

Police Terror in Harlem

From the Text of the Suppressed Official Report

On March 19, 1935, following a rumor that a boy had been killed as a consequence of a petty theft in a local chain store, Negro Harlem was gripped by a riot of terrifying proportions. In the course of this, several killings by police occurred. The feeling of Harlem residents was at fever pitch. Forced by the mass protests of Harlemites and workers and liberals throughout the city, Mayor LaGuardia appointed a special Negro and white commission to investigate the causes of the outbreak.

A year later, on April 3, 1936, the Commission turned in its report. Mayor LaGuardia has never made it public. Last week the commission went to him to ask him to release it. He has not done so.

THE NEW MASSES herewith presents the first, exclusive publication of the part of the report relating to police activities in Harlem. Its content fully bears out the charges of brutality brought against the police by Harlemites prior to and during the flare-up of March 19, 1935. We urge our readers to write or telegraph to Mayor LaGuardia, demanding that he make public the full report of the commission immediately and carry its recommendations into effect.—THE EDITORS.

CHAPTER VIII

[Sections 1 and 2, dealing with Juvenile Delinquency and Adult Delinquency, are omitted here for lack of space.]

3. The Police in Harlem

NOTHING revealed more strikingly the deep-seated resentment of the citizens of Harlem against exploitation and racial discrimination than their attitude toward the police when the latter were called to testify before the Commission. This resentment was not due solely to the killings that had dramatized the brutal behavior of the police. It was due in a large measure to such incidents as that related in the following letter to the Mayor:

— West —th Street,
N. Y. C., April 26th, 1935.

Mayor Fiorelli La Guardia,
City Hall, N. Y. C.
Your Honor:

I wish to respectfully call your attention to a very high handed act of the police of the 23rd precinct.

My wife and I occupy one room and kitchenette at the above address.

On Tuesday morning, April 16th, 1935, between 10 and eleven o'clock A.M., The superintendent of the house rapped at my door. Upon opening it I was confronted by three men. (men in civilian clothes) who the superintendent said were policemen. He explained that the men

were searching the house, for what he did not know.

The men entered the room, and proceeded to search without showing shields or search warrant. I asked twice of two of the men what was the reason for such action. I received no answer from any of them.

My dresser drawers were thoroughly gone into, dresser cover even being raised. My bed came in for similar search, covers were dragged off and mattress overturned. Suit case under my bed was brought up and searched. My over coat hanging on the door was gone over and into. My china closet was opened and glass ware examined. After this startling act the men left my room, still without saying a word.

Now Mr. Mayor, we are a law abiding, honest, Christian couple, having never run afoul of law and order. This police action has caused us quite a little worry, especially as there is no assurance that it will not happen again.

We have brought this incident to your attention, feeling that you will have the matter looked into, and that you will advise us as to our next step in the matter.

Respectfully yours,

One might be inclined to believe that the incident was false or at least exaggerated, had not policemen themselves testified at the hearings that they entered the homes of Negro citizens without a warrant and searched them at will. The case of Robert Patterson, a Negro, which was heard before the Commission, offers an excellent example of the behavior of the police in Harlem.

The records of the Police Department show that on May 5th an anonymous telephone call was received stating that this man was wanted in Philadelphia on the charge of murder and that he had concealed weapons in his house. Several hours later two detectives entered Patterson's home without a warrant, routed him out of bed, searched for concealed weapons, found none and brought him to the police station. Patterson stated that he had come from Philadelphia, that he had known the man he was accused of murdering, that the deceased had died in Harlem Hospital in New York and that he had been released after an earlier inquiry into the same matter. Still the police did not release him but communicated with the Philadelphia police who then asked for his fingerprints. After they were received in Philadelphia, the police there declared that Patterson was not wanted as there was no record of any such murder. After two days in jail, Patterson was released.

Thus it appears that the police arrested an innocent man on an anonymous complaint, in spite of the fact that the law requires that a citizen be not arrested, when charged with a felony, without a warrant or unless the arresting officer has definite knowledge that a felony has been committed and reasonable cause to believe that the person charged or suspected committed the felony. In this case the police went beyond the law in arresting Patterson and searching his home, for the

detectives had neither the warrant nor the knowledge required by the statute. The Commission asked Inspector Di Martini, Lieutenant Battle and the detective who made the arrest for their interpretation of the law. It was not in accord with the statute and the Commission felt that the large audience was justified in shouting that the law is not being applied in connection with the arrests of Negroes.

The insecurity of the individual in Harlem against police aggression is one of the most potent causes for the existing hostility to authority. One of the excuses which the police offer for illegal searches of persons and their property is the quest for policy slips. We have already shown above that 2,089 or 31.9 percent of the arrests in Harlem during the first six months of 1935 were for this offense. After a witness had testified before the Commission that his home had been subjected to illegal search for policy slips, more than twenty-five people indicated in response to a question by the Commission, that they had been subjected to search for policy slips, only one admitting that he had had policy slips in his possession. Another occasion that often affords the police of Harlem an excuse for invading the personal rights of its citizens is when white and colored people are seen con sorting together. Although the police are especially likely to interfere if a colored man is with a white woman, one witness testified before the Commission that he was arrested and taken to the police station because he was walking with a colored woman. He was held for a time until he could prove to officer that he was a colored man! Moreover it was brought out by white witnesses, who were arrested during the riot, that the police attempted to impress upon them by words and acts of brutality that whites were to associate with "the black bastards in Harlem."

In the chapter on the outbreak of March nineteenth, reference has already been made to the inexcusable killing of Lloyd Hobbs and the attempt of the police to justify killing by making the boy appear as a burglar escaping with his loot. In the Hobbs case it is significant that in the police record given to one of our investigators there was no reference to loot having been found on the boy. However, a subsequent inspection of the police record revealed that a statement had evidently been added later. An instance of police brutality, which occurred just six days prior to the outbreak of March nineteenth and aroused considerable resentment against the police of Harlem, was the Aiken case.

Thomas Aiken, a young Negro, 28 years of age, and who came from a respectable

was standing in a bread line in the 169th Infantry Armory Building on March 13, 1935. He had gone to the Armory in order to get a "free" meal because, being unemployed, he did not want to depend entirely upon his relatives and friends. When Mr. Aiken got in line at about 10:30 in the morning, there were about 150 men ahead of him. At about 1:30 in the afternoon, when the line had reached the point where he would have soon received his food, he was shoved a bit out of line by other men who had placed themselves in line. At this point, two policemen, namely David Egan and Eugene Cahill, came to him and, with abusive language, told him to go to the end of the line which now had increased to about 800 men. Aiken protested, stating that he was out of line due to the constant pushing by the men and that he had a right to remain where he was, having been in line since 10:30 in the morning. With this protest, he was labeled a "smart nigger" and immediately was set upon by the two police officers who were assisted by another white man, known as "Cap," who is in charge of feeding the men who come to the Armory. Aiken was first struck in the mouth by a blunt instrument, and as a means of protecting his face, he threw up his hands. Someone from the rear struck him on the head and again he was struck in the face and in the left eye. At this point, he fell to the floor unconscious, and he lay there nearly 30 minutes. Finally he was dragged across the armory floor, and the policemen put in a call for the patrol wagon. Aiken states that he could hear the policeman telling the ambulance surgeon to clean the blood from the face in order that he could be taken to the police station. The doctor is reported to have stated that the man (Aiken) was in a serious condition, which necessitated his being taken to the hospital. Aiken was placed in the ambulance and taken to Harlem Hospital, where he was admitted as a prisoner and received emergency treatment. The admitting physician diagnosed the injuries as being "traumatic rupture of the left eyeball."

When the arresting officer became aware of the serious results of his brutality, he created a defense for his actions by charging Aiken "with wilfully and wrongfully striking an officer on the left side of face with clenched fist." Aiken was confined as a prisoner at Harlem Hospital where an operation was performed to save his injured eye.

March 20th, when the physician's report of his condition had improved sufficiently to permit him to be moved, he was transferred to the prison ward of Bellevue Hospital. There another attempt was made to remove his eye, which finally had to be taken

On April 10th Aiken was discharged to the 12th District Court, where he was arraigned before a magistrate on a charge of felonious assault preferred by the arresting officer, and the bail was set at \$500, which was later reduced to \$25, and the case was adjourned until April 23rd. He was adjourned on several occasions before the above date by request of the arresting officer, who was represented by Assistant District Attorney Leo, assisted by the officer's personal counsel. At another hearing before Magistrate Lewis, sitting in the 7th district court, it was held that the corroboration of the officer's testimony made a prima facie case, and with no other evidence, the judge sent the case to the grand

April 20th, the Subcommittee on Crime Commission convened to hear testi-

mony regarding the Aiken case. After Mr. Aiken testified, the chairman of the Subcommittee asked Patrolman David Egan if he wished to testify. He replied by stating, "I do not wish to testify. Whatever testimony I would give would defeat the ends of justice." Patrolman Eugene Cahill was asked if he wanted to testify. He replied by repeating word for word the statement made by his fellow officer. It was obvious that the two policemen had rehearsed their answers, although it was doubtful whether they could have told what was meant by their statements. These officers were backed in their refusal to testify by a letter from the District Attorney, William C. Dodge, addressed to the Police Commissioner.

When we consider the part which the Medical Superintendent of Harlem Hospital played in the defense of the brutality of the policemen in the Aiken case, it will help to show why the residents of Harlem have so little faith in that institution. Since Patrolman Egan had claimed in court that he had suffered a laceration of the mouth and several of his teeth had been knocked out, a diligent search of the records of Harlem Hospital was made. Although no record was found of a policeman's having been treated, *nevertheless, the Medical Superintendent stated that he had given the policeman involved a statement to the effect that he had been treated at the hospital!* Thus it is apparent that an official in one of the most important institutions in Harlem is willing to assist policemen in their efforts to justify their brutality toward Negroes.

Another case of alleged police brutality, occurring a few days after the outbreak of March nineteenth, was brought to the attention of the Commission. This case involved Patrolman Zabutinski who, in August, 1934, had shot and killed a sixteen [year] old Puerto Rican boy because he ran, after being surprised in an act of burglary. Patrolman Zabutinski was called about four o'clock on the morning of March 23, 1935, to arrest one Edward Laurie, a Negro 32 years of age, who was charged with disorderly conduct by a Negro manager of a restaurant on Lenox Avenue. Evidence was presented to show that Laurie had been drinking and that he struck the policeman a slight blow. Patrolman Zabutinski struck him in return with such violence as to knock Laurie to the sidewalk, fracturing his skull so badly that he died in the hospital fifty minutes later. Even if the story of the officer is accepted as entirely true, it is obvious that he was in no jeopardy whatever, and that Laurie was unsteady on his feet and was totally unarmed. Here then was a case in which good police work, such as pinioning the man's arms and leading him away, would have prevented a killing and thereby not offered further confirmation of the belief of the majority of the Negro citizens of Harlem that the life of a Negro is cheap in the estimation of the police.

The cases which have been cited here in-

dicate to what extent the police of Harlem invade the rights of Negro citizens. This invasion of the rights of Negro citizens involves interference in the association of whites and Negroes, searching of homes without a warrant and the detention of innocent men in jail, and even the mutilation and killing of persons upon slight provocation. Of course, in fairness to the police it should be stated that there are many conscientious and humane policemen who are not guilty of these offenses against the citizens of Harlem. Yet, inasmuch as the Police Department seems to make little effort to discipline policemen guilty of these offenses but either hides behind such subterfuges as the exoneration given by grand juries or actually justifies the infringement of the rights of Harlem's citizens, then the Police Department as a whole must accept the onus of these charges. For example, in response to a letter from the chairman of the Subcommittee on Crime and the Police of the Mayor's Commission setting forth these complaints against the police of Harlem, the Police Commissioner, Louis J. Valentine, maintained that there was no reason for disciplinary action against the police, stated the action of the grand jury without comment in each of the cases, and even justified the action of the police in the Patterson case!

Such attempts on the part of the police officials to justify the brutality and aggression of the police only encourages disrespect for authority in general and antagonism toward the police as representatives of law. The citizens of Harlem understand that the invasion of their rights and the slight regard that is shown for their lives is due not only to the fact that they are Negroes but also to the fact that they are poor and propertyless and therefore defenseless. When one of the policemen was asked if he would have acted toward the citizens on Fifth Avenue and Park Avenue as he had acted toward those in Harlem, he hesitated, stammered, and finally gave no answer. But in spite of the helplessness which their poverty imposes upon them, the citizens of Harlem are realizing more and more the power of their organized numbers. The outbreak of March nineteenth, though spontaneous and without leadership, is strengthening the belief that the solution of their problems lies in organized action. Police aggressions and brutalities more than any other factor weld the people together against those responsible for their ills.

This naturally creates a dangerous situation in Harlem in that an act of brutality or aggression on the part of the police may at any time act as a spark to set off an explosion which will have more serious consequences than the outbreak of March nineteenth. Therefore, it is clearly the responsibility of the police to act in such a way as to win the confidence of the citizens of Harlem and to prove themselves the guardians of the rights and safety of the community rather than its enemies and oppressors.

"Free, Prosperous, Happy . . ."

The Text of the Communist Election Platform

THE American people today face the greatest crisis since the Civil War. Extreme reaction threatens the country, driving towards fascism and a new World War.

To meet this danger to our liberties and welfare, we must unite our ranks. In common action we must go forward to overcome this crisis in an American way, in the spirit of 1776, in the interests of our people and of our country.

The collapse of the Hoover-Republican prosperity destroyed our boasted American standards of living. The New Deal failed to protect and restore our living standards. American capitalism is unable to provide the American people with the simple necessities of life.

Over 12,000,000 able-bodied and willing workers are without jobs. For a majority of these there is no hope of jobs. The income of the working people has been cut in half. Half our farmers have lost their land. They are being converted into a pauperized peasantry. Millions of young people face a future without hope, with no prospect of ever being able to establish a home or rear a family. The Negro people suffer doubly. Most exploited of working people, they are also victims of jim-crowism and lynching. They are denied the right to live as human beings. Civil rights are being systematically attacked and curtailed. The Supreme Court has usurped the power of Congress. It is destroying all labor and social legislation.

Reactionary forces, roused and organized by Hearst and the Liberty League, are striving to seize the government fully. They want to saddle the entire burden of the crisis upon the people, to establish a fascist regime and move toward war on the side of Hitler, the butcher of the German people and the chief maker of war.

The peace, freedom, and security of the people are at stake. Democracy or fascism, progress or reaction—this is the central issue of 1936.

THE POLITICAL ALIGNMENTS

At the head of the camp of reaction stands the Republican Party—the party of Wall Street, the party of the banks and monopolies. Landon and Knox are supported by the barons of steel, oil, auto and munitions; by Morgan, the du Ponts, and by that arch enemy of all decency, William Randolph Hearst. They are the candidates of the Liberty League, the National Association of Manufacturers, the American Bankers Association, the United States Chamber of Commerce, the Ku-Klux Klan, and the Black Legion.

Roosevelt is bitterly attacked by the camp

of reaction. But he does not fight back these attacks. Roosevelt compromises. He grants but small concessions to the working people while making big concessions to Hearst, to Wall Street, to the reactionaries.

The working people must organize themselves *independently*, under their own banner, with their own leadership and program. They must organize a great Farmer-Labor Party to fight for and establish a People's Government—a government of, for, and by the people. They must unite the forces of progress against the forces of reaction.

The secretly formed Union Party of Lemke and Coughlin is not the new party for which the people are looking. It is the creature of Landon, Hearst, and the Liberty League. Under cover of radical-sounding words, its program contains essentially the same proposals as the Republican platform. It is deceiving its followers. It is the tool of the reactionaries.

But a real people's party is arising. Organized by the workers and farmers themselves, the Farmer-Labor Party is growing in the majority of states. Unable to put up a presidential ticket this year, it is organizing on a national scale. It fights for local, state, and congressional offices. It is the most hopeful sign in American political life. It is cooperating with the powerful trade unions in the new Labor's Non-Partisan League against the Republicans. It will undoubtedly be a major contender in the presidential elections of 1940. The Communist Party unconditionally supports the building of the Farmer-Labor Party. It pledges itself to work to bring the trade unions and all progressive forces into its ranks. The Socialist Party, on a national scale, is withholding its cooperation with all other groups. It conducts a harmful policy of isolation. It gives little help to the people's struggle against reaction. We appeal to the Socialist Party to change its course. We urge it to unite with us and the mass of the toilers against reaction.

In this situation the Communist Party comes forward with its own presidential ticket and its own platform. It enters the campaign to defend and promote the unity of the working people. It pledges to fight for their interests, to defeat the reactionaries, to build the Farmer-Labor Party, and finally, to win the masses to the banner of socialism. The chief aim of the Communist Party today is to defeat the Landon-Hearst-Liberty-League reaction—to defeat the forces of Wall Street.

THE PLANKS

The Communist Party and its candidates stand on the following platform which expresses the immediate interests of the majority of the population of our country:

I. Put America back to work—provide jobs and a living wage for all.

Open the closed factories—we need all that our industries can produce. If the private employers will not or cannot do so, then the government must open and operate the factories, mills, and mines for the benefit of the people.

Industry and the productive powers of our nation must be used to give every working man and woman a real, American standard of living, with a maximum annual wage guaranteed by law.

We demand equal opportunity for women in industry and all spheres of life. We favor legislative measures for the improvement of the wages and working conditions of women.

We demand a thirty-hour week without reduction in earnings, at trade union rates and conditions, in private industry and on public works.

We oppose the present railroad consolidation policy which results in the discharge of hundreds of thousands of workers.

We demand higher wages and vacation with pay. We demand the abolition of the wage differential between the North and the South.

II. Provide unemployment insurance, old age pensions, and social security for all.

It is the obligation of the American government to establish an adequate system of social insurance for the unemployed, the aged, the disabled, and the sick, as provided in the Frazier-Lundeen Bill. This bill provides compensation to all unemployed without exception, and pensions for the aged from 65 years, at rates equal to former earnings, in no case less than \$15 per week. In the Frazier-Lundeen Bill the law of the land.

We favor a federal system of maternity health insurance.

We stand for adequate relief standards for all unemployed. We demand a stop to relief cuts. The Federal Government continue and extend the W.P.A. We demand an extensive Federal Works Program, to provide housing at low rentals, schools, hospital health and recreational facilities, as provided for in the proposed six billion dollar appropriation of the Marcantonio Relief Standstill Bill.

We support the demands of the veterans for uniform pension laws and for adequate hospitalization.

III. Save the young generation!

Our country can and must provide opportunity, education and work for the young of America. These demands of the young are embodied in the American Youth