assistants, Michael S. Holewinski, oversaw the relationship between City Hall and the Police Department. With his bushy mustache, Holewinski looked every bit the part of a Polish metal worker’s son from the Northwest Side. Despite his appearance as a

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92 “Throw on a Chicago Bears sweater and he would have easily fit in as an extra in the famous *Saturday Night Live* skit, “Bill Swerski’s Superfans.” Holewinski’s role in Washington’s campaign was to recruit just such voters: He was at Washington’s side during one of the campaign’s ugliest incidents, when former United States Vice President Walter Mondale accompanied the candidate to St. Pascal’s, a Catholic parish at 3935 N. Melvina Ave, on Palm Sunday, March 27. When the three men and a few other aides arrived, they were met by an angry mob of more than 200 protesters, “their faces red hot with hate.” Leanita McClain, “How Chicago Taught Me to Hate Whites,” *Washington Post*, July 24, 1983, C1. The doors of the church had been freshly spray-painted with the words, “*Nigger, Nigger, die.*” Travis, *An Autobiography of Black Politics*, 600. The incident made national impression, as *Newsweek* and *People Magazine*, amongst many other publications, led their next weeks’ editions with stories about the “ugly” election and Chicago’s “hatred.” The campaign almost immediately cut footage of the incident for an ad aimed at lakefront liberals. Rivlin, *Fire on the Prairie*, 241.
white ethnic Chicago everyman, he was a rare species: the first independent Democrat ever to win election outside of Hyde Park or the lakefront wards. As the Police Superintendent who served Washington for most of his first term attested, “He, he never, never called me and asked me for, to do these favors for anyone or anything like that, never did.” Instead it was “Mike Holewinski that was always on the phone wanting this and that and the other but not Harold.” The Mayor kept his “hands-off.” As the Superintendent speculated, “he didn’t want the adverse publicity of anyone saying that he was interfering in any way with the police.”

Washington’s primary reform strategy involved putting new faces in high places. Often these faces were black—but not nearly so often as they had been white (or Irish) under Byrne or Daley. Hiring a Police Superintendent was an early test of the new administration’s fealty to its campaign promise to open up government in Chicago. During the campaign, Washington echoed Citizens Alert’s decade-long campaign to encourage citizen participation in selecting the Police Superintendent by calling for the appointment of a blue ribbon commission to make recommendations. Putting such a process in place was complicated, as state law and city ordinance tasked the Police Board with interviewing candidates and submitting three names to the Mayor. As they had with his predecessors, Citizens Alert demanded that the Mayor and the Police Board bring the public more fully into the process. While this was legal, Washington’s advisors nonetheless had

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93 Interview with Fred Rice, HistoryMakers, session 1, tape 5, story 1.
94 Timuel D. Black, Jr., “Interview with Fred Rice,” in Bridges of Memory: Chicago’s Second Generation of Black Migration (Chicago and Evanston, Ill.: Northwestern University Press and DuSable Museum of African American History, 2007), 139.
96 They wanted the Police Board to issue a description of its selection procedures; convene a ten-member blue ribbon committee to work with it in the selection process; to hold public hearings with the top half-dozen
reservations. While not agreeing to everything Citizens Alert wanted, the administration asked the three finalists to appear before a public forum.

In contrast to Byrne’s pledge to hire an outsider as Superintendent, Washington campaigned on the promise, “I will find for this city, I guarantee you, from the ranks of the existing command structure in this city, the finest police superintendent this city has to offer. I know the talent is there. The reservoir is deep, broad and of quality.” The Police Board’s list included two black candidates, Fred Rice, the Chief of Patrol, and Rudy Nimocks, Commander of Harrison Area detectives; and one (half-Polish) Latino, Matt Rodriguez, the Deputy Superintendent for Technical Services. Each officer ticked the important boxes: all three worked their way up from the bottom, had few political connections, and had significant management experience. Alderman Ed Vrdolyak worked behind the scenes to maneuver support toward Rodriguez. Nonetheless, the core of Washington’s electoral coalition were not to be denied what they had long demanded—a black Police Superintendent.

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97 Holewinski suggested a ten-day period for comments after the names of the nominees were made public. Michael Holewinski to William Ware, Jul. 27, 1983, HWAC Public Safety 14-10.


101 More nefariously, he may have been trying to disenchant Latinos with Washington. David Axelrod, “Drive Begins for Hispanic Police Chief,” Chicago Tribune, August 2, 1983, 9. As the Chicago Tribune political reporter David Axelrod suggested, appointing Rodriguez offered a variety of political advantages: he would be the most acceptable to the City Council; his appointment “would signify again, for those who doubt, that the mayor is interested in assembling a multi-racial cabinet to run a multiracial city”; and it would fulfill his promises to the Latino voters who had overwhelmingly supported him in the general election. David Axelrod, “Tension Perils Mayor’s Police Chief Hunt,” Chicago Tribune, August 1, 1983, 7.
Rice was the obvious, and safest, choice. While he had been a racial pioneer throughout his career, his “moderate and statesman-like” demeanor seemed to best embody the notion of a depoliticized force.\(^{102}\) He knew Washington from his time as the Commander of the Englewood District, which fell within the legislative district that sent the young representative to Springfield.\(^{103}\) During his time in Englewood, Commander Rice briefly captured headlines when he insisted on the integration of two-man squad car teams, almost fourteen years after Superintendent O.W. Wilson ordered the integration of patrol. Rice broke up a number of existing partnerships, much to the chagrin of officers who complained of “forced integration” and engaged in a ticket-writing slowdown.\(^{104}\) But this was his only outspoken stand in favor of racial equality. Otherwise, his career amounted to a steady climb through the ranks, leaving him as the Department’s most experienced administrator when Washington entered office. During their interviews for the Superintendent’s position, each of the other two finalists singled him out for praise as a top-notch administrator in their assessments of the Department’s leadership.\(^{105}\) Rice was a cop’s cop, a man whose “true color is loyal department blue.”\(^{106}\)

Like all of his predecessors, Rice picked the men who would run the Department with him. As he noted, “the key to, to I think to my ability to properly supervise the department is to bring my own people in.” Although all sworn officers are protected by civil service rules, these rules do not apply to the top 100 or so supervisory positions, the so-

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called “exempt” positions. Anyone, even civilians, can serve in these positions. Rank is irrelevant to these jobs, and being moved to an exempt position does not impact one’s civil service status. Using this relatively free hand, Rice undertook to remake the high command. Politics had everything to do with it: “I reduced, got rid of, transferred about eighty five people for the simple reason that I felt that I was exposed to the saboteurs …” after the divisive election. Even after Rice transferred many of the officers he suspected as being the most politically connected to the old regime, there were others in the Department whose loyalty to him remained suspect.

Washington’s victory had personal implications for the men of the Afro-American Patrolmen’s League. After years of languishing, their discrimination claims were finally settled by the Mayor, over the remonstrations of City Council Police and Fire Committee Chairman Ed Burke, who engineered a vote in City Council to appeal the settlement. The League and six League members received $593,705 in back pay, penalties, and interest, with $386,238 of that going to Robinson. For the AAPL chief, the settlement was actually more significant because the Department was forced to count all the years he had been in limbo.

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107 Interview with Fred Rice, HistoryMakers, session 1, tape 4, story 3.
108 Renault Robinson was rewarded for his decades of efforts with an opportunity to lead the Chicago Housing Authority. He did not want the position, but just as he persuaded Washington to run in the election, the Mayor convinced him to run the Housing Authority. In City Council, Washington’s nomination of his ally to was met with deep-seated hostility. Alderman Burke called it, “the worst appointment in the history of the City of Chicago.” CHA residents offered a different take: after more than three years in which Robinson had consistently advocated for their inclusion, and constantly fought against the callousness and disregard shown against public housing residents. In turn, they appeared in numbers to toast the new appointee, describing the situation as “a dream come true.” Robinson was never given much of a chance by the media. The Tribune editorialized on the day of his appointment that Washington was “Gambling with the CHA,” by installing Robinson. Although Robinson lasted in the position through most of Washington’s first term, neither would look back fondly on the experience. It is difficult to find an uncritical take of Robinson’s handling of the CHA. Bradford Hunt packs phrases such as “crudely implemented,” “chaos,” “clumsy efforts,” and “embarrassing failure,” all into one paragraph describing Robinson’s tenure. Hunt, *Blueprint for Disaster*, 261–262.
for his pension, allowing him to retire from the Department.\textsuperscript{111} AAPL officers moved from handing Washington’s security as a candidate to official roles as his bodyguards.

Washington’s second press secretary, Alton Miller, noted “the mayor’s [security] detail, were literate, politically active men—and a few women—who enjoyed wide ranging interests.” Even as they formed a cordon around the Mayor protecting him, they, as individuals and men, kept him in touch with the real world. They were his “boon companions, sounding boards, people he could argue with about sports or Chicago history or politics. Full of respect—nobody called him ‘Harold’—they were also people who had known him when he wasn’t Mr. Mayor.”\textsuperscript{112}

For Saffold, the transition was particularly significant as Washington named him chief of his security. During the Byrne administration, the supervisor of her personal police detail was elevated to the rank of commander, one of the exempt positions. This was a dramatic and unexpected reversal of fortunes, “the upside was that I immediately, after having had my whole career crushed as a result of being a representative of an organization that was bringing about social change, I catapulted to the rank of a commander.” The perspective this provided confirmed something that the men had intuited all along. At exempt meetings, “I could see the kind of pressure that was being placed on black exempt personnel.” Much of the pressure came from below, from the middle managers, the sergeants and lieutenants, who controlled so much of what went on in individual station houses. These individuals, who had been the spearhead of much of the hostility toward League members over the last fifteen years, also acted in “direct opposition” to the Mayor


and the black command staff. Such pressure was particularly intense over Superintendent Fred Rice’s efforts to confront the “entrenched control of upward mobility in the Chicago [Illinois] police department.”

Rice’s shakeup was large: eighty-seven of the Department’s 108 exempt officers were given new jobs. But it was hardly larger than the shakeups undertaken by his predecessors. He demoted twenty-six exempt officers back to their civil service ranking and eliminated six command posts. Race played a role in these decisions. In his words, “I brought quite a few blacks in because I had been familiar with a lot of the black command officers you know and so I made, and I trusted them.” That twenty-five of the twenty-six demotions were white (the other was Latino) reflects at least in part to the dominance of the upper management ranks by white officers prior to Rice. Moreover, his appointments of new officers into the echelons of the top command were more multi-hued than any of his predecessors: three were Latino, thirteen black, and nine white.

Rice framed a later description of the decisions in politically neutral terms: he “transformed the top echelon of the department and took the politics out of it …” This was, of course, the traditional ideal of police professionalism among Chicago police reform activists, both black and white. It had never been much practiced in the Department, though. Washington’s fealty to the maxim, his total unwillingness to meddle in the Department for political purposes, signified his commitment to these reform ideals. It also

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114 Interview with Fred Rice, HistoryMakers, session 1, tape 4, story 5. Fred Rice recalled political and racial issues that arose during his tenure as superintendent of the Chicago Police Department. Some of these demoted officers sued on grounds of racial discrimination; none of them prevailed.
116 Black, Jr., “Interview with Fred Rice,” 139.
sounded in the difficulty faced by all successful political reform movements: how do you succeed if you refuse to play by the same rules as your opponent.

**Policing Police Brutality Under Washington**

Mayor Washington’s efforts to address police brutality reflected a similar approach. In the aftermath of Washington’s promise to abolish the Office of Professional Standards, civil rights lawyer Bob Howard wrote a proposal describing how an independent fact-finding agency might be set up. He argued that Washington could take most of the necessary steps by executive order. An existing city agency that had a commissioner-level leadership, the Office of Municipal Investigation, could be reinvigorated by Executive Order; even without any new funds, the staff and investigators assigned to OPS could be detailed by the Mayor to this new agency. But by the time the campaign released *The Washington Papers*, a fifty-two page booklet of position papers, he seemed focused primarily on making OPS work better as an institution.\(^{117}\) Rice, too, was in accord with keeping the unit configured as it was but working to improve it.\(^{118}\)

Debate over the question whether to abolish the Office or try and remake it within the Police Department illustrates how, in the face of City Council resistance, governing demanded different choices than campaigning. Candidate Washington called for the abolition of the Office of Professional standards in order to clearly mark his opposition to the status quo. But the suggested alternatives to actually remake the Office—such as Howard’s proposal to locate the review of police brutality cases in the Office of Municipal


\(^{118}\) Interview with Fred Rice, HistoryMakers, session 1, tape 4, story 1.
Investigations—did little more than take the office outside of the Superintendent’s control. But having the office under the Superintendent’s control when the man supplying the oversight was Washington’s ally rather than his adversary was quite different. Moreover, to meet activists demand that civilians be given real power to control the police would take more than simply moving the Office outside of the police chain-of-command. Even if it was possible to create such an institution in the face of City Council resistance, there were legitimate questions as to whether the massive expenditure of administrative and political resources might be better spent elsewhere, such as in addressing the more manageable problems with the Office’s personnel, training, structure, and management.

