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## "Accountable to No One": Confronting Police Power in Black Milwaukee

William I. Tchakirides  
*University of Wisconsin-Milwaukee*

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“ACCOUNTABLE TO NO ONE”: CONFRONTING POLICE POWER IN BLACK

MILWAUKEE

by

William I. Tchakirides

A Dissertation Submitted in  
Partial Fulfillment of the  
Requirements for the Degree of

Doctor of Philosophy

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at

The University of Wisconsin-Milwaukee

December 2020

## ABSTRACT

### “ACCOUNTABLE TO NO ONE”: CONFRONTING POLICE POWER IN BLACK MILWAUKEE

by

William I. Tchakirides

The University of Wisconsin-Milwaukee, 2020  
Under the Supervision of Professor Amanda I. Seligman

This dissertation uncovers the roots of discriminatory police power in Milwaukee, Wisconsin and traces Black-led efforts to make the city’s police bureaucracy more accountable to all citizens. It analyzes the politics of police reform in the century spanning the passage of two state laws that reconfigured Milwaukee’s law enforcement arrangements. The first (1885) removed City Hall’s managerial control over the Milwaukee Police Department (MPD). Corporate elites and social reformers fearful of rising working-class power and moral degeneration in the immigrant-industrial city lobbied for the statute’s enactment. The second (1984) reversed course, re-empowering non-police officials after decades of Black-led campaigns for diverse input, representation, and oversight within Milwaukee’s white-controlled police bureaucracy. While the 1885 law created a civil service commission to regulate public safety hiring free of political machine influence, it also gave exclusive accountability to property-holders and shielded department heads from external supervision—provisions later targeted by activists. A revision (1911) clarified the power of the city’s public safety chiefs, granting them indefinite tenure, policymaking authority, and institutional autonomy.

In turn, the MPD fostered an outwardly exceptional status at the height of policing’s “reform era” (1920s-1950s). This apparent exceptionalism, marked by a value-neutral self-image, was established around administrative innovations and crime control efficiencies heralded by national policing experts. It was a dynamic that broadly served white middle-class and corporate interests, as

the MPD's perceived legitimacy was contingent on biased discretionary practices and surveillance of labor militants, political-left radicals, the poor, and, increasingly after World War II, Black migrants seeking jobs and freedom. The department's exalted status was tied to economic growth and acculturation programs that criminalized blackness and excused government actions that worsened segregation and inequality. Aggressive policing in Black Milwaukee compounded related injustices in public and private sectors, reinforcing racist narratives and uneven policy outcomes. With their number rising, African Americans confronted mounting instances of unchecked state violence using tactics like street-level resistance, civic negotiation, direct action protest, litigation, and federal intervention. Black and allied groups challenged a police power whose racist double-standards remained a threat irrespective of whether police chiefs employed liberal or reactionary law-and-order approaches. "Accountable to No One" argues that the MPD sustained its authority by relying on an impervious blend of legal protections, social customs, and repressive policies that narrowed the scope of reform proposals intended to limit coercive police power. Racist discretionary practices in criminalized Black spaces exacerbated deteriorating economic conditions, unduly harming African Americans and justifying fresh cycles of police abuse. The MPD's state-sanctioned legitimacy—backed by the city's white ethnic majority and a compliant criminal-legal system—maintained Black Milwaukee's subordination based on common ideas about policing as a perfectible institution vital to democratic societies. This view blinded even the most progressive accountability advocates. Still, the movement garnered procedural reforms, despite struggling to improve the outlook of overpoliced and underprotected Black citizens, who faced declining public investments in housing, jobs, education, and healthcare. Meanwhile, police spending, institutional diversity, and police union protections grew, setting up new barriers to accountability. An overall disregard among liberal advocates for the economic dimensions of Milwaukee's policing crisis meant that a recalibrated MPD continued to uphold a racial-capitalist system that marginalized Black working-class power.

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## ABBREVIATIONS

<b>AHCPA</b>	Ad-Hoc Committee on Police Administration
<b>BPP</b>	Black Panther Party for Self-Defense
<b>CAC</b>	Citywide Anti-Crime Coalition
<b>CAPBC</b>	Citizens Anti-Police Brutality Committee
<b>CBP</b>	Council of Black People
<b>CCCCP</b>	Citywide Coalition for Community Control of the Police
<b>CJEL</b>	Coalition for Justice for Ernest Lacy
<b>CJTF</b>	Criminal Justice Task Force
<b>COB</b>	Coalition to Oust Breier
<b>COP</b>	Committee on Police Support
<b>CUL</b>	Council on Urban Life
<b>GMCRUA</b>	Greater Milwaukee Conference on Religion and Urban Affairs
<b>HRCC</b>	Human Relations Coordinating Council
<b>LAMC</b>	Los Angeles Memorial Committee
<b>LAUCR</b>	Latin American Union for Civil Rights
<b>LM</b>	League of Martin
<b>MBPP</b>	Black Panther Party for Self-Defense, Milwaukee Branch
<b>MCCC</b>	Milwaukee Citizens' Crime Committee
<b>MCCR</b>	Milwaukee Commission on Community Relations
<b>MCORE</b>	Congress on Racial Equality, Milwaukee Chapter
<b>MFPC</b>	Milwaukee Fire and Police Commission
<b>MHRC</b>	Mayor's Human Rights Commission
<b>MMCA</b>	Milwaukee Metropolitan Civic Alliance

<b>MMCP</b>	Milwaukee Metropolitan Crime Prevention Commission
<b>MNAACP</b>	Milwaukee Branch, National Association for the Advancement of Colored People
<b>MPA</b>	Milwaukee Police Association
<b>MPD</b>	Milwaukee Police Department
<b>MPPPA</b>	Milwaukee Police Patrolmen's Protective Association
<b>MUL</b>	Milwaukee Urban League
<b>MUSIC</b>	Milwaukee United School Integration Committee
<b>MWC</b>	Martin-Weber Committee
<b>NACCD</b>	National Advisory Commission on Civil Disorders
<b>NALC</b>	Negro American Labor Council
<b>NPAN</b>	National Police Accountability Network
<b>PCLEAJ</b>	President's Commission on Law Enforcement and the Administration of Justice
<b>SAMC</b>	Special Advisory Monitoring Committee
<b>SDC</b>	Social Development Commission
<b>SWLOL</b>	Sixth Ward Law and Order League
<b>SP</b>	Socialist Party of Milwaukee/Wisconsin
<b>SPCA</b>	Sherman Park Community Association
<b>TEU</b>	Tactical Enforcement Union
<b>UBCC</b>	United Black Community Council
<b>USCCR</b>	U.S. Commission on Civil Rights
<b>UWM</b>	The University of Wisconsin Milwaukee
<b>WSC</b>	Wisconsin State Committee of the U.S. Commission on Civil Rights
<b>YC</b>	Milwaukee NAACP Youth Council

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It may sound cliché, but completing a dissertation takes a village. Without my supportive committee, this project would not exist. First and foremost, I am indebted to my academic adviser and committee chair, Amanda Seligman. Not only did she provide strategic direction, sage writing advice, and careful edits, but Amanda made sure to check in on my mental health and wellness as we approached the finish line amid dueling 2020 emergencies: a racialized COVID-19 pandemic and intensifying protests against endemic police violence. Both crises made it difficult to focus on writing. Yet, they also served as urgent reminders of why communicating historical lessons is so essential to resolving contemporary problems. Throughout my graduate career, Amanda has modeled what a historian should be—public-facing in their scholarship, rigorous in their methods, dedicated to their craft, and, above all, human. I cannot thank her enough.

Joe Austin challenged me to think critically about relationships between policing, social control, and youth culture. He, as well as his partner, Rachel Buff, have provided valuable guidance and served as brilliant minds to brainstorm ideas with and learn from over the years. I thank them both. Joe Rodriguez's work on Latinx Milwaukee and the 1970s neighborhood movement taught me that urban political struggles need not be reduced to Black/white binaries alone. Demands for community control and grassroots organizing were more expansive endeavors than I once imagined, involving a range of political actors. I thank Joe for his insights and always leaving his door open to chat. Finally, I am incredibly grateful to Robert Smith, who helped shepherd this project in its early stages. Rob encouraged me to apply to UW-Milwaukee's History Ph.D. program in 2011, not long after I moved to the Cream City. Together, we produced meaningful work that strove to make better sense of an unjust world and imagined what it would take to overcome systemic barriers. We often did so in collaboration with undergraduate students and stakeholders in UWM's Cultures and Communities program. More personally, Rob and I shared countless conversations about life,



politics, and culture as friends. I would not be the person, let alone historian, I am today without his mentorship. Thank you, Rob.

Ultimately, I decided to become a historian of the carceral state after attending the 2012 Organization of American Historians annual meeting, ironically located in Milwaukee. One presentation in particular, “From the War on Poverty to the War on Crime,” featured up-and-coming scholars in what was then a burgeoning sub-field of the discipline. I attended the panel having recently finished Michelle Alexander’s *The New Jim Crow* (2010) and was interested in mass incarceration as a civil rights issue. Khalil Gibran Muhammad, Elizabeth Hinton, Julilly Kohler-Hausmann, Jessica Neptune, and Heather Ann Thompson wholly upended my impressionistic sense of U.S. politics, while also affirming the potency of grassroots activism as a force for collective liberation. Ever since, I have met, corresponded with, and, in some cases, presented alongside historians whose research has traced the roots of the carceral state, the contours of police power, and the often illusive politics of criminal justice reform. There are far too many individuals to name in this space, but all have inspired me to do better work as an academic considering the historical implications of surveillance, policing, and punishment.

The focus of “Accountable to No One” has evolved considerably since 2012, transitioning from a study on Milwaukee neighborhoods and civilian crime control, to an exploration of African American police officers and the legal system, to its current emphasis on the legislative and socio-political foundations of police power and Black-led struggles for accountability. I started conceiving the project around the same time that I began working with an interdisciplinary team of carceral studies scholars. Together, we formed the Transforming Justice (TJ) research collective. Our group included UW-Milwaukee faculty members Robert Smith, Anne Bonds, Jenna Loyd, Lorraine Malcoe, and Jennifer Plevin, as well as fellow graduate assistant Yui Hashimoto. Each of these individuals helped me to more clearly envision the spatial, budgetary, and legal dimensions of mass

incarceration and racial criminalization, as well as what it meant to do political education and generate public-facing scholarship in partnership with people engaged in community-based work. Because of TJ, I learned about abolitionist organizing and national efforts to dismantle the carceral state. We met with Black women activist-intellectuals from organizations like Critical Resistance and Project NIA, including Rachel Herzing, Ruth Wilson Gilmore, and Miriame Kaba. They facilitated workshops and shared precious knowledge with organizers in our city and vice versa. TJ provided me with a lens for grasping the limits of reform, while setting me on an abolitionist path as a scholar-activist. It helped shape my doctoral work and gave me a fuller appreciation of what was happening on the ground as Milwaukee's Black Lives Matter movement hastened in 2014 following the police shooting death of Dontre Hamilton and the Ferguson uprising.

Transforming Justice strengthened connections I was making between racialized state violence and Black-led resistance in UWM history courses. In addition to Professors Seligman and Smith, I want to thank Greg Carter, Dan McClure, and the late Michael Gordon for their valued instruction. Professor Gordon offered enthusiastic support whenever our paths crossed outside of the classroom. He also introduced me to oral history as a research method. Subsequently, I was able to conduct an interview for Michael's course with Milwaukee activist/educator Howard Fuller, who ended up being a significant figure in my dissertation. There are other UWM faculty members I wish to highlight: Merry Wiesner-Hanks helped fund several of my appearances at American Historical Association conferences. Jasmine Alinder brought me into her public history classroom to talk about the digital humanities with students. Aims McGuinness made me more aware of Milwaukee's rich Socialist past. Chia Vang provided an unforgettable opportunity to work as a teaching assistant on the "Cambodia, Laos, and Vietnam: History and Culture" study abroad course. And, Margo Anderson sharpened my public writing skills as an editor on the *Encyclopedia of Milwaukee* project.

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UW-Milwaukee graduate students have read and commented on different aspects of this research. I want to thank my colleagues John and Melissa Terry, Joseph Walzer, Michael Gonzales, Jacob Glicklich, Dawson Barrett, Beth Robinson, Lucas Wolff, and Alexis Guilbault, in particular. Not only did we attend history conferences together around the country, but we also organized graduate student symposia of our own in Milwaukee. In the process of becoming more well-rounded scholars, we formed lifelong friendships. Other classmates helped make the dissertating process productive and, on more than one occasion, fun. Krista Grensavitch, Susan Wade, and Charmaine Lang, as well as Wes Sutermeister of Marquette University, offered intellectual camaraderie and positive reinforcement in writing groups.

Library professionals across Milwaukee institutions helped supply the primary evidence at the core of this dissertation. Their work was indispensable in helping me realize my research agenda. I want to thank the Golda Meir Library Archives team at UWM: Abigail Nye, Heidi Anoszko, Christel Maass, Shiraz Bhatena, Ellen Engseth, Brad Houston, Michael Doylen, and the dozens of student workers who routinely carted boxes through the archive's reading room doors. Ann Hanlon in UWM's Digital Humanities Lab and Marcy Bidney in the American Geographical Society Library offered support and personal encouragement, in addition to employment during my first few years on campus. Gayle Ecklund, Robert Jaeger, and Humanities Room staff at the Milwaukee Public Library allowed me to peruse their collections for hours at a time on weekday nights. Likewise, Eileen Lipinski and her team at Milwaukee's Municipal Research Library made space for me at their microfilm reader on multiple outings to review Fire and Police Commission records. I want to thank Kevin Abing from the Milwaukee County Historical Society and Amy Cooper Cary, Head of Special Collections and University Archives at Marquette for their helpful assistance. Special

acknowledgement goes to Clayborn Benson, Director of Wisconsin Black Historical Society and Museum. Clayborn was the first history professional I met in the city. He opened his institution to me, an inquisitive outsider from Washington, D.C., in 2010 when I was researching for a M.A. paper. Since then, we have collaborated on two oral history projects, documenting the experiences of Milwaukee fair housing activists and Black police officers. Regarding the latter, I want to recognize the fifteen men and women who shared their stories with me as part of the African Americans in the Milwaukee Police Department Oral History Project. This study would not be the same without their accounts of internal policing dynamics. And, thank you to the UW-Milwaukee Graduate School, which generously funded the writing process through two dissertation fellowships.

Lastly, I would not be here today without the love and support of my family, including my sister and brother-in-law, Cassandra and Matthew Corrigan, and their son Milo; my sister Penelope Tchakirides and her boys John, Jason, and Jacob; my aunt Ellen Gerhard, uncle Jeff Lychwick, and cousins Duncan and Kelsey; my aunt Barbara Smith, uncle George Smolinski, and cousin David; Adam Barry, his wife Jennifer, and my “second mom” Mary O’Hara. To my late father, Bill Tchakirides, thank you for instilling a sense of curiosity and drive for creativity. I love you and forever hope to make you proud. To my late grandmothers Doris Tchakirides and Sarah Smith, thank you for always nurturing my passions and being there when I needed you most. Karina, your love, friendship and reassurance helped propel this project forward in its darkest hours. I promise to return the favor as you achieve your own doctoral dream. To my devoted mother, Ellen Smith, what can I say? You have served as my most trusted advisor and confidant for as long as I can remember. Thank you for your affection and guidance. Through highs and lows, Mom, we got here together.

## INTRODUCTION

*“The police department has a reputation as a highly professional force that provides efficient service to the citizenry and gets excellent cooperation in return.”*

- John J. McCarthy, *Police Magazine*, 1981

*“Milwaukee has had her share of a carnival of police brutality blood, as gory as can be found anywhere.”<sup>1</sup>*

- James Cameron, Founder of America’s Black Holocaust Museum, 1983

In 1983, America’s Black Holocaust Museum founder and community historian James Cameron indignantly challenged the Milwaukee Fire and Police Commission (MFPC) in an open letter, “How can a people be brought to respect a government that constantly oppresses and exploits them?”<sup>2</sup> The nation’s only known racial terror lynching survivor was addressing the civic inaction that historically greeted police killings of Black people in his adoptive home city. The “oldest police commission in the United States” was in the process of determining whether the three officers who ended the life of Ernest Lacy would face professional discipline.<sup>3</sup> Before his asphyxiation by police,

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<sup>1</sup> James Cameron, “An Open Letter to the Milwaukee Fire and Police Commission Regarding the Ernest Lacy Complaint,” March 31, 1983, 3, Dr. James Cameron Pamphlet Collection, Milwaukee Public Library, accessed October 31, 2020, <https://content.mpl.org/digital/collection/jcameron/id/520/rec/5>. James Cameron was the only known survivor of a racial terror lynching in U.S. history. The incident occurred in Marion, Indiana in 1930 after county sheriff deputies arrested three young Black men on charges of murdering a white man and sexually assaulting his white girlfriend. The spectacle lynching was aided and abetted by local law enforcement. A white lynch mob tortured and hanged Cameron’s peers, Tommy Shipp and Abram Smith. Before nearly being lynched himself by the frenzied mob, Cameron reported hearing a voice say, “Take this boy back. He had nothing to do with any raping or killing.” The “sweet,” “feminine” utterance stood out above the cacophonous din of the lynch mob. Stunned and shaken, Cameron was transferred back into the sheriff’s custody. Authorities moved him to a jail thirty miles south of Marion, where he awaited a trial. For more on James Cameron’s story, see: James Cameron, *A Time of Terror: A Survivor’s Story*, rev. ed. (Milwaukee: LifeWrites Press, 2016); James H. Madsen, *A Lynching in the Heartland: Race and Memory in America* (New York: Palgrave MacMillan, 2003); Syreeta McFadden, “What Do You Do after Surviving Your Own Lynching?” *BuzzFeed News*, June 23, 2016, accessed June 8, 2019, <https://www.buzzfeednews.com/article/syreetaamcfadden/how-to-survive-a-lynching>.

<sup>2</sup> Cameron, “An Open Letter to the Milwaukee Fire and Police Commission Regarding the Ernest Lacy Complaint,” 9.

<sup>3</sup> Richard Jerome, *Promoting Police Accountability in Milwaukee: Strengthening the Fire and Police Commission* (Los Angeles: Police Assessment Resource Center, 2006), 1.

the 22-year-old Black male was stopped, questioned, and arrested for a rape he did not commit.<sup>4</sup> His assailants were white Tactical Enforcement Unit officers with pending police brutality complaints.<sup>5</sup> All three had the support of their police chief, the Milwaukee Police Association, and law enforcement's historical "monopoly on legitimate storytelling" at their backs.<sup>6</sup> All three had escaped prosecution on a confounding technicality after an inquest jury ruled in favor of criminal charges in a police brutality case for the first time in the city's history.<sup>7</sup>

Ernest Lacy's death was the latest in a string of police killings of Black citizens dating back to the earliest phase of Milwaukee's "late Great Migration."<sup>8</sup> Each case saw the exoneration of the officers involved and accountability denied to the families of Black victims, save for a handful of civil rights settlements that meted out compensatory justice. The city's virtually all-white police bureaucracy had a long history of not only denying due process in response to Black grievances against law enforcement, but in denying the very reality of their claims. If Black complainants appeared to lack legitimacy, the authority of the police was never questioned.

Formal repudiations by Milwaukee's police bureaucracy were bolstered by the fact that, during the first half of the 20<sup>th</sup> century, influential voices in criminal justice and government agencies

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<sup>4</sup> The rape victim was a white woman.

<sup>5</sup> Patricia Worth, *The Milwaukee Sentinel*, "Brutality Complaint Dismissed," October 26, 1981, Part 1, 1. The MPD's Tactical Enforcement Unit was Milwaukee's version of "SWAT." The Los Angeles Police Department's "Special Weapons and Tactics" unit was first established after the 1965 Watts rebellion as the nation's first police unit dedicated to suppressing "potential urban warfare." Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD* (Chapel Hill: The University of North Carolina Press, 2018), 52-53.

<sup>6</sup> On the concept of police holding a "monopoly on legitimate storytelling," see: Matthew Guariglia, "The Dirty Truth about Police Departments? They're Lying to Us," *NBC News*, June 7, 2020, accessed June 25, 2020, <https://www.nbcnews.com/think/opinion/buffalo-police-pushed-old-man-said-he-tripped-because-police-ncna1225881>. One of the areas that monopoly was most visible was in the Milwaukee County Medical Examiner Office's preliminary determination that Ernest Lacy died of "fright" and not police actions. Bruce Gill and Karen Rothe, "Fright May Have Caused Man's Death after His Arrest," *The Milwaukee Sentinel*, July 11, 1981, Part 1, 1.

<sup>7</sup> Milwaukee County District Attorney E. Michael McCann essentially invoked a reverse racism argument when he convinced the Circuit Court to dismiss an inquest jury's historic ruling in favor of criminal charges against the officers because a special medical examiner had intentionally balanced the inquest panel with an even number of Black and white jurors. That aim for racial fairness—a first on a Milwaukee inquest jury—was warranted given the Medical Examiner office's history of conducting white-controlled hearings that inevitably exonerated the accused officers. See: Chapter Six.

<sup>8</sup> See: Appendix A. On Milwaukee's "late Great Migration," see: Paul Geib, "From Mississippi to Milwaukee: A Case Study of the Southern Black Migration to Milwaukee, 1940-1970," *The Journal of Negro History* 83 (4) (Autumn, 1998): 229-248.

counted the Milwaukee Police Department (MPD) as one of America's most exceptional police forces—an assessment based on its “professionalism,” administrative innovation, and crime control efficiency.<sup>9</sup> Reports consistently treated Milwaukee “as the ideal in police administration.”<sup>10</sup> In turn, local police bureaucrats typically sided with the presumed validity and legal standing of MPD accounts of police-Black citizen encounters, which doubled as official narratives of events in moments of racialized police abuse. That compulsory belief in the MPD's underlying legitimacy remained intact even as the department's strategic approach shifted amid the tumult of “civil rights insurgency” and white racial backlash in the 1960s.<sup>11</sup> In this period, the agency transitioned from an outwardly progressive crime control ethos—what historians have called “liberal law-and-order”—to a more reactionary model.<sup>12</sup> That the MPD operated objectively, on value-neutral terms, was an overriding presumption among white police bureaucrats, especially when Black citizens averred police mistreatment. Time and again, the MPD, MFPC, City Hall, and Milwaukee County District Attorney's office met Black airings of police disrespect, neglect, harassment, brutality, detentions, and surveillance with incredulity. This frustrated complainants, exacerbated issues of mistrust, and undermined accountability for Black victims of police violence. The system's contempt and reflexive backing of accused police officers exceptionalized African Americans as second-class citizens. They charged the MPD with violating their constitutional rights during police stops, interrogations,

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<sup>9</sup> Historian Sidney Haring argues John Janssen was the nation's first “professional” police chief in the U.S. He cites specific qualities, including “some notion of advanced, specialized training; a career protected by civil service, with standards set and enforced internally; some measure of autonomy in decision-making; and official adherence to a value-neutral legal code for guidance in making policy.” The professionalization movement was driven by “nationwide attempts to strengthen police institutions in dealing with economic crises.” Sidney Haring, “The Police Institution as a Class Question: Milwaukee Socialists and the Police: 1900-1915,” *Science & Society* 46 (2) (Summer 1982): 197-221. On the MPD's leadership in the “police-community relations movement” of the 1940s, see: Samuel E. Walker, “The Origins of the Police-Community Relations Movement: the 1940s,” *Criminal Justice History* (1) (1980): 225-246.

<sup>10</sup> Walker, *A Critical History of Police Reform*, 165.

<sup>11</sup> On Milwaukee's late 1950s and 1960s civil rights movement, see: Patrick D. Jones, *The Selma of the North: Civil Rights Insurgency in Milwaukee* (Cambridge, MA: Harvard University Press, 2009).

<sup>12</sup> Chapter Two explores “liberal law-and-order” approaches to police administration in detail. On this concept, see: Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014); Felker-Kantor, *Policing Los Angeles*.

arrests, and beatings. However, police routinely received the benefit of the doubt, both within the criminal-legal system and across Milwaukee's white body politic.<sup>13</sup> In the aggregate, this dynamic strengthened a dual law enforcement system that regularly blunted accountability for the city's growing Black population. It added to a harmful mix of discriminatory conditions in public and private sectors ranging from housing to employment, public accommodations to education.

Police accountability, for the purposes of this dissertation, refers to citizens holding law enforcement agencies responsible for police services rendered (or not rendered), as well as for the treatment of people by individual police officers.<sup>14</sup> It may seem obvious that racism accounts for why police accountability has proven so fleeting for Black Milwaukeeans. Yet, how racist structures have actually formed, propagated, evolved, and sustained themselves at the local level presents a more complex story. In recent years, historians have detailed the central role that police agencies and crime control policies have played in contouring white supremacy and metropolitan politics, while also revealing the depths to which anti-Black racism permeates all aspects of organized law enforcement in America.<sup>15</sup> However, few have looked at policing in Milwaukee, or other mid-tier large cities in the Midwest.<sup>16</sup> As elsewhere, the system's inequities, here, are socially and politically produced. White MPD officers and administrators, for example, have long relied on racist tropes to explain lethal police actions against Black persons, either in custody or in the midst of committing a

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<sup>13</sup> Today, Milwaukee is a "majority minority" city. Margo Anderson, "Peoples," *Encyclopedia of Milwaukee*, accessed June 29, 2020, <https://emke.uwm.edu/entry/peoples>.

<sup>14</sup> Samuel E. Walker and Carol A. Archbold, *The New World of Police Accountability*, 3<sup>rd</sup> ed. (Los Angeles: Sage, 2020), 11.

<sup>15</sup> On the suburban implications of racialized criminal justice policies in post-World War II America, see: Matthew D. Lassiter, "Impossible Criminals: The Suburban Imperatives of America's War on Drugs," *The Journal of American History* 102 (1) (June 2015): 126-140.

<sup>16</sup> Historians who have researched Milwaukee and local law enforcement's relationship to the preservation of white supremacy are few. See: Simon Ezra Balto, "'Occupied Territory': Police Repression and Black Resistance in Postwar Milwaukee, 1950-1968," *The Journal of African American History* 98 (2) (Spring 2013): 229-252; Ian Toller-Clark, "From Breweries to the Super-Max: The Making of Carceral Populism in Metropolitan Milwaukee, 1950-2000" in *The Conservative Heartland: A Political History of the Postwar American Midwest*, eds. Jon K. Lauk and Catherine McNicol Stock (Lawrence: University of Kansas Press, 2020); Jones, *The Selma of the North*; Joe William Trotter, Jr., *Black Milwaukee: The Making of an Industrial Proletariat, 1915-1945*, 2<sup>nd</sup> ed. (Urbana: University of Illinois Press, 2006). This dissertation defines mid-tier large cities as under 1,000,000 people.



perceived offense. Since at least the 1930s, the conventional press and police department itself has reported on the “crazed” behavior of Black police brutality victims. This has reinforced white perceptions of Black criminality and the “violent nature” of African Americans suspected by police of committing crimes, thus justifying their use of deadly force.<sup>17</sup> In turn, the state’s historically white-controlled criminal-legal system has backed up police self-defense claims, with county district attorneys, judges, and inquest juries excusing officers based on the MPD’s own biased chronologies of events. False or incomplete police testimonials have also fed medical examiner determinations, which too often omit the actions of officers in favor of obliquely citing health factors.<sup>18</sup> These and other means of abdicating police liability have left the families of Black police brutality victims feeling powerless to secure justice in the wake of profound losses at the feet of the state.<sup>19</sup>

Given the lack of accountability afforded to Black Milwaukeeans—a deficit that applies well beyond the scope of tragic police killings—it is not surprising that the MFPC’s termination of the officer most directly responsible for Ernest Lacy’s death felt like a historic moment.<sup>20</sup> That a

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<sup>17</sup> This was the word choice of a Milwaukee police officer describing Ernest Lacy’s actions as he testified during the MFPC disciplinary hearing. “Officer Who Saw Lacy’s Arrest Testifies,” *The Milwaukee Journal*, April 20 1983. MPD officers used similar justifications when relying on lethal force in incidents involving other groups of color and poor Milwaukee residents. This logic was not solely the preserve of police encounters with African Americans.

<sup>18</sup> This was initially the case in the police killing of Ernest Lacy, as one example. Gill and Rothe, “Fright May Have Caused Man’s Death after His Arrest.”

<sup>19</sup> After Congress passed the 1964 Civil Rights Act, federal litigation emerged as one of the only recourses available to Black citizens harmed by police violence. This meant appealing to the U.S. Justice Department for a criminal investigation or filing a civil rights complaint for compensatory justice. However, the burden of proof has remained high. Civil rights lawsuits have never resulted in criminal charges being filed against MPD officers accused of brutalizing Black citizens. Some cases have ended in legal settlements paid out by the city—tax-payer funded sums that, in the last four decades, have reached in the millions of dollars. The families of numerous police brutality victims have pursued this option, including the family of Ernest Lacy. Walter Fee and Mark Ward, “Lacy Suit Settled for \$600,000,” *The Milwaukee Journal*, September 30, 1985, Part 1, 1. Much of the conversation around garnering accountability in the face of police violence today centers on addressing “qualified immunity”—an esoteric legal doctrine that judges have used since the 1980s to legally shield police officers accused of violating the constitutional rights of citizens. Amir H. Ali and Emily Clark, “Qualified Immunity Explained,” *The Appeal*, June 20, 2020, Accessed June 27, 2020, <https://theappeal.org/qualified-immunity-explained/>.

<sup>20</sup> One notable, if less acknowledged means that police have used historically deny accountability to Black citizens is “forum shopping.” Upon making arrests, police used their state-sanctioned authority to locate the “forum,” or site of prosecution (state, city, judge), most likely to lead to strict penalties and also not fall back on them in the guise of a civil rights lawsuit. The Wisconsin State Committee of the U.S. Commission on Civil Rights noted that MPD officers abused this practice when arresting Black men and women on gambling and prostitution offenses on Milwaukee’s near north side. Wisconsin Committee to the U.S. Commission on Civil Rights, *Police Isolation and Community Needs* (Washington, D.C.: Government Printing Office, 1972), 51-53.

grassroots coalition of more than seventy-five organizations demonstrated for the better part of three years (1981-1983), demanding police suspensions, prosecutions, and firings, no doubt informed their decision.<sup>21</sup> The Coalition for Justice for Ernest Lacy (CJEL) signified the apex of what had been a long, Black-led struggle for police accountability extending back to the 1920s. It was a local campaign unsurpassed in scale until 2020's mass demonstrations against police racism.<sup>22</sup> The dismissal of an MPD officer accused of killing a Black resident was a long time coming in 1983. The MFPC had just begun acting as "the independent reviewing body" demanded by activists, many of who first learned about the commission's public complaint review function in the mid-1960s.<sup>23</sup>

Remarkably, the MFPC had only heard its first police brutality complaint in 1968, less than a year after a Milwaukee police officer gunned down an 18-year-old Black college student accused of "firebombing" a paint store during the city's 1967 uprising.<sup>24</sup> Clifford McKissick's murder occurred about a decade after Calvin Sherard and Rev. R. L. Lathan organized Milwaukee's earliest Black-led street demonstration for racial justice following a police killing.<sup>25</sup> The 1958 police murder of 22-year-

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<sup>21</sup> More than seventy-five community groups, many of whom had been engaged in police accountability struggles for decades, participated in this movement for justice. They demonstrated peacefully in the streets, boycotted shopping centers, and sat-in the Milwaukee County District Attorney's office, all the while demanding some form of legal repercussion for the officers who killed Ernest Lacy. See: Laura R. Woliver, *From Outrage to Action: The Politics of Grassroots Dissent* (Urbana: The University of Illinois Press, 1993).

<sup>22</sup> These demonstrations have echoed national and global protests for racial justice. While the police murders of George Floyd (Minneapolis, MN), Breonna Taylor (Louisville, KY), Tony McDade (Tallahassee, FL), and other Black men and women have broadly inspired this mass movement for racial justice, the killing of a Milwaukee Afro-Latino, Joel Acevedo, by an off-duty police officer in April 2020 has sparked local demands for that officer's criminal prosecution and revived grassroots calls to "defund the police." Genevieve Redsten, "Family of Joel Acevedo Says How Milwaukee Is Handling Prosecution of Police Officer Who Put Man in Fatal Chokehold is 'a Disgrace,'" *Milwaukee Journal-Sentinel*, June 24, 2020, Accessed July 1, 2020, <https://www.jsonline.com/story/news/crime/2020/06/24/joel-acevedo-family-prosecution-of-milwaukee-police-officer-mattioli-weak-george-floyd-attorney/3249589001/>; Mary Spicuzza and Alison Durr, "Protestors Paint "DEFUND THE POLICE," on Street outside Milwaukee City Hall," *Milwaukee Journal-Sentinel*, July 1, 2020, accessed July 1, 2020, <https://www.jsonline.com/story/news/politics/2020/07/01/protesters-paint-defund-police-outside-milwaukee-city-hall/5360939002/>.

<sup>23</sup> "FPC Finally on Side of Citizens," *The Milwaukee Courier*, November 4, 1978, 4; Barbara Dembski and Monroe Walker, "Filing Complaint Is a Course in Bureaucracy," February 27, 1975, Part 1, 1, 12; Milwaukee Fire and Police Commission Meeting Minutes, May 19, 1966, Box 138, Folder 30, "Police Department, July-September 1966," Records of Mayor Henry W. Maier Administration, Milwaukee, Wisconsin, Milwaukee Series 44, University of Wisconsin-Milwaukee Archives.

<sup>24</sup> Barbara Dembski and Monroe Walker, "Filing Complaint Is a Course in Bureaucracy," *The Milwaukee Journal*, February 27, 1975, Part 1, 1; "US Probe Asked by Groppi during McKissick Rites," *The Milwaukee Journal*, August 7, 1967, Part 2, 1.

<sup>25</sup> Black middle class leaders, at the behest of City Hall, attempted to call off Sherard and Lathan's "prayer protest"

old Daniel Bell sparked the city's Black freedom movement against the inequities of "Jim Crow North," as African Americans, white and Latinx allies demanded equality in housing, employment, education, public accommodations, the criminal justice system, and other arenas through protest campaigns that lasted well into the 1980s.<sup>26</sup>

To say that the MFPC moved slowly on adjudicating grievances registered against the MPD is an understatement. Between 1972 and 1981, the MFPC decided only 41 of 247 complaints filed against the MPD.<sup>27</sup> Customarily, the department handled complaints against officers internally.<sup>28</sup> Investigations of alleged misconduct, particularly against Black residents, led to lost statements, mutual distrust, and the occasional threat or act of retaliation against accusers. The police complaint review system favored officers, propped up racial injustice, and induced fear among Black citizens.

None of this was unique to Milwaukee. The city reflected a national crisis of police legitimacy that directly affected African Americans. Historians point to several factors in explaining the lack of accountability Black men and women have experienced. First, the United States has a four hundred year record of treating Black lives as disposable, beginning with America's brutal system of racial slavery.<sup>29</sup> Second, U.S. policymakers have consistently isolated Black accounts of police mistreatment from "issues of individual rights and the state's conception of the citizenry."<sup>30</sup>

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march because, as historian Patrick Jones has written, they "felt uncomfortable with the group's strident rhetoric, confrontational style, appeal to the large working class, migrant population, and overall challenge to their status in the community." They feared poor Black dissent in the streets and how it would reflect upon the entire Black community. See: Patrick D. Jones, "'Get Up Off Your Knees!': Competing Visions of Black Empowerment in Milwaukee during the Early Civil Rights Era," in *Neighborhood Rebels: Black Power at the Local Level*, edited by Peniel E. Joseph, 45-65 (New York: Palgrave MacMillan, 2010) 52-53.

<sup>26</sup> Brian Purnell and Jeanne Theoharis, with Komozi Woodard, eds., *The Strange Careers of the Jim Crow North: Segregation and Struggle outside of the South* (New York: NYU Press, 2019).

<sup>27</sup> Gregory D. Stanford, Barbara Dembski, and James Romenesko, "If You Feel You've Been Mistreated..." *The Milwaukee Journal*, July 26, 1981, Part 1, 10.

<sup>28</sup> Until the MFPC hired the city's first "Community Relations Specialist" in 1967, the commission relied exclusively on the MPD's own investigators to probe misconduct allegations.

<sup>29</sup> Christopher Lowen Agee, "Crisis and Redemption: The History of American Police Reform since World War II," *Journal of Urban History* (2017), 2. On the violence and historical legacies of Black enslavement, see: "The 1619 Project," *The New York Times Magazine* (August 2019), accessed June 9, 2020, <https://www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html>.

<sup>30</sup> Agee, "Crisis and Redemption," 2.

Third, white authorities have cast police racism and violent behavior as either an administrative problem or the actions of lone bad actors, not matters intrinsic to policing itself. Finally, police reforms, especially those materializing against the backdrop of the post-World War II civil rights movement and federal efforts to tamp down urban unrest, have served to expand police authority, budgets, militarization, and entanglements in virtually every aspect of public and private life.<sup>31</sup> They have done so to the detriment of historically “overpoliced and underprotected” communities of color, which still face an inordinate share of invasive, costly, and destructive police attention.<sup>32</sup>

To that end, liberal Democrats have been as guilty as the most conservative Republicans in fomenting America’s policing crisis and fabricating the nation’s carceral state.<sup>33</sup> Since the 1960s, bipartisan federal reforms have enlarged police authority, amplifying violence in minoritized urban spaces. Police reform has done little to address racist police discretion and its unchecked function in BIPOC (Black, Indigenous, People of Color) communities reliably starved of good-paying jobs, economic resources, adequate healthcare, equitable schooling, and protection from crime.<sup>34</sup> Thus, many observers on the progressive-left hold that the state has never appropriately answered the racialized police violence that has long ravaged urban neighborhoods alongside the interpersonal crime resulting from under-addressed poverty, uneven resource allocation, and neoliberal budget

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<sup>31</sup> Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2016); Murakawa, *The First Civil Right*; Steve M. Gillon, *Separate and Unequal: The Kerner Commission and the Unraveling of American Liberalism* (New York: Basic Books, 2018).

<sup>32</sup> Trotter, *Black Milwaukee*, 118.

<sup>33</sup> The liberal Democratic administration of Lyndon Johnson, for example, created the Office of Law Enforcement Assistance in 1965 after the Watts Uprising. This initiated processes of federal investment in local criminal justice planning as part of the administration’s War on Poverty and America’s subsequent War on Crime. That platform advanced procedural reforms that further legitimized police power and strengthened police capacities to answer social ills, temper Black dissent, and crack down on “disorder” erupting in racially segregated, under-resourced, and disproportionately neglected urban spaces. See: Hinton, *From the War on Poverty to the War on Crime*; Murakawa, *The First Civil Right*.

<sup>34</sup> Historically, police officers have held the non-binding latitude to decide among a range of actions, such as issuing a warning, writing a ticket, or making an arrest, when policing these low-level offenses. This police “discretion” was not widely recognized before the 1960s. Society merely viewed the police as serving a “ministerial” function, enforcing laws according to the ordinances written by legislative bodies. Larry E. Sullivan and Mari Simonetti Rosen, eds., “Police Discretion,” *Encyclopedia of Law Enforcement*, Volume 3 (Thousand Oaks: Sage, 2005), 337.

austerity. Rather, expanded police power has reinforced Black peoples' supposed criminality and intractability. Such "narratives of racial difference" continue to undergird denials of police accountability today, if in a more racially "colorblind," less overt fashion.<sup>35</sup>

Historical explanations for the dearth of police accountability experienced by Black citizens remain incomplete. For one, they have yet to account for temporal and regional variations in how powerful white citizens, police agencies, and state actors have collaborated to manufacture—through law and custom—the fundamentally racist ideas that support structures of police legitimacy. These ideas have served to undercut official liability for those undergoing racialized police mistreatment. "Accountable to No One" helps fill that void. It tracks how the Milwaukee Police Department has made and remade its durable authority and perceived legitimacy, substantively and symbolically, over the course of a century. This project does so in service of better understanding why police accountability has proven so elusive for Black victims of police violence and allied citizens championing freedom from police repression in one Midwestern city.

As such, it also traces grassroots efforts to secure justice for Black men and women for whom law enforcement has violated their rights and to redefine the terms of police power so that it better serves democratic ends. As recent episodes of racialized police violence and organizational calls to defund the police in 2020 suggest, reform-minded approaches to transforming Milwaukee's police bureaucracy have never curbed police racism, even as Black representation, input, and oversight on the police force has increased. A major reason why is the power that narratives of police legitimacy hold in the public imagination and the persistent belief that, even among many police brutality victims and accountability activists, law enforcement is perfectible as an institution.

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<sup>35</sup> Jacqueline Jones, *A Dreadful Deceit: The Myth of Race from the Colonial Era to Obama's America* (New York: Basic Books, 2013), xi. Equal Justice Initiative founder Bryan Stevenson often refers to the "narrative of racial difference" that emerged from racial slavery in America. See: Equal Justice Initiative, "Segregation in America," accessed June 20, 2020, <https://segregationinamerica.eji.org/report/>. On racial colorblindness, see: Eduardo Bonilla-Silva, *Racism without Racists: Color-Blind Racism and the Persistence of Racial Inequality in America*, 5<sup>th</sup> ed. (New York: Rowman & Littlefield, 2017).

Through “procedural” reforms, most assume, policing can work effectively for all people.<sup>36</sup> This project documents how liberal reforms around police discrimination and accountability have served to expand so-called “legitimate” police power as a means of remedying deep social and economic inequities. In truth, those inequities are reproduced by an increasingly unfettered capitalist system well-defended by law enforcement agencies like the Milwaukee Police Department.

### *Project Overview*

This dissertation holds that the lack of accountability afforded to Black citizens exposed to police violence in Milwaukee is rooted in Progressive Era developments that go back as far as the 1880s. Then, African Americans in the city numbered just three to four hundred residents.<sup>37</sup> State laws passed in the interest of landed professional and business elites to stabilize public safety and ensure the MPD’s outward neutrality lie at the heart of Milwaukee’s lax accountability structures and the department’s racially discriminatory function. These reform statutes, in addition to outlining the parameters of the MPD’s “professionalization,” affirmed law enforcement’s service at the behest of the industrial-capitalist order.<sup>38</sup> Two state measures passed in 1885 and 1911, respectively, signified patrician responses to a series of social, economic, and political crises. These dilemmas threatened to disrupt Milwaukee’s traditional hierarchies of class, culture, and power.<sup>39</sup> Economic recessions,

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<sup>36</sup> As sociologist Alex Vitale has written, “procedural justice” is problematic because it falsely “assumes that the police are neutrally enforcing a set of laws that are automatically beneficial to everyone.” Alex S. Vitale, “The Answer to Police Violence is Not ‘Reform.’ It’s Defunding. Here’s Why,” *The Guardian*, May 31, 2020, July 6, 2020, <https://www.theguardian.com/commentisfree/2020/may/31/the-answer-to-police-violence-is-not-reform-its-defunding-heres-why>.

<sup>37</sup> Campbell Gibson and Kay Jung, “Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and Other Urban Places in The United States,” Population Division, Working Paper No. 76, U.S. Census Bureau, February 2005, 113.

<sup>38</sup> Police professionalization is generally credited to the reforms implemented by August Vollmer, who led the Berkeley Police Department between 1905 and 1932. Among Vollmer’s reforms were putting officers on bicycles, motorcycles, and cars; creating the first police school, advancing crime laboratories; using polygraph machines; seeking college-educated recruits “specially trained for fighting crime”; and offering competitive salaries and pensions. Sarah A. Seo, *Policing the Open Road: How Cars Transformed American Freedom* (Cambridge, MA: Harvard University Press, 2019), 66-68.

<sup>39</sup> The Wisconsin policing statutes amended Milwaukee’s City Charter. Milwaukee was the only municipality in the state whose charter, rather than the Wisconsin legislature, determined police regulations. Matthew J. Flynn, “Police

strikes, political machine corruption, perceived moral decay, and police-involved clashes among immigrant laborers and capitalist defenders encouraged white Progressive Era reformers to fortify the MPD. Through the state legislature, the city's middle-class and corporate establishment solidified the department's legitimacy and social control function under the authority of an independent police chief.<sup>40</sup> They did so in the face of ascendant populist and socialist workers parties. These parties aimed to gain leverage over a police regime that violently broke strikes, criminalized laborers, and mishandled immigrants, especially those who displayed progressive-left political views. Reform was tied to the re-assertion of a capitalistic, growth-oriented police power, which operated to the detriment of poor and toiling people.<sup>41</sup> The MPD was never "a value-free institution," or one that "evolved naturally from common social problems."<sup>42</sup>

The first Progressive Era statute (1885) created a four-member public safety board vested to hire police and fire chiefs, as well as appoint, promote, and discipline personnel.<sup>43</sup> The law removed the city's police and fire departments from Milwaukee's ward-based spoils system, installed new employment safeguards, and established lifetime tenure for public safety chiefs, whom the MFPC could only remove "for cause."<sup>44</sup> The commission was the first civil service board of its kind in the country. However, one of its legacies would be the illusion of impartiality, as the part-time mayor-

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Accountability in Wisconsin," *Wisconsin Law Review* 1131 (1974), 1133.

<sup>40</sup> Sidney Harring notes that police in the late 19th century supported, along with other municipal institutions, "the reproduction of capital" in cities. Police departments provided "important social control and welfare services and generally supervised the quality of urban social behavior." Harring, "The Police Institution as a Class Question," 199.

<sup>41</sup> Elite calls to professionalize the MPD were rooted in "respectable" citizens' anti-Labor sentiment. Police reform in Milwaukee originated in "the class struggle and the bourgeoisie's need to maintain social order." Harring, "The Police Institution as a Class Question," 220.

<sup>42</sup> Harring, "The Police Institution as a Class Question," 219.

<sup>43</sup> Chapter 378, "Laws of Wisconsin," April 14, 1885, 1251-1255. This dissertation's framing of the "Progressive Era" relies on a longer historical scope. On the periodization of the "long Progressive Era," see Robert D. Johnston, "The Possibilities of Politics: Democracy in America, 1877 to 1917," in *American History Now*, Eric Foner and Lisa McGirr, eds. (Philadelphia: Temple University Press, 2011), 96-124.

<sup>44</sup> Previously, incoming mayoral administrations would fire the existing police chief and all personnel, with the intent of bringing in politically loyal members who would help raise money for the machine by collecting graft at the ward level. See: Sidney L. Harring, *Policing a Class Society: The Experience of American Cities, 1865-1915*, 2<sup>nd</sup> ed. (New York: Haymarket Books, 2017).

appointed body rubber-stamped the prerogatives of Milwaukee public safety chiefs, while holding few trials on citizen complaints. The 1885 law also expanded the size of the MPD by nearly fifty percent and outlined its organization and operating procedures.

In 1911, a statutory revision further clarified the power of fire and police chiefs, authorizing them to “regulate” and “prescribe rules” for their departments, “control all books, records, machines” and other property.<sup>45</sup> Milwaukee’s Common Council approved annual budgets. Yet elected officials rarely crossed police chiefs, who came to wield immense sway among white ethnic voters. The 1911 law provided that only “reputable freeholders,” or property owners, could register police complaints with the MFPC.<sup>46</sup> The right to accountability was thus tied to property, i.e. a complainant’s class status. This undermined the ability of poor and low-income residents to seek redress in response to police misconduct—an arrangement that lasted until Black civil rights activists challenged the freeholder clause in the late 1960s. Finally, the 1911 statute expanded the MFPC from four to five members.<sup>47</sup> In sum, the legislature entrusted lifetime-appointed public safety chiefs to devise strategies, regulations, and enforcement procedures. They did so at the general behest of social and economic elites, free of outside interference or any serious legal threat from the people receiving an inordinate share of police attention. Over the course of the 20<sup>th</sup> century, that increasingly meant poor and low-income Black and Latinx migrants and their descendants.<sup>48</sup>

With its legitimacy established, the MPD emerged as an early pioneer in the national police professionalization movement of the early-to-mid-20<sup>th</sup> century. Chapter One explores how it

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<sup>45</sup> “Chapter 586,” Wisconsin Session Laws, 1911,” July 8, 1911, 758-760. This became a point of contention in later decades when federal courts and investigators attempted to review police files.

<sup>46</sup> The MFPC was also empowered to hear complaints from police and fire personnel. “Chapter 586,” 754.

<sup>47</sup> This expansion mattered for Milwaukee’s Socialist Party during its brief period of full control over city government in 1910-1911. Mayor Emil Seidel was able to add two Socialist Party members to the MFPC, given it more control over police disciplinary actions. Harring, “Police as a Class Question,” 217.

<sup>48</sup> The bulk of Latinx residents in Milwaukee are of Mexican and Puerto Rican descent. Joseph A. Rodriguez and Walter Sava, *Latinos in Milwaukee* (Chicago: Arcadia Publishing, 2006); Sergio González, *Mexicans in Wisconsin* (Madison: Wisconsin Historical Society Press, 2017).



cultivated and sustained an elite reputation. The department's independent status so politically-insulated its chiefs that only six served from 1888 to 1984. Their immunity enabled them to set an internal culture and administration that emphasized strict regimentation and institutional autonomy. These factors in turn engendered insularity and encouraged an "us-against-them" mentality during street-level enforcement.<sup>49</sup> Police chiefs set the MPD's strategic direction and reform agenda, which emphasized order maintenance and racial and class containment in ways that bolstered the interests of powerful white business, middle-class professional, and propertied elites. A narrative of policing exceptionalism coalesced around the MPD's innovative reform practices and inferred crime control efficiency. Most notably, the federal Wickersham Commission singled out Milwaukee in 1931 as "a city free from crime...where the criminal is speedily detected, arrested, and promptly tried and sent on his way to serve time."<sup>50</sup> The father of police professionalism, Berkeley Police Chief August Vollmer, even cited the MPD's "strong in-house training program" in the Wickersham Commission report. During World War II, the department became one of the first to instruct officers on addressing "minority problems" and produced a guide on "race and human relations."<sup>51</sup>

The MPD's exceptionalism narrative evolved in policing's "reform era." In Milwaukee, this period was bookended by the legislature's passage of the above statutes and the appointment of the MPD's final "chief for life," Harold Breier.<sup>52</sup> The narrative elevated the stature of the city's police

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<sup>49</sup> Before African Americans emerged as a primary target for the MPD after World War II, it was working-class white European-American radicals and socialists who represented the MPD's most discernible antagonists. See: Haring, *Policing a Class Society*.

<sup>50</sup> "Wickersham Report on Police," *The American Journal of Police Science* 2 (4) (July-August, 1931), 339.

<sup>51</sup> Walker, *A Critical History of Police Reform*, 135; Joseph T. Kluchesky, "Police Action in Minority Problems," 1, "Police Brutality General, 1954-1955," Papers of the NAACP, Part 18, Special Subjects, 1940-1955, Series C: General Office Files: Justice Department-White Supremacy; The Milwaukee Police Department, "A Guide to Understanding Race and Human Relations," 1952, Milwaukee, Wisconsin.

<sup>52</sup> Historian Robert Fogelson identified two major waves of police reform in America. The first lasted from about 1890 to 1930 and the second from 1940 to 1970. See: Robert M. Fogelson, *Big City Police* (Cambridge, MA: Harvard University Press, 1977). Chapters One and Two explore Milwaukee's police reform era in depth. The city's narrative of policing exceptionalism impacted other groups of color seeking accountability, including Mexican-Americans, Puerto Ricans, and Native Americans. However, this project focuses on African American experiences. They composed the largest racial minority population in Milwaukee and a disproportionate share of police brutality cases. Black citizens also took a lead role in challenging police power in the 20th century. Still, they hardly engaged in this struggle alone. As much as possible,

chiefs, conferring political influence and solidifying a common sense about the department's assumed value-neutral authority. In turn, Milwaukee's white ethnic majority placed a premium on the MPD's celebrated reputation. Policing and the politics of crime control nourished local constructions of white racial identity, buttressing the MPD's legally formulated professionalism.<sup>53</sup>

In the Depression-era 1930s, Milwaukee's narrative of policing exceptionalism crystallized in tandem with and fed off of hardening white racism. As the city's Black industrial proletariat took shape, so too did the prejudices of white workers, homeowners, parents, and shopkeepers. White racial antagonism manifested in labor, schoolyard, and neighborhood disputes, and among white patrolmen called on to police status offenses in public spaces inhabited by both low-income and middle-class Black residents. However, it was during World War II that confrontations around social demographic change, the allocation of taxpayer resources, juvenile delinquency, and crime transitioned into racially demarcated, police-mediated struggles. In this period and after, the MPD's exceptionalized leadership, service, and innovation converged with a politically contested, highly racialized politics of metropolitan "growth."<sup>54</sup>

Chapter Two focuses on this progression. Urban (re)development, population management, and police reform became entangled in the 1940s and 1950s, as Milwaukee experienced a "late Great Migration" of southern Black workers and families.<sup>55</sup> In response to increasing Black movement, white civic leaders called on the MPD, as well as trusted Black middle-class elites, to enforce the city's racial, class, and gender boundaries and temper opportunities for social disorder. Police

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"Accountable to No One" attempts to cite where racial and class unity was present in the movement for police accountability. On Harold Breier and his life, career, and influence, see: Ronald H. Snyder, "Chief for Life: Harold Breier and His Era" (Ph.D. diss., University of Wisconsin-Milwaukee, 2002).

<sup>53</sup> On how policing shaped processes of white identity construction in the postwar city, see: Timothy J. Lombardo, *Blue Collar Conservatism: Frank Rizzo's Philadelphia and Populist Politics* (Philadelphia: University of Pennsylvania Press, 2018).

<sup>54</sup> Eric Fure-Slocum, *Contesting the Postwar City: Working-Class and Growth Politics in 1940s Milwaukee* (New York: Cambridge University Press, 2013). On the MPD's "exemplary," albeit mythologized, service reputation, see: George Kelling, *Policing in Milwaukee: A Strategic History* (Milwaukee: Marquette University Press, 2015).

<sup>55</sup> Geib, "From Mississippi to Milwaukee."

“boundary work” was self-reinforcing and integral to sustaining the MPD’s narrative of policing exceptionalism.<sup>56</sup> It supplied the human assets required for police administrators to test out crime control initiatives, further justifying policing’s existence, as well as the racially imbued data needed to project effective order maintenance in and around Milwaukee’s segregated “Inner Core.”<sup>57</sup>

Enforcing racial borders through aggressive discretionary policing not only enabled the MPD to manufacture consent, boost its image, and reinforce dominant narratives about Black criminality, but it also informed how law enforcement navigated issues of internal accountability. The more that police safeguarded the traditional order through formal policies and informal discretionary practices, the more socially isolated, institutionally inviolable, and inward-facing the department became.

African American population growth, hostile white resistance to Black urbanization, and political struggles over access and resources limned Milwaukee’s shifting postwar terrain. So too did the placations of white liberals and established Black professionals. The latter were concerned about what expanded Black poor and working-class migration meant for their tenuous position vis-a-vis the white power structure. Liberals responded to what W. E. B. Dubois called “the problem of the color line” by advocating acculturation to a white-prescribed milieu.<sup>58</sup> And they did so in relation to a budding “conservative counterrevolution.”<sup>59</sup> Like postwar liberalism, Cold War geo-political, social, and economic market-based imperatives shaped metropolitan conservatism. Racial conservatives and liberals alike blamed low-income Black residents for urban problems, largely

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<sup>56</sup> As Stuart Schrader argues, police “boundary work” served as “a key part of how police approached themselves, orienting officers’ accountability mainly to professional standards rather than to broader social forces, actors, and institutions.” Stuart Schrader, “To Protect and Serve Themselves: Police in US Politics Since the 1960s,” *Public Culture* 31 (3) (September 2019), 604.

<sup>57</sup> Milwaukee (Wis.). Mayor's Study Committee on Social Problems in the Inner Core Area of the City, *Mayor's Study Committee on Social Problems in the Inner Core Area of the City, Final Report to the Honorable Frank P. Zeidler, Mayor, City of Milwaukee* (Milwaukee: The Committee, 1960).

<sup>58</sup> W.E.B. Dubois defined the “problem of the Twentieth Century” as the “problem of the color line.” W.E.B. Dubois, *The Souls of Black Folk* (Chicago: A.C. McClurg and Co., 1903), vii, 3.

<sup>59</sup> Tula A. Connell, *Conservative Counterrevolution: Challenging Liberalism in 1950s Milwaukee* (Urbana: University of Illinois Press, 2016).

abdicated responsibility for resolving inequality. The former tended to cite inherent traits in explaining perceived Black inferiority, while the latter condemned cultural behaviors that they thought resulted from segregation. Neither reckoned with the role that white supremacy played in maintaining racial hierarchy.

In this context, a triangular struggle for order arose among Black professionals, poorer Black newcomers, and white people whose politics pivoted around racist notions of Black disorder.<sup>60</sup> Most established Black leaders focused on making incremental civil rights gains through communal self-help and negotiations with Milwaukee's white-controlled political system. This brand of activism entailed preserving order on the city's criminalized near north side and projecting Black "respectability," which meant convincing recent African American arrivals of the MPD's legitimacy. Still, Black professionals knew the department to be an unfair agent of social control. A quick check on Milwaukee's crime ledgers showed that police arrested African Americans for non-violent status offenses, like "vagrancy," "drunkenness," and "prostitution," at an uneven rate. Still, Black professionals preached accommodation to southern migrants, who were unduly vulnerable to police violence based on their racial and class status and where they lived. Racial liberals believed poor and working-class Black people could transcend their subordinate position in the social order through hard work and lawfulness. As rampant inequality and urban liberalism's shortcomings grew more pronounced in the late 1950s and 1960s, some Black professionals began shifting away from appeals to individual biases and white "hearts and minds."<sup>61</sup> Still, their hesitancy to challenge the racist designs at the core of the city's postwar assimilation efforts helped advance the MPD's narrative of policing exceptionalism, further calcifying police assertions of legitimacy.

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<sup>60</sup> On the triangular struggle, see: Jack Dougherty, *More than One Struggle: The Evolution of Black School Reform in Milwaukee* (Chapel Hill: The University of North Carolina Press, 2004), 52-57.

<sup>61</sup> On liberals combatting discrimination by appealing to white hearts and minds in this period, see: Gunnar Myrdal, *An American Dilemma, Volume 1: The Negro Problem and Modern Democracy* (New York: Harper, 1944), 110.

Indeed, the MPD played an important role in managing Milwaukee's postwar "cultural adjustment" program through an emergent "liberal law-and-order" ethos.<sup>62</sup> This approach simultaneously framed poor and working-class Black migrants as harbingers of disorder and the police as susceptible to racial bias. But it also positioned law enforcement as capable of redemption through "human relations" training and other procedural reforms. Police chiefs enacted policies masked by a colorblind language of value neutrality. Yet, their directives were predicated on tempering Black political dissent and quashing opportunities for social unrest. Meanwhile, the MPD's autonomy and prodigiously white composition ensured that officers would continue to police as they saw fit. Internal accountability was the prerogative of the police chief and their subordinates. During this period, Black demands for fair employment and housing conjured violent white responses and police riots in cities. White Milwaukee parents, property owners, and powerbrokers all feared racial violence in their city and the potential for heightened Black demands for justice. Police leaders joined in the "race relations" discourse. Discussions focused on promoting tolerance and Black self-sufficiency (on white terms), not on ending institutional racism and better distributing economic resources and equal access to jobs, education, and housing.

The MPD's Youth Aid Bureau was a shining example of the liberal law-and-order approach, which updated the MPD's exceptionalism narrative for the postwar period. The bureau's goal was to increase contacts between the police and potentially "delinquent" juveniles—seemingly disruptive Black and Latinx teenagers, in particular. Marketed as part of a wider human relations agenda, the bureau helped broaden the MPD's institutional reach and surveillance capacities.<sup>63</sup> It established early connections between the police, schools, and social service agencies. Black youth saw closer

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<sup>62</sup> See: Murakawa, *The First Civil Right*.

<sup>63</sup> Theretofore, the MPD's surveillance capacities were best exemplified by the department's labor-infiltrating and repressive "Red Squad." S. Ani Mukherji, "Reds among the Sewer Socialists and McCarthyites: The Communist Party in Milwaukee," *American Communist History* 16 (3-4) (2017), 113.

police scrutiny and experienced more arrests than their white peers, especially those who socialized in what middle-class social reformers saw as morally dubious, interracial settings with white women.

Upsurges in racialized police violence corresponded with rising inequality in housing, employment, and education. Postwar Black population growth coincided with violent forms of white resistance to social demographic change. When not committing acts of terror against African American families trying to buy homes beyond the near north side, exploiting Black homeowners and renters through nefarious real estate and lending practices, or engaging in workplace intimidation when Black laborers sought union memberships, white Milwaukeeans suburbanized as a means of social distancing from African Americans. Thousands of upwardly mobile white families relocated outside of the city in the 1940s, 1950s, and 1960s, taking their tax dollars with them.<sup>64</sup> This created new fiscal emergencies for Milwaukee officials, who had historically balanced the city's budget. Corporations began to move too, although Milwaukee's manufacturing base remained sizable well into the 1980s.<sup>65</sup> White out-migrants claimed a desire for more space, better-funded schools, and lower taxes, but it was the physical separation from perceived urban ills and their proximity to criminalized Black residents that drove the exodus.

The racial politics of postwar urban housing policies contributed to “white flight.”<sup>66</sup> Outwardly intended to improve the lives of poor and working-class people of all races struggling to rent and buy homes amid a postwar housing shortage, “urban renewal” and public housing construction programs exacerbated racial tensions, increased rates of Black poverty, and further

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<sup>64</sup> On suburbanization in Milwaukee, see: John M. McCarthy, *Making Milwaukee Mightier: Planning and the Politics of Growth, 1910-1960* (DeKalb: Northern Illinois University Press, 2009); Mark Edward Braun, “Suburbanization,” *The Encyclopedia of Milwaukee*, accessed June 30, 2020, <https://emke.uwm.edu/entry/suburbanization/>.

<sup>65</sup> This also ensured that Milwaukee's small Black industrial proletariat endured in an era of marked deindustrialization and urban decline.

<sup>66</sup> “White flight” from cities had an even greater impact than redistributing population and remaking municipal tax structures. It shaped conservative political ideologies, hostility towards the federal government, and people's faith in free enterprise. See: Kevin M. Kruse, *White Flight: Atlanta and the Making of Modern Conservatism* (Princeton: Princeton University Press, 2007).

stigmatized low-income families of color. Racism structured the city's growth-oriented redevelopment projects, which translated into uneven resource allocation and false promises of adequate housing for Black families. In turn, the threat of crime became a more pressing issue. Police and media reports affirmed Black migrant lives as disposable and dangerous in the public imagination, while simultaneously de-criminalizing illicit white behavior. Milwaukee's "urban crisis" was never framed as one of white behavioral maladjustment.<sup>67</sup>

Black criminalization led to racialized police policies of "close surveillance" and stop, question, and search tactics that never fully abated.<sup>68</sup> Sensationalized violent crimes involving Black suspects raised public anxieties around discriminatory sweeps. Acts of police brutality accompanied racial profiling, inspiring mistrust. Black migrants and professionals both felt "overpoliced and underprotected in their lives and property."<sup>69</sup> Public order enforcement on the near north side, especially of gamblers, drinkers, drug addicts, sex workers, party-goers, and idle persons pushed out onto street corners by overcrowding and under-employment, guaranteed a growing catalog of Black entry into the criminal justice system. Many Black persons who came into contact with the MPD were young. In 1970, as high as sixty-three percent of the city's African American population was under 21 years old.<sup>70</sup> Police authorized vice in the city's Black Sixth Ward, while continuing to crack down on presumably amoral and illicit behavior that violated middle-class sensibilities. Police-Black

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<sup>67</sup> Using historian Thomas Sugrue's framing, the "urban crisis" refers to the local impact of several economic, racial, and political shifts that occurred in the mid-20th century U.S. The urban crisis was a consequence of "two of the most important, interrelated, and unresolved problems in American history: that capitalism generates economic inequality and that African Americans have disproportionately borne the brunt of that inequality." Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 5.

<sup>68</sup> As Simon Balto observed in research on Milwaukee and Chicago, such racialized policing tactics predated the 1960s and subsequent decades. See: Balto, "Occupied Territory"; Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power* (Chapel Hill: The University of North Carolina Press, 2019).

<sup>69</sup> Race superseded class, as Milwaukee's white-controlled law enforcement system often refused to observe intra-racial class distinctions, much to the chagrin of Black professionals lumped in with the city's "criminal element." Trotter, *Black Milwaukee*, 118. "Repression and negligence" were the "constitutive features" of the social contract between Milwaukee's whitewashed police force and its Black population. Balto, "Occupied Territory," 232.

<sup>70</sup> This figure is based on the 1970 census. Carl Hamm, "Milwaukee Police Department: Civil Service and Pension Case Study," Police Foundation, August 15, 1971, 4, Box 1, Folder 16, "Greater Milwaukee Conference on Religion and Urban Affairs, Police Brutality, 1971, 1983-1984," Joan McManus Papers, 1970-2003, UWM Manuscript Collection 267.

citizen altercations occasionally resulted in violence, even death. As such, the “contradictory character” of policing in “Bronzeville” revealed the narrative of policing exceptionalism’s mythic dimensions and racist double standards.<sup>71</sup> Phrases like “police professionalism” and “community relations” signified pointless euphemisms for coercive police practices of racial control.

Resistance to the MPD’s presumed legitimacy took competing forms. Struggles for police accountability gained intensity as racialized police violence became more commonplace. Black youth confronted white patrolmen in crowd control situations, some harnessing their collective power to free peers apprehended by the police.<sup>72</sup> On the other end of the spectrum, umbrella coalitions led by middle-class professionals prioritized police-Black community relations improvements and negotiated for procedural change with receptive white City Hall allies. For example, around 1957, the Milwaukee Urban League’s Lapham-Garfield Neighborhood Association began seeking ways to mitigate crime and police oppression by working with liberal city officials to more responsibly police the Sixth Ward’s mix of rental, public housing, and homeowner occupied properties.

Inter-generational, regional, and class conflicts occasionally divided younger, more militant Black working-class leaders from the community’s old-guard. The 1958 police murder of Daniel Bell was a major turning point in the city’s Black-led struggle for police accountability.<sup>73</sup> Younger working-class activists championed direct action protest and making visible demands for justice in response to the Louisiana migrant’s death; more conservative professionals advocated a go-slow approach. The latter continued to back the acculturation of southern migrants unfamiliar with Jim Crow North’s social expectations. Organizational leaders called for more Black police recruitment as a means of resolving police abuse and neglect, as the MPD employed few African American officers.

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<sup>71</sup> Bronzeville was the self-determined, culturally resilient world African Americans carved out for themselves on the near north side within Milwaukee’s white supremacist confines. Robert S. Smith, “African Americans,” *Encyclopedia of Milwaukee*, accessed May 28, 2020, <https://emke.uwm.edu/entry/african-americans/>.

<sup>72</sup> See: Balto, “Occupied Territory.”

<sup>73</sup> See: Jones, *The Selma of the North*.



While racial accommodationists temporarily won the battle, their pacifying solutions proved untenable by the 1960s. As Milwaukee's postwar civil rights insurgency took shape, the city's Black population soared, and white racism, backed up by police violence, intensified.

Addressing police brutality took center stage in the mid-1960s, as a younger generation of activists refused to accept police mistreatment and the assumed cultural deficiencies used to justify Milwaukee's racist acculturation program. Organizations like the Citizens Anti-Police Brutality Committee (CAPBC), the focal point of Chapter Three, challenged the inconsistencies of the MPD's exceptionalism narrative. They advocated reform proposals in response to racialized police violence and called for direct action when demands went unmet by police bureaucrats. While the group fell into the common habit of framing abusive officers as individual "bad apples" in need of discipline, rather than indicators of a wider systemic problem, they brought police brutality to the forefront of the city's burgeoning civil rights movement. The CAPBC took Black police misconduct complaints to white fire and police commissioners, who predictably upheld the status quo by pointing to the MPD's exemplary reputation. In navigating Milwaukee's police bureaucracy, the CAPBC initiated a process of discovery that divulged the legal underpinnings of police power and the extent to which the MFPC was capable of reviewing police brutality cases and meting out justice on acceptable terms. The group also learned about the 1911 "freeholder" clause that prevented most Black residents from filing police complaints and initiated efforts to revise the board's review process.<sup>74</sup> When the CAPBC brought case descriptions from Black police brutality victims before the commission, they saw firsthand how the MFPC reflexively shored up police legitimacy and chilled dissent through bureaucratic inertia. As the commission denied the reality of Black police brutality grievances in 1964, two families filed the city's first federal police brutality lawsuits.

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<sup>74</sup> Milwaukee's only Black alderperson, Vel Phillips, worked towards revising the City Charter to allow qualified "electors" to file grievances with the MFPC in 1968.

That police violence became a civil rights issue in postwar Milwaukee was contingent on national developments—namely, the “rights revolution” occurring in the U.S. criminal-legal system, the legislative gains of the Black freedom struggle, and a series of uprisings against police violence and white supremacy in segregated Black enclaves like Harlem, North Philadelphia, and Watts.<sup>75</sup> Such events facilitated political openings for Black police accountability advocates in Milwaukee to articulate reform demands, lest the city devolve into its own episode of civil violence. With racial inequities enduring after the passage of the 1964 Civil Rights Act and 1965 Voting Rights Act, it became more apparent to young Black activists and movement veterans alike that non-violent civil disobedience alone would not mitigate the essential disposability of Black life. Greater access and opportunities to participate in a structurally unfair, if nominally colorblind society were not enough to address the harmful legacies of Black enslavement, labor conscription, terrorization, political disfranchisement, wealth extraction, and communal plundering.<sup>76</sup>

Even still, Milwaukee’s political system moved slowly to address racism. Some Black organizational leaders wondered if their city would be the next to burn. Most held out hope for civic negotiation and peaceful protests. Meanwhile, whiteness and policing grew more closely linked in the civil rights era. White neighborhood groups, citizen leagues, and even police wives organized counter-protests and letter writing campaigns that revealed deep-seated anger over Black calls for reform. They defended the MPD and its chief, Harold Breier, using racist language to describe what they saw as unruly invaders making false claims about their admirable police force. They also offered flimsy pronouncements of white crime victimization. White grassroots advocacy for the MPD

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<sup>75</sup> Samuel E. Walker, *The Rights Revolution: Rights and Community in Modern America* (New York: Oxford University Press, 1998); Peter B. Levy, *The Great Uprising: Race Riots in Urban America during the 1960s* (New York: Cambridge University Press, 2018).

<sup>76</sup> “Racial capitalism” refers to the global economic order built on racial slavery, violence, imperialism, and genocide. See: Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition*, rev. ed. (Chapel Hill: University of North Carolina Press, 2000), 1-3; Robin D.G. Kelley, “Introduction,” in *Race, Capitalism, Justice*, Walter Johnson and Robin D.G. Kelley, eds., *Boston Review*, Forum 1 (2017), 7-8.

reinforced long-standing ideas about police legitimacy and the department's exceptionalism, while undermining the city's Black-led struggle for police accountability. No white elected officials were willing to put their political careers on the line to champion a racially charged issue that most white constituents rejected. The MFPC acted as a firewall to protect police power. Its members were directly connected to a white south side political organization that backed the police chief and sympathetic political candidates, including Mayor Henry Maier and most of the Common Council.<sup>77</sup>

Police brutality—name-calling, harassment, physical abuse, and killings—added to a constellation of discriminatory policies and practices that delineated Black life on Milwaukee's north side. Unheeded Black frustrations with abusive officers, combined with the area's squalid living conditions, eventually led to civil unrest in Summer 1967. Chapter Four traces that unrest and its aftermath. Milwaukee police bureaucrats worked to fortify police power without actually attending to law enforcement's role in stimulating the urban crisis and ignoring the pleas of Black accountability activists. The violence snowballed from a fairly routine incident of police harassment and intimidation against Black youth after a social event. Rather than force a productive moment of racial reckoning, the multi-day "civil disturbance" encouraged police and city officials to double-down on harsh, invasive tactics against poor and working-class Black citizens on the near north side. The autocratic Chief Breier took a reactionary law-and-order stance, energetically suppressing any apparent Black dissent and various modes of political and civil rights activism on the left. Coupled with Mayor Maier's decision to impose a spatially (racially) restrictive curfew and call in the state National Guard, police easily suppressed a comparatively minor "long hot summer" rebellion.

Maier and Breier emerged as folk heroes to fearful white residents across the metropolitan area. Firm in their belief that civil violence required a forceful response, they rejected the findings of

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<sup>77</sup> The "south side" section of Milwaukee was the city's primary seat of white supremacist power and reaction. Jones, *The Selma of the North*, 181-185.

the National Advisory Commission on Civil Disorders in 1968. That federal committee, appointed by the liberal Johnson administration following the eruption of hundreds of urban uprisings, named white racism and systemic discrimination as root causes of civil violence, in addition to “subversive” and “anti-American” Black Power militancy.<sup>78</sup> Yet, the administration felt the political pressure of looking tough on crime. It shelved most of the commission’s proposals and moved forward on passing a bipartisan Safe Streets Act in 1968 that introduced huge federal expenditures and investments in law enforcement, police militarization and “community relations” projects meant to improve the police image and preserve order.<sup>79</sup> Mayor Maier concurrently blamed suburban municipalities and civil rights insurgents for racial inequities. “Agitators” were the instigators of unrest, not racist police tactics. He embraced federal funding to shore up police power, designating the MFPC as the city’s grant coordinating agency. Yet new friction emerged between Chief Breier and City Hall around the intervention of federal research teams looking to document what occurred in 1967. Breier tightly guarded his department’s independent political status, feeding its growing isolation from overpoliced communities, institutions concerned about crime, and elected officials.

More civil violence transpired, as the Milwaukee NAACP Youth Council (YC) led two hundred straight nights of protest for an open housing ordinance between September 1967 and April 1968. Thousands of angry white supremacists confronted a diverse cohort of peaceful protestors, who numbered in the hundreds. The mayor and Common Council did little to address decades of racist policies, other than offer a toothless “War on Prejudice.”<sup>80</sup> Breier distinguished

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<sup>78</sup> The commission did not frame rebellions against police violence and racial injustice as “a form of political speech,” which historians do today. Daniel Geary, “What the Kerner Report Got Wrong about Policing, the Perils of Romanticizing 1960s Liberalism,” *Boston Review*, May 19, 2016, accessed October 26, 2020, <https://bostonreview.net/us/daniel-geary-kerner-report-got-policing-wrong>. National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders* (Washington, D.C.: U.S. Government Printing Office, 1968);

<sup>79</sup> The federal War on Crime added institutional heft and funding capacity to an existing Office of Law Enforcement Administration, established after the 1965 Watts uprising. See: Hinton, *From the War on Poverty to the War on Crime*.

<sup>80</sup> The Common Council’s only Black member, Vel Phillips, had regularly proposed fair housing ordinances since 1956.

himself from his liberal law-and-order predecessors by rejecting “community relations” improvements as a solution for building trust with neglected Black citizens and upholding order in their segregated, resource-depleted communities. He shunned the civilian review board concept and offered tired excuses on why the MPD employed few Black officers. The department conducted internal inquiries for the MFPC when the public filed complaints, denying accountability. While a city-backed committee recommended an oversight body that went beyond the scope of the MFPC in 1968, the Maier administration dismissed the proposal. Police accountability advocates pressured the mayor and Common Council to hire a “Community Relations Specialist” to focus on “minority recruitment,” promote community relations, and assist in the complaint review process. However, Breier undermined the specialist’s effectiveness on reviewing complaints and recruiting Black personnel by offering little support. The MPD continued to flex its state-sanctioned authority, though it was more socially detached than ever at a time when federal authorities sought better coordination and cooperation from municipal police agencies. Washington D.C. looked to modernize the police function in the wake of 1960s urban upheavals—a process that included both weapons/technological enhancements and ensuring civil rights compliance.

While Breier’s reactionary law-and-order approach contradicted aspects of the bipartisan War on Crime, he still applied for federal Law Enforcement Assistance Administration block grants to fund computer equipment and hardware upgrades. These helped police respond to crime more efficiently and forcefully. The city and MFPC, meanwhile, applied for federal money to fund community relations programs and minority police recruitment, which Breier disdained. The chief scoffed at emerging preventive, or “proactive” crime control philosophies that were gaining traction in the 1970s. He eschewed procedural reforms that, he thought, appeased leftist political agitators. For Breier, there was no flawed police image to improve, no illegitimacy to correct. And he enjoyed ample white community and political support to back up his opinions. The “bad” people in his

city—a conflation of civil rights activists and street criminals—needed to learn harsh lessons as a result of their disruptive behavior. Chief Breier’s reactionary law-and-order approach reciprocally fed off of the gaining militancy of Black-led campaigns for racial justice. Primary targets of police abuses were Black Power groups like the NAACP Youth Council and Milwaukee’s Black Panther Party chapter.<sup>81</sup> The MPD’s Tactical Enforcement Unit was purposely outfitted to suppress “subversive” political organizing activities and demonstrations. The “Tactical Squad” presented a dramatic foil for Black and allied accountability advocates seeking to improve police oversight.

Chief Breier’s bellicose leadership during what historians have called the “long 1970s” (1969-1984) was a double-edged sword.<sup>82</sup> His racial conservatism and reactionary law-and-order ethos obstructed Black freedom movement objectives. But the chief’s fervent dismissal of community relations programs and procedural reforms also obscured the fact that liberal law-and-order policing functioned as a tool for racial and class suppression. It reproduced inequality by criminalizing the Black poor and citing their potential for disruptive behavior.

Nonetheless, the policing of decades past generated liberal nostalgia. Police reformers and accountability advocates, Black and white, believed in the possibility of a more socially enlightened version of law enforcement—one that resembled the height of the MPD’s exceptionalism era in the 1940s. This was predictable, given Chief Breier’s autocratic leadership and his overtly racialized law enforcement strategies. The violence that the MPD inflicted against minoritized people and the poor

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<sup>81</sup> Milwaukee’s initial BPP chapter was short-lived because of police repression and in-fighting. One unjustified arrest on a misdemeanor “resisting arrest” charge in 1969, in particular, led to a lengthy trial that “exhausted the chapter’s resources and energy.” Lisa Cacho and Jodi Melamed, “How Police Abuse the Charge of Resisting Arrest,” *Boston Review*, June 29, 2020, <http://bostonreview.net/race-law-justice/lisa-cacho-jodi-melamed-how-police-abuse-charge-resisting-arrest>. On the Milwaukee BPP, see: Andrew Witt, *The Black Panthers in the Midwest: The Community Programs and Services of the Black Panther Party in Milwaukee, 1966-1977* (New York: Routledge, 2007); Yohuru Williams, “Give Them a Cause to Die For,” *The Black Panther Party in Milwaukee, 1969-1977* in *Liberated Territory: Untold Local Perspectives on the Black Panther Party*, ed. Yohuru Williams and Jama Lazerow (Durham: Duke University Press, 2008).

<sup>82</sup> Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: Simon and Schuster, 2001), 4; Aaron Brenner, Robert Brenner, and Cal Winslow, eds., *Rebel Rank and File: Labor Militancy and Revolt from Below During the Long 1970s* (New York: Verso, 2010).

in the 1960s and 1970s strengthened reformist convictions. The sitting chief cut an obvious target. His twenty-year tenure overlapped with a complex and conflicting period that saw both the expansion of civil rights protections and the growth of an ever more punitive criminal justice system, which disproportionately targeted poor and working-class BIPOC citizens.

As Chapter Five details, police accountability groups and sympathetic elected officials mobilized against Breier's unchecked power in the years following the 1967 civil disturbance. They did so via street protests, federal court filings, and political lobbying. These efforts chipped away at his unbridled authority. Black Power organizations—fed up with the false promises of urban liberalism and its failure to address economic problems—urged “community control” of the police and other municipal services. Their demands grew louder in the wake of a series of racialized police killings that occurred between 1972 and 1975. A rising neighborhood stabilization movement, frustrated by institutional and social fragmentation, also organized at the community level in this period. Community associations became a powerful interest group, especially on matters of crime control and police accountability. Discontented rank-and-file police were active as well. The Milwaukee Police Patrolmen's Protective Association (MPPPA) decried their chief's strict internal regulations and unwillingness to budge on “community relations” improvements. The MPPPA aimed to safeguard officers who worked in “high crime” areas. As such, they pushed to expand the rights of police by striking, collectively bargaining, and lobbying in Madison. The MPPPA challenged Breier's stringency, despite his routine defense of officers accused of brutality.

Black, Latinx, and women officers confronted the MPD's strictures and the failure of Milwaukee's police bureaucracy to adequately comply with federal civil rights decrees. They utilized the anti-discrimination provisions of the 1964 Civil Rights Act to advance workplace rights, then sued in response to recruitment, assignment, and promotions violations. Integration persisted as a reform demand among progressive-left and liberal activists. Meanwhile, national study committees,

the U.S. Civil Rights Commission, and the U.S. Department of Justice clarified the statutory matter at the heart of Milwaukee's police accountability struggle. Through legal actions and investigations, the federal government and community-based organizations further exposed the anti-democratic rule of Milwaukee police chiefs and pushed to limit their authority by empowering City Hall.

Consequently, in 1977, the Wisconsin legislature revised the 1911 statute that outlined police power in Milwaukee and gave the MFPC approval to annually review new rules set by public safety chiefs. They also imposed term limits on future department leaders, excusing the still politically influential Breier.<sup>83</sup> Nonetheless, a more diverse body of state representatives was now answering the reform calls of accountability advocates, police union leaders, and neighborhood groups.

Chief Breier's reactionary law-and-order ethos was under threat in the 1970s, but the fight was far from over. As Chapter Six recounts, the police chief's capacity to oversee the MPD's racist law enforcement practices and virtually all of the department's internal operations endured into the 1980s. However, around the same time that the Wisconsin legislature passed its first reform bill, revising police rule-making authority, an important development emerged. In 1978, a former patrolman who was party to the 1958 police killing of Daniel Bell came clean to a far-reaching police coverup. The revelations sparked fresh accountability protests and a civil rights lawsuit. A campaign to "oust Breier," who was Inspector of Detectives in 1958, collected thousands of signatures and activists demanded further legislative changes.

Then, in 1981, Milwaukee Tactical Squad officers brutalized and asphyxiated Ernest Lacy—a 23-year-old Black man wrongfully stopped, interrogated, and arrested for a rape he did not commit. A major campaign for justice coalesced that drew in more than seventy-five local organizations. Led by Black Power activists Howard Fuller and Michael McGee, the Coalition for Justice for Ernest

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<sup>83</sup> In March 1977, Milwaukee's Common Council set the terms of the next police chief's tenure at seven years with the option of renewal. "Police Commission Beginning to Make Its Voice Heard," *The Milwaukee Journal*, September 6, 1978, Part 2, 2.



Lacy spent two years struggling to get the Milwaukee County DA to file criminal charges and, when that failed, for the MFPC to discipline the officers responsible for the young man's death. Chief Breier intimidated demonstrators and had a visible presence at rallies—then the largest in the history of Milwaukee's Black-led struggle for police accountability. Calls renewed for the MFPC to remove Breier. The political will for administrative action reached new heights, as Milwaukee's racial demographics markedly shifted. The city was on course to become a "majority minority" city in the next millennium. In 1984, state lawmakers passed what became known as the "Breier Bill." Senate Bill 56 finally transitioned police rule-making authority to the MFPC. Along with Breier's sudden retirement that Spring, the firing of the officer who suffocated Lacy, and the passage of a state law requiring police to administer first aid to arrestees in need, Milwaukee's Black-led movement for police accountability gained significant victories.

Still, a fundamental question persisted after 1984: could policing itself be made "legitimate" for everyone, especially now that police power was more evenly distributed? A sign pointing to "no" was that government had invested millions of dollars in expanding law enforcement and penal control as a solution to economic and social problems, ignoring white supremacy and class exploitation in the process. Disproportionately funding the state's punitive arm to suppress rising fears of street crime drew taxpayer dollars away from funding social welfare, healthcare, jobs, and education. Conservative Republicans and "tough on crime" Democrats identified social welfare provisioning as wasteful public spending after the 1960s and vilified BIPOC citizens who relied on it to survive. Increasingly, the state turned to private, market-based solutions to help solve problems that, for much of the 20<sup>th</sup> century, were at least partially addressed by the federal government.

Civil rights advancements ironically intersected with political and economic restructurings in the late 20<sup>th</sup> century to negatively impact poor and working-class families of color. Deteriorating economic conditions in hyper-segregated cities like Milwaukee, civic neglect, and revanchist

neoliberal policies aggravated metropolitan inequality further. Punitive responses seemed like the only viable solution to intensifying drug and gang-related crime. Despite substantive reform gains, police accountability victories coincided with the erosion of Black Milwaukee's tenuous industrial foothold. Police power was restructured, yet deindustrialization, domestic budget austerity, and the onset of a national mass incarceration crisis have helped facilitate Wisconsin's status as the most racially punitive state in the U.S.<sup>84</sup> Racism, under the aegis of colorblindness, persists in Milwaukee. A revised liberal law-and-order policing narrative upholds the virtues of the "thin blue line," while positioning the city's Black poor as no less condemnable and criminogenic than in past decades.

### *Historiography*

"Accountable to No One" is a history of the entwined forces that sustain cycles of police reform, resistance, and repression. It focuses on one municipality: Milwaukee, Wisconsin.<sup>85</sup> As such, it joins a torrent of recently published scholarship that aspires to trace the lineage of America's immense and discriminatory criminal justice system; the social, economic, cultural, political, and legal implications of policing and punishment for people living in the U.S.; and law enforcement's vital place within frameworks of "carcerality."<sup>86</sup> Concurrently, this project engages with histories of Black

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<sup>84</sup> A 2013 study found that Wisconsin incarcerated more Black men per capita than any other in the country. John Pawasarat and Lois M. Quinn, "Wisconsin's Mass Incarceration of African American Males: Workforce Challenges for 2013" (University of Wisconsin-Milwaukee, ETI Publications, 2013).

<sup>85</sup> Milwaukee, incorporated as a city in America's Northwest Territory in 1846, is a product of French and English settler colonialism. It was built atop First Nation lands occupied by Potawatomi, Fox, Ho-Chunk, Menominee, Sauk, Ojibwe, Odawa (Ottawa), and Oneida peoples for more than 13,000 years. "Milwaukee, Wisconsin History," Wisconsin Historical Society, accessed June 10, 2020, <https://www.wisconsinhistory.org/Records/Article/CS1607>.

<sup>86</sup> Prison and policing abolitionists define "carcerality" as "the physical confinement of bodies in carceral spaces" for the purposes of reorganizing society so as "to maintain white supremacy." Martha Escobar, Kiara Padilla, Paola Tapia, and Rocio Rivera-Murillo, "Origins of the Carcerality Research Lab," Carcerality Research Lab, accessed May 25, 2020, <https://public.imagingamerica.org/journalcontent/2018/5/2/306/index.html>. A number of social scientists, legal scholars, and journalists predated most historians in exploring the foundations of America's late 20th century carceral crisis. Notable examples include: Marc Mauer, *Race to Incarcerate* (New York: The New Press, 1999); David Garland, *Mass Imprisonment: Social Causes and Consequences* (London: Sage, 2001); Garland, *The Culture of Crime Control* (Chicago: University of Chicago Press, 2001); Bernard E. Harcourt, *The Illusion of Order: The False Promise of Broken Windows Policing* (Cambridge: Harvard University Press, 2001); Meda Chesney-Lind and Marc Mauer, *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (New York: The New Press, 2003); Bruce Western, *Punishment and Inequality in America* (New York: Russell Sage Foundation Publications, 2007); *Lockdown America: Police and Prisons in the Age of Crisis*; Todd R. Clear,

migration, urbanization, activism, and confrontations with white supremacy.<sup>87</sup> Some of the works categorized as “long civil rights movement” history have integrated law enforcement—its inflictions of racialized state terror and denials of accountability to African Americans and other groups of color—as a prime obstructor of Black freedom.<sup>88</sup> While these studies have addressed policing’s

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*Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse* (New York: Oxford University Press, 2009); Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham: Duke University Press, 2009); Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (New York: Cambridge University Press, 2012).

<sup>87</sup> The historical literature on Black migration in America is extensive. Early studies focused on explaining Black “ghetto” formation, emphasizing the caste-like dimensions of Black life in segregated urban areas shaped and constrained by white supremacist structures. They include: St. Clair Drake and Horace Cayton, *Black Metropolis: A Study of Negro Life in a Northern City* (Chicago: University of Chicago Press, 1945); John Daniels, *In Freedom’s Birthplace: A Study of the Boston Negro* (New York: Arno Press, 1969); Carter G. Woodson, *A Century of Negro Migration* (New York: Russell and Russell, 1918); Emmett J. Scott, *Negro Migration during the War* (New York: Arno Press, 1969); Chicago Commission on Race Relations (Written by Charles S. Johnson), *The Negro in Chicago: A Study of Race Relations and a Race Riot*, reprint edition (Chicago: University of Chicago Press, 1923); and Louise Kennedy, *The Negro Peasant Turns Cityward: Effects of Recent Migrations to Northern Cities* (New York: Columbia University Press, 1930). In the 1980s and 1990s, a dynamic literature reassessed the “ghetto synthesis.” They interpreted Black urban spaces as more contested socially, economically, and politically. Black residents defined their environs against the backdrop of white supremacy throughout the long Black migration period (1890s-1970s). Notable works include: Joe William Trotter, *Black Milwaukee: The Making of an Industrial Proletariat, 1915-45*, 2<sup>nd</sup> ed. (Urbana: University of Illinois Press, 2006); Peter Gottlieb, *Making Their Own Way: Southern Blacks’ Migration to Pittsburgh, 1916-30* (Urbana: University of Illinois Press, 1987); James R. Grossman, *Land of Hope: Chicago, Black Southerners, and the Great Migration* (Chicago: University of Chicago Press, 1991); Richard W. Thomas, *Life for Us Is What We Make It: Building Black Community in Detroit, 1915-1945* (Bloomington: Indiana University, 1992); Earl Lewis, *In Their Own Interests: Race, Class, and Power in Twentieth-Century Norfolk Virginia* (Berkeley: University of California Press, 1993); Shirley Ann Moore, *To Place Our Deeds: The African American Community in Richmond, California, 1910-1963* (Chicago: University of Chicago, 1996); and Kimberley L. Phillips, *African American Migrants, Community, and Working-Class Activism in Cleveland, 1915-1945* (Urbana: University of Illinois Press, 1999). On Black community formation and resistance to white supremacy in the post-World War II period, see: Arnold R. Hirsch, *Making the Second Ghetto: Race and Housing in Chicago 1940-1960*, 2<sup>nd</sup> ed. (Chicago: University of Chicago Press, 1998); Sugrue, *The Origins of the Urban Crisis*; Robert O. Self, *American Babylon: Race and the Struggle for Postwar Oakland* (Princeton: Princeton University Press, 2005). Historians have also examined the long history of Black suburbanization. See: Andrew Wiese, *Places of Their Own: African American Suburbanization in the Twentieth Century* (Chicago: University of Chicago Press, 2004).

<sup>88</sup> Jacqueline Dowd Hall argued in 2005 that the narrow “classical phase” of the Civil Rights Movement (CRM) taught in textbooks, recounted in media, memorialized in public spaces, and “distorted and reified by a New Right bent on reversing its gains” concealed a more expansive, complex, and dynamic history of Black struggle against white supremacy—one that extended beyond the limits of the South; included women’s voices and leadership; was locally rooted; stretched back to the Left-Labor alliances of the 1930s; and was far more radical than liberal or conservative officials have admitted. Jacquelyn Dowd Hall, “The Long Civil Rights Movement and the Political Uses of the Past,” *The Journal of American History* 91 (4) (March 2005), 1233-1263. Hall observed that the “classical phase” of CRM scholarship emphasized Southern organizing and protest in the 1950s and 1960s. This reinforced a declension narrative that the movement deteriorated after the 1965 Watts Uprising and the rise of Black Power. In this view, a societal backlash against urban unrest, Black militancy, student protest, feminist proclamations, and affirmative action and busing programs immediately followed the CRM’s non-violent, direct action phase. These classical studies placed little emphasis on how metropolitan areas reorganized power and resources as a result of 1930s and 1940s New Deal liberalism, which laid the foundations for entrenched racial and class conflict in subsequent decades. Histories that emphasize the CRM’s classical phase include: Clayborne Carson, *In Struggle: SNCC and the Black Awakening of the 1960s*, 2<sup>nd</sup> ed. (Cambridge, MA: Harvard University Press, 1995); Taylor Branch, *Parting the Waters: America in the King Years, 1954-1963*, reprint ed. (New York: Simon and Schuster, 1989); David J. Garrow, *Bearing the Cross: Martin Luther King, Jr. and the Southern Christian Leadership Conference* (New York: William Morrow, 1986). Conversely, the “long civil rights movement” scholarship

impact on Black strivings for racial equality and self-determination, policing has rarely served as the main locus of analysis.<sup>89</sup> With the Black Lives Matter (BLM) movement's ascendance in the 2010s, following a succession of high-profile, in many cases video-recorded police and vigilante murders of Black men and women, this emphasis shifted. A growing number of social and political historians began considering the pivotal role of law enforcement in perpetuating systems of inequality and injustice in cities. They connected it to the broader history of punitive American state building.<sup>90</sup>

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reinterpreted the CRM as a more radical, often militant struggle deeply committed to democratic principles across the U.S. This literature has positioned the Black freedom movement as a temporally and geographically expansive struggle, connected to localities beyond the South and time periods not commonly associated with “civil rights.” It has featured the powerful voices of women leaders and delves into complex and gendered organizational dynamics. Notable examples include: Robin D.G. Kelley, *Hammer and Hoe: Alabama Communists during the Great Depression* (Chapel Hill: The University of North Carolina Press, 1990); Evelyn Brooks Higginbotham, *Righteous Discontent: The Women's Movement in the Black Baptist Church* (Cambridge, MA: Harvard University Press, 1994); George Lipsitz, *A Life in the Struggle: Ivory Perry and the Culture of Opposition*, rev. ed. (Philadelphia: Temple University Press, 1995); Belinda Robnett, *How Long? How Long?: African-American Women in the Struggle for Civil Rights* (New York: Oxford University Press, 1997); Glenda Elizabeth Gilmore, *Gender and Jim Crow: Women and the Politics of White Supremacy in North Carolina, 1896-1920* (Chapel Hill: University of North Carolina Press, 1997); Bettye Collier-Thomas and V. P. Franklin, *Sisters in the Struggle: African American Women in the Civil Rights-Black Power Movement* (New York: New York University Press, 2001); Peter B. Levy, *Civil War on Race Street: The Civil Rights Movement in Cambridge, Maryland* (Gainesville: University of Florida Press, 2003); Jeanne Theoharis and Komozi Woodard, eds., *Freedom North: Black Freedom Struggles outside the South, 1940-1980* (New York: Palgrave MacMillan, 2003); Nikhil Pal Singh, *Black Is a Country: Race and the Unfinished Struggle for Democracy* (Cambridge, MA: Harvard University Press, 2004); Barbara Ransby *Ella Baker and the Black Freedom Movement: A Radical Democratic Vision* (Chapel Hill: The University of North Carolina Press, 2005); Steve Estes, *I am a Man! Race, Manhood, and the Civil Rights Movement* (Chapel Hill: The University of North Carolina Press, 2005); Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Cambridge, MA: Harvard University Press, 2006); Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2009); Wesley Hogan, *Many Minds, One Heart: SNCC's Dream for a New America* (Chapel Hill: The University of North Carolina Press, 2007); Matthew J. Countryman, *Up South: Civil Rights and Black Power in Philadelphia* (Philadelphia: University of Pennsylvania Press, 2007); Gilmore, *Defying Dixie: The Radical Roots of Civil Rights, 1919-1950* (New York: W.W. Norton and Company, 2009); Danielle L. McGuire, *At the Dark End of the Street: Black Women, Rape and Resistance—A New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* (New York: Vintage, 2010); Hasan Kwame Jeffries, *Bloody Lowndes: Civil Rights and Black Power in Alabama's Black Belt* (New York: NYU Press, 2010); Biondi, *The Black Revolution on Campus*; and Jeanne Theoharis, *The Rebellious Life of Mrs. Rosa Parks* (Boston: Beacon Press, 2013). Scholars have responded to Hall's apparent collapsing of distinctions within Black liberation activism, arguing that extending the CRM's chronology and temporal scope served to minimize the explanatory power of studies analyzing distinct locations, people, and modes of activism. They saw the “long movement” conceptual framework as something that bypassed how specific social, political, and economic changes and developments shaped the wider Black freedom movement, creating distinct venues of struggle that needed to be recognized as such. See: Cha-Jua Sundiata Keita and Clarence Lang, “The ‘Long Movement’ as Vampire: Temporal and Spatial Fallacies in Recent Black Freedom Studies,” *Journal of African American History* 92 (2) (Spring 2007): 265–88.

<sup>89</sup> For a study on Milwaukee that demonstrates that long civil rights movement histories have analyzed discriminatory policing as a specific target of Black freedom fighting in the North, see: Jones, *The Selma of the North*.

<sup>90</sup> Some works came out before the Black Lives Matter Movement began in 2013, following the acquittal of Trayvon Martin's killer, George Zimmerman. For example, see: Edward J. Escobar, *Race, Police, and the Making of a Political Identity: Mexican Americans and the Los Angeles Police Department, 1900-1945* (Berkeley: University of California Press, 1999); Leonard M. Moore, *Black Rage in New Orleans: Police Brutality and African American Activism from World War II to Hurricane Katrina* (Baton Rouge: LSU Press, 2010). Since Black Lives Matter began, historians have addressed the movement's wider implications, situating it in context with the postwar Black freedom struggle. See: Keeanga-Yamahtta Taylor, *From*

Lastly, “Accountable to No One” locates Black Milwaukee’s struggle for police liability within a growing corpus of scholarship that examines how issues of race, class, gender, and sexuality have intersected with 20<sup>th</sup> century struggles over housing, education, employment, public accommodations, urban development, and people’s right to access public services and resources in Milwaukee.<sup>91</sup> In doing so, it charts the role law enforcement has played in shaping popular understandings of race, crime, and (in)security. Indeed, matters of race and policing have contoured this history in largely unaccounted for ways. Policing has always been central to the making and remaking of urban policy in Milwaukee and remains as urgent today.

Much of the new policing history that informs this dissertation starts from the discipline’s gaining recognition that Black mass incarceration is *the* civil rights dilemma of our age—what legal scholar Michelle Alexander famously referred to as the “New Jim Crow.”<sup>92</sup> As such, “Accountable to No One” is one of many “carceral studies” that have answered Heather Ann Thompson’s call for historians to “think critically about mass incarceration and begin to consider the reverberations of this never-before-seen phenomenon.”<sup>93</sup> As of this writing, more than 2.2 million people live

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#BlackLivesMatter to Black Liberation (New York: Haymarket Books, 2016); Barbara Ransby, *Making All Black Lives Matter: Reimagining Freedom in the Twenty-First Century* (Berkeley: University of California Press, 2018).

<sup>91</sup> Examples include: Trotter, *Black Milwaukee*; Jones, *The Selma of the North*; Dougherty, *More than One Struggle*; Connell, *Conservative Counterrevolution*; Andrew Witt, *The Black Panthers in the Midwest: The Community Programs and Services of the Black Panther Party in Milwaukee, 1966-1977* (New York: Routledge, 2007); Fure-Slocum, *Contesting the Postwar City*; Bill Dahlk, *Against the Wind: African Americans and the Schools in Milwaukee, 1963-2002* (Milwaukee: Marquette University Press, 2010); James K. Nelsen, *Educating Milwaukee: How One City’s History of Segregation and Struggle Shaped Its Schools* (Madison: Wisconsin Historical Society Press, 2015); Frank Aukofer, *City with a Chance: A Case History of Civil Rights Revolution* (Milwaukee: Marquette University Press, 2007).

<sup>92</sup> Alexander, *The New Jim Crow*. Alexander emphasized the racially discriminatory policing of drug-related crime under conservative presidential administrations in explaining the historic rise in America’s prison population and the criminal stigmatization of young, poor Black men. Her thesis is not without critics, who cite, for instance, an under-appreciation for Black professional and middle class attitudes towards crime control and punishment, an incomplete accounting of mass incarceration’s historical origins, and how this racialized punitive caste system affects other groups of people, such as Latinx and American Indian populations. See: James Forman, Jr., “Racial Critiques of Mass Incarceration: Beyond the New Jim Crow,” *New York University Law Review* 87 (April 2012): 101-147; Michael Javen Fortner, “The ‘Silent Majority’ in Black and White: Invisibility and Imprecision in the Historiography of Mass Incarceration,” *The Journal of Urban History* 40 (2) (February 2012): 252-282.

<sup>93</sup> Heather Ann Thompson laid out the imperatives for further historical analysis of mass incarceration in a groundbreaking 2010 article. Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *The Journal of American History* 97 no. 3 (December 2010), 703–704. Indeed, some historians had already begun the work of identifying mass incarceration’s historical antecedents,

under some form of penal confinement in the U.S.<sup>94</sup> In 2015, another 7.2 million lived “on probation, on parole, or under a deportation order,” adding to the grim statistics.<sup>95</sup> In fact, what is known today as the U.S. has long stood as a global exemplar in “human caging,” dating back to the earliest days of European settler colonialism in North America.<sup>96</sup> Scholars have found that Wisconsin itself proportionally incarcerates more Black people than any other state in the union, with most imprisoned, jailed, and detained African Americans hailing from Milwaukee and Southeast Wisconsin.<sup>97</sup> The state’s high rate of Black incarceration has resulted in a series of collateral, compounded outcomes for African Americans, including both the formal and perceived “mark” of criminality and cyclical exposure to an inordinate level of police monitoring, arrests, harassment, and brutality.<sup>98</sup> Wisconsin’s racialized criminal justice disparities reflect Milwaukee’s stark inequities, hyper-segregation, and conservative racial politics.<sup>99</sup> This dissertation helps move local stakeholders

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particularly as they related to systems of slavery, racial control, and punishment in the Reconstruction and Redemption eras of the 19th and early 20th centuries. Examples include: Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso 1996); David M. Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press Paperbacks, 1997); Mary Ellen Curtin, *Black Prisoners and Their World, Alabama, 1865-1900* (Charlottesville: University of Virginia Press, 2000); Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, reprint ed. (New York: Anchor Books, 2009). Other scholars have since carried on this work analyzing racialized systems of penal control. See: Talitha L. LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: The University of North Carolina Press, 2016); Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (University of North Carolina Press, 2016).

<sup>94</sup> The carceral system comprises a vast network of “1,833 state prisons, 110 federal prisons, 1,772 juvenile correctional facilities, 3,134 local jails, 218 immigration detention facilities, and 80 Indian Country jails as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the U.S. territories.” Wendy Sawyer and Peter Wagner, “Mass Incarceration: The Whole Pie 2020,” March 24, 2020, accessed June 7, 2020, <https://www.prisonpolicy.org/reports/pie2020.html>.

<sup>95</sup> Kelly Lytle Hernández, Khalil Gibran Muhammad, and Heather Ann Thompson, “Introduction: Constructing the Carceral State,” *The Journal of American History* 102 (1) (June 2015), 18.

<sup>96</sup> See: Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: University of North Carolina Press, 2017).

<sup>97</sup> See: Toller-Clark, “From Breweries to the Super-Max”; Pawasarat and Quinn, “Wisconsin’s Mass Incarceration of African American Males.”

<sup>98</sup> On the stain of possessing a criminal record and its unintended consequences, see: Devah Pager, *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration* (Chicago: University of Chicago Press, 2007). On Black Milwaukeeans receiving an undue level of police attention, see: Simon Ezra Balto, “‘Occupied Territory’: Police Repression and Black Resistance in Postwar Milwaukee, 1950-1968,” *The Journal of African American History* 98 (2) (Spring 2013): 229-252.

<sup>99</sup> Robert S. Smith and William I. Tchakirides, “Brew City Bellwether: The Changing Landscape of the Black Family in Milwaukee” in *Contemporary African American Families: Achievements, Challenges, and Empowerment Strategies in the Twenty-First Century*, eds. Dorothy Smith-Ruiz, Sherri Lawson Clark, Marcia J. Watson (New York: Routledge, 2016), 123-124.

towards a fuller understanding of why Milwaukee is such a unique carceral site.

“Accountable to No One” joins a profusion of contemporary studies on metropolitan policing, all of which frame the emergence of America’s carceral crisis as one that transcends conventional political binaries. Historians have detailed how bipartisan policy decisions throughout the New Deal-Great Society era—not post-1960s crime rates, as previously thought—accounted for mass incarceration’s historic rise and its sharp racial imbalances.<sup>100</sup> Law enforcement has always played a decisive role in advancing the country’s racialized carceral regime, since the police function as “the enforcement arm of the racial capitalist state.”<sup>101</sup> Much of the new policing history has countered a once emergent backlash thesis, which stressed white conservative political responses to street crime and 1960s civil unrest over mutual liberal desires to neutralize Black dissent and safeguard capitalist structures.<sup>102</sup> That Democratic and Republican actors alike initiated the “major punitive turn in American policy and culture” in the wake of the nation’s postwar civil rights revolution and “Great Uprising” undercuts simplistic liberal narratives of racial progress.<sup>103</sup> Still, scholars have disagreed about when precisely the infrastructure for the modern carceral state was first laid. Some underscore federal choices in the 1960s; others highlight local dynamics from earlier decades.<sup>104</sup> This study joins those emphasizing the discretionary policing of northern Black urban

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<sup>100</sup> Work on policing, prisons, and other mechanisms of the carceral state has, as Charlotte Rosen observes, “disrupted tight narratives of partisan culpability,” revealing a complex political project of bipartisan making. Charlotte Rosen, “Toward a More ‘Purple’ U.S. Political History: Continuity and Consensus in Post-1960s Metropolitan America,” *Journal of Urban History* (March 2020), 2, accessed June 6, 2020, <https://journals-sagepub-com.ezproxy.lib.uwm.edu/doi/full/10.1177/0096144220910461>. On the role of policymakers in setting the terms for America’s carceral expansion, see: Vesla M. Weaver, “Frontlash: Race and the Development of Punitive Crime Policy,” *Studies in American Political Development* 21 (Fall 2007): 230-265; Hinton, *From the War on Poverty to the War on Crime*; Jordan T. Camp, *Incarcerating the Crisis: Freedom Struggles and the Rise of the Neoliberal State* (Berkeley: University of California Press, 2016).

<sup>101</sup> Garrett Felber, “The Struggle to Abolish the Police Is Not New,” *Boston Review*, June 9, 2020, accessed June 9, 2020, <http://bostonreview.net/race/garrett-felber-struggle-abolish-police-not-new>.

<sup>102</sup> On the backlash thesis, see: Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005).

<sup>103</sup> Heather Ann Thompson and Donna Murch, “Rethinking Urban America through the Lens of the Carceral State,” *Journal of Urban History* 41 (5) (2015), 751. Levy, *The Great Uprising*.

<sup>104</sup> While some historians have emphasized liberal responses to urban Black dissent in the 1960s as the genesis of federal carceral state formation, others have pointed to “the shifting nature of local-level policing in the decades before.” See: Balto, *Occupied Territory*.

spaces and residents in the early 20<sup>th</sup> century as a fundamental driver of Black criminalization, white ethnic de-criminalization, and, in turn, Black mass incarceration.<sup>105</sup> Nowhere have these dynamics played out more clearly than in Milwaukee: the “worst city for black people to live” in America.<sup>106</sup>

The urgency of today’s carceral crisis and the onset of BLM has encouraged a growing number of historians to investigate American law enforcement’s roots as a white supremacist, capitalist-serving enterprise.<sup>107</sup> This study is no different. Organized policing’s very existence in the U.S., beginning in the 1830s, has long been predicated on elite white needs to fill jails and prisons with mostly Indigenous, Black, and Brown people for a range of social, economic, and political purposes. All have served to uphold the nation’s dominant system of racial capitalism—from the need to harness cheap, disposable labor, to silencing political dissent, to removing a supposedly dangerous “criminal element” from redeveloping cities. White editorialists, social scientists, and politicians used 19<sup>th</sup> century systems of policing and punishment to legitimate Black criminality as the 20<sup>th</sup> century approached. They relied on allegedly colorblind crime data to argue that granting African Americans citizenship was a mistake, as they supposedly signified a criminal race. Statistics attributed the criminality of white ethnics, on the other hand, to socialization factors. As Khalil Muhammad has argued, the statistical language that emerged in the context of rising Black migration to northern cities is “the glue that binds race to crime today as in the past.”<sup>108</sup> This played out in Milwaukee as well, where racialized police repression converged with class and political dynamics

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<sup>105</sup> On Black criminalization and white de-criminalization’s roots in the Progressive Era, see: Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern America*, 2<sup>nd</sup> ed. (Cambridge, MA: Harvard University Press, 2019).

<sup>106</sup> Alana Watson, “Report: Milwaukee, Racine Rank as Worst Cities for African Americans to Live,” Wisconsin Public Radio, November 19, 2019, accessed June 9, 2020, <https://www.wpr.org/report-milwaukee-racine-rank-worst-cities-african-americans-live>.

<sup>107</sup> On organized policing’s genesis in slave patrols and the concerns of capitalist elites to defend property, see: Hadden, *Slave Patrols*; Mitrani, *The Rise of the Chicago Police Department*; Williams, *Our Enemies in Blue*; Haring, *Policing a Class Society*; Guariglia, “The American Problem.”

<sup>108</sup> Not only did statistical notions of black criminality justify white prejudice, discrimination, and lynching as a tolerable form of ensuring public safety, but it healed “the deep sectional divisions of a war-torn nation... from radical southern racists to northern progressives.” Muhammad, *The Condemnation of blackness*, 1-4.



shaped by the city's large, foreign-born, non-English speaking European population. White Anglo-capitalist interests converged with those of the white working-class to establish an urban terrain characterized by racial resentment for the growing number of African Americans moving to the city.

The new policing history far exceeds the scope of earlier interrogations of U.S. law enforcement written in the wake of 1960s and 1970s social upheavals. These works largely addressed municipal policing with an eye towards explaining its class control imperatives, the origins of law enforcement's service function, processes of police professionalization, and how departments underwent "reform" by separating from ward-based political machines.<sup>109</sup> Much of the recent work on policing differs in its attention to, most notably, Black and Latinx agency and calls to center the voices of those who have decried police violence and challenged racist narratives supported by law enforcement. Indeed, as these studies and "Accountable to No One" reveal, organized resistance to police brutality was a major element of the Black freedom struggle. Newer histories also diverge in their framing of municipal police power as a force that actively shapes and expresses urban policy.<sup>110</sup>

This dissertation is in part an institutional history of how police power in Milwaukee was made manifest and communicated locally by both law-and-order police administrators and rank-and-file officers. It is also an exploration of how excessively policed and neglected African Americans have defied police authority through political negotiation, peaceful protest, and physical resistance. Liberal and conservative law-and-order frameworks reinforced a political consensus around policing that positioned it as a necessary service for reducing conflict and making society safer for capital

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<sup>109</sup> For examples of earlier policing histories, see: Robert M. Fogelson, *Big City Police* (Cambridge, MA: Harvard University Press, 1977); Eric H. Monkkenon, *Police in Urban America, 1860-1920* (New York: Cambridge University Press, 1981); Walker, *A Critical History of Police Reform*; James F. Richardson, *Urban Police in the United States* (Port Washington: Kennikat Press, 1974).

<sup>110</sup> Shannon King, "Police Power and the Politics of Safety," *Reviews in American History* 48 (1) (March 2020): 124-138. For examples of the new policing history, see: Felker-Kantor, *Policing Los Angeles*; Balto, *Occupied Territory*; Andrew S. Baer, *Beyond the Usual Beating: The John Burge Torture Scandal and Social Movements for Police Accountability in Chicago* (Chicago: The University of Chicago Press, 2020); Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* (Chicago: University of Chicago Press, 2014); Fritz Umbach, *The Last Neighborhood Cops: The Rise and Fall of Community Policing in New York Public Housing* (New Brunswick: Rutgers University Press, 2010).

accumulation and market-based consumption. While many Black residents were deeply concerned about issues of crime and safety in their own racially segregated neighborhoods, poor services rendered by overwhelmingly white, discriminatory, and brutal police regimes only amplified their anxieties. Regardless, Black professionals called on political leaders, including a growing number of Black elected officials, to both hold the police accountable and get tougher on crime.<sup>111</sup>

As such, Black residents consistently demanded police reform over time. Policing historians have illustrated how law enforcement methodically used its political and discretionary authority to undermine civil rights movement gains and demands for police reform in the mid-20<sup>th</sup> century—namely the establishment of civilian review boards, the hiring of minoritized police officers, and the implementation of “community relations” units.<sup>112</sup> Rather than heed federal calls to enhance police responsiveness and improve safeguarding, law-and-order police chiefs promoted racial instability and generated insecurity within segregated Black and Latinx communities by aggressively policing poverty and competing modes of dissent. All of this fed a retributive law enforcement system that, beginning in the 1960s, federal and state actors promised would become more democratic and community-oriented. Instead, expansions of police power reproduced harms and discriminatory outcomes for millions of poor, middle- and working-class Americans of color. Many of these works also shed light on the ideological diversity found within local campaigns for police reform.

Intersections of gender, sexuality, and other identities have further complicated this history. Recent scholarship on urban morals enforcement and vice policing in cities—often in service of

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<sup>111</sup> See: Michael Javen Fortner, *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment* (Cambridge, MA: Harvard University Press, 2015); James Forman, Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017).

<sup>112</sup> On the experiences of Black police officers in Chicago and their role in shaping urban policy and federal police interventions, see: Peter Constantine Pihos, “Policing, Race, and Power in Chicago” (Ph.D. diss., University of Pennsylvania, 2015). Other studies on Black police include: W. Marvin Dulaney, *Black Police in America* (Bloomington: Indiana University Press, 1996); Dwight D. Watson, *Race and the Houston Police Department, 1930-1990: A Change Did Come* (College Station: Texas A&M University Press, 2005); Beryl Satter, “Cops, Gangs, and Revolutionaries in 1960s Chicago: What Black Police Can Tell Us About Power,” *The Journal of Urban History* 42 (6) (2016): 987-991.

protecting the interests of economic growth, white middle class elites, and capital accumulation—has emerged as a growing sub-genre. Historians have analyzed in vivid detail how the policing of Black and Latinx youth, Native American populations, sex workers, LGBTQ+ residents, petty gamblers, houseless people, disabled folk, and other individuals pushed out onto the margins of conventional society by a range of discriminatory forces have contributed to racist, classist, sexist, and ableist criminalizing narratives.<sup>113</sup> Examinations of gender, in particular, and its relationship to policing and the carceral state has added much needed depth to a field that often centers the experiences of male actors. As Kali Gross argues, Black womanhood brought its own unique set of political exclusions and criminalization. African American women were, since the colonial period, “not entitled to the law’s protection,” while also unable to “escape its punishment.”<sup>114</sup>

Finally, “Accountable to No One” is informed by recent scholarship on the imperial origins of the police professionalization movement and the interwar and wartime transmissions, or border crossings, that occurred among military police abroad and “civilian” police forces at home.<sup>115</sup> Several influential Progressive Era police chiefs and administrators served in the Spanish American War, for example, fighting imperial missions in colonial states like the Philippines and Cuba. They brought back to the U.S. new policing techniques developed overseas to track down guerrilla insurgents and impose social control among ostensibly rebellious indigenous populations. Communications tactics, training, and patrol methodologies imbued the professionalization movement that MPD chiefs

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<sup>113</sup> Examples include: Carl Suddler, *Presumed Criminal: Black Youth and the Justice System in Postwar New York* (New York: NYU Press, 2019); Anne Gray Fischer, “Land of the White Hunter’: Legal Liberalism and the Racial Politics of Morals Enforcement in Midcentury Los Angeles,” *The Journal of American History* 105 (4) (March 2019): 868–884; Fischer, “‘The Place is Gone!’: Policing Black Women to Redevelop Downtown Boston,” *The Journal of Social History* 53 (1) (Fall 2019): 7-26.

<sup>114</sup> Kali Nicole Gross, “African American Women, Mass Incarceration, and the Politics of Protection,” *The Journal of American History* 102 (1) (June 2015), 25-26.

<sup>115</sup> On border crossings, see: Seigel, *Violence Work*. Seigel identifies three myths about police and the borders presumed to circumscribe their actions: One, that they are actually civilian and not military. Two, that they are public and not private “market agents.” Three, that they are local actors who only work for municipal bodies and no higher. Seigel, *Violence Work*, 13.

embraced from the 1910s through the 1930s.<sup>116</sup> This process continued in the post-World War II era, when military police in the Office of Public Safety worked to prevent “subversives” from provoking insurgent campaigns in “Third World” countries susceptible to Communist influence.<sup>117</sup> The federal state helped advance counter-insurgent policing capacities in at least fifty-two countries. Such efforts set the stage for greater police militarization efforts after the 1960s. The federal government delivered military-grade weaponry and gear to police around the globe as it waged the Cold War. This weaponry was deployed in cities, as police agencies engaged in the War on Crime and War on Drugs. Veterans brought strategies, know-how, and arms home to municipal police departments working to suppress political dissent and social upheaval. The federal government established channels for local police forces to apply for military-grade hardware. Contrary to what criminologists and policing experts have argued, law enforcement never had a “golden age” free of coercive, militarized, racist policing models. The U.S. state always directed law enforcement against perceived outside agitators, incendiary elements, and criminalized groups of color.

### *Challenging the Kelling Thesis*

From a historical perspective, Milwaukee provides an ideal case study for how elite white constructions of police legitimacy have worked to undermine and narrow Black demands for accountability in response to endemic police violence. The narrative of policing exceptionalism analyzed throughout this dissertation undergirded and legitimized the city’s white-controlled police bureaucracy in, what scholars have identified as, the “reform era” in U.S. policing.<sup>118</sup> In turn, the

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<sup>116</sup> See: Julian Go, “The Imperial Origins of American Policing: Militarization and Imperial Feedback in the Early 20th Century,” *American Journal of Sociology* 125 (5) (March 2020): 1193-1254; Matthew A. Guariglia, “The American Problem: Race, Empire, and Policing in New York City, 1840-1930,” (Ph.D. diss., University of Connecticut, 2019).

<sup>117</sup> See: Stuart Schrader, *Badges without Borders: How Global Counterinsurgency Transformed American Policing* (Berkeley: University of California Press, 2019); Seigel, *Violence Work*.

<sup>118</sup> While Milwaukee’s reform era in policing extends from the enactment of civil service hiring in 1885 through the term of Police Chief Harold Breier (1964-1984), scholars tend to frame policing’s “reform era” as between 1890 and 1970. See: Robert M. Fogelson, *Big City Police* (Cambridge, MA: Harvard University Press, 1977).

MPD's self-reinforcing mythologies have defined a white hegemonic racial politics, common understandings of public safety, and highly raced and classed ideas about urban criminality and disorder.<sup>119</sup> While this study does not evaluate crime as a specific unit of analysis, per se, it does take the phenomenon seriously as one that shapes individual choices, "quality of life" perceptions, and public fears about health and the well-being of families, property, and communities.

Still, this project does not see crime as detached from the larger processes of racial capitalism that have begotten uneven social and economic terrains or police behaviors that are proven to inflame inequitable urban conditions. Reform era policing in Milwaukee, and its relationship to assorted processes of crime control and order maintenance, has had a veiled national reach that this study only begins to unearth. That reach into the U.S. crime and policing discourse is reflected in the work of a criminologist well-regarded in national policing circles, yet also heavily criticized by policing's sharpest opponents. For better or worse, he has had an outsized influence on the telling of Milwaukee's law enforcement history, in addition to formulating best practices for cities wanting to address matters of public safety.<sup>120</sup>

George Kelling implicated his hometown's story of race and policing in the larger conceptual framework he and criminologist James Q. Wilson introduced in their consequential, if statistically misleading 1982 article: "Broken Windows: The Police and Neighborhood Safety."<sup>121</sup> Wilson and

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<sup>119</sup> "White fixations on the specter of Black crime," as Simon Balto argues, encouraged and reinforced the overpolicing and underprotection of comparatively poorer African American citizens and urban spaces. Balto, *Occupied Territory*, 128.

<sup>120</sup> Kelling's account of Milwaukee's policing history has become a dominant narrative. It is an incomplete one at best, as it diminishes the role police themselves have played in structuring ideas about public safety, shaping urban policies, applying racialized enforcement double-standards, and framing patterns of crime and criminality according to factors of race, class, and gender. George Kelling, "Milwaukee Police Department," *Encyclopedia of Milwaukee*, accessed June 15, 2020, <https://emke.uwm.edu/entry/milwaukee-police-department/>; Kelling, *Policing in Milwaukee*.

<sup>121</sup> James Q. Wilson and George L. Kelling, "Broken Windows: The Police and Neighborhood Safety," *Atlantic Monthly* (March 1982), 29–38. In 2001, Bernard Harcourt debunked Broken Windows theory, finding that "disorder," as Kelling and Wilson subjectively conceived it, had little bearing on crime. See: Bernard E. Harcourt, *Illusion of Order: The False Promise of Broken Windows Policing* (Cambridge, MA: Harvard University Press, 2001), 243. Broken Windows theory, as Bench Ansfield argues, was particularly specious because Kelling and Wilson "manipulated and distorted the findings of prior studies to call forth a racialized image of urban decline, one that marshaled broken windows to stoke fears about the future of the US urban landscape." Bench Ansfield, "The Broken Windows of the Bronx: Putting the Theory in Its Place," *American Quarterly* 72 (1) (March 2020): 104.

Kelling's provocative theory called for the hyper-enforcement of low-level behavioral misdemeanors, like graffiti writing, littering, panhandling, public urination, and selling untaxed cigarettes—crimes on the level of the public order offenses white police officers unduly arrested countless Black citizens for during the MPD's era of assumed exceptionalism.<sup>122</sup> Broken Windows theory holds that minor violations, if left unchecked, raise neighborhood fears of disorder and breed more serious violent crime. Therefore, the concept calls on police to crack down on nuisance offenses, so as to alleviate community anxieties and mitigate injurious harms.<sup>123</sup> Under Broken Windows, home and business owners—the “good,” “orderly” residents—signified “the natural representatives of the ‘community.’”<sup>124</sup> While the theory's authors framed Broken Windows as a race-neutral project, its application in cities has buttressed historically racist policing practices and logics that aggressively target, control, and detain BIPOC people, the working poor, and groups living on society's margins.<sup>125</sup> The implications are serious. Broken Windows policing has helped fuel

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<sup>122</sup> Wilson and Kelling viewed Broken Windows as an updated version of the “community watchmen” approach of the 19th century. Wilson and Kelling, “Broken Windows,” 9.

<sup>123</sup> The goal is to “concentrate less on catching criminals and more on enforcing informal neighborhood norms of behavior.” Samuel Walker, “Broken Windows’ and Fractured History: The Use and Misuse of History in Recent Police Patrol Analysis,” *Justice Quarterly* 1 (1) (1984), 78.

<sup>124</sup> Stuart Schrader, “Defining Key Policing Terms,” Stuart Schrader professional website, June 15, 2016, accessed June 24, 2020, <https://stuartshrader.com/blog/defining-key-policing-terms>.

<sup>125</sup> Sarah Childress, “The Problem with ‘Broken Windows’ Policing,” PBS Frontline, June 28, 2016, accessed June 21 2020, <https://www.pbs.org/wgbh/frontline/article/the-problem-with-broken-windows-policing/>. In practice, Broken Windows policing has enhanced “the collective punishments of communities already under siege,” burdening the working poor with fines and fracturing already strained relationships with law enforcement. The logic of Broken Windows, historians Jordan Camp and Christina Heatherton argue, has served to “locate disorder within individuals, off-loading liability onto the bodies of the blamed.” Jordan T. Camp and Christina Heatherton, “Introduction: Policing the Planet,” *Policing the Planet: Why the Policing Crisis Led to Black Lives Matter*, Jordan T. Camp and Christina Heatherton, eds. (New York: Verso Books, 2016), 3. Broken Windows has contributed “tremendous intellectual energy to the wars on crime and drugs in the early 1980s” and subsequent decades. Anne Gray Fischer, “‘Land of the White Hunter’: Legal Liberalism and the Racial Politics of Morals Enforcement in Midcentury Los Angeles,” *The Journal of American History* 105 (4) (March 2019), 884. The theory relies on a false premise of universally accepted police authority and neutral public understandings of crime and disorder, criminals and disorderly people. It is at once an “ideological” and “political” project. While Broken Windows presents as racially colorblind, it has resulted in a grossly disproportionate level of stops, searches, fines, and arrests of people of color. That racialized groups, particularly African Americans, are seen by Broken Windows advocates as having a greater propensity to commit illicit offenses, while also being the primary victims of street crime is passed-off by the theory's supporters as “mere statistical inevitability.” Camp and Heatherton, “Introduction: Policing the Planet,” 6. Broken Windows conflates racial criminalization with spatial representations of disorder, ensuring that it remains largely confined to minoritized urban communities and commercial thoroughfares frequented by people of color. As Camp and Heatherton have argued, Broken Windows is an “expression of neoliberalism at the urban scale”—one rooted in conservative notions of personal responsibility and the belief that

America's mass incarceration crisis, exacerbating racial disparities throughout the criminal justice system.<sup>126</sup> It has devastated Black lives in Wisconsin, which, as recently as 2014, incarcerated the highest percentage of African American men in the U.S.<sup>127</sup> Despite operating under a different organizing ethos—proactivity instead of reactivity—Broken Windows policing has essentially supplanted one discriminatory law enforcement approach for another.

