

Guidelines for the Inner-City Organizing Committee (Detroit) Position on Police

A BLACK PAPER

This is a Black Paper because it deals with fundamental issues of our time in relation to black people, issues that have been muddled and beclouded by the failure of black people up to now to analyze and understand the historic origins and role of the police.

It has been traditional for white countries to issue White Papers for the purpose of clarifying long drawn-out issues on which the public and/or government were confused. More often than not, these White Papers have only introduced more confusion because they tried to gloss over, cover up or explain away a very serious crisis. Thus the Warren Commission's Report on the Assassination of President Kennedy can be recorded as a typical White Paper and should go down in history as America's greatest White-wash Paper. Unless a new set of people gain power in this country, it will be a hundred years or more before we learn the true facts about the Kennedy assassination.

In city after city, Civil Rights Commissions, Community Relations Commissions, etc., etc., have been essentially White Papers on police brutality. These papers always end up by calling for better police-community relations without defining the fundamental role in the black community of the policeman who, under the American concept of law, is supposed to be the protector of the people and the property rights and liberties of the people. It is up to the exponents of Black Power to unravel the long-standing abuses of the police against the black community in terms of a fundamental concept and to project a program to redress the wrongs that have been done.

As far back as one can go in human history, it is clear that man has had to devise some form to make the members of a society conform to what the society has considered the norm of behavior between man and man. Every society, beginning with tribal society, whether in Asia or Africa or any other continent, has had certain codes or customs governing the relations of man to man. These depended upon the ways of life of the tribe, whether it was a tribe dependent upon hunting or cattle or planting of crops for food. The customs or codes were usually very simple because they related first and foremost to ways of obtaining food.

Normally punishment for violation of the code took the form of banishment from the tribe. To be left outside the community to fend for oneself was in itself a terrible punishment. Jail or prison was unheard-of, and usually only captive tribesmen of other tribes were kept in a compound or guarded temporarily until they accepted or were accepted into a place in the tribe. Usually there was no separate body of armed men to enforce the code. The enforcers, such as they were, were just kinsmen or a kind of kin-police.

It is only when we come to forms of highly organized society, such as in Rome and Egypt, that we come to armed guards or separate bodies of armed men. These armed guards were created essentially to protect the rulers of the state and to keep those who were considered a menace to the ruler and/or the ruling class in prison or work camps to do forced labor for the state.

In feudal Europe, where lords, barons and others ruled over large areas or what were essentially land workcamps, and the king was the chief lord, the practice of armed guards to protect the rulers and to keep the serfs in their place as workers on the land and subjects of the lord, was highly developed. This system was to become the pattern in the American South during slavery and even after Reconstruction where first the overseer and his hired riders and later the sheriff and his deputies and the Ku Klux Klan, functioned to keep the blacks at work and in their place as subjects on the man's plantation. This system of armed guards had nothing to do with protection of the people's rights or means of livelihood. It was purely and simply a means of protection of the power of those in power.

The concept of POLICE in the modern sense can be traced back to the early Anglo-Saxon and Danish communities in England. Here the tribal kin-police were the 12 people of a kinship grouped together to take responsibility for their kin, up to the paying of fines. This concept of police is in contrast to that of the armed guards of separate bodies of armed men. The word POLICE comes from the Greek word polis, meaning city or community. As distinct from the army, the police were supposed to have their roots in the people, representing the collective action of the community, dependent for their effectiveness not upon physical force or weapons but upon the respect and cooperation of the community. Police effectiveness in the prevention of crime thus was measured more by what the police did not do and the force that they did not have to use, i.e., by the limitation of their powers rather than by the number of arrests they made or the number of the people they detained or the force they employed.

The first organization of a metropolitan police force did not take place until the 1820's in England. It was created chiefly to combat a wave of increasing crime, which was itself the result of increasing poverty and slum conditions side by side with increasing wealth. The old parish-constable system or the "Watch and Ward" were found to be inadequate chiefly because the volunteers for these were too often themselves the disaffected and the military had also been found to be unreliable in breaking up mobs; the soldiers had a tendency of fraternizing with the rioters instead of shooting them. Hence the creation of a professional police force whose first aim was nevertheless to win the sanction and cooperation of the general public, and who were able to succeed in this aim because they leaned over backwards in self-restraint, helpfulness, courtesy and non-use of force.

A somewhat similar police organization came into being in this country in New York in 1844. However, long before the organizing of a police system in the U.S.A. the early settlers had functioned with a carry-over of the traditional kin-police system from Europe as a means of settling community problems. There were many varied forms, appointment by town hall meetings, election of town marshals, mobilization of vigilantes, Texas Rangers, Arizona Rangers, lynch mobs--but all had their origin principally in the community.

As the country has developed, the role of the police has developed correspondingly. In the agricultural South, the role of the police (sheriff)

was primarily to keep blacks in their place and protect the propertied whites from the blacks as well as from any poor whites who might be thinking of getting out of their place and endangering the rich whites rather than the poor blacks. In the growing industrial North, the police functioned chiefly to protect the property rights of the propertied classes and to smash the heads of any white workers who thought they had rights. This remained the situation until the organization of labor in the 1930's and 1940's. The chief role of the police up to then was to act as strikebreakers (Haymarket, Homestead, etc.), keeping the workers in their place, defending the propertied class and factory owners against the workers who were mainly white.

Today, as a result of the power of organized labor and the incorporation of most white workers into the structure and the feeling and belief among most white workers that their welfare and future rest with the containment and curtailment of black people in their allotted place, at work, in school and in the ghetto and politics, and as a result of the great influx of blacks into the cities from the agricultural South, the role of the police has developed to a new stage. It now combines protection of the property of white people with the protection of white citizens against black people.

It should be clear that the historic role of the police in relation to black people in America has never been based upon the protection of any alleged rights that blacks had or should have had, that it never originated out of any representation of the collectivity of the black community, or out of any effort on the part of the police to become a part of the black community and win its cooperation and respect. Rather the role of the police in the black community is a direct continuation of the slave overseer and thus the police in the black community have functioned like an occupation army in the colonies. Today the police in the black community must, in addition, continually prove to the white citizenry and the ruling white power that they can contain and intimidate the black citizenry. Thus the historic role of the police in relation to the white community, i.e. as the representative of the people, breaks down completely in the black community, and the police instead are separate bodies of armed men protecting the ruling class or an occupation army.

Thus, in fact, 1) the property which the police are chiefly concerned to protect inside the black community is the property absentee-owned by whites who live outside the black community. Hence also the delay and often outright refusal by police to answer calls from black citizens for protection against burglaries, etc.

2) the black community is regarded as an unceasing threat to this absentee-owned property by the white owners and their agents, the police.

3) the black ghetto is regarded as a powder keg which can explode at the slightest provocation.

4) the police force becomes a haven for "nigger-haters," many of them from the South, inside of which you can kill "niggers" legally.

As a result, there is Police harassment, Police brutality, Police acting as judge, jury and executioners. All these abuses are not accidents or errors or simply acts of individual malice. They flow from the policeman's role as

agents of an absentee white citizenry which owns property in the black community and/or have a stake in the political and economic status quo, and who are therefore continually demanding of the police that they prove their responsibility to and representation of the white public by the number of arrests, detentions, kills, assaults and insults to the black community.

This is the objective truth that is rooted in the system. Black men do not have any power which the police respect and are conscious that they do not have any power which the police respect. Lacking power, they also lack any profound concept of their rights or the role which the police should perform. In relation to the police in the Northern city, the average black adult is as compliant and subservient as the Southern black adult has been in relation to the white man. He has no scientific or historic concept of his right as a citizen in relation to police. He does not understand that the effectiveness of police has depended historically and fundamentally first and foremost on the good will, respect and cooperation of the community. This is the elementary concept held by even the white child. Thus, when a Civilian Review Board was organized in New York City, the majority of complaints against police came from whites, despite the obvious fact that it is blacks who receive the greatest number of abuses, insults, assaults, and harassment by police.

It should be clear that when we are dealing with the question of police we are dealing with the question of power. Therefore, it cannot be dealt with in any hit-or-miss or romantic fashion. It should also be clear that the final essence of power, whether this power is socialist, capitalist, fascist, democratic or nationalist, depends on who controls the army and the police. Otherwise it is not control of the political apparatus but just a political talk-shop. Only when these forces are controlled by black people will their power be secure.

Any program to mobilize and organize the black community for struggle against police harassment and police brutality must begin from a recognition of these fundamentals. The chief question is whether black power can accept as a norm the police system which represents the white citizens of the U.S.A. How can a police system which was founded to protect white power and the white community protect the black community?

Having arrived at the need for Black Power, we then have to decide what demands to make upon the white power structure which will educate and mobilize the black community, recognizing at the same time that most people can only be mobilized for reforms. It is only after struggling for reforms and depending upon how the powers-that-be react to their demands that the people take the next step. If the power structure makes the demanded reforms, the people may accept these and leave the system intact. If, on the other hand, the power structure refuses to or is unable to make these reforms, the people can then react by moving on to revolts and revolutions.

We as an organization have to decide what reforms we can demand from the power structure which will 1) educate the black community as to their own rights re the police; 2) mobilize them to fight for these rights through protests, demonstrations, petitions for legislation, etc.; 3) prepare them for eventual take-over of control of the police administration itself.

The following is aimed not only at correcting police abuses but at educating the black community in how to make the police an agent of the black community. It is based upon the fundamental concept that it is not up to the black community to prove that it is law-abiding. On the contrary. It is up to the police to prove to the black community that it is law-abiding.

1. The police can only become agents or representatives of the black community if in all cases of unlawful behavior by police, police officers are prosecuted like any other civilian.

a. It is unlawful and no policeman has the right to stop and question a citizen unless he has explicit, specific grounds for arrest or explicit, specific reasons to believe that the citizen in question is endangering the lives of persons.

b. It is unlawful and no policeman has the right to search a person or the property of a person unless he has a warrant to do so.

c. It is unlawful and no policeman has the right to compel anyone to go to the police station unless he has specific, explicit grounds for arrest.

d. It is unlawful and no policeman has the right to stop a citizen in a car except for a specific traffic violation, and no citizen stopped for a specific traffic violation may be questioned, searched or detained for any other reason, except the police officer has specific, explicit ground for arrest or stated, specific ground for believing the citizen in question has engaged or is about to engage in a vicious crime.

e. Unless a police officer has explicit, specific ground for believing that a vicious crime is involved or his own and other lives are immediately threatened, a policeman who uses physical force or a weapon against a citizen shall be as guilty of assault as a civilian and shall be prosecuted in a public trial.

f. Any policeman who kills a citizen except in a case of unquestionable self-defense shall be guilty of homicide and shall be prosecuted like any other citizen. Since Michigan and many other states have outlawed capital punishment, the killing of any suspect, unless in self-defense, even if such suspect is suspected of having killed another person, shall be considered as going outside the law and outside the call of duty.

Mobilization for demands

1. A citizen's word shall be his bond. Today his word is his I.D. card. An I.D. card shall therefore be considered sufficient bond. If further doubt exists, it shall be the duty of the officer to turn the name and address over to the detective bureau for further investigation, but doubt shall not be considered sufficient reason for arrest, seizure or bail.

2. Black representatives of a rotating committee shall be stationed at all police precincts in the black community and their role shall be similar to that of food inspectors or price inspectors, their sole responsibility being to the community.

3. Every citizen taken to a police precinct shall be given a form on which to make a report of all procedures by the police in relationship to his detention, investigation, etc. and it shall be the duty of the police precinct captain to make this form available to the citizen and to provide him with the means (envelope, postage, etc.) to mail this or make it available to a Citizen's Committee to Investigate Grounds for Prosecution of Police Officers.

It is useless to state that an activity is illegal unless you have the power to prosecute. Therefore the objective of the Black Power organization must be to elect a prosecutor which represents the black community. But until the black community elects such a prosecutor, it shall be the duty of the organization to mobilize the black community to demand public trials of police officers who have engaged in illegal procedures against black citizens and to hold such trials, even in absentia, of those police officers who have violated these rights.

The above is just an outline or preliminary statement of the kind of demands that the organization should raise in terms of its analysis of the police and the perspective of Black Power. Further discussion should result in more precise formulations.

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