Rice boldly hired David Fogel as the administrator of the Office of Professional Standards. After Walker lost the 1976 gubernatorial election, Fogel left the Illinois Law Enforcement Commission to serve as a professor at the University of Illinois, Chicago. His long experience in criminal justice and his record of sympathetic action in relation to Chicago’s police reformers tamped down criticism of the decision to preserve the institution. On multiple occasions, Fogel had demonstrated considerable bravery and independence from the influence of Chicago Democrats. He possessed the right temperament for a police watchdog, and OPS critics almost immediately sensed that things would change. Mary Powers of Citizens Alert effused in a Special Report in November 1984, “Dr. Fogel brings a breath of fresh air to a unit which has been riddled with inefficiency and patronage workers. We expect that his administration will mark a new era of sensitive and timely handling of complaints of police misconduct and are working with OPS to see that this happens.”

Over the first year of his tenure, Fogel proved that his appointment warranted the enthusiasm that had accompanied it. Taking on such a high profile director signified Washington’s commitment. The innovations Fogel brought cut across all aspects of the Office’s work. The administration gave the Office new office space outside of police headquarters. Victims of brutality and their advocates had argued for years that the need to go to Police Headquarters could be intimidating, particularly because of the thought of running into the officer who had committed the brutality. Intake was further improved through the opening of two satellite offices and a special intake unit. The dedication of additional resources to administrative review resulted in limiting the number of cases that languished for years; it also produced closer review of cases where the investigator did not think that the excessive force accusation should be sustained.120 A major case unit was launched. The administration created higher standards for the hiring of investigators and expanded pre-service training, improving the quality and competence of its personnel.121 The result was a greatly improved public reputation for the office and, ultimately, a decline in the number of excessive force cases.

Over time, Fogel would come to see this as an irony. The improvements to the reputation of the OPS reproduced some of the problems that Fogel hoped to undermine. The Office’s hard earned reversal of its reputation for neglect created a deception. By the end of 1987, the administrator would come to question whether Office had become an obstacle to justice. As he wrote in a memo to the Mayor, “The appearance of doing a thorough investigation with full due process (and endless unnecessary reviews) for all, actually operates to immunize police from internal discipline, increases their overtime, leads

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120 Previously, cases were only reviewed if such an accusation was going to be sustained.
121 E.g., David Fogel to Michael Holewinski, January 27, 1986, HWAC Public Safety 16-10.
to an enormous ‘paper storm’ and has institutionalized lying. … I have come to the conclusion that OPS gives the appearance of formal justice, but actually helps to institutionalize subterfuge and injustice.”

This openness about problems in the Office was the most important legacy of Fogel’s tenure. It began in late October of 1984, with the emergence of new reports that John Burge and other Area 2 Detectives tortured suspects using electric shock devices. On November 5, Fogel sent Superintendent Rice a memo listing the alleged victims. For unknown reasons the investigation lay fallow until the civil rights suit brought by Andrew Wilson was heard in federal court beginning in February of 1989. Although Wilson lost his case, despite presenting quite concrete and persuasive proof, his opened the path to revealing Burge’s misdeeds. During trial, his lawyers received a series of letters from an anonymous police informant (nicknamed “Deep Badge”), which pointed to a pattern of abuse by identifying another prisoner who suffered treatment similar to Wilson’s. The dogged efforts of Wilson’s attorneys at the People’s Law Office brought the case to the attention of Chicago Reader reporter John Conroy, and his reporting in turn renewed the interest of David Fogel.

He assigned two of his top staff members to the case. The first investigation, undertaken by Francine Sanders, focused solely on the case of Andrew Wilson. She concluded that the only reasonable explanation for Wilson’s injuries were electric shocks administered by Burge. The second investigation, by Michael Goldston, looked at whether there had been a systematic use of torture and whether commanding officers were aware of it. This began from Conroy’s excellent legwork, and built a systematic taxonomy of known

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techniques and participants. These reports were not complete until after Fogel left the Office of Professional Standards in 1990. The behavior of subsequent administrators revealed that his determination to see the case investigated was important in producing the “masterful” reports.\textsuperscript{123} Nonetheless, the release of these reports in the 1992 only happened because of the doggedness of the People’s Law Office. Without them, Commander Burge might never have been fired from the force, and the myriad black men locked unjustly behind bars, including on death row, might have languished for even longer.

**Police Politics in a Conservative Age**

Washington’s aspirations, though, went beyond merely putting new faces in high places. But it was much more difficult to undertake the fundamental reforms necessary to meet broader goals for crime prevention and police responsiveness. Although police brutality remained the more politically galvanizing issue, Washington did not ignore crime. Rather, he issued a position paper, arguing, “There is no place for violence in our great city. People should be able to walk the streets in any neighborhood without fear. Secure neighborhoods depend upon the active involvement of all our citizens and a relationship of trust between the people and the police.”\textsuperscript{124} This position was, perhaps, anodyne—who could disagree? It was certainly attuned to the politics of fear that had overtaken white Chicago. But, it also spoke to deep currents within black thinking about crime that extended back into the nineteenth century. As Vernon Jarrett, the Tribune’s long-time interpreter of black Chicago explained in a column entitled, “Why Black Gangs Fear Washington,” “frequent black protests against police brutality” did not mean, “people were soft on crime


in their communities when the criminals were black.” Rather, Jarrett argued the opposite was true: “If there’s any one squawk against the Police Department, other than unnecessary police excesses against law-abiding citizens, it is the disgust at the lack of police protection at the neighborhood level.”

In the late 1970s and early 1980s, many activists took up the cause of community crime prevention. This was how Renault Robinson and the League ended up involved in programming at the Robert Taylor Homes. Similar efforts of other participatory citizens organizations dotted the city. As Warren Friedman, the director of the Chicago Alliance for Neighborhood Safety and a member of Washington’s “Crime and Community Safety Task Force,” noted in response to a draft position paper that promised to study crime reduction programs in other cities, “It seems important to acknowledge that there are organizations in Chicago that have, without city or police encouragement, been working on crime prevention programs (for instance Chicago does have the only multi-racial, multi-community crime prevention program deemed worthy of funding by the Ford Foundation.[)]”

Taking power presented the possibility that the Police and residents of black neighborhoods might become real partners in such anti-crime efforts. In theory, what Washington proposed was a whole new locus of accountability. This was characterized by how he wanted to redistribute police services, namely by justifying how they served the residents of each of Chicago’s seventy-five community areas. In part, this would require rationalizing police services in order to figure out which districts actually needed more

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police. But it also meant the redirection of resources. In particular, the new Mayor hoped to locate more of the force in the city’s twenty-five Police Districts. “Because crime reduction is better achieved if local residents are more directly involved, the Washington administration will return much of the responsibility for day-to-day safety to individual districts.” In parallel to how Washington’s electoral victory radically reconfigured the center of power on the landscape of Chicago politics, the Mayor planned to redistribute police power.

Redistributing police power meant attacking the privileges white neighborhoods had long enjoyed. In his inaugural address, Washington attacked such inequalities—in policing as elsewhere—by turning Epton campaign’s slogan (“Vote Epton: Before it's too late”) on its head. Epton alluded to preservation, and let the imagination of the voter fill in what was to be preserved. Washington cast himself and his coalition as agents of renewal: “neighborhood involvement has to take the place of the ancient, decrepit, and creaking machine.” After listening to him describe the difficult fiscal problems the city faced during the campaign, Washington claimed, “A majority of the voters believed me and embarked on what can only be described as a great movement and revitalization labeled reform.” This reform would be rooted in a city government that “for once in our lifetime must be made equitable and fair.” But, merely being fair wasn’t enough. Rather, “The people of Chicago have asked for more responsibility and more representation at every city level.”

The City Council never gave Washington a chance. Alderman Ed Vrdolyak, assisted by Ed Burke, led the resistance to Washington. While Vrdolyak did not openly campaign for

Epton in the general election like other white Democratic committeemen, he did not wait until long after Washington’s election to break with the Mayor. Washington’s political honeymoon was cut short only a few days after his inauguration, during his first City Council meeting. The meeting started well, opening with a standing ovation in the new Mayor’s honor. A Washington ally then moved to adjourn; Washington called a voice vote, and he adjourned the meeting. His supporters left the council chamber. In their absence, Vrydolyak, the embodiment of white resistance to black political power, strode to the podium.

Few in the audience at the Mayor’s first City Council meeting could have predicted just how complete—and just how audacious—Vrdolyak’s break would be. Because the council had not yet organized under Washington’s leadership, he remained the Council’s president pro tempore. Marshaling the twenty-nine party regulars remaining in the chamber, Vrdolyak asked for a roll call on the adjournment. With twenty-nine nays in his column, the party chairman proceeded to reorganize the Council along lines that the party regulars—soon known to all as the “Vrdolyak 29” or simply “the 29”—had previously hammered out amongst themselves. The reconstructed Council consisted of enough committees so that each rebel held a chairmanship and got a staff. They also passed a set of resolutions that strengthened the Council vis-à-vis the Mayor. Burke, Vrdolyak’s chief ally took the chairmanship of the all-powerful Finance Committee. Each motion passed 29-0.

With city government divided between white backlash and black power, between the 29 and Washington’s 21, Vrdolyak held nowhere near the commanding position of his illustrious predecessors as Democratic Party chairman. So he pursued a different strategy, trying to keep Washington consistently off-balance. The point was obstruction: the 29

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opposed whatever the Mayor proposed, simply because he proposed it. But they could not, of their own accord, successfully pass alternative legislation. This came down to simple numbers: The 29 had enough votes to block legislation and substitute their own, but they could not override his veto. Because the split was along racial and political lines in a highly polarized electorate, there was little way for either side to convince any members of the other to defect. For three years, Chicago politics sat in an extremely uncomfortable equipoise. Every step Washington took required navigating this gauntlet.

The city budget proved among the most contentious of questions. Throughout the election, Washington spoke repeatedly about the coming budget deficit. The budget, he declared at one point, “ticks ‘like a fiscal time bomb set to explode after the election.’”130 (Because of the timing of Chicago’s budgetary and auditing processes, there was no way during the campaign to verify the existence or size of the deficit.131) Following his inauguration, Washington made the highly unusual move of putting the budget deficit at the center of his inaugural address. With Jane Byrne sitting on the dais, Washington described the public’s mandate for him to “tell the truth” as guiding his decision to speak about budgetary matters. “And so, without malice, even remotely connected with my statement … I must tell you what we have inherited. I must tell you about the City’s finances. As I said before, I have no good news. The immediate fiscal problem facing Chicago is both enormous and complicated.”132 He went on to list the truly staggering number of areas in which the city government and its coordinate but independent institutions, such as the CHA, CTA, and Board of Education, faced deficits. The shortfall was about $120 million on the

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city’s $1.9 billion dollar budget. The lone consolation, he noted to the inaugural audience, “It’s a good thing that your philosophy prevailed, because otherwise I’m not sure that the City could solve the financial crisis at hand.”

While Byrne undoubtedly mismanaged the city’s finances, the city’s fiscal difficulties rested on long-term trends that extended well beyond her administration and undermined its revenue collection. The first was the rapid decline of the city’s taxable property value during the 1970s. From 1970-1978, more or less the final two terms of Mayor Daley and the abbreviated term of Michael Bilandic, taxable property values declined about forty-five percent. The second was the city’s increasing dependence on intergovernmental revenues—namely dollars from the federal government and the state of Illinois—to remain solvent.

Strictly in terms of the composition of the city’s revenues (i.e., property tax, income tax, sales tax, debt, state money, federal money, etc.), the transformation in federal spending undertaken by the Reagan administration was significant. Bilandic’s two-year mayoralty ended “with 38 percent of the city’s budget reliant on intergovernmental revenues, the highest proportion in the city’s history.” Increasing inflows from the federal government continued until 1980, making up just over forty percent of the budget, until the Reagan fiscal revolution turned this trend right around. By the middle of Byrne’s term in office federal

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135 Since the end of the Great Depression, the City of Chicago itself has not depended on federal revenues in its budget to the same extent as other cities. This is in large part because the welfare expenditures that receive a high proportion of intergovernmental revenue—that is, funding from the state and federal governments—such as public assistance, school spending, and public housing, fall outside of the legal jurisdiction of the city. Rather, the other units of government responsible for these functions, such as the state Department of Public Aid, the Chicago Board of Education, and the Chicago Housing Authority have separate budgetary processes.
revenues had begun to shrink fast.137 These trends only worsened during Mayor Washington’s tenure as Mayor. From 1982 to 1989 (when Richard M. Daley was elected), federal revenue dropped sixty-two percent. This was somewhat offset by a seventeen-percent increase in state aid, but the overall trend was to leave intergovernmental revenue at only twenty-three percent of the total budget—only three-fifths of what it had been when Bilandic left office. While Washington was able to increase spending around twenty percent during these years, he did so by turning to debt and new taxes.138

The intersection of budgetary politics and police politics provided the terrain for the first consequential showdown between the Washington and Vrdolyak camps, when the Council refused to rescind a $22 million property tax cut to help plug the budget hole. Washington threatened that his only other option was to lay off 2,000 city employees, including 855 employees of the Police Department, 500 of whom were sworn officers.139 Right up until the end, it appeared that neither party would back down. But the Council did, finally agreeing to repeal half the cut, enough to keep the workers on salary.140 But then again, the whole city lost, as the controversy caused the credit ratings agencies to lower Chicago’s bonds ratings to BBB.141

As part of its strategy in negotiating this budgetary gridlock, the Administration acted to take away one of the few perks that it controlled: the Alderman’s bodyguards, who might be more appropriately described as their drivers and personal escorts, provided at municipal

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expense. Taking these away was a populist declaration, an attack on the sinecures of political power. This decision originated with the Mayor’s Budget Director and Chief of Staff, who had begun in the immediate aftermath of the transition to look at ways to put more police on the street. One thing they quickly realized was that 212 officers, at a cost of over $6.6 million per year, were being detailed out of the Department. Some of these details were explicitly related to law enforcement, like the assignment of 17 officers to the federal Drug Enforcement Administration. But others, like many of the sixty-odd bodyguard assignments, were plainly political perks. In his interview for the job, Rice promised to eliminate them “in all but the most compelling circumstances.”\(^1\)\(^4\) \(^2\) Rice took all the bodyguards away and forced aldermen to submit written requests and documents to indicate a threat to themselves or their families.\(^1\)\(^4\)\(^3\)

Vrdolyak protested that cutting his own allotment to two from five guards was part of a political vendetta. Although politics played some role in the decision, they were not the kind of politics that Vrdolyak alleged. There was at least a little irony in his claim because, of all the council members, only Vrdolyak and Burke were allowed to keep any police detail at all. Although more of these bodyguards had been removed from Washington’s Aldermanic opponents, a healthy number were also taken away from his supporters.\(^1\)\(^4\)\(^4\) At Rice’s confirmation hearing, the council leader threatened him, “I am putting you on notice that if anything happens to my family, myself or any council member that is a result of nonprofessional actions and decisions on the part of the Police Department … rest assured

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\(^1\)\(^4\) Exhibit B: Memorandum of Interview, Chief Fred Rice, August 5, 1983, HWAC Public Safety 17-2. 
\(^1\)\(^4\) Numbers come from Sharon Gilliam to William Ware, July 20, 1983, HWAC Public Safety 14-11.
that we will do whatever is necessary to correct the situation.”\textsuperscript{145} The new Superintendent was, nevertheless, confirmed without dissent.\textsuperscript{146}

A political point was made, but it was also a practical maneuver designed to bring efficiency to the police Department by paring down its workload in order to put more officers on patrol. During the period before his confirmation Rice also eliminated the twenty officers assigned to the Streets and Sanitation Department. This was not because the job they performed was not necessary. Rather, although police were needed to issue citations, civilians could do every other step. Police could be dispatched from district stations to issue citations, without those districts losing their services full time.\textsuperscript{147} Over the course of his tenure, Rice would seek to apply this principle in different ways: substituting civilian employees for sworn officers for clerical tasks; trying to privatize police towing of cars; and offloading responsibility to other jurisdictions.

Washington’s second city budget proved no easier to negotiate than the first. As had been true during negotiations over the 1984 budget, police staffing formed the issue over which the 29 battled Washington in 1985. The Mayor was not neglecting law enforcement: The proposed police budget of $474.5 million made up forty-two percent of the budget, as opposed to the thirty-nine percent share of 1984’s $467.7 million. Increasing personnel costs, however, made keeping the force at its current staffing of 11,952 officers too expensive without raising taxes and fees more than the $76 million Washington was already proposing. The Mayor’s budget cut the force to 11,500, despite the fact that he had campaigned on a pledge to put more officers on the street.

\textsuperscript{145} Tim Franklin, “Rice Wins OK by Panel After Clash With Vrdolyak,” \textit{Chicago Tribune}, October 19, 1983, 1


The budget battles provided a concrete example of the kind of betrayal that Superintendent Rice experienced that his predecessors never had to face. A high-ranking police officer leaked an internal police memo that suggested possible cuts to get the force down to that level. With their secret document in hand, Burke and the other majority alderman “charged Chicago Police Supt. Fred Rice with harboring a ‘hidden agenda’ to slash police department units.”\textsuperscript{148} The memorandum sought to find ways to cut police salaries and benefits out of the budget while still maintaining the same number of men on patrol. Accordingly, the memorandum that ended up in the hands of finance committee chairman Ed Burke proposed a variety of tweaks that left the staff of the twenty-five police districts alone. What it did propose was ten percent cuts in the number of officers assigned to communications and detective divisions, a reduction of the force at O’Hare Airport, a turnover of highway patrol within the city to the state police, privatization of the police department’s towing services in two of the six police areas, and an increase in the use of cheaper civilian employees to relieve officers of duties for which sworn personnel were not required.\textsuperscript{149}

The memo brought out the worst instincts in the 29. The \textit{Tribune}’s editorial board picked up on their strategy right away: “There’s no better way to turn people against a public official than to convince them that he is soft on crime. Before the 1985 budget fight is over, the assaulting Eddies—Aldermen Burke and Vrdolyak—will have suggested, in one way or another, that every new rape and mugging in the city resulted from Mr. Washington’s trims


in the police force. Including the crimes that haven’t occurred yet.”

Alderman George Hagopian made this case to Rice when he appeared before the Council. He blistered, “It’s a crook, rapist, murderer’s holiday in Chicago, and they know it.”

The reductions in staff levels were not much more popular with Washington’s supporters, who also refused to defend them. While some of Washington’s 21 City Council allies remained silent, none of them were willing to speak up for their mayor on this issue publicly. Still other members of Washington’s coalition were willing to oppose him. These aldermen, especially the black aldermen, faced an elementary problem. As the Don Rose explained, “The black community is so sensitive on crime. That’s one area where he has to tread very carefully.”

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To the extent that Washington changed policing, he did so where the authority lay squarely within his executive power. By appointing new faces, he achieved good government goals and limited political influence within the Department. This was precisely where the irony of black power emerged. Washington’s most successful reform was his renunciation of the privilege of power. Budgetary retrenchment, due to federal cutbacks and the continuing atrophy of the city’s tax base, joined with City Council intransigence to make any efforts to use the Police Department to build power for his electorate almost impossible. Washington’s election seemed to be a triumph over the racial domination that structured the city’s politics

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152 Strong and Galvan, “Rice Says Administration Forced Police Cuts on Him.”
and policing throughout the twentieth century. Yet, the conditions under which Washington came into power made action exceptionally difficult in his first two years in office. In 1985, the logjam over the relationship between the budget and policing would finally be broken. In its wake, Washington’s efforts to remake policing, by assigning police more fairly, by putting more police in the neighborhoods, and by addressing his constituents’ concerns about drug dealing and gang violence, would have disastrous consequences.
CHAPTER 10: THE LOCAL WAR ON DRUGS

On November 20, 1984, sixteen-year old Billy Moore, fifteen-year old Omar Dixon, and two other friends skipped school at Calumet High School to head up to Simeon Vocational High School. They intended get back $10 that had been stolen from Billy’s cousin the previous day. Moore took a .22 caliber pistol his aunt kept hidden under her bed for protection. Learning that the dispute over money already had been resolved, Moore and Dixon hung out with a friend near the school. Just before lunch, seventeen-year old Benji Wilson walked up behind them, bumping Moore. Although Wilson usually ate lunch with his basketball coach, on this day he had been arguing with his girlfriend Jetun Rush about their young son. Walking Ms. Rush to the bus stop, he came up on Moore and Dixon.

Accounts of what happened next differ, but they all build to the same outcome: Billy Moore shot Wilson twice. Wilson would die from his wounds later that day becoming the 669th homicide victim in Chicago that year; by the end of which the number would rise to 741. More than eighteen percent of those murdered—137 victims—were youths under the age of nineteen. Yet, of all the terrible killings in 1984, Ben Wilson’s stood out in the collective response that it engendered.

Six feet, ten inches tall, Ben Wilson always stood out, especially on the hardwood. Under the tutelage of coach Bob Hambric, he was fast becoming a basketball legend. During his junior year, Wilson had led Simeon to its first-ever state championship. As his mother, Mary Wilson, described, “My son, my boy, was a star. Not only for the city but for the whole
During the summer of 1984, youth basketball guru Sonny Vaccaro ranked Wilson the top player in the country. His death hit hard. “I cried like a baby,” said Coodie, the director of a 2012 documentary about the killing. “The city cried like babies.” In Wilson’s excellence, many black Chicagoans saw their own aspirations—suddenly cut off by the conditions of urban life in the 1980s. As the reporter Scoop Jackson retrospectively noted, “He does represent a dream unfulfilled, you know, and that’s a hard pill to swallow.”

Ben Wilson’s death galvanized political leaders and popular opinion in Chicago. Police response initiated what would be a two-decade long crackdown on black youth. The results were so attenuated from the actual circumstances of Wilson’s killing that they, too, were, “a hard pill to swallow.” Wilson’s death provided the justification by which Harold Washington, a liberal black mayor, launched a war on “gangs and drugs” that targeted the most vulnerable and excluded young people in the city’s most desolate landscapes. Wilson’s death sat at the juncture of a series of long-term changes in American life that had by the mid-1980s produced dramatic forms of social stratification within the geography of the city: federal austerity; punitive sentencing laws in Illinois; local political factionalism centered on race; and a set of emerging popular beliefs about the relationship of gangs and drugs to youth violence. Harold Washington made his choices as to how to address the concerns of his constituents over community safety—chiefly, the safety of their children—at this nexus.

This history, the launching of a war on gangs and drugs in Chicago, demonstrates the importance of the local in the development of punitive policing. The choices made in City Hall, in the City Council, and at Police Headquarters mattered for the lives of Chicago

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2 “Director's Take,” ESPN films website. Basketball coach Jimmy Collins echoed this, “It was unbelievable sadness, I mean, it was just … the whole city had this cloud over it.” Jimmy Collins, Benji, 46:53
3 Scoop Jackson, Benji 3:29
residents. Neither state nor federal criminal justice policies produced this war on gangs or drugs, at least not in the way that later efforts, by Presidents Ronald Reagan and Bill Clinton and by a series of Republicans in the Governor's mansion downstate, would extend and intensify it. Nevertheless, changes in American social geography and politics that occurred between 1960 and 1985 structured and conditioned how and what could be done. Chicago was not the same city in 1985 that it had been in 1960. Mayor Washington had few resources, an intransigent opposition, and a public demanding that its children be protected. Their confluence set Chicago policing on a disastrous course.

The Death of Benji Wilson

While Ben Wilson was still alive on a hospital gurney the initial television newscasts gave shape to the narrative that would dominate coverage of the shooting: Omar Dixon and Billy Moore were connected to the Black Gangster Disciples, a Chicago street gang. No one seemed particularly concerned about the nature of their involvement or cognizant that such facts might matter. Were they core gang members? Were they marginal affiliates? Once the media made the connection between the boys and the gang a single crude narrative dominated: Ben Wilson had been killed by “gang violence.” Only the Chicago Police, who classify a killing as a gang-homicide if it “exhibits qualities of a gang motive, such as retaliation, initiation, or defending gang turf[,]” openly dissented from this consensus.4

The narrative of the case that the prosecution presented at trial was probably not accurate. Three critical issues were in dispute: Was Omar Dixon involved at all? Relatedly, had Dixon and Moore tried to rob Wilson? Finally, what had Wilson done? Jetun Rush,

Wilson’s girlfriend, was the prosecution’s star witness, and her testimony was backed up by the jailhouse confessions of Moore and Dixon. These stories disputed who bumped into whom first, Moore or Wilson, but they agreed that Dixon had tried to rifle Wilson’s pockets. Wilson’s only actions were defensive: pushing Dixon away. They also agreed that Dixon told Moore to shoot Wilson: “pop him,” according to Moore’s confession; and, “Let’s shoot this punk,” according to Rush.  

Sean Baylis, another Simeon student who witnessed the shooting from inside a video game parlor, testified that “he saw [Dixon] approach Wilson, grab his arm, say something to him and then push Wilson back toward the store window.”

Dixon presented an alternative, if self-serving, version of the days’ events when he took the stand at trial and recanted his confession. In a pattern quite familiar in the literature of false confessions, Dixon claimed that he signed the prepared statement that detectives brought to the room where he was being held at 3:30 a.m., “because he had not slept, eaten or talked to anyone while at the police station and was very tired and afraid and ‘just wanted to get it over with.’” In Dixon’s version of the story, he was uninvolved with what happened that day. He had not rifled Wilson’s pockets, nor had he told his friend to shoot the basketball player. Rather, he had stood by as the altercation between the two boys developed.

Billy Moore, who did not testify at trial, spoke about the case for the first time more than twenty-five years later. His narrative (and that of the documentary film, Benji) was more

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complex. His father died and afterwards, Moore admitted, “I may have got a little out of control, certainly to the point to think that carrying a gun was acceptable.” Killing was never his intention, though. “I never wanted to shoot anybody. I didn’t think I could pull the trigger.” To Moore, Wilson’s death happened not because of “gangs,” but because he was carrying a gun and he got in an altercation. He described a fight that began when Wilson refused to apologize for bumping into Moore, moved through a repartee of “fuck yous,” before it escalated as Moore showed the gun in his waistband. It ended when Moore shot Wilson twice, just after Wilson asked him, “What you goin’ do, shoot me mother fucker?”

The trial testimony raised questions as to whether what Jetun Rush saw and what she testified were the same. As to the matter of Dixon’s involvement, Detective Bosco, who interviewed Rush a few hours after the shooting, testified that “she did not tell him that [Dixon] told Moore to shoot Wilson,” although he believed that Rush related that to another officer. Moreover, Rush’s testimony on the stand and Moore’s in his confession each attributed a different statement to Moore, both of which were purported to be direct quotes: “Pop him”/“Let’s shoot this punk.” To the court that heard Dixon’s appeal the differences were significant. “Although the substance of the directives attributed to defendant are, admittedly, the same, the words used by Rush and Moore as purported quotes of him are notably dissimilar.”

Street Gang Intervention

It is difficult to come to any definitive conclusions about which story was true, or whether what actually happened was some third version of events. The point is that a

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8 Benji, 1:06:05.
narrative about “gang violence” took hold and dominated. In common conversation, the terms “youth violence” and “gang violence” were often used interchangeably. Following Wilson’s death little consideration was given to whether or not they described the same phenomenon. For example, although Mayor Washington spoke almost exclusively about gangs, when he set up a task force to address gang problems in the aftermath of the Wilson killing, he named it the “Mayor’s Task Force on Youth Crime Prevention.”

“Gang violence” provided a riveting, digestible storyline for public consumption, and an avenue for channeling public concern about the high rate at which young people were being killed. As the artist and intellectual Useni Eugene Perkins argued, it was this framing that caused “the city government, the police and other public officials” to finally listen to the community leaders, clergy and social service representatives” whose “annual denunciation of black street-gang violence … routinely went unanswered.”10 It was precisely the narrative of “gang violence” that produced policy changes.

*Insert Figure 15*

The evolution in common understandings of gangs by the mid-1980s shaped the social meaning of framing Wilson’s death as an act of gang violence. Both youth violence and gang violence were problems with tragic consequences in Chicago. But their patterns were different than people remember. Homicide remained high by historic standards in the mid-1980s, but it had fallen dramatically from its peak of 962 in 1974 to a relative low of 667 in 1985—a drop of more than thirty percent. Nor did the 1980s see a spike in youth homicides rates. As Figure 15 shows, homicide rates among youth aged fifteen to nineteen

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remained stable. By contrast gang-motivated homicides were high. As the sociologist Cheryl Maxson argues, “One media-driven image about gangs is accurate: gang-involved youth commit a lot of crime and violence—far more than their non-gang counterparts.” During Washington’s years, gang-related homicides remained at a sustained high level; they made up almost ten percent of all homicides, greater than at any previous point in Chicago history.

In the aftermath of Wilson’s death, Washington set up a variety of gang intervention programs, although the budget and the City Council made such efforts difficult. At the time of Wilson’s death, the Mayor was in the throes of trying to cut the Police budget. He quickly gave up. The Tribune described this move as “surrender,” but it seems more accurate to say that he responded to political reconfigurations. Even before Wilson’s funeral the City Council majority announced a program to put an additional 500 officers on the street and to develop an auxiliary police force. Washington took more time to articulate his anti-gang efforts: When he did they consisted of an approach that included both social welfare programming, which were planned by the Task Force, and suppression measures that were immediately undertaken by police. Although he announced a first wave of changes during the December following Wilson’s death, getting the City Council to pass the Task Force’s Plan took until the following year.

From the beginning, the vicious battles between the mayor and City Council over funding hamstrung efforts at youth crime prevention. Feuds over the funding of the Police

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Department that dominated the last two months of 1984 meant that no funds were available to kick off the work of the Mayor’s Task Force.\(^{13}\) Even when the budget was finally resolved, it was done with the Council allocating only $1 million of the $4.5 million in city, state and federal funds that Washington had requested. Not only that, the Council created a new committee, the Special Committee on Youth Development and Employment, just to watch over the way that money was spent.

When the Task Force got off the ground in early January 1985, it consisted of four separate subcommittees. Of the four, the Program Development Committee did most of the relevant work.\(^{14}\) By February 4, Washington’s administrative assistant Mike Holewinski had met with the director of the Department of Human Services and the Committee chair, and the three recommended a two-part “intervention program.” It would be based in the Department of Human Services, and would be modeled on the Crisis Intervention Network in Philadelphia. Its mission would be to “minimize gang violence and channel youth into constructive alternatives.” The second dimension of the program was to provide funding to private organizations for developing crime reduction capacity through victim assistance, neighborhood crime watch, and youth recreation.\(^{15}\)


\(^{14}\) The mission of the Juvenile Justice Committee was to describe existing juvenile justice activity and identify areas for improvement. The Program Development Committee was to develop an approach to both intervention in gang disputes and to gang prevention efforts that would target fringe groups and marginal youth. The Resource Development Committee’s portfolio was to find funds and non-fiscal support currently being used in anti-gang programming. Finally, the Legislative Development Committee’s task was coming up with bills for the Mayor to send down to the state legislature. The other three other committees all committed something to the final plan. See documents in Mayor’s Task Force on Youth Crime Prevention, \textit{Report} (Chicago: City of Chicago, the Task Force, 1985).

The Mayor formally proposed the program, called the “Chicago Intervention Network” (CIN), to the City Council on March 6. Its funding consisted of one million dollars in city funds, with an additional nearly three million dollars coming primarily from existing federal and state funds. Just under a quarter-million dollars was to be spent on the street intervention component, which would have 60 employees. The rest would be distributed to agencies. Despite agreement in principle about the program and the level of funding, it nonetheless got hung up in the Council Wars discussed in Chapter 8. Rather than waiting for the Council, the Mayor simply diverted one million dollars from the city’s corporate fund to begin staffing the street intervention component of the program.

Compared to a program like The Woodlawn Organization’s War on Poverty era Manpower Demonstration Project, C.I.N.’s aims were limited. It sought only violence reduction and not social transformation. Neither political will nor funds were available for a more ambitious initiative. University of Chicago sociologist Irving Spergel described a gang-violence reduction program he was running as “focused on reduction of gang violence rather than the more complex issue of delinquency. The program targeted things that gang...
members were concerned with: the inability to move from one street to another and the inability to control violence.”

C.I.N.’s high-risk intervention unit operated in five program areas: Cabrini-Green, Robert Taylor, Henry Horner, Pilsen, and Humbolt Park. The first three were almost exclusively black CHA housing projects, the latter two Latino/a neighborhoods on the city’s West Side. Over the first year the street intervention unit provided 1,567 street interventions. Overall, the program served 4,387 clients. Of 13,786 problems that C.I.N. workers identified these clients to be facing, by far the largest proportion was lack of employment, which was true in over half of all cases (2,727). Youth gang problems showed up with less frequency.

This was, as Spergel argued in a memo to the Chair of C.I.N.’s Coordinating Committee, a huge problem. In his six-page evaluation of the program a little more than a year into its life-span, he offered a comprehensive and devastating critique: C.I.N. was “plagued by a series of basic problems of design, structure, and program strategy.”

Foremost among these was the fact that it had too many goals. The program’s stated objectives were to “attack gang crime, prevent juvenile crime, treat delinquent behavior and nurture positive youth development.” How could one organization possibly do so much? Given that the program’s principle justification was the high level of gang homicide, Spergel thought that reducing gang violence ought to be the focus. But it clearly was not: “When only 12.2 percent of its services deal with conflict among gang members, threats by gangs,

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22 City Of Chicago, Department of Human Services, “Chicago Intervention Network.”
23 Irving Spergel to Ben Kendrick, August 8, 1986, HWAC Public Safety 8-5.
and pressure by gangs, then ‘attacking gang crime’ is not a primary goal.” While Spergel’s other criticisms touched on various aspects of the program, each was rooted in gang violence: the organizations contracted with had little experience or contact with gang youth likely to commit violent crime; its crisis teams were not composed of competent, streetwise personnel; and no adequate information system relating gang violence to C.I.N. activities existed.24

Although the program was meant to focus on high-risk intervention, the failings identified by Spergel reflected the institutional structure of Chicago politics. Mike Holewinski explained this at the Annual Meeting of the Citizens Committee on Juvenile Court of Cook County, where he spoke on a panel entitled, “Gangs, Juvenile Court, and the Community: What Can be Done?” Two choices had been put before the Task Force: It could “deal with just the hard-core gang members or broaden the program so as to also deal with young people in general.” The decision to make the broader choice was based on politics: “It was our observation, from what we heard in Chicago’s communities and from what we have heard from the political establishment in terms of fifty City Council members, that a narrowly focused program would have, first of all, very little chance of success, and, secondly, would not get the allocation of resources.” Unless the program was broadly inclusive, so that every community could get money and services, the program would have been “a very difficult thing to sell to the Chicago City Council.”25

The “Gangs and Drugs” Problem

24 Irving Spergel to Ben Kendrick, Aug. 8, 1986, HWAC Public Safety 8-5.
Holewinski’s statement revealed the paradox faced by the Washington administration as it faced off with the Council majority: if it focused on “efficacy” it would not have any programs at all. It would be left with the Police Department. But, not basing its programs on efficacy, it did not end up much better off. In the end, Washington was just left with the Police, to whom he turned to address the problem of gang violence. And here, real change occurred. The tenuous connection between Ben Wilson’s death and gang violence nonetheless launched a revolution in the policing of illegal drugs in the city of Chicago. By the mid 1980s, the problems of gangs and drugs had become so linked in the public mind that it was a small step from trying to stop gang violence to targeting black youth for drug violations. Police targeted drug use and sales as a proxy for gang activity. Policing drugs became a day-to-day way of measuring progress in the effort to suppress violence. This new domain of police activity provides one way of understanding a broader shift in approach during the 1980s.\textsuperscript{26}

For most of Chicago’s history, the regulation of drugs had little to do with youth gangs. Prior to the 1950s, the Police Department’s Narcotics Bureau was a small time affair, with only four members.\textsuperscript{27} As we have seen, police and ward politicians channeled vice into black neighborhoods, where it was less conspicuous to white reformers. During the 1940s, the four man Narcotic Bureau made few arrests, and these were concentrated in the city’s skid row on the near west side and at the center of the historic Black Belt in the Douglas/Grand Boulevard neighborhood.

\textit{Insert Table 7}

\textsuperscript{26} It is particularly helpful because the Police Department did not collect other statistics that might reflect how their tactics changed over time.
By 1950, however, the Chicago Police had inaugurated the first of three distinct models of drug policing that would dominate for the rest of the century. These regimes existed in relationship to broader social currents, including changes in drug usage, as well as changes in the state and federal architecture of legal regulation. The first manner of policing was an effort to “contain users.” From 1950 until the middle of the 1960s, Police targeted a small core of drug users in a relatively restricted set of urban spaces. Thereafter, a new regime emerged to “stop the spread,” in response to the growth of recreational drug use. In place of concentrated policing, enforcement spread across the city and became more anonymous. This regime targeted blacks much more heavily than anyone else. Nonetheless, it was much less discriminatory than either the policing that came before or the policing that came after. The third change came during Harold Washington’s term in office, the “war on gangs and drugs.” The response to Benji Wilson’s death did not drive every aspect of the change, but a clear pattern emerges from 1985 to 1987, as police focused on drug arrests as a means to control youth.

In the immediate postwar period, the construction of a robust apparatus to regulate and police drugs was created in response to changing conditions in cities, especially “a reported rise in drug addiction between 1947 and 1950, particularly in black and Puerto Rican ghettos of northern cities.”28 While the federal government made penalties for opiates and marijuana identical and severe with the Boggs Act (1951), Illinois merely enhanced the

existing scheme of identical penalties it already employed. After 1951, a first possession
offense carried a two- to ten-year sentence.29

When heroin usage spiked in Chicago during the last three years of the decade, the
Department created a new “narcotics section.”30 The new unit processed everyone arrested
on a drug violation, no matter what precipitated the arrest, and kept centralized records.31
Made part of the Vice Control Division, along with the regulation of gambling and
prostitution, the narcotics section grew quickly and within two to three years included fifty-
nine officers.32 The tenfold increase in manpower in the 1950s increased arrests dramatically
and while the old spots persisted as common places for arrests over the next two decades,
the narcotics section expanded its net into many other parts of the city.

The expansion of policing during the 1950s changed the role of race in drug arrests.
Non-white and white arrest locales began to disaggregate, where they had once overlapped.33
Non-white arrests achieved dramatic concentrations in some neighborhoods. Overall,
greater targeting of non-white neighborhoods led to a dramatic transformation in the ratio of
non-white-to-white arrests by the narcotics section from 1953 to 1958 averaging a
remarkable 7:1. Moreover, a majority of the arrests made by the narcotics section had little to

30 Hughes, et. al, “The Natural History of a Heroin Epidemic,” 996–97. On the new narcotics section, see
James Doherty, “O’Connor Tells What He’s Done to Police Force: Counts Up Progress and is Still
Ambitious,” Chicago Tribune, February 12, 1951, 17. The city created a special narcotics court as part of its
July 18, 1970, 3.
32 There were another 30 to 40 in the local districts. Lois B. DeFluer, “Biasing Influences on Drug Arrest
33 DeFluer used the terms white and non-white.
with drug use. Rather, the officers routinely sought to contain users, picking up non-white arrestees who were known to be involved with drugs on minor charges such as disorderly conduct or loitering.  

In the 1960s, new patterns of regulation and policing were driven by the surprising reemergence of illicit drug use after it had been relatively well suppressed for four decades. At the beginning of the 1960s, according to the historians David Musto and Pamela Korsmeyer, “drug use was thought to be largely confined to the urban poor, criminal elements, and such small nonconformist groups as jazz musicians and ‘beatnik’ artists and intellectuals.” In most places and amongst most groups, less than two percent of the population used any illicit drugs over the course of their lifetimes. Across the 1960s, marijuana use grew dramatically; in 1967 it “seemed to explode.” Heroin, which had been largely restricted to particular port cities in the Northeast, now crossed boundaries of class and race.

Public concern over increasing drug usage led to the collection of a wide array of new statistics. The largest and most famous, the Monitoring the Future study, represented in

34 Hughes, et. al, “The Natural History of a Heroin Epidemic,” 997. I believe this is the ratio of black to white arrests, without taking relative population size into account. Given the smaller black population the ratio of arrest rates would likely be more than 40-to-1. More than 58% of all narcotics section arrests were of non-white people for non-drug offenses.

35 Nationwide surveys of drug use, as well as programs to report hospital admissions for drug use and drug related deaths, provide a better set of data for understanding national patterns in drug usage, especially after 1975 when the government initiated the annual survey of high school seniors known as Monitoring the Future. The two principle survey tools are a yearly study of drug use by high school students, now known as Monitoring the Future. This study began reporting the incidence of drug use by 12th graders (in 1975) and has since added 8th and 10th graders (in 1991). It provides a set of long-term numbers that can be used to examine how drug use has changed since 1975, as well as changing attitudes towards drug use. A second study is the National Household Survey on Drug Abuse, which began in 1971. See, e.g., Herbert L. Abelson, Patricia M. Fishbourne, and Ira Gisin, National Survey on Drug Abuse: 1977: A Nationwide Study -- Youth, Young Adults, and Older People; Volume I: Main Findings (Rockville, MD: National Institute on Drug Abuse, 1978). The emergency room and medical examiner reporting program is known as the Drug Abuse Warning Network (DAWN). Finally, the
Figure 16 above, established that drug use rose until the mid-1970s; underwent a deep and sustained fall during the 1980s; rose moderately in the 1990s; and stabilized in the late 1990s. Even though there have been variations in use among different ages and different drugs, this pattern holds true for the full range of illicit drug use.\textsuperscript{36}

In the 1960s, marijuana use spread fairly uniformly across all youth cohorts.\textsuperscript{37} By contrast, heroin use was never widespread across the population as a whole and in the 1960s had a particularly distinctive geography.\textsuperscript{38} Its vast expansion in the 1960s was concentrated in five cities (New York, Chicago, Detroit, Philadelphia, and Washington, D.C.) and overwhelmingly in neighborhoods occupied by poor persons of color.\textsuperscript{39} Near the end of the

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\textsuperscript{36} Excluding, of course, drugs not yet invented or discovered for recreational use in 1975.

\textsuperscript{37} During this period of growth in drug usage, marijuana was often tied in public discussion to heroin. Two common linkages were used: partisans of marijuana decriminalization or legalization contrasted the harmlessness of marijuana with the harmfulness of heroin. On the other side of the debate, marijuana people desiring continuing regulation of marijuana through criminal law described it as a gateway to hard drug usage.

\textsuperscript{38} Heroin is absent from Figure 16 because the level of use amongst 12\textsuperscript{th} graders was not high enough to show trends. In part, this reflects that Heroin is the dominant question in the federal government’s debates over drug policy, particularly in the Nixon administration, but all the way until the Carter administration. Carter’s administration officials saw cocaine and marijuana as political problems; they perceived heroin as a genuine health problem. David F. Musto and Pamela Korsenmeyer, \textit{The Quest for Drug Control: Politics and Federal Policy in a Period of Increasing Substance Abuse, 1963-1981} (New Haven: Yale University Press, 2002).

\textsuperscript{39} Schneider notes that of 60,000 users in New York City, half were black, half were Puerto Rican, and a quarter were white. The neighborhoods with the greatest concentrations of users were Central Harlem, East Harlem, and Riverside (West Harlem and the Upper West Side). Eric Schneider, \textit{Smack: Heroin and the American City} (Philadelphia: University of Pennsylvania Press, 2011), 118–20. This had much to do with the differences in age cohorts: the black population of cities was disproportionately young, and the youth population was disproportionately black. This density of young men, the population at greatest risk for use, precisely in the settings where use was most likely helps to explain some of why the first wave of heroin usage concentrated
1960s both the racial and spatial patterns began to change, as white initiates carried drugs with them into the suburbs.\textsuperscript{40}

The growth of drug use in the 1960s led to the second model for policing drugs, in which police tried to “stop the spread.” The social and institutional mechanisms that had previously regulated the geography of drug use and sales broke down. They key metaphors employed to talk about the new reality were spatial: drug use was seen as having permeated both geographic and social boundaries. As Paul Hemphill, Assistant Director of Corrections for the Chicago Department of Human Resources declared in 1971: “The basic problem with drugs in recent years results from the sudden increase in their use on every socio-economic level by our young people. What had once been a problem confined to the poor, to the chronically ill, and to various underworld subcultures has within the past 5 years virtually exploded out of the control of our institutions, including those of the family, the schools, the private and the governmental agencies.”\textsuperscript{41}

Who used drugs shaped the way government actors perceived the change. Concern in the halls of government focused on the fact that middle-class white kids were now using drugs. Growing drug use in black neighborhoods did not fit this “stop the spread” narrative and, except in the black press, seemed to play a less prominent role. Within the black press, heavily amongst blacks. In four out of five cities of the early heroin boom, the percentage of black men between 15 and 19 doubled. The number of white youth fell. Between 1960 and 1970, the percentage of black residents aged 16 to 24 grew from 40 to 55 percent of the population of central cities with more than one million residents. Schneider.\textsuperscript{40} White youth began to use heroin in larger numbers near the end of the 1960s. Intrepid white youth moved to locations where heroin markets existed and they could attain drug knowledge. They became conduits for this knowledge to filter out to the suburbs. Schneider. The age structure of users began to change as well. By the 1980s, new initiates continued to be under 25, but an increasing number were older. Epidemiology of Heroin: 1964-1984 (Rockville, MD: U.S. Dept. Oof Health and Human Services, Public Health Service, Alcohol Drug Abuse and Mental Health Administration, National Institute on Drug Abuse, Division of Epidemiology and Statistical Analysis, 1985), 2, ex. 1.

\textsuperscript{41} Hearings before the Subcommittee on Alcoholism and Narcotics, Committee on Labor and Public Welfare, Part II, United States Senate, 92d Cong. 678 (1971) (statement of Paul Hemphill).
other narratives predominated, ones concerned with the role of drugs in stunting black community development rather than the way in which drugs had slipped the boundaries of the ghetto.

Drug reforms in the 1960s and 1970s reversed the impulse underlying the Boggs Act to punish marijuana and opiates identically. Marijuana was critical to campaigns to reduce the stigma of drug usage and to assess penalties in relationship to harm. Both the state of Illinois and the Nixon administration reformed their drug laws to rationalize policy by tying penalties to the potential harmfulness of the drugs. Congress eliminated existing mandatory minimums and made possession of a controlled substance a misdemeanor, giving judges discretion to give probation for simple possession. Illinois undertook similar reforms in 1970. Each considerably limited the punishment for possession of marijuana. Federal funding for law enforcement skyrocketed, as did its investment in drug treatment.

Insert Figure 17

Like regulators, police tried to stop the spread of drugs. The resulting pattern of arrests had two primary characteristics. First, the police made more drug arrests. In 1964

43 Illinois’ “exhaustive and ambitious” Controlled Substances Act “sought to establish a uniform system for the control of the manufacture, distribution, and possession of what it defined as controlled dangerous substances, to provide enforcement procedures and penalties, to coordinate efforts against abuse and to develop a program to curb drug abuse in Illinois schools.”
46 I have based many of my observations here on drug arrest statistics, which do not speak for themselves. Rather they enact knowledge in accordance with institutional imperatives, cultural understandings, and political realities. The statistics for drug arrests are particularly bare bones. In reporting drug arrests, the CPD employed
the police made only 2,621 drug arrests; in 1976 they made 17,607. This growth in arrests correlated with increasing drug usage. If viewed nationally over the long term, changing drug usage patterns have little relation to police arrest activity. (This is particularly when comparisons between demographic groups are broken down.) But this does not mean that at particular times there was no correlation between growing use and growing arrests. In the 1960s through the middle of the 1970s local data and national surveys suggest that marijuana and heroin usage was growing, and the increased arrest activity likely correlated with that increase.47

Similarly, drug arrests dropped off after 1976, falling to a low of 13,612, which prefigured the national downturn after 1979 in drug usage shown in the *Monitoring the Future* statistics. Just as increasing drug usage correlated with the rise in drug arrests, their fall likely related to changing usage—in particular dwindling heroin use. New heroin initiates peaked outside of the northeastern United States in 1976. In Chicago, heroin-related hospital emergency admissions fell off dramatically from 1.15 of every 1,000 in 1976 to .24 by 1980.48

the categories of the Federal Bureau of Investigation as part of its Uniform Crime Report program. The nature of the arrest—whether for possession or distribution—for example are not recorded. Rather, arrests are simply categorized into four categories under “Narcotic Drug Laws”: Opium or Cocaine & Their Derivatives, such as morphine, heroin, codeine; Marijuana; Synthetic Narcotics, meaning manufactured narcotics which can cause true drug addiction (demerol, methadones); and Other – Dangerous Non-Narcotic Drugs, like barbiturates, benzedrine. Marijuana is regulated separately under Illinois law; all of the other arrests fall under the Illinois Controlled Substances Act. Because the categories are already such a smorgasbord of different drugs, their primary utility comes merely in distinguishing the changing level of marijuana arrests.


Heroin arrests followed this same pattern, falling from 7,000 in 1976 to under 1,000 by 1980.\textsuperscript{49}

Second, police produced the increase in arrests by enlarging the geography of drug policing. The relatively large number of policemen dedicated to drugs during the 1950s intensively targeted black communities connected to the drug underworld; the growth in drug usage during the second half of the 1960s changed their priorities. Specialist drug officers stopped concentrating on containing users by harassing them on non-drug charges. Between 1966 and 1970, such arrests fell to less than ten percent of the narcotics unit’s total. Instead, the entire Police Department became involved in arresting people for actual drug offenses.\textsuperscript{50} The increased level of attention devoted to drugs across the force actually brought arrest rates \textit{closer} to racial parity rather than the previous gross disparities of the 1950s.\textsuperscript{51} During the 1960s, the ratio of non-whites to whites arrested by the narcotics unit fell to 2:1. Moreover, the patrol force, rather than the specialized drug unit, was now handling most of drug arrests.

Arrest rates for both blacks and non-blacks grew massively during the twenty-year period between 1966 and 1985. For blacks, arrest rates rose from 233 per 100,000 to a temporary peak of 963 in 1976; for non-blacks, the shift was from 70 to 336. Nonetheless, as Figure 18 shows, despite the increases in arrests, a relatively stable ratio of around three to

\textsuperscript{49} These arrest statistics are for “heroin and cocaine,” but given usage patterns and an incredible public indifference to the harmful aspects of cocaine use at the time, the vast majority of them were likely heroin. See Chicago Police Department, \textit{Annual Reports}.

\textsuperscript{50} Over the five-year period from 1960 to 1964 drug arrests were very stable, falling from 2653 to 2621. In other words, the rise in arrests did not begin until 1965.

one emerged between these black and non-black arrestees, a grossly discriminatory ratio that bore no relation to usage rates. Nonetheless, it distinguished this period from the one that came before when blacks were policed even more intensively. CPD attempts to stop the spread of drugs preserved patterns of inequality in policing but they do not appear to have intensified them.

Between 1965 and 1984, the massive increases in drug arrest rates did not lead to large increases in incarceration. This was in part due to the composition of arrests. While heroin arrests fell off in the 1970s, marijuana arrests grew consistently until they reached their maximum at 67 percent of all arrests in 1982. Even after Illinois implemented a determinate sentencing scheme in 1977, creating mandatory minimums, extremely long sentences, and eliminating parole release, and after the state past a drug-kingpin statute in 1978, incarceration rates for drug offenses remained low. 52 In 1984, only 628 people were incarcerated for drug crimes, less than four percent of the total population of incarcerated persons.

The Problem of “Gangs and Drugs”

Harold Washington entered office with both gangs and drugs on his mind. When a Tribune reporter asked the new Police Superintendent Fred Rice what he learned about the philosophy of the Mayor during his job interview, Rice responded: “He was concerned with the gang problem. He was quite concerned with the narcotics problem.”53 Although

Washington took steps to address gangs and drugs in his first year and a half in office, they were halting; the Council Wars prevented the Administration from actively formulating new policies to combat crime. Rice described gangs and drugs serially, seemingly marking each off as a discrete policy area. Such a view accorded with the history of police regulation of both gangs and drugs during the 1960s and most of the 1970s. But a slow process of convergence between the two in public discourse around criminal justice policy had been occurring; by the mid-1980s, their merger accelerated. After Ben Wilson’s death, in both public discourse and policy, they had become a single “gangs and drugs problem.”

**Insert Figure 19**

Drugs played no part in the narrative surrounding Wilson’s killing, but his death occurred when the link between gangs and drugs was the focus of conversations on criminal justice and neighborhood safety. In May 1985, seven months after Wilson died, Charles Rangel’s House Select Committee on Narcotics Abuse and Control held hearings on drug abuse and drug trafficking in Chicago. Congresswoman Collins opened the proceedings by noting that she had invited the committee to Chicago because of “a resurgence of street gang activity; and much to my alarm, we see more street gangs getting into the drug scene, not necessarily from the point of usage, but from the distribution and marketing end.” Washington added that the city had “limited resources … to deal with this large increase in drug use and gang/narcotic related crimes.” To put a fine point on things, Patrick Healy, the chairman of the Chicago Crime Commission, noted that in 10 months of operation, the
organization’s anonymous crime-tip line had “learned of the concerns of the inner city; and
Mr. Chairman, they are predominantly drugs/gangs! Drugs/gangs! Drugs/gangs!”\textsuperscript{54}

The relationship between drugs (either trafficking or use) and gangs was not obvious, 
nor was it stable over time. Irving Spergel described the association in public discourse as the 
unfortunate “tendency to mix gangs, violence, and drug trafficking into one large ‘ball of 
wax.’”\textsuperscript{55} Many, if not most, researchers who studied youth gangs concluded that they 
generally did not have the organizational cohesion to engage in large-scale drug trafficking, 
even if individual gang members or smaller sub-unit of gangs (sets or crews) engaged in such 
activity.\textsuperscript{56} Although there are links between (1) gangs and drug trafficking, (2) gangs and 
vviolent crime, and (3) drugs and violent crime, there is no one-to-one relationship between 
them—at least not in any reliable correlation. As Spergel concluded, “The connection 
between drugs and (violent) street gangs is variable and a function of changing economic, 
cultural, racial/ethnic, and community factors.”\textsuperscript{57}

In the mid-1980s, some Chicago gangs were heavily involved in drugs, and all 
engaged in violence. Nonetheless, the public connected the two in ways that are not borne 
out by the on evidence on the ground. Despite the growing number of drug-related 
homicides in Chicago, for example, there is little evidence at that these homicides were gang-
motivated. Even the Police Department, which invested more in the link between gangs and 
drugs than any other institution, classified only one homicide that was both “drug-related”

\textsuperscript{54} Drug Abuse and Drug Trafficking in Chicago: Hearings of the Select Committee on Narcotic Abuse and Control, House of 
Representatives, 99th Congress 114-115 (statement of Rep. Cardiss Collins (D-IL)), 117 (statement of Harold 
\textsuperscript{56} E.g., Malcolm W. Klein, Cheryl L. Maxson, and Lea C. Cunningham, “‘Crack,’ Street Gangs, and Violence,” 
\textsuperscript{57} Spergel, The Youth Gang Problem: A Community Approach, 49.
and “gang-motivated” from 1965-1974, eight from 1975-1985, and thirty-four from 1985-1994. At their peak, gang-motivated, drug-business homicides were a tiny percentage of either gang-motivated homicides or drug-related homicides.\(^{58}\)

The link between gangs and drugs was partially rooted in the depictions of the mass media and the efforts of the Reagan administration. Beginning in the mid-1980s, conservative political entrepreneurs began to use crime politics as an electoral strategy. As Katherine Beckett argued in her landmark book, *Making Crime Pay* (1997), politicians created the public opinion that crime was the most important problem facing the nation, rather than the other way around. In October 1982, when Reagan launched the war on drugs, two percent of people believed that drugs were the most important issue facing the country. Only when Reagan began giving speeches on the topic in support of the Anti-Drug Act of 1986, did public concern rise above single digits.\(^{59}\) After 1984, electoral politics drove the passage of mandatory minimums, which Congress escalated biennially only in the weeks before an election.\(^{60}\) This pattern played out on a local level as well, as members of the City Council majority continually played upon notions of black criminality in order to delegitimize the Washington administration and to portray the Mayor as soft on crime.

This was about more than just conservative politicking.\(^{61}\) Black anti-crime activism over the past decade testified to the fact that key elements of Washington’s electorate did

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\(^{58}\) Block and Block, “Street Gang Crime in Chicago,” 18–19.

\(^{59}\) In 1982, 22 percent of Americans thought that reducing unemployment would be the most effective way to reduce crime; only three percent believed that cutting the drug supply would be more effective. Katherine Beckett, *Making Crime Pay: Law and Order in Contemporary American Politics* (New York: Oxford University Press, 1997), 52–61.

\(^{60}\) Naomi Murakawa, “E lecting to Punish: Congress, Race, and the American Criminal Justice State” (Ph.D. Dissertation, Yale University, 2005), 140–180.

\(^{61}\) Most of the studies that have examined the relationship between crime and politics examine national data. I think this is driven both by easier the availability of data sets covering national political action and public
not see the “gang and drug” problem through the same lens as Ronald and Nancy Reagan. Many activists nonetheless intuited a link between gangs, drugs, and violence. Their concerns were local and immediate: they saw gang violence and drug-dealing in their neighborhoods and in the public spaces that made up the physical confines of their world. Even if gang members were not actually killing each other over drugs, the turf on which gang violence and the drug market flourished overlapped. This was not symbolic, as in the conservative ideology that placed black degeneracy at the center of both problems. Drug markets governed the routine activities of potential victims and offenders and shaped the likelihood of encounters between them; encounters that, while they might have nothing to do with drug distribution, could still get violent within the space of the drug market.²²

By the 1980s, those drug markets were dominated by cocaine sales. After 1981, cocaine use rose nationally, largely due to the innovation of crack cocaine. The process of making crack rocks was safer than freebasing from cocaine and delivered a similarly potent high. Moreover, it made it possible to sell cheap individual hits, opening up the market to a much wider spectrum of individuals.²³ Although disaggregated usage data on crack versus other forms of cocaine does not exist for the 1980s, the best estimate of crack’s prevalence during this period comes from the work of Chicago economists. According to their model, “crack rose sharply beginning in 1985, peaked in 1989, and slowly declined thereafter.”²⁴

Local epidemiological evidence indicates that Chicago generally followed national patterns from the late 1970s through the mid-1980s—with one important exception. Epidemiologist Wayne Weibel noted in June of 1985, “[o]f the commonly abused illicit substances, cocaine remains the only drug to have shown consistent patterns of escalating abuse over the past half-decade. Depressants, stimulants, and hallucinogens, on the other hand, have shown decreasing patterns of abuse within the past year or two. ... [H]eroin and marijuana, have remained relatively stable in recent years.” Chicago diverged from comparably large cities in the timing of the arrival of crack cocaine and in the nature of cocaine use. Although freebasing cocaine was popular by the mid-1980s and accounted for some of the rise in cocaine use that Weibel observed, crack cocaine was rare in Chicago before the very end of the 1980s. Police only reported tiny amounts of crack cocaine seizures as late as 1989 (twenty-two grams seized in January), and there were few emergency room mentions of crack overdoses. The Police Department formed a crack task force only in March 1989. In January 1990, they seized almost eight times as much crack as a year earlier. Even so, once crack took off, the Chicago economists argue that usage never reached the level of New York, Los Angeles, and other northeastern and western cities.

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Policing the War on “Gangs and Drugs”

A new emphasis on gangs and drugs combined with other bureaucratic imperatives to produce dramatic change on the streets. The first important change took place before Wilson’s death. This was the decision to disband the Special Operations Group. Those 700 officers were routed back into Police District, but they did not become patrolmen. Instead, Rice transferred them to the Special Functions Group in the Patrol Division, where they were responsible for aggressive patrol of gang activity.68

Second was the Mayor’s reversal of his earlier plan to cut the number of police in the 1985 budget.69 Instead, he preserved budget lines for 12,000 police officers. Because of retirements and dismissals this meant hiring nearly 500 officers. When seventy new recruits showed up at police academy in the first week of March 1985 for their seventeen weeks of training, they became the first class of officers to start training in more than two years.70 Washington’s 1986 budget went even further, putting in place a plan for the total level of officer staffing to rise to 12,500—matching the increase of 1,000 officers that Washington had advertised on the campaign trail. Because the hires in 1985 barely kept pace with the number of departures, the Department planned on hiring 1,350 more officers to bring the police strength back up to 12,500.71 Getting enough officers through the academy in time to meet this threshold took a Herculean effort.

This plan to hire more officers worked in tandem with the third change: the Administration’s attempt to reassign the patrol force more equitably. What Rice proposed was nothing less than exercising “the department’s responsibility to see that police protection is ‘distributed fairly’ throughout the city.” Simply put: primarily black districts received many fewer police man-hours per reported crime than white areas. Rice aimed to fix this by reconfiguring beats and redistributing personnel. On paper, the Superintendent’s plan was to reduce the total number of beats across the city from 1,261 to 1,000. However, this reduction was more theoretical than actual: Even as 1,261 beats existed on paper, only about 1,000 were manned, a holdover from the previous major reorganization of beats in the early 1960s. Rice’s plan, developed by the Research and Development Division of the Bureau of Administrative Services, used a complicated formula to measure the workload of each beat and apportion them equally. The formula put greatest emphasis on Part I Index Violent Crimes, then Part I Index Property Crimes, then Part II Crimes, and finally other calls for service.

After decades of asking for better protection, black neighborhoods might finally get it under Rice’s proposal. This irritated the Vrdolyak, who invoked the historic right that their neighborhoods had asserted to police protection—even in the face of evidence that those resources were not being fairly distributed. Even more police protection was needed in their neighborhoods, they argued, to prevent them from becoming victims of violent crime. They proposed an ordinance that would require any change in overall staffing levels to be subject to city council approval. In the Superintendent’s words, “that’s how they tried to

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72 Strong and Galvan, “Rice Accused of Concealing Cutback Plans.”
emasculate me … [T]hey were trying to strip me of power to, what power I had to run the department.” Rice argued that this would have worked a wholesale revision of the nature of the power to govern. Vrdolyak’s faction attempted to “usurp[] the responsibilities not only of the police superintendent but the executive branch of government. Executive branch of government controls the police not the legislative branch so they backed off.”

As a formal matter, the grab for executive power failed. But as a political matter the group was at least moderately successful in limiting the re-deployment of police resources. To cool neighborhood fears, the Mayor promised that, while high crime areas would get new officers, they would only come through new hires and the addition of more officers to the street through other strategies.

Beginning on December 3, 1984, when Washington held a press conference to announce his intentions to do something about gangs, the policing of gangs and drugs began to change. In addition to announcing the creation of the Task Force, he announced three suppression measures designed to disperse gangs from congregating within Chicago Housing Authority buildings, deploy more policemen on the streets against gang crime and street violence, and use state and federal laws against guns and narcotics trafficking to put gang members in prison. Both the right and left hands of the state would play a role in confronting the gang problem.

Unlike the constant wrangling over the Task Force in the City Council, the Mayor’s instructions to the Police Department could be implemented quickly. By the end of December 1984, the Chief of the Patrol Division had written a special order, implementing two programs: The first provided for periodic checks of Chicago Housing Authority buildings by uniformed officers. Personnel for such checks would be drawn from Public Housing, Gang Crimes, and district tactical units, and coordinated by the Deputy Chief of the Special Functions Group. The Deputy Chief was also to coordinate a second set of inspections of licensed premises where gang members were known to congregate. These were to be performed by one uniformed sergeant and four uniformed police officers from Special Functions, as well as city inspectors from the appropriate department.  

The Police Department’s management process helped the Police Superintendent to focus in on “gangs and drugs” through identifying yearly objectives, outlining the intended outcomes and major tasks necessary to meet those outcomes, and reporting each month on progress. One way of making the goals concrete was to assign numbers: for example, in 1986, Rice declared that in order to increase the number of arrests, the Patrol Division that “one percent of [its] manpower will concentrate on narcotic enforcement.” In addressing gang-related crime, such plans directed the Patrol and Youth Divisions to “intensify curfew and truancy enforcement as a proactive measure to limit the opportunity for crime.” Gang Crimes Division personnel, by design, focused more intently on policing narcotics. For example, reporting on their output for the fall of 1986, the budget office noted, “Vice arrests

78 A rough calculation: 7,000 patrolmen * 40 hours a week * 48 weeks * 1% = 134,000 man hours in the patrol division on drugs. “Routine Objective #2,” 1986, HWAC Public Safety 20-4.
for the quarter are up more than 10% due to increased emphasis on gang related narcotic operations.”

The creation of Work Plans by the Superintendent provided an avenue for turning “gangs and drugs” into a bureaucratically manageable problem. It could become a set of target numbers whose mere existence would justify the focus on “gangs and drugs.” Over time, the police became more adept at turning a desired outcome into a specific set of steps whose performance could be subjected to such measurements. Efforts to “increase and enhance enforcement of laws pertaining to narcotics,” yielded a set of highly specific, but arbitrary, goals; for example, increasing the number of “raids by the Narcotics Section by 3%,” “arrests for delivery and sale of narcotic substances by 3%,” “arrests for possession of narcotic substances by 2%,” “narcotics seized as measured in pounds by 5%,” and “narcotic raids by the Patrol Division by 2%.” The Police Department translated the abstractions of the war on gangs and drugs into measurable numbers.

The Results of Bureaucratic Goals

The Washington Administration’s attempts to bring fairness to policing incorporated greater policing of gangs and drugs into the bureaucratic infrastructure. The mix was potent: There were more cops on the street; these cops were more likely to be in the local Police Districts—especially Police Districts in poorer, black neighborhoods—than they had previously been; black gangs were more involved in narcotics than other gangs; black people were more likely to be in the public spaces that the department had been ordered to target;

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and patrolmen were instructed to make more gang and narcotic arrests, and the performance of departmental managers was judged on how well they met specific arrest targets.

These bureaucratic changes drove drug arrests. The dramatic increase in the arrest rate for drug crimes during Washington’s tenure was product of patrolmen arresting more people engaged in small-time drug deals, rather than the narcotics section bringing in big cases. For example, in 1986, the Police Department’s Annual Report catalogued more than 21,000 arrests for narcotics offenses. Of these arrests, the narcotics unit made only 1,791. As well, it executed 1,836 search warrants and seized more than 2,174 pounds of drugs. (Over the course of the year the department destroyed 6,401 pounds of drugs.) Such a conclusion is augmented by the massive increases in drug arrests as a total percentage of arrests, which reflected the greater emphasis on making drug arrests across the police force. The year before Washington entered office, drug arrests made up 4.3 percent of all arrests. By the end of his final year in office, they made up more than eleven percent of arrests. To put this in perspective, in 1985, the Chicago Police Department made 7,062 arrests for serious violent crime. These consisted of only 2.8 percent of all arrests. The policing of drugs became much more important to the general activities of the Chicago Police Department. Following Washington’s death this ratio would continue to climb until it reached 23 percent.

82 Chicago Police Department, Annual Report (1986), 12.
83 Here I use the FBI’s definition of serious violent crime, which include murder and non-negligent manslaughter, rape, aggravated assault, and robbery. See “Crime in the United States,” http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/violent-crime. This number may actually understate the number of serious violent crime arrests, either because Chicago was not properly counting aggravated assault arrests or because the definition of aggravated assault was changed to reflect a broader conception. In 1987, there were 447 aggravated assault arrests; in 1988, there were 8558. These number remained at levels much closer to the latter number.
In addition, arrests of black Chicagoans for drug crimes began to skyrocket while arrests of non-blacks remained relatively flat. By 1987, there were 18,777 black drug arrests (a rate of 1,758 per 100,000), while non-blacks were only arrested 6,155 times for drug crimes (a rate of 358). As discriminatory as 3:1 seems—and as we have seen, that was better than what came before—between 1985 and 1987 the black to non-black ratio escalated to 4.9:1. It continued to grow after Washington’s death, stabilizing at a ratio of more than six-to-one over the 1990s.

The final important change concerned changes in arrest patterns. The proportion of arrests for marijuana fell slightly and the proportion for other controlled substances increased slightly during the Washington years. When the data is disaggregated by race, it shows a slightly different pattern. While non-black arrest rates continued climbing at comparable rates, even after the heroin boom ended, black arrest rates for the two different categories of drugs moved in opposite directions. Between 1975 (controlled substances) and 1976 (marijuana) and 1978, rates of arrest fell for both. Between 1978 and 1982, black arrest rates for controlled substances continued falling while marijuana rates climbed. Over the period from 1983 to 1987, black arrests for controlled substances caught up to and, ultimately, overtook marijuana arrest rates.

The fact that cocaine usage rates remained stable and even increased throughout the late 1980s and early 1990s demonstrates that in this moment there may have again been some relationship between the drug use and arrest rates. Whatever the veracity of this fact, it remains true that this applied almost exclusively to black Chicagoans, for cross-racial drug use rates have no relationship to arrest rates. As one longitudinal epidemiological study of a cohort of Woodlawn youths found that the drug use there matched that of the national
The belief that drug usage in poor and minority communities is high, therefore, is based on a mistaken set of assumptions. Neighborhood disadvantage, population density, and minority residents go far in explaining the location of drug markets. But, according to the authors, “visibility of drugs in particular communities does not necessarily imply drug use among residents of those communities.”

By choosing to target black people for drug crimes, the Chicago Police Department drove the increase in the number of persons incarcerated for drug crimes. Despite a common legal framework and common drug usage patterns, differences in drug arrest rates between Chicago and the rest of the state skyrocketed during the 1980s. From its nadir in 1978 to its peak in 1990, this ratio went from 2.3 to 8.4, an increase of more than three-and-a-half times. Simply put, there is no reason to presume that the massive differences in drug arrest rates between Chicago and the rest of Illinois can be explained by differences in drug usage in any major part.

* * *

84 The youths who attended first grade in 1966-67 the study was done during the 1992-1994 period. Margaret E. Ensminger, James C. Anthony, and Joan McCord, “The Inner City and Drug Use: Initial Findings from an Epidemiological Study,” Drug and Alcohol Dependence 48 (1997): 182. Woodlawn residents were slightly more likely to have used drugs within the past year than US residents generally, possibly indicating more continuing drug use. Ibid., 180–183. Woodlawn appears to follow a general pattern: “[a]lthough African Americans are less likely than the general population to initiate substance use in adolescence, those who do so are more likely to continue and to progress to heavy use. These results are consistent with findings that African Americans have relatively low rates of lifetime use but high rates of recent use.” Leonard Saxe et al., “The Visibility of Illicit Drugs: Implications for Community Based Drug Control Strategies,” American Journal of Public Health 91 (2001): 1987.

85 In contrast to its high covariance with drug markets, when it came to drug usage, greater neighborhood disadvantage only predicted a slight increase. Ethno-racial identity had even less of a relationship with drug usage. With ethno-racial identity neighborhood disadvantage held constant, individual minority residents “are less likely to be users, and there is no relationship between ethnicity and drug dependence. … Proportion of minority residents has a small negative effect on use at the neighborhood level.” Saxe et al., “The Visibility of Illicit Drugs: Implications for Community Based Drug Control Strategies,” 1992.

86 This argument has particular temporal dimensions that should be noted. During the early postwar period, as Eric Schneider argues, heroin use was highly geographically concentrated in particular neighborhoods: In NY 80 percent of male heroin users came from 15 percent of the city’s census tracts; these tracts were largely poor and Puerto Rican or black. Schneider, Smack: Heroin and the American City, 43.
Washington’s desire to serve his constituents in poor, black neighborhoods led perversely to dramatically greater racial disproportionality in arrests. With the realignment of beats came more patrolmen into black neighborhoods; these patrolmen were specifically charged with ferreting out drugs. Similarly, the arrest data shows that black street gang members were more likely to be arrested for narcotics-related gang crime, so the increasing interest in gang crime only increased the racial disparity. Finally, renewed attention to the safety of public spaces, such as housing, schools, trains, and streets, made it more likely that black youth would be arrested, simply as a result of increased police presence. Altogether, the new attention produced a self-justifying but discriminatory cycle. Such dynamics were only accentuated by the police employment, by their own description, of more aggressive tactics, with confrontations between police and “suspicious-looking groups of youths” increasingly ending in “name checks, frisks, and a real possibility of arrests.”

In the first year of C.I.N.’s existence, the City spent approximately $16.5 million on its Gang Crimes Section alone—about four times the price of C.I.N. Political considerations that were deeply shaped by the city’s racial divisions over issues of crime and punishment operated as a break on reallocating police funds to other functions. The police budget was jealously guarded both by Washington’s constituents and the Vrdolyak 29. If the city was to intervene against gangs and drugs, using the Police Department was politically the most feasible strategy.

88 “The $24 million includes $14m in personnel service costs for the investigations conducted by the violent crimes units of the detective division. In addition $10m has been identified for the costs associated with the Department’s overall responsibility for prevention, apprehension and prosecution of violent criminal offenders. The cost was estimated based upon the Part I Index Violent Crimes’ Percentage as computed from the total number of calls for service reported during Police Periods 7 through 13, 1983 and 1 through 6, 1984.” Dennis E. Nowicki to Leslie Jacobs, Enclosure, HWAC Public Safety 8-2.
Between 1983 and 1987 a full-blown strategy for policing drugs emerged that became the bedrock of the war on drugs in Chicago over the full course of Washington’s mayoralty. Over time, the state and federal focus on drugs exacerbated local policy choices, but local actors nonetheless remained important. As Mona Lynch put it: “Although sentencing statutes have been toughened at the state and federal levels, thereby creating the capacity for mass incarceration, mass incarceration has not been realized without local-level criminal justice actors transforming their daily practices to send more and more offenders away to state penal institutions.”

CONCLUSION

The history related in *Policing, Race, and Politics in Chicago* ended with the depressing reality of the rise of a race-based war on drugs in the mid-1980s launched by Harold Washington as Mayor and Fred Rice as Police Superintendent. This trend would only accelerate under their successors, as changes in state and federal laws goaded the city further down this path. If these experiences proved anything, it was that when police were given the job of targeting and arresting a particular kind of offender, they did it with great success. By contrast, the persistence of discriminatory and abusive police practices despite decades of activism provided a cautionary tale about successfully reforming the police. By late 1973, it appeared that the Mayor really could no longer ignore police brutality. Yet within half a decade, the occasional torture of suspects by John Burge and other detectives became a habitual practice, often used to coerce false confessions. Nor did complaints about routine street brutality, or shooting by police officers, ever decline to acceptable levels.

The difficulty, as Robinson, the League, and many others repeated *ad nauseum* during the 1970s, was that the police were fundamentally part of the social order, despite the efforts of law and order proponents to set them apart. During the heyday of the League’s struggle, the most salient fact about that order seemed to be the role of the Daley machine in constituting it. By turning to electoral politics outside of the regular Democratic organization, Renault Robinson and other League members, as well as Harold Washington, hoped they could bring fundamental transformation. But even in the moment they achieved political success, the United States was undergoing a series of broader political, economic, and social changes that made it harder for Washington to deliver on this promise. The
ongoing social stratification of the metropolis during the 1970s and 1980s, left law enforcement with an expanded set of tasks even as available resources contracted. Harold Washington’s election did not change this. The Mayor and his Superintendent could only scratch the surface of the existing hierarchies of power within the Police Department, let alone transform the social role played by the police. For either task, he had fewer tools and fewer allies than his predecessors.

Resources were not the only problem. As the tenure of Superintendent O.W. Wilson illustrated, police officers were social beings that brought their experiences with them onto the force, embedded both in their individual personas and in the collective culture and traditions of the Department. Reform programs did not eliminate or even necessarily attenuate pre-existing social ties or political perspectives; they even may have exaggerated them. In turning to law and order in the 1960s, police officers often sought to vindicate their vision of a social order in which black people were subordinate. By failing to grapple with these social visions, police reformers continually failed to recognize the humanity of their police officers. Neither Superintendent Wilson nor Rochford reckoned with the beliefs of their subordinates or the institutional culture of policing. Instead, each hoped that changes in supervisory and command personnel, better organization and oversight, or newer technology might render them irrelevant.

The deep association between race and crime was the single most important obstacle to reforming the police during the 1970s and 1980s, and it continues to serve as a major impediment to reform today. Time and again during the 1970s, the efforts of black activists and politicians to make anti-crime measures a crucial element of their program proved to be a political liability. Raising the specter of crime nearly always produced intra-racial division,
as questions about the failure of the state to eliminate black people’s disproportionate vulnerability to violence were turned back onto black people and communities as evidence of their racial distinctiveness. Even as people have become more egalitarian in their conscious beliefs, “common sense” understandings of the relationship between race, drugs, and homicide continue to justify the targeting of black communities. Drug crime, rather than race, was made the target; yet the outcomes were, if anything, far more discriminatory as officers set out to eliminate the scourge. Police practices can improve, even if such associations remain operative. But problems of disproportionate violence and exclusion along racial lines will not disappear until police reformers acknowledge the fallacy of such illicit associations and seek to eliminate them for their logic by which their institutions operate.
## APPENDIX I: TABLES

### Table 1: Black Policemen, 1900-1930, 1961¹

<table>
<thead>
<tr>
<th>Year</th>
<th>Black Police</th>
<th>Total Police</th>
<th>Black Police</th>
<th>Black Residents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td>21</td>
<td>2,825</td>
<td>0.74%</td>
<td>1.78%</td>
</tr>
<tr>
<td>1910</td>
<td>48</td>
<td>4,226</td>
<td>1.14%</td>
<td>2.02%</td>
</tr>
<tr>
<td>1920</td>
<td>89</td>
<td>4,631</td>
<td>1.92%</td>
<td>4.05%</td>
</tr>
<tr>
<td>1930</td>
<td>137</td>
<td>6,163</td>
<td>2.22%</td>
<td>6.93%</td>
</tr>
<tr>
<td>1961</td>
<td>1,188</td>
<td>10,065</td>
<td>11.80%</td>
<td>22.89%</td>
</tr>
</tbody>
</table>

¹ The first three columns come from Gosnell, *Negro Politicians*, 253, tbl. X. The population data comes from the US Censuses for 1900, 1910, 1920, and 1930.
Table 2: Democratic Primary for State’s Attorney (1972)

<table>
<thead>
<tr>
<th></th>
<th>Moore</th>
<th>Berg</th>
<th>Hanrahan</th>
</tr>
</thead>
<tbody>
<tr>
<td>Countywide</td>
<td>28.3%</td>
<td>29.6%</td>
<td>42.0%</td>
</tr>
<tr>
<td>Citywide</td>
<td>24.7%</td>
<td>36.5%</td>
<td>38.8%</td>
</tr>
<tr>
<td>White Ethnic Wards</td>
<td>15.0%</td>
<td>31.6%</td>
<td>53.4%</td>
</tr>
<tr>
<td>Black Wards</td>
<td>38.2%</td>
<td>45.8%</td>
<td>16.1%</td>
</tr>
<tr>
<td>Lake Shore</td>
<td>40.5%</td>
<td>29.9%</td>
<td>29.6%</td>
</tr>
</tbody>
</table>
Table 3: General Election for State’s Attorney (1972)

<table>
<thead>
<tr>
<th></th>
<th>Hanrahan (D)</th>
<th>Carey (R)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Countywide</td>
<td>47.1%</td>
<td>52.9%</td>
</tr>
<tr>
<td>Citywide</td>
<td>52.6%</td>
<td>47.4%</td>
</tr>
<tr>
<td>White Ethnic Wards</td>
<td>58.5%</td>
<td>41.5%</td>
</tr>
<tr>
<td>Black Wards</td>
<td>39.6%</td>
<td>60.4%</td>
</tr>
<tr>
<td>Lake Shore</td>
<td>39.9%</td>
<td>60.1%</td>
</tr>
</tbody>
</table>
Table 4: Chicago Police Department Personnel, 1972

<table>
<thead>
<tr>
<th></th>
<th>Exempt</th>
<th>Capts</th>
<th>Lts</th>
<th>Sgts</th>
<th>Investgs</th>
<th>Youth</th>
<th>Women</th>
<th>Patrol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>7</td>
<td>1</td>
<td>13</td>
<td>126</td>
<td>97</td>
<td>46</td>
<td>15</td>
<td>2003</td>
</tr>
<tr>
<td>Total</td>
<td>78</td>
<td>94</td>
<td>299</td>
<td>1355</td>
<td>1222</td>
<td>226</td>
<td>89</td>
<td>9333</td>
</tr>
<tr>
<td>Percent Black</td>
<td>9.0%</td>
<td>1.1%</td>
<td>4.3%</td>
<td>9.3%</td>
<td>7.9%</td>
<td>20.4%</td>
<td>16.9%</td>
<td>21.5%</td>
</tr>
</tbody>
</table>
**Table 5: LEAA 3-Step Fund Suspension Regime**

<table>
<thead>
<tr>
<th>Step 1: Trigger</th>
<th>Finding of non-compliance by</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(a) a federal or state court, or a federal or state administrative agency, or</td>
</tr>
<tr>
<td></td>
<td>(b) the Attorney General, leading to the filing of a lawsuit or</td>
</tr>
<tr>
<td></td>
<td>(c) LEAA investigators, leads to notification of state governor to seek compliance</td>
</tr>
</tbody>
</table>

| Step 2: Voluntary Compliance | The governor has 60 days to seek voluntary compliance. If |
|------------------------------| (a) voluntary compliance is not achieved, or |
|                              | (b) an administrative has not absolved the recipient, payment of further LEAA funds is suspended. |

| Step 3: Administrative Hearing | Recipient has 120 days to seek an administrative hearing. The LEAA must grant this request within 30 days of receipt. Payment may be terminated permanently if after the hearing the recipient is found to be in non-compliance. |
### Table 6: Racial and Ethnic Categories Used in Arrest Statistics by the Chicago Police

<table>
<thead>
<tr>
<th>Years</th>
<th>Race</th>
<th>Ethnicity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1966-1969</td>
<td>White, Black, Other</td>
<td>None</td>
</tr>
<tr>
<td>1970-1972</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>1973-1980</td>
<td>White, Black, Indian, Chinese, Japanese, Other</td>
<td>None</td>
</tr>
<tr>
<td>1981-1986</td>
<td>White, Black, American Indian or Alaskan Native, Asian or Pacific Islander</td>
<td>Hispanic</td>
</tr>
<tr>
<td>1987-1992</td>
<td>White, Black, American Indian or Alaskan Native, Asian or Pacific Islander</td>
<td>None</td>
</tr>
<tr>
<td>1993-1997</td>
<td>White, Black, Asian, Native American, Other</td>
<td>Hispanic</td>
</tr>
<tr>
<td>1998</td>
<td>White, Black, White Hispanic, Black Hispanic, Native American, Asian, Unknown</td>
<td>None</td>
</tr>
<tr>
<td>1999-2000</td>
<td>White, Black, Hispanic, Asian, Other, Unknown</td>
<td>None</td>
</tr>
</tbody>
</table>
Table 7: Drug Regimes in Chicago

<table>
<thead>
<tr>
<th>Years</th>
<th>Metaphor</th>
<th>Arrest Ratio (Black / Non-Black Drug Arrest Rates)</th>
<th>Drug Ratio (Drugs / All Arrests)</th>
<th>Marijuana Ratio (Marijuana / All Drug Arrests)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950 - 1965</td>
<td>Containing Users</td>
<td>Highly Disproportionate</td>
<td>Many Arrests of Few Users</td>
<td>Focus on Heroin</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1965 - 1982</td>
<td>Stop the Spread</td>
<td>Steady Average 3 : 1</td>
<td>Slow Rise and Fall 4.3% to 6.1% to 4.3% (1970 - 1976 - 1982)</td>
<td>Steady Growth: 38.5% to 67.5% (1966 - 1982)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(1966 - 1985)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


APPENDIX II: FIGURES

Figure 1: Racial Composition of the Chicago Police Department

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1 Justin McCrary, “The Effect of Court-Ordered Hiring Quotas on the Composition and Quality of Police.” *American Economic Review* 91 (2007), 324 fig. 1A.
Figure 2: Homicides in Chicago, 1965-1995

![Graph showing homicides in Chicago from 1965 to 1995. The graph compares homicides that were not gang-motivated or drug-related, gang-motivated, and drug-related.](image-url)
Figure 7: Proportion of Total Government Expenditures and Revenues, 1932 and 1970

1932 Revenues
- Federal: 23%
- State: 23%
- Local: 54%

1932 Expenditures
- Federal: 62%
- State: 20%
- Local: 18%

1970 Revenues
- Federal: 54%
- State: 20%
- Local: 18%

1970 Expenditures
- Federal: 54%
- State: 22%
- Local: 24%
Figure 4: Structure of Law Enforcement Assistance Agency Funding
Figure 5: LEAA Spending on Chicago Police, 1969-1971

- Community Service Aides: 44%
- Headquarters Construction: 29%
- Radios: 19%
- Surveillance, Identification, Records: 4%
- Riot Gear: 3%
- Technical Equipment: 1%
Figure 6: Arrests for Part I Index Crimes in Chicago, 1966-1982

Burglary
Auto Theft
Assault
Robbery
Criminal Homicide
Rape
Figure 7: Public Order Arrests in Chicago, 1960-1979
Figure 8: Timeline of AAPL Administrative Compliance and Litigation

1970
MAR. 9
AAPL sued CPD
( Robinson v. Conlisk)

1971
JULY 2
AAPL filed LEAA administrative complaint

1972
MAR. 7
LEAA consultants began study
SEPT. 6
LEAA study released

1973
MAY 16
Alliance sued CPD
(Camacho v. Conlisk)
MAY 22
LEAA referred AAPL complaint to DOJ
AUG. 15
DOJ filed U.S. v. Chicago
SEPT. 15
AAPL filed ORS administrative complaint

1974
FEB. 7
AAPL sued Treasury
( Robinson v. Shultz)
APR. 4
ORS ordered to notify CPD of non-compliance
APR. 24
Discrimination suits consolidated (N.D. Ill.)
MAY 28
Preliminary injunction hearing (N.D. Ill.)
JUNE 16
ILEC suspended grants to CPD

1975
MAR. 10
Consolidated trial on the merits begins
APR. 19
City administered new patrol officer exam
APR. 21
General revenue sharing injection continued (N.D. Ill.)
JUN. 26
End of arguments in merits trial
DEC. 16
City borrowed $55m

1976
JAN. 6
Robinson v. Shultz transferred to N.D. Ill
MAR. 31
Release of revenue sharing funds scheduled

1977
JAN. 11
7th Circuit affirmed decision on the merits
SEPT. 23
Marshall ruled in favor of AAPL members

1975
JAN. 11
7th Circuit affirmed decision on the merits
SEPT. 23
Marshall ruled in favor of AAPL members

1976
JAN. 5
Marshall ruled for plaintiffs
MAR. 31
Release of revenue sharing funds scheduled

1977
MAR. 9
AAPL sued CPD
( Robinson v. Conlisk)
JULY 2
AAPL filed LEAA administrative complaint
MAR. 7
LEAA consultants began study
SEPT. 6
LEAA study released
MAY 16
Alliance sued CPD
(Camacho v. Conlisk)
MAY 22
LEAA referred AAPL complaint to DOJ
AUG. 15
DOJ filed U.S. v. Chicago
SEPT. 15
AAPL filed ORS administrative complaint
FEB. 7
AAPL sued Treasury
( Robinson v. Shultz)
APR. 4
ORS ordered to notify CPD of non-compliance
APR. 24
Discrimination suits consolidated (N.D. Ill.)
MAY 28
Preliminary injunction hearing (N.D. Ill.)
JUNE 16
ILEC suspended grants to CPD
MAR. 10
Consolidated trial on the merits begins
APR. 19
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Figure 9: Chicago Police Department Demographics
Figure 10: Efficiency Ratings: Indices of Representation by Race
Figure 11: Index Crimes
Figure 12: Disorderly Conduct, Drunkenness, and “Other Arrests” by Race
Figure 13: 1975 Aldermanic Race 7th Ward

- Robert Wilinski: 42%
- Gerald Jones: 25%
- Leon Rice (D): 11%
- Edward Piotrowski (IVI): 11%
- Wilbur Gaines: 4%
- Howard Saffold (AAPL): 5%
- Dennis Dixon: 2%
Figure 14: 1975 Aldermanic Race 28th Ward

- J.L. Washington (D) 59%
- Eddie Smith (R) 16%
- Curtis Foster (R) 14%
- Frank Lee (AAPL) 11%
Figure 15: Homicide Rates by Age
Figure 16: National Trends in Annual Use of Illicit Drugs by 12 Graders

Data are from Monitoring the Future (2012), Data Table 16 (accessed 12/11/2013), http://www.monitoringthefuture.org/data/12data/pr12t16.pdf
Figure 17: Drug Arrest Rates
Figure 18: Drug Arrest Rates by Racial Group
Figure 19: Google ngrams for “drugs,” “gangs,” and “drugs and gangs”

“Drugs”

“Gangs”

“Gangs and Drugs”
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