Milwaukee's story of policing exceptionalism rests at the heart of the "imagined community" of preventive order maintenance policing envisioned by Kelling and Wilson's Broken Windows theory.<sup>128</sup> This dissertation contends that its purported outcomes, "a sense of order and civility," promised a return to the idealized city of the late criminologist's youth.<sup>129</sup> This was an era of Milwaukee's history when "social controls" and white ethnic conceptions of neighborhood safety intermingled with a virtually all-white police function. That function was invested in mitigating crime in mostly white communities, shutting people of color out of such spaces, and sanctioning illicit behavior in the overpoliced and underprotected Black neighborhoods where the MPD funneled vice and illicit activities. Through the policing of blackness, as well as assorted racial, gender, and sexual boundaries, reform era patrolmen regenerated disproportionate Black arrest and incarceration rates. This reinforced white presumptions of Black criminality and disorder in ways that harmed African Americans' overall prospects for accountability.<sup>130</sup> Kelling came of age as Milwaukee's narrative of

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"good" people are obligated to protect their neighborhoods from the "bad." Broken a Windows "has normalized a shift in state capacities away from the production of social goods and towards "security" concerns produced in their absence." Camp and Heatherton, "Introduction: Policing the Planet," 2-4.

<sup>126</sup> Rather than preventing serious crime through the policing of minor behavioral offenses, thereby limiting incarceration, the order maintenance approach has acted as "a supplement that feeds into and itself produces a dramatic increase in detentions, arrests, and criminal records." Harcourt, *Illusion of Order*, 6.

<sup>127</sup> See: Toller-Clark, "From Breweries to the Super-Max"; Pawasarat and Quinn, "Wisconsin's Mass Incarceration of African American Males."

<sup>128</sup> On the concept of an "imagined community," which initially referred to concepts of nationalism, see: Benedict Anderson, *Imagined Communities: Reflections on the Origins and Spread of Nationalism*, rev. ed. (New York: Verso, 2006).

<sup>129</sup> Wilson and Kelling, "Broken Windows," 9.

<sup>130</sup> Kelling's thesis undervalues the agency of police departments themselves, whose function as street-level arbiters of harm and conventional white middle class norms help maintain racial capitalism and systems of oppression at the local scale. Save for the top police administrators who have devised reactive crime-fighting strategies that eschewed his idealized version of crime prevention (like Police Chief Harold Breier), Kelling's social control thesis frames the police as

policing exceptionalism crested in the 1940s and 1950s—a moment when “the neighborhood was great” and his family “moved around freely and still felt safe.”<sup>131</sup> As he has written, “this relatively benign world ended in the 1960s when crime, the fear of crime, and urban disorder exploded in Milwaukee and so many other cities across the country.”<sup>132</sup> Kelling’s wistful framing of public safety prior to a noted uptick in the city’s Black population in the 1950s and 1960s served a symbolic function in his research and consulting projects, which advanced Broken Windows policing in partnership with significant law enforcement agencies in major U.S. cities.<sup>133</sup> Ergo, Milwaukee and its era of policing exceptionalism looms larger in the story of race, policing, and public safety than is commonly understood, partly because of how convergences of white supremacy and law enforcement have informed one prominent scholar’s “colorblind,” value-neutral ideas about order, social control, and community.

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neutral historical agents. The police are acted upon by social, economic, and political forces, but never the influencers of disparate urban conditions, which have reinforced processes of racial criminalization and disorder in Black communities. Consequently, Kelling’s argument advances a misleading logic of police legitimacy that continues to hold devastating consequences for Black citizens and other minoritized groups. Rationales that elevate policing as a primary solution to community health and safety issues are only now being reckoned with by cities in a serious way, due to the organizing work of grassroots police accountability activists.

<sup>131</sup> George Kelling was born in 1935. His family lived on N. 27th St., on Milwaukee’s west side until he was six years old. For most of the 1940s, the Kellings resided on N. 47th St., across from the Parklawn public housing project on the city’s northwest side. The local housing authority located that complex on the suburban fringes because of white fears about racial integration. Kelling concedes that his “entry into criminal justice” work was directly tied to Milwaukee, as were his perceptions of law enforcement. As a young college graduate in the late 1950s, he worked at a juvenile detention center and as a probation officer in Minneapolis. Kelling completed a Master’s in Social Work at UW-Milwaukee. In 1960, he was hired as Assistant Superintendent of Juvenile Detention for Milwaukee County. He briefly left for Minnesota again between 1963 and 1965 to “oversee childcare and social work at a children’s psychiatric facility.” Kelling, by his own account, then returned to Milwaukee to teach corrections courses at UW-Milwaukee’s School of Social Work. He became more interested in policing during this “era of civil rights and anti-war protests,” when the “police were highly visible and controversial.” Kelling claims to have worked with the Commandos, whom he describes “a militant civil rights group,” while also consulting for Milwaukee’s police union—something he would continue to do sporadically over the years. Kelling, *Policing in Milwaukee*, 10.

<sup>132</sup> Kelling attributes the order maintenance of his youth more to community-based and institutional “social controls” than to reform era policing strategies. Kelling, *Policing in Milwaukee*, 8-9. One might infer that Kelling meant Black “crime,” a largely white “fear of crime,” and Black “urban disorder,” given the city’s racialized discourses and the segregated geographies of 1960s civil violence. Moreover, white pundits, city officials, and news reporters routinely linked blackness and illicit behavior in public forums. See: Simon Ezra Balto, “‘Occupied Territory’: Police Repression and Black Resistance in Postwar Milwaukee, 1950-1968,” *The Journal of African American History* 98 (2) (Spring 2013): 229-252.

<sup>133</sup> Former New York City and Los Angeles police head Bill Bratton called Kelling, “the most profound influence on American policing in the last 40 or 50 years.” Sam Roberts, “George L. Kelling, a Father of ‘Broken Windows’ Policing, Is Dead at 83,” *The New York Times*, May 15, 2019, accessed June 23, 2020, <https://www.nytimes.com/2019/05/15/obituaries/george-kelling-dead.html>.



Kelling's conceptualization of policing in Milwaukee reifies a problematic account of law enforcement that indirectly enshrines anti-blackness and reinforces a white supremacist-capitalist framework of metropolitan history. It also legitimizes policing as the primary solution to urban ills. This dissertation challenges the thesis of Kelling's final book, *Policing in Milwaukee*. In it, he argues that an "erosion in social control" exposed the inadequacies of reform era policing, causing a crisis of police legitimacy in the 1960s that demanded resolution through enhanced order maintenance and "community policing" strategies.<sup>134</sup> Despite the police department's vaunted status as a national reform leader in the 1930s, 1940s, and 1950s, Kelling contended that the MPD was ill-equipped to preserve order in the 1960s and 1970s without previously established social controls in place.<sup>135</sup> He noted that such constraints—cultural institutions, familial networks, built environments—had balanced the police department's response-oriented crime control program. Urban disorder

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<sup>134</sup> "Police legitimacy" refers to the "acceptance of police authority by the public." Walker, "Broken Windows' and Fractured History," 84. "Community policing" is a post-1960s law enforcement strategy embraced by Kelling that calls on law enforcement agencies to form "police-driven partnerships that put additional resources at their disposal and win the cooperation of community leaders." Through routine, "friendly" contacts with neighborhood residents, the police are supplied with "low-level" information and "security assistance" that operates in service of disorder "pacification." Scholar Kristian Williams argues that "community policing" is an important aspect of the police's "domestic counterinsurgency program." Kristian Williams, "The Other Side of the COIN: Counterinsurgency and Community Policing," *Interface* 3 (1) (May 2011), 91-92.

<sup>135</sup> According to Kelling, the main flaw of reform era policing, in Milwaukee and elsewhere, was its emphasis on *responding* to crime via rapid response, random automobile patrols, and detective work rather than *preventing* crime through neighborhood foot patrols and implanting trusted police in communities to help residents solve problems. Reform era policing isolated law enforcement, he argued, from the very people they were called on to "protect and serve." Kelling advocated a return to "Anglo-Saxon policing," whereby "conspicuous officers...embedded in small geographic areas," or beats, prevented crime "through police presence" and discretionary, proactive order maintenance. Kelling, *Policing in Milwaukee*, 16-17. Although the MPD was considered a national exemplar of reform era policing throughout the first half of the 20<sup>th</sup> century, Kelling argues that the department's exemplary approach was only effective so long as "police operated within and as part of communities and neighborhoods where informal social control provided a foundation for their efforts." Kelling, *Policing in Milwaukee*, 56. Those informal social controls—families, schools, businesses, community institutions—in his view, started to break down in the mid-1950s. This process accelerated during the reign of Milwaukee's most autocratic and overtly racist police chief, Harold Breier, in the 1960s and 1970s. The erosion of community-driven social controls, Kelling argues, converged with a police administrator who rejected his predecessors' openness to improving "community relations" and the department's public image, creating a worst case scenario that mandated strategic revision. Milwaukee Police Chief Joseph Kluchesky (1936-1945) led in the national "community relations movement," which introduced human relations training, increased contact between police and Black leaders, and the recruitment of Black officers in the 1940s. Police-Black community relations also deteriorated under Breier, who rejected external government interference and scrutiny. A detective culture predominated at the expense of beat patrol. Breier's reactionary approach and strict regulation encouraged line officers to unionize and demand greater workplace rights. Kelling, *Policing in Milwaukee: A Strategic History*, 54.

proliferated when these constraints dissolved and the MPD was left randomly patrolling and seeking out crime rather than proactively working with upstanding community partners to prevent daily public order violations. Therefore, a new strategy was needed that integrated the police into Milwaukee's shifting social fabric to better maintain order and reduce public fears.<sup>136</sup>

From a tactical perspective, Kelling disagreed with the near-term goals and strategic practices of reform era policing.<sup>137</sup> However, its end result of racialized poor and working-class suppression, on terms favorable to white middle and business class interests, was consistent with Broken Windows policing outcomes.<sup>138</sup> Kelling's rationale is deceptive, in part because he argues that Milwaukee's postwar crisis of police legitimacy was centered not on the racist and violent behavior of the police but on administrative inefficiencies and the city's ostensibly deteriorating social fabric. While he rightly observed that existing law enforcement models increasingly struggled to control crime after World War II, raising public fears about "disorder," he also laid most of the blame on a

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<sup>136</sup> This logic influenced Kelling's consultancy on the hiring of Milwaukee Police Chief Edward Flynn in 2007. In Kelling's view, hiring Flynn, a disciple of Broken Windows style "problem-oriented" policing, restored the MPD to its rightful crime prevention focus. See: Kelling, *Policing in Milwaukee*.

<sup>137</sup> Some scholars argue that Kelling misevaluated reform era policing regardless. Samuel Walker, for example, argues that Kelling and his co-authors exaggerated the "depersonalization" the police and their "crime control orientation" from the 1930s-1960s. Walker, "Broken Windows' and Fractured History," 88.

<sup>138</sup> Reform era and Broken Windows policing strategies have shared commonalities, despite the former focusing largely on crime control and the latter on reducing "perceptions of disorder." Both approaches relied on public investment in police services, an expanded law enforcement presence on the streets, and common assumptions about police legitimacy to succeed. Each has functioned to maintain the existing racial and class order, re-inscribing police authority as a means of guaranteeing the dominant hierarchy. The primary goal of reform era policing was responding to crime efficiently, resolving it after the fact. That meant random patrols, answering service requests, effecting arrests, and closing cases. Perceptions of order mattered because they allegedly generated communal stability and residential investment in helping police monitor illicit behavior. When it came to reform era policing, some departments were better than others at clearing cases. Kelling points to reform era policing's overall inefficiency at resolving crime, but also points out that the MPD was better at doing so than most departments because of the city's neighborhood-level "social controls" and its "law abiding population." Kelling, *Policing in Milwaukee*, 52-53. Reported crime statistics drove this process, faulty and police-manufactured as they were, which also justified law enforcement's existence. For Kelling, attenuating public fears about crime was as critical as responding to crime because, as he argued in his research on foot patrols in Newark, NJ, neighborhood perceptions of disorder correlated with actual crime rates. See: Police Foundation, *The Newark Foot Patrol Experiment* (1981), 5. As a policy program, Broken Windows is profoundly racialized and has further criminalized blackness and poverty. It did so more implicitly through a racially coded language and geography of "disorder" that, as one scholar argues, "positioned itself as racially neutral, even progressive." The broken windows themselves were a stand in for a range of material and embodied "disorders." Ansfield, "The Broken Windows of the Bronx," 119. By relying on a 1969 social scientific study conducted in the predominantly Black and Puerto Rican South Bronx, it was clear who Wilson and Kelling inferred to be "disorderly." Wilson and Kelling, "Broken Windows," 3.

breakdown in “norms and social controls.”<sup>139</sup> This “unwittingly” emanated from “new social policies” enacted by liberal policymakers after World War II, disrupting established networks of crime control and order maintenance in Milwaukee neighborhoods. Kelling even suggested that postwar “cultural and legal changes,” including the juridical fruits of the Black freedom movement, served to uphold the rights of individuals at the expense of communities, thereby producing an environment susceptible to the spread of crime and disorder.<sup>140</sup>

As “Accountable to No One” makes clear, the “golden age” of public safety that Kelling alludes to was not the lived experience of many poor and working-class Black Milwaukeeans.<sup>141</sup> What may have *felt* like an extended period of social tranquility backed up by benevolent policing for white citizens in the 1940s and 1950s was also one of racialized police control, violence, and neglect for many “others.”<sup>142</sup> The perceived social controls of Kelling’s youth were fashioned by white supremacist ideas, policies, and structures.<sup>143</sup> Kelling’s memories of an idealized public safety landscape overlooked racist, often violent encounters among white police, resistant white residents,

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<sup>139</sup> Kelling, *Policing in Milwaukee*, 47-48.

<sup>140</sup> Kelling, *Policing in Milwaukee*, 56. George Kelling directly advised police chiefs on the implementation of Broken Windows-style “community policing” in these cities. See: George L. Kelling and Catherine M. Coles, *Fixing Broken Windows: Restoring Order and Reducing Crime in our Cities* (New York: Free Press, 1998).

<sup>141</sup> Bryan Wagner, *Disturbing the Peace: Black Culture and the Police Power After Slavery* (Cambridge, MA: Harvard University Press, 2009), 202. See: Trotter, *Black Milwaukee*, 118.

<sup>142</sup> The MPD fulfilled long-standing obligations to white middle and business class concerns, administering social control among those living on society’s margins, particularly Black migrant workers viewed by whites as prone to disorder and criminality. On the roots of protecting elite middle class and corporate interests in Milwaukee, see: Sidney L. Haring, “The Police Institution as a Class Question: Milwaukee Socialists and the Police, 1900-1915,” *Science & Society* 46 (2) (Summer 1982): 197-221. Despite being identified by the federal government, policing experts, and national media as a leader in police professionalization from the 1930s to the 1960s, the MPD disproportionately stopped, arrested, and initiated violent clashes with African American residents. According to Kelling, police professionalization meant “bureaucratization, civil service, centralized command-and-control, pre- and in-service training, and tenure for police chiefs.” This began with the passage of the 1885 state law establishing the MFPC and then the hiring of Milwaukee’s first reform chief, John Janssen, in 1888. Kelling, *Policing in Milwaukee*, 51-54, 56, 67. The “community relations” movement of the 1940s focused more on quelling dissent, Black and Brown youth crime, and interracial mixing than instilling procedural justice and better safeguarding *all* residents through policing. The improvement of the police image was the ultimate goal. See: Chapter Two.

<sup>143</sup> Moreover, the 19th century “Anglo-Saxon tradition” of policing that Kelling elevates as a strategy worth returning to serves no “conscious purpose of fighting crime or serving neighborhood needs.” That police derived legitimacy from meeting the desires of neighborhood residents was, as Samuel Walker argues, “highly romanticized.” Walker adds: “Urban neighborhoods were not stable and homogeneous little villages nestled in the city. They were heterogeneous, and the rate of geographic mobility was even higher than contemporary rates.” Walker, “Broken Windows’ and Fractured History,” 87.

and Black migrants struggling for survival, rights, and access.<sup>144</sup> African Americans' undue vulnerability to police discrimination and brutality in the Great Migration period and the MPD's unchecked discretionary power revealed the shortcomings of reform era approaches well before Kelling's alleged breakdown of social controls in the 1960s.<sup>145</sup> Black Milwaukeeans did not need to experience the displacement and disfranchisement caused by urban renewal and freeway construction, for example, to know that reform era policing was deficient in providing them communal security. Well before the 1960s, Black youth challenged police policies of "close surveillance" and aggressive order maintenance tactics.<sup>146</sup> Black professionals confronted white perceptions of the police as colorblind and efficient crime control agents, pointing out enforcement double-standards and decrying pervasive police brutality. Activism and street-level resistance exposed how the MPD engendered disarray in Black and interracial spaces through biased policies and unchecked violence. Hardly neutral arbiters of morality and justice, police fueled and acted on ingrained ideas about race and class as they patrolled Milwaukee's near north side. Because, in Kelling's view, reform era policing focused on responding to crime rather than crime prevention, the MPD was ill-equipped to handle the perceived breakdown of social controls brought on by postwar liberalism and the cultural/civil rights revolution. If anything, however, racist police discretion worsened in the context of the 1960s civil-rights revolution because activists specifically targeted racialized and coercive law enforcement. The police actively made civil rights demonstrations, as well as the neighborhoods that activists lived in and organized in, less safe.<sup>147</sup>

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<sup>144</sup> See: Trotter, *Black Milwaukee*, 118.

<sup>145</sup> Conversely, Kelling argues police work was "routine and non-discretionary" in the reform era. Kelling, *Policing in Milwaukee*, 55. This is inaccurate. See: Walker, "Broken Windows' and Fractured History." Anti-Black police racism manifested in a number of forms, from verbal insults and harassment, to fines and arrests, to physical beatings and death.

<sup>146</sup> See: Trotter, *Black Milwaukee*, 118; and Chapter One.

<sup>147</sup> While Kelling is correct that postwar growth policies like urban renewal and highway construction displaced thousands of Black residents, worsening patterns of inequality and disrupting living conditions for African Americans relegated to Milwaukee's segregating north side, he overstates and distorts the impact of the civil rights revolution in explaining the origins of its public safety crisis. Most notably, Kelling discounts the saliency of race in law enforcement

Overall, Kelling's narrative discounts the role of the police in furthering disorder in poor and working-class urban spaces of color.<sup>148</sup> In fact, the state's expansion of police power as a response to Black political dissent and rebellion in the 1960s—as opposed to doubling-down on federal anti-poverty measures—exacerbated existing racial inequities, amplified a sense of confusion in Black enclaves, and further aggravated aspects of the postwar urban crisis. It was not an “across-the-board decline in social control in neighborhoods, schools, and even families” or “increasing public disorder created by the presence of the mentally ill and petty offenders” that revealed the deficiencies of reform era policing.<sup>149</sup> Rather, policing itself—empowered by federal cash infusions, new computer technologies, enhanced statistical record keeping, military-grade equipment, and broadened surveillance capacities—served to inflate crime rates.<sup>150</sup> Policing created new means of effecting arrests, and reinforced long-standing perceptions of Black criminality. Although Kelling rightfully observed that “American criminal justice was riddled with racism,” he never provided a full analysis

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already, and the roles of police actions and white ethnic resistance to, for example, the building of racially mixed public housing and efforts to integrate all-white neighborhoods. Kevin D. Smith, “From Socialism to Racism: The Politics of Class and Identity in Postwar Milwaukee” *Michigan Historical Review* 29 (1) (Spring, 2003), 3. While Kelling notes that racial discrimination impacted Black lives in the 1950s and 1960s, and touches on some key moments in Milwaukee's civil rights history, he largely fails to probe how policing itself undermined Black citizenship claims and reproduced racial inequality. In *Policing in Milwaukee*, Black citizens rarely encountered racist policing before the 1950s. As a result, Kelling elides earlier modes of resistance, such as the activism of the Sixth Ward Law and Order League in the 1930s. While he contends that “racism's influence on the growth and development of the Milwaukee Police Department... was profound and undeniable,” he never fully explains how racism structured MPD policies. Kelling, *Policing in Milwaukee*, 57. Mistrust between police officers and Black residents intensified after World War II, largely because of discriminatory policing practices that targeted north side African Americans. See: Balto, “Occupied Territory.”

<sup>148</sup> The police, in Kelling's summation, behaved as neutral state actors above the fray of local politics. Instead, politicians answered Milwaukee's assorted postwar crises—a housing shortage, unmanageable automobile traffic, declining mental health facilities, “injustices to juveniles,” school segregation, and more (as identified by Kelling)—through liberal policies, like slum clearance and urban renewal, public housing and highway construction, court-ordered busing and juvenile justice reform, the decriminalization of minor offenses and the deinstitutionalization of the mentally ill, and the centralization of local government agencies. These combined efforts, Kelling argues, weakened social controls and community-based institutions, leading to rising crime rates in Milwaukee and other cities. Kelling suggests that Milwaukee suffered a crisis of liberalism, not unchecked police violence, arguing in favor of the conservative trope that family and community structures broke down as a result of liberal policies. Such policies and their outcomes had the hardest impact on poor Black youth, whom Kelling and other conservative criminologists have positioned as susceptible to immoral behavior and criminal activity. Kelling, *Policing in Milwaukee*, 57.

<sup>149</sup> Kelling argued these forces proved “too stimulating for youthful predators,” causing an explosion in reported street crimes that police agencies were ill-equipped to resolve. Kelling, *Policing in Milwaukee*, 67.

<sup>150</sup> Police crime reporting is loaded with “problems, biases, and imperfections.” Balto, *Occupied Territory*, 67-68. In turn, conventional media outlets elevate and normalize “police rhetoric and logic by often reporting in terms constructed by the police.” Felker-Kantor, *Policing Los Angeles*, 6.

of how law enforcement materialized Black criminality and spawned inequality.<sup>151</sup> Policing was, instead, perfectible through proactive, problem-oriented, “community policing” reforms and the re-establishment of the social controls of his youth.<sup>152</sup> This dissertation rejects this framework.

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<sup>151</sup> Internal racism, Kelling writes, “substantially interfered with the ability of police to deal with neighborhood and community problems,” but his evidence remains disconnected from a police mission that was fundamentally predicated on upholding the interests of white middle class and corporate elites.

<sup>152</sup> Kelling’s main argument in *Policing in Milwaukee* is that the “community policing” movement he helped advance in the 1970s, 1980s, and 1990s effectively restored law enforcement’s proactive, community-supported crime prevention mission. When he consulted on Milwaukee’s hiring of Police Chief Edward Flynn in 2007, Kelling was, in his view, restoring the MPD to its rightful crime prevention focus. Kelling, *Policing in Milwaukee: A Strategic History*.

## CHAPTER ONE

### Manufacturing the Narrative of Policing Exceptionalism

“In Milwaukee, you’re safer on the streets than in any other big city of its size. Violence is rare, police efficient, criminals uncoddled. How does Milwaukee do it?”<sup>1</sup> So began the lede in a September 1964 article in *U.S. News & World Report* on the virtues of the Cream City’s prized criminal justice system. “Efficient” policing, “tough” prosecution, “swift and sure” court judgments, among other factors, combined to make Wisconsin’s largest city “one of the most law-abiding” in the country.<sup>2</sup> The other main ingredient, according to Mayor Henry Maier, was the cooperation of a “settled and stable population.”<sup>3</sup> Consequently, the whole citizenry, “men, women, and children...have come to be accepted as an arm of law enforcement.” Each Milwaukee Police Department (MPD) officer “has a thousand pairs of eyes,” he added. Residential cooperation and surveillance augmented a community-wide project of crime control and order maintenance.<sup>4</sup> “We like to have an omnipresent force of policemen on the streets,” noted Inspector Raymond Dahl approvingly.

About three hundred words into the piece, the author broached the subject of race. While the article barely conveys it, race had become a more contentious issue in Milwaukee ever since

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<sup>1</sup> “How One City Keeps Its Streets Safe,” *U.S. News & World Report*, September 28, 1964, 68.

<sup>2</sup> The other factors mentioned in the article were “alert newspapers,” “good schools,” an “absence of tenement-type slums,” and its “comprehensive” network of parks. “How One City Keeps its Streets Safe,” 68.

<sup>3</sup> In truth, census data shows that Milwaukee’s population was anything but “settled and stable” in the mid-1960s. Milwaukee’s African American population alone was in the process of growing from 62,458 in 1960 to 105,088 in 1970. Meanwhile, the city lost 70,200 white residents in that same span. The city’s total population loss nearly quadrupled from 1970 to 1980, at 80,887 residents. A loss of 138,752 white residents in that span was offset by a gain of 41,852 Black residents and nearly 25,000 Latinx residents, or “Hispanic Origin.” Campbell Gibson and Kay Jung, “Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and Other Urban Places in The United States,” U.S. Census Bureau, Population Division, Working Paper no. 76 (February 2005), Table 50. “How One City Keeps Its Streets Safe,” 68.

<sup>4</sup> As Inspector Raymond Dahl claimed, “people in this town are willing to give information to the police, willing to be witnesses.” “How One City Keeps Its Streets Safe,” 68. “Order maintenance law enforcement” is an approach to policing municipal offenses that civic elites and morally upstanding citizens viewed as threatening to the conventional public order of a given locale. The approach was racialized and often targeted poor and working-class members of non-white groups for petty offenses like vagrancy, public drinking, and disorderly conduct. Christopher Lower Agee, “Crisis and Redemption: The History of American Police Reform since World War II,” *Journal of Urban History* (2017), 2, 4.

World War II and the expanded availability of industrial jobs ushered in an extended period of Black migration to the city. “It is safe to walk the streets at night in Milwaukee,” the writer assured readers. “Although the Negro population is sizable, there have been no serious racial disturbances.”<sup>5</sup> The racist implication was clear in this statement. Even with all of these Black people coming to live among the city’s white citizens, crime rates were stable, order was preserved. In addition to normalizing whiteness, the author made a distinction between Milwaukee and other U.S. cities grappling with civil unrest in the summer of 1964. African Americans across the urban North, frustrated by chronic police abuse and discriminatory housing, employment, and educational structures, were challenging their imposed second-class citizenship through a series of uprisings that saw Black citizens confront the “occupying” police forces who were, as James Baldwin wrote about Harlem two years later, “the hired enemies of this population.”<sup>6</sup> In turn, conventional media outlets seemed on the hunt for effective policing models that projected an alternate image to “race riots” and racialized urban disorders. One might argue they aimed to reaffirm the legitimacy of the police, balancing “law-and-order” and the “procedural justice” then encoded in New Deal liberalism.<sup>7</sup> In

<sup>5</sup> “How One City Keeps Its Streets Safe,” 68-71. Milwaukee had not fully avoided “racial disturbances” during the post-World War II period. While they did not occur on the scale of Harlem or North Philadelphia’s uprisings in 1964, multiple “near riots” occurred among white police patrolmen and Black youth in the dozen years leading up to Harold Breier’s 1964 appointment as police chief. That Black youth were being routinely watched, stopped, questioned, harassed, and, in many cases, forcefully commandeered and arrested reflected broader feelings of racialized insecurity and anxiety during the Cold War 1940s and 1950s. On the “near riots” that took place between white patrolmen and Black youth in 1950s Milwaukee, see: Bernard Toliver and Joseph Himden, “Research in Police-Community Relations in Inner-Core Area, Milwaukee, Wisconsin, 1959–1960” (Master’s thesis, University of Wisconsin–Milwaukee, 1961); Simon Ezra Balto, “‘Occupied Territory:’ Police Repression and Black Resistance in Postwar Milwaukee, 1950-1968,” *The Journal of African American History* 98 (2) (Spring 2013), 245. On Cold War racial fears in Milwaukee, see: Kevin D. Smith, “From Socialism to Racism: The Politics of Class and Identity in Postwar Milwaukee” *Michigan Historical Review* 29 (1) (Spring, 2003): 71-95. For a national study on this topic, see: Elaine Tyler May, *Fortress America: How We Embraced Fear and Abandoned Democracy* (New York: Basic Books, 2017), 1-6.

<sup>6</sup> James Baldwin, “A Report from Occupied Territory,” *The Nation*, July 11, 1966, accessed July 5, 2020, <http://www.thenation.com/article/report-occupied-territory/>.

<sup>7</sup> On Congress’ efforts to shore up the ability of police departments to administer law-and-order, see: “Law Enforcement Assistance Act of 1965, Hearings before a Subcommittee of the Committee on the Judiciary United States Senate,” U.S. Government Printing Office, Washington, 1965. Historian Michael Flamm has described “law and order” as “a new issue” that “emerged at the forefront of political discourse” in the 1960s as local and national conservative forces addressed what they saw as New Deal-Great Society liberalism run amok. However, in Wisconsin at least, the phrase had a longer history. “Law and order leagues” concerned about the influence and dangers of immigrant vice and crime emerged as early as 1913, suggesting a much longer history of fear-driven tough on crime approaches in U.S. cities



truth, fearful white citizens and politicians, in Milwaukee and elsewhere, employed law-and-order as a euphemism to describe their desires for racial and class containment.

In framing the relationship between race and public safety, Milwaukee police bureaucrats quoted in the above article failed to account for how law enforcement itself engendered feelings of insecurity, animosity, and mistrust among Black citizens through the MPD's "omnipresence" and neglect of service in African American spaces.<sup>8</sup> Poor, jobless, and under-employed Black adults, as well as young people, articulated their own anxieties around navigating the city's Sixth Ward streets.<sup>9</sup> An "attitude study" conducted in 1965 with both Black and white residents living in and around Milwaukee's "Inner Core" highlighted this racial discrepancy.<sup>10</sup> Black respondents felt that their neighborhoods got policed less effectively than exclusively white neighborhoods. A preponderance cited the police as "disinterested," "prejudiced," "brutal," and focused on "petty things." How African Americans saw an officer's race mattered too, with a larger percentage citing white patrolmen as "mean," biased, and disrespectful.<sup>11</sup> Conversely, white respondents were more likely to describe white officers as "afraid" of working in Black neighborhoods and "not strict enough with Negroes." They observed "increasing crime" and "tension" in racially mixed communities and expressed "fear" about disorder at a higher rate.<sup>12</sup>

Taken together, the 1964 *U.S. News & World Report* piece and 1965 attitude study implied a

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undergoing social demographic change. "Fail to Censure Janssen on Vice," *The Milwaukee Sentinel*, May 2, 1913, Part 1, 1. Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2007), 1.

<sup>8</sup> "Black Milwaukee" borrows from historian Trotter's parlance in describing the socio-economically diverse world of African-Americans in the city. Joe William Trotter, Jr., *Black Milwaukee: The Making of an Industrial Proletariat, 1915-1945*, 2<sup>nd</sup> ed. (Urbana: University of Illinois Press, 2006), 118, 285.

<sup>9</sup> The Sixth Ward was a municipal voting district encompassing the vast majority of the city's African American population. Trotter, *Black Milwaukee*, 118.

<sup>10</sup> The attitude study was conducted in October 1965. It was commissioned by The Milwaukee Journal Co. It divided the north side into three sections: "Upper Core," "Middle Core," and "Lower Core." "Attitude Study among Negro and White Residents in the Milwaukee Negro Residential Areas," Bisbing Business Research, Green Bay, Wisconsin, 1965, Wisconsin Historical Society, accessed August 19, 2019, <http://content.wisconsinhistory.org/cdm/ref/collection/tp/id/71332>.

<sup>11</sup> "Attitude Study among Negro and White Residents in the Milwaukee Negro Residential Areas," 94.

<sup>12</sup> "Attitude Study among Negro and White Residents in the Milwaukee Negro Residential Areas," 89.

racial disjuncture around policing in 1960s Milwaukee. Each suggested that understandings of the MPD's efficacy in preserving order, controlling crime, and safeguarding the city were incomplete and disconnected from harsh truths faced by countless Black Milwaukee residents—namely that policing in the city too often manifested as a racist enterprise. In this view, Milwaukee's all-white police bureaucracy was blind to the role that its virtually all-white police force played in instigating racial discontent, in a place that historically privileged and prioritized whiteness. Furthermore, police bureaucrats refused to see how the MPD's own policies and discretionary practices fomented social discord, indirectly proliferated crime, and hardened perceptions of Black criminality.<sup>13</sup>

This chapter begins the process of interrogating Milwaukee's racial disjuncture around public safety in the 20<sup>th</sup> century, exploring how it has characterized diverse experiences with local law enforcement over time. It argues that the separation between how white and Black citizens perceived the MPD in the 1960s is actually rooted in a narrative of policing exceptionalism that first gained traction in the 1910s and 1920s, before flowering in full bloom in the 1930s and 1940s. This narrative holds that the Milwaukee Police Department was unparalleled among U.S. law enforcement agencies in its assumed professionalism, willingness to innovate, and effectiveness at controlling crime. As a result, influential white observers in both government and policing circles conferred a self-reinforcing, meritorious legitimacy upon the department—the legacy of which remains a significant obstacle to both liberal reformers and abolitionists today.

The MPD's leadership in the “reform era” of U.S. policing evolved in relation to convulsive social, economic, and political events that carried profound racial implications.<sup>14</sup> These included

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<sup>13</sup> Legal scholar Matthew Flynn defines police discretion as “the power of a police officer to decide in a variety of situations to take action, not to take action, and how to take action. Policies may be made by the command level of a police department to control that discretion.” Matthew J. Flynn, “Police Accountability in Wisconsin,” *Wisconsin Law Review* 9 (4) (1974), 1148.

<sup>14</sup> On the “reform era” in U.S. policing, see Eric H. Monkkenon, *Police in Urban America, 1860-1920* (New York: Cambridge University Press, 1981); Hahn and Jeffries, *Urban America and Its Police*; Robert M. Fogelson, *Big City Police* (Cambridge, MA: Harvard University Press, 1977); Walker, *A Critical History of Police Reform*.

World War I, the Great Migration, the Great Depression, and the rise of New Deal liberalism.<sup>15</sup> The MPD's exceptionalism narrative emerged at a time when Milwaukee's Black population numbered less than 10,000, well before the city experienced its "late Great Migration" upon U.S. entry into World War II. The Progressive Era was not one of racial enlightenment.<sup>16</sup> In the early 20<sup>th</sup> century, "white rage," joined with nativist fervor.<sup>17</sup> It was powered by new theories of race science that diminished Black citizenship claims. Escalating forces of white supremacy inflicted mass terror against Black men and women, and not exclusively in the Jim Crow South, but also in Midwestern cities, like Milwaukee. One reason that the city's Black population remained comparatively small in these tumultuous years was that the MPD strictly enforced "vagrancy" laws against African American transients and under-employed workers. These laws essentially "made it a crime to be a certain type of person." According to historian Risa Goluboff, one did not need to commit an offense to be arrested; one merely had to look "suspicious," "dissolute," or "lacking a lawful purpose."<sup>18</sup> As white officials affirmed, the MPD aggressively enforced vagrancy offenses against Black people so as to prevent the violent unrest occurring in nearby cities with much larger Black populations, such as occurred in Chicago in 1919. However, they were also acting in accordance with racist white manufacturing and trade union prerogatives meant to undermine Black industrial employment gains and labor competition. In 1931, this system of vagrancy enforcement contributed

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<sup>15</sup> Milwaukee County employment dropped by 44 percent from 1929 to 1932. Kenneth Germanson, "Workers' Movements," *Encyclopedia of Milwaukee*, July 10, 2020, <https://emke.uwm.edu/entry/workers-movements/>.

<sup>16</sup> Milwaukee's Black population mushroomed in the post-World War II period, from a population of around 10,000 residents in 1945 to more than 105,000 by 1970. While the number of white, or European ethnic Milwaukeeans increased from 578,177 in 1940 to 675,572 in 1960. That number contracted to 605,372 in 1970 and has continued to shrink ever since. Campbell Gibson and Kay Jung, "Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and Other Urban Places in the United States," Population Division, Working Paper No. 76, U.S. Census Bureau, February 2005, 113. Paul Geib refers to Black movement to Milwaukee from the 1940s to the 1960s as a "late great migration," given that the total number of Black migrants to the city during this span far exceeded that of previous decades. Paul Geib, "From Mississippi to Milwaukee: A Case Study of the Southern Black Migration to Milwaukee, 1940-1970," *The Journal of Negro History* 83 (4) (Autumn, 1998), 231.

<sup>17</sup> Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2016).

<sup>18</sup> Risa Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (New York: Oxford University Press, 2016), 2.

to a policing regime that drew plaudits from the U.S. Justice Department, which lauded the MPD for having “speedily detected, arrested, and promptly tried” all criminal suspects.<sup>19</sup> The federal government even recommended the department’s first-of-its-kind Police Training School to other countries, bolstering its elite public status.<sup>20</sup>

Milwaukee’s narrative of policing exceptionalism originated in statutes passed during the “long Progressive Era.”<sup>21</sup> In the late 19<sup>th</sup> century, white Protestant social reformers were eager to “clean up” the ill effects of rapid industrialization, expanded immigration, and machine politics in the city.<sup>22</sup> Concurrently, elite business interests demanded greater control over the political power of organized labor.<sup>23</sup> The MPD provided the most readily available and powerful means for reformers and manufacturers to impose order over what they viewed as the worst outcomes of immigrant working-class ascendancy. To ensure that police served their class-based interests, these groups lobbied state officials in Madison, Wisconsin to override Milwaukee’s “home rule” of the police.<sup>24</sup> Ready to oblige, the state’s Republican-controlled legislature passed laws that, among other outcomes, guaranteed police power would remain in the hands of capitalist and middle-class elites and not the workers parties seeking greater municipal influence. Some, like the Social Democrats,

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<sup>19</sup> National Commission on Law Observance and Enforcement, *Report on Police* (Washington D.C.: Government Printing Office, 1931), 3.

<sup>20</sup> Police Chief Joseph Kluchesky to Mayor Daniel Hoan, December 12, 1939, Folder 668, “Police Department, 1934-1940,” Hoan, Daniel Webster Papers, Mss-0546, Milwaukee County Historical Society.

<sup>21</sup> On the periodization of the “long Progressive Era,” see Robert D. Johnston, “The Possibilities of Politics: Democracy in America, 1877 to 1917,” in *American History Now*, Eric Foner and Lisa McGirr, eds. (Philadelphia: Temple University Press, 2011), 96-124.

<sup>22</sup> This modernizing, reformist impulse among white Protestant middle-class reformers lingered in Milwaukee for decades. See: Eric Fure-Slocum, *Contesting the Postwar City: Working-Class and Growth Politics in Postwar Milwaukee* (New York: Cambridge University Press, 2015).

<sup>23</sup> Sidney Harring’s work on the policing of class in the Gilded Age and Progressive Era U.S. is essential to understanding these political dynamics around law enforcement in Milwaukee. Sidney L. Harring, *Policing a Class Society: The Experience of American Cities, 1865-1915* 2nd ed. (New Brunswick: Rutgers University Press, 2017). For studies that address policing and its relationship to urban class politics in the U.S., see: Marilynn Johnson, *Street Justice: A History of Police Violence in New York City* (Boston: Beacon Books, 2003); Matthew A. Guariglia, “The American Problem: Race, Empire, and Policing in New York City, 1840-1930,” (Ph.D. diss., University of Connecticut, 2019); Sam Mitrani, *The Rise of the Chicago Police Department: Class and Conflict, 1850-1894* (Urbana: University of Illinois Press, 2013).

<sup>24</sup> Bethany Harding, “Home Rule,” *The Encyclopedia of Milwaukee*, accessed September 11, 2019, <https://emke.uwm.edu/entry/home-rule/>.

had successfully vied for control of City Hall from 1910 to 1912.

Wisconsin Chapter 586, signed into law in 1911, bestowed lifetime tenure on Milwaukee fire and police chiefs. It also granted them power to regulate their departments through a centralized command structure. That law expanded on an 1885 statute, Chapter 387, which established the Milwaukee Fire and Police Commission (MFPC) as the city's public safety recruitment, testing, and disciplinary review board. The MFPC was among the first civil service agencies in America and the nation's first independent public safety board.<sup>25</sup> It was empowered to hear complaints against police from registered property owners and to remove public safety chiefs "for cause." These statutes effectively insulated the MPD from municipal control and, at least on paper, instituted a quasi-judicial oversight structure to ensure proper function of the fire and police departments.

The 1920s and 1930s were pivotal decades in the formalization of the MPD's exceptionalism narrative and in the attendant criminalization of blackness taking place across the white ethnic city. It was in this fluctuating period of both economic excess and downturn that the department became a national leader in the movement for police professionalism. However, in the eyes of the city's small but growing Black population, the MPD was also becoming a more pronounced, increasingly racialized symbol of oppression. The 1930s, in particular, showed how the narrative of policing exceptionalism intersected with and built off of evolving white conceptions of racial and class hierarchy and their assumed relationship to public order, crime control, and safety. Even many white liberals supported the cultural racism that buttressed the social, economic, and political denigration of African Americans. The policing of public order and morals offenses reinforced that prejudice.

Milwaukee was not a racially democratic city, even under the leadership of its renowned

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<sup>25</sup> Other historians have argued that Philadelphia liberals established the nation's "first independent civilian review board" in 1958. That board, too, consisted of mayoral appointees who heard public complaints, could order investigations, and served in a quasi-judicial capacity. They also claim it was the "longest lived," despite Milwaukee's having been founded seventy-three years earlier. Eric C. Schneider, Christopher Agee, and Themis Chronopoulos, "Dirty Work: Police and Community Relations and the Limits of Liberalism in Postwar Philadelphia," *Journal of Urban History* (2017), 3, 5.

Socialist mayors.<sup>26</sup> In this period, elite social reformers crusading against “immoral” vice activities joined in the nationwide process of rendering Black criminality distinct from illicit white poor and working-class behavior. And yet, it is also in this moment that Milwaukee’s small, but growing Black middle-class first challenged what many in the city’s Bronzeville community saw as the racialized policing of urban vice.<sup>27</sup> A Black professional-led organization, the Sixth Ward Law and Order League (SWLOL), presented an alternative to the all-white Citizen’s Law and Order League and its morals enforcement of vice activities. The latter primarily concerned itself with illicit gambling and sex work, particularly in the city’s increasingly Black near north side area. The former targeted racially discriminatory policing of Black citizens and spaces.

#### *The Statutory Roots of the MPD’s Exceptionalism Narrative*

Understanding Milwaukee’s racial disjuncture around policing in the 1960s means first excavating the city’s unsettled class politics near the turn of the 20<sup>th</sup> century. Milwaukee’s class politics gave shape to the legal formation of the city’s police bureaucracy—the MFPC, MPD, City Hall (Mayor’s office and Common Council), and Milwaukee County District Attorney’s office. Knowing this provides a deeper sense of how the state structured police reform and mechanisms of redress in the event of police misconduct, as well as why these tools have historically proven so difficult to access for poor and working-class Black citizens experiencing police violence. In a period of heavy industrialization and uneven wealth accumulation, immigration and working-class suppression, fiscal surplus and economic depression, Milwaukeeans immersed themselves in, to borrow historian Robert Wiebe’s verbiage, “the search for order.”<sup>28</sup> Establishing control of the

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<sup>26</sup> Trotter, *Black Milwaukee*; Jane L. Collins and Victoria Mayer, *Both Hands Tied: Welfare Reform and the Race to the Bottom of the Low Wage Labor Market* (Chicago: University of Chicago Press, 2010).

<sup>27</sup> On Bronzeville, see: Robert S. Smith, “African Americans,” *Encyclopedia of Milwaukee*, accessed May 28, 2020, <https://emke.uwm.edu/entry/african-americans/>.

<sup>28</sup> Robert H. Wiebe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1966).

police was crucial to setting social and class boundaries and, thus, delimiting power.

White corporate and professional elites suppressed competing working-class interests by strengthening their grip on law enforcement. While race may not appear to be a discernible factor in the efforts, it is important to note that racial categories were still being sorted out. Policing played a role in this process.<sup>29</sup> Social and economic elites organized industrial cities like Milwaukee around what scholar Cedric Robinson termed “racial capitalism.”<sup>30</sup> Race has remained inextricably linked to urban development in the U.S. The statutes analyzed in this chapter not only concentrated police power in Milwaukee, but, over time, helped to confirm racial power in the city. With their passage, the MFPC gained the authority to determine who got hired onto the MPD. Meanwhile, the police chief not only wrote and enforced police department regulations, but also decided who was to be promoted or chosen for specialized squads. In other words, they determined who would monitor “subversive” activities among poor and working-class people, union leaders, and progressive-left politicians. This was real power, and it was thoroughly racialized. Policing, as historian Matthew

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<sup>29</sup> Nora Krinitsky, “The Politics of Crime Control, Race, Policing, and Reform in Twentieth-Century Chicago” (Ph.D. diss., University of Michigan, 2017), 17. See: Matthew Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, MA: Harvard University Press, 1999); David R. Roediger, *The Wages of Whiteness: Race and the Making of the American Working Class* (New York: Verso, 1991); Nell Irvin Painter, *The History of White People* (New York: W. W. Norton and Company, 2010).

<sup>30</sup> Scholar Cedric Robinson argued that Marx’s idea of capitalism as a revolutionary departure from feudalism was an incomplete interpretation. It missed, in particular, how racism and capitalism evolved together, in symbiosis, as feudalism transitioned to capitalism across Western Civilization. Racial capitalism, Robinson’s shorthand, depended, as historian Robin Kelley has written, “on slavery, violence, imperialism, and genocide” to materialize. These forces were deeply racialized and already had been prior to the emergence of capitalism. Imperial European processes of “racialization” relied on the dispossession, colonizing, and enslavement of racial subjects globally. Invasion, settlement, and the expropriation of lands supported social, political, and economic justifications based on racial hierarchy. This historical background is crucial to understanding how white natives, European immigrants, and their descendants in industrial U.S. cities like Milwaukee understood race and its relationship to the capitalist system that organized their daily lives. It informed public conversations around race and the collective worldview of all civic actors, including those commonly associated with politically “progressive” understandings of inequality within capitalist systems, such as the city’s Socialist Party. Needless to say, the longer history of racial capitalist development produced noticeable blind spots around race and its intersection with class. It helps us to understand the anti-Black racist structures that law enforcement served to monitor and perpetuate, as well as distinct modes of Black radicalism that emerged in opposition. Cedric Robinson, *Black Marxism: The Making of the Black Radical Tradition*, rev. ed. (Chapel Hill: University of North Carolina Press, 2000), 1-3; Robin D.G. Kelley, “Introduction,” in *Race, Capitalism, Justice*, Walter Johnson and Robin D.G. Kelley, eds., *Boston Review*, Forum 1 (2017), 7.

Guariglia argues, helped European ethnics “lead their communities into whiteness.”<sup>31</sup> Accessing law enforcement was essential to the larger “project of racial state building.” By the mid-20<sup>th</sup> century, the MPD was predominantly staffed by men of Irish, German, and Polish ancestry.<sup>32</sup> The department’s apparent whiteness afforded social and economic mobility to European immigrants and their descendants through civil service employment. Save for a handful of token appointments, that same mobility was denied to Black and, later, Latinx citizens—really until the civil rights insurgencies of the 1960s and 1970s.<sup>33</sup> Anti-Black racism facilitated “the formation of a more consolidated whiteness.”<sup>34</sup> The MPD led this charge when police officers used their discretion to determine who constituted a criminal and who did not. The Progressive Era police laws and their practical effects, i.e. police professionalization through a civil service system, aided in normalizing public conceptions of racial difference. Police choices, informed by individual biases about who was “good” and “bad,” carried value across the civic landscape. The MPD’s racialized discretion was the bedrock of the narrative of policing exceptionalism.

Milwaukee’s police bureaucracy was rooted in turn of the century campaigns to reform local police authority so that it better served the interests of wealthy white manufacturers and professional elites. These powerful entities struggled to impose “order” in the midst of the city’s rapid industrial expansion in the late 19<sup>th</sup> century. Manufacturing growth transformed Milwaukee’s social and economic life, in addition to its “ethno-cultural” geography.<sup>35</sup> Ethnic, cultural, and religious identities guided political affiliations across Wisconsin and the Northwest Territory.<sup>36</sup> A corporate-backed

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<sup>31</sup> Guariglia, “The American Problem,” 6.

<sup>32</sup> Irish Americans dominated the ranks of the MPD in the early-20th century. Harlan D. Hahn and Judson L. Jeffries, *Urban America and Its Police: From the Postcolonial Era through the Turbulent 1960s* (Boulder: University Press of Colorado, 2003), 6.

<sup>33</sup> Wisconsin Committee to the U.S. Commission on Civil Rights, *Police Isolation and Community Needs*, (Washington, D.C.: Government Printing Office, 1972).

<sup>34</sup> Guariglia, “The American Problem,” 6.

<sup>35</sup> John D. Buenker, *The History of Wisconsin, Volume IV: The Progressive Era, 1893 – 1914* (Madison: State Historical Society of Wisconsin, 1998), 126.

<sup>36</sup> John Buenker, “Cream City Electoral Politics: A Play in Four Acts,” in *Perspectives on Milwaukee’s Past*, edited by Margo



Republican Party machine ascended in Milwaukee during the 1870s, achieving near parity with its Democratic rival. Social and religious traditions continued to inform party affiliation, but this relationship became tenuous amid industrialization, new and expanded immigration, and sundry economic crises. Democrats and Republicans alike failed to meliorate economic depressions, like the Panic of 1893. Thereupon, the two-party dynamic shifted. Third parties emerged, organized around a more “class-conscious, issue-oriented brand of politics.”<sup>37</sup> Milwaukee’s gaining industrial foothold and foreign-born population shaped the city’s germinating working-class consciousness.<sup>38</sup> Populist, Progressive, and Socialist parties entered the electoral system after the 1870s; municipal politics became more competitive, with voters growing fervent in their partisan loyalties. The Democratic and Republican parties formed coalitions to challenge the rise of socialist and workers parties. In the process, class became the crucial fault line that divided the city’s politics.<sup>39</sup>

Explosive industrial development, economic panics, and population changes meant new demands for existing municipal services, including law enforcement. How the city delivered policing services became a visible source of tension. In the 1880s, leaders of industry and commerce joined middle-class, mainly Protestant social reformers concerned about the role of law enforcement in managing class and socioeconomic status across a rapidly transforming urban terrain. These groups

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J. Anderson and Victor R. Greene (Urbana: University of Illinois Press, 2009), 18-22.

<sup>37</sup> That said, ethnicity, economic inheritance, and religion continued to play major roles in determining the political bases of major party candidates, regardless of ideology. Buenker, “Cream City Electoral Politics,” 23. The third party electoral system was established in Milwaukee during the 1882 municipal elections. Harring, *Policing a Class Society*, 85.

<sup>38</sup> In 1910, a year before the Wisconsin legislature revised its 1885 police reform law, Milwaukee was the twelfth largest city in the U.S., with a population of 373,857. It was also the third-most industrialized, behind Buffalo and Detroit. Only New York City had a comparably sized foreign-born population. 68 percent of Milwaukee’s immigrants hailed from Germany, hence the city’s moniker, the “German Athens.” Harring, *Policing a Class Society*, 81.

<sup>39</sup> By the early 20th century, class was the fault line in local politics, ahead of ethno-cultural and religious identity. As historian John Buenker argues, two grassroots movements facilitated this shift. First, a largely native-born cohort of middle to upper- middle-class “Progressives” sought more honest, competent, and cost-effective government, a fairer tax structure, and semi-regulation of public utility companies. These were reformers who preferred realizing change from within the two-party system. Second, a mostly foreign-born cohort of working-class residents placed increasing faith in self-created institutions, like trade unions and workers parties, to improve their lives. These were people who mistrusted the two-party system. The former largely accepted capitalism as an organizing framework, while the latter believed more in “the viability of a “cooperative commonwealth.” Buenker, “Cream City Electoral Politics,” 18-22.

lobbied the Wisconsin legislature, then controlled by Republicans, to insulate the MPD from both the threat of working-class political control and the corrupting influence of ward-based political party machines. Manufacturers and social reformers wanted greater flexibility to, respectively, call upon the police to crush labor rebellions and enforce vice ordinances. Corporate leaders were anxious about rising workers parties and labor militants disrupting the flow of manufacturing and commerce. Strikes grew more common and violent in the late-19<sup>th</sup> century. Workers parties appealed to newly arrived Southern and Eastern European immigrant groups, as well as existing German residents. Meanwhile, elite social reformers believed that only by decoupling the police from City Hall would Milwaukee's volatile social landscape be stabilized, immorality and corruption eliminated.

With a population of over 150,000 by the mid-1880s, Milwaukee was the only city in Wisconsin designated as a "city of the first class" by the state legislature. However, Madison exerted significant control over Milwaukee, determining its property and corporate tax structures, its welfare services, and the functionality of its fire and police departments. While city officials advocated for home rule, power in Milwaukee remained divided among Wisconsin legislators, City Hall, the Milwaukee County Board of Supervisors, and a handful of local commissions.<sup>40</sup>

Ever since the state formally elevated the MPD in 1855 from preceding "marshal," "constable," and "night watchmen" systems, frequent mayoral turnover and patronage appointments had bred corruption. This led to ineffective public order enforcement.<sup>41</sup> Police chiefs, who

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<sup>40</sup> Buenker, *The History of Wisconsin, Volume IV*, 126.

<sup>41</sup> "Constables" and "night watchmen," as historian Adam Malka notes in describing Baltimore's early policing system, were "men who worked the streets" and "responded to citizens' cries for help, arrested suspects, and brought suspects to watch houses for processing." They worked at the behest of city representatives. Adam Malka, *The Men of Mobtown: Policing Baltimore in the Age of Slavery and Emancipation* (Chapel Hill: The University of North Carolina Press, 2018), 30. Prior to being formally chartered in 1846, Milwaukee relied on a township constable and village marshal to enforce the law. Thomas Kukowski, "Crime," *The Encyclopedia of Milwaukee*, accessed July 6, 2020, <https://emke.uwm.edu/entry/crime/>. Middle-class social reformers actually began campaigning for a citizen review board to monitor Milwaukee's police and fire departments as early as 1864. John Gurda, *Cream City Chronicles: Stories of Milwaukee's Past* (Madison: Wisconsin Historical Society Press, 2007), 210.

historically served at the behest of City Hall, were beholden to party directives.<sup>42</sup> Machine politicians called on the MPD to collect graft. Incoming mayors replaced police chiefs at will and handpicked subordinates. Whoever generated the highest vote totals earned the job. After the appointment of new chiefs, “the whole police force would quit...knowing that otherwise they would be fired.”<sup>43</sup> Once in office, police chiefs faced the “constant fire of the party out of power.”<sup>44</sup> The city appointed eight different police chiefs from 1855 to 1885.<sup>45</sup> High turnover led to poor service and stifled internal development. This challenged the public’s ability to secure police accountability, or “fair and effective police services.”<sup>46</sup>

Corporate and social elites advocated for a more stable, independent MPD that would no longer be subject to the whims of the political party in power. But they also wanted a police force capable of suppressing disorderly behavior, particularly in vice districts, and of turning back working-class power, especially strikes. Workers parties were cultivating political strength through Milwaukee’s Federated Trades Council (FTC). In 1882, they briefly won control of City Hall from Republicans, forging a coalition with Democrats after a violent cigar-maker’s strike.<sup>47</sup> “Responsible citizens” answered this in 1884 by pushing for a civil service law in the state legislature that would

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<sup>42</sup> Fifteen of Milwaukee’s first sixteen mayors represented the Democratic Party. The city’s first Republican mayor was Harrison Ludington, elected on a “Peoples” ticket in 1871. Only three Republicans occupied the mayor’s office before 1893. Buenker, “Cream City Electoral Politics,” 19. “A Brief History,” November 20, 1961, “1961, Fire and Police Commission,” Box 57, Folder 1, “Police Brutality, 1961-1974, undated,” Lloyd A. Barbee Papers, 1933-1982, Milwaukee Mss 16, University of Wisconsin-Milwaukee Archives.

<sup>43</sup> “A Brief History,” Barbee Papers. Founded in 1874, the Milwaukee Fire Department experienced similar turnover and cronyism, with four chiefs serving between 1874 and 1885. Milwaukee Board of Fire and Police Commissioners, “Commemorative Booklet, 1885-1985, ‘A Matter of Experiment,’” Annual Report, 1985, 5.

<sup>44</sup> “Milwaukee’s Eight Chiefs of Police,” *The Milwaukee Journal*, April 2, 1933, “The Sunday Magazine,” 3.

<sup>45</sup> Milwaukee’s first police chief, William Beck, served in the position three times—1855 to 1862, 1863 to 1878, and 1880 to 1882. Beck, born in Germany, was a transplant from the East Coast who once worked for the New York City Police Department. The MPD in 1855 consisted of five Germans, three Irishmen, and four “Americans.” Bayrd Still, *Milwaukee: The History of a City* (Madison: State Historical Society of Wisconsin, 1948), 358. Founded in 1874, the Milwaukee Fire Department experienced similar turnover and cronyism, with four chiefs serving between 1874 and 1885. Milwaukee Board of Fire and Police Commissioners, “Commemorative Booklet, 1885-1985, ‘A Matter of Experiment,’” Annual Report, 1985, 5.

<sup>46</sup> Flynn, “Police Accountability in Wisconsin,” 1133.

<sup>47</sup> A pro-worker manufacturer defeated the Republican candidate on a Democratic Party fusion ticket. The Republican candidate had backed the police crackdown on striking cigar workers. Harring, *Policing a Class Society*, 85.

eliminate the city's "spoils system," which determined who received public safety positions. Attorney Jerome R. Brigham led this reform charge, essentially drafting the bill that later passed a Republican-controlled legislature in 1885. "Chapter 378 of the Laws of 1885" was, according to former MFPC chairman William Gore, the first statute in the U.S. to "institutionalize the concept of civilian oversight of the police."<sup>48</sup> The law, which amended the City Charter, authorized Milwaukee mayors to appoint fire and police commissioners to overlapping four-year terms.

While the terms of police power in the city would be clarified further by state legislators in 1911, the 1885 law fundamentally changed the structure of police leadership in Milwaukee. The four-person MFPC was never to feature more than two members from the same political party. The measure directed the commission to set rules and regulations for selecting, appointing, classifying, and promoting all public safety personnel. However, it had no supervisory authority over the MPD's operations.<sup>49</sup> The MFPC was authorized to hire and discharge public safety employees by a unanimous vote, including chiefs. The statute only gave mayors power to suspend a fire or police chief "for cause," at which point the commission would hold a review hearing to recommend for or against termination.<sup>50</sup> Consequentially, the law granted fire and police chiefs indefinite lengths of tenure, meaning they could potentially serve for life. The legislature approved Chapter 378 two years after the U.S. Congress passed the Pendleton Act, which "transformed the nature of public service" in American by instituting civil service.<sup>51</sup> The law included a safeguard for rank-and-file officers, protecting them from the re-shuffling of personnel based on economic strains.<sup>52</sup> Jerome Brigham

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<sup>48</sup> Gore was the first African American fire and police commissioner. Milwaukee Board of Fire and Police Commissioners, "Commemorative Booklet, 1885-1985, 'A Matter of Experiment,'" Annual Report, 1985, 2.

<sup>49</sup> Flynn, "Police Accountability in Wisconsin," 1134.

<sup>50</sup> This rule applied to subordinate officers as well.

<sup>51</sup> The federal law established the U.S. Civil Service Commission and instituted a merit-based system of government hiring that was reliant on competitive examinations rather than political appointments. "An Act to regulate and improve the civil service of the United States, January 16, 1883, Enrolled Acts and Resolutions of Congress, 1789-1996," General Records of the United States Government, Record Group 11, National Archives.

<sup>52</sup> It also increased the number of officers from 93 to 131. Harring, *Policing a Class Society*, 89.

served as one of the first four MFPC members appointed by Mayor Emil Wallber, a fusion ticket Republican who won by consolidating the working-class German vote.<sup>53</sup>

Milwaukee's first "chief for life," John Janssen, set the terms for the city's narrative of policing exceptionalism during his record thirty-three years at the helm of the MPD (1888-1921). He did so by expanding police power and, thus, raising the department's legitimacy in the eyes of everyday people. In the process, the German-American chief helped usher in U.S. policing's "reform era," also known as the "professionalization movement." Janssen took full advantage of the authority granted to him by the state.<sup>54</sup> He established a centralized, tightly-controlled police agency. Janssen was detail-oriented, known to work long hours. He was also a strict disciplinarian, who expected obedience from all officers. To ensure that police personnel guarded Milwaukee's streets effectively, Janssen ordered beat patrolmen to report to supervisors at least once an hour using "call boxes" that he had installed throughout the city.<sup>55</sup>

Chief Janssen grew Milwaukee's police force dramatically during his lengthy tenure, from 181 to 649 officers. He also secured a number of pay increases for police personnel, with competitive wage scales. Other reform innovations introduced by Janssen included a fingerprint system (1907), motorized ambulances (1910), motorcycle patrols (1910), traffic enforcement (1914), the nation's first police band, and a police parade intended to boost the MPD's image and showcase

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<sup>53</sup> The MFPC did not take long to make its mark, removing the first mayoral appointee it hired, Florian J. Reis, for "allegations of official corruption." Evidently, Reis was done in by a robbery scandal whereby men paid off patrolmen after committing robberies. Some police officers participated in robberies themselves. Haring, *Policing a Class Society*, 88. "Milwaukee Police Department Legislation," 2, Box 56, Folder 42, "Police Bills, 1969-1976," Lloyd A. Barbee Papers, 1933-1982, Milwaukee Mss 16, University of Wisconsin-Milwaukee Archives.

<sup>54</sup> Policing historian Samuel Walker locates the "police professionalization movement" as beginning in the early 20th century. He frames it as part of the broader "Progressive Era." The "core assumption of Progressivism," Walker notes, was that institutions had to better meet the needs of the "new urban-industrial society," including municipal police departments. Samuel E. Walker, "Governing the American Police: Wrestling with the Problems of Democracy," University of Chicago Legal Forum, Article 15, Volume 2016 (2016), 628.

<sup>55</sup> Police call boxes allowed beat patrol officers to communicate with their headquarters and report specific crimes taking place in their patrol area. Dials in the boxes eventually matched specific crimes. Officers selected the crime and it sent a signal back to the central command, who dispatched backup accordingly. Rachel Morello, "What's the Story with Milwaukee's Police Call Boxes?" *WUWM*, March 23, 2018, accessed July 6, 2020, <https://www.wuwm.com/post/whats-story-milwaukees-police-call-boxes#stream/0>.

its state-sanctioned authority.<sup>56</sup> The “Czar,” as Janssen became known, established the MPD’s first district system, when he opened a south side police station in 1891. Janssen also founded one of the first regular police training programs in the U.S. An ostensibly forward-thinking police academy would, over time, become a hallmark of the department’s narrative of policing exceptionalism.

While Chief Janssen was formally non-partisan, he understood that his authority derived from, as historian Sidney Haring writes, “the bourgeois political system.”<sup>57</sup> That was who the MPD ultimately served. The proudly anti-union, strike-quashing chief embodied the elite vision for independent police power outlined in the 1885 statute. Janssen disdained the socialist politics of Milwaukee’s working-class and scorned Social Democratic leaders publicly.<sup>58</sup> In 1911, Janssen told the city’s first Socialist Party mayor, Emil Seidel, to “go to hell.” Seidel had called for the chief to resign after authorizing brutality against women garment workers while they were on strike.<sup>59</sup> Janssen refused to step down.

The chief allegedly maintained a “black box” filled with “incriminating data” on city officials. He was prepared to make this data public if they interfered with the MPD’s affairs. In key ways, Janssen was a forerunner to police chief Harold Breier’s autocratic reign from 1964 to 1984. Both men kept close tabs on local politicians, as well as poor and working-class people they saw as disruptive to the status quo. Each was insular, secretive, and loathed anyone who challenged their authority, especially progressive-left “agitators” and “radicals.” Janssen and Breier both employed strict discipline against rank-and-file personnel who violated department regulations. Still, the former

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<sup>56</sup> Janssen also served as president of the National Association of Chiefs of Police from 1897 to 1899. “John Janssen 1888-1921,” City of Milwaukee, accessed September 6, 2019, <https://city.milwaukee.gov/Directory/police/About-MPD/Chief/John-Janssen-1888-1921.htm>; Haring, *Policing a Class Society*, 92.

<sup>57</sup> Haring, *Policing a Class Society*, 90.

<sup>58</sup> Haring, *Policing a Class Society*, 89-90.

<sup>59</sup> Seidel’s 1910 election victory and the onset of Socialist control in the Common Council compelled Democratic and Republican leaders to form a successful fusion ticket in the 1912 citywide election. Socialist Party gains in Milwaukee also encouraged state legislators to pass a bill rendering most local offices in Wisconsin non-partisan. “Non Partisan Elections,” *Encyclopedia of Milwaukee*, accessed September 6, 2019, <https://emke.uwm.edu/entry/non-partisan-elections/>; John Gurda, *The Making of Milwaukee*, rev. ed. (Milwaukee: Milwaukee County Historical Society, 2018), 217-218.

used his discretion to protect high-ranking officers who collected graft and served his direct needs. One city official referred to Janssen as the “Prussian bulldozer” for how he closed in on crime.<sup>60</sup> But the chief was also selective about which laws his men enforced. He tolerated a good measure of corruption and vice. During most of Janssen’s tenure, Milwaukee stayed a “wide open town.” Vice was largely siloed by the MPD into a single downtown district. With the support of the five-term Democratic Mayor David Rose, Janssen restricted saloons, gambling halls, and prostitution to the Third Ward.<sup>61</sup> Affluent residents and out-of-towners regularly visited the “high-class red light district” on River St.<sup>62</sup> Business men participated in vice activities, and profited from them as well. Eventually, social reformers looked to indict Chief Janssen and Mayor Rose on gambling and corruption charges. The chief of police protected the city’s vice district at the same time that he “directed a crusade” against ancillary working-class “stall saloons,” brothels, and dives.<sup>63</sup>

When Milwaukee’s Socialist Party briefly won full control over city government in 1910, it looked to clamp down on vice and corruption as part of a broader public health initiative. The Socialist Party’s victory encouraged a more strained relationship between the MPD and City Hall. The party saw the police department as a generally repressive force that was against working-class interests. Nevertheless, police rank-and-file officers were municipal workers; they, too, deserved reasonable wages, working conditions, hours, and time off. Milwaukee Socialists hoped to emphasize the service-oriented aspects of policing, using patrolmen to check in on residents and businesses.<sup>64</sup> Mayor Seidel advised Chief Janssen to inspect sanitation conditions, stop truancy, and regulate factory smoke. Much to his chagrin, the MPD’s function remained order maintenance, protecting

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<sup>60</sup> Gurda, *Cream City Chronicles*, 210.

<sup>61</sup> Rose served from 1898 to 1906 and again from 1908 to 1910. Elizabeth A. Jozwiak, “‘The City for the People’: Milwaukee Municipal Recreation and the Socialists, 1890-1917” (Ph.D. diss., University of Wisconsin-Madison, 1997), 60.

<sup>62</sup> Buenker, *The History of Wisconsin, Volume IV*, 147.

<sup>63</sup> In response to the demands of social reformers, the state indicted fifty-three elected officials during Rose’s tenure, convicting thirty. Harring, *Policing a Class Society*, 191.

<sup>64</sup> Harring, *Policing a Class Society*, 97.

property, interfering with trade union activities, and aggressively breaking strikes. Janssen rebuffed Socialist Party demands and made end-runs around the mayor via state representatives.<sup>65</sup>

It was in this period that Wisconsin's legislature, controlled by Progressive Republicans, revised the 1885 policing statute.<sup>66</sup> Again, corporate and middle-class elites responded to rising labor militancy and the Socialist Party's ascendance in City Hall. Chapter 586, passed in 1911, made it easier for the MPD to "break" work stoppages, which were becoming more frequent. The law consequently deepened animosities between the department and Socialist leaders. The latter considered vice, which Janssen openly tolerated, as worthy of close policing.<sup>67</sup>

Milwaukee's Socialist Party was reformist. Its interests resembled liberal Democrats and Progressive Republicans more than radical workers parties.<sup>68</sup> The Socialist Party advocated for policies that restricted corruption, regulated utilities, granted workers economic relief, and paid down municipal debt. But they also embraced Milwaukee's conservative trade union politics, which tended to look down on unskilled laborers. Socialist Party co-founder Victor Berger, the first Socialist elected to the U.S. House of Representatives (1910), set the party's tone and direction. This included racist proclivities.<sup>69</sup> For example, local Socialists refused to advocate for Black workers and welcomed racially restrictive covenants that relegated African Americans to inferior housing stock.<sup>70</sup> Berger believed that the city's working-class politics should emphasize an evolution within capitalism, not its destruction. The party rejected the Marxist view that a revolutionary "cataclysm"

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<sup>65</sup> For example, Janssen appealed to the state legislature not to expand the MFPC from four to five members, which it ultimately did. He also asked lawmakers to grant him the right to appeal suspensions and dismissals of officers by the MFPC in court. Harring, *Policing a Class Society*, 97-99.

<sup>66</sup> Chapter 378 was revised in 1909 to provide for four-member fire and police commissions in Wisconsin's second and third class cities as well. Flynn, 1134.

<sup>67</sup> The Socialist Party saw crimes like prostitution as an outgrowth of an unfair system and would "entirely disappear only with capitalism. Harring, *Policing a Class Society*, 192.

<sup>68</sup> Harring, *Policing a Class Society*, 96.

<sup>69</sup> Berger co-founded the Social Democratic Party in 1898 and the Socialist Party of America in 1901. Michael E. Stevens, "Victor L. Berger," *Encyclopedia of Milwaukee*, accessed July 6, 2020, <https://emke.uwm.edu/entry/victor-l-berger/>.

<sup>70</sup> S. Ani Mukherji, "Reds among the Sewer Socialists and McCarthyites: The Communist Party in Milwaukee," *American Communist History* 16 (3-4) (2017), 119.



would birth socialism “in a pure and finished form.”<sup>71</sup> Milwaukee Socialists also legislated on labor demands through traditional government channels rather than seeking workplace confrontations with hostile manufacturers. This further distinguished them from radical progressive-left parties.

Still, Chief Janssen’s MPD was hostile towards Socialist Party demonstrators and campaign workers, who struggled to make the department operate on their behalf. The 1911 statute prevented a Socialist-controlled City Hall from halting the MPD’s repressive anti-worker practices. In turn, policing remained “a powerful weapon in the class struggle.” The MPD’s state-sanctioned autonomy and ostensibly “value-neutral ideology” shielded it from political interference.<sup>72</sup>

Chapter 586 did not merely serve as a mechanism to quell working-class power. It also strengthened the MFPC. In an apparent compromise with Social Democrats in Milwaukee, the state legislature expanded the MFPC from four to five members, doing so against the wishes of Chief Janssen. Mayor Seidel could now appoint a Socialist Party commissioner as a tie-breaking vote. The law also authorized the commission to hear both disciplinary appeals and civilian complaints made against officers or public safety departments. If a chief discharged, suspended, or reduced the rank of an employee, the MFPC served as a quasi-judicial board of appeals.<sup>73</sup> Previously, the commission only appeared at citizen complaint hearings held by the MPD “in an oversight capacity.”<sup>74</sup> The MFPC’s revised statutory function now read:

In cases where duly verified charges shall be filed by any reputable freeholder... setting forth sufficient cause for the removal of any member of either of said departments, including the chiefs or their assistants, it shall be the duty of such board to immediately suspend such member or officer and cause notice of the filing of such charges...and to set a date as herein provided for the trial and investigation

<sup>71</sup> Tula Connell, *The Conservative Counterrevolution: Challenging Liberalism I 1950s Milwaukee* (Urbana: University of Illinois Press, 2016), 25. Milwaukee Socialists’ political focus may have associated them with “progressive urban governance,” but more radical voices on the Left saw them as “‘conservative,’ ‘provincial,’ and ‘stodgy.’” Mukherji, “Reds among the Sewer Socialists and McCarthyites,” 116.

<sup>72</sup> Harring, *Policing a Class Society*, 99.

<sup>73</sup> Janssen made end-runs around this provision, effectively imploring state lawmakers to grant him the right to appeal suspension and dismissal cases in circuit court. Harring, *Policing a Class Society*, 97-99.

<sup>74</sup> Milwaukee Board of Fire and Police Commissioners, “Commemorative Booklet, 1885-1985, ‘A Matter of Experiment,’” Annual Report, 1985, 7.

of such charges...The board shall decide by a majority vote whether the charges are sustained. If sustained the board shall immediately determine whether the good of the service requires that the accused shall be removed, suspended from office without pay for a period not exceeding sixty days or reduced in rank. If not sustained the accused shall be immediately reinstated without prejudice...<sup>75</sup>

The 1911 statute was not a democratic measure. The state only authorized “reputable freeholders,” or property owners, to file complaints against the police. This ensured that the MFPC rarely heard Black grievances, particularly as the city’s African American population grew in postwar decades. As historian Simon Balto has observed, “the extreme poverty of many African American victims of police repression compounded the frustration they felt with the police department.”<sup>76</sup> Entrenched poverty and discriminatory lending made it difficult for Black families to purchase the homes needed to file police grievances. Most complainants of color did not own property. The law systematically barred thousands of Black renters, youth, and transients, all of who were overly vulnerable to police misconduct, from obtaining justice.

Few Black migrants knew about the MFPC’s oversight function, or that property qualifications precluded lawful complaints. The city did not publicize the commission’s oversight role. When Black complainants did own property or had a complaint filed on their behalf by a registered freeholder, the MFPC’s standard practice was to refer grievances to MPD district stations for investigation, which rarely resulted in discipline. Despite Chapter 586’s democratic allusions, most poor and working-class residents had no legal basis to disrupt a law-and-order regime that principally safeguarded manufacturing, professional, and propertied interests. The law’s requirements implied that a hierarchy of rights and privileges existed that benefited white landed citizens above all. Democratizing Milwaukee’s police bureaucracy, therefore, was not simply a matter of changing public perceptions of what equal citizenship entailed, but about further revising the statute that

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<sup>75</sup> “Chapter 586,” Wisconsin Session Laws, 1911,” July 8, 1911, 757.

<sup>76</sup> Quote in Balto, “‘Occupied Territory,’ 241; See also: *Jones, The Selma of the North*, 149.

authorized police officials to so readily deny accountability.

More significantly, however, Chapter 586 clarified the powers enjoyed by Milwaukee public safety chiefs. Notably, the statute eliminated the mayor's ability to suspend fire or police chiefs "for cause," locating that power with the Fire and Police Commission.<sup>77</sup> This language was important, as it conferred even greater authority onto public safety chiefs who now enjoyed "full independence and life-time tenure." By and large, public safety chiefs enjoyed the support of the MFPC, whose members served in a part-time capacity. For most commissioners, the appointment was a prestige position that required little involvement. They tended to rubber stamp the police chief's prerogatives.<sup>78</sup> The law granted public safety chiefs power to "regulate" and "prescribe rules" for their departments, including full "custody and control of all books, records, machines, tools, implements, of every kind."<sup>79</sup> They were directed to "preserve" the "public peace" and enforce "all laws and ordinances." The police chief was solely responsible for the "efficiency and general good conduct of the department." Responsibilities became more contested as public complaints of police brutality, neglect and abuse of power accelerated in the postwar and civil rights eras. Because Milwaukee's city charter had no language forcing police chiefs to obey City Hall's orders, the potential for a contentious relationship stayed ever-present.<sup>80</sup>

### *Politics, Class, and Race*

With Chapters 387 (1885) and 586 (1911) on the books, Milwaukee moved ahead of the curve on a sweeping national project of police professionalization. From the Progressive Era

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<sup>77</sup> "Chapter 586," Wisconsin Session Laws, 1911," July 8, 1911, 756.

<sup>78</sup> Ronald H. Snyder, "Chief for Life: Harold Breier and His Era" (Ph.D. diss., University of Wisconsin-Milwaukee, 2002), 9, 18.

<sup>79</sup> "Chapter 586," Wisconsin Session Laws, 1911," July 8, 1911, 760.

<sup>80</sup> Alternatively, legal scholar Matthew Flynn has argued that this power was "illusory." The Milwaukee Common Council, he argues, could have voted to give itself power to grant "lawful orders" to the police chief. He says the mayor could do the same, "as head of the Milwaukee police department." Flynn, "Police Accountability in Wisconsin," 1136.

through the mid-1930s, the MPD cultivated an international reputation for technical innovation, strategic foresight, and effective crime control. Freed from outside interference and term limits, the department institutionally blossomed from 1888 to 1936 under the guidance of just two police chiefs: John Janssen and Jacob Laubenheimer.<sup>81</sup> The city's first and only Socialist police chief, Joseph Kluchesky, followed from 1936 to 1945.<sup>82</sup> He introducing reforms characterized by the "liberal law-and-order" politics of the World War II era. Alongside infrastructural upgrades advocated for by Socialist Party mayors in waste disposal, water management, street lighting, and parks beautification, the MPD's crime fighting capacities contributed to Milwaukee's vaunted status as "the healthiest large city in the nation."<sup>83</sup> Accurate or not, this was the story that police bureaucrats came to tell themselves about the department and what many residents, mainstream press outlets, and public commentators increasingly understood to be true.

Well into the 1950s, academic researchers characterized the MPD as a pioneering law enforcement agency.<sup>84</sup> The department, in this view, helped modernize policing during what criminal justice scholars have referred to as policing's "reform era."<sup>85</sup> From the 1920s through the 1950s, the MPD garnered national accolades, including being singled out by the National Commission on Law Observance and Enforcement, a federal committee that researched crime and policing in the U.S. towards the end of Prohibition (1931). In 1939, Chile's Popular Front government verified that the MPD's reputation carried across continents; it inquired about sending three federal officers to

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<sup>81</sup> To put this in perspective, Chicago appointed twenty-one General Superintendents or Police Commissioners during Chief Janssen and his successor Jacob Laubenheimer's forty-eight years running the MPD. Samuel E. Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington: Lexington Books, 1977), 165.

<sup>82</sup> In an early history of Milwaukee, H. Russell Austin referred to Joseph Kluchesky as Milwaukee's first Socialist police chief. H. Russell Austin, *The Milwaukee Story: The Making of a City* (Milwaukee: The Journal Company, 1946), 197.

<sup>83</sup> Bayrd Still, *Milwaukee: The History of a City* (Madison, WI: Wisconsin State Historical Society Press, 1948), 551. See also: Judith Walzer Leavitt, *The Healthiest City: Milwaukee and the Politics of Health Reform* (Madison: University of Wisconsin Press, 1996).

<sup>84</sup> For example, a notable study was published in 1955 by a University of Michigan graduate student researcher. Berton G. Braun, *The Milwaukee Police Department: A Case Study in Police Organization* (Ann Arbor: Bureau of Government, Institute of Public Administration, University of Michigan, 1955).

<sup>85</sup> Monkkonen, *Police in Urban America*; Hahn and Jeffries, *Urban America and Its Police*; Fogelson, *Big City Police*; Walker, *A Critical History of Police Reform*.

Milwaukee's Police Training School to learn about traffic management and law enforcement education.<sup>86</sup> As the *U.S. News & World Report* story shared at the outset of this chapter demonstrates, positive national reporting on the MPD lasted well into the 1960s.<sup>87</sup>

And yet, Milwaukee's narrative of policing exceptionalism was forged during the same early 20<sup>th</sup> century decades that saw troubling narratives of racial difference and white supremacist coercion intensify. White powerbrokers in the city gradually linked the movement, behavior, and attitudes of Black men and women more closely to urban disorder, illicit vice activities, and juvenile delinquency.<sup>88</sup> They did so despite many white people's co-participation in vice and crime. Processes of Black criminalization were by no means unique to Milwaukee. Throughout the Progressive Era, white middle class citizens in positions of institutional and academic authority condemned blackness as distinct from poor and working-class white immigrant behavior. Many did so on the same biological basis used to justify racial enslavement and post-Emancipation systems of Black penal control, like the "convict lease" system.<sup>89</sup> By the New Deal 1930s, Progressive Era reformers were doing so on cultural grounds. Ostensibly well-meaning social scientists, intellectuals, and liberal reformers, as historian Khalil Muhammad has argued, led in justifying Black racial inferiority and

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<sup>86</sup> U.S. State Department to Mayor Daniel W. Hoan, December 12, 1939, Folder 668, "Police Department, 1934-1940," Hoan, Daniel Webster Papers, Mss-0546, Milwaukee County Historical Society.

<sup>87</sup> Even after the 1967 "civil disturbance," Milwaukee's police bureaucracy came off as the victor in the conventional press based on Mayor Maier's evident preparedness, quick call for a curfew, and decision to bring in the Wisconsin National Guard to help restore order. Likewise, Chief Harold Breier received high praise for his military like discipline in quelling the uprising. Patrick D. Jones, *The Selma of the North: Civil Rights Insurgency in Milwaukee* (Cambridge, MA: Harvard University Press, 2009).

<sup>88</sup> A "juvenile delinquent," as historian Tera Agyepong notes, is "a legal term intended to be applied to children who broke the law." As her work shows, a rehabilitative discourse that emerged in the Progressive Era around "saving children" through "juvenile justice" "facilitated a process of racialized criminalization" that left Black children out of receiving the same benefits as native white and European immigrant children. Tera Eva Agyepong, *The Criminalization of Black Children, Race, Gender, and Delinquency in Chicago's Juvenile Justice System, 1899-1945* (Chapel Hill: The University of North Carolina Press, 2018), 1-3.

<sup>89</sup> See: Alex Lichtenstein, *Twice the Work of Free Labor: The Political Economy of Convict Labor in the New South* (New York: Verso 1996); David M. Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press Paperbacks, 1997); Mary Ellen Curtin, *Black Prisoners and Their World, Alabama, 1865-1900* (Charlottesville: University of Virginia Press, 2000); Douglas A. Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*, reprint edition (New York: Anchor Books, 2009); Talitha L. LeFlouria, *Chained in Silence: Black Women and Convict Labor in the New South* (Chapel Hill: The University of North Carolina Press, 2016); Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (University of North Carolina Press, 2016).

legitimizing the specialized treatment African Americans received from municipal institutions, like the police.<sup>90</sup> Women's clubs, the Catholic Church, medical experts, and social scientists all had a hand in working to address conditions "known to foster crime and criminals."<sup>91</sup>

Overwhelmingly white police regimes based order maintenance practices on racialized crime discourses that exonerated white behavior, while criminalizing Black comportment. The statistics police collected in comparatively poor, racially segregated Black urban spaces and vice districts helped generate criminalizing narratives.<sup>92</sup> Consequently, the selective discretion of white officers on patrol in these areas fueled racially biased outcomes: higher rates of Black arrests, brutality, and death at the hands of the police. Law enforcement did so, one historian writes, "by distorting the reality and perception of crime"—misrepresentations that blended into the perceived truth of Milwaukee's narrative of policing exceptionalism.<sup>93</sup> While there was some accuracy to the MPD's exalted professional reputation, at least from the perspective of technical innovation, it clearly came at the expense of African American oppression.

Milwaukee police chiefs symbolized the MPD's vaunted national standing. Longtime Socialist Mayor Daniel Hoan (1916-1940) placed veteran detective Jacob Laubenheimer's name before the MFPC in 1921 to lead the department just before Chief John Janssen died that year.<sup>94</sup> The MPD's new administrator was not only commended for maintaining a low crime rate throughout his fifteen year tenure, but also for implementing a proto-version of what criminologists came to refer to as "community policing."<sup>95</sup> Laubenheimer's approach to crime control relied on citizens assuming "to

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<sup>90</sup> Khalil Gibran Muhammad, *The Condemnation of blackness: Race, Crime, and the Making of Modern Urban America*, 2<sup>nd</sup> ed. (Cambridge, MA: Harvard University Press, 2019), xiv.

<sup>91</sup> Carl Suddler, *Presumed Criminal: Black Youth and the Justice System in Postwar New York* (New York: NYU Press, 2019), 22-23

<sup>92</sup> On the etymology of the word "ghetto," see: Mitchell Duneier, *Ghetto: The Invention of a Place, the History of an Idea* (New York: Farrar, Straus, and Giroux, 2016).

<sup>93</sup> Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power* (Chapel Hill: University of North Carolina Press, 2019), 42.

<sup>94</sup> Laubenheimer's father served as Assistant Chief under Janssen.

<sup>95</sup> See: George Kelling, *Policing in Milwaukee: A Strategic History* (Milwaukee: Marquette University Press, 2015).

an unusual degree, a responsibility for the maintenance of public order.”<sup>96</sup> However, the department never fully turned away from Janssen’s more reactionary and anti-labor model. The consolidation of police authority under a unitary chief aided Laubenheimer in further expanding the MPD’s budget, garnering resources, and increasing the number of sworn personnel.<sup>97</sup> He began a pension system for retired officers and, like his predecessor, fought to increase rank-and-file salaries.

Structurally, Laubenheimer re-organized the MPD’s Detective Bureau; modernized the department’s record-keeping and crime tracking systems; and established early medical, traffic, and identification bureaus. In 1922, he opened one of the nation’s first dedicated police training academies.<sup>98</sup> There, new recruits and veteran officers learned about the laws they enforced; “effective wrestling and jiu-jitsu holds;” “marksmanship;” and how to “hunt down criminals,” administer first aid, and “handle their jobs with courtesy and tact.”<sup>99</sup> Laubenheimer founded the Milwaukee Police Training School because, as he said, “uniformed policemen, especially the traffic officers” had been “condemned in a bombardment of complaining letters, delegations, and newspaper editorials, for their abusiveness and insolence.”<sup>100</sup> An aspect of the training was “acquainting” police with the district attorney’s office, the local court system, and the county morgue.<sup>101</sup>

In December 1930, Laubenheimer instituted an early radio communications division within the MPD, a hallmark of reform era policing.<sup>102</sup> Radios helped facilitate rapid police responses to

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<sup>96</sup> Still, *Milwaukee*, 553.

<sup>97</sup> By 1925, the MPD featured 705 sworn officers. Still, *Milwaukee*, 553.

<sup>98</sup> Captain Floyd C. McGuire developed the first curriculum at Milwaukee’s Police Training School. “Milwaukee Policemen Go Back to School,” *The Milwaukee Journal*, February 1, 1931.

<sup>99</sup> Some officers resisted attending, like one “old red faced Irishman,” who told the *Milwaukee Journal*, “I’ll be damned if I’ll go to school and listen to a lot of blar-r-rney about the gentle ar-r-rt of being a policeman. I’ll take me pension and retire.” “Milwaukee Policemen Go Back to School”; “Policemen Learn to Handle Tough Ones,” *The Milwaukee Journal*, February 8, 1931.

<sup>100</sup> Laubenheimer took “courtesy” seriously, arguing “a charge of incivility against a policeman is a matter of grave concern.” “Milwaukee Policemen Go Back to School.” On automobile traffic and changes in traffic laws influencing police administration and training, see: Sarah A. Seo, *Policing the Open Road: How Cars Transformed American Freedom* (Cambridge, MA: Harvard University Press, 2019).

<sup>101</sup> “Policemen Learn to Handle Tough Ones.”

<sup>102</sup> Milwaukee Police Department, *Annual Report*, 1931, 6.

crime. Dispatch operators could now communicate directly with squad cars, allowing them to quickly address reported offenses and make arrests. In turn, the department emphasized a rapid response approach, while de-emphasizing preventive beat patrol strategies.<sup>103</sup> Nevertheless, MPD officers remained “ubiquitous” on the city’s streets, especially during Prohibition and the Great Depression Era of the 1920s and 1930s. Police militarization was part of the department’s response orientation. It’s important to recognize that the MPD’s militarization was not ushered in during the 1960s as a response to Black political dissent, but rather in the 1930s as a reaction to white labor militancy. Under Laubenheimer, the MPD added high-powered rifles, machine guns, and armored squad cars to its advanced weapons arsenal.<sup>104</sup> Captain Floyd McGuire’s trainings incorporated lessons in shooting and handling “sub-machine guns,” “tear gas bombs,” and “personal combat.”<sup>105</sup> This expansion of police strength added to the MPD’s training procedures and revised bureaucratic and communications structures. All of these largely internally generated reforms, funded by city and state government, fortified public perceptions of police legitimacy.

As Chief Laubenheimer led the MPD deeper into law enforcement’s reform era, the department’s exceptionalism narrative hardened. But it did so alongside both interpersonal and institutional racism. Anti-Black discrimination was, in part, fed by rising economic anxieties and fears among white working-class ethnics over interracial job competition. Since the late 19<sup>th</sup> century, Black migrants had been leaving the Jim Crow South in ever higher numbers. Civic leaders and white residents in Milwaukee expressed apprehension about Black in-migration during the 1910s, 1920s, and 1930s. Some presumed that Black movement spelled not only economic peril for white industrial workers, but a latent criminal threat. Despite the depths of racist white terror being

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<sup>103</sup> These were first popularized by the London Metropolitan Police. See: Elaine A. Reynolds, *The Night Watch and Police Reform in Metropolitan London, 1720-1830* (Palo Alto: Stanford University Press, 1998).

<sup>104</sup> “Jacob Laubenheimer 1921-1936,” City of Milwaukee, accessed September 6, 2019, <https://city.milwaukee.gov/Directory/police/About-MPD/Chief/Jacob-Laubenheimer-1921-1936.htm>.

<sup>105</sup> “Policemen Learn to Handle Tough Ones.”



inflicted upon Black men and women, not only across the U.S. South, but nationally, many white residents subscribed to racist stereotypes of African American migrants as deviant and disorderly.

Racial bigotry and fears about Black migration were woven into local politics. Coming on the heels of “Red Summer” in 1920, Mayor Daniel Hoan ran for a second term on a “law and order” platform.<sup>106</sup> Nearby Chicago had just experienced one of the nation’s deadliest race riots in history.<sup>107</sup> Hoan was determined to uphold Milwaukee’s self-proclaimed status as “the most peaceful city in the entire world.”<sup>108</sup> While Milwaukee did not experience a riot itself, white residents feared racial violence could reach their city’s limits. That anxiety lingered for years. Milwaukee NAACP President Edward Thomas, for instance, was arrested and charged with attempting to “stimulate a race riot” in April 1921. He had placed two photographs of racial terror lynchings inside a street facing window of the civil rights organization’s headquarters, visible to passersby, so as to raise awareness and spark public conversation. A crowd of Black spectators gathered around the images and discussed their contents. Police dispersed the crowd, confiscated the pictures, and sent them to the City Attorney’s office.<sup>109</sup> Tempering opportunities for dissent mattered far more than reckoning with the problem of the color line for white officials.

Although Milwaukee’s Black population would see its most extensive growth after World War II, a comparatively small Black community had formed in the city by the 1920s. The western Great Lakes region proved to be an attractive destination for thousands of African American

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<sup>106</sup> Michael G. Krzewinski, “The Historical Development and Effects of Affirmative Action on the City of Milwaukee Police Department” (Ph.D. diss., University of Wisconsin-Milwaukee, 2000), 64.

<sup>107</sup> See: William M. Tuttle, *Race Riot: Chicago in the Red Summer of 1919* (Urbana: University of Illinois Press, 1996); Balto, *Occupied Territory*.

<sup>108</sup> Trotter, *Black Milwaukee*, 56. Mayor Hoan himself understood crime to be an outcome of “economic environmental influences that tend to weaken family life.” He recognized crime as a phenomenon that “grows out of the profit motive.” As he continued in a 1935 letter critiquing the perspective of Minnesota’s Attorney General, he said that “when men are hungry and starving and out of employment, they are more apt to commit theft, burglary, embezzlement, and other crime than when employment is plentiful.” Police brutality, Hoan ascertained, generates “crimes of revenge.” For Hoan, a poor home life and lack of education were not the causes of crime, which was primarily driven by economic factors. Daniel Hoan to Harry H. Peterson, May 28, 1935, Folder 668, “Police Department, 1934-1940,” Hoan, Daniel Webster Papers.

<sup>109</sup> “Charge Negro Incites Riots,” *The Milwaukee Journal*, April 29, 1921, Part 1, Page 1.

refugees, most fleeing white racial exploitation or searching for better-paying jobs outside of the Jim Crow South. While most Black folk moving to the region settled in Chicago, some continued north to Milwaukee. Here, they hoped to secure a social and economic foothold. Discriminatory rental and real estate markets forced early Black newcomers to inhabit an established “red light district” on the northern edge of downtown known colloquially as “Little Africa.” Progressive reformers called this section “the badlands,” based on its scattered taverns, brothels, and gambling dens.<sup>110</sup> Segregation ensured Black peoples’ spatial isolation from more affluent white ethnic groups. Black migration was connected to immigration and labor dynamics. Restrictive federal immigration laws slowed Southern and Eastern-European settlement in Milwaukee during World War I and the 1920s. The unexpected shortage of unskilled labor encouraged the recruitment of Black workers on cheap contracts. Immigration quotas helped to more than double the city’s Black population, from 980 residents in 1910 to 2,229 in 1920.<sup>111</sup> By 1930, more than 7,500 African Americans called Milwaukee home. Black migrants worked for meager wages in meatpacking plants, leather tanneries, metal foundries, and construction sites. While only nineteen percent of Black men in Milwaukee held industrial jobs as of 1910, that number rose to almost eighty percent by 1930.<sup>112</sup> Though under-skilled and vulnerable to firings in times of economic uncertainty, a distinct Black industrial “proletariat” formed in the late 1910s and 1920s.<sup>113</sup>

Amid this expanded Black migration, white Protestant nativism threatened Milwaukee’s ethnic diversity.<sup>114</sup> White power brokers, mostly of German and “Anglo-Saxon” descent, determined

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<sup>110</sup> Benjamin Barbera, “An Improvised World: Jazz and Community in Milwaukee, 1950-1970” (Master’s thesis, University of Wisconsin-Milwaukee, 2012), 17; R. O. Washington and John Oliver, *An Historical Account of Blacks in Milwaukee* (Milwaukee: Milwaukee Urban Observatory, 1976), 54.

<sup>111</sup> Campbell Gibson and Kay Jung, “Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and Other Urban Places in The United States,” U.S. Census Bureau, Population Division, Working Paper no. 76 (February 2005), Table 50.

<sup>112</sup> Gurda, *The Making of Milwaukee*, 257.

<sup>113</sup> See: Trotter, *Black Milwaukee*.

<sup>114</sup> Gurda, *The Making of Milwaukee*, 234.

that Italians, Greeks, Slavs and other Central and Eastern European groups were failing to acculturate, or “melt,” into the city’s social fabric. Their anxieties were rooted in xenophobic fears that Eastern Europeans harbored anti-American beliefs and values, or were Bolshevik sympathizers eager to undermine their patriotic way of life. Civic leaders instituted assimilation programs in schools and corporate workplaces. English lessons and civics courses brought thousands of Central and Eastern European immigrants into Milwaukee’s conventional social order, as well as its thriving industrial economy. The assimilation programs foreshadowed how white officials and social service providers, as well as some Black professionals, would respond to African American migration after 1940. Long-standing narratives of racial difference that tied blackness to criminality formalized in academic journals and social scientific literature during the first few decades of the 20<sup>th</sup> century. White scholars inhibited African Americans from treading the same path to “whiteness” as Eastern and Southern European immigrants, establishing racist justifications for excluding Black men and women from the benefits of full citizenship.<sup>115</sup> White fears around cultural “others” grew increasingly racialized in the pre-World War II period.

Few exhibited anti-blackness more overtly than the resurgent Ku Klux Klan of the 1920s.<sup>116</sup> Chapters surfaced in this decade far beyond the South, including in Wisconsin, a former Union state and key Underground Railroad terminus.<sup>117</sup> The white nationalist organization, initially established in 1865 during the early days of Reconstruction, included many white sheriffs and lawmen in its ranks. Despite Mayor Hoan’s claim that the Klan would “find Milwaukee a hotter place to exist than in Hades itself,” a Klavern formed on W. Kilbourn Ave. in 1921.<sup>118</sup> Black residents cheered the Socialist

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<sup>115</sup> See: Ignatiev, *How the Irish Became White*; Muhammad, *The Condemnation of Blackness*.

<sup>116</sup> As a social movement, the Klan no longer constrained its racist designs to Southern Freedmen. While continuing to target African Americans in their rhetoric, the Klan also prominently attacked Eastern and Southern European immigrants, Catholics, and Jews. On the second movement of the Klan, see: Linda Gordon, *The Second Coming of the KKK: The Ku Klux Klan of the 1920s and the American Political Tradition* (New York: W. W. Norton & Company, 2017).

<sup>117</sup> Indianapolis was the Klan’s epicenter in the Midwest, its “unrivaled bastion.” Kenneth T. Jackson, *The Ku Klux Klan in the City, 1915-1930* (New York: Roman and Littlefield, 1992), 145.

<sup>118</sup> Todd J. Fulda, “Daniel Hoan and the Golden Age of Socialist Government in Milwaukee,” *American Journal of*

mayor for stating that “police would make short work of anyone advocating violence.”<sup>119</sup> Nonetheless, Milwaukee’s Klavern featured 4,400 members in 1924. Dedicated to the “faithful maintenance of white supremacy, they ranged from Freemasons to Socialists and exhibited a “contempt for Catholicism.”<sup>120</sup> Milwaukee’s Klavern fit into a larger white supremacist project. Numerous “sundown towns,” for example, dotted Wisconsin’s landscape in the 1920s and subsequent decades. These all-white communities, save for a few token Black families, restricted African Americans and other racial minorities by “force, law, or custom.”<sup>121</sup> The Klan’s Nativist actions served as a precursor to the formation of more buttoned-up, if barely less racist conservative organizations in the post-World War II period, like the John Birch Society.<sup>122</sup>

While it appears that most Black Milwaukeeans evaded the overt anti-blackness embodied by the Klan, white racism nevertheless influenced many aspects of Black life. African American workers were “last hired and first fired” amid economic downturns and experienced rampant discrimination in the housing market and in public accommodations.<sup>123</sup> Black male and female domestics, industrial laborers, and middle-class professionals lived in close proximity, often in unsanitary conditions.<sup>124</sup> Most lacked affordable or accessible housing options. Residential

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*Economics and Sociology* 75 (1) (January, 2016), 256-257. White supremacists established Klaverns as close as Racine, Kenosha, and Madison, and as far north as Green Bay, Marinette, and Goodman, Wisconsin. “Mapping the Second Ku Klux Klan, 1915-1940,” VCU Libraries, Virginia Commonwealth University, 2016, accessed April 20, 2018, <https://labs.library.vcu.edu/klan>.

<sup>119</sup> Fulda, 257.

<sup>120</sup> Socialist leader Victor Berger publicly condemned the group, but there were Socialist Party members. “Ku Klux Klan in Wisconsin,” Wisconsin Historical Society, accessed September 19, 2019, <https://www.wisconsinhistory.org/Records/Article/CS1798>. The Klan’s membership died out in the 1930s, amid the Great Depression and decreased immigration. “Ku Klux Klan,” March On Milwaukee Civil Rights History Project, accessed September 29, 2019, <https://uwm.edu/marchonmilwaukee/keyterms/kkk/>; “Mapping the Second Ku Klux Klan, 1915-1940,” Virginia Commonwealth University, accessed April 19, 2018, <https://labs.library.vcu.edu/klan/>.

<sup>121</sup> James W. Loewen, *Sundown Towns: A Hidden Dimension of American Racism* (New York: New Press, 2005).

<sup>122</sup> The anti-Communist, far-right, white-led political movement was nationally co-founded by Milwaukee industrialist Harry Lynde Bradley. It saw the covert involvement of high-ranking police officers. District Five Police Captain John Sprague was “an admitted member of the John Birch Society” and “overly contemptuous of Negroes.” He “summarily dismissed charges of police brutality.” National Advisory Commission on Civil Disorders, “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 3, Folder, 001346-024-0871, Civil Rights during the Johnson Administration, 1963-1969, Part V, Lyndon Baines Johnson Presidential Library, Austin, Texas.

<sup>123</sup> Gurda, *The Making of Milwaukee*, 258.

<sup>124</sup> Simon Ezra Balto, “The Laws of the Land: Race, Policing, and Public Narratives of Working-Class Black Criminality

segregation resulted from white collusion in real estate, finance, and homeowner's associations. The passage of discriminatory zoning ordinances, the use of racially restrictive housing covenants, and the enactment of biased federal housing policies all contributed to the city's worsening racial apartheid. As Milwaukee's growing Black community moved slightly north from downtown, segregation and ethnic succession proceeded on a block by block basis. Many white homeowners were simply unwilling to share residential space with Black families. They framed their hesitancy in economic and culturally racist terms. To their benefit, white folk were more financially, legally, and socially equipped to move out of Milwaukee's aging core and, in the 1930s and 1940s, took advantage of federal housing and Veterans programs to do so.<sup>125</sup> Still, a good many white residents retained homes and apartment buildings within the city's African American community, some renting to Black tenants and families at exorbitant rates.

In the context of hardening residential segregation on Milwaukee's near north side, Black families cultivated an array of institutions that served community needs, from churches and newspapers, to fraternal associations, banks, and improvement organizations. The Milwaukee NAACP (f. 1915) and Urban League (f. 1919) branches played a role in working to build racial parity and Black resiliency through tactics of civic negotiation, liberal accommodation, and legal intervention. Black churches served as community pillars and meeting hubs.<sup>126</sup> These institutions, among others, disseminated racial uplift, facilitated dialogues with white city officials and business leaders, and addressed civil rights concerns.

In time, Milwaukee's Black middle class also advocated for better police-community relations and the hiring of Black officers to patrol in the Sixth Ward. The need for Black police representation

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in Post-World War II Milwaukee" (Master's thesis, University of Wisconsin-Madison, 2010), 22; Trotter, *Black Milwaukee*, 70.

<sup>125</sup> See: Ira Katznelson, *When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth Century America*, reprint edition (New York: W. W. Norton & Company, 2006).

<sup>126</sup> Particularly the St. Mark A.M.E. (f. 1869) and Calvary Baptist (f. 1895) churches. Gurda, *The Making of Milwaukee*, 258-259.

grew more urgent in the 1920 and 1930s. Adequate police protection on the north side was at a premium, especially given the area's poorer living conditions and the MPD's selective tolerance of vice. The *Wisconsin Enterprise Blade*, a Black-run newspaper, responded to the alleged molestation of a Black woman in the area by editorializing on the need for "A Colored for Detective" in 1925.<sup>127</sup> Biased policing undermined Black safety, both from white patrolmen who allowed crimes to occur and from police officers who occasionally inflicted violence on residents. Chandler Owen, a visiting Black socialist writer, reflected on law enforcement's sharpening double-standards and underprotection in Milwaukee's Bronzeville neighborhood: "In the Negro section, dives are allowed to run wide open, gambling houses are not suppressed and places of ill repute are prevalent."<sup>128</sup> Meanwhile, vice is "suppressed in other parts" of the city. Chief Laubenheimer responded, accusing Owen of "exaggerating" and playing up his outsider status.

Nevertheless, the MFPC authorized the employment of the city's first Black police officer in 1924.<sup>129</sup> Judson Walter Minor, Jr. moved to Milwaukee from Brunswick, Georgia in 1918, part of the first wave of Black migrants venturing from the largely rural-agricultural South to the urban-industrial North.<sup>130</sup> He entered Milwaukee's labor market as a skilled worker, trained in masonry at Tuskegee Institute.<sup>131</sup> Minor harbored expectations of making a decent living, raising a family, and

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<sup>127</sup> "A Colored for Detective," *Wisconsin Enterprise Blade*, July 25, 1925; Trotter, *Black Milwaukee*, 118.

<sup>128</sup> "Finds 'Vice' in Negro Section," *The Milwaukee Journal*, November 1, 1922, Part 2, 1.

<sup>129</sup> On the same day that Chief Laubenheimer assigned Minor to walk his first beat, Milwaukee's new Klan chapter initiated 100 members at a ceremony at its 2424 Cedar St. clubhouse (present-day Kilbourn Ave). That the department placed its first Black officer on October 10, 1924, right as the overtly racist organization was expanding its base is no coincidence. As described above, racist nativism gripped hundreds-of-thousands of white Protestants concerned about a shifting global and domestic order in the wake of World War I. "Klan Initiates 100 at New Clubhouse," *The Milwaukee Journal*, October 11, 1924, Part 1, 2; Ku Klux Klan, *March on Milwaukee Civil Rights History Project*, accessed July 6, 2018, <http://uwm.edu/marchonmilwaukee/keyterms/kkk/>.

<sup>130</sup> Judson Minor worked briefly as a crane operator before accepting a patrolman's position. He was one of fifty-nine candidates who applied for the police job. After leaving the force, Minor took a job with the Wehr Steel Company. He was eventually named the first Black union president in Milwaukee history. Malcolm Leopold Morgan, "Milwaukee's First African American Police Officer, a Composition," Wisconsin Black Historical Society Archives.

<sup>131</sup> Before arriving in Wisconsin, Minor briefly studied brick masonry at his father's alma mater, Tuskegee Institute. Booker T. Washington was still Tuskegee's president when he enrolled at the prestigious technical institute. Washington was a leading Black intellectual and public voice for "respectable" African American elites who viewed accommodation and skilled trade instruction as the ideal pathway to racial survival and advancement in the Jim Crow South. "Milwaukee's First African American Police Officer."

giving back to his community. In 1924, the MPD was almost all German and Irish American. Black residents numbered just a few thousand and had zero police representation. Upon his appointment, Minor wasted no time testing out his authority. He arrested a disgruntled white bridge operator, allegedly drunk at the switch. The white man was shocked at being arrested by a Black officer, a verboten act in the South.<sup>132</sup> He berated Minor, earning a disorderly conduct charge.

The encounter was not the patrolman's last with an antagonistic white citizen. Minor faced the Klan's wrath directly while on patrol in a confrontation that suggested some white Milwaukeeans expected white citizens to keep order in their communities; the only "legitimate" policing was white policing. In 1925, Minor arrested a 45-year-old "Klansman," Henry Henning, for disorderly conduct in Bronzeville. The self-avowed "charter member of the Lone Star Klavern" approached the Black officer while drunk, reportedly exclaiming, "I don't like Koons [sic], Kikes [sic] or Catholics [sic], especially in uniform." A judge gave the "disorderly" man a minor fine and he was freed the next day—a show of judicial restraint less readily available to Black arrestees apprehended on misdemeanor offenses.<sup>133</sup> Minor's encounter illustrated the depths of interpersonal racism that some white residents subjected Black citizens to in public, as well as what Black officers could expect to face in the white supremacist city. Moments of evaded justice like this one surely informed Minor's decision to leave the police force after only a few years of service.<sup>134</sup> This indicated that on-the-job racism had the power to shape Black police attrition rates, a pattern that became more discernible as Black officers got hired in larger numbers after World War II.<sup>135</sup>

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<sup>132</sup> It was also fairly unheard of in the North. Black police across the U.S. in this period were, by and large, denied the right to arrest a white criminal suspect. See: W. Marvin Dulaney. *Black Police in America* (Bloomington: Indiana University Press, 1996).

<sup>133</sup> A white judge levied a \$10.00 fine. "Boasts of K.K.K., then Gets Pinched by Negro Copper," *The Milwaukee Journal*, May 26, 1925, Part 1, 1

<sup>134</sup> Milwaukee's second Black police officer, Calvin Moody, was not hired until 1932. After a long career as a detective, Moody became the first African American to draw a pension from the city in 1957.

<sup>135</sup> The confluence of Black migration and racist white reaction challenged Black police officers. They at once had to make good on the promise of northward migration, while upholding the law in a thoroughly white supremacist world that prospered on Black exploitation and subordination. See: Dulaney. *Black Police in America*.

### *Policing, Industrial Labor, and Racism*

Black police hiring, token as it was, played into the MPD's developing narrative of policing exceptionalism. However, the department's status as an independent, innovative and effective crime-fighting agency would be brought to its height by the U.S. Justice Department. The federal government engaged in its first large-scale study of crime and law enforcement in America from 1929 to 1931. That study positioned the MPD as the nation's model law enforcement agency, arguing that "no other city has such a record."<sup>136</sup> Consequently, the city's narrative of policing exceptionalism was more firmly established in the eyes of a broad public and the city's police bureaucracy.

President Herbert Hoover formed the eleven-person National Commission on Law Observance and Enforcement in 1929, tasking it with investigating policing conditions and the causes of crime across Prohibition America.<sup>137</sup> Former Attorney General George Wickersham chaired the group, which set out to research, analyze, and make recommendations.<sup>138</sup> The "Wickersham Commission" aimed to modernize criminal procedure across the U.S.. It followed in the tradition of civilian-led investigatory bodies from the Progressive Era, which gathered

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<sup>136</sup> *Report on Police*, 3.

<sup>137</sup> Illegal alcohol distribution was heavily criticized by Protestant social reformers. The Hoover administration recognized this and initiated a "coercive" federal police crackdown on bootlegging and other aspects of organized crime. That effort disproportionately targeted Black, immigrant, and poor white neighborhoods. As historian Lisa McGirr argues, a line can be drawn from the punitive effects of this federal ramping up of coercive law enforcement during Prohibition to the War on Crime/Drugs and the contemporary mass incarceration crisis. On the relationship between Prohibition enforcement and the rise of the U.S. penal state, see: Lisa McGirr, *The War on Alcohol: Prohibition and the Rise of the American State* (New York: W. W. Norton & Company, 2015).

<sup>138</sup> Hoover appointed prominent jurists and social reformers to the commission. Secretary of War Newton D. Baker, federal judges William S. Kenyon, Paul J. McCormick, and William I. Grubb, Washington state Chief Justice Kenneth Mackintosh, Harvard Law School Dean Roscoe Pound, Radcliffe President Ada Comstock, and criminal justice reformers Henry W. Anderson, Monte M. Lemann, Frank J. Loesch all served on the commission. Krinitsky, "The Politics of Crime Control," 302. Wickersham, Berkeley Police Chief August Vollmer, Detroit Police Commissioner William Rutledge, and other members of the International Association of Chiefs of Police (IACP) had recently worked with the Federal Bureau of Investigation (FBI) to establish a "scientific" system of "uniform crime reporting." Muhammad, *The Condemnation of Blackness*, 266.



information on urban problems, including police abuse, and made recommendations, such as the expansion of civilian oversight.<sup>139</sup> For eighteen months, the Wickersham commission studied policing and lawlessness in the U.S. In 1931, it issued a series of reports, headed by its “Proposals to Improve Enforcement of Criminal Law in the United States.”<sup>140</sup> Many local police administrators rejected the commission’s recommendations based on “longstanding traditions of local jurisdiction” and opposition to the establishment of a nationalized police system.<sup>141</sup>

The federal government’s findings exposed the ingrained nature of police violence, especially around practices of the “third degree.” The third degree, according to the commission, meant “the employment of methods which inflict suffering, physical or mental, upon a person, in order to obtain from that person information about a crime.”<sup>142</sup> Despite legal restrictions against its use, federal investigators found that aggressive behavior among patrolmen, detectives, and prosecutors was common nationwide. Law enforcement organizations responded by denying this finding and the International Association of Chiefs of Police demanded a counter-investigation.<sup>143</sup> Racist police actions were not, apparently, a primary research concern for Wickersham and his colleagues, as they failed to systematically account for distinctions in how police achieved forced confessions among white and Black suspects. But they did note that “third degree practices were particularly harsh in the case of Negroes.”<sup>144</sup> The commission’s analysis of the third degree was narrow in that it relied only on legal evidence. It excluded, as historian Nora Krinitsky writes, the “violence that may have occurred in other police-civilian interactions.”<sup>145</sup> This suggests that

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<sup>139</sup> Krinitsky, “The Politics of Crime Control,” 301-302.

<sup>140</sup> National Commission on Law Observance and Enforcement, “Proposals to Improve Enforcement of Criminal Laws of the United States,” (Washington, D.C.: US Government Printing Office, 1931).

<sup>141</sup> Vesla Weaver, “Frontlash: Race and the Development of Punitive Crime Policy,” *Studies in American Political Development* 21 (Fall 2007), 240, 263.

<sup>142</sup> National Commission on Law Observance and Enforcement, *Lawlessness in Law Enforcement*, 1931, 19-20.

<sup>143</sup> “Wickersham Report Rouses Ire of Chiefs,” *The Milwaukee Journal*, June 16, 1932, 8.

<sup>144</sup> *Lawlessness in Law Enforcement*, 188; See: Marilyn S. Johnson, *Street Justice: A History of Police Violence in New York City* (Boston: Beacon Press, 2004), 225; Muhammad, *The Condemnation of Blackness*, 268; Balto, *Occupied Territory*, 47.

<sup>145</sup> Krinitsky, “The Politics of Crime Control,” 304.

discretionary abuses of police power were even more widespread.

The Wickersham Commission cited “the short term of service” of police administrators as “the chief evil” underlying any public “loss of confidence” in law enforcement. Milwaukee was the exception. Because Wisconsin law afforded public safety chiefs lifetime tenure and independent rule-making authority, the MPD was presented as a brilliant example of police professionalism.<sup>146</sup> Since chiefs in other cities were subjected to “arbitrary dismissal,” and felt compelled to protect their “own patrons,” the “interest of the public” got neglected. Other departments had, the commission reported, failed “in the prevention, detention, and prosecution of criminals.”<sup>147</sup> Milwaukee, conversely, was “cited as a city free from crime...where the criminal is speedily detected, arrested, and promptly tried and sent on his way to serve his time.”<sup>148</sup> Because “no control over the chief is even attempted by the politicians,” they are able to “act independently, freed from the dictation of politics.” August Vollmer, regarded as the father of the police professionalization, extolled the “refreshing” organization of law enforcement in Milwaukee. He claimed the city’s police chiefs were “amply protected by legal enactments.”<sup>149</sup> Such recognition confirmed for city officials, the MFPC, and everyday citizens that Milwaukee’s police force was indeed exceptional. A legacy of this federal recognition was that public calls for police reform became a political “third rail.” City officials dared not challenge the MPD or, more specifically, the police chief’s insulated authority, lest they risk being voted out of office in an upcoming election.

Closer scrutiny, however, shows that all was not ideal for the department according to the

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<sup>146</sup> The other “evils” cited by the Wickersham Commission were “the lack of competent efficient, and honest patrolmen and subordinate officers;” the “lack of efficient communications systems” and “necessary equipment in motors;” alliances “between criminals and corrupt politicians;” “the excessively rapid growth of our cities” and the immigration of peoples “ignorant of our language, laws and customs;” and the overburdening of individual police officers. *Report on Police*, 1-7.

<sup>147</sup> *Report on Police*, 2.

<sup>148</sup> *Report on Police*, 3.

<sup>149</sup> Their removal, Vollmer said, was prevented “without just and sufficient cause.” National Commission on Law Observance and Enforcement, *Police Conditions in the United States*, 1931, 43. On Vollmer and “second wave” police reform, see Robert M. Fogelson, *Big City Police* (Cambridge, MA: Harvard University Press, 1977), 145.

commission's report. It stated that Milwaukee was not immune to the bootlegging, gambling, and the vice typical of the Prohibition era. The MPD denied this claim. Nonetheless, shortly after the commission gathered its data on policing in the city, Chief Laubenheimer said his department was opening "a concerted drive against gambling dens."<sup>150</sup> Much of the MPD's renewed attention on vice would be focused on the increasingly Black near north side, where police now funneled and selectively enforced vice. More rigorous morals enforcement joined existing police crackdowns on radical labor actions, especially those planned by groups outside of the trade union movement. For example, Chief Laubenheimer instructed roughly two hundred officers, ten armed with machine guns, to put-down a street protest organized by the local Communist Party in March 1930.

"International Unemployment Day" demonstrators, "communists and 'red' agitators," had instigated a riot, according to *The Milwaukee Sentinel*, battering police, onlookers, and motorists.<sup>151</sup> Alternatively, Communist Party newsletters blamed the police and mainstream dailies for fomenting a counter-insurgent disturbance. The MPD's "Red Squad" arrested fifty-one protest participants. Officers identified Communist leaders as co-conspirators and charged them with "incitement to riot." Other arrested people received "vagrancy" charges. Police identified foreign-born "aliens" and subjected them to deportation. Laubenheimer unilaterally banned Communists from holding "future meetings, demonstrations, and parades."<sup>152</sup> Despite the city's best efforts "to jail, deport, and discredit the Communists," historian S. Ani Mukherji writes, "jobless workers flocked to Milwaukee's Unemployed Councils in the early 1930s" amid dire economic conditions.<sup>153</sup>

Police hostilities towards Black citizens throughout the 1920s and 1930s intersected with anti-Black labor dynamics perpetrated by white employers and unions. White workplace aggression

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<sup>150</sup> "Wickersham Findings on Liquor, Gambling Here Bring Denials," *The Milwaukee Sentinel*, February 22, 1931, 1.

<sup>151</sup> "Machine Gun Squads Called Out after Red Agitator Begins Riot," *The Milwaukee Sentinel*, March 7, 1930, Part 1, 1.

<sup>152</sup> "Machine Gun Squads Called Out after Red Agitator Begins Riot."

<sup>153</sup> Mukherji, "Reds among the Sewer Socialists and McCarthyites," 121-122.

ebbed and flowed according to national economic, social, and political factors, such as the Great Depression, the federal government's New Deal response, and conservative anti-Communist anxieties. Largely relegated to unskilled positions, Black laborers earned meager wages based on discriminatory pay scales. They had access only to the least desirable jobs at the lowest-paying firms. Racist white employers and trade union attitudes prevented Black upward mobility. Negative stereotypes about Black workplace habits pervaded on shop floors. Unions discriminated through "exclusionary clauses, rituals, or by [establishing] separate all-black locals." Despite proclaiming his distaste for segregation, Mayor Hoan supported racially separate unions.<sup>154</sup> Conversely, Black professionals called for integrated labor confederations and workplaces. As Black migration increased, police aggravated the city's economic racism. MPD actions matched the social attitudes of the broader white society. In 1923, for example, during a period of relative prosperity, the department clamped down on poor Black migrants seeking industrial and service jobs.<sup>155</sup> Detectives arrested thirty-nine Black men on vagrancy charges in a single raid. Twelve had employment and money on hand; they successfully beat the charge. However, a white judge informed twenty-seven others that Milwaukee had no use for "their kind."<sup>156</sup> The judge sentenced the men to ninety days of labor, echoing the Jim Crow South's inhumane exploitation of the 13<sup>th</sup> Amendment's involuntary servitude loophole. Their forced labor was to be followed by expulsion from the city.

Entwined issues of race and class that conceivably threatened to crack the MPD's narrative of policing exceptionalism in the 1930s only fortified it. Racial attitudes and class affinities progressively superseded the department's occupational loyalties to manufacturing and social elites. Despite class-based grievances among white industrial employees and the police—who were

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<sup>154</sup> As Hoan stated, he did so "in theory." Trotter, *Black Milwaukee*, 55.

<sup>155</sup> Still, industrial production did moderately recede between 1923-1924. Victor Zarnowitz *Business Cycles: Theory, History, Indicators, and Forecasting* (Chicago: University of Chicago Press, 1992), 229. This was also a period of national immigrant exclusion that saw rising Black migration to Milwaukee. The Milwaukee Urban League estimated the city's Black population at 5,000 in 1923. Trotter, *Black Milwaukee*, 58.

<sup>156</sup> Trotter, *Black Milwaukee*, 57-58.

historically charged by business leaders with defending capitalist interests—both parties found themselves accessing a shared racial identity founded on white supremacy and the dignity of blue-collar work. Black labor competition repelled white industrial workers, who engaged in wildcat “hate strikes” meant to restrict them from joining an instable local economy amid the Great Depression.<sup>157</sup>

The 1934 Wehr Steel Strike provided an early, conspicuous example of the informal partnership between white blue-collar workers and police in undermining Black labor competition. It was, according to historian Joe Trotter, the “first clear-cut case of racial violence in the city’s industrial labor market.”<sup>158</sup> The conflict started when white Wehr Steel Machine Shop employees struck to gain recognition of their newly formed American Federation of Labor (AFL) union.<sup>159</sup> White workers did not inform their Black counterparts at the plant of recent union organizing. When the company responded to the labor action by bringing in Black strikebreakers, white workers and police attacked them for crossing the picket line. In one instance, white officers and workers overturned a carload of Black men approaching the plant. The foundry’s owners called on the MPD to defend the Black workers they hired to keep the business running, as well as to protect their property and maintain order. Instead, the police crossed their own occupational allegiances and engaged in a brutal act of racial oppression.<sup>160</sup> Mayor Hoan responded to the strike by pushing for the Boncel ordinance (1935). The act authorized either the mayor or police chief to shut down manufacturing plants when they refused to negotiate during labor conflicts, of which 107 occurred in 1934.<sup>161</sup> The city may have had little specifically to say about the brutality police inflicted upon

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<sup>157</sup> Fure-Slocum, *Contesting the Postwar City*, 45.

<sup>158</sup> Trotter, *Black Milwaukee*, 156. The Wehr Steel Strike was one of 1,856 work stoppages in 1934. See: Irving Bernstein, *The Turbulent Years: A History of the American Worker, 1933-1941*, 2<sup>nd</sup> ed. (Chicago: Haymarket Books, 2010), 217.

<sup>159</sup> This was one of several AFL unions formed in Milwaukee that year. Fure-Slocum, *Contesting the Postwar City*, 45.

<sup>160</sup> When the National Labor Relations Board investigated the Wehr Steel Strike, union leaders denied holding discriminatory attitudes towards African American workers. Trotter, *Black Milwaukee*, 156.

<sup>161</sup> On occasion, the MPD reported, these “required the utilization of almost the maximum resources of the Department.” Milwaukee Police Department, *Annual Report*, 1934, 1.

Black strikebreakers, but the ordinance nonetheless targeted the violence on display.<sup>162</sup>

To be sure, the Wehr company was as racist as white workers who joined with police to attack Black strikebreakers. Like most other Milwaukee manufacturers, Wehr hired non-union Black workers to save money.<sup>163</sup> Depressed wage structures equated to higher profits for the business. When labor disputes ended, corporations like Wehr fired their temporary Black workers. They considered them cheap labor, only capable of finishing marginal jobs.<sup>164</sup> Black industrial workers performed the hot, dirty, dangerous work that white employers believed them naturally “suited for.”<sup>165</sup> At the same time, Wehr sought to undermine the power of white labor organizations. Plant managers warned Black personnel not to join the AFL union. Black workers saw this as an effort to remove them from the city’s industrial plants. Black laborers themselves were not against organizing. During the 1934 strike, Milwaukee NAACP President Joseph Dorsey joined with the Milwaukee Urban League (MUL) to unionize Black workers. This stood against company protocol, as Wehr had made a rule to avoid the formation of non-company unions. Aside from a handful of Congress of Industrial Organizations locals, the city’s trade unions refused Black membership. While the attractiveness of Chicago as a destination was likely the prevailing factor, employer and union

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<sup>162</sup> Unfortunately for Mayor Hoan, his pro-labor stance in the wake of the Wehr strike contributed to conservative Carl Zeidler’s mayoral victory in 1940. Zeidler’s campaign effectively lumped the Boncel ordinance in with other liberal policies, like a failed voter referendum to enact public ownership of Milwaukee’s electric power system and the federal government’s passage of the National Labor Relations Act (1935), which granted workers more freedom to unionize. As the 1930s pressed on, Milwaukee businesses grew more hostile to working-class activism and picked up electoral strength in the patriotic context of the World War II era. Sensing a conservative victory, the Socialist Party joined with Progressive Republicans and trade unionists in the Wisconsin Federation of Labor and Milwaukee Federated Trades Council to form the Wisconsin Progressive Party. The fusion ticket floundered in statewide elections and the Socialist Party resumed their exclusive political banner in 1940. When Hoan lost his re-election bid, the Socialist Party appeared finished. However, Frank Zeidler, Carl’s brother, ran for mayor as a Socialist in 1947. Working-class voters had largely migrated back to the Democratic and Republican parties, so Zeidler formed a liberal coalition of labor unions, former Wisconsin Progressive Party members, and community activists. Connell, *Conservative Counterrevolution*, 28.

<sup>163</sup> Wehr Steel and Machine Shops was one of five companies in Milwaukee to hire Black skilled workers, joining Plankington Packing, the National Malleable Iron Works, A.J. Lindeman-Hoverson Company, and the Milwaukee Coke and Gas Company. Only the iron and steel; slaughtering and meatpacking; tannery; and building and construction industries employed Black workers. Erica L. Metcalfe, “‘We Need to March!’: Black Working-Class Protest Politics in Milwaukee, 1920-1970,” (Ph.D. diss., Howard University, 2016), 41.

<sup>164</sup> Robert C. Nesbit, *The History of Wisconsin, Volume III: Urbanization and Industrialization, 1873 – 1893* (Madison: State Historical Society of Wisconsin, 1985), 439.

<sup>165</sup> Trotter, *Black Milwaukee*, 152.

discrimination against Black workers contributed to Milwaukee's low Black migration totals before World War II. After 1934, established Black professionals and working-class migrants collaborated more deliberately to organize Black workers and address economic discrimination.<sup>166</sup>

### *Vice Policing and the Sixth Ward Law and Order League*

As racial segregation on Milwaukee's north side hardened during the Great Depression, discriminatory policing grew more conspicuous. The MPD's renewed focus on vice crime amid the recession initiated a gradual turn away from monitoring white poor and working-class behavior and towards more concerted surveillance of poor and working-class Black behavior. This was especially the case after the department began directing vice away from the River St. area and more towards non-white spaces, like Black sections of the Sixth Ward. The River St. district once brimmed with bars, gambling, and sex work in the early 20<sup>th</sup> century, attracting an inter-state clientele. However, white middle-class reformers lobbied state officials to pass regulatory morals laws and pressed law enforcement to funnel vice away from downtown. In turn, the MPD increasingly pushed vice into Bronzeville. There, police regulated prostitution and gambling, specifically the neighborhood's "policy racket."<sup>167</sup> Police vice regulation was selective and lasted well into the post-World War II period, when social reformers demanded ever stricter morals enforcement amid a national "juvenile delinquency" crisis. Outwardly, reformers presented this shift as one that benefitted Black migrants. In the 1940s and 1950s, the MPD increasingly staked its reputation on how well it preserved order on the near north side. The department frequently "collided with the growing open-air socializing and drinking of the sixth ward."<sup>168</sup> Black migrants suffered from a dearth of adequate housing, jobs,

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<sup>166</sup> Trotter, *Black Milwaukee*, 160.

<sup>167</sup> On policy gambling in Black urban communities, see: Matthew Vaz, *Running the Numbers; Race, Police, and the History of Urban Gambling* (Chicago: University of Chicago Press, 2020).

<sup>168</sup> Balto, "The Laws of the Land," 28.

and recreational opportunities, forcing them to congregate on city streets. Accordingly, police patrolmen and Morals Squad officers looked to challenge Black residents for control of the streets. The result was more tumultuous police-Black community relations.

The MPD was known to use a heavy hand when regulating vice, especially in Black spaces. Milwaukee's small but well organized Black middle class decried the department's aggressive treatment of "juvenile offenders apprehended on Walnut St.," Bronzeville's main artery.<sup>169</sup> They rejected associations of criminality with blackness, while protesting against entwined issues of economic racism, employer and union discrimination. As Milwaukee NAACP leader James Dorsey responded to the Milwaukee Woman's Club's 1940 vice crusade, "Give our people work and there won't be any 'policy.'"<sup>170</sup> Black professionals like Dorsey did not approve of gaming per se but saw a lack of opportunity for the city's nearly 10,000 Black inhabitants to earn a living. Speaking at a community symposium, undertaker Emmet Reed, Jr. noted that the Sixth Ward policy racket supplied jobs to some two hundred Black citizens "as [number] writers and in other capacities."<sup>171</sup> Discriminatory employment double-standards converged with racist ideas about the policing of Black space. These shaped policy choices; City Hall encouraged order maintenance policing at the behest of white social reformers. Economic racism compelled Black residents into taking vice work and engaging in activities that corrupt police officers were willing to overlook for a cut of the action.

Economic improvements and structure of access and opportunity, as opposed to police empowerment, would have made a difference for Black families. Sometimes they did. For instance, Milwaukee brothels, some of which relied on the labor of Black sex workers, closed after the federal government provided Black women with Works Progress Administration jobs.<sup>172</sup> Mayor Dan Hoan

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<sup>169</sup> "Wisconsin, North Central Social Workers Forum Meets," *The Chicago Defender*, November 4, 1939, 11

<sup>170</sup> "Blame Gambling on Job Discrimination," *The Chicago Defender*, December 28, 1940, 4.

<sup>171</sup> "Blame Gambling on Job Discrimination," *The Chicago Defender*, December 28, 1940, 4.

<sup>172</sup> "Blame Gambling on Job Discrimination," *The Chicago Defender*, December 28, 1940, 4.



understood these economic dynamics. In 1925, he advocated for reducing an investment in one hundred fifty new patrolmen to fifty officers as a cost-saving measure. City Hall then reinvested the savings (\$2,000 per patrolman) “towards the maintenance of playgrounds and social centers.” Consequently, he argued, Milwaukee was able to maintain its reputation as “the crimeless city.”<sup>173</sup> With a brief end in Socialist mayoral leadership during the 1940s, the wartime economic boom, and the racial hysterics that joined increasing Black migration, order maintenance policing received even more vigorous support in the 1940s. Police answered the demands of white social reformers concerned about Black crime, while allowing gambling activities, bingo, horse racing, church raffles, and policy, to survive in adjacent white communities.<sup>174</sup>

Policing vice was, of course, not new in Milwaukee. Civic boosters, social reformers, and other elite white professionals challenged working-class leisure pursuits and games of chance as early as the late 19<sup>th</sup> century. Vice enforcement was ethnically selective. It helped lead to reforms like the Progressive Era policing statutes and the MPD’s turn towards professionalization. After passage of Chapter 586 in 1911, the MPD responded to another potent social reform drive to eliminate “disorderly” behavior and to impose law-and-order in the city’s vice districts. Milwaukee was a “pioneer” in community-based law-and-order policing well before the term connoted a backlash against Black-led social protests and racial militancy.<sup>175</sup> A “Law and Order League” formed in 1912 that sought to rid the city of “vice,” “immorality,” and “white slavery,” particularly near the Milwaukee Auditorium.<sup>176</sup> Law and order leagues spread nationally during the Progressive and

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<sup>173</sup> Mayor Daniel Webster Hoan to Milwaukee Metropolitan Committee on Crime Prevention, “Prevention of Crime,” October 3, 1937, 2-3, Folder 668, “Police Department, 1934-1940,” Hoan, Daniel Webster Papers.

<sup>174</sup> Trotter, *Black Milwaukee*, 202.

<sup>175</sup> “When City Was 57 Years ahead of Its Time,” *The Milwaukee Journal*, November 15, 1970, Accent 2.

<sup>176</sup> After police shut down the River St. vice district in 1911 at the behest of the Socialist Party in control of city government, houses of ill-fame moved two blocks west. On “white slavery, see: Livia Gershon, “White Slavery and the Policing of Domestic Life,” *JSTOR Daily*, December 21, 2017, accessed August 13, 2019, <https://daily.jstor.org/white-slavery-policing-domestic-life/>. “Progressive,” white middle-class women looked to “protect” working white women “from predators and from their own behavior.” The Mann Act (1910) recently banned the interstate transport of women for sex work or any other “immoral practice.” The recently formed Federal Bureau of Investigation enforced the law.

Prohibition Eras.<sup>177</sup> Milwaukee's first "morality" league "favored the closing of all disorderly houses."<sup>178</sup> Defending (white) women's virtue was a key organizational directive. The group's chairman called for "prohibiting women from entering saloons" and making it "unlawful" for them to "accept employment as cabaret singers."<sup>179</sup> The League criticized Chief Janssen's vice enforcement. In an early example of a police chief invoking the MPD's exceptionalism narrative to ward off critics, Janssen argued that he policed "the cleanest city morally on the globe, and the government reports show that."<sup>180</sup> This initial law and order league, if short-lived, challenged police to do better at controlling purportedly licentious behavior in Milwaukee. Vice reform took on new resonance in the 1930s, as white civic boosters and morals crusaders endeavored to modernize the mostly working-class industrial city and organize it more faithfully around managerial growth imperatives.<sup>181</sup> A renewed, more reactionary Citizens' Law and Order League took on vice and traffic violators, as well as political radicals, Communists, and other presumed agitators.<sup>182</sup>

As the criminalization of vice in Milwaukee progressed in the mid-1930s, characterizations of morals crime grew more racialized and, thus, associated with black migration and the threat it seemed to pose to the city's traditional white order. Portrayals of vice crime in newspapers, among white civic leaders and anti-gambling reformers gave shape to racist ideas about Black vice participants and, by extension, poor and working people living in Milwaukee's developing Bronzeville neighborhood. While most Black professionals also saw vice as immoral, denigrating,

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Policing prostitution and illicit sex was a critical part of federal law enforcement expansion in the early-20th century.

<sup>177</sup> "Morality League Opposed by Neacy," *The Milwaukee Sentinel*, May 7, 1913, Part 1, 4;

<sup>178</sup> "Morality League Opposed by Neacy," *The Milwaukee Sentinel*, May 7, 1913, Part 1, 4; Quotes in, "Failure to Censure Janssen on Vice," *The Milwaukee Sentinel*, May 2, 1913, Part 1, 1.

<sup>179</sup> "Morality League Opposed by Neacy," *The Milwaukee Sentinel*, May 7, 1913, Part 1, 4; Quotes in, "Failure to Censure Janssen on Vice," *The Milwaukee Sentinel*, May 2, 1913, Part 1, 1.

<sup>180</sup> Janssen was speaking in response to Socialist Mayor Emil Seidel's critique of the chief. "When City Was 57 Years ahead of Its Time," *The Milwaukee Journal*, November 15, 1970, Accent 2.

<sup>181</sup> Fure-Slocum, *Contesting the Postwar City*, 111-116.

<sup>182</sup> "Law and Order," *The Milwaukee Journal*, May 24, 1935, Part 1, 16; "Seek to Curb Wild Driving," *The Milwaukee Journal*, July 18, 1935.

and potentially dangerous to community health, that did not mean they accepted overpolicing of the Sixth Ward as a remedy.<sup>183</sup> The violence of the 1934 Wehr Steel Strike demonstrated to many Black residents where local police stood on interwoven matters of race and class and revealed who was considered worthy of police protection in the eyes of white power brokers. Organizing against police violence marked an opportunity for intra-racial class solidarity among established Black professionals and poorer migrants filtering into the area. There was economic incentive, as the former relied on the latter to make a living, selling goods and services in a racially segregated urban market. Despite increasing class frictions, professional and working-class Black residents had a mutual interest in community survival.

The 1934 Wehr Steel Strike preceded one of the first documented instances of organized Black resistance to police brutality in Milwaukee. Not long after white police officers joined white workers in pummeling Black strikebreakers in 1934, MPD Vice Squad officers began cracking down on the Sixth Ward's illegal "policy racket" at the behest of white social reformers.<sup>184</sup> Law enforcement allowed low-stakes gambling games to proceed as long as they were contained to specified districts. Indeed, it was a lucrative pursuit for some officers as well, as Black "numbers runners" were known to pay off beat patrolmen to avoid arrests or harassment.<sup>185</sup> However, such practices became muddled when social reformers demanded crackdowns on illicit gaming in Milwaukee's Bronzeville community. After city officials obliged, police sprang into action. Class status did not matter for Black participants and others congregating in the vicinity of policy wheels.

One consequential incident, in particular, made this clear. In August 1935, white undercover officers engaged in racially discriminate stop and frisks in the city's Black district, "promiscuously

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<sup>183</sup> Fure-Slocum, *Contesting the Postwar City*, 122-123.

<sup>184</sup> "Charge Cops Beat Innocent Persons," *The Milwaukee Sentinel*, August 8, 1935, 9.

<sup>185</sup> Simon Balto reports that Black Milwaukee's underground policy racket was valued at around \$1 million per year in the 1940s. Balto, "The Laws of the Land," 13, 46.

padding and searching orderly Race citizens.”<sup>186</sup> One apprehended person, Robert Johnson, was “accosted by two plainclothesmen” while walking at N. 6<sup>th</sup> St. and W. Galena. After he protested a white man’s rummaging through his hand bag, he was told, “Shut up, you all should be dead...if I had my way you wouldn’t walk the streets.” The officer “struck him a heavy blow on the jaw, almost knocking him to the ground.” While on the floor, another officer kicked Johnson so hard that he required medical attention. White Vice Squad members reportedly committed other brutal acts throughout the Sixth Ward’s racially contained confines.<sup>187</sup>

Robert Johnson’s experience of police terror encouraged the short-lived formation of Milwaukee’s first Black-led police accountability organization in September 1935. Whereas the city’s white Citizens’ Law and Order League focused on public order offenses and demanded a more assertive police presence to control misdemeanor infractions and “morals” violations, the Sixth Ward Law and Order League specifically addressed the growing issue of racialized police brutality and its relationship to diminished neighborhood security in Bronzeville. James Dorsey, an African American attorney and Milwaukee NAACP president, helped spearhead the interracial group’s formation. The league was middle class, professional in makeup. H. B. Kinner, the Black owner and operator of the Alberta Villa hotel, served as its president.<sup>188</sup> By their very existence, the SWLOL confronted the idea of a value-neutral police power, and they did so right as the MPD was burnishing its exceptional reputation among national policing experts and federal officials. Still, the developing narrative of policing exceptionalism had a powerful influence on how this specific group of “respectable” Black male leaders went about challenging the racialized police violence in their

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<sup>186</sup> “Cite Police Brutalities at Mass Meet,” *The Chicago Defender*, September 7, 1935, 4.

<sup>187</sup> Dr. Edgar Thomas, a Black Howard University Medical School graduate, reported seeing a white plainclothes officer— initially just a man “who looked drunk”—aggressively searching through the pockets of a Black man on the street. After he called the police, a crowd of people surrounded the plainclothes officer and demanded to see his credentials. Random Black people walking down the street were harassed by officers, asked what they did for a living. “Milwaukee Citizens Protest Brutality by Police Officers”; Trotter, *Black Milwaukee*, 105.

<sup>188</sup> Trotter, *Black Milwaukee*, 98; “Milwaukee Citizens Protest Brutality by Police Officers,” *New York Age*, September 7, 1935, 3.

community. Because of their precarious status within Milwaukee's racial and class order, they had to act according to the social and political terms set by white officials. In part, that meant embracing a "bad apple" logic that castigated individual officers with ostensibly malicious intent, and letting the city's larger, "exemplary" policing system off the hook. Nevertheless, the SWLOL ushered in a history of Black Milwaukee residents struggling for police accountability that lasts to the present day.

The Sixth War Law and Order League's first community meeting revealed the significance of police brutality as an issue during a period that some scholars have referred to as a "golden age" of socially enlightened law enforcement professionalism.<sup>189</sup> A crowd of residents "from all walks of life" filled the pews of St. Mark A.M.E. Church on the city's north side for the SWLOL's initial gathering. "Almost the entire colored population of Milwaukee turned out," the *New York Age* reported, along with "prominent" white residents, to discuss "intolerable" acts of police brutality by the MPD's Vice Squad.<sup>190</sup> Among the attendees were white city and county representatives known for championing the needs of Black constituents. The Johnson case was the centerpiece of the meeting.<sup>191</sup> A resolution was unanimously adopted calling for the dismissal of "one particular officer because of his brutal actions." As Johnson recounted his attack before the crowd, he noticed one of the officers who brutalized him was standing in the back of the church in a show of intimidation; the man's presence nearly "provoked a disturbance," but "order was immediately restored."<sup>192</sup> Among the meeting's outcomes, a committee was appointed "to file petitions of protest and prepare complaints against instances of police brutality."<sup>193</sup> However, it was "definitely made clear" that "the protest" only targeted "certain members of the force"—"the roughneck element which has recently

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<sup>189</sup> See: Kelling, *Policing in Milwaukee*.

<sup>190</sup> "Milwaukee Citizens Protest Brutality by Police Officers."

<sup>191</sup> "Deal Liberated Negress, Claim," *The Milwaukee Journal*, September 25, 1935, Part 2, 5; "Charge Politics in Negro's Case," *The Milwaukee Journal*, October 11, 1935, Part 2, 9.

<sup>192</sup> "Milwaukee Citizens Protest Brutality by Police Officers."

<sup>193</sup> "Milwaukee Citizens Protest Brutality by Police Officers."

succeeded in gaining admission to the department.”<sup>194</sup> The MPD, “which has long been reputed to be one of the most efficient in the country,” participants attested, was not framed as the cause of the public’s anger. Police legitimacy was affirmed; what Black residents demanded was more culturally responsive and anti-racist policing.

The Sixth Ward Law and Order League attempted to secure justice for Robert Johnson and others brutalized by the MPD’s Vice Squad in recent raids. Members knew about the legal recourse offered by the MFPC, which was prescribed by the 1911 statute. Importantly, they were “freeholders” and could file lawful complaints. Under the auspices of the SWLOL, Johnson submitted a complaint against his attackers on September 12, 1935.<sup>195</sup> The grievance formally charged two MPD officers with “assaulting and reviling” Johnson.<sup>196</sup> Dr. P. Jay Gilmer, an SWLOL member, also filed a police brutality complaint for himself.

What happened next with Robert Johnson’s case demonstrates the farce of Milwaukee’s police accountability system and the extent of the MPD’s power when citizens filed grievances against officers. With seemingly no recourse, Johnson dropped his complaint against Vice Squad officers Vaughan Bennett and Lewis Wagner. Police had arrested “a woman friend” of Johnson’s “on charges that she stabbed another negro woman,” according to Attorney James Dorsey. At the Milwaukee Safety Building, accompanied by Dorsey, Johnson told a deputy police inspector that he was “willing to do anything to keep this woman out of trouble.”<sup>197</sup> He agreed in a statement, according to the Deputy Inspector, to drop his brutality complaint if the woman was freed.<sup>198</sup> The MPD saving face was apparently more important than garnering justice for an alleged stabbing

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<sup>194</sup> “Milwaukee Citizens Protest Brutality by Police Officers.”

<sup>195</sup> Minutes, September 12, 1935, Milwaukee Fire and Police Commission, Municipal Research Library, Milwaukee, Wisconsin; “Hearing is Delayed on Two Policemen,” *The Milwaukee Sentinel*, October 4, 1935, 5

<sup>196</sup> This was likely the first police brutality complaint registered by a Black citizen with Milwaukee’s fire and police commission.

<sup>197</sup> “Deal Liberated Negress, Claim,” *The Milwaukee Journal*, September 25, 1935, Part 2, 5.

<sup>198</sup> Haywood was evidently arrested after Johnson filed his complaint with the MFPC earlier in the month. “Deal Liberated Negress, Claim.”

victim.<sup>199</sup> Regardless, the department had manipulated the system to its own benefit, a dropped police brutality charge.

However, the SWLOL, backed by two liberal white politicians—Sixth Ward Alderman Samuel Soref and County Supervisor George Herrmann—continued to press their complaint that police had engaged in a campaign of “intimidation and coercion”<sup>200</sup> on the near north side. The league filed a formal grievance against Bennett and Wagner. In it, they argued that law enforcement “induced” Johnson to relent from his claim by making a “deal” to dismiss unrelated charges against Ms. Haywood, an associate he wanted to help. The commission called for witnesses to the alleged act of brutality, stalling the case for two more weeks. At a hearing on October 17, Johnson himself failed to appear. According to one newspaper account, he was afraid he would be “run out of town” by the police.<sup>201</sup> “Over the head of Police Chief Laubenheimer,” the MFPC eventually suspended Officers Louis Wagner and Vaughan Bennett for sixty and thirty days, respectively.<sup>202</sup> The process worked, for the time being, likely because two white politicians had backed up the SWLOL’s claims. Alderman Soref told the commission that after Robert Johnson registered his complaint, there were other instances of police “abuse” committed against Black citizens in his district.<sup>203</sup> MPD administrators deflected this criticism, charging the alderman with playing politics.<sup>204</sup> The department rejected all allegations that police brutality occurred while conducting gambling sweeps.

As Soref and Herrmann’s support of the SWLOL implies, struggling for police accountability for African Americans in Milwaukee has always been an interracial struggle, at all class

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<sup>199</sup> “Girl in ‘Police Fix’ Is Arrested Again,” *The Milwaukee Sentinel*, October 13, 1935, 6; “Override Chief in Suspensions,” *The Milwaukee Journal*, October 18, 1935, 3.

<sup>200</sup> “Girl in ‘Police Fix’ Is Arrested Again,” *The Milwaukee Sentinel*, October 13, 1935, 6

<sup>201</sup> “Girl in ‘Police Fix’ Is Arrested Again”; “Beating Case Stalls Again,” *The Milwaukee Sentinel*, November 1, 1935, 1.

<sup>202</sup> Minutes, November 15, 1935, Milwaukee Fire and Police Commission, Municipal Research Library, Milwaukee, Wisconsin; “Suspend Officers on Assault Story,” *The Milwaukee Journal*, November 16, 1935, 7.

<sup>203</sup> “Deal Liberated Negress, Claim.”

<sup>204</sup> “Ald. Soref was on the spot...he had to do something or he would lose the next election,” Inspector John Bauschek insisted. Soref countered, “That’s the most despicable lie I ever heard.” “Charge Politics in Negro Case,” *The Milwaukee Journal*, October 11, 1935, Part 2, 9.

levels. Not all white social reformers readily accepted the racist ideas about Black life and culture that increasingly fueled policing strategies and outcomes. White allyship around racialized police violence and the MPD's institutional bias exposed cracks in the department's budding exceptionalism narrative. As Mrs. Angelo Cerminara, of the Milwaukee Women's Club asserted in 1930, "The common belief that the Negro is more criminal than the white person has no foundation in fact."<sup>205</sup> She acknowledged that racist perceptions of Black criminality informed police behavior and the disproportionate rates of arrest that helped build outward perceptions of crime control efficiency. "Because police officers share this belief, Negroes are more liable to arrest than whites." Moreover, as Cerminara continued, "The higher rate of discharges of Negroes as compared with other race groups...proves that many of the arrests are unwarranted." Police faced little social or professional risk in surveilling and stopping Black citizens. In fact, they were encouraged to arrest "vagrants," a legal term applied to seemingly idle poor and working-class peoples. If a suspected vagrant was Black, the likelihood of arrest appeared to increase. As Cerminara notes, criminality in Wisconsin was "painted in darker colors" than deserved.<sup>206</sup> Because their number was still relatively small, Black citizens constituted "less than one third of one percent" of state prisoners in "corrective institutions." That was soon to change, as racialized police violence and discrimination became more commonplace in the 1930s and 1940s. This followed national trends. While white vigilante terror against African Americans declined after World War II—a result of anti-lynching campaigns and Black migration out of the Jim Crow South—police brutality increased.<sup>207</sup>

Against this backdrop of intensifying conflict among industrial employers, Black residents, white blue-collar workers, and police in the 1930s, elite white civic interests continued to build on

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<sup>205</sup> "Milwaukee Woman's Club Hears Report on Race," *The Chicago Defender*, March 1, 1930, 10.

<sup>206</sup> "Milwaukee Woman's Club Hears Report on Race."

<sup>207</sup> Balto, "The Laws of the Land," 84-85; Robin D.G. Kelley, "'Slangin' Rocks...Palestinian Style:' Dispatches from the Occupied Zones of North America," in *Police Brutality: An Anthology*, Jill Nelson, ed. (New York: W.W. Norton & Co., 2000), 32.



the MPD's popular narrative of policing exceptionalism. The Citizens' Bureau of Milwaukee, a group comprised of powerful corporate and institutional leaders, cited five reasons why their city was regarded among the safest in the nation in 1937. For starters, it featured "a law abiding population."<sup>208</sup> The group mentioned Milwaukee's low number of itinerant workers, arguing it led to fewer major crimes than in large rail hubs like Chicago or Detroit. During the Great Depression, "transient vagrants" in Milwaukee were subject to "speedy justice."<sup>209</sup> As mentioned above, in the case of the twenty-seven Black laborers convicted on vagrancy charges, such enforcement was often racialized, particularly in times of economic strain. The second reason cited for Milwaukee's exceptional status was the MPD's foot and motor patrols, which covered a minimal forty-four square mile of city lands.<sup>210</sup> Third, police chiefs served long terms, freed by state law from political interference. As outlined above, this meant police administrators were, save for committing an egregious offense, accountable only to themselves. Fourth, the courts supported and cooperated with law enforcement, meaning quick and warranted detection of crimes, along with prompt trials and sentencing. The courts reinforced the authority that the MPD derived from state law, and backed up the department in all cases. Finally, aside from "voluntary salary contributions," police expenditures remained funded by city government during the Great Depression, even as other budgeted areas suffered reductions and city workers got paid in scrip.<sup>211</sup> The Citizens' Bureau basked in the glow of the National Commission on Law Observance and Enforcement's findings six years earlier, which affirmed for white social and economic elites the virtues of police reform. The Progressive Era policing statutes produced lengthy, consistent terms of service by MPD chiefs,

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<sup>208</sup> Citizens' Bureau of Milwaukee, *Milwaukee's Police Department* (Milwaukee: Citizens' Bureau of Milwaukee, 1938), 3.

<sup>209</sup> Still, *Milwaukee*, 552-553.

<sup>210</sup> This preceded Mayor Frank Zeidler's drive to annex suburban municipalities and increase Milwaukee's area in the 1950s. On this project, see: John M. McCarthy, *Making Milwaukee Mightier: Planning and the Politics of Growth, 1910-1960* (DeKalb: Northern Illinois University Press, 2009).

<sup>211</sup> "Milwaukee's Police Department," 3-4; Scott R. Letteney, "The Saga of a Landslide Reelection, Baby Bonds, and a Recall: Mayor Daniel W. Hoan, 1932-1933," *E Polis* (5) (Fall-Winter 2012), accessed October 23, 2020, [https://uwm.edu/wp-content/uploads/sites/231/2016/01/saga\\_landslide\\_reelection.pdf](https://uwm.edu/wp-content/uploads/sites/231/2016/01/saga_landslide_reelection.pdf).

rendering Milwaukee “a city free from crime.”<sup>212</sup> Meanwhile, Black citizens were beginning to experience something very different in their encounters with police.<sup>213</sup>

### *Conclusion*

The administrative independence that the Wisconsin legislature afforded Milwaukee police chiefs in the long Progressive Era enabled them to set the terms of police power without political interference. These laws mattered for Milwaukee’s Black-led struggle for police accountability, as they authorized the institutional freedom that police chiefs relied on to pursue racially differential policing tactics unchecked. The MPD took on the personality, outlook, and priorities of chiefs, only six of which served between 1888 and 1984. The statutes’ civilian review components, if underutilized by the MFPC and restricted to property-holders, instilled the promise of oversight. Yet, the commission’s quasi-judicial review function was not broadcasted to the residents most vulnerable to overpolicing and underprotection. Commissioners, more often than not, co-signed decisions made by police chiefs and mayors. This process undermined accountability and neutralized the potential for meaningful civilian oversight.

The legislature manufactured the MPD’s national position as innovative, reform-oriented, and efficient at controlling crime. That exceptional status was reinforced by public assumptions

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<sup>212</sup> “Milwaukee’s Police Department,” 4.

<sup>213</sup> Reported crime did trend down in the mid-1930s. The Federal Bureau of Investigation’s (FBI) uniform crime reporting showed that Milwaukee had the “least number of known major crimes” in 1937. The FBI also reported the city had the “lowest major crime rate” per 100,000 people of the nation’s twenty-six largest cities. The following year, reported crime fell to half of the city’s 1930 rate. Arrests on non-traffic offenses decreased 16 percent from 1934 to 1937. According to the Citizen’s Bureau, per capita increases in police spending helped support Milwaukee’s diminishing crime rate. Police salaries were set at \$2,040 per patrolmen by 1937. This rate increased after five years of service. Thirty-seven officers patrolled each square mile of occupied space in the city on average. This rate increased from 28 officers per square mile in 1920. It was not difficult to read between the lines in terms of where the Citizens’ Bureau wanted to see expanded police power directed. “All parts of the city should receive proper police protection. The amount needed, however, depends largely on the population density and the character of the people.” Without identifying race or class explicitly, one might presume that the Citizens’ Bureau was advocating for greater police attention to be directed towards the city’s Sixth Ward vice district. It was the densest section of Milwaukee and its increasingly Black population routinely had its character questioned in the press and by assorted white interests. “Milwaukee’s Police Department,” 1-2.

about law enforcement as an intrinsically noble and legitimate pursuit, in addition to federal actors, like the Wickersham Commission. No one in Milwaukee's police bureaucracy, save for the Socialist Seidel administration in the early 1910s, attempted to amend the terms of police power in the early 20<sup>th</sup> century. In turn, the MPD occupied an elevated space in the civic imagination. It also became a firmer part of Milwaukee's white cultural identity. Despite its insulation, law enforcement was an inherently political project, much as it was elsewhere in the U.S. The MPD served the dominant social, cultural, and economic hierarchies established by white middle- and business-class elites. It was institutionally separated from City Hall, but not Milwaukee's increasingly racialized class politics.

Moreover, individual police officers themselves undermined the idea of an objective, value-neutral police function. Patrolmen were socially conditioned to act on biased views. They harbored common assumptions about race, class, and gender that reflected the ethnically segmented communities they hailed from. Most were descendants of German, Irish, and Polish immigrants, who trod a well-worn path to whiteness and social acceptance—first through patronage appointments, then civil service.<sup>214</sup> When a Black officer, Judson Minor, was hired onto the MPD in 1924, discretionary policing diverged based on his vantage point. It was a short-lived experiment, with another Black officer not hired until 1932.<sup>215</sup> The ample discretion that white officers harnessed to maintain order and control crime permitted them to conduct the racialized boundary and violence work that white powerbrokers saw as necessary to preserve the status quo and moral order.

In the first several decades of the 20<sup>th</sup> century, Milwaukee underwent a process of recalibration on matters of class and race. It was a period marked by European immigration and working-class suppression, Black in-migration and racial suppression. The city's evolving working-

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<sup>214</sup> It is because of the availability of civil service jobs and access to political power that historian Nell Irvin Painter disagrees with Noel Ignatiev argument that Irish had to *become* white. She argues, they always were white. Painter, *The History of White People*, 388.

<sup>215</sup> Calvin Moody was the second Black police officer appointed by the MFPC. "First Negro to Draw Police Pension," *The Chicago Defender*, June 13, 1957, 10.

class consciousness informed questions of racial identity, especially as a distinct Black proletariat formed in the city alongside a Black middle class. Black community formation and development converged with white professional class moralizing and nativism. Both forces translated into anti-Black racism. The Great Depression and New Deal economy of the 1930s only strengthened the city's racial and class boundaries. Social taboos emerged around the presumably immoral behaviors of Black residents living on Milwaukee's segregated near north side. However, Black middle class residents and workers cultivated a world of their own in Bronzeville, regardless of the MPD funneling most of the city's vice into the community. African Americans were the most likely citizens to experience police aggression based on their low position in the city's racialized cultural order. They also lived in segregated spaces where police disparately enforced public order laws, like vagrancy, prostitution, gambling, and drunkenness. White middle-class reformers advocated for the MPD to crack down on such offenses, despite some also professing an affinity for the plight of Black workers and families. White-led institutions, employers, unions, and residents strove to limit African American population growth out of fears of economic competition, but also anxieties about racial mixing, "race riots," and the perceived immorality of Black migrants.

The MPD's internal growth and development became entwined with the racial resentments that many white blue-collar and professional workers exhibited towards the city's comparatively poorer Black migrant population. White patrolmen policed boundaries of race, class, gender, and sexuality on discretionary terms, which often devolved into race-based harassment and brutality. Order maintenance policing in Bronzeville reinforced commonly held white assumptions about blackness and criminality, racial inferiority and disorder. Cyclical patterns of poverty, crime, surveillance, and arrest implicating Black migrants, transients, laborers, and youth established a popular logic about who was deserving of police attention and who was not. Racial containment, not safety and service, demarcated the policing of blackness. Public order enforcement on Milwaukee's

near north side limited African Americans' quality of life and sometimes threatened them directly. Such policing informed a growing sense of isolation from the state and reinforced social, economic, and political disadvantages. This dynamic only worsened after the 1930s. Because of the perceived threat that expanded Black migration and population growth posed to white understandings of labor, class identity, and citizenship in the 1940s and 1950s, African Americans garnered more intensive police attention and abuse. The larger the city's Black population became, the more that white observers depicted Black people confined to inner city communities as sources of immorality and danger. Targeting the aggressive enforcement of public order laws and revising how Black spaces got policed became a driving impetus for accountability advocates going forward.

Bolstering the administrative hand of Milwaukee police chiefs made garnering effective oversight more difficult for citizens. State lawmakers showed faith in the MPD to self-regulate and adhere to a self-prescribed set of rules and ethics. Yet it did not consider how racism historically structured policing. The state surmised that the MFPC would arbitrate disputes related to discipline and misconduct. Intradepartmental regulations mattered. Police chiefs vigorously enforced rules among officers. But when it came to the word of poor and working-class Black citizens charging white personnel with brutality, the latter received the benefit of the doubt from supervising officers, the MFPC and criminal-legal system. Investigations into misconduct fell to the MPD itself. Police grievances often disappeared into the law enforcement bureaucracy. Rarely did they result in justice. Within this set of power relations, Milwaukee police cultivated meanings, policies, and practices that benefitted their interests at the expense of anyone demanding accountability. In a racially partitioned city that increasingly criminalized poverty and blackness, police empowerment ran counter to African American needs and rights.

## CHAPTER TWO

### Liberal Law-and-Order in Milwaukee

Applications of “liberal law-and-order” by the Milwaukee Police Department (MPD) in the 1940s and 1950s reinforced the city’s burgeoning narrative of policing exceptionalism, while concurrently shielding the department’s biased function in poor and working-class Black spaces.<sup>1</sup> The combined effect was the narrowing of institutional accountability for African Americans increasingly aggrieved by police violence, as well as the shoring up of middle class perceptions of the MPD’s state-sanctioned legitimacy. This served to render Black complaints of police racism and mistreatment all the more dubious to white police bureaucrats in City Hall and the Milwaukee Fire and Police Commission. Correlated developments that germinated locally in the Depression-era 1930s, but hastened amid the wartime emergency undergirded the MPD’s turn to liberal law-and-order: accelerated northern Black migration, largely to work in urban defense industries; eruptions of civil violence in cities around issues of race, class, and policing; an uptick in crimes related to youth misbehavior; and intensifying anti-communist fears over domestic political subversion.

Despite being cloaked in a high-minded language of procedural justice, liberal law-and-order was a culturally racist project. Its adherents framed issues of morality, crime, and public safety in paternalistic terms that singled out Black people, especially migrants, as susceptible to disorder and criminality. In this way, it diverged from the overtly racist explanations of racial conservatives. Instead, liberal law-and-order treated racism as “erratic,” “irrational,” and “baseless.” As scholar Naomi Murakawa argues, “correcting” racism within this framework entailed “criminalizing ‘private’

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<sup>1</sup> On “liberal law-and-order,” see: Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014), 29-31; Max Felker-Kantor, “Liberal Law-and-Order: The Politics of Police Reform in Los Angeles,” *Journal of Urban History* (2017), 3. Michael Flamm was one of the first historians to interrogate the politics of law-and-order as a concept in his research on the 1960s. Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2007). On the national police-community relations movement, see: Samuel E. Walker, “The Origins of the Police-Community Relations Movement: the 1940s,” *Criminal Justice History* (1) (1980): 225-246.

acts” and “modernizing carceral machinery to increase procedural protections, decrease discretionary decisions, and insulate the system from arbitrary bias.”<sup>2</sup> A long-term outcome was the creation of “colorblind” institutions, which failed to account for racism as “a systemic problem rooted in specific social practices and pervading relations of political economy and culture.”<sup>3</sup>

Liberal law-and-order surfaced in Milwaukee, as it did nationally, out of white political fears about Black and Latinx dissent during World War II. Federal demands for urban pacification amid a series of “race riots” in manufacturing cities joined growing calls to address white vigilante terror, which belied America’s democratic self-image at a time when the country was looking to define itself against fascist and communist governments abroad. As such, liberal law-and-order was centered on making police agencies more value-neutral, procedurally fair, and proactive as peacekeepers, in addition to being more accessible to a wider range of middle class community stakeholders.

Between the 1910s and 1930s, the MPD achieved a global reputation for crime control efficiency, innovation, and professionalism. It earned that reputation despite ongoing clashes with striking workers and radical political parties, as well as mounting charges of discriminatory policing by African Americans. Two police chiefs—Joseph Kluchesky (1936-1945) and John Polcyn (1945-1957)—revised and extended the MPD’s elite status among powerful national observers, policing experts, and local constituents. By employing new administrative reforms, such as introducing a “race and human relations” training course (1945), founding the Youth Aid Bureau (1946), and establishing a Police Aide program (1952) that directed high school students towards law enforcement careers (and away from delinquency), the MPD emerged as a national leader in the “police-community relations movement.”

However, the MPD’s exceptional, or differential treatment of Black residents was part and

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<sup>2</sup> Murakawa, *The First Civil Right*, 11.

<sup>3</sup> Murakawa, *The First Civil Right*, 11.

parcel of maintaining its rank atop the U.S. policing ladder. Expanded Black migration to Milwaukee, and the assumed potential for African American youth, workers, and the poor to foment social disorder, violent crime, and political agitation in the traditional white ethnic metropolis gradually became the MPD's main focus in the late 1940s and 1950s.

Liberal law-and-order was an imperfect political project—one that struggled to shift the behavior of law enforcement officers and measurably reduce tensions in the postwar city. It was a shallow institutional response to much deeper historical issues of white capitalist hegemony and policing's essential objective of racial and class control. While it expanded police power, most administrators and rank-and-file officers rejected liberal law-and-order approaches in the moment, arguing that their agencies should play, at best, a minimal role in addressing “the underlying economic and social causes for racial tension.”<sup>4</sup> Liberal law-and-order advocates, conversely, saw a vigorous role for police in advancing social and economic stability in service of crime prevention. The MPD's espousals of liberal law-and-order tried to answer the stark racial demographic changes brought on by the war. In large part, its police chiefs responded to growing ethnic white anxieties around the threat of Black mobility, job competition, and the prospects of interracial encounters.<sup>5</sup> Many white residents feared how the city's growing African American population would impact their privileged status within the civic hierarchy based on historically ingrained racist assumptions.

As such, the MPD's embrace of liberal law-and-order converged with the postwar city's

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<sup>4</sup> International Association of Chiefs of Police, Bulletin no. 5, “Civil Disorders and Other Emergencies” (July 1945), 2-5. On the phrase “law enforcement liberalism,” which is basically interchangeable with “liberal law-and-order,” see: Lombardo's *Blue Collar Conservatism*. An important distinction, however, is that the law enforcement liberalism detailed by Lombardo in the 1960s appeared more focused on identifying political avenues for police accountability in the 1960s as a means of guaranteeing racial pacification. Timothy J. Lombardo, *Blue Collar Conservatism: Frank Riordan's Philadelphia and Populist Politics* (Philadelphia: University of Pennsylvania Press, 2018), 51-52, 60.

<sup>5</sup> The MPD vigorously enforced racial boundaries, sometimes forcibly removing white women from Milwaukee's Sixth Ward area. Barring interracial fraternization and sex was a top-down directive. That is, until young white women told the police that they had a constitutional right to socialize with Black citizens. “You'd be surprised how many white girls come into the Sixth Ward area... We used to stop them and chase them home. But we can't do that anymore. They stand on their constitutional rights, and they are right. We cannot legally do anything about it.” “Polcyn Given Added Police,” *The Milwaukee Journal*, November 12, 1952.



white supremacist racial and class politics, encouraging a volatile social climate and eventual turn towards a more reactionary version of law-and-order as Milwaukee's Black population grew in the 1960s.<sup>6</sup> A citywide emphasis on racial acculturation, at the expense of racial justice, informed this trajectory. In the 1940s and 1950s, the MPD selectively embraced colorblind rhetoric and policies geared towards bringing acculturated Black citizens more firmly into the department's ambit of order maintenance policing; racial pacification was the intended effect.<sup>7</sup> It did so without relinquishing its state-sanctioned authority or the MPD's primary task of defending Milwaukee's white-prescribed social, economic, and political hierarchies. Consequently, the MPD embraced liberal law-and-order principles at the same time that many of the department's line officers denigrated Black life and culture as fundamentally backward and criminogenic. Their discretionary actions took the form of harassment, intimidation, and brutality. The rising, disproportionate number of police stops, arrests, and detentions of African Americans in this period reinforced Black Milwaukee's racial derogation in the eyes of white city officials and residents, and was amplified in the conventional press, creating a cycle of Black criminalization that ostensibly mandated further police attention. Liberal law-and-order policing, therefore, helped to exacerbate racial disparities more than it instilled equal enforcement.

The approach simultaneously supported and relied on Milwaukee's wider project of Black "cultural adjustment" to succeed. The MPD was responsible for ensuring that cultural adjustment played out in an orderly fashion at street level. To prevail, it required Black middle class buy-in. Black-led organizations and welfare agencies, such as the Milwaukee branches of the National Association for the Advancement of Colored People (NAACP), Urban League (UL), and Young

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<sup>6</sup> This transition is explored in subsequent chapters. Shaping Milwaukee's changing racial and class politics in the 1960s were also the procedural civil rights revolution in the federal courts and the passage of the 1964 Civil Rights Act, which outlawed explicit discrimination in the U.S.

<sup>7</sup> "Cultural adjustment" refers to the formal process of acculturating Black, Latinx, and other migrants of color to the city's white European social, economic, and political conventions after World War II.

Women's Christian Association (MYWCA), lent the enterprise legitimacy.<sup>8</sup> Black professional leaders worked with white police administrators, city officials, and other municipal power brokers to mollify seemingly unruly Black migrants and temper their presumed criminality. Public assumptions of Black migrant criminality grew in relation to urban crime reporting and in reaction to a series of racially charged police-Black citizen encounters that garnered press attention. Black middle class leaders also looked to educate Black migrants on appropriate, or “respectable” behavior in the white ethnic city. For some, cultural adjustment was an appropriate means of racial uplift—one that also elevated their own civic and political standing with white officials. Yet, Black middle class professionals also found themselves in the precarious, often frustrating position of having to embrace white cultural norms, while also being asked by City Hall and liberal organizations to keep watch over poor and working-class Black conduct. This expectation resulted primarily from white assimilationist racism and, in part, civic responses to mounting street crime and episodes of police-Black community violence on Milwaukee's near north side.

Efforts to build equity for poor and working-class Black migrants through cultural adjustment, such as they were, failed. The adjustment program refrained from promoting white self-reflection and, thus, allowed systemic racism to proceed uninterrupted. White liberals in power and select members of Milwaukee's Black middle class viewed racism as rooted in individual behaviors. They, and other liberal voices throughout the country, believed that racial assimilation best resolved issues like neighborhood overcrowding, employment discrimination, housing segregation, and police violence. Following the widely accepted logic of Swedish economist Gunnar Myrdal's book *An American Dilemma* (1944), they saw racism as a social formulation, not a power construct. White

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<sup>8</sup> Other social welfare agencies in Milwaukee included the Mayor's Commission on Human Relations, the Young Men's Christian Association, the Department of Municipal Recreation, the County Park Commission, the Housing Authority, the Department of Public Welfare, and Ministerial Associations. “Findings and Recommendations on the Welfare of Negroes and the Urban League,” 1-2, Box 155, Folder 1, “Human Relations (July-December, 1949),” Carl F. and Frank Zeidler Papers, 1918-1981, Manuscript Collection 352, Milwaukee Public Library.

bigotry resulted from the physical isolation, or “ghettoization,” of people of color. Black residents—in truth, forcibly confined to under-resourced, overcrowded, and environmentally hazardous enclaves—theoretically developed pathological behaviors as a result of their separation from white people. For liberal scholars like Myrdal, racism existed within individual hearts and minds. It could be eliminated through integration, cultural conformity, and “acquiring the traits held in esteem by the dominant white Americans.”<sup>9</sup> White Milwaukee officials, including Chiefs Kluchesky and Polcyn, emphasized fixing Black behavior ahead of addressing the economic underpinnings of racial inequality. Policing, therefore, helped engender disparate outcomes, while reinforcing narratives of racial difference. Racist ideas about Black life and culture bolstered the notion that Black people and spaces required exceptional police treatment.

Another impact of Black movement to Milwaukee was heightened white middle class anxieties around Black leisure-time pursuits and their supposedly nefarious influence. Activities like gambling, club-going, and house partying in the Sixth Ward carried the threat of interracial intimacy and an increase in public disorder.<sup>10</sup> Despite numerous white citizens engaging in the same activities, business and political leaders viewed Black leisure as a threat to modernization. Illicit Black behavior, they surmised, posed a hazard for the city’s “growth” agenda and a social threat to its white middle class sensibilities. Black migrants had limited political power to respond to racist accusations.

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<sup>9</sup> Myrdal argued that a “creed” united American citizens in an enduring quest for liberty, justice, and fair treatment. That “creed” upheld racial pluralism and encouraged coexistence. It required white Americans to recognize their shared responsibility in devising solutions to “the Negro problem.” Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* (New York: Harper, 1944), 928. However, Myrdal downplayed how systemic racial barriers reproduced and compounded poverty, joblessness, and crime in predominantly Black urban neighborhoods. In his review of *An American Dilemma*, Ralph Ellison observed that white scholars too often function as racial surrogates, as if black people “do not exist in the real world at all” and get caught up in “moral conflict” over control rather than in building “a democracy in which the Negro will be free to define himself for what he is and...for what he desires to be.” Ralph Ellison, “An American Dilemma: A Review,” 1944, *Teaching American History*, accessed January 11, 2015, <http://teachingamericanhistory.org/library/document/an-american-dilemma-a-review/>.

<sup>10</sup> The Sixth Ward refers to a political district of the Milwaukee Common Council. In 1940, 82.9 percent of African Americans lived in the Sixth Ward. 10.4 percent lived in the adjacent Tenth Ward, on the Sixth Ward’s southern border. Joe William Trotter, Jr., *Black Milwaukee: The Making of an Industrial Proletariat, 1915-1945*, 2<sup>nd</sup> ed. (Urbana: University of Illinois Press, 2006), 176.

Milwaukee's white ethnic majority held sway over elected officials, who continued to act on the behalf of white constituents when making decisions on matters like housing construction, urban renewal, and commercial redevelopment. Meanwhile, the MPD continued to safeguard the white middle and business class interests that established its exceptional status in the 1910s, 1920s, and 1930s, while bringing the white working-class more firmly into the fold as citizens worthy of protection. Police order maintenance was increasingly tied to monitoring poor and working-class Black comportment. In turn, perceptions of who deserved police protection grew more racialized. Thousands of white workers and families supported racist housing policies that funneled poor and working-class Black migrants into Milwaukee's aging, overcrowded, under-resourced inner city. Many of the same people took advantage of federal programs that subsidized suburban access, home ownership, and middle class security after the passage of New Deal housing reforms. In doing so, they barred African Americans from treading the same well-worn path to economic stability and freedom to pursue the "American dream."

Black middle class residents, too, expressed uncertainty about what the movement of seemingly low-skilled, comparatively poorer Black migrants meant for their tenuous social relations with white residents and the connections they had forged over decades with white Milwaukee officials. Black in-migration challenged the racial identity of a city that historically privileged white labor, business interests, property owners, and families, as well as the class-based identities of segmented Black professionals, who relied partially on the patronage of segregated Black workers. As Milwaukee's Black population mushroomed after the Second World War, an ever more fraught "triangular struggle for order" emerged among established Black leaders, recent migrants, and white residents of diverse class backgrounds. This triangular struggle—aggravated by the city's deepening racial apartheid—challenged the MPD's capacity for carrying out liberal law-and-order strategies and threatened the department's ability to project police power as racially-neutral or rooted in liberal

criminal justice imperatives. Rising social tensions, poverty, and reported crime on Milwaukee's near north side meant that police resources were directed towards this rapidly segregating area. Police power became ever more predicated on the efficiency with which law enforcement imposed social control and effected arrests in the city's Black neighborhoods. Because white MPD administrators afforded their overwhelmingly white officer corps ample discretion in police-citizen encounters, both racialized police violence and Black resistance to aggressive order maintenance policing became more pronounced. Many poor and working-class Black folk resisted their second-class treatment at the hands of the police. Youth crowd disruptions of MPD apprehensions, for example, served as a vital mode of defiance. Black youth challenged the central tenet of liberal law-and-order that African American juveniles possessed latent criminality.<sup>11</sup>

Nevertheless, African American professionals' opinions on Black migrant criminality stayed mixed. Old-guard leaders debated how best to assuage rising police-Black civilian tensions without sacrificing precarious relations with white politicians in City Hall. They could only restrain the intensifying anger and frustration of a growing number of working poor residents for so long. Intra-racial class dynamics began to shift after a white patrolman shot and killed an unarmed Black migrant, Daniel Bell, in 1958.<sup>12</sup> The killing raised the stakes of whether the community would take direct action to challenge white police abuse. Competing strands of Black political activism surfaced, setting up dual crises of police legitimacy and Black community leadership. Meanwhile, white civic officials were more concerned about defusing racial tensions than ensuring justice for a grieving family and irate citizens. While a lasting movement for police accountability had yet to coalesce, the basis for its organization over the course of the next two decades materialized. African American leaders in Milwaukee's civil and human rights community hoped to re-assert the terms of police

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<sup>11</sup> Carl Suddler, *Presumed Criminal: Black Youth and the Justice System in Postwar New York* (New York: NYU Press, 2019).

<sup>12</sup> The depths of this case of police malfeasance would not come fully into light for decades.

power under a liberal law-and-order framework in the throes of mounting Black dissent. Milwaukee's narrative of policing exceptionalism was showing weakness, as more Black citizens decried police violence. They posed a legal and institutional danger to a police bureaucracy whose order maintenance prerogatives depended on the MPD's image as a beacon of law enforcement. At the dawn of the 1960s, liberal law-and-order had lost much of its legitimacy among African Americans.

### *Law Enforcement Liberalism*

In the aftermath of World War II, liberals in Democratic president Harry Truman's administration avowed that America's existing criminal justice machinery required modernization, rationalization, and strengthening "in the name of racial progress."<sup>13</sup> Domestic and international imperatives contributed to liberal desires for police reform. Racialized police violence and "race rioting" gripped U.S. cities in the midst of wartime mobilizations and the attendant population shifts of the 1940s.<sup>14</sup> In this period, Americans paradoxically challenged fascism, genocide, and communism abroad while tolerating racial terror lynchings, police brutality, and prison exploitation at home, particularly in the Jim Crow South. Black civil rights activists and Popular Front allies on the Left exposed these incongruities.<sup>15</sup> In turn, the Truman administration ordered the formation of the President's Committee on Civil Rights (PCCR) in 1946 to investigate and report on the "disturbingly high" incidence of violence committed by white criminal justice workers and citizens

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<sup>13</sup> Murakawa, *The First Civil Right*, 67.

<sup>14</sup> Milwaukee was spared. However, the charged labor conflicts outlined in the previous chapter reflected a tumultuous dynamic between police, workers, and middle class residents of racially diverse backgrounds that heightened local fears of disorder.

<sup>15</sup> On the Popular Front and civil rights activism in the 1930s and early 1940s, see: Robin D.G. Kelley, *Hammer and Hoe: Alabama Communists during the Great Depression* (Chapel Hill: University of North Carolina Press, 1990). Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Cambridge, MA: Harvard University Press, 2003); Glenda W. Gilmore, *Defying Dixie: The Radical Roots of Civil Rights, 1910-1950* (New York: W. W. Norton & Company, 2008).

against groups of color. “Evils,” such as “violent physical attacks” on “members of minority groups,” the use of “third degree methods to extort confessions,” “brutality against prisoners,” “unwarranted arrests,” “unduly prolonged detentions,” and “search and seizure power” had finally caught the eye of federal officials as a national problem.<sup>16</sup>

Before World War II, “race rioting” was largely characterized by white mobs attacking Black and Latinx residents with limited police intervention.<sup>17</sup> In the 1940s, self-defense against police violence in segregated racial “ghettos” became the “race riot’s” defining feature.<sup>18</sup> As historian Stuart Schrader contends, such conflicts “were not only a problem at home, they had the potential to bring about intergroup clashes of a different order” abroad.<sup>19</sup> Racial violence could undermine U.S. influence with non-white foreign allies, lending international enemies “effective propaganda.”<sup>20</sup> Municipal police regimes, therefore, needed better training and tactics to prevent and combat domestic racial unrest, lest it threaten “Cold War civil rights” imperatives.<sup>21</sup> A handful of police reformers active in the International Association of Chiefs of Police (IACP) surmised that law enforcement had to rein in policies that explicitly endorsed racial hierarchy. Police social control tactics had long emphasized “race management,” in tandem with class control. But at a moment of Axis defeat and European imperial decline, preserving domestic racial hierarchies threatened the

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<sup>16</sup> The U.S. courts, according to the committee, were also behaving antagonistically towards Black citizens and undermining their civil rights. As the Truman Committee phrased it, “different standards of justice” produced “unjust convictions” against “unpopular minorities,” who were “sometimes convinced” they could not “expect fair treatment from the legal machinery.” President’s Committee on Civil Rights, *To Secure These Rights: The Report of the President’s Committee on Civil Rights* (Washington, D.C.: Government Publishing Office, 1947), 25-29.

<sup>17</sup> On U.S. rioting, see: Paul A. Gilje, *Rioting in America* (Bloomington: Indiana University Press, 1999).

<sup>18</sup> Early 20th century urban “race riots” were characterized by police racism. Police contributed to these disorders “through discriminatory law enforcement practices” that, as Samuel Walker argues, “kindled black resentment.” In the face of racial violence among citizens, police “were often passive in the face of white lawlessness.” Walker, “The Origins of the Police-Community Relations Movement,” 227.

<sup>19</sup> Stuart Schrader, *Badges without Borders: How Global Counterinsurgency Transformed American Policing* (Berkeley: University of California Press, 2019), 27.

<sup>20</sup> J. E. Weckler and Theo E. Hall, *The Police and Minority Groups: A Program to Prevent Disorder and to Improve Relations between Different Racial, Religious, and National Groups* (Chicago: International City Managers Association, 1944), 1

<sup>21</sup> Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2000).

potential of U.S. Leadership abroad. The federal state prepared to lead a global system of sovereign nations after the war, organized around principles of economic and political development.

Eliminating racism at home became “a geopolitical necessity.”<sup>22</sup>

To combat the racialized “lawlessness within police departments,” the PCCR called for their liberalization. They argued that U.S. police forces should proactively recognize and adhere to existing civil rights laws and colorblind ideas of equality. Embedded in the panel’s ambitious set of recommendations was federal support for state and local governments in administering civil sanctions against police brutality and mob violence. The committee advocated for the improvement of state and local police coordination with the U.S. Justice Department’s Civil Rights Division. Members called on police forces to defend civil rights laws and create “new police training programs” that “indoctrinate[d] officers with an awareness of civil rights problems.” The PCCR looked to ensure “proper,” race-neutral police treatment of citizens “arrested and incarcerated in local jails.” It also suggested raising police salaries, so departments could “attract and hold competent personnel.” Finally, the committee recommended passage of a federal law “specifically directed against police brutality and related crimes.”<sup>23</sup> This liberal push for procedural police justice and fairness at the federal level meant raised expectations for accountability among vulnerable local populations threatened by discriminatory policing, abuse and neglect.

While the PCCR’s final report, *To Secure These Rights* (1947), influenced liberal efforts to

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<sup>22</sup> Liberal understandings of inter-group relations became axiomatic in the police-community relations movement of the 1940s. Federal agencies, like the CIA, also worked with state and local police departments to export the movement’s liberal ideals abroad, going so far as to train international defense forces on how to “serve and protect” Americanism and the new global capitalist order. Schrader, *Badges without Borders*, 28. Anti-communist liberalism, as outlined in texts like Gunnar Myrdal’s *An American Dilemma*, provided a framework for police-community relations proponents seeking to rid police departments of bias. Myrdal’s influential tome held that racism could be overcome by appealing to individual hearts and minds and relied on colorblindness to solve the problem of prejudice.

<sup>23</sup> The federal statute, the Committee stated, “should enumerate such rights as the right not to be deprived of property by a public officer except by due process of law; the right to be free from personal injury inflicted by a public officer; the right to engage in a lawful activity without interference by a public officer; and the right to be free from discriminatory law enforcement resulting from either active or passive conduct by a public officer.” *To Secure These Rights*, 156-158.



reform policing and the nation's wider criminal justice system in response to the urban uprisings of the 1960s, it landed with a thud in Congress. Long-standing political divisions within the Democratic Party over race and civil rights blocked the committee's recommendations from seeing federal enactment. Reactionary Cold War fears over the global containment and domestic infiltration of Soviet Communism amplified those divisions. However, the report also disappointed most racial progressives, who believed the PCCR had not gone far enough to prevent "the larger system of racial violence" described by groups like the National Negro Congress and Civil Rights Congress in the 1930s.<sup>24</sup> In failing to address racism from a systemic vantage point that accounted for racist economics and policy, the committee merely "framed 'the crime problem' as a subset of 'the Negro problem.'" This helped advance the conservative logic that "racial liberalization" of the law and federal support for civil rights had a "criminological effect" on Black citizens.<sup>25</sup> Coming from different directions, northern liberals and reactionary southern Democrats aligned on the belief that "state-recognized civil rights" and Black criminal behavior were connected.<sup>26</sup>

The criminal justice reforms outlined by the PCCR embraced the New Deal's most democratic impulses. It placed a discernible focus on expanding human rights through procedural fairness. The committee reflected the gaining civil rights demands of African Americans, as well as the political imperatives of the nation's emergent position as a global superpower. However, as Black Studies scholar Naomi Murakawa persuasively argues, the Truman Committee functioned

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<sup>24</sup> As progressives on the left argued, *To Secure These Rights* "depoliticized" private white lawlessness and police complicity as it related to extralegal violence. The committee disconnected white vigilante violence and police collusion from a racist criminal justice system that continued to link blackness to criminality. It separated the worst, most visible aspects of racist violence perpetrated by white citizens, such as racial terror lynchings, from the nation's larger carceral machinery.

<sup>25</sup> In other words, civil rights activism required equal criminal punishment. This included Black resistance to overly-aggressive order maintenance policing in racially changing cities like Milwaukee. In that city, the conservative view of postwar civil rights enforcement came into sharper focus during the civil rights insurgencies and counter-insurgencies of the 1960s, as Police Chief Harold Breier blamed Black-led demonstrations for the city's rising crime rate, while also rejecting liberal law-and-order's more egalitarian pretenses.

<sup>26</sup> Northern liberals saw improved civil rights enforcement, or liberal law-and-order, as a solution to urban disorder, while southern Democrats saw the expansion of civil rights as a cause for sustained discord.

within “a specific grammar of racism.” That syntax began from the position that racism itself was an inherent “misconception,” or “an emotional misfire.” Liberal Democrats held that bigotry was “seemingly lodged in individual police officers,” who were “afflicted by stereotypes and irrationalities.”<sup>27</sup> Police chiefs who subscribed to liberal law-and-order, therefore, aimed to diminish the capacity for “bad apples” to “contaminate” an otherwise virtuous policing mission. That mission was focused on preserving social order and protecting the “first civil right of citizens,” or “the right to safety and security of the person,” in a procedurally just and colorblind fashion.<sup>28</sup> They never saw their “progressive” departments as drivers of racial inequality or injustice. Liberal law-and-order was, chiefly, a project of police order maintenance and social control. As this chapter contends, understanding the “grammar of racism” that liberal law-and-order trafficked in is essential to understanding why police accountability has proven so elusive for African Americans in Milwaukee.

The PCCR drew on the existing efforts of reform-minded police chiefs and liberal advocates to control racial unrest and improve police-community relations in postwar cities undergoing dramatic social and economic changes. Milwaukee played a role in this process, helping to spearhead the national police-community relations movement of the mid-1940s. The city’s police chief, Joseph Kluchesky, emerged as a leading advocate for police-community relations.<sup>29</sup> Under his guidance, the MPD experimented with and applied liberal law-and-order principles. Kluchesky expounded on

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<sup>27</sup> Jordan T. Camp and Christina Heatherton, “How Liberals Legitimate Broken Windows: An Interview with Naomi Murakawa,” in *Policing the Planet: Why the Policing Crisis Led to Black Lives Matter*, Jordan T. Camp and Christina Heatherton, eds. (New York: Verso Books, 2016), 228. In the above interview, as well as in her own text, *The First Civil Right* (2014), Murakawa makes the point that post-World War II crime policy was not simply about racial conservatives pushing for more aggressive policing, prison expansion, and longer sentences for criminal offenders. Racial liberals, too, “aimed to build the bias out of the criminal justice system with more procedural rights, more guidelines, more formal protocols in everything from arrest to sentencing calculations.” *Policing the Planet*, 229-230.

<sup>28</sup> *To Secure These Rights*, 20; Murakawa, *The First Civil Right*, 2-3. There is, of course, nothing wrong with police attempting to meet expectations of democracy and to eliminate prejudice within the workplace and criminal-legal system on its face. However, that the U.S. was founded on and governed around a system of racial capitalism—from the earliest enslavement of West Africans in the 17th century to the coercion of Freedmen into debt peonage after Emancipation to punishing Black bodies and exploiting them through convict lease systems and the mass incarceration crisis of today—has remained a lingering problem.

<sup>29</sup> Walker, “The Origins of the Police-Community Relations Movement,” 234.

existing theories about police-minority relations and the importance of exercising colorblind strategies and internal regulations that respected civil rights law. American Council on Race Relations (ACRR) staff member J. E. Weckler and Wilmette, Illinois Police Chief Theo Hall first warned in 1944 that “new job opportunities for members of minority groups...competition among workers for war-scale consumer goods, housing, transportation, recreation” might lead to “increased antagonism between racial, religious, or national groups.” Police departments had the “heavy and complex burden” of both “maintaining civil rights and public order.” While they could not “control or solve the basic causes,” it was, Weckler and Hall argued, incumbent upon them to work with other city agencies to address “the broad problems related to housing, recreation, transportation, and so on.” Not doing so meant “deaths and injuries, extensive property destruction, and severe damage to public morale.”<sup>30</sup>

Chief Kluchesky incorporated these liberal suppositions about social control, interagency cooperation, and “protecting every citizen’s civil rights” through “strict neutrality” into Milwaukee police academy trainings. His overarching goals were to proactively defuse inter-group tensions, prevent opportunities for civil disorder, and maintain a positive police image. While Weckler and Hall called for the establishment of “race relations” units, Kluchesky chose not to pursue this step.<sup>31</sup> In addition to monitoring racial unrest, he paid even closer attention to “juvenile delinquency,” or the behavior of legal minors who committed crimes, as well as the police department’s vice containment activities, particularly on the increasingly Black near north side. Kluchesky’s successor, John Polcyn formalized several of his predecessors liberal law-and-order ideas and initiatives when he was named to lead the MPD in 1945.<sup>32</sup> For instance, Polcyn founded the MPD’s Youth Aid

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<sup>30</sup> Weckler and Hall, *The Police and Minority Groups*, iii.

<sup>31</sup> Weckler and Hall, *The Police and Minority Groups*, 16.

<sup>32</sup> Chief Polcyn began his career with the MPD as a patrolman in 1916. For four years, he served in the U.S. Marine Corps. That experience shaped, what admirers considered, his “military efficiency, obedience, sobriety, and good conduct. Prior to serving in the U.S. Marine Corps, Polcyn labored as a railroad worker and as a street car motorman. He ascended the ranks to sergeant, lieutenant, and captain, before being appointed by the MFPC as chief in 1945. Polcyn’s

Bureau in 1946, published a “race and human relations” training manual in 1951, and established a Police Aide program in 1952 that aided young people “of good moral character” in beginning law enforcement careers.<sup>33</sup> Police agencies around the country used the MPD’s liberal human relations training guide to instill lessons about race, order, and community relations.<sup>34</sup> Through their strategic embrace of liberal law-and-order, Kluchesky and Polcyn revised and updated Milwaukee’s narrative of policing exceptionalism, organizing it more deliberately around a race-neutral framework for social control. This was central to the wider development of police reform movements and America’s nascent turn towards police-community relations strategies. The MPD, again, provided a reform blueprint, as well as a reason for outside observers to consider it among the most exemplary police forces in the U.S.

Kluchesky’s emergence as a liberal law-and-order chief reflected the Milwaukee Social Democratic Party’s view in the 1930s that it was “more important to prevent crime than to punish criminals.”<sup>35</sup> He began his policing career as a District One patrolman in 1912, worked his way through the Traffic Bureau, and was eventually promoted to Superintendent of the Bureau of Identification in 1928. Kluchesky was the only Socialist ever named chief of police in Milwaukee. He served as a bodyguard for Mayor Daniel Hoan from 1922 to 1925. Kluchesky’s support for trade unions did not negate his allegiance to preserving law-and-order. When the MFPC appointed him chief of police in 1935, he was no less dedicated to order maintenance than Janssen and Laubenheimer before him. For instance, he ordered the aggressive suppression of street

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“vigilant, alert, and efficient” administration of the MPD, his state-sanctioned “independence” and “non-political policies,” and his “preventive crime measures and constructive social attitudes” earned him the respect of U.S. Senators, like Estes Kefauver of the Senate Crime Committee, and FBI Director J. Edgar Hoover. “Conferring of Diploma of Distinctive Public Service,” June 5, 1951, Box 94, Folder 5, “Police Department (1950-1951),” Carl F. and Frank Zeidler Papers.

<sup>33</sup> Civil Service Assembly of the United States and Canada, *Personnel News*, March 1952, Box 94, Folder 7, “Police Department (1953-1954),” Carl F. and Frank Zeidler Papers.

<sup>34</sup> Milwaukee Police Department, *Annual Report*, 1955, Appendix, vi.

<sup>35</sup> Mayor Daniel Hoan to Minnesota Attorney General Harry H. Peterson, May 28, 1935, Folder 668, “Police Department, 1934-1940,” Hoan, Daniel Webster Papers, Mss-0546, Milwaukee County Historical Society.

demonstrations, including a 1938 rally aimed at “a group of Nazi agents, spies, and dupes” around the Milwaukee Auditorium. Police expressing “Nazi and anti-Semitic sympathies,” reportedly engaged in “mass arrests, bullying and abuse,” including “several cases of extreme brutality.”<sup>36</sup> Kluchesky also lent the MPD’s services to county sheriffs working to put down a strike at the Allis-Chalmers manufacturing plant led by the Congress of Industrial Organizations in 1939.<sup>37</sup> His racial politics mirrored the mixed views on race held by members of Milwaukee’s Social Democratic Party; Kluchesky was no less a product of the white supremacist cultural milieu that shaped his political counterparts. For years he was a member of the “blackface comedy team” Johnson and Jackson, which performed at “Socialist Party vaudeville shows.”<sup>38</sup>

Despite harboring and presenting the culturally racist views of the day, Kluchesky outwardly championed the improvement of race relations within the police department, and among white residents and African Americans out of a perceived need for order maintenance. He went so far as to draft essays on the subject, which were read widely and embraced by other police chiefs seeking to temper racial conflicts or the potential for unrest in their cities. Following his 1945 retirement, Kluchesky served as an in-demand public speaker. He delivered lectures on race relations and juvenile delinquency before organizations like the International Association of Chiefs of Police (IACP), where he was also a one-time president. Kluchesky also served on the National Advisory Committee on Social Protection of the Federal Security Agency and worked as a special consultant for the ACRR.<sup>39</sup> For nearly a decade after retiring from the MPD, Kluchesky taught courses at the

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<sup>36</sup> The Milwaukee Union Industrial Council, who filed a complaint with the MFPC, demanded, among other calls, for an immediate investigation of the department and its relationship to Nazi sympathizers and for action to be taken against those who engaged in brutality. Milwaukee Union Industrial Council to Milwaukee Fire and Police Commission, November 7, 1938, Box 3, Folder 15, Fire and Police Commission, 1936-1939, Daniel Webster Hoan Mayoral Records, 1909-1987, City of Milwaukee Archival Collection 8, Milwaukee Public Library.

<sup>37</sup> Milwaukee City Attorney to Chief Kluchesky, June 13, 1939, Box 6, Folder 4, Police, 1932-1940, Daniel Webster Hoan Mayoral Records.

<sup>38</sup> Joseph Kluchesky biographical narrative, Box 22, Folder 10, “Police Department, 1942-1948,” John L. Bohn Mayoral Records, 1937-1951, City of Milwaukee Archival Collection 16, Milwaukee Public Library.

<sup>39</sup> “Understanding Attitude toward Minority Groups,” International Association of Chiefs of Police Annual Conference,

Federal Bureau of Investigation's (FBI) National Police Academy.<sup>40</sup> His lectures on police-community relations further bolstered the MPD's national standing as an innovative, reform-oriented police force. In effect, Kluchesky became one of the most sought after instructors on liberal law-and-order. National audiences, including the NAACP, applauded his willingness to speak on "group tensions" stemming from "prejudices against racial and religious minorities."<sup>41</sup>

To ensure that peace was maintained according to a liberal law-and-order ethos, Chief Kluchesky called on MPD personnel to follow a series of actionable steps. Law enforcement was to provide citizens with equal protection of civil and property rights and receive complaints with "no thought of difference." They were to follow "special procedures" when reporting incidents with "racial or religious implications." To "dispel tensions before they result in violence," he argued police should reach out to existing community organizations concerned about "racial and religious matters." Police personnel had to maintain working relationships with government agencies and commissions concerned about "inter-group relations." There was also a need to conduct human relations trainings with officers, involve specialists in the field, and instruct them on how to "observe and recognize signs of approaching trouble," as well as how to handle "mobs, riots, and other emergency situations." Rank-and-file officers should report published promotions of "prejudice against racial, religious and nationality groups" to police administrators for FBI investigation, and any information concerning hostile groups so that "meetings can be watched closely" and "proper action can be taken." Significantly, law enforcement had to work with school principals to recognize inter-group tensions and call the police as needed. Finally, police administrators must provide personnel with a complete list of applicable human relations laws and

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December 11, 1945; "Police Attitude toward Juvenile Delinquency," 1940, Folder 669, "Police Department, Chief Joseph Kluchesky, 1938-1940," Hoan, Daniel Webster Papers.

<sup>40</sup> Alexander B. Elkins, "Battle of the Corner: Urban Policing and Rioting in the United States, 1943-1971" (Ph.D. diss., Temple University, 2017), 124.

<sup>41</sup> Joseph T. Kluchesky, "Police Action in Minority Problems," 1, "Police Brutality General, 1954-1955," Papers of the NAACP, Part 18, Special Subjects, 1940-1955, Series C: General Office Files: Justice Department-White Supremacy.

ordinances.<sup>42</sup> The civil rights and liberties of individual citizens were to be respected and protected.

Kluchesky essentially formulated a prototypical version of “community policing” that positioned law enforcement as not only the front-line guardians of life and property, but of “democracy itself.”<sup>43</sup> In doing so, he connected police-community relations, social welfare, and order maintenance. Building bridges to Black-led community groups, like the MUL and MNAACP, required buy-in from African American leaders. The chief suggested that police administrators assign “qualified members of the department to participate in group discussions dealing with housing facilities, recreational centers, parent-teacher relations, and other projects designed to improve conditions for the under-privileged.”<sup>44</sup> In this way, the MPD was among the first police agencies to advocate for a broader social function in service of peacekeeping and crime prevention. As Kluchesky articulated, the police must conduct their duties with “an attitude of genuine sincerity and understanding, without bias or discrimination.”<sup>45</sup> The preservation of law-and-order hinged on the degree to which police personnel not only tolerated, but looked past ethnic, racial and religious differences. Only by “maintaining complete impartiality and protecting the civil rights of every citizen,” could law enforcement build “general trust” in police fairness. That trust was, “in times of critical tension,” the “only basis” on which police could “expect the cooperation of all groups in the prevention of disorder.” Fair-minded, face-to-face police interactions with diverse groups was, in Kluchesky’s view, a preventative cure for the “race riots” occurring across the U.S. in the 1940s.<sup>46</sup>

Chief Kluchesky lectured police on their responsibility to uphold the rights of all citizens, regardless of race. Achieving this colorblind vision meant acculturating non-white citizens to white

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<sup>42</sup> Kluchesky, “Police Action in Minority Problems,” 3-4.

<sup>43</sup> Christopher Lowen Agee, “Crisis and Redemption: The History of American Police Reform since World War II,” *Journal of Urban History* (2017), 5.

<sup>44</sup> Kluchesky, “Police Action in Minority Problems.”

<sup>45</sup> Kluchesky, “Police Action in Minority Problems,” 5.

<sup>46</sup> In 1943 alone, 47 cities reported 242 “racial battles.” Murakawa, *The First Civil Right*, 27. Thirty-four people died in Detroit’s “race riot” that year.

Milwaukee's established middle class order. City officials expected Black and Latinx migrants—mostly Mexican and Puerto Rican—to shed their “disorderly” cultural and behavioral traits, which elite white reformers, business interests, and blue-collar residents saw as at odds with the city's dominant order. Kluchesky himself admitted that police were “possessed of prejudices,” just like other members of the public. At the same time, he argued that police attitudes had to be vested with “impartiality” to meet policing objectives.<sup>47</sup> That the “effectiveness of a police force” was “largely determined by the attitude of individual officers,” indicated that race relations training should be thorough, recurrent, and lasting. The MPD enhanced its instructional schedule in the mid-1940s to include “race and human relations” courses as a response to civil unrest occurring in other U.S. cities.<sup>48</sup> In places like New York, Detroit and Los Angeles, police themselves instigated urban rioting by inflicting brutality against Black and Brown citizens. Civil violence elsewhere encouraged Milwaukee elected officials to seek proactive means of easing latent tensions around race, crime, and law enforcement. To do so, they relied on the MPD's exceptionalized reform orientation.

In truth, the MPD laid the groundwork for a revised liberal law-and-order approach before the PCCR began investigating the nation's criminal justice system. The department's embrace of law enforcement liberalism stemmed from its existing “juvenile delinquency” and vice control agenda. Racial pacification was merely an extension of the department's established social control program. The goal, it appears, was to cloak social control initiatives in a cover of racial neutrality so as to head off civil unrest, align with civil rights law, and preserve the police image in the face of both domestic and international criticism. For middle class reformers and civic boosters eager to expand economic growth in Milwaukee, the combination of vice, or morals offenses, and youth crime threatened the

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<sup>47</sup> Kluchesky, “Police Action in Minority Problems,” 1-2.

<sup>48</sup> White, Black, and Latinx servicemen vied over urban access and structures of opportunity in cities like Detroit, New York, and Los Angeles in the mid-1940s. Competition for jobs, housing, and resources occasionally turned violent and police attempted to forcefully restore order. More than anything, police-community relations served as a euphemism for racial pacification in the context of mounting urban unrest. Regaining control, not obtaining justice for minoritized victims of police violence or white vigilantism, fueled liberal law-and-order approaches.



city's modernization efforts. Youth crime control became a more critical function in the MPD's broader crackdown on immorality and vice; the two were linked. Public order maintenance around illicit vice and youth crime grew increasingly racialized as the 20<sup>th</sup> century progressed, especially as police and white civic actors tied race more closely to poor and working-class life. White Milwaukee's deep-seated fears about Black bodies, specifically the presumed sexual lusting of Black men for white women, lurked beneath the surface of the MPD's morals enforcement. Consequently, white anxieties around the taboo of interracial sex undermined the agency's capacity to instill racial fairness as prescribed by liberal law-and-order. The MPD, and the city more broadly, was more concerned about young white women falling prey to or simply congregating with Black men.

Monitoring youth crime had long been on the minds of police officials when the MPD revised its training procedures to mitigate opportunities for civil unrest in 1944. Chief Kluchesky established parameters for controlling "juvenile delinquency" as early as 1937, outlining the need for "a separate division of trained men and women for the handling of children in their contacts with the police department." The MPD featured a "juvenile activities, delinquency and crime prevention" course at Milwaukee's Police Training School as early as 1938.<sup>49</sup> The curriculum's language was race-neutral. However, it was not difficult to discern when the department referenced Black youth, given common depictions of Black migrants and the congested inner city streets that systemic white racism compelled them to occupy.<sup>50</sup> As Kluchesky wrote for the FBI's *Crime Prevention* newsletter:

Newcomers in a neighborhood are frequently found on the streets at night with nothing in particular to occupy their minds or bodies... Obviously it is to the advantage not only of the child itself, but to the police and the community as a whole, to have these children participate in supervised pursuits rather than to have

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<sup>49</sup> The Police Training School was established in the early 1920s under Chief Laubenheimer. "Juvenile Activities, Delinquency & Crime Prevention," 1938, Box 6, Folder 4, Police, 1932-1940, Daniel Webster Hoan Mayoral Records.

<sup>50</sup> As one historian argues, "the collateral effects of the inner core's dramatic overcrowding, deteriorating housing stock, and limited job opportunities was the increased presence of black residents in the city's public spaces." Simon Ezra Balto, "Occupied Territory": Police Repression and Black Resistance in Postwar Milwaukee, 1950-1968," *The Journal of African American History* 98 (2) (Spring 2013), 234; Jack Dougherty, *More than One Struggle: The Evolution of Black School Reform in Milwaukee* (Chapel Hill: University of North Carolina Press, 2004), 56.

them roaming the streets in search of mischief.<sup>51</sup>

Though not racially explicit, the chief presumed that youthful “newcomers” were predisposed to crime, or “mischief,” in his description. If left to their own devices, migrant children would seek out disorderly behavior. The language in police training materials on juvenile delinquency, while race-neutral, utilized descriptors and contextual markers that revealed when police meant Black youth. Young people on the near north side had the potential to become “police problems” if they were not guided towards police-sponsored centers, where they would be kept under law enforcement’s watchful eye. Otherwise, they might become “delinquent adults.” As Kluchesky noted, “juvenile behavior in any community” was a “fair barometer of adult behavior.” It was no surprise to police administrators that “conditions which bring about default in obligations of adults...reflected in undesirable behavior on the part of their children.”<sup>52</sup>

To ward off “race riots” similar to those experienced by Detroit in 1942 and 1943, Kluchesky worked to prevent interracial mixing. Inhibiting social disorder meant ensuring Black containment in the Sixth Ward and doing all the department could to prevent white residents from entering the vicinity. Police kept close watch of Black youth. Law enforcement viewed African American young people as the prime fomenters of unrest. As the FBI’s Milwaukee Field Division observed in 1943, “youthful Negroes” would “frequently band together in a crowd of from three hundred to four hundred, especially on weekends, and cause considerable commotion by yelling and shouting and forcing people off the sidewalks.”<sup>53</sup> Through coercion and other means, federal agents relied on African Americans to surveil their own people. As a Black informant reported to

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<sup>51</sup> Joseph Kluchesky, “Youth: A Homefront Challenge---Through Law Enforcement,” *Crime Prevention*, FBI Law Enforcement Bulletin (September-October, 1944).

<sup>52</sup> Kluchesky, “Youth.”

<sup>53</sup> Robert A. Hill, ed., *The FBI’s RACON: Racial Conditions in the United States during World War II* (Boston: Northeastern University Press, 1995), 165.

Milwaukee FBI agents, “if these individuals decided to roam the streets in the white residential areas, trouble might ensue.”<sup>54</sup> Black attorney George Brawley said police threatened white visitors to the Sixth Ward with vagrancy arrests if they did not exit the district. Black business-owners reported “many complaints” of white customers being called away from businesses by patrolmen, who ordered them to leave the area.<sup>55</sup> Chief Kluchesky denied these charges before Milwaukee Mayor John Bohn’s Committee on Interracial Relations, testifying to the department’s adherence to racial colorblindness. Youth control was interwoven with the liberal law-and-order imperative of racial pacification. In 1944, Kluchesky called for eradicating bias “from the minds of children.” Young people, he argued, offered “the most fertile field in which to plant the seeds of understanding and to uproot and destroy the weeds of religious prejudice and racial hatred.”<sup>56</sup> The chief encouraged Milwaukee youth to participate in Saturday morning classes at the Police Training School, which he saw it as a crucial preventative measure. The department not only taught young people that their diversity was “the foundation of American security, growth and progress,” but that they could trust the police as their “friend.” Improving the police image and instilling trust was at the heart of law enforcement liberalism. At the academy, young people learned about the police function and “necessity of maintaining law and order.” “The appeal of patriotism,” Kluchesky noted, was “strong with children” and must “be effectively utilized.”

Milwaukee police leaders viewed the threat of juvenile crime through a similar racial prism as illicit vice offenses—gambling, public drunkenness, and prostitution. Milwaukee’s vice markets flourished in the 1940s and 1950s, as historian Khalil Muhammad once framed it, “under a cover of blackness.”<sup>57</sup> Therefore, vice-related crime threatened the fundamental building block of moral

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<sup>54</sup> Hill, *The FBI’s RACON*, 165.

<sup>55</sup> “Ban on Whites Charge Denied,” *The Milwaukee Journal*, January 11, 1945, Part 2, 8.

<sup>56</sup> Kluchesky, “Police Action in Minority Problems,” 4-5.

<sup>57</sup> Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, MA: Harvard University Press, 2010), 226.

order: white middle class families. Police aggressively monitored opportunities for convergences of youth and vice. The MPD understood unsupervised minors and young adults to be susceptible to indecency, vice, and related public order offenses. In 1943, the Common Council passed the city's first youth curfew ordinance.<sup>58</sup> Milwaukee's police academy featured a course, "Juvenile Activities, Delinquency and Crime Prevention," in 1945. For trainees, "police interest in juvenile activities" was positioned as central to "the larger problem of 'crime prevention.'"<sup>59</sup> Actual arrests of minors in the 1940s matched the department's emphasis on youth control, particularly during World War II: 7,106 arrests in 1943, 6,501 in 1944, and 6,302 in 1945.<sup>60</sup> Most of these were on non-violent traffic or pedestrian offenses. However, disorderly conduct arrests remained high at 1,582; 1,581; and 1,212 in that same span. Rising youth crime and attendant middle class fears about moral breakdown encouraged the MPD to enhance its institutional composition and strategic objectives. Consequently, it brought thousands of local youth under its purview.

Chief John Polcyn, like Kluchesky, embraced the blend of liberal law-and-order guidance and long established institutional independence that characterized Milwaukee's narrative of policing exceptionalism in the post-World War II era. Speaking before the United Spanish War Veterans at a 1946 conference, during his first year as chief, Polcyn referred to Milwaukee as "the home of law enforcement," a city "free of politics," where police "enforce the law impartially," and it is immaterial to law enforcement "what color, creed, or political belief you are." The MPD, he said,

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<sup>58</sup> In July 1943, the Milwaukee Common Council passed a "curfew ordinance" prohibiting all youth under the age of sixteen from "loitering upon public streets, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or any pubs places" from 12:00 p.m. to 5:00 a.m. Any minor under the age of eighteen years of age was prohibited from visiting, loitering, idling, wandering, or strolling in a hotel, lodging for rooming house between 10:00 p.m. and 7:00 a.m. without a parent or guardian. Between July 1943 and January 1945, 234 juveniles were arrested for violating the curfew ordinance; 158 were sent to the juvenile detention center; 69 were turned over to their parents; 17 were released. 155 parents were arrested for violating the ordinance, as well, with warrants issued in 38 of these cases. Police were called on to connect apprehended juveniles with social centers with the cooperation of parents. "Juvenile Delinquency Control Program as Operative in the Police Department of the City of Milwaukee, Wis.," Box 94, Folder 4, "Police Department (1948-1949)," Carl F. and Frank Zeidler Papers.

<sup>59</sup> "Juvenile Delinquency Control Program as Operative in the Police Department of the City of Milwaukee, Wis."

<sup>60</sup> Milwaukee Police Department, *Annual Report*, 1943-1945.

was “only concerned with individual behavior.”<sup>61</sup> Polcyn actualized much of Kluchesky’s vision for youth control when he established Milwaukee’s Youth Aid Bureau (YAB) in 1946. The YAB collaborated with other municipal agencies to monitor, rehabilitate, and discipline “juvenile delinquents.”<sup>62</sup> The public education system and MPD partnered to control youth behavior. Law enforcement was brought into schools by administrators to observe and, if necessary, arrest disorderly young people. The MPD, Milwaukee County Juvenile Court, and Department of Municipal Recreation and Adult Education oversaw the “Juvenile Delinquency Control Program.”<sup>63</sup> It should be considered part of the city’s wider cultural adjustment efforts. Juvenile justice agencies served a specific function within the criminal justice system, with the prevention and rehabilitation of allegedly criminogenic youth, particularly African Americans, serving as a mutual objective. The

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<sup>61</sup> Expecting Spanish American War veterans to partake in the city’s drinking culture, Chief Polcyn assured the them, “Wherever you meet a police officer, when you get tired of making the rounds of the breweries, he will take care of you.” Poor and working-class Black residents were offered no such assurances when encountering police while intoxicated. United Spanish War Veterans, “Proceedings of the Stated Convention of the 48th National Encampment, Milwaukee, Wisconsin,” August 4-8, 1946, 84.

<sup>62</sup> A “delinquent child” was defined by the “Children’s Code of Wisconsin” as “any child under the age of eighteen years who has violated any law of the state or any county, city, town or village ordinance; or who by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian; or who is habitually truant from school or home; or who habitually so deports himself as to injure or endanger the morals or health of himself or others.” “Juvenile Delinquency Control Program as Operative in the Police Department of the City of Milwaukee, Wis.,” The State Board of Control of Wisconsin, “Crime Prevention Bureau,” *The Rebuilder* 1 (1) (February, 1937), 124-125.

<sup>63</sup> Juvenile justice programs dated back to the turn of the 20th century. They were principally organized around rehabilitation. This shifted in the 1940s, as youth crime rose during World War II. As historian David Wolcott argues, “the general public increasingly regarded the treatment-oriented goals of juvenile courts as inconsistent with the practical demands of maintaining public order.” Fears, largely political and racial, gripped the nation. They manifested in press accounts of youth behavior and rising gang activity. Young working-class males formed street gangs against the backdrop of the era’s mass migrations. Reduced employment opportunities for teenagers and young men with limited schooling, combined with housing pressures associated with urban redevelopment, fostered youth gang formation. With fathers and male role models at war, boys, according to commentators, lacked paternal guidance. Girls, meanwhile, were seen as prone to sexual delinquency, evidently based on their desires for men in uniform. Chief Kluchesky once wrote that “in young girls, the craving for life and adventure is frequently satisfied by the man in uniform.” With mothers working outside of the home to support families and the war effort, writers of the time identified a breakdown in family and moral structures. In this context, cities called on the police to manage and get tougher on juvenile behavior. Chicago opened the world’s first juvenile court in 1899. Milwaukee followed soon thereafter, in 1902. Tera Eva Agyepong, *The Criminalization of Black Children, Race, Gender, and Delinquency in Chicago’s Juvenile Justice System, 1899-1945* (Chapel Hill: The University of North Carolina Press, 2018); David B. Wolcott, *Cops and Kids: Policing Juvenile Delinquency in Urban America, 1890-1940* (Columbus: Ohio State University Press, 2005), 55, 193-194. Some older male youths returned from war and applied their military training and arms expertise to gang warfare on city streets. This contributed to a rise in violent gang-related crime. On youth gang formation in the World War II and postwar era, see: Eric C. Schneider, *Vampires, Dragons, and Egyptian Kings: Youth Gangs in Postwar New York* (Princeton: Princeton University Press, 2001). Joseph Kluchesky, “Youth: A Homefront Challenge-Through Law Enforcement,” 5.

MPD enforced the state juvenile code at street level, apprehending offenders and referring cases to the city's juvenile court. Because police were "active throughout the city and familiar with conditions prevailing in all neighborhoods," public officials saw them as well positioned "to cooperate with other agencies."<sup>64</sup>

Youth control programs resulted in the unprecedented expansion of discretionary police surveillance, contacts, and arrests of Milwaukee young people. While overall juvenile arrests had decreased from wartime highs following the Youth Aid Bureau's formation, they saw a steady increase over the course of the 1950s.<sup>65</sup> Youth criminal supervision in Milwaukee during the 1950s corresponded with national patterns, as youth criminal justice supervision grew nationally by roughly 2.5 times from 1949 to 1957.<sup>66</sup> While the MPD did not report individuals' race in tabulations of youth crime between 1943 and 1956, it did thereafter. Racial disparities in arrests of minors widened as the postwar era progressed, alongside arrests of Black adults. Despite comprising between 4 and 8.5 percent of Milwaukee's population from 1950 to 1960, Black men and women comprised anywhere from 63 to 75 percent of all prostitution and commercialized vice arrests; 58 to 72 percent of all narcotics arrests; 51 to 82 percent of all gambling arrests; and 31 to 33 percent of all disorderly conduct arrests in the 1957 to 1960 period. Considering that at the outset of World War II Black youth represented slightly more than 1.4 percent of Milwaukee's youth population, they comprised 5.4 percent of all juvenile arrests from 1942 to 1944.<sup>67</sup> Detention rates reflected disparities in enforcement and arrests. Milwaukee House of Corrections records show that Black jailing went up from 14 to almost 33 percent between 1948 and 1960.<sup>68</sup> These numbers signified the high level of

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<sup>64</sup> "Juvenile Delinquency Control Program as Operative in the Police Department of the City of Milwaukee, Wis."

<sup>65</sup> 1959 was the only down year. Arrests of minors reached 3,526 in 1947, 3,789 in 1948, and 3,999 in 1949. These numbers dipped from 8,006 in 1958 to 7,401 in 1959, then rose again to 8,203 in 1960. By 1960, juvenile arrests reached 8,203. Milwaukee Police Department, *Annual Report*, 1958-1960.

<sup>66</sup> Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2016), 33-34.

<sup>67</sup> Citizens' Governmental Research Bureau, *Milwaukee's Negro Community* (Milwaukee: The Bureau, 1946), 19.

<sup>68</sup> Balto, "Occupied Territory," 237.

police attention paid to Milwaukee's near north side, and the increasingly anxious public discourse around race, crime, and safety. It is in these years that Milwaukee began trying to police its way out of a deepening "urban crisis," well before the 1960s.

Controlling youth crime aligned with the MPD's contributions to Milwaukee's "cultural adjustment" program. Black behavior, criminal or otherwise, was positioned by white civic leaders and police officials as a function of Black familial and cultural leanings. While City Hall liberals recognized that inequality made life difficult for Black citizens, they nonetheless pathologized Black behavior, rarely considering how government policies created differential outcomes and hardened segregation patterns. In 1952, for instance, a report drafted by the University of Wisconsin School of Social Work observed that Black migrants were "largely young adults," often men, who reproduced at comparatively high rates.<sup>69</sup> They moved into a congested "Inner Core" area of the city—its population characterized by low income, irregular employment, "sub-standard economic status," "poor health," "poor housing," "dependency," "low educational attainment," and "high delinquency rates."<sup>70</sup> Because these were similar problems, previously confronted by "other new arrivals," i.e. European immigrants, liberal committees like the Milwaukee Commission on Human Rights (MCHR) expected Black newcomers from the South to assimilate. Family and morality was at the heart of Black cultural adjustment. Black parents, researchers wrote, had "an obligation to provide for the young people of this community the opportunity to fulfill their desires and needs for social and cultural growth." The "influence of the family" was "very important" in explaining "delinquent behavior." "Insecure economic and social status coupled with inadequate living conditions" created a "family climate" that hindered the ability of Black youth to "meet and accept the responsibilities as

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<sup>69</sup> John W. Teter, "Report on a Survey of Social Characteristics of the Lower Northside Community," in Milwaukee Commission on Human Rights, *Annual Report*, 1956, 16.

<sup>70</sup> Teter, "Report on a Survey of Social Characteristics of the Lower Northside Community," 16.

well as the opportunities...put before them.”<sup>71</sup> Academic researchers suggested that anywhere “families of marginal income and social status” resided, “together with inadequate living conditions,” high delinquency rates resulted, including in white spaces.<sup>72</sup>

Yet, the MPD concentrated its enforcement strategies on the increasingly Black near north side. This did not automatically equate to police protection. Black families living there were already dealing with the social and economic vulnerability that came with systemic discrimination, experiencing a dangerous combination of overzealous policing and law enforcement neglect.<sup>73</sup> Moreover, youth crime was more complicated than it seemed for many Black citizens. For example, in 1952 Hillside Terrace public housing residents demanded better police protection in response to outside youths, non-tenants, “constituting a menace to the welfare and safety” of housing project residents. Youths inflicted “considerable loss” to property, broke off tree branches, smashed windows, and engaged in “acts of gross indecency,” tenants reported.<sup>74</sup> Black public housing residents pointed to a “lack of police protection” and “slow response” times as contributing factors. Their public safety concerns suggested all residents desired to live decent lives, secure in their “property” and “welfare.” However, the MPD did not administer its services fairly, despite its colorblind pronouncements. When protection was needed most, too many African Americans found it lacking. When police encountered “unruly” Black youth, they too often inflicted a “brutal and heavy hand.”<sup>75</sup> The behavioral racism that gave shape to disparate policing in Black spaces undercut the MPD’s efforts to address juvenile delinquency’s root causes.

White perceptions of Black cultural inferiority, economic deficiency, and inherent criminality

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<sup>71</sup> Teter, “Report on a Survey of Social Characteristics of the Lower Northside Community,” 14-16, 22.

<sup>72</sup> Teter, “Report on a Survey of Social Characteristics of the Lower Northside Community,” 23.

<sup>73</sup> Trotter, *Black Milwaukee*, 118.

<sup>74</sup> Richard Perrin to Chief Polcyn, July 15, 1952, Box 94, Folder 6, “Police Department (1952),” Carl F. and Frank Zeidler Papers.

<sup>75</sup> Balto, “Occupied Territory,” 231.



fueled competing forms of resistance to Milwaukee's "Negro influx."<sup>76</sup> These ranged from cross burnings on the lawns of prospective Black home buyers in all-white neighborhoods, to rampant employment discrimination, to City Hall write-in campaigns from white business-owners and residents fearful of Black crime waves. Narratives of racial difference lent white perceptions of Black migration legitimacy, as did racist ideas about interracial intimacy. White homeowners living in the unincorporated town of Granville, for example, exhibited "strong active resistance" to Black home-buying.<sup>77</sup> Business owners voiced fears about losing customers "because of the Negro trade," as well as "the safety and welfare of their wives and daughters while...working nights." Black men posed an apparent threat to their virile conception of white manhood. Police "overheard discussions concerning the fraternization of Negro men and white women." MPD officers warned "physical violence might erupt from such incidents." White families living in the Westlawn neighborhood also expressed fears about the "problem" of "non-white population movement into traditional all white communities."<sup>78</sup> Rumors swirled that the working-class housing project would be "either 100 percent black or predominantly of Negro occupancy." A white minister informed the Milwaukee Human Relations Commission that he would find a private school to send his daughter to, then argued [white] business owners might have been amenable to hiring "non-white employees who 'live in'" the city; that was "quite different from a non-white person living next door as a neighbor."<sup>79</sup> Integration for some white residents was not just a matter of decreasing home values or lost social prestige, but of perceived safety risks centered on Black criminality.

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<sup>76</sup> Inspector Hubert E. Dax to Mayor Zeidler, August 4, 1952, Box 94, Folder 6, "Police Department (1952)," Carl F. and Frank Zeidler Papers.

<sup>77</sup> Most of Granville was annexed by the City of Milwaukee in 1956. However, the recently incorporated municipality of Brown Deer also claimed a portion, with some residential support. The Wisconsin Supreme Court decided largely in Milwaukee's favor in 1962. Jenna Jacobs, "Granville," *Encyclopedia of Milwaukee*, accessed October 1, 2019, <https://emke.uwm.edu/entry/granville/>.

<sup>78</sup> Corneff R. Taylor to Mayor Zeidler, July 9, 1952, Box 155, Folder 5, "Human Relations (July, 1951-October 1952)," Carl F. and Frank Zeidler Papers.

<sup>79</sup> Box 155, Folder 5, "Human Relations (July, 1951-October 1952)," Carl F. and Frank Zeidler Papers.

White middle class reformers framed racial inequality in Milwaukee as a consequence of individual conduct and Black ghetto formation. Some middle class elites chalked up racial disadvantage in employment, housing, and education to interpersonal white bigotry, which gave shape to poor living conditions and, in turn, Black cultural pathologies and criminal behaviors. The psychological impact of assimilationist racism within individuals superseded the institutional racism that produced uneven racial structures and outcomes. As historian Simon Balto has observed, “rather than indictments of infrastructural non-investment or systematic inequality, rhetorics of moral failure, personal accountability, and racial responsibility” characterized public debates around Sixth Ward conditions after World War II.<sup>80</sup> As issues of overcrowding, poverty, and crime worsened during Milwaukee’s postwar housing crisis, an “emergent language of black moral failure” shaped police approaches to social control and order maintenance. The MPD arrested Black adults and youth at higher rates than white offenders who engaged in similar activities. Arrests on charges like “drunkenness,” “vagrancy,” “gambling,” “disorderly conduct,” and “suspicion” rose. Blackness was condemned and criminalized through the aggressive policing of leisure-time spaces, especially underground dance parties, jazz performances, and gambling halls.<sup>81</sup>

Vice control remained a significant concern for white middle class reformers in the 1940s. It merged with issues around youth crime and Black migration. More vigorous enforcement of vice-related crime in the Sixth Ward ensured that poor and working-class Blacks experienced disproportionate police stops, arrests, and detentions. Gambling arrests, for instance, surged during the wartime years, nearly tripling in 1942 and 1943.<sup>82</sup> White middle class reformers linked Black

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<sup>80</sup> Simon Ezra Balto, “The Laws of the Land?: Race, Policing, and Public Narratives of Working-class Black Criminality in Post-World War II Milwaukee” (Master’s thesis, University of Wisconsin-Madison, 2010), 25.

<sup>81</sup> Simon Balto, “Of Harlots and Hoodlums: Criminalization and Interracial Intimacy in Postwar Milwaukee,” *Milwaukee County Historical Society Newsletter* (2013-2014), 9.

<sup>82</sup> Despite frequent white participation in illicit games-of-chance, like policy, bingo, slot machines, and pinball, Black Milwaukeeans congregating around north side policy wheels faced the bulk of police monitoring. For example, they comprised over half of all gambling arrests from 1942 to 1944. The MPD “used vagrancy charges,” historian Eric Fure-Slocum notes, “to haul in street-corner policy runners and players, as well as those who had no visible means of

gambling arrests to lax parental supervision and the city's rising juvenile delinquency problem.<sup>83</sup>

Organizations like the Milwaukee Women's Club demanded vigilance from the MPD's Vice Squad in the Sixth Ward, especially around its Black-run "policy racket."<sup>84</sup> The MPD fleetingly allowed some vice activities to flourish on the near north side through the 1940s. Milwaukee's Black-run policy circuit was lucrative, and benefitted from police support. While low-level "numbers runners" and players faced occasional busts, some white patrolmen used their discretion to turn the other way for pay-offs.<sup>85</sup> The sympathies of liberal white reformers for the economic plight of poor and working-class Black migrants began shifting; the perceived immorality of Black newcomers tested their social tolerance. Progressive reformers expressed concerns about disorderly Black conduct. Innez Barr, of the Milwaukee Woman's Club, worked with the MUL to regulate vice in the Sixth Ward.<sup>86</sup> Her efforts to monitor Black leisure time activities reflected a gaining assimilationist racism that eventually formed the basis of Milwaukee's cultural adjustment program. The Youth Aid Bureau supported white middle class drives to reform Black behavior. Widespread anxieties also emerged around youth crimes of an interracial nature. Barr and other liberal reformers made connections between Black gambling, vice, and juvenile delinquency. This joined with FBI surveillance of young Black migrants.

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income." In 1944, Blacks comprised 64 percent of gambling arrests, as well as 19 percent of vagrancy arrests. Fure-Slocum, *Contesting the Postwar City*, 132. Black citizens represented only two percent of Milwaukee's total population. Citizens' Governmental Research Bureau, *Milwaukee's Negro Community*, 19.

<sup>83</sup> The Milwaukee Citizens' Governmental Research Bureau observed that Black juvenile arrests increased 37 percent between 1942 and 1944, and just 8.8 percent among white residents. On all non-traffic offenses reported during that span, Black adults comprised 7.5 percent of arrestees, 24.4 percent for serious crimes. Moreover, they constituted 54 percent of all vice and prostitution arrests between 1942 and 1944. "Serious crimes" included murder non-negligent manslaughter, robbery, aggravated assault, and burglary. Citizens' Governmental Research Bureau, *Milwaukee's Negro Community*, 19. Milwaukee Police Department, *Annual Report*, 1944.

<sup>84</sup> Policy was a lottery game of chance in which players bet on a number, or set of numbers, drawn throughout the day by an organization, or "policy syndicate." The game often employed a "policy wheel" to call numbers. The game appealed to Milwaukee's comparatively poorer black residents because it was low-stakes and, if victorious, a way to make some quick cash. Balto, "The Laws of the Land," 45-46.

<sup>85</sup> Money was power; influencing police decision-making helped Black policy "sharks," like Charles "Smoky" Gooden, bypass conviction when they got arrested. Gooden was arrested five times from 1933 to 1948. Balto, "The Laws of the Land," 46.

<sup>86</sup> Barr had supported the Scottsboro Defense Committee's efforts to free nine Black teenagers falsely accused of raping two white women in 1931. Citizens' Governmental Research Bureau, *Milwaukee's Negro Community*, 19; Fure-Slocum, *Contesting the Postwar City*, 132.

Federal police in Milwaukee kept a watchful eye on the potential for “wartime urban and racial unrest.”<sup>87</sup>

Police underprotection of African Americans, conversely, was the problem for some Black leaders. Undue vice and public order law enforcement confounded some Black clergy, whom City Hall liberals expected to help acculturate southern Black migrants. While Black middle class leaders disdained vice as much as white officials, they believed achieving public safety meant securing more equitable and discerning law enforcement. In 1948, Rev. W. J. G. McLin requested that Chief Polcyn provide a reasonable police presence in the Sixth Ward to curb gambling, loitering, and drunkenness.<sup>88</sup> Businesses that served liquor were concentrated on the near north side, feeding its image as an immoral space. McLin told Polcyn that Black Milwaukeeans did not participate in vice activities alone. The white press, he editorialized, unfairly targeted African Americans. “Does the mere question of color warrant so much extra space?”<sup>89</sup> Police tended to ignore Black requests for police assistance, unless the department faced accusations of wrongdoing or white citizens were involved.<sup>90</sup>

White middle class fears about rising moral disorder, juvenile delinquency, interracial intimacy, and Communism all blended together in the late 1940s and early 1950s. This convergence tested the MPD’s liberal law-and-order ethos, which called for officers to adhere to racial-neutrality and fairness in enforcing the law. White anxieties around Black in-migration, the susceptibility of youth to drugs and seemingly nefarious entertainment, and racialized press accounts supported notions of criminality among Black juveniles and young adult men. Racially-specific reporting worked in tandem with location-specific policing of youth on the city’s near north side. According to the MPD, “police interest in juvenile activities” was “justified” and “vital to the community”

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<sup>87</sup> Hill, *The FBI's RACON*, 160-166.

<sup>88</sup> Drunkenness arrests climbed rapidly in the 1940s, from 9,102 in 1943 to 16, 518 in 1948. Most occurred in the 12:00 a.m. to 3:00 a.m. range, typically outside of taverns. Griffenhagen & Associates, “City of Milwaukee, Report No. 10, the Police Department,” September 14, 1949, 23-24, Municipal Research Library, Milwaukee, Wisconsin.

<sup>89</sup> *The Milwaukee Globe*, October 23, 1948, 2; Balto, “The Laws of the Land,” 61.

<sup>90</sup> Balto, “The Laws of the Land,” 48.

because of “its relation to the larger problem of ‘Crime Prevention.’”<sup>91</sup> The injection of race into vice control made Milwaukee’s perceived morals crisis more acute for city officials who were already concerned about the city’s transitioning racial boundaries and related pernicious influences.

In 1948, lurid press depictions of “Bare Teenage Vice Orgies” among Black teens and young men and white teenage girls intensified the department’s juvenile control program. Newspapers made connections to the ascendant popularity of jazz music—a distinctly Black cultural art form that challenged minstrelsy and racist white interpretations of Black men as smiling, docile entertainers. One raid, in particular, resulted in the arrest of seven “jazz-mad” white teenage girls and nine “Negro men and boys,” said to be abusing “marijuana and liquor.”<sup>92</sup> In addition to policing interracial sex, the MPD’s Vice Squad aggressively enforced narcotics laws. Black young adults were perceived as harbingers of drug abuse in Milwaukee.<sup>93</sup> According to police, the girls, all from “good homes,” admitted “improper sexual relations with the Negro youths.” Four of the Black minors faced “sex delinquency” charges. The alleged leader of the “thrill ring,” Walter Beach, “deserved a severe sentence,” according to the Milwaukee County Assistant District Attorney, as he had “no regard for womanhood.” A judge sentenced the 18-year-old, who had no previous criminal record, to a two-to-three-year prison sentence at Green Bay reformatory “on charges of carnal knowledge and abuse of two white girls.”<sup>94</sup>

A second case stands out for the racialized nature of the public discourse it provoked and disproportionate number of Black arrests it produced. In April 1950, two concerned white women

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<sup>91</sup> “Juvenile Delinquency Control Program as Operative in the Police Department of the City of Milwaukee, Wis.,” 2, Box 94, Folder 4, “Police Department (1948-1949),” Carl F. and Frank Zeidler Papers.

<sup>92</sup> Federal Bureau of Narcotics Director Harry J. Anslinger argued that marijuana made people irrationally commit crimes and have sex. See: John C. McWilliams, *The Protectors: Harry J. Anslinger and the Federal Bureau of Narcotics, 1930–1962* (Newark: University of Delaware Press, 1990).

<sup>93</sup> Polcyn to Zeidler, June 22, 1951, Box 94, Folder 5, “Police Department (1950-1951),” Carl F. and Frank Zeidler Papers.

<sup>94</sup> “Given Terms in Sex Cases,” *The Milwaukee Journal*, December 16, 1948, Part 2, 1; “Round Up White-Black ‘Thrill’ Ring in Milwaukee,” *The Chicago Defender*, October 23, 1948, 5. On youth culture in postwar Milwaukee, see: Joe Austin, “Youth Culture,” *Encyclopedia of Milwaukee*, <https://emke.uwm.edu/entry/youth-culture/>.

wrote to Mayor Zeidler about a “rooming house” allegedly rented for “immoral purposes” on the near north side.<sup>95</sup> “White girls” exited the premises “in the early morning hours.” The “nuisance” property was “running wide open, despite repeated complaints.”<sup>96</sup> The women were frustrated that police made numerous arrests at the property, mostly of Black men and women, but not of the property owner(s). The racialized nature of the “immoral” behavior allegedly taking place heightened the criminal justice response. This was not merely an issue of commercialized vice among youths, but of the taboo practice of interracial sex. As Chief Polcyn wrote in a letter to the Milwaukee County District Attorney, “teenage white girls have been observed frequenting the premises,” with an “unusual amount of activity and traffic of both white and colored person going in and out.”<sup>97</sup> Subsequent police charges ranged from “disorderly conduct” to “soliciting for prostitution” to “lewd and lascivious behavior.”<sup>98</sup> The rooming house operator was eventually charged under the “Linley Law,” but not before police racked up a number of arrests.<sup>99</sup>

Judging by newspaper headlines in 1950, white civic elites saw Communism as every bit as threatening morally as interracial juvenile sex and prostitution. As the postwar “Red Scare” and McCarthyism neared its zenith, Wisconsin Communist Party (WCP) leaders challenged the MPD’s discriminatory policing on the near north side. On April 12, 1950, they registered a complaint with the MFPC that police were “terrorizing, intimidating, and penalizing” the “legitimate social and

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<sup>95</sup> The immoral purposes were prostitution and commercialized vice. The house was located at W. Meinecke Ave. and N. 6<sup>th</sup> St.

<sup>96</sup> The women blamed the city for “locking up” “children caught drinking” at “sex parties,” but not prosecuting rooming house operators. Katherine Yokos and Diane Beranek to Mayor Zeidler, March 28, 1950, Box 94, Folder 5, “Police Department (1950-1951),” Carl F. and Frank Zeidler Papers.

<sup>97</sup> Chief Polcyn to Milwaukee County District Attorney, April 20, 1950, Box 94, Folder 5, “Police Department (1950-1951),” Carl F. and Frank Zeidler Papers.

<sup>98</sup> Additional charges administered over the course of the year included “transporting for prostitution,” “leasing rooms for immoral purposes,” and “carnal knowledge and abuse.” Chief Polcyn to Milwaukee County District Attorney.

<sup>99</sup> From January 1949 to March 1950, the MPD arrested twenty-one people at the house, thirteen identified as “colored.” Chief Polcyn to Milwaukee County District Attorney. The Milwaukee County District Attorney eventually prosecuted the proprietor of the “disorderly house” under Wisconsin’s “Linley Law” (1913)—a Progressive Era statute that rendered owners or operators of alleged houses of prostitution criminally liable for commercialized vice. Paul H. Hass, “Sin in Wisconsin: The Teasdale Vice Committee of 1913,” *Wisconsin Magazine of History* 4 (2) (Winter, 1965-1966), 139-140.

personal relations” of white and Black citizens.<sup>100</sup> The complaint, filed months before the federal government passed the McCarron Act authorizing police to arrest and detain subversives, was prompted by the actions of a squad of officers.<sup>101</sup> The squad was presumably conducting political surveillance when it approached a white woman sitting in a parked car after “they observed two colored men dash” from the vehicle. The woman, WCP secretary Esther Eisenscher, informed police all was well. Fred Blair, WCP vice-chair, then approached the officers and asked for badge numbers, which Chief Polcyn says were provided.<sup>102</sup> As the squad left, the officers pulled over a truck for an alleged broken tail light. They then searched the vehicle of Mortimer Altman, “a known communist,” finding only “posters advertising the appearance in Milwaukee of Mrs. Eslanda G. Robeson at the Masonic Hall.”<sup>103</sup> The MFPC refused to accept the WCP’s discrimination complaint, arguing they “had to file formal, legal charges before any action could be taken by the Commission.”<sup>104</sup> The officers who supplied badge numbers denied “being in the vicinity” of the encounter between the squad and WCP members, stating, according to Polcyn, that they “cannot understand how their badge numbers could have been secured since they had absolutely no contact whatsoever” with the complainants.<sup>105</sup> The WCP’s demand for police accountability went nowhere. Regardless, their leadership soon went underground.<sup>106</sup>

Thereafter, Polcyn tightened the MPD’s vice control efforts. In 1950, he issued a directive to

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<sup>100</sup> Chief Polcyn to Milwaukee Fire and Police Commission, April 20, 1950, Box 94, Folder 5, “Police Department (1950-1951),” Carl F. and Frank Zeidler Papers.

<sup>101</sup> The Milwaukee Police Department, “A Guide to Understanding Race and Human Relations,” 1952, Milwaukee, Wisconsin, 16.

<sup>102</sup> Chief Polcyn to Milwaukee Fire and Police Commission, April 20, 1950, Box 94, Folder 5, “Police Department (1950-1951),” Carl F. and Frank Zeidler Papers.

<sup>103</sup> Robeson was an anthropologist, civil rights activist, writer, actor, and the wife of actor, singer, and activist Paul Robeson.

<sup>104</sup> Milwaukee Fire and Police Commission, Minutes, April 20, 1950, 2, Municipal Research Library, Milwaukee, Wisconsin.

<sup>105</sup> Chief Polcyn to Milwaukee Fire and Police Commission, April 20, 1950, Box 94, Folder 5, “Police Department (1950-1951),” Carl F. and Frank Zeidler Papers.

<sup>106</sup> S. Ani Mukherji, “Reds among the Sewer Socialists and McCarthyites: The Communist Party in Milwaukee,” *American Communist History* 16 (3-4) (2017), 138.

all personnel: It was “their duty and obligation...regardless of rank or specific assignment, to take proper action whenever...lewd, obscene or indecent performances” and “strip tease acts” came to their attention.<sup>107</sup> All were fair game for arrest. Those who failed to vigorously police vice and public order offenses would be “severely disciplined.” As the chief continued. “Milwaukee has always been known as a clean city with clean entertainment. This Department will leave nothing within its power undone to keep it so.” For many residents, including one who wrote to Milwaukee Mayor Frank Zeidler in 1951, it was “common knowledge” that the city had “one of the finest police department’s in the country.”<sup>108</sup> The force’s durable narrative of policing exceptionalism, as well as the city’s moral order, was on the line.

### *Policing the Late Great Migration*

The MPD’s embrace of liberal law-and-order was shaped by increasing Black migration during and after World War II. Black Milwaukee expanded from 8,821 residents in 1940 to 62,458 in 1960.<sup>109</sup> Black migration, and the mixed responses it generated, encouraged the city’s police department to enact new trainings on race and human relations that were meant to mitigate opportunities for civil unrest. However, liberal reforms from on high rarely translated into equitable police service and protection across Milwaukee’s color line. Poor and working-class Black migrants grappled with intensifying episodes of police mistreatment as their number grew. Chronic joblessness, under-employment, and poverty reinforced a perceived need for vigilant policing among

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<sup>107</sup> Chief Polcyn to All Police Personnel, May 25, 1950, “Order No. 2984,” Box 94, Folder 5, “Police Department (1950-1951),” Carl F. and Frank Zeidler Papers.

<sup>108</sup> Frank Evans to Mayor Zeidler, September 27, 1951, Box 94, Folder 5, “Police Department (1950-1951),” Carl F. and Frank Zeidler Papers.

<sup>109</sup> Milwaukee’s Black population grew to more than 105,000 in 1970. Although the city’s white population increased from 578,177 residents in 1940 to 675,572 in 1960, it contracted to 605,372 in 1970 and continued shrinking. Campbell Gibson and Kay Jung, “Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and Other Urban Places in The United States,” U.S. Census Bureau, Population Division, Working Paper no. 76 (February 2005), Table 50.



white city officials and residents, making it difficult for the MPD to live up to its liberal proclamations of racial neutrality. Opportunities for discretionary police misconduct on the near north side abounded as the city directed police resources towards Black spaces. Aggressive order maintenance policing became more noticeable as Black Milwaukee's population grew and its physical proximity became more constrained. This produced differential outcomes in the form of undue fines, arrests, detentions, and "juvenile justice" referrals. Responding to pressures applied by white social reformers and civic leaders, the MPD cracked down on public order offenses: drunkenness, vagrancy, and gambling. More serious violent crimes, such as murder, homicide, rape, and assault, also drew significant police attention. Several violent crimes involving Black criminal suspects in the mid-1950s were sensationalized in the press, creating a more frenzied atmosphere. Black criminalization disrupted interracial and intra-racial class dynamics among Black middle class residents, comparatively poorer migrants, and white liberals. Cultural adjustment was City Hall's response to resolving growing tensions around race, crime, and order maintenance.

Historian Paul Geib refers to Black Milwaukee's expansive population growth as the city's "late Great Migration," given that the bulk of African American migrants arrived later than in other cities.<sup>110</sup> Most Black newcomers to Milwaukee in the 1940s and 1950s hailed from Lower South states like Mississippi, Alabama, and Georgia.<sup>111</sup> Others travelled from Upper South or border states like Arkansas, Tennessee, and Kentucky.<sup>112</sup> Still, some made their way from the Lower Midwest, or previous migration destinations, like Chicago or Cleveland. Milwaukee's Black migrant population was young and largely male.<sup>113</sup> African American arrivals encountered a racist world, not all too

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<sup>110</sup> Paul Geib, "From Mississippi to Milwaukee: A Case Study of the Southern Black Migration to Milwaukee, 1940-1970," *Journal of Negro History* 83 (4) (Fall 1998), 231.

<sup>111</sup> Historian David Oshinsky describes the Lower South was a place "of violent moods and minimal restraint, where passion took precedence over the law." David M. Oshinsky, *Worse Than Slavery: Parchman Farm and the Ordeal of Jim Crow Justice* (New York: Free Press Paperbacks, 1997), 4; Trotter, *Black Milwaukee*, 150.

<sup>112</sup> Trotter, *Black Milwaukee*, 150, 285; Geib, "From Mississippi to Milwaukee," 231.

<sup>113</sup> John W. Teter, "Report on a Survey of Social Characteristics of the Lower Northside Community," in Milwaukee Commission on Human Rights, *Annual Report*, 1956, 16.

different in attitude and structure from the regions they left behind. Many poor white southern laborers also joined northward migrations. They added an overtly racist understanding of Black life and culture to an ethnically diverse white European city whose residents already subscribed to narratives of racial difference. Like earlier Black migrants, those participating in the city's late Great Migration sought economic opportunities and to escape the dehumanization and "white rage" that coursed through the Jim Crow South.<sup>114</sup> Economic opportunities pulled, while white racial violence and discrimination pushed tens of thousands of refugees north. The pressure of finding better jobs and freedom joined correlated factors, like improved educational access and secure voting rights.<sup>115</sup> Still, Milwaukee, like other northern migration destinations, betrayed a mix of hope and discontent. The city's racially divided terrain was at once wholly unfamiliar and eerily recognizable. While not all Black migrants experienced racial violence first-hand in the South, the threat of physical harm, either at the hands of white police or white neighbors, shaped Black yearnings for survival in Milwaukee. Still, with the relative availability of industrial, domestic, and hospitality work, many Black men and women made the best of their new circumstances.

Patterns of Black settlement in Milwaukee reflected those of other Midwestern cities attracting Black workers and families.<sup>116</sup> Legal and extra-legal acts of discrimination forced migrants

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<sup>114</sup> Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury USA, 2016).

<sup>115</sup> Following the federal government's abandonment of Southern Reconstruction, white "redeemers" methodically disenfranchised Black voters on a state-by-state basis. On state constitutional Black disfranchisement in the South, see: Michael Perman, *Struggle for Mastery: Disfranchisement in the South, 1888-1908* (Chapel Hill: University of North Carolina Press, 2001).

<sup>116</sup> Useful case studies on Black migrations to Chicago, Cleveland, and Detroit include: Arnold R. Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940-1960*, 3rd ed. (Chicago: University of Chicago Press, 1998); James R. Grossman, *Land of Hope: Chicago, Black Southerners, and the Great Migration* (Chicago: University of Chicago Press, 1991); Kimberly L. Phillips, *Alabama North: African-American Migrants, Community, and Working-Class Activism in Cleveland, 1915-4* (Urbana: University of Illinois Press, 1999); Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit*, rev. ed. (Princeton: Princeton University Press, 2005). Other notable works on Black migration history in America, both its first and second waves from the late 19th century through the 1970s, include: Allan H. Spear, *Black Chicago: The Making of a Negro Ghetto, 1890-1920*, 2nd ed. (Chicago: University of Chicago Press, 1968); Earl Lewis, *In Their Own Interests: Race, Class, and Power in Twentieth-Century Norfolk, Virginia* (Berkeley: University of California Press, 1993); Gilbert Osofsky, *Harlem: The Making of a Ghetto, Negro New York, 1890-1930*, 2nd ed. (New York: Harper & Row, 1971); Kenneth L. Kusmer *A Ghetto Takes Shape: Black Cleveland, 1870-1930* (Urbana: University of Illinois Press, 1976); Peter Gottlieb, *Making Their Own Way: Southern Blacks' Migration to Pittsburgh, 1916-30* (Urbana: University of Illinois Press, 1987); Shirley Ann Moore, *To Place Our Deeds: The African American Community in Richmond, California, 1910-1963* (Chicago:

to live in a spatially-confined area of mixed residential, commercial and industrial lands situated just north of downtown.<sup>117</sup> The federal government condemned Milwaukee's near north side through "redlining." A 1938 Home Owners' Loan Corporation (HOLC) map, for example, characterized it as grade "D," meaning it showed "detrimental influences in a pronounced degree," a "low percentage of home ownership," "very poor maintenance," "vandalism," and "an undesirable population" or "infiltration of it." The redlined perimeter of the area on federal housing maps signaled to mortgage lenders that they should refuse loans to area occupants, or otherwise proceed on "a conservative basis."<sup>118</sup> Black Milwaukee's territorial limits stretched slightly further north and west in subsequent decades, as more economically mobile white families, mainly of German and Jewish descent, departed the near north side for outlying neighborhoods and incorporated and unincorporated municipalities on the city's suburban fringes.<sup>119</sup> Only ninety Black Milwaukee families lived in majority white communities as of 1960.<sup>120</sup> As the MNAACP reported in 1958, "the ability to rent outside the accepted Negro community is practically impossible."<sup>121</sup> By 1945, the 135-block near north side area was about two-thirds Black. Although sixty-eight percent of the housing

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University of Chicago, 1996).

<sup>117</sup> In 1940, Black Milwaukee's boundaries extended from 3rd St. on the East to 12th St. on the West, State St. on the South to Wright St. on the North. "Inner Core," is the verbiage public officials came to use to identify Milwaukee's near north side—a racially segregated Black inner city space that both federal and local government agencies helped create through discriminatory housing and zoning policies in collaboration with white real estate interests and private citizens. The Sixth Ward refers to a political district of the Trotter, *Black Milwaukee*, 176; "Final Report to the Honorable Frank P. Zeidler, Mayor, City of Milwaukee," Mayor's Study Committee on Social Problems in the Inner Core Area of the City, Milwaukee, Wisconsin, April 15, 1960.

<sup>118</sup> "Milwaukee County, Wisconsin 1938," American Geographical Society Library Digital Map Collection, accessed September 17, 2019, <https://collections.lib.uwm.edu/digital/collection/agdm/id/3028/>; "Explanation," 2, "Text to accompany "Map of Milwaukee County, Wisconsin: residential security map" 1938," American Geographical Society Library, accessed September 17, 2019, <https://uwm.edu/libraries/wp-content/uploads/sites/59/2015/03/Pages-1-59-Text-to-accompany-Map-of-Milwaukee-County-Wisconsin-residential-security-map-19381.pdf>.

<sup>119</sup> On how these processes of neighborhood demographic change and ethnic displacement played out at the local level in nearby Chicago, see: Amanda I. Seligman, *Block by Block: Neighborhoods and Public Policy on Chicago's West Side* (Chicago: University of Chicago Press, 2005).

<sup>120</sup> Milwaukee's Black population was 62,485 in 1960. Sylvia Bell White and Jody LePage, *Sister: An African American Life in Search of Justice* (Madison: Wisconsin University Press, 2013), 164-165.

<sup>121</sup> Milwaukee Branch, NAACP, "Problems facing the Negro in Milwaukee," April 17, 1958, 2, Folder, 009055-012-0271, Papers of the NAACP, Part 25--Branch Department Files, Series C--Branch Newsletters and Printed Materials, 1956-1965.

stock Black families occupied in 1946 was considered to be sub-standard by the state, proud Black homeowners and renters meticulously cared for the properties they inhabited. Nevertheless, housing deterioration grew more severe in the late 1940s and 1950s as segregation hardened. This encouraged civic disinvestment.

The opening of defense jobs to Black workers in the 1940s sparked Milwaukee's late Great Migration. Wartime enlistments produced high labor shortages, generating economic opportunities for Black workers previously shut out of manufacturing positions.<sup>122</sup> With white labor shortages and equipment demands increasing, a greater share of Black workers accessed skilled and semi-skilled positions. Industrial labor opportunities sometimes served as stepping-stones into civil service careers, like policing.<sup>123</sup> Although racist hiring practices and union discrimination denied Black laborers industrial employment at the start of the 1940s, wartime necessity and civil rights activism shifted economic prospects. U.S. entry into World War II invigorated a national Black freedom struggle. In 1941, the national March on Washington Movement for an end to hiring discrimination in defense plants augmented the local interracial organizing of the Congress of Industrial Organizations (1936-1941) and the lobbying efforts of civil rights organizations, like the MNAACP and MUL, to help establish a Black manufacturing base in the city.<sup>124</sup> Although interracial working-class alliances fractured upon the return of white servicemen, thousands of Black manufacturing employees maintained their industrial foothold.<sup>125</sup> Even with the onset of deindustrialization,

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<sup>122</sup> At first, Milwaukee's defense industries hired Black men only for unskilled work as common laborers, porters and janitors. Racial discrimination in Milwaukee's wartime industries held firm until manpower shortages and the threat of federal contract suspensions for biased corporate hiring practices created new demands for Black labor in 1942 and 1943. Milwaukee's wartime industries and ancillary businesses catered to defense manufacturers and their employees. Trotter, *Black Milwaukee*, 286-287.

<sup>123</sup> This became even more commonplace after Black freedom movement activists compelled the U.S. Congress to pass the 1964 Civil Rights Act. The landmark legislation enumerated equal employment and civil rights protections within workplaces—including police departments.

<sup>124</sup> The threat of a mass civil rights demonstration in Washington D.C. prompted the Roosevelt Administration to issue Executive Order 8809, which created the Fair Employment Practices Commission (FEPC). Trotter, *Black Milwaukee*, 147-148.

<sup>125</sup> Black Milwaukee Assemblyman Isaac Coggs led the fight in Madison for state-level fair employment practices enforcement after Congress ended the federal program in 1946. The statute had no legal requirement to address hiring

manufacturing remained the bedrock of Black Milwaukee's labor economy.

African Americans and their liberal allies also waged a national “Double V campaign” for “victory at home and victory abroad” over anti-democratic forces.<sup>126</sup> This struggle impacted liberal law-and-order's conceptualization, as it revealed the need to project law enforcement's institutional colorblindness to the world. As a rhetorical and ideological struggle that pitted democracy and freedom against fascism and communism, the Second World War raised questions for Black citizens about whether defending American values of freedom and liberty overseas would lead to democratic advances at home.<sup>127</sup> The global conflict shined an international light on domestic racism and local state violence perpetrated against Black citizens, including racial terror lynchings, police brutality, and prisoner mistreatment. While most white Americans professed an allegiance to the “inalienable right” to “life, liberty and the pursuit of happiness,” and defended a Constitution that demanded “equal protection of the laws,” they often condoned the second-class treatment of Black, Brown, Asian and Native peoples.<sup>128</sup> Not just in the Jim Crow South, but in northern cities too, where *de facto* housing, employment, and education discrimination only worsened in the context of rising Black migration. Civil rights advocates in Milwaukee aimed to leverage the war's geopolitical implications in struggles to end discrimination in public and private life. In part, that meant calling attention to the economic plight of Black residents unfairly closed off from the city's industrial workforce. They had to “walk a fine line” in doing so, balancing their democratic agenda with the strict ideological constraints and anti-Communism of the early Cold War period.<sup>129</sup> Appearing “un-

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discrimination, requiring the vigilance of racial liberals, like Coggs, to maintain enforcement. Trotter, *Black Milwaukee*, 287; Connell, “1950s Milwaukee,” 31.

<sup>126</sup> Robin D.G. Kelley and Earl Lewis, eds. *To Make Our World Anew: A History of African Americans* (New York: Oxford University Press, 2005), 247.

<sup>127</sup> Manning Marable, *Race, Reform, and Rebellion: The Second Reconstruction and Beyond in Black America, 1945-2006*, 3<sup>rd</sup> ed. (Jackson: University Press of Mississippi, 2007), 13.

<sup>128</sup> As enumerated in the United States Declaration of Independence and the 14<sup>th</sup> Amendment to the United States Constitution.

<sup>129</sup> Balto, “The Laws of the Land,” 57.

American” threatened to derail Black Milwaukee’s nascent civil rights struggle, just as appearing racist threatened to hinder liberal law-and-order.

In the midst of global economic and political crises, the federal government worked to bring organized labor more firmly into the liberal-capitalist order as middle class producers and consumers. Beginning with the New Deal reforms of the 1930s, the state conferred civic and fiduciary benefits to citizens that effectively neutralized many of the class-based antagonisms of the late-19<sup>th</sup> and early-20<sup>th</sup> centuries. Concurrently, powerful southern white Congressmen in President Franklin Roosevelt’s political coalition negotiated to exclude the vast majority of Black families, agricultural and domestic workers, and returning soldiers from the economic protections and assistance programs of the New Deal and World War II eras. Most Black Milwaukeeans were excluded from the opportunity to access postwar largesse. Federal interventions and legislation from this period, consequently, strengthened the city’s white ethnic working-class majorities, allowing them to thrive in a strong postwar economy and access middle class benefits. Federal mortgage programs empowered white workers to move out of the city and into single-family suburban homes. Freed from the financial burdens of administering public welfare to poor and working-class non-white citizens, they readily paid lower property taxes. The growing white middle class relied on racially restrictive housing covenants, strict zoning laws, and acts of physical and symbolic resistance to prevent Black families from moving into white communities. The Federal Housing Authority (FHA) refused to make loans to nonwhite families, viewing them as risky financial investments based on the physical and economic characteristics of their decidedly poorer neighborhoods.

Back in the city, the common perception among white employers and labor leaders, as well as members of Milwaukee’s Black middle class, was that southern migrants were exclusively low-skilled workers who could only perform low-wage jobs. In truth, Black migrants had “rich and varied” employment experiences, working as farmers, retail clerks, grocers, industrial laborers, and

other occupations.<sup>130</sup> In framing migrants as “low-skilled and ‘culturally’ set apart” from the conventional order, white officials availed themselves the cover needed to treat them as exceptional. They used narratives of racial difference to justify discrimination. White lawmakers deflected on issues of racism, positioning southern Black migrants as existing beyond “the normative middle class.”<sup>131</sup>

Entrenched segregation ensured pronounced intra-racial class variation in Black Milwaukee. Poor and working-class Black residents occupied the same residential and commercial spaces as an existing cadre of Black professionals—many of who moved to the city between World War I and the Depression-era 1930s. These “respectable” attorneys, clergy, teachers, bankers, doctors, barbers, retail shop owners, and tavern keepers gave shape to the self-determined, robust entrepreneurial spirit of “Bronzeville.” By 1952, 167 manufacturing firms employed 4,786 Black workers.<sup>132</sup> Black professionals, on the whole, made their livelihoods within the near north side by catering to working-class Black patrons in a racially segmented labor and leisure market. Population growth and congestion in this area, according to some, led to lower neighborhood standards and property deterioration, while also encouraging white flight. That Black professionals established businesses, churches, civil rights organizations, newspapers, social clubs, literary societies, and self-help organizations was a testament to the community’s resiliency and perseverance in the face of systemic racial exclusion.<sup>133</sup> Members of the city’s white majority also patronized Bronzeville’s taverns, juke joints, and night clubs. As a result, the MPD’s Vice Squad paid attention to interracial encounters taking place between Black and white patrons, especially those suspected to be of a “sexual” or “deviant” nature. While such interactions may not have spurred racial terror lynchings, as was

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<sup>130</sup> Geib, “From Mississippi to Milwaukee”; 232-233; Connell, “1950s Milwaukee,” 28.

<sup>131</sup> Connell, “1950s Milwaukee,” 39.

<sup>132</sup> Many in the Black middle class were self-employed; Black businesses doubled from 109 to 210 between 1940 and 1950. Connell, “1950s Milwaukee,” 32-33.

<sup>133</sup> Jones, “‘Get Up Off Your Knees!’” 48-49.

common in the South, it nonetheless created cause for alarm among white citizens, thereby necessitating police action.<sup>134</sup> African American migration challenged Milwaukee's reputation as "a bastion of Midwestern white middle class morality."<sup>135</sup>

Black migration in the 1940s and 1950s engendered a triangular struggle for order on the city's racially transitioning north side that held important ramifications for Milwaukee's narrative of policing exceptionalism.<sup>136</sup> Black in-migration, and the varied responses it generated, challenged white residents, the established Black middle class, and the growing number of poor and working-class Black migrants trying to navigate their new urban surroundings. Each viewed their circumstances from divergent perspectives, anchored in aspirations for survival and respect, recognition and power in the civic ecology. For the thousands of white Milwaukeeans living in and around the near north side during this period, that meant preserving existing structures of racial privilege that benefitted white European ethnics, regardless of class position. Conversely, Black professionals and working-class migrants operated from marked power deficits. The urban landscape was rife with barriers to opportunity, sustained by the broader white populace through varying levels of social, economic, and political complicity. Black people's limited control over how they could use and access urban space lent itself to "a constant state of reappraisal, adjustment, and ultimately improvisational living."<sup>137</sup> As such, conceptions of law-and-order took on diverse meanings for all three groups, given shape by the level of municipal influence each held in relation to one another and the substantive weight that an evolving set of anti-Black ideas assumed in the

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<sup>134</sup> See: Balto, "Of Harlots and Hoodlums."

<sup>135</sup> Joe Austin, unpublished conference paper, The Organization of American Historians Annual Meeting, Milwaukee, Wisconsin, 2012.

<sup>136</sup> While he does not frame it as "a struggle for order," historian Jack Dougherty references "the triangle formed by Whites, established Blacks, and Southern newcomers during the postwar migration" as a useful starting point in understanding the relationship between Black Milwaukeeans and the MPD. Jack Dougherty, "African Americans, Rights, and Race-Making," in *Perspectives on Milwaukee's Past*, Margo Anderson and Victor Greene, eds. (Urbana: University of Illinois Press, 2009), 143.

<sup>137</sup> Benjamin Barbera, "An Improvised World: Jazz and Community in Milwaukee, 1950-1970," (Master's thesis, University of Wisconsin-Milwaukee, 2012), 4.



public consciousness.

City powerbrokers positioned Milwaukee's virtually all-white police force at the vanguard of this triangular struggle. White civic and political leaders tasked the MPD with maintaining order and preserving established hierarchies on the street. The collective experiences of Black professionals and working-class migrants reveal the extent to which law enforcement operated at the behest of white governing and corporate interests concerned with economic growth. White corporate leaders and politicians were, in turn, granted authority by the professional and working-class constituencies that comprised the city's white majority.<sup>138</sup> Press depictions of Black criminality and illicit behavior, particularly crimes of an interracial and sexual nature, elicited white fears, which justified disparate levels of police attention directed towards Black spaces.<sup>139</sup> Surplus policing in Black spaces meant African American youth were disproportionately targeted for stops, searches, and arrests. The MPD used its overpolicing of the near north side to justify continued overpolicing. This dynamic cyclically primed the latent biases of many white patrolling officers.

Clashes over the policing of urban space mounted as Black in-migration accelerated. White residential concerns around crime and safety melded with ancillary worries about interracial job competition, mixed-race social interactions, and the postwar housing crisis.<sup>140</sup> Meanwhile, numerous

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<sup>138</sup> The latter exhibited deep racial anxieties in response to Black in-migration and the perceived threats that Black movement posed to Milwaukee's prevailing social, political, and economic arrangements. For instance, dramatic newspaper accounts of Black migrant transgressions in *The Milwaukee Journal* and *The Milwaukee Sentinel* newspapers fanned white fears of a "Negro invasion." Kevin D. Smith, "From Socialism to Racism: The Politics of Class and Identity in Postwar Milwaukee" *Michigan Historical Review* 29 (1) (Spring, 2003), 86.

<sup>139</sup> The MCHR decried "race labeling" of Black criminal suspects in newspapers as outside "the public interest." However, it did so because it aroused "emotional reactions" among white readers, not because noting a suspect's race advanced narratives of Black criminality. Such reactions drew attention away from "the behavioral problem" of migrant youth that municipal liberals were attempting to resolve. As the MCHR saw it, "the major issue in any human relations problem is behavior, not race." Yet, Black "behavior" evidently required a unique approach. "Minutes, Executive Committee, Mayor's Commission on Human Relations, October 26, 1948," November 1, 1948, Box 89, Folder 2, "Milwaukee Commission on Human Rights (1948-1952)," Carl F. and Frank Zeidler Papers.

<sup>140</sup> Many white residents decried urban renewal and redevelopment projects that benefitted poor and working-class families of color, seemingly at the expense of white tax-paying citizens. Real estate agents, who had a financial stake in upholding Milwaukee's stark patterns of residential segregation, consequently framed urban redevelopment proposals like integrated public housing for returning World War II veterans and working-class families as "un-American." This reasoning fused anti-communist hysteria with Cold War racial paranoia, limiting what appeared politically possible for City Hall liberals in addressing a host of deepening urban ills that hit poor and working-class Black families the hardest.

Black residents expressed parallel misgivings about community safety and interpersonal violence occurring on the city's near north side.<sup>141</sup> Escalating police-community tensions gave the impression of looming civil disorder, compelling white elected officials to focus more on the behavioral misconduct of Black youth and the expansion of recreational opportunities as part of the city's acculturation agenda. The MUL worked with the Milwaukee vocational school, MPS, and MPD to support Black cultural adjustment. One of the League's goals was to create a favorable hiring climate for recently arrived Black laborers.<sup>142</sup> In truth, dismal living conditions, bolstered by intensive real estate exploitation and the use of racially restrictive housing covenants, narrowed Black employment, educational, and political prospects. A number of established Black professionals—who were putatively “adjusted” to the city's existing racial order—joined the liberal Zeidler administration in preaching acculturation to Black migrants. Several old-guard African American leaders retained hope that white Milwaukeeans would accept the city's growing blackness and overcome their racist fears to see Black citizens as functional, contributing members of society.

Convergences of race and class undermined Black organizational resistance to white supremacy after World War II. The “external effects of racism,” Tula Connell argues, intersected with “the internal dynamics of social and cultural forces that originated within the black community itself.”<sup>143</sup> Currying favor from white politicians and civic leaders was a grudging necessity for Black professionals. But many also stayed focused on eliminating racial barriers in employment, education, and housing. The expansion of economic opportunity was a collective objective for Black-led organizations. Many hoped that acculturation to the status quo would translate into social, economic, and political power. At the same time, Milwaukee's Black middle class refused to

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<sup>141</sup> Some Black middle class residents positioned Milwaukee's deepening racial divides as the root causes of disorder, and were less inclined than white civic leaders and residents to blame the behavioral shortcomings of Black migrants as the primary impetus for Milwaukee's postwar urban crisis. Others took a more conservative view that blamed Black migrants directly.

<sup>142</sup> Connell, “1950s Milwaukee,” 34.

<sup>143</sup> Connell, “1950s Milwaukee,” 29.

compromise its self-worth or Bronzeville's safety for the sake of new Black migrants. Their conceivably objectionable behavior might render the community vulnerable to civic neglect, crime, and aggressive police treatment. The vibrant commercial district along N. 3<sup>rd</sup> St. and W. Walnut St. validated the extent to which African Americans had cultivated "a place of their own."<sup>144</sup> In truth, the area's gradual economic decline after World War II had more to do with unrealized political promises around slum clearance, public housing construction, and urban renewal than rising crime. Yet, these latter forces supported powerful public narratives of an undeserving Black poor. As the 1950s wore on, the accumulating effect of police violence, civil rights violations, and white racial antagonism exposed cultural adjustment and racial accommodation to be losing propositions in the struggle for Black freedom in Milwaukee.

African Americans pushed for police recruitment as part of the city's "police-community relations movement" in the 1940s and 1950s. In the Jim Crow South, Black citizens fought to overcome rigid white supremacist efforts to deny them positions of authority.<sup>145</sup> In some northern cities, like Chicago, token Black police hiring dated back to the 1870s, though officers faced similar arrest, patrol, and promotional restrictions.<sup>146</sup> Black police hiring in Milwaukee was rare, and remained so throughout the liberal law-and-order era. Before World War II, the department had

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<sup>144</sup> This line draws on Andrew Wiese's phrasing to describe processes of Black suburbanization. Andrew Wiese, *Place of their Own: African American Suburbanization in the 20<sup>th</sup> Century* (Chicago: University of Chicago Press, 2004).

<sup>145</sup> Reverend Martin Luther King, Sr., for example, led Atlanta's charge for Black police hiring. In 1947, King Sr. framed his community's protests in political terms of taxation without representation. The segregated city of roughly 100,000 African Americans did not have a single Black officer assigned to defend the community's interests. James Forman, *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017), 83-84. In the post-Reconstruction period, few African Americans secured police jobs in the South. None held positions, for example, in the Deep South states of Georgia, Alabama, Mississippi, South Carolina, or Louisiana until the 1940s. Where African Americans could secure police work, they often did not wear uniforms, were not authorized to arrest white citizens, and could only police in Black neighborhoods. W. Marvin Dulaney, *Black Police in America* (Bloomington: Indiana University Press, 1996), 30.

<sup>146</sup> Between 1872 and 1930, the CPD appointed 260 African Americans. Dulaney, *Black Police in America*, 19. There, white political machine operatives sought to exploit Black vice districts and relied on token African American officers to regulate informal economic markets and control crime. Progressive civil service reforms threatened, but did not eliminate this corrupt system. It was not until the 1960s that reform Superintendent O. W. Wilson professionalized and democratized Chicago policing. Still, he employed Black officers largely to criminalize Black protest and defuse racial tensions among Black citizens and the police. Peter Constantine Pihos, "Policing, Race, and Politics in Chicago" (Ph.D. diss., University of Pennsylvania, 2015), 62.

only ever employed three Black officers.<sup>147</sup> When the MFPC hired Felmers Chaney as a patrolman in 1946, he was just the fourth African American serving on the force. Like most of his neighbors occupying the lowest, most vulnerable rungs of the city's industrial ladder, Chaney desired more secure and higher paying work. He grudgingly followed the prodding of his barber and took the MPD's entrance examination.<sup>148</sup>

Bringing liberal law-and-order to life in Milwaukee, for the Black middle class, meant bringing Black people into the criminal justice system as workers. This served the MPD as well by reinforcing its legitimacy among African Americans and advancing the liberal notion that policing was a democratic enterprise. Extant calls for hiring Black officers grew louder within middle class circles as the civil rights movement gained traction. Desire for Black police protection was rooted in strivings for equal access, civic opportunity, and community safety. It was more than a job—African Americans long viewed the safeguarding of Black lives by Black people as a civil rights issue.<sup>149</sup> Establishing communities secured by African American officers would, the logic went, help Black citizens advance economic opportunities, support housing initiatives, and improve access to recreational and educational resources. Black middle class residents believed Black men made for better crime fighters because they understood their neighbors' plight and could earn trust. They would police "unencumbered by racism" and, in turn, be less likely to harass or abuse African American criminal suspects. Moreover, Black informants could help solve major crimes, which Black professionals saw as threatening to community survival. African American police would be

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<sup>147</sup> These Black officers were Judson Minor, discussed in Chapter I, and detectives Calvin Moody, Lonnie Spencer, and Dewey Russ.

<sup>148</sup> As Chaney's friend reminded him, "We need good policemen." Although Chaney expressed reservations, conceding that some in the community viewed Black officers as "snitches," he scored well on the test. Asked late in life why he became a police officer, Chaney's answer was clear: "I had to eat." Gregory D. Stanford, "NAACP Chief Learned Early to Fight for Rights," *The Milwaukee Journal*, November 28, 1986, Part 2, 1-2; "I Remember Milwaukee," Program 151, YouTube, accessed October 3, 2019, <https://www.youtube.com/watch?v=REiuO2GJcvg>.

<sup>149</sup> See: Forman, *Locking Up Our Own*, 79; Dulaney, *Black Police in America*, 8-18.

capable of distinguishing “law-abiding” citizens from the real criminals in the community.<sup>150</sup>

Milwaukee’s Black middle class desired expanded police protection, but also safeguarding that was more responsible and accountable in the face of misconduct. Given the MPD’s history of class-based order maintenance policing, racial discrimination, and political insulation, some Black leaders were skeptical of overtures from police officials who stressed the improvement of “race relations” without shifting law enforcement tactics. As racial violence erupted in Detroit in 1943, Milwaukee’s Black middle class voiced concerns about riot-control and violence prevention. Then-Captain John Polcyn pledged to the MUL in 1943 that the MPD would provide “fair treatment” to all Black citizens in the event of civil disruption. Black community leaders trusted Polcyn, pledging to do their part to support the department’s approach. However, they also prepared for unrest on their terms. At the direction of the national Urban League, the MUL established an Interracial War Council (IWC) to ensure adequate safeguarding in the Sixth Ward.<sup>151</sup> That August, the IWC hired four Black Navy police officers to patrol in the community.<sup>152</sup> At the same meeting, the Wisconsin Communist Party called for a mass rally to address police-community tensions, which drew police surveillance.<sup>153</sup>

The racist views of white police officials, that African Americans lacked the capacity for doing police work, contributed to Milwaukee’s low Black officer totals. In 1954, Chief Polcyn told Mayor Zeidler that despite their “satisfactory” performance, it was “the general consensus” of the

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<sup>150</sup> Forman, *Locking Up Our Own*, 11-14.

<sup>151</sup> “Milwaukee Acts to Stem Riots,” *The Chicago Defender*, July 17, 1943, 3.

<sup>152</sup> The council believed Black citizens would respond more favorably to African American patrolmen. Earle H. Gray, “Milwaukee, Wis.,” *The Chicago Defender*, August 14, 1943, 21.

<sup>153</sup> The Wisconsin Communist Party called for a mass rally at the MUL meeting. Liberals and conservatives both blamed the Communist Party for provoking Black rioting in Detroit. The Milwaukee rally was held on June 29, 1943. The FBI said one hundred twenty people attended, thirty-two of them white. MNAACP leader James Dorsey spoke at the rally, condemning “vandalism and hoodlumism” among Black youth. He allegedly added that Black workers contributing to the war effort had to work harder to show white people that they are capable of performing comparable labor. The WCP, according to federal police, condemned Dorsey for his statements in a statement signed by trade unionists. Hill, *The FBI’s RACON*, 165.

International Association of the Chiefs of Police that Black officers were “less efficient” and “not as impartial as the white policeman.” They had “a natural tendency to favor [their] race.” Polcyn agreed, noting it was “the consensus of opinion of supervisory personnel of this Department.”<sup>154</sup> White police leaders’ view that the department’s few Black officers were biased in favor of their own race served as a form of racial common sense.<sup>155</sup> Still, Polcyn said he, “on numerous occasions,” asked the MUL, MNAACP, and Black clergymen “to interest themselves in urging young negro [sic] men of proper character, integrity, and intelligence to make applications for the position of patrolman.” Apparently the increasingly contested relationship between Black youth and white police did not factor in his thinking as to why “very few negroes [sic] participate in the Civil Service examinations for this position.” Black youth exhibited “an apparent lack of interest” in becoming Police Aides. There is “not much this office can do to promote their interest than what it has already done,” the chief said.<sup>156</sup>

Black men were not alone in seeking better job prospects through civil service employment, or the ability to serve their community. While Black women were not yet eligible to become patrolmen, some found employment with the MPD.<sup>157</sup> In 1946, the MFPC appointed Vernice Gallimore as the city’s first Black “policewoman,” a classification designated for social workers in the department’s recently created Youth Aid Bureau.<sup>158</sup> The Kentucky native migrated to Milwaukee via Chicago in 1944 to work in a social work position at the MUL.<sup>159</sup> Chief Polcyn had asked Urban League Director William Kelley if he knew of any qualified women who might want to join the force

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<sup>154</sup> Polcyn to Zeidler, January 28, 1954, Box 94, Folder 7, “Police Department (1953-1954),” Carl F. and Frank Zeidler Papers.

<sup>155</sup> Legal scholar James Forman notes that Black police officers had a tendency to internalize the racism of their white counterparts, and were often much harder on Black community members than expected.

<sup>156</sup> Polcyn to Zeidler, January 28, 1954, Box 94, Folder 7, “Police Department (1953-1954),” Carl F. and Frank Zeidler Papers. As late as 1954, the MPD employed just four Black detectives, eight patrolmen, and one “police woman.”

<sup>157</sup> “Policewoman” was a formally designated position. A U.S. federal district court consent decree finally enabled women to join the ranks of the MPD as patrolmen. *United States v. City of Milwaukee*, 395 F. Supp. 725 (E.D. Wis. 1975).

<sup>158</sup> “Name a Negro Policewoman,” *The Milwaukee Journal*, June 7, 1946, Part 2, 1.

<sup>159</sup> Gallimore studied at Spelman College and Atlanta University's School of Social Work.

to work with Black youth in a crime prevention capacity. Gallimore served until state law forced her to resign after the birth of her son in 1956. She looked back fondly on her time with the MPD and was proud to have made a difference in the lives of Black migrant families.<sup>160</sup> Black youth, Gallimore argued, were “caught up in the web” of the criminal justice system.<sup>161</sup>

For many African Americans, “repression and negligence” defined police-Black community relations in Milwaukee.<sup>162</sup> The MPD’s self-avowed exceptionalism afforded the department cover as it “overpoliced and underprotected” Black citizens “in their lives and property.”<sup>163</sup> Segregation, discrimination, and racist ideas about Black life and culture ensured that the vast majority of white residents did not see how racially differential policing took shape. Moreover, they could justify the disproportionate level of police attention and resources being directed towards the city’s increasingly Black, heavily criminalized near north side.<sup>164</sup> But it was liberal law-and-order, and its primary objective of racial pacification through colorblind social control, that legitimized the policing enterprise to most observers.<sup>165</sup> In effect, liberal law-and-order reproduced disproportionate rates of

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<sup>160</sup> As Gallimore later recalled, “Working with my people was very fitting and rewarding because we were supposed to keep our children out of the children’s court...as I worked with each family, you began to know them, understand our plight...the experiences were varied...I had a few white families. They didn’t object to working with a black [social] worker...It was very hard for me to explain to some of the black youngsters that I was a policewoman. And we weren’t allowed to expose our guns, but we did carry guns.” Vernice Gallimore, interviewed by Shirley F. Leary, March 11, 1992, Transcript, Wisconsin Black Historical Society, Milwaukee, Wisconsin; Vernice Gallimore, interviewed by Shirley F. Leary, December 21, 1991, Transcript, Wisconsin Black Historical Society, Milwaukee, Wisconsin.

<sup>161</sup> That said, she also noted years later that police “going into the school systems and trying to find out the problem” was not really a productive role for law enforcement. “You would probably see a principal or someone who would say, I don’t know why they had to turn this over to the police.” Gallimore saw police working in this capacity as “wrong,” noting later in life that “our black kids have really suffered...repeaters didn’t have to be repeaters, but, the law looked at these kids a little different...” She understood this from experience, working at Milwaukee Children’s Court for thirty-seven years after leaving the MPD. Vernice Gallimore, interviewed by Shirley F. Leary.

<sup>162</sup> Balto, “Occupied Territory,” 232. Christopher Agee also observes this dynamic in his book on policing in San Francisco. He argues, Black San Franciscans “attempted to balance their interest in compensating for police neglect with their desire to battle disproportionate police violence.” Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* (Chicago: University of Chicago Press, 2014), 146-147.

<sup>163</sup> Joe Trotter traces this unfair treatment back to the 1920s. Trotter, *Black Milwaukee*, 118.

<sup>164</sup> As Simon Balto argues: “After years of stereotyping, race-baiting, and frequent reckless reporting by the white dailies, the powerful and mythical imagery of the violent, pathological, and sexually predatory black man had seeped its way into the consciousness of many white Milwaukeeans.” Balto, “The Laws of the Land,” 100.

<sup>165</sup> As Christopher Agee writes, “Liberals spoke of harm in colorblind terms, but policy makers applied the principle to blacks and whites in very different ways.” Agee, “Crisis and Redemption,” 3.

Black surveillance, stops, and arrests through its emphasis on Black behavior, while using a coded racial lens. The approach held up the notion that, despite admittedly harsh living conditions, African Americans who defied Milwaukee's established social and moral conventions made a personal choice to evade public order and resist acculturation. This was, ostensibly, a function of their social condition and economic circumstances. Systemic racism, perpetrated by white policymakers and private interests, did not really factor into this analysis. Similarly, expressions of white racism—euphemized as “prejudice”—were themselves individual choices. They were not the poisonous fruit of existing power dynamics that routinely benefitted “those who call themselves white.”<sup>166</sup>

Vigorously attending to non-violent public order offenses, like drunkenness, disorderly conduct, prostitution, and gambling, was at the heart of the MPD's strategy for preventing civil unrest, spatially containing crime, and appeasing white middle class reformers and civic leaders. However, it was violent crime—murder, aggravated assault, rape, and robbery—that really aggravated white racial fears and justified police over-saturation of Black Milwaukee. Anyone reading the city's conventional dailies in the 1940s and 1950s would see that Black criminal suspects, who were racially singled out in the press, committed most major offenses. Black crime victims, however, were largely ignored. Black women murder victims, in particular, saw no public campaigns launched on their behalf for improved communal safeguarding.<sup>167</sup> White women did, especially those who perished as a result of interracial violent crimes.<sup>168</sup> While successful efforts were made by Black-

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<sup>166</sup> James Baldwin, “On Being White and Other Lies,” 169, *The Cross of Redemption: Uncollected Writings*, edited by Randall Kenan (New York: Vintage, 2010). Make no mistake about it, racist letters poured into City Hall from white residents who clearly differentiated their whiteness from Black migrants. Here is how one letter to Mayor Frank Zeidler began: “We white people of this area are wondering how long we must accept the indignities, the fears, insults, and crimes which this element of people are inflicting upon us.” Box 95, Folder 4, “Police Department (1957) (July-Dec),” Carl F. and Frank Zeidler Papers.

<sup>167</sup> Simon Balto notes the case of Rose Travis, a Black woman accused by police of prostitution who was brutally raped by a white man, Henry Thomas, in 1952. Balto, “The Laws of the Land,” 69.

<sup>168</sup> The September 1959 murder of a white woman, Sylvia Fink, by a Black criminal suspect with a history of mental illness, is a good example. The sensationalized crime saw Fink's Dineen Park neighbors admit to the press that they were suspicious of all Black migrants. White aldermen demanded better police protection from the “spread of crime” in Black Milwaukee. Alderman Clarence Heiden attacked public “relief workers,” of which the suspect, Roscoe Simpson, was one. Simpson was violently shot to death by police in “a hail of bullets.” Some high profile Black community leaders



led organizations and white racial liberals in City Hall to remove race as an identifier in *The Milwaukee Journal*, ciphered racial language, such as “suspicious,” “disorderly,” and “lazy,” continued to signal the Black migrant crime threat.<sup>169</sup>

Milwaukee’s postwar liberal establishment held that the “great masses of Negroes” were “segregated in ghettos where the standards of personal morality, discipline and responsibility” were “lower than those in the white world outside.”<sup>170</sup> Ghettoization bred, in the MCHR’s view, comparatively higher rates of criminality. The press amplified this assumption in its crime reporting. High reported crime rates on the near north side “tended to justify” anti-Black “attitudes and actions,” even among “people of good-will.”<sup>171</sup> Black criminality, therefore, rendered it “extremely difficult” for people to “view crime statistics in perspective.” Black criminal offenders “predominate in impulsive, but not in long-range, planned crime,” the commission surmised. White liberals, therefore, called on “respectable” middle class African Americans to advocate for the cultural adjustment of southern Black migrants prone to criminality.<sup>172</sup> To be accepted by white Milwaukee meant African Americans had to behave as white citizens presumably behaved—i.e. lawfully. White liberals saw the “overly harsh attitudes of constituted authority towards nonwhites who commit crimes against whites,” and the white public’s acceptance of segregation—so long as it confined Black criminality and “anti-social behavior” to the near north side—as inhibitors of Black cultural adjustment. It left “a residue” of undermining “habits and attitudes.” Most white liberal reformers chalked racial discrimination in employment, housing, and education up to interpersonal white bigotry, which gave shape to poor living conditions and, in turn, Black cultural pathologies and

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doubted the veracity of the MPD’s claims that Simpson was the murderer and, at the very least, questioned whether he needed to die so violently. Balto, “The Laws of the Land,” 91-93.

<sup>169</sup> *The Milwaukee Sentinel*, at this point, did not stop identifying criminal suspects by race.

<sup>170</sup> Milwaukee Commission on Human Rights, *Annual Report*, 1958, 9.

<sup>171</sup> Milwaukee Commission on Human Rights, *Annual Report*, 1958, 10.

<sup>172</sup> Those who, “for one reason or another, now occupy positions in the vanguard of progress of the group they represent,” had to “assist in helping others adjust to a society which offers greater opportunities than formerly and, at the same time, expects more.” Milwaukee Commission on Human Rights, *Annual Report*, 1958, 10.

criminal behaviors. The psychological impact of assimilationist racism in individuals superseded the institutional racism that engendered uneven racial structures and outcomes. As issues of overcrowding, poverty, and crime worsened for Black Milwaukeeans during the city's postwar housing crisis, an "emergent language of black moral failure" shaped police approaches to social control and order maintenance.<sup>173</sup>

Liberal law-and-order required Black middle class buy-in to behaviorally racist assumptions about urban inequality and criminality to succeed. As the white press, residents, and assorted civic interests positioned Black migrants from the South and Lower Midwest as ill-equipped for urban life and foreign to Milwaukee's normative white moral and cultural aesthetic, they placed the onus for "adjusting" African American newcomers on established Black professional leaders. It was their responsibility, not white citizens', to transcend prevailing white assumptions of Black racial inferiority. Racist perceptions, in the end, combined with Chapter 586's "freeholder clause" and the institutional discrimination of the criminal-legal system to deter adequate redress whenever police engaged in acts of misconduct or overstepped their legal authority. Black middle class leaders found themselves caught between disrupting tenuous social, economic, and political connections to City Hall and defending the collective interests of African Americans for equality. Black middle class support for liberal law-and-order started to waver when aggressive police responses to crime on the near north side encouraged profiling and racist generalizations of criminality.

The most extreme forms of white resistance to Black migration were physical attacks and acts of terror. For example, young white vigilantes hurled a stone through the kitchen window of a middle class Black family's recently purchased home on W. Capitol Dr., then burned a cross on their

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<sup>173</sup> The MPD arrested Black adults and youth at higher rates than white offenders who engaged in similar activities. blackness was condemned and criminalized through the aggressive policing of leisure-time spaces, especially underground dance parties, jazz events, and gambling halls. Balto, "Of Harlots and Hoodlums," 9. As Balto observes, "rather than indictments of infrastructural non-investment or systematic inequality, rhetorics of moral failure, personal accountability, and racial responsibility" characterized public debates around Sixth Ward conditions after World War II. Balto, "The Laws of the Land," 25.

front yard.<sup>174</sup> The Black family dared to move beyond the Sixth Ward's prescribed racial boundaries. Police eventually arrested five white youths with apparent Ku Klux Klan ties. The discourse around this explicit hate crime reflected Milwaukee's triangular struggle for order. It spoke to how race operated and competing forms of racism thrived in the segregated, socially conservative city.<sup>175</sup> White public officials responded out of both sides of their mouths. "Ku Klux Klan methods will not be tolerated in this community," Milwaukee County's District Attorney commented. Neither would "mob violence, either against white or colored people." This suggested an equal power dynamic, or that discrimination went both ways. However, Black Milwaukeeans committed no reported acts of mob violence against whites. A white judge called out "prejudice" as "the greatest problem I think we as Americans face," but still absolved the white aggressors of guilt, contending they were in fact victims of discrimination.<sup>176</sup> Black leaders revealed their own knotty racial and class position. Rev. W. J. G. McLin promised to "take up the problem" of white violence with white politicians. However, he also denounced poor Black migrants. "If they were a hoodlum family, like some of our folks, I would be opposed to this sort of tactic...I would not come to their defense." Because of the aggrieved family's class position, they earned the right of a proper Black middle class defense. Such behavioral racism on the part Black professionals reinforced notions of poor and working-class Black criminality.

Panicked white residents wrote scores of racist letters to City Hall in the 1950s. Some delivered their critiques in terms of taxes and the denial of "white civil rights." White folk, one disgruntled resident complained, lawfully abided by "fire regulations." Why should they have to pay

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<sup>174</sup> The couple and their two young children, among the first African Americans to move into the area, were eating dinner at the time.

<sup>175</sup> After the racial terror incident, no white neighbors visited the Black family "to express sympathy or disclaim knowledge of the affair." The family told police no white neighbors had protested their presence in the six weeks between the time they signed a contract to purchase and when they moved in. However, their real estate agent said they reportedly received fifteen complaints from white residents. "Burning Cross at Negro Home," *The Milwaukee Journal*, August 18, 1952, Part 2, 1.

<sup>176</sup> "Youths Admit Cross Burning," *The Milwaukee Journal*, August 20, 1952, Part 2, 1.

higher taxes to support poor southern “negroes” who “send for all their relatives” and “occupy the entire house from basement to attic.”<sup>177</sup> “How would you like to live in a block surrounded by Negro families,” another “taxpayer” asked Mayor Zeidler. These communications poured in from white north side business-owners, too. Some, remarkably, denied their “prejudice” before engaging in racist diatribes.<sup>178</sup> It was clear many white citizens not only saw Milwaukee’s growing Black population as culturally backward or immoral, but as an undeserving, unacceptable tax drain on the city. While liberal white politicians refused to defend racist white proclamations, they worked to protect Milwaukee’s whiteness when they positioned it as a cultural standard for Black conformity.

An especially tense year for race and policing in Milwaukee was 1952. Police reported twenty-six murders, roughly half committed by African American suspects. Despite the city featuring one of the lowest violent crime rates in the U.S., those involving Black suspects amplified white racial fears about Black migration.<sup>179</sup> One triple homicide especially shocked residents.<sup>180</sup> In November 1952, a Black migrant from Alabama who suffered from paranoid schizophrenia, shot

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<sup>177</sup> Anonymous to Zeidler, September 7, 1952, Box 155, Folder 5, “Human Relations (July 1951 - October 1952),” Zeidler Papers; Anonymous to Zeidler, October 8, 1952, Box 155, Folder 5, “Human Relations (July 1951 - October 1952),” Carl F. and Frank Zeidler Papers.

<sup>178</sup> For example, one person wrote: “We are not prejudiced, but living amongst these kind of people is like living in the jungle with a bunch of headhunters. They talk just as shrilly and yell just as loudly at four o’clock in the morning as they do at four o’clock in the afternoon...we are going to move out of this city where people have to put up with this sort of thing, not once or twice, but almost continuously...This is no police complaint. It is a mere statement of fact, regarding the true conditions existing in this neighborhood since it has become predominantly colored. There are several colored stores or shops around here but we notice they don’t pick on or bother their own race; that they prefer to torment us white people. If the tables were turned and the same thing happened to them they’d scream about racial prejudice and probably get action quicker than we could.” Box 94, Folder 7, “Police Department (1953-1954),” Carl F. and Frank Zeidler Papers.

<sup>179</sup> As Simon Balto notes, murder patterns were “contingent and wildly unpredictable.” Whether they were predominantly interracial, “Black-on-Black,” or exclusively involved white residents changed from year-to-year. While virtually all murders in Milwaukee in 1955 were “black-on-black...the following year, nearly all were white-on-white.” Some of the victims in murders committed by Black residents were white in 1952. As Balto notes, the race of perpetrators of violent crime varied from year-to-year. Some years saw more Black murder victims than white murder victims, or more white murder suspects than Black murder suspects. Regardless, arrest rates for violent crime were higher in Milwaukee’s Black community, despite the fact that African Americans “never committed more violent crime than their white neighbors.” Balto, “The Laws of the Land,” 72, 93-94.

<sup>180</sup> Clorise Walls had recently been hospitalized at a U.S. Army mental hospital. Chief Polcyn to Mayor Zeidler, November 11, 1952, Box 94, Folder 6, “Police Department (1952),” Carl F. and Frank Zeidler Papers.

and killed a white dry-cleaner owner, his wife, and an employee.<sup>181</sup> The seemingly arbitrary, no doubt ghastly murders encouraged many white people to see Milwaukee's growing Black presence as the cause of a rash of criminal activity. While white residents committed a greater share of overall violent crimes, the discourse in the mainstream press and among civic officials remained profoundly racialized—stories of violence “centered largely on white victims and black culprits.”<sup>182</sup>

In the aftermath of these murders, Chief Polcyn requested and, in time, received more resources and personnel to direct towards the near north side. It was “in the colored section,” he remarked, that eighty percent of major crimes, including “aggravated assaults, murder, rape, and burglary,” occurred. There, he directed “five times as much manpower” than in other districts.<sup>183</sup> As Polcyn informed Mayor Zeidler, “violent crimes can only be prevented by greater numerical strength of the Milwaukee police force, as has been frequently brought to the attention of our local legislative body.” The MPD's 1953 budget request included fifty additional patrolmen and two additional squad cars “to cope with the rapidly rising incidents of serious crimes.” While responsibility for the 1952 murders, Polcyn said, rested with military officials who released the perpetrator from a mental hospital, tempering the city's crime panic required the unidirectional adjustment of Black and Latinx residents and respect for law-and-order. The MCHR should “bring about the cooperation of the colored people and other minority groups, particularly the Puerto Ricans, in educating them to be obedient to the laws and ordinances,” and “to conduct themselves in such manner as to be acceptable to society, impressing upon these people the necessity of respecting all rights, including property rights and moral rights of the individual, and practicing good citizenship.”<sup>184</sup> While Polcyn

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<sup>181</sup> Cloris Walls had spent time in and out of penal and mental institutions. “Owner, Wife and Employee Shot to Death,” *The Milwaukee Journal*, November 11, 1952, Part 1, 1; “Murder Writs Are Obtained,” *The Milwaukee Journal*, November 10, 1952, Part 1, 1.

<sup>182</sup> Balto, “The Laws of the Land,” 94.

<sup>183</sup> The Sixth Ward already had “65 foot patrolmen, squad car men and sergeants” assigned to the area. “Polcyn Given Added Police,” *The Milwaukee Journal*, November 12, 1952.

<sup>184</sup> Chief Polcyn to Mayor Zeidler, November 11, Box 94, Folder 6, “Police Department (1952),” Carl F. and Frank Zeidler Papers.

attributed “Negro crime,” in part, to “concentration of population” and “poor housing,” he also cited “Communist infiltration,” particularly efforts to “get to the kids—15 to 21 years-old,” and “migration from the South.”<sup>185</sup> Milwaukee manufacturers, the chief argued, posted local billboards attracting Black labor. New arrivals were evidently ill-equipped for northern life and became “drunk with freedom.” Conversely, established Black Milwaukeeans, were “peace loving” and “acclimated;” “more cooperative with police;” and took “pride in a crime free community.”

Because people arrived to the city via automobile and bus, rather than train, it was difficult to immediately apprehend and turn back allegedly criminal newcomers. This had been the department’s *modus operandi* in the 1920s and 1930s, when it first began to vigorously police vagrancy laws against African American newcomers.<sup>186</sup> Some white civic leaders in the Milwaukee Metropolitan Crime Prevention Commission (MMCP) echoed the chief’s concerns about the Sixth Ward’s over-population, but also said Black newcomers were “prone” to commit violent crime. The mainstream press reported the most alarming white perspectives on crime, further racializing the panic. For instance, *The Milwaukee Sentinel* speculated that Black residents might be plotting a “race war” against white citizens.<sup>187</sup> In response, the liberal Mayor Zeidler blamed Sixth Ward crime on “real estate interests,” their “opposition to slum clearance” and commercial “exploitation of white reaction to Negro invasion of white neighborhoods.”<sup>188</sup> He called for a MMCP and MPD investigation “to formulate a policy to deal with the [crime] problem” that had support from both Black middle class and white civic leaders.

The 1952 murders and resultant crime discourse put Black professional leaders on the defensive. Not everyone agreed how to proceed. Some seventy-five Black residents met at Calvary

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<sup>185</sup> “Polcyn Given Added Police,” *The Milwaukee Journal*, November 12, 1952.

<sup>186</sup> See: Chapter One.

<sup>187</sup> Balto, “The Laws of the Land,” 73.

<sup>188</sup> “Zeidler Wants a Study of Racial Friction Here,” *The Milwaukee Journal*, November 12, 1952.

Baptist Church shortly after the murders to discuss crime perceptions and realities. Local clergy invited police administrators to help identify solutions and defuse racial tensions. Attendees expressed many opinions—most centered on calls for greater police attention in the Sixth Ward. Police officials were happy to oblige. As Inspector Hubert E. Dax responded, “I don’t believe your good people should resent our putting more policemen in this area.<sup>189</sup> We all know it is good police work to put the men where they are needed. An ounce of prevention is worth a pound of cure.” Some Black professionals bought into class-based arguments that blamed poor migrant behavior, including that of southern white migrants. Attendees pledged to reduce crime and invest “morally and financially” in the city’s human relations commission. But they also called on Milwaukeeans of all races to “reject rumors and hysteria in discussing the [crime] problem.”<sup>190</sup> Others called for a “dispassionate study of crime and tensions.”<sup>191</sup> The answer to police discrimination and the condemnation of Black migrants, in their view, was not resistance but participation in the electoral system and formal negotiation with white leaders in service of police-community relations.

When Black organizational leaders Ardie Halyard (MNAACP), William Kelley (MUL), Robert Starms (Northside YMCA), and James Dorsey (MNAACP) met with the MMCPD and police administrators in December 1952, they rejected the notion that they were responsible for Black migrant behavior. As Halyard commented, “The Negro does not feel it is his responsibility to be

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<sup>189</sup> “A Calm Survey of Crime Urged,” *The Milwaukee Journal*, November 14, 1952.

<sup>190</sup> Black middle class leaders, like Reverend Melvin Battle, affirmed their commitment to liberal law-and-order: “As citizens of Milwaukee, having a keen interest in the orderly functioning of every segment of our society, we are disturbed by the crime wave in our city, and do hereby resolve to use our best effort to reduce it...We agree that crime in Milwaukee is at an unusually high peak and we deplore it. We recognize the fact that there is too much in the Sixth Ward. We do not condone it, and we are willing to cooperate in eradicating it. The need for a larger police assignment is apparent. We want our people to obey the law. Our only demand is the “due process of law,” and, as in the past, free from police brutality.” “A Calm Survey of Crime Urged,” *The Milwaukee Journal*, November 14, 1952.

<sup>191</sup> Attorney James Dorsey argued it was “unfortunate” that “racial feeling” had entered the debate, when the focus should be on housing and employment. In his view, Black migrants needed a fair chance to acculturate to new environs. The former MNAACP president saw the assignment of more police in the Sixth Ward as a necessary strategy, since there were “more human beings ghettoed in a smaller community.” “Crime Group to Be Called,” *The Milwaukee Journal*, November 13, 1952, Part 1, 1, 10.

responsible for every other Negro.”<sup>192</sup> MNAACP leaders rejected links between blackness and criminality. “This crime wave is not a racial problem, and it should not be considered so by the public. All efforts to inject the racial angle into it should be rejected.” Halyard argued that Black representation was needed in City Hall. If most crimes were confined to Milwaukee’s Black sections, then Black politicians should be making decisions about the next course of action. She cited a lack of understanding on the part of white ethnics. Other Black professionals testified to structural factors that engendered insecurity. Rising crime stemmed from a “dense population restricted to a small area of poor and limited housing,” as well as a lack of recreational outlets and good-paying jobs. “The good, bad, and indifferent all share the same barrel,” MUL chair William Kelley affirmed. While these factors largely resided beyond the MPD’s control, they demonstrated the extent to which cultural adjustment only worked when economic racism was addressed in tandem with personal responsibility. Newspapers fanned the flames of social discontent in their view, making issues of overcrowding, inadequate housing, a lack of employment opportunities, and limited recreation worse. Some Black leaders pointed to the MPD’s whiteness as the problem. Reverend W. J. G. McLin suggested that rather than expanding the white police presence, the MFPC should appoint “more Negro policemen in this area.” He also called out real estate “block busting” as a contributing factor.<sup>193</sup> White real estate agents appealed to white racial fears, persuading homeowners to sell at a discounted rate. They then marked up home prices for prospective Black buyers.<sup>194</sup>

Nonetheless, other powerful, conservative voices existed in Black Milwaukee. Some middle

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<sup>192</sup> “Crime Group to Be Called,” *The Milwaukee Journal*, November 13, 1952, Part 1, 1; Dougherty, *More than One Struggle*, 52-54.

<sup>193</sup> As many as eighty-two cities in the South, McLin argued, had hired Black law enforcers, “many of them more than Milwaukee.” “Prejudiced” white patrolmen cannot “help a situation of this kind.” McLin also denounced the behavioral racism that cast all Black residents as criminal: “I don’t think a whole race should be blamed for the wrongdoing of a few.” “Crime Group to Be Called,” *The Milwaukee Journal*, November 13, 1952, Part 1, 1, 10.

<sup>194</sup> On blockbusting, see: Seligman, *Black by Block*, 151.



class leaders, fed up with Sixth Ward moral decay, called for more rigid policing. Pastor T. Theophilus Lovelace, for instance, argued it was “embarrassing to pass one of these taverns, with the crowd standing out there half drunk and cursing... We need police vigilance, and the police should arrest anyone using profane language on the street. We need stiffer laws.” Lovelace demanded a punitive response, exclaiming that youthful offenders arrested multiple times should not be “turned back to the community.” Rather, they should be “put out of circulation.”<sup>195</sup> The all-white MMCPC welcomed Lovelace’s criticism of Black residents who complained about unfair press coverage. Black parenting and migrant propensities for drunkenness, loitering, and swearing, he believed, contributed to the entire Black community’s moral degeneration. Lovelace did not see aggressive policing as a problem, but rather the solution to “a dangerous and maddening situation.” His willingness to defend law-and-order policing “reinforced white city leaders’ claims that Blacks were to blame for crime.”<sup>196</sup> Despite his own admission that white discrimination in the form of “bad housing, prejudices and injustices” created an untenable situation for poor and working-class Black folk, Pastor Lovelace joined the MPD and establishment liberals in blaming African American newcomers for social ills. Well into the 1960s, police bureaucrats pointed to conservative Black middle class charges of Sixth Ward moral decay to counter Black allegations of police misconduct.

Liberal law-and-order and the triangular struggle for order between white residents, Black professional leaders, and recent migrants continued to intersect in the mid-1950s. In addition to heightened racial anxieties over civil unrest, long-standing white fears about miscegenation and Black criminality merged when four white women were reportedly raped by Black male suspects. The alleged sexual assaults sparked mass police searches, arrests, and interrogations on the near north side from July 1956 through January 1957. Detectives rounded-up at least 260 Black men for

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<sup>195</sup> Rod Van Every, “Crime Fight Organized,” *The Milwaukee Journal*, October 6, 1953, Part 2, 1, 3.

<sup>196</sup> Erica Metcalfe, “‘We Need to March!’: Black Working Class Protest Politics in Milwaukee, 1920-1970” (Ph.D. diss., Howard University, 2016), 137-138.

questioning, instilling “feelings of terror” in Black Milwaukee.<sup>197</sup> As historian Erica Metcalfe has observed, police restricted “the social space” of Black men, “treating their movement as a threat and criminal act.”<sup>198</sup> Police officials warned Black men to “stay off the streets at night” to avoid profiling.<sup>199</sup> Discriminatory MPD sweeps elicited criminal charges on a host of unrelated, less-serious offenses—from traffic violations to loitering to marijuana possession. Chief Polcyn justified mass racial profiling as a necessary precaution to ensure women’s safety. *The Milwaukee Journal* editorialized that “the attackers’ Negro coloring just happened to be the leading clue for identification...It is undeniably a distinctive feature. If the men had been slant eyed, or red haired, or one-legged, that would have been the clue.”<sup>200</sup> Newspapers engaged in racial double-standards when covering the assaults. Because the alleged assailant was Black, the crime made front page headlines. *The Journal* and *Sentinel* both played on racist tropes, treating Black men as “hyper-sexed deviants with an insatiable appetite for white women.”<sup>201</sup> Alternatively, violence committed against Black women, particularly sex workers, received scant coverage. Polcyn was clear about the role that newspapers played in supporting the MPD’s order maintenance agenda. “The well-being of a police department depends a great deal upon the press and their ability to keep the law in public favor.”<sup>202</sup> Good relations with the press affirmed the MPD’s positive image and countered Black middle class charges of racial double-standards in policing. Sensational headlines justified racist police policies.

The 1956 sexual assault cases aggravated Milwaukee’s triangular struggle for order. Eager to

<sup>197</sup> “Polcyn Quiets Negroes’ Fears of Night Arrests,” *The Milwaukee Sentinel*, January 10, 1957; Dougherty, *More than One Struggle*, 54. On this and other racialized crimes that amplified Milwaukee’s triangular struggle for order in the 1950s, see: Erica L. Metcalfe, “The ‘Feeling of Terror’: Middle Class Respectability, Police Abuse, and Black Working-Class Resistance in 1950s Milwaukee,” *International Journal of Africana Studies* 20 (1) (Spring-Summer 2019): 25-42.

<sup>198</sup> Metcalfe, “We Need to March!,” 135.

<sup>199</sup> Chief Polcyn warned that anyone who “had no satisfactory explanation for being on the street during early morning hours” was subject to a stop and questioning. “Freed as Rape Suspects, 10 Held in Other Cases,” *The Milwaukee Journal*, January 7, 1957, Part 1, 1.

<sup>200</sup> “Police Only Doing Duty,” *The Milwaukee Journal*, January 14, 1957, Part 1, 12.

<sup>201</sup> Balto mentions a January 1, 1957 case in which a white 15-year-old girl was raped by two white male teenagers. It was “buried” on page 28 of *The Milwaukee Journal* and did not even appear in *The Milwaukee Sentinel*. Balto, “The Laws of the Land,” 79-80.

<sup>202</sup> John Keith Pope, *Police Press Relations: A Handbook* (Fresno: Academy Library Guild, 1954), 154.

appear cooperative, yet unwilling to accept mass profiling, MNAACP leaders met with police administrators in January 1957. They demanded the MPD show “more discrimination” in whom they stopped and questioned, referring to deserving Black criminals as opposed to “respectable” Black citizens. The MNAACP’s Fred Hickman, Dale Phillips, and C.L. Golightly argued “race relations were being seriously disturbed,” that “police were violating civil rights.”<sup>203</sup> Still, they emphasized that “no one wants this cleaned up more than [Black Sixth Ward residents].” White police administrators insisted that “the same police tactics would be used in any section of the city.” In addition to affirming the colorblind status of police regulations, Polcyn encouraged Black leaders to administer their own brand of social control among migrants—to “police themselves...be your brother’s keeper.” Such admonitions suggested it was the responsibility of Black middle class leaders to police poor and working-class Black behavior, while also implying a dual standard of protection. Moments like this, where police actions resulted in racist generalizing, exposed cracks in the MPD’s liberal law-and-order approach.

Criticism of how the MPD handled the 1956 rape investigations prompted additional community meetings among Black leaders, police administrators, and elected officials.<sup>204</sup> Again, Chief Polcyn rejected Black middle class requests for the MPD to distinguish law-abiding African Americans from lawless individuals when engaging in stops, interrogations, and arrests. Polcyn insisted that their charges of police overreach only encouraged “the lawless elements of the Negro race to commit crimes.”<sup>205</sup> Threatening the MPD’s image as a race-neutral arbiter of justice, in this view, undermined the ability of Black residents to garner accountability, while also generating more Black criminal activity. Polcyn’s focus remained on Black behavior; he refused to consider Black middle-class feelings of being disrespected as tax-paying citizens. That said, the MPD had Black

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<sup>203</sup> “Arrests Cause ‘Terror’ in 6th Ward Is Claim,” *The Milwaukee Journal*, January 10, 1957, Part 2, 1, 4.

<sup>204</sup> “Urban Group, Police to Meet,” *The Milwaukee Journal*, January 14, 1957, Part 1, 11.

<sup>205</sup> “Complaints Boost Crime, Polcyn says,” *The Milwaukee Sentinel*, January 15, 1957.

professional allies who directed the public discussion away from immediate concerns of police bias. Robert Taylor, a Black Republican candidate for Wisconsin's State Assembly, for example, blamed violent crime on the limited recreational outlets for Black youth, not police actions.<sup>206</sup> It was Black people themselves who were most afraid of lawlessness on the streets. Black criticism of police bias, in Taylor's view, was unfounded. More than anything, the police round-ups were a threat to Black business owners' ability to earn revenue. *The Milwaukee Defender*, a Black newspaper owned by Mary Ellen Shadd, clarified that Black middle class residents were "highly incensed" about the sexual assaults in general. Anxious about further racial stigmatization, Shadd initiated an effort to gather information on the alleged rapes of the white women. Responding to "many letters from Negroes deploring the attacks," her newspaper editorialized that "the vicious behavior of a few criminals" threatened the "good race relations" built over a decade.<sup>207</sup>

Achieving racial pacification through Black cultural adjustment called for police administrators and established Black leaders to agree to a social compact. Liberal law-and-order required both conceptual and practical buy-in to work. When unruly Black behavior tested police legitimacy, MPD officials called on middle class African Americans to help them alleviate poor and working-class Black dissent. Doing so obscured the truth of discretionary policing across Milwaukee's near north side, where the racial biases of white police officers were hard to rein in. As the MPD said itself before the U.S. Civil Rights Commission in 1960, "police officers are human beings, subject to personal prejudices and reactions, there is no doubt that some officers manifest racial prejudice in performing their duties."<sup>208</sup> The Black middle class was as a critical hinge in maintaining the status quo. Yet, they wavered between two consequential choices as Milwaukee's

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<sup>206</sup> Taylor had recently lost an election to represent the Sixth Ward in the Wisconsin State Assembly.

<sup>207</sup> "Negro Paper Spurs Rape Case Reward," *The Milwaukee Sentinel*, January 11, 1957.

<sup>208</sup> Law enforcement responses to a U.S. Commission on Civil Rights questionnaire on the administration of justice in Wisconsin showed that local police agencies saw "no discrimination by police officers or court personnel." This contradicted statements that prejudice was an inherent aspect of police work. "Wisconsin," *Report to the Commission on Civil Rights* (Washington, D.C.: Government Printing Office, 1961), 670.

policing crisis deepened in the 1950s: defending their shared racial interests with a comparatively poorer, younger Black migrant population and aspiring to, what many in the community saw as interracial class interests cultivated over the course of decades. The latter held out hope for expanded social and economic Black power, albeit on white liberal terms. The social compact bent in the 1940s and 1950s, but it did not break. It was challenged by serious episodes of racial profiling, police crowd control, youth surveillance, and a senseless episode of lethal police violence in 1958 that pushed some Black community leaders to the brink of civil disobedience. Racial pacification prevailed because Black middle class leaders were committed to the MPD's liberal law-and-order vision and the cultural adjustment program espoused by City Hall. They too desired social control during a period social and economic disruption. This triangulation meant grassroots organizing for police accountability would be delayed until the 1960s.

Racially charged altercations between crowds of Black teenagers, young adults, and white officers on the near north side exacerbated Black ideological and class divisions throughout the postwar era. Such confrontations challenged white Milwaukee's preconceived notion of policing exceptionalism. Black crowd resistance to the MPD's "close surveillance" of the Sixth Ward's "problem element" posed a threat to liberal law-and-order and the department's professed racial neutrality.<sup>209</sup> Lacking a viable mechanism for accountability in the face of intensifying police violence, Black poor and working-class youth confronted racialized order maintenance tactics directly because they saw no alternative. Between 1952 and 1955, the near north side experienced at least eleven incidents of Black crowd resistance against the MPD.<sup>210</sup> In some cases, youth under arrest tried to escape the grasp of white patrolmen with the assistance of surrounding spectators.

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<sup>209</sup> Bernard Toliver and Joseph Himden, "Research in Police-Community Relations in Inner-Core Area, Milwaukee, Wisconsin, 1959-1960" (Master's thesis, University of Wisconsin-Milwaukee, 1961), 31-32.

<sup>210</sup> Six cases involved bystanders either yelling at the police or watching them make arrests without getting involved in physical altercations. The five remaining cases entailed active crowds, with police drawing their service weapons in three confrontations. Teter, "Report on a Survey of Social Characteristics of the Lower Northside Community," 23-24.

Police and crowd members suffered injuries, “lacerations and contusions.” The crowds ranged in size from seven to several hundred people. At least twenty-seven arrests were made, mostly of young Black men. These crowd retaliations signified “a rich layer of community resistance to the police” and remains under-appreciated in Milwaukee’s long history of civil rights struggle.<sup>211</sup>

University of Wisconsin researchers wrote that Black crowd resistance to police arrest stemmed from miserable neighborhood conditions— “congestion, poor housing, and low economic status”— as well as a lack of “wholesome commercial recreation.” This led to “manifestations of lack of respect for police authority.”<sup>212</sup> Alternatively, police administrators cited “aggressive or socially unacceptable personal behavior, particularly arguments, fights, and intoxication.” Analysts stopped short of questioning police policies, like close surveillance, or the discretionary choices of individual patrolmen. They were keen to point out that police were “the only white persons” involved, meaning the department met its liberal law-and-order goal of preventing unrest between Black and white civilians. That distinction mattered, as it was white officers who signified white racial control to Black residents.<sup>213</sup> They were not only visible symbols, but white supremacy’s most active agents. More episodes of crowd resistance occurred as the decade progressed. The MCHR, in 1957, argued that the further deterioration of police-Black community relations was a function of how policing manifested in the Jim Crow South. Black migrants carried “anti-police feelings” north and projected them onto Milwaukee’s ostensibly colorblind officer corps.<sup>214</sup> It was inconceivable, in

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<sup>211</sup> Balto, “Occupied Territory,” 231.

<sup>212</sup> Teter, “Report on a Survey of Social Characteristics of the Lower Northside Community,” 23.

<sup>213</sup> Given the city’s hardening segregation, police were often the only state actors Black citizens encountered.

<sup>214</sup> As the MCHR reported in 1957: “In the South, the Negro looks upon a law enforcement officer as a natural enemy. This is especially true in those sections of the South where police power has been used for generations to keep the Negro ‘in his place.’ Negroes, many of whom are recently from the South, have brought this anti-police feeling to Milwaukee, and because of a hatred of police officers, are reluctant to give information to police about crimes committed in communities where they live. Also, when questioned, there is an almost automatically hostile response and general uncooperativeness. This reaction, in turn, creates to some extent at least, anti-Negro feelings among police officers with the result that there is very little, if any, communication or understanding between them.” Milwaukee Commission on Human Rights, *Annual Report*, 1957, 5.

the commission's view, that the MPD could engage in a similar project of racial coercion. The department's exceptionalism, its self-avowedly just intentions and crime control efficiency, overrode the aggressive order maintenance function perceived by a growing number of Black residents.

Although more and more Black professionals did not view the MPD as evenhanded, most believed mutual trust could be established. The Lapham-Garfield Neighborhood Council (LGNC) formed under the auspices of the MUL to "secure more understanding and trust" between police and Black residents. The umbrella organization coalesced in the wake of the MPD's rough handling of Black youth. Despite citing numerous systemic factors, this sizable cohort of human rights advocates, Black middle class leaders, and racial liberals did not cite police brutality as an explicit issue.<sup>215</sup> However, they called police "frisking" of African Americans "often unfair and unjustified."<sup>216</sup> The council also targeted the lack of Black representation on the Mayor's Advisory Committee and Milwaukee Metropolitan Crime Committee, as well as City Hall's ignorance of crime and safety issues facing Black residents.

Milwaukee further institutionalized liberal law-and-order and cultural adjustment against the backdrop of deteriorating police-community relations late in the late 1950s. Frank Zeidler, Milwaukee's last Socialist mayor, commissioned a study to research "social problems in the Inner Core area" in Fall 1959.<sup>217</sup> The "Zeidler Committee" formed in response to "group demonstrations against the police." However, the liberal cohort also hoped to situate police-community conflict and Black misbehavior within a broader context of dangerous social and economic conditions.<sup>218</sup> Some of these were poor infrastructure, housing exploitation, and overcrowding, but the committee also

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<sup>215</sup> "Seek Answer to Negro Ills," *The Milwaukee Journal*, March 1, 1958, Part 1, 7.

<sup>216</sup> "Lapham-Garfield Neighborhood Council," October 24, 1957, Box 10, Folder 15, "Committee Files, Lapham-Garfield Neighborhood Council, 1957," Milwaukee Urban League Records, 1919-1979, Milwaukee Mss EZ, University of Wisconsin-Milwaukee Archives.

<sup>217</sup> Released in 1960, finalizing the report was Zeidler's last major act as mayor. James J. Casey, Jr., "Frank Zeidler," *Encyclopedia of Milwaukee*, accessed October 25, 2019, <https://emke.uwm.edu/entry/frank-zeidler/>.

<sup>218</sup> Zeidler himself witnessed an incident of Black crowd resistance to the police on August 25, 1959. A "street fight" had attracted "a large gathering," Gerald P. Caffrey, "The "Core" Report," Milwaukee Reference Library, 1960, 2.

blamed Black families, adults, and youth for their own problems.<sup>219</sup> Housing “the major portion of the non-white population...those who are economically deprived or socially unacceptable elsewhere,” the near north side’s “unoriented newcomers to the community” were “incapable of meeting the complex demands of successful urban life.”<sup>220</sup> Researchers did not criticize police aggression or the surveillance practices that were central to liberal law-and-order as causal factors. Near north side youth merely lacked sufficient outlets “for constructive use of energy” and needed “improved recreational facilities.” Aging housing stock, absentee landlordism, concentrated poverty, excess taverns, high traffic, and street congestion exacerbated a worsening urban crisis. The “sheer compression of people, forms a basic cause of group interference” with police “in the performance of their duties.”<sup>221</sup> Black migration was the culprit, as the area seemed fixed in “a constant state of transition.”

The Zeidler Report called for a “concerted effort to spend funds to remedy educational and cultural deficiencies in people who live in the core area.” In other words, the ills facing Black residents stemmed from the community’s own behavior, as well as a lack of “understanding between cultural groups.” The report condemned Black residents for not understanding how policing works. The “ignorance of police procedures on the part of residents is another source of misunderstanding...a small segment of the population...is antagonistic toward the police.”<sup>222</sup> City

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<sup>219</sup> Structural factors enumerated in the 1960 Zeidler report included “excessive density of population,” “aged buildings,” “absentee ownership of property and milking of it,” “concentration of low income families,” “deterioration of living conditions from excessive traffic,” “lack of enough play spaces,” “concentration of taverns on streets,” “social problem families,” “lack of potential interest or guidance for children,” “inadequate outlet for constructive use of energy on the part of youth,” “adults with poor education and no vocational skills,” “cultural hostility between races and within social groups in the races,” “families with a poor sense of economic values,” “whole social strata without any constructive leadership,” and “vandalism.” Caffrey, “The “Core” Report,” 2-3.

<sup>220</sup> “Final Report to the Honorable Frank P. Zeidler, Mayor, City of Milwaukee,” 1-4, Mayor's Study Committee on Social Problems in the Inner Core Area of the City Milwaukee, Wisconsin, April 15, 1960.

<sup>221</sup> The committee had little to say about the private real estate interests who determined Milwaukee’s segregated housing market through exploitative “block busting” and racial steering practices or private white homeowners who sabotaged Black home buying through intimidation and terror. “Final Report to the Honorable Frank P. Zeidler, Mayor, City of Milwaukee.”

<sup>222</sup> Caffrey, “The “Core” Report,” 12.



Hall liberals absolved the MPD of engendering racially differential policy outcomes, regardless of its own admissions that patrolmen conveyed racial animosities. While the MPD rulebook called for “treating all persons alike, regardless of race, color, religion or nationality,” the police-community relations study committee noted that individual patrolmen “exercised poor judgment on occasions.”<sup>223</sup> Black interviewees argued “some individual police officers show racial prejudice...law enforcement is stricter in this area.”

The truth was far worse. As the cover-up of a 1958 police murder revealed, police racism ran deeper than sporadic lapses in personal judgment and “bad apple” moments of prejudice. Institutional racism within managerial decision-making shielded the racial bigotry of white officers and protected them when necessary. The MPD leveraged the independent authority and freedom from municipal oversight granted by the 1911 policing statute at the expense of economically and politically vulnerable Black families who were unable to garner formal accountability when officers engaged in misconduct. Still, according to the Zeidler Report, police had “an impossible burden” of enforcing the law across an urban terrain that bred “crime and social disorder.” Addressing only the behaviors and individual bigotries of both white and non-white citizens would resolve the “hidden forces at work in a deteriorating environment” and replace them with “forces for good.” Poverty, the report continued, created a high demand for public services and welfare assistance, which was expensive for the city. It reflected a “loss of unrealized human potential.” Making matters worse, white taxpayers were moving out of Milwaukee in droves. “Total community action” to ameliorate “the physical and social problems” was needed. Therefore, the Zeidler Committee proposed urban renewal to augment the sustained acculturation of migrants of color to the conventional order.<sup>224</sup>

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<sup>223</sup> “Committee on Police-Community Relations, “Report on Police-Community Relations in the Inner Core,” 1, Mayor’s Study Committee on Social Problems in the Inner Core Area of the City Milwaukee, Wisconsin, March 18, 1960; Caffrey, “The “Core” Report,” 12.

<sup>224</sup> Zeidler Committee, 1-4. It is important to note that Mayor Zeidler stated: “I am not expecting any social agency or governmental unit other than the city of Milwaukee itself to assume the burden of these problems and the leadership in solving them. These problems are of community wide concern—no less—and the city government should take the lead in

The 1958 police killing of unarmed Daniel Bell, mentioned above, remains the most consequential act of police violence in Milwaukee's history. Not only did it represent "the signal shot" that ushered in the city's postwar "civil rights insurgency," but it laid bare underlying forces of institutional racism that grassroots activists are still confronting today—biased all-white inquest juries; district attorneys overly sympathetic to police officers "pursuing a felon;" little-to-no citizen input on police rule-making; and media accounts that focus almost exclusively on the assumed violent behavior and criminality of a Black person shot dead by law enforcement.<sup>225</sup> The Bell case revealed the entrenched racism that permeated Milwaukee's all-white police bureaucracy—the details of which only came into view after one of the complicit officers confessed to the truth in 1978.<sup>226</sup> The tragic circumstances of Bell's death, the mixed community responses it generated, and the troubling details of how police conspired to hide the truth about the murder illustrated the challenges Black residents, migrant families in particular, faced in securing formal accountability for police mistreatment.

It is worth recounting the specifics of Bell's murder because, in many respects, it sparked Milwaukee's Black-led movement for police accountability. On the night of February 2, 1958, two white motorcycle patrolmen pulled 22-year-old Daniel Bell over for a broken taillight. Likely fearful that he would receive yet another citation or arrest for driving without a license, Bell fled. When police caught up to him, one officer, Thomas Grady, fatally shot the Louisiana native from a reported distance of, at first, just under twenty-four feet and, after revising his story, six feet.

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their solution, securing where necessary such cooperation from private agencies or other governmental bodies as may be deemed desirable." When Zeidler's successor, Henry Maier, responded to the same near north side conditions, he rejected the idea that Milwaukee city government could take steps to resolve problems. Action had to be anchored in surrounding municipalities and the state government. Caffrey, "The "Core" Report," 3.

<sup>225</sup> For historical accounts of Daniel Bell's 1958 killing by Milwaukee police and the subsequent cover-up engaged in by the MPD, see: Jones, *The Selma of the North*; Bell White and LePage, *Sister*; "DA Upholds Cops in Fatal Shooting," *The Milwaukee Sentinel*, February 4, 1958, Part 1, 1.

<sup>226</sup> As later chapters of this dissertation mention, a successful legal battle for civil restitution and the clearing of Daniel Bell's name ensued. It coincided with and contributed to the retirement of Police Chief Breier in 1984.

According to police reports, Bell ignored the patrolman's warning shots and calls to halt. The officers said he was holding a knife in his right hand, and that he lunged at them with the weapon before curiously yelling out, "You sons of bitches will never catch me, I'm a hold-up man." The police version of events was a lie. Bell's family immediately suspected foul play after watching news reports of his death.<sup>227</sup> The officers fabricated a story before detectives arrived. It became the official version of events and police administrators reported it at news conferences. Patrolmen Grady and Krause reinforced Bell's assumed criminality, claiming he matched the description of an armed robbery suspect. They provided enough circumstantial evidence for an all-white inquest jury, handpicked by the Milwaukee County Sheriff, to rule in favor of "justifiable homicide." Twenty years later, Krause testified in court that Grady made his true intentions clear that night: he set out to "arrest some niggers." Soon after ending Daniel Bell's life, Grady purportedly commented to Krause, "He's just a damn nigger kid anyway."<sup>228</sup>

After an all-white inquest jury ruled that motorcycle patrolman Thomas Grady had "made a lawful arrest" and "acted in self-defense" when he shot-and-killed Daniel Bell, roughly 450 African American residents participated in a mass meeting to determine how the Black community would respond. Multiple factions emerged, offering divergent views over who was at fault for Bell's death and the role of police power in Black spaces.<sup>229</sup> Mt. Zion Church Pastor T.T. Lovelace, who initially called the killing a "dastardly attack," blamed the "unruly" behavior of Black migrants. Their disrespect for law and order, in his view, "created in the general populous disgust, shame and fear." Lovelace preached moral betterment, placing the onus for change on Black migrant families rather

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<sup>227</sup> For one, Bell was left-handed. The family knew he would not have wielded a knife with his right hand. Police descriptions of Bell's actions were also suspiciously out of character. Twenty years later, the other officer involved, Louis Krause, said Grady pulled a pocketknife from his coat after he shot Bell dead. Grady then planted the knife in Bell's right hand so as to establish cause for using lethal force. When Krause warned him the knife was too small, Grady produced a second, larger knife. Diane Schwerm, "Justice Done in 21-Year-Old Shooting Case, McCann Says," *The Milwaukee Journal*, Part 1, 16; Bell White and LePage, *Sister*, 176-178.

<sup>228</sup> Bell White and LePage, *Sister*, 176.

<sup>229</sup> "Negroes Told to File Protest in Ballot Box," *The Milwaukee Journal*, February 21, 1958, Part 1, 20.

than white officials. Meanwhile, Democratic Assemblyman Isaac Coggs stated that he could “not see any justifiable reason why a man running from a police officer has to be shot in the back.” Still, he warned street protests were not the answer: “You can protest the way the district attorney asked the questions, at election time.” The Bell killing “added friction” to police-community relations efforts, according to the LGNC. Black residents shared feelings of police neglect and mistrust. “There is evidence of a lack of understanding between [near north side] citizens and the police.”<sup>230</sup>

Black labor organizer Calvin Sherard, on the other hand, charged officers with using discriminatory intent when they pulled Bell over for a broken taillight on that snowy February night. He and Reverend R. L. Lathan, of New Hope Baptist Church, demanded Thomas Grady’s termination, incredulous that an all-white inquest jury found him innocent in just ninety minutes. While Lathan expressed support for the MPD in general, calling it “one of the best” in the U.S., he argued at a March community meeting that some officers were “dishonest” and “backsliders.”<sup>231</sup> The minister called for moral retribution and for Black citizens to vote and “elect men of integrity and justice.” Sherard, himself a recent arrival, formed the Citizen Committee to Protest the Case of Daniel Bell in 1958. He and collaborators in the newly formed Crusaders Civic Social League did so, in part, to awaken indifferent Black clergy and middle class leaders to the MPD’s racialized enforcement double standards. The League aimed to challenge the disinterest of white city officials.

In objection to the inquest jury’s verdict, Sherard and Lathan announced a “protest prayer march” and rally at MacArthur Square in front of the Milwaukee County Courthouse on March 23. Assemblyman Coggs supported the demonstration, commenting “there is no difference between shooting Dan Bell in the back than killing Emmett Till in Mississippi.”<sup>232</sup> Sherard and Lathan hoped

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<sup>230</sup> Grant Gordon to Mayor Zeidler, March 3, 1958, Box 89, Folder 3, "Milwaukee Commission on Human Rights (1955-1960)," Carl F. and Frank Zeidler Papers.

<sup>231</sup> “Retribution Sought in Bell Case,” *The Milwaukee Sentinel*, March 11, 1958, Part 1, 4.

<sup>232</sup> “Retribution Sought in Bell Case,” *The Milwaukee Sentinel*, March 11, 1958, Part 1, 4.

to attract an interracial crowd numbering in the thousands. However, they called off the event at the behest of respected Black community leaders. Some bought the MPD's line that Bell was a criminal, justifiably shot by Grady in self-defense. Others refused to mobilize Black dissent out of fear of disrupting tenuous political relations with City Hall. Milwaukee NAACP members, including the city's only Black alderperson (and woman), Vel Phillips, talked Lathan and Sherard out of leading the demonstration.<sup>233</sup>

The truth of Daniel Bell's murder would not have surprised many poor and working-class African Americans, given their responses to University of Wisconsin-Milwaukee researchers Bernard Toliver and Joseph Himden. Black citizens told the researchers that police patrolmen were "more strict in the inner core than elsewhere in the city."<sup>234</sup> Some "manifested racial prejudice" and were prone to "question and arrest for minor infractions, such as Jay-walking or loitering." MPD policies of "close police surveillance" led to "questioning and even arrests" of many law-abiding citizens. Patrolmen engaged in "unnecessarily severe questioning for minor offenses or behavior," according to some Black citizens. This was typically preceded by indignant and paternalistic language, like calling Black men "boy." Resident testimony implied that the MPD did not follow its own liberal law-and-order regulations of treating all people fairly, in a colorblind manner. Black spaces and residents were condemned by white rank-and-file officers and police officials as criminally exceptional and in need of more stringent control. Toliver and Himden afforded police the excuse of "cultural misunderstandings." White patrolmen were unaware of the "role" that "loitering" and "fun-seeking" evidently played in Black life.

The analysis of postwar academic researchers subscribed to a dominant liberal perspective that relied on behavioral and cultural explanations for why some groups struggled to survive in cities

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<sup>233</sup> Phillips notably shifted in the 1960s to support grassroots protest in support of her own proposed open housing ordinance, participating in several demonstrations herself and risking arrest.

<sup>234</sup> "Report of Committee on Police-Community Relations," 5-8.

and others did not. In pathologizing Black behavior, Toliver and Himden, for example, failed to account for how discriminatory police directives supported overcrowding or promoted a lack of recreational and employment opportunities. In explaining why some African Americans collectively resisted police, they rejected the notion that white officers themselves might be carrying out unjust policies informed by racist ideas. Conversely, Black crowd resistance was explained as a matter of individual ignorance, “intoxication,” and “fear of the consequences” of arrest.<sup>235</sup> They concluded that “mutual understanding” through continual education would resolve Black crowd resistance to police arrest. The goal was to ensure “a better atmosphere of law and order,” not to seek justice for overpoliced and underprotected Black citizens.<sup>236</sup>

### *Conclusion*

In the 1940s and 1950s, Milwaukee police chiefs revised aspects of the MPD’s instructional practices, organization, and approach to social control to correspond with national liberal law order prerogatives: more closely observing civil rights laws, ensuring procedural justice, adhering to racial colorblindness, and strengthening relations with middle class leaders of color. This was, in large part, meant to improve the police image and to project to outside observers that U.S. policing was fair and impartial. The MPD instituted “race and human relations” trainings, created a Youth Aid Bureau to better manage youth crime, and hired a few more Black officers. As a result, the department emerged as a leader in the police-community relations movement, with its chiefs earning commendations for their innovation and foresight. City leaders and police bureaucrats positioned the MPD as an unbiased mediator of racial antagonism and conflict. They did so amidst great social, economic, and political change, most notably the acceleration of Black in-migration from the South

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<sup>235</sup> “Report of Committee on Police-Community Relations,” 5-8.

<sup>236</sup> “Report of Committee on Police-Community Relations,” 5-8; Trotter, *Black Milwaukee*, 118.

and Lower Midwest. Milwaukee police administrators collaborated with other municipal institutions to help facilitate liberal social engineering programs in response to Black population growth. This effort, in effect, revolved around acculturating African American, and later Latinx migrants, to the city's traditional, white-prescribed middle class cultural milieu.

The colorblind, or race-neutral, principles at the heart of liberal law-and-order converged with Milwaukee's white assimilationist racism. That convergence deepened as Black migrants moved into the city in greater numbers during the late 1940s and 1950s. Although liberal law-and-order seemingly operated according to principles of racial fairness, the MPD did not operate in an equitable society. Individual officers were not free from individual biases and "race and human relations" training only went so far in shifting racial perspectives. Economic racism and the systemic outputs of racial capitalism guaranteed that criminal justice policies would continue to target disproportionately poor communities of color, relegated to segregated urban enclaves on the margins of industry and downtown commerce. Class-based, behavioral racism amplified the perceived need for expanded police resources and personnel to monitor and contain Black Milwaukee.

Anti-Black racism weakened the MPD's nominally progressive institutional advances. Policing reflected the city's increasingly fraught racial politics, which worsened against the backdrop of expanded Black migration and racist white reaction. Despite its best efforts to establish new training procedures, draft race-neutral regulations, and work with Black community leaders to reduce opportunities for civil unrest, the MPD engaged in policies and practices on the near north side that rationalized Black life and culture as, if not criminogenic, then in need of "close surveillance."<sup>237</sup> Police played a critical role in a "cultural adjustment" program rooted in behavioral

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<sup>237</sup> Bernard Toliver and Joseph Himden, "Research in Police-Community Relations in Inner-Core Area, Milwaukee, Wisconsin, 1959-1960" (Master's thesis, University of Wisconsin-Milwaukee, 1961), 31-32.

racism. The program was intended to alleviate pathologized Black behavior and bring minoritized groups more firmly into the city's white prescribed order. Racist ideas about Black life and culture informed racially disproportionate policing outcomes, with Black citizens experiencing inordinate stops, interrogations, detentions, and uses of force. Liberal law-and-order's practical application only exacerbated a developing crisis of police legitimacy and further undermined the ability of Black residents to garner accountability.

Established Black middle class elites, too, exhibited their own fears around the in-migration of poor and working-class Blacks from the South. These feelings translated into a sustained commitment to racial uplift, but also expressions of intra-racial class prejudice that showed the extent to which Black Milwaukee was not a monolith. Indeed, Black migration exacerbated a triangular struggle for order among Black professionals, southern Black newcomers, and assorted white interests, which helped undermine opportunities for institutional accountability as police repression worsened. Established Black professionals engaged in their own forms of behavioral discrimination when addressing physical and moral conditions on Milwaukee's congested near north side. Some overtly criminalized, or morals-shamed poor and working-class Black residents in tandem with racist white actors. Others embraced racialized assimilationist prerogatives. Milwaukee's Black middle class denounced "radicalism," specifically Communist Party organizing, which police viewed as subversive and a contributor to Black political dissent and civil unrest. Members of the Black middle-class worked to distance community leaders from charges of "anti-Americanism."

Liberal articulations of racism and the criminalization of poor and working-class Black people challenged the MPD's ability to uphold Milwaukee's white middle-class reputation for moral rectitude. The city's narrative of policing exceptionalism became more contingent on social control and discretionary order maintenance policing in comparatively poorer, civically neglected Black spaces. In the process, the police department struggled to keep up appearances of racial equity that



were central to liberal law-and-order as a strategic approach. Black middle-class buy-in to cultural adjustment waned in the 1950s. Troublesome police decisions and violent racial conflicts among African Americans and white police fractured an already precarious relationship. These included the widespread profiling of hundreds of African Americans in response to violent crimes; charged street confrontations between Black youth and white patrolling officers; and the controversial police killing of Daniel Bell in 1958. Declining Black perceptions of police legitimacy forced the department and Milwaukee's wider police bureaucracy into an increasingly defensive posture in the 1960s.

## CHAPTER THREE

### Police Accountability Activism as Civil Rights Insurgency

Police brutality signified the worst of the “us-versus-them” mentality that characterized police-Black community relations in 1960s Milwaukee.<sup>1</sup> What was true about police violence in the Cream City was true of other metropolitan areas undergoing pronounced racial demographic change and economic restructurings in the post-World War II period. City governments were compelled to manage worsening inequality as affluent and middle-class whites suburbanized and forced Black migrant workers and families to live in increasingly segregated central city neighborhoods. Police were called on to enforce social control and Milwaukee’s virtually all-white police department often did so with abrasive attitudes and a heavy hand. To a growing number of poor and working-class African Americans, the city’s widely heralded narrative of policing exceptionalism—the idea that the Milwaukee Police Department (MPD) impartially enforced the law while promoting sound community relations in service of efficient crime control—seemed terribly artificial. Black citizens felt progressively more vulnerable to crime and became concerned about how white police patrolmen and detectives utilized their ample discretion to forcefully monitor, control, and respond to the behavior of Black youth and under-employed workers at the expense of overall community safety.<sup>2</sup> They feared for the security of their children and the livelihoods of their families, particularly

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<sup>1</sup> This dissertation takes up historian Leonard Moore’s broad view of racialized police violence—that “police brutality” was not limited to homicides and beatings, but also unlawful arrests, the use of threatening and abusive language, racial slurs, sexual exploitation, racial profiling, and police “complicity in drug-dealing, prostitution, burglaries, protection schemes, and gun smuggling.” Police brutality was also the “lack of justice available to black defendants in the courts.” Leonard Moore, *Black Rage in New Orleans: Police Brutality and African American Activism from World War II to Hurricane Katrina* (Baton Rouge, LA, 2010), 1. On Milwaukee, see: Simon Ezra Balto, “‘Occupied Territory’: Police Repression and Black Resistance in Postwar Milwaukee, 1950-1968,” *The Journal of African American History* 98 (2) (Spring 2013), 248.

<sup>2</sup> Police discretion is the freedom that individual officers enjoy to act according to their own judgment during specific policing encounters and interventions. Discretion is the defining feature of policing. It can mean the difference between issuing a warning, delivering a citation, effecting an arrest, or engaging violently in response to a perceived threat. Trevor Jones, “Discretion,” *Dictionary of Policing*, edited by Tim Newburn and Peter Neyroud (New York: Routledge, 2008), 82; Stuart Schrader, “The Global Policeman Will Always Shoot People,” *Foreign Affairs*, January 13, 2020, accessed January 14, 2020, <https://foreignpolicy.com/2020/01/13/united-states-iran-suleimani-killing-police-the-global-policeman-will-always-shoot-people/>.

as Milwaukee's African American population mushroomed in the 1960s.<sup>3</sup> Furthermore, they worried about civil violence touching-off as a result of increasingly tense police-Black citizen encounters. The latent rage of Black young people locked out of America's postwar riches and locked into its segregated "ghettos" contributed to widespread anxiety and unrest.<sup>4</sup>

Fed up with "the increasing fear of harassment, illegal arrests, not to mention brutality," Black political leaders and civil rights advocates in Milwaukee began mobilizing around policing issues more deliberately.<sup>5</sup> In challenging police brutality and the city's rapidly deteriorating police-Black community relations, they forged a fresh movement for police accountability. Participants did so within the context of expanding national civil rights and Black Power struggles, urban rebellions, and federal amplifications of police power. Black police accountability advocates and allies made direct connections between the MPD's unchecked, often abusive discretionary authority and the rampant discrimination that permeated the city's employment, education, housing, and commercial sectors. They argued that law enforcement served to protect the racial boundaries of an outmoded civic order—one that positioned Black men and women as second-class citizens, denying them full rights and access to the fruits of American democracy. This chapter spotlights the exertions of Black police accountability advocates and allies to garner a fairer law enforcement system in Milwaukee at a moment of intensifying civil rights insurgency, national unrest, and racial backlash. It traces a series of grassroots coordinating efforts, formal negotiations, and demonstrations conceived around the goals of ending police brutality and addressing the lack of institutional accountability afforded to African Americans and other racialized populations vulnerable to overpolicing and

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<sup>3</sup> Milwaukee's African American population expanded from 20,454 residents in 1950 to 62,458 in 1960, then to 105,088 in 1970. In the process, the city's Black community became younger, poorer, and more decidedly working-class.

<sup>4</sup> Mitchell Duneier, *Ghetto: The Invention of a Place, the History of an Idea* (New York: Farrar, Straus and Giroux, 2017).

<sup>5</sup> Lloyd Barbee, "Citizens' Anti-Police Brutality Committee," Box 21, Folder 9, "Citizens' Anti-Police Brutality Committee, 1964-1965," Milwaukee MSS16, Lloyd A. Barbee Papers, 1933-1982, University of Wisconsin-Milwaukee Archives.

underprotection.<sup>6</sup> This chapter contends that police accountability advocates engaged in a dual process of testing and discovery across Milwaukee's law enforcement arena in the mid-1960s that clarified the underpinnings of local police power and better revealed its differential applications.

Through a combination of civic engagement and non-violent direct action protests, groups like the Citizens Anti-Police Brutality Committee, Human Relations Coordinating Council, Organization of Organizations (Triple O), and Milwaukee NAACP Youth Council (YC) learned more about the existing impediments to cultivating a responsive and just policing system. Some of those hindrances were legal, like the property requirement barring most poor and working-class African Americans from filing a formal complaint against the MPD with the Milwaukee Fire and Police Commission (MFPC). Others were political and stemmed from a traditional racial order that was designed to benefit white working, middle, and upper-class residents. For example, elected officials were reluctant to embrace an independent civilian police review board because, as one white voter surmised, "they would handcuff our police department with countless unfounded and invalid claims of the old Communist slogan of 'police brutality.'"<sup>7</sup> Police accountability advocates tested and discovered the legal and political boundaries of police oppression, learning where the system could bend and where it was fixed. They looked to effect change and raise the MPD's legitimacy with Black residents in the context of national civil rights gains, as well as the onset of urban rebellions against systemic racism, beginning with Harlem in 1964.<sup>8</sup> The passage of the 1964 Civil Rights Act presented a legal pathway to combatting police civil rights violations and further outlined

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<sup>6</sup> Joe William Trotter, Jr., *Black Milwaukee: The Making of an Industrial Proletariat, 1915-1945*, 2<sup>nd</sup> ed. (Urbana: University of Illinois Press, 2006), 118.

<sup>7</sup> Lawrence Galezewski, "Congratulations to Chief Breier," *The Milwaukee Journal*, March 25, 1969, Part 1, 18.

<sup>8</sup> When uprisings broke out in 1964 and 1965, cities asked to reproduce the MPD's human relations training guide. The department delivered more than 30,000 copies of the manual to outside police departments since it was introduced in 1952. The guide read: "The average citizen's respect for the authority of society is dependent upon the degree to which that authority is impartially exercised." Ronald H. Snyder, "Chief for Life: Harold Breier and His Era" (Ph.D. diss., University of Wisconsin-Milwaukee, 2002), 130; "Police Here Understand Race Relations: Dahl," *The Milwaukee Journal*, October 6, 1965, Part 3, 1.

institutional discrimination. Meanwhile, the liberal Warren Court's *Mapp* (1961), *Gideon* (1963), *Escobedo* (1964) and *Miranda* (1966) decisions ushered in what many police officials saw as "a frontal constitutional assault on their authority, expertise, and discretion."<sup>9</sup> This wider context helped shape the direction of police accountability advocacy in Milwaukee, as well as the outcomes of civic negotiations. However, it was really local political dynamics—municipal, county, and state—that determined whether the city's Black-led police accountability movement or countervailing forces that supported a white supremacist status quo would prevail in dictating the terms of police power.

The salience of social, political, and class diversity within Black Milwaukee and its organizational networks remains an important theme in this chapter. A diverse range of ideological perspectives characterized Milwaukee's budding police accountability movement and civil rights insurgency. Not everyone seeking to reform or more radically transform the city's police bureaucracy agreed on tactics and outcomes. Black Milwaukee's historically fragmented class politics persisted in the 1960s, undercutting the formation of a more unified front in addressing racialized police violence and issues of police legitimacy. Where police accountability advocates found the most common cause was in their shared desire to prevent civil unrest and establish a more equitable policing system that, in the process of maintaining order, treated all people with dignity and respect, regardless of racial or class background. Still, those willing to name police brutality and challenge it directly, either by working through the system or applying pressure via civil disobedience at street level, drew sharp rebukes from white liberal, moderate, and conservative actors; some Black community leaders joined them. White civic officials and everyday residents enjoyed a far healthier,

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<sup>9</sup> As legal historian Risa Goluboff argues, the Supreme Court moved from a flat preoccupation with guilt or innocence to making sure procedural justice and civil rights law was carried out across the criminal-legal system. *Mapp v. Ohio* established the rule that illegally obtained evidence could not be used in court. *Gideon v. Wainwright* ensured that states would provide criminal defendants charged with serious offenses an attorney if they could not afford one. *Escobedo v. Illinois* ruled that criminal suspects had the right to a present attorney during police interrogations. *Miranda v. Arizona* required law enforcement to warn arrested people they had the right to remain silent and the right to an attorney. Risa Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (New York: Oxford University Press, 2016), 199-200. Walker and Archbold, *The New World of Police Accountability*, 45.

more responsive and protective brand of law enforcement. Therefore, they were not willing to relent, let alone reform policing without a fight. Likewise, some old-guard Black professionals were not prepared to relinquish their class power within the city's segregated system.

As this chapter illustrates, Milwaukee's virtually all-white police bureaucracy refused to hear Black charges of police brutality in the mid-1960s, or at least listen sympathetically when Black residents or their interlocutors recounted narratives of police misconduct. If the MPD, MFPC, and City Hall did not flatly deny the existence of police brutality, then they abdicated any responsibility for proposing meaningful solutions. While some white public officials attempted to advance narrow reform proposals meant to curtail extra-legal or abusive police transgressions, the truth was they had little choice but to follow the guidance of Harold Breier. State law granted the police chief lifetime tenure and final rule-making authority—thus, full control over police discretion and internal investigations. Again, police accountability advocates were just now discovering the full weight of that authority. At the same time, Chief Breier actively undermined Milwaukee's most visible advocates for a revised policing system. The MPD engaged in targeted press denunciations, hostile encounters, and, increasingly, counter-insurgent campaigns of harassment, intimidation, and arrest against civil rights organizations. These actions are discussed in greater detail in the next chapter. The department's capacity for reactionary law-and-order was supported by a powerful white backlash against the city's insurgent Black freedom movement. Thousands of white residents believed in the MPD's narrative of exceptionalism and Chief Breier was content with leveraging decades of goodwill generated by his liberal law-and-order predecessors when it suited him.<sup>10</sup>

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<sup>10</sup> That said, it should be noted that previous police chiefs, indeed, led the MPD at a time when Black Milwaukee was smaller and more easily (or less noticeably to white residents) managed through racist order maintenance policing and "close surveillance" tactics. Racial conflicts between white police and Black residents had intensified by the mid-1950s. But they were successfully contained before any mass civil violence could break out. To be clear, African Americans in the immediate postwar period did resist police mistreatment—overpoliced Black youth in particular. However, they did not collectively channel their deepening frustration with and mistrust of the MPD into coordinated, organizational activism. While their protestations denoted an important mode of grassroots dissent, they lacked the numbers and institutional support of the 1960s generation. Black middle-class leaders, meanwhile, were more organized institutionally.

### *Mobilizing Against Police Brutality*

As the sun rose on the morning of June 21, 1964, a woman observed four young men peering into car windows on Milwaukee's near west side. She called out to the group, but they dispersed. The youths, all Black, reconvened near the intersection of N. 15<sup>th</sup> St. and Wells. The teens admittedly stole some fishing rods, two tackle boxes, and tubes of hair cream from a parked vehicle.<sup>11</sup> While walking south on N. 15th St., a police cruiser approached. Alarmed by the cruiser, they dropped the items and fled. One of the patrolmen exited the oncoming squad car and gave chase, drawing his revolver as he ran. Maneuvering between houses, three of the boys successfully traversed a picket fence. The pursuing officer caught up with the fourth, whose leg had gotten caught in the barrier.<sup>12</sup>

What transpired next made for disputed testimony in the first federal police brutality lawsuit filed in Milwaukee's history.<sup>13</sup> According to William Coates, white patrolman Arthur Young pulled him down from the fence, lifted him up from the ground, and struck him on the head with his service weapon, "causing a deep scalp wound." The officer proceeded to punch Coates in the stomach, walked him over to his parked squad car and forcibly bent the young man over the vehicle's trunk, tightly holding his right arm behind his back. "You better start talking," Young instructed, before shoving Coates onto the backseat. Officers reportedly called the 14-year-old a "Black nigger," "bastard," and "trash," as they questioned him in the cruiser about the theft. "I smell

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However, they still supported racial acculturation and accommodation well into the 1960s, despite raising issues of differential policing. See Chapter II; Balto, "Occupied Territory."

<sup>11</sup> The youths confessed to stealing these items.

<sup>12</sup> Officer Arthur Young testified in court that he took his service weapon out of its holster because he was nervous he would lose it as he ran.

<sup>13</sup> The plaintiffs sought monetary damages under "Section 1983" of the Civil Rights Act of 1871, a section of the law frequently invoked in cases of alleged excessive police force. Micah Schwartzbach, "What Is a "Section 1983" Lawsuit against the Police," NOLO, accessed April 8, 2019, <https://www.nolo.com/legal-encyclopedia/what-is-a-section-1983-lawsuit-against-the-police.html>.

animal blood,” driver Gordon Hessel allegedly remarked. When the youth asked for a towel to wipe the blood streaming down his face, he said an officer replied, “Wipe your head with your shirt.”<sup>14</sup>

According to police testimony, William Coates never resisted arrest. He complied when questioned about the assumed robbery and location of his accomplices. Belying the myth that cooperation with the police necessarily resulted in fair treatment or due process, Coates said one of the white patrolmen struck him twice more, this time in his right eye, as the other drove to find another suspect. When the police found Michael Thomas, the plaintiffs’ affidavit said an officer punched him “repeatedly with a closed fist,” before placing him under arrest. After transporting him to District One station, a patrolman allegedly hit the 14-year-old again in the chest and stomach, then threw him onto a table, cutting his lip, before striking him multiple times on the neck and back. Further violence ensued, both at the station and again in the squad car as Young and Hessel left to round up additional suspects.

The excessive use of police force Coates and Thomas recounted was far more common on Milwaukee’s near north and west sides than either the MPD or the city’s white majority cared to admit. That same week, Jerry Holland experienced a similar episode of police aggression when he was stopped by a white patrolman for jaywalking across N. 3<sup>rd</sup> St. The officer, Holland said, took umbrage at the 13-year-old’s refusal to empty his pockets on command.<sup>15</sup> He arrested him, pulled him over to a police call box, and summoned a squad car from nearby District Five station.<sup>16</sup>

*Milwaukee Star* publisher Ken Coulter witnessed two patrolmen pummel the youth, then push him into a cruiser.<sup>17</sup> Coulter trailed the vehicle to the District Five station at N. 4<sup>th</sup> and Locust St., joined

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<sup>14</sup> “CORE Lawyer to Prosecute First Milwaukee Police Brutality Case,” *The Milwaukee Courier*, August 8, 1964, 1; *Thomas and Coates v. Young and Hessel*, United States District Court for the Eastern District of Wisconsin, No. 64-C-203 (1964).

<sup>15</sup> Holland was carrying some cash. He feared the officer might take his money.

<sup>16</sup> Milwaukee beat patrol officers, starting in the 1880s, used neighborhood call boxes in districts to report specific crimes to police headquarters. Initially, the public could also use the communication devices to summon police. Rachel Morello, “What’s the Story with Milwaukee’s Police Call Boxes?” *WUWM*, March 23, 2018, <https://www.wuwm.com/post/whats-story-milwaukees-police-call-boxes#stream/0>.

<sup>17</sup> The *Star*’s offices were located nearby on N. 3<sup>rd</sup> St. (present-day Dr. Martin Luther King, Jr. Drive). The Black-run



by Holland's mother. The officers made little effort to conceal their racism on the drive: "I'll have you in a cage swinging like a monkey," one apparently said. Such dehumanizing comments were not isolated to rank-and-file "bad apples," but echoed the verbiage of recently appointed police chief, Harold Breier. "Any breakdown in law and order can turn any community into a jungle," Breier told reporters in 1964.<sup>18</sup> More name-calling and "slaps" followed. The quick arrival of Holland's mother at District Five station may have prevented a more severe in-house beating.<sup>19</sup> He was released with a date in Milwaukee Children's Court and a jaywalking ticket—one of many petty citations unevenly dispensed to Black citizens; these also helped to fund public safety expenditures. State violence, such as that committed against Holland, has always been "more than a problem of rogue cops—it was an institutional problem."<sup>20</sup> Racialized violence perpetrated by the state transcended policing. Assorted actors within Milwaukee's criminal-legal system—from elected officials and the Milwaukee County District Attorney to Milwaukee County Circuit Court judges and the MFPC—routinely minimized Black concerns around crime, safety, and law enforcement. Institutional racism and segregation ensured that Black citizens remained vulnerable, not just to a disproportionate share of urban dangers and illicit activities, but also to police mistreatment and neglect.

A cohort of Black community leaders and select white allies concerned about the protection of civil and human rights formed the Citizens' Anti-Police Brutality Committee (CAPBC) in August 1964 to address racial inequities across the law enforcement arena. Labor leader Calvin Sherard organized the ad hoc committee in direct response to the police beatings of William Coates, Michael

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newspaper routinely reported on allegations of police brutality committed against African Americans. It played a critical role in publicizing Milwaukee's emergent Black-led movement for police accountability.

<sup>18</sup> "Baiting of Police Called Problem," *The Milwaukee Journal*, December 10, 1964, Part 1, 21. Numerous white authorities, citizen's groups, and commentators referenced poor, predominantly Black urban neighborhoods in the postwar period as "jungles," often in reference to the assumed lawlessness and cultural degradation of their Black migrant inhabitants. Milwaukee Commission on Human Rights, *Annual Report*, 1957, 3.

<sup>19</sup> Holland's injuries required hospital attention, probably adding economic injury to physical pain. No charges were filed against Holland in Children's Court. "Brutality," *Milwaukee Star*, August 15, 1964, 12.

<sup>20</sup> Clarence Taylor, *Fight the Power: African Americans and the Long History of Police Brutality in New York City* (New York: New York University Press, 2018), 6.

Thomas, and Jerry Holland.<sup>21</sup> The group coalesced to reform the criminal-legal system at the point of police-civilian contact, when law enforcement employed its discretion in a ways that ranged from reckless directives to brutal treatment.<sup>22</sup> Recalibrating the terms of police discretion, in this sense, carried the potential for improved police-community relations and crime control, the easing of simmering tensions and the elevation of police legitimacy. While the CAPBC was not the first Black-led organization that focused on the improvement of police-community relations in Milwaukee, it was the first to dedicate its energies towards resolving the police department's brutalization of African Americans.<sup>23</sup> Unlike the Sixth Ward Law and Order League of the 1930s or the Lapham-Garfield Neighborhood Association of the 1950s, the committee emphasized police misconduct and the role that law enforcement played in eroding neighborhood safety. From 1964 to 1965, it helped advance the city's growing police accountability movement. Above all, the CAPBC worked to enact swift changes on the MPD by compelling police bureaucrats to limit the likelihood that police officers could ever act violently while on patrol in Black spaces, responding to crimes involving Black suspects, or answering service calls requested by Black citizens.

The CAPBC positioned itself as both a protest organization and “negotiating committee”—one that operated “independent of the city administration.”<sup>24</sup> The interracial committee was essentially reformist in that it did not deny the legitimacy of policing as an enterprise.<sup>25</sup> Its members, instead, saw the MPD as a flawed, if perfectible civic agency capable of meting out law enforcement properly, i.e. without bias and in ways that served *all* residents. Unlike white city officials, police

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<sup>21</sup> Sherard believed these cases of police brutality would ultimately result in disciplinary action against the officers involved. “Committee Formed to Investigate Police Brutality Charges.”

<sup>22</sup> Lloyd Barbee, “Citizens’ Anti-Police Brutality Committee,” Box 21, Folder 9, “Citizens’ Anti-Police Brutality Committee, 1964-1965,” Lloyd A. Barbee Papers.

<sup>23</sup> Historian Joe Trotter traces this “contradictory” relationship back to the early Black migrations of the World War I era. Trotter, *Black Milwaukee: The Making of an Industrial Proletariat*, 118.

<sup>24</sup> “Brutality,” *Milwaukee Star*, August 15, 1964; “Police Brutality Probe by Outsiders Rejected,” *The Milwaukee Journal*, September 10, 1964, Part 1, 22; “Ban Police Bias, New Group Asks,” *The Milwaukee Journal*, August 23, 1964, Part 2, 13.

<sup>25</sup> Few police accountability organizations actually did so in this period.

administrators, and even many Black middle-class leaders in the 1940s and 1950s, the CAPBC did not blame poor African Americans for the MPD's over-zealous policing and the comparative underprotection it afforded Black residents. The committee saw officers who engaged in police brutality as contributing forces to a fraying social fabric. This was a fresh perspective within Black Milwaukee human rights organizations. African American professionals historically considered the MPD a fair arbiter of "right" and "wrong"—a rather neutral agency that existed above the messiness of urban politics. Conversely, the CAPBC argued that the police department "created any distrust" that existed between a growing Black migrant population and law enforcement "by insisting on being prosecutor, judge, jury, and executioner."<sup>26</sup> This critique was, at the time, unheard of in a city that had long prided itself on its crime control efficiency and community-minded policing strategies.

The CAPBC represented the vanguard of Milwaukee's struggle for police accountability at a critical juncture in America's civil rights and policing history. Outbreaks of civil violence in northern cities, which began occurring shortly after Congress passed the 1964 Civil Rights Act, transformed municipal discourses around race, policing, and human rights. In this context, the CAPBC articulated a reform vision that reflected both the urgency of Milwaukee's advancing Black freedom movement and the rising anxieties that urban rebellions engendered. The committee did so well before the city wrote its own chapter in the "long hot summer" of 1967.<sup>27</sup> Sparked by episodes of racialized police brutality and swirling rumors of police violence, these politically charged conflicts suggested widespread Black dissatisfaction with the economic racism embedded in urban liberalism.

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<sup>26</sup> "Statement of the Citizens' Anti-Police Brutality Committee before the Milwaukee Police and Fire Commission, January 21, 1965."

<sup>27</sup> The press, political leaders, activists, and scholarly observers simultaneously describe the episodes of civil violence that touched-off in the mid-1960s as "riots," "uprisings," and "rebellions." One's socio-political perspective, proximity to the event in question, or level of participation often determined use of language. On the scholarly debate around how to appropriately characterize, what Dr. Martin Luther King, Jr. once notably called, "the language of the unheard," see: Heather Thompson, "Urban Uprisings: Riots or Rebellions?" in David Farber and Beth L. Bailey, eds., *The Columbia Guide to America in the 1960s* (New York: Columbia University press, 2003); Michael B. Katz, "Why Don't American Cities Burn Very Often?" *Journal of Urban History* 34 (2) (January 2008): 185-208; Amanda I. Seligman, "But Burn—No": The Rest of the Crowd in Three Civil Disorders in 1960s Chicago," *Journal of Urban History* 37 (2) (2011): 230-255.

They also reflected the limits of federal civil rights laws that did little to directly alter the day-to-day inequities experienced by Black families hemmed into racially segregated urban enclaves. For the CAPBC, securing a more equitable level of police service and protection was part and parcel of preempting civil violence. Its members were wary of what Harlem's August 1964 uprising meant for Milwaukee's growing and disproportionately poor Black community. Near north sides faced a similar set of discriminatory socio-economic and socio-political constraints as Black Harlemites. Drawing on more than a decade of intensifying racial discord between white patrolmen and Black youth, the CAPBC's activism around tempering police-Black community conflict implied that Milwaukee's foray into the "Great Uprising" of the 1960s was not inevitable.<sup>28</sup> Some CAPBC members observed the city's troubling policing dynamics and their potential for unrest as early as the late 1950s. However, demands for change were tempered by established Black middle-class leaders as concerned about rankling the community's white liberal benefactors as pursuing justice.

Unwilling to wait and see if Milwaukee would be the next city to burn, metal finisher, labor organizer, and civil rights activist Calvin Sherard spearheaded the CAPBC's formation in August 1964. As he argued then, "such a committee is a necessity...if we don't want to experience a Harlem right here in Milwaukee."<sup>29</sup> Sherard was among the first Black leaders in the city to advocate for non-violent civil disobedience as a response to police brutality. He embodied the shift taking place among civil rights organizations after the 1958 police murder of the unarmed Black migrant Daniel Bell. It was after a white police officer shot-and-killed the 22-year-old Louisiana native that Sherard made a name for himself in local social justice circles. In the process of organizing the community

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<sup>28</sup> Peter B. Levy, *The Great Uprising: Race Riots in Urban America during the 1960s* (New York: Cambridge University Press, 2018). White city officials and police bureaucrats had plenty of opportunities to recognize and reform the city's racially differential law enforcement arrangements. They could have chosen to attack the root causes of racialized civil violence: white anti-blackness and the residential segregation, educational inequities, disinvestment, employment discrimination, joblessness, and poverty it facilitated. As Black police accountability advocates and allies discovered, Milwaukee's criminal-legal system was actually working as planned; it supported a racial politics that preserved white hegemony and the dictates of racial capitalism.

<sup>29</sup> "Committee Formed to Investigate Brutality Charges," *The Milwaukee*, August 14, 1964, 1.

against police violence, the Georgia native moved segments of Black Milwaukee from its restrained politics of racial accommodation to a more confrontational approach. Sherard's articulations of solidarity for the adverse economic conditions facing poor and working-class Black migrants shaped a militant protest politics and his subsequent efforts to secure Black civil rights through boycotts and street protests. Despite the availability of low-level manufacturing jobs in Milwaukee, the city presented Black newcomers from the South and Lower Midwest with a hostile, discriminatory terrain.<sup>30</sup> That meant frequent encounters with an overwhelmingly white police force.<sup>31</sup> As an industrial laborer and recent migrant, Sherard understood first-hand the routine disrespect, harassment, and brutality that white officers meted out against African Americans.

The CAPBC's formation embodied more than a decade of Black resistance to police violence and grassroots organizing around public safety. Since arriving in Milwaukee in the mid-1950s, Calvin Sherard made economic justice central to his political analysis.<sup>32</sup> Identified by one historian as "the father of Black working-class militancy in Milwaukee," he mobilized pickets and "don't buy where you can't work" campaigns directed against discriminatory retailers who catered to Black clientele.<sup>33</sup> Sherard did so as co-founder of the Crusaders Civic and Social League in 1959 and, after 1960, as president of the Milwaukee chapter of A. Philip Randolph's Negro American Labor Council. Most Black labor and civil rights advocates who joined Sherard worked alongside him at Milwaukee's American Motors Company plant. The Crusaders and MNALC critiqued what they saw

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<sup>30</sup> Patrick D. Jones, "'Get Up Off Your Knees!': Competing Visions of Black Empowerment in Milwaukee during the Early Civil Rights Era," in *Neighborhood Rebels: Black Power at the Local Level*, ed. Peniel Joseph (New York: Palgrave Macmillan US, 2010); Patrick D. Jones, *The Selma of the North: Civil Rights Insurgency in Milwaukee* (Cambridge, MA: Harvard University Press, 2009).

<sup>31</sup> Trotter, *Black Milwaukee*, 149; Charles O'Reilly, "The Inner Core North: A Study of Milwaukee's Negro Community," University of Wisconsin-Milwaukee School of Social Work, 1963, 2.

<sup>32</sup> Sherard, a native of Macon, Georgia, arrived in Milwaukee via Ohio and a two-year stint in the U.S. Army. "Calvin T. Sherard," *The Milwaukee Journal*, March 6, 1964.

<sup>33</sup> These included a local ice cream parlor, Woolworth's, and A&P grocery stores Erica Lashanda Metcalfe, "'We Need to March!': Black Working Class Protest Politics in Milwaukee, 1920-1970," (Ph.D. diss., Howard University, 2016), 157; Jones, "'Get Up Off Your Knees!'" 56.

as the limitations of urban liberalism for advancing civil rights. The organization framed middle-class advocacy for racial accommodation as an insufficient tactic when it came to securing economic justice for poor and working-class African Americans. The Crusaders became an outlet for demonstrating against workplace discrimination, in addition to police misconduct. Black community historian Reuben Harpole once called Sherard “the Malcolm X of our city.”<sup>34</sup> The label fit. Milwaukee’s NAACP branch even considered him “too radical” to join its board.<sup>35</sup> When a “near riot” erupted between white police and Black youth outside a rock concert in 1960, Milwaukee’s “Malcolm X” told a community meeting: “Get up off your knees! There’s a time for praying and a time not to pray... These folks out here are hurting us. Let’s go march!”<sup>36</sup> Sherard was one of the few Black leaders in the city advocating for street protests in the early 1960s.<sup>37</sup>

The CAPBC’s agenda, as its name suggests, centered on the pressing issue of police brutality—an “all-encompassing” force for African Americans in the postwar period.<sup>38</sup> As such, the group endeavored to end racialized police violence through a combination of civic negotiation, legal redress, and direct action protest. It pursued these ostensibly divergent tactics with varying degrees of success. To make its case before white police bureaucrats, the committee fused existing liberal law-and-order concepts popularized during the World War II era, such as expanded “human

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<sup>34</sup> “Oral History Interview with Reuben Harpole, Jr., June 6, 1995,” March on Milwaukee Civil Rights History Project, accessed April 29, 2019, <https://collections.lib.uwm.edu/digital/collection/march/id/1630>.

<sup>35</sup> “Oral History Interview with Rev. B.S. Gregg, May 30, 1995, part 1, March on Milwaukee Civil Rights History Project, accessed April 29, 2019, <https://collections.lib.uwm.edu/digital/collection/march/id/1633/rec/9>.

<sup>36</sup> “Police, Negro Leaders Are Rapped at Parley,” *The Milwaukee Journal*, December 6, 1960, Part 2, 2.

<sup>37</sup> When four Black MNALC protesters picketing against a discriminatory food chain were intimidated and arrested by Milwaukee police, Calvin Sherard threatened mass demonstrations “such as in Birmingham and other cities in the South.” The men said responding officers told them they were being arrested for “picketing without a leader,” but were formally charged with “obstruction” of a police investigation of a minor auto accident. “NALC Threatens Mass Picketing in Milwaukee,” *The Chicago Daily Defender*, June 10, 1963, 4. The demonstration did not happen. County prosecutors dropped the charges against the picketers. They also asked their attorneys to sign paperwork “releasing the city from possible liability for false arrest,” to which attorneys Thomas Jacobson and Lloyd Barbee agreed. “Race Protest Plan Erased,” *The Milwaukee Journal*, June 11, 1963, Part 2, 10.

<sup>38</sup> Police brutality, according to historian Leonard Moore, “included police homicides; unlawful arrests; assaults; threatening and abusive language; the use of racial slurs; sexual exploitation of black women; the beating of prisoners in police custody; racial profiling; police complicity in drug-dealing, prostitution, burglaries, protection schemes, and gun-smuggling; and the lack of justice available to black defendants in the courts.” Moore, *Black Rage in New Orleans*, 1-2.

relations” training for police officers and the recruitment of more African Americans to patrol Black districts, with strident demands that reflected the urgency of the current civil rights moment, such as psychological evaluations of new police hires.<sup>39</sup> In carrying out its agenda at public meetings with white police bureaucrats, the CAPBC exposed structural forces that, for decades, had undermined police accountability for African Americans. These included intra-racial class tensions, the institutional hubris of white city officials who bought into Milwaukee’s narrative of policing exceptionalism, and the state law that barred most Black citizens from filing grievances with the MFPC. Learning about and then bringing Chapter 586 (1911) to light for a wider Black public eager to curtail police abuse and neglect of service was an important legacy of the CAPBC and a key development in the city’s police accountability movement.

The committee positioned itself as a liaison between vulnerable African Americans and the city’s police bureaucracy. Black Milwaukee, while growing rapidly, remained small compared to other large northern cities at roughly 10-12 percent of the total population. Consequently, forming alliances with white elected officials mattered if the CAPBC was to shift local police procedures in a meaningful way. However, in highlighting police brutality as a civil rights issue, the committee diverged from the conciliatory responses of Black clergy and old-guard middle-class leaders when police-Black community tensions led to racial violence. While the CAPBC believed in negotiating with City Hall to effect change, they also embraced non-violent, direct action protest. In other words, the CAPBC combined middle-class civil rights leaders with the gaining militancy of a younger generation of Black freedom fighters. Historians should consider the committee as a driver of the movement’s insurgent turn and a critical voice in framing police violence within the broader nexus of racial injustice. The CAPBC’s advocacy conferred a measure of institutional cover when

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<sup>39</sup> This dissertation defines Milwaukee’s police bureaucracy as the Milwaukee Police Department, the Milwaukee Fire and Police Commission, and City Hall, or the Mayor’s office and Common Council.

younger Black activists engaged in civil disobedience. In this way, they bridged generational, socioeconomic, and ideological gaps within the local freedom struggle.

Since the 1910s, the Milwaukee Urban League (MUL) and Milwaukee NAACP (MNAACP) represented the city's civil and human rights leadership. These moderate-led organizations relied on deferential negotiations with white city officials to advance modest Black social, economic, and political gains. In the process, they accepted white espousals of acculturation. Increasing Black migration, hardening racial segregation, and staunch white resistance to Black civic and market-economic entry rendered cultural adjustment strategies untenable by the mid-1960s. Calvin Sherard and Lloyd Barbee—the two most radical CAPBC voices—signaled the shift away from acculturation. They helped direct Milwaukee's civil rights establishment toward tactics of civil disobedience and litigation as effective means of addressing racial injustice. While the CAPBC drew scorn from MUL and MNAACP officials—both organizations were loath to upset their tenuous foothold in Milwaukee's "white power structure"—they nonetheless elevated the city's gaining crisis of police legitimacy within Black-led organizations.<sup>40</sup> The struggle for police accountability was, therefore, not merely about compelling white power brokers to come to terms with Milwaukee's dual law enforcement system. Mitigating racialized police violence also meant convincing established Black leaders to reconsider their own political identities and class-based interests in service of aiding a comparatively poorer and vulnerable Black migrant community. While some middle-class leaders, indeed, held that embracing a more confrontational protest politics was necessary in building a just society, many continued to advocate for cultural adjustment policies. These more conservative-to-

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<sup>40</sup> Discussed in more detail next chapter, the Common View, a collective organized following the eruption of civil violence in Milwaukee in 1967, referred to elected white political leaders in the city as the "white power structure." The group's description was apt, considering that only one African American served on the Common Council. And, aside from scant representation on the Milwaukee Commission on Community Relations, Black and Latinx citizens were consistently bypassed for appointments to public agencies that worked on issues of race and policing. Common View Group, "Statement to the White community," Box 6, Folder 7, "Administrative Subject Files, Common View Group, 1967," Milwaukee Urban League Records, 1919-1979, Milwaukee Mss EZ, University of Wisconsin-Milwaukee Archives.



moderate Black voices were content with blaming southern migrants for Black community ills. And they embraced the MPD's existing order maintenance approach. In key respects, the "triangular struggle for order" among Black professionals, recent Black arrivals, and assorted white interests endured.<sup>41</sup>

With or without the full support of all moderate racial liberals, CAPBC members laid out the principles of what would become the committee's seven-point reform program soon after their first meeting.<sup>42</sup> The group reflected the desire of Black leaders for a measure of community control over police decision-making. The CAPBC platform demanded the immediate dismissal of any officers found to have engaged in "racial or religious bias." The committee called for expanded human relations training for District Five personnel and the recruitment of more Black officers, especially youth, onto the MPD.<sup>43</sup> At their second meeting, the CAPBC added "an honest reappraisal" of the police department's "human rights practices," psychological screenings of officers assigned to majority Black districts, and a prohibition on "the employment of racial bigots" to their platform. Lloyd Barbee, the committee's legal counsel, drafted the initial policy statement presented to city

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<sup>41</sup> As the previous chapter lays out, intensive Black movement from the South and Lower Midwest produced a triangular struggle for order in Milwaukee among existing Black residents, assorted white interests, and newer Black migrants. While he does not frame it as "a struggle for order," historian Jack Dougherty references "the triangle formed by Whites, established Blacks, and Southern newcomers during the postwar migration." Jack Dougherty, "African Americans, Rights, and Race-Making," in *Perspectives on Milwaukee's Past*, Margo Anderson and Victor Greene, eds. (Urbana: University of Illinois Press, 2009), 143.

<sup>42</sup> The CAPBC held its first meeting on August 21, 1965 at St. Matthew C.M.E. Church. The convocation brought out an interracial "cross-section of the community." Reverend B.S. Gregg was nominated to chair the group and served as its spokesperson in negotiations with city officials. The middle-class Black leader was well-respected by Mayor Maier, provided necessary financial support, and offered St. Matthew C.M.E. Church as a meeting site. Sherard chaired the CAPBC's protest arm, or "Action Committee." Civil rights attorney Lloyd Barbee, fresh off of being elected to Wisconsin's Assembly, volunteered as legal counsel. Barbee evaluated citizen reports of police misconduct and determined the legal basis for filing lawsuits against brutal officers. F. Marvin Hannah chaired the CAPBC's "Case Committee," which documented instances of police brutality. Former nun and civil rights activist Marilyn Morheuser served as secretary, playing a vital organizational role. Lastly, Ken Coulter's *Milwaukee Star* helped document the group's efforts, publicizing instances of police brutality. In some cases, police brutality victims walked directly into the *Star*'s N. 3rd St. headquarters right after experiencing an attack. "Cop Rips Jacket off 14-year-old," *The Milwaukee Star*, December 19, 1964, 1. Northcott Neighborhood House Director and Organization of Organizations founder, Reverend Lucius Walker, University of Wisconsin-Milwaukee sociologist Hugo Engelmann, Dr. William E. Finlayson, a respected medical doctor and community leader, and MUSIC Vice Chair Earl Calvin also participated in the first CAPBC meeting. "Statement of the Citizens' Anti-Police Brutality Committee."

<sup>43</sup> "Ban Police Bias, New Group Asks," *The Milwaukee Journal*, August 23, 1964, Part 2, 13.

officials. The committee looked to relay their concerns about “muscle-happy officers” directly to Chief Breier.<sup>44</sup> At a public meeting, Barbee called for citizen instruction on their rights in police interactions and asked that local social scientists “assist in communicating to both officials and the general public the damage accruing from police brutality.” He also called on elected officials to pressure the MPD “to cease its double standards and protection of cowards in uniform who intimidate.” Everyday citizens, Reverend Gregg added, “had a role to play as well in reporting misconduct as soon as it occurred.” If negotiations with City Hall faltered, the CAPBC insisted that “direct action should follow.”<sup>45</sup>

The committee’s call for increased Black representation on the MPD was a core demand of Milwaukee’s police accountability movement.<sup>46</sup> The city’s lone Black Alderperson, Vel Phillips, had argued in 1962 that hiring more African American police officers would help shield Black constituents from undue police harassment and abuse, while more effectively protecting them from crime.<sup>47</sup> Speaking before the MFPC and Police Chief Howard Johnson, she argued that racial biases existed in the MPD. Giving voice to the less than thirty-five Black officers on the force, Phillips targeted the department’s promotion policies. In response, the MFPC dismissed her claims.<sup>48</sup> Nevertheless, Phillips’ voice on this issue was notable; it marked the first time an elected Milwaukee official connected the MPD’s whiteness to the racially disparate treatment of African Americans.<sup>49</sup> Black middle class leaders, including recent migrants, assumed that African Americans were better suited to meet the needs of Black communities and better respect Black citizenship rights. They held that Black officers would enforce the law with greater impartiality. Whether or not African American

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<sup>44</sup> “May Ask Chief Breier to Fire Biased Officers,” *The Milwaukee Courier*, August 29, 1964, 1.

<sup>45</sup> “May Ask Chief Breier to Fire Biased Officers.”

<sup>46</sup> Calls for the hiring of Black police in Milwaukee dated back to the 1920s. See Chapter I.

<sup>47</sup> Phillips was also the only woman serving on the Common Council at the time.

<sup>48</sup> “Police Policy Ruled Not Racially Biased,” *Milwaukee Journal*, January 24, 1963, 6.

<sup>49</sup> “Ald. Phillips Discrimination Charges are out of Line,” Box 138, Folder 27, “Police Department, 1962-1963,” Records of Mayor Henry W. Maier Administration, Milwaukee, Wisconsin, Milwaukee Series 44, University of Wisconsin-Milwaukee Archives.

police operated more fairly was an open question, as the community had limited data to rely on. There were few real-world examples to parse through, especially in Milwaukee, where token Black police employment was the norm. “As long as the hiring of Black officers remained a distant dream,” legal scholar James Forman Jr. has argued, “there was no way to test any theory about the changes they would bring to law enforcement.”<sup>50</sup> The hiring of African Americans continued to be seen as a viable reform option to alleviate the mistrust powering the near north side’s evolving crisis of police legitimacy well into the 1980s.

After the Harlem uprising in July 1964, and subsequent episodes of civil unrest in Jersey City, NJ and Rochester, NY, Black middle-class leaders in Milwaukee shared concerns about civil violence touching off in their own city. Speaking before a national Urban League assembly, branch director Wesley Scott said Milwaukee was “on the verge of much that has happened elsewhere.”<sup>51</sup> North Side YMCA director Robert Starms, likewise, noted the “acute” frustrations of young Black men aged twenty-one to twenty-five, many of who were unemployed or struggling to maintain employment. Black youth were dropping out of high school at comparatively high rates, and also looking to support their families. This “ten percent” of the community, Starms reasoned, was “likely” to engage in civil violence if given a reason. Corneff Taylor, the Executive Secretary of the Milwaukee Commission on Community Relations (MCCR), argued that civil violence was more “situational.” However, he too saw that Milwaukee was suffering from many of the same underlying causes of civil unrest: unemployment, housing discrimination, and inequitable schooling. That said, a number of Black middle-class elites insisted the MPD’s human relations capacities were sound, “in spite of the conduct of a few officers.” Against a national backdrop of escalating civil unrest, the

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<sup>50</sup> The benefits seemed obvious enough. Hiring Black patrolmen was a path towards civil service employment, economic advancement, and political power. It also held the potential for enhancing community control, more effectively resolving crime in predominantly Black spaces, and better maintaining neighborhood stability. James Forman Jr., *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Strauss, and Giroux, 2017), 80.

<sup>51</sup> “Scott Fears Riots Here,” *The Milwaukee Journal*, August 5, 1964, Part 2, 1.

MPD issued its own statement: “law and order” would prevail in Milwaukee, regardless of the socio-economic issues facing “different population groups.” The police department assured Black leaders it would act impartially “as agents of the law and of the government—not as men.”<sup>52</sup>

The above warnings sparked vigorous debate within the Milwaukee Commission on Community Relations in the summer of 1964. So too did the formation of the CAPBC that year, the committee’s charges of racialized police violence, and the federal civil suit that was filed by the families of William Coates and Michael Thomas.<sup>53</sup> MPD Chief Harold Breier argued the MCCR “should back the Police Department” against the CAPBC’s, in his view, unfounded charges. Attacking police would “destroy the power that can protect [citizens] from the forces of evil,” Breier intoned. The chief clearly saw the CAPBC as a threat to his executive authority and the institutional independence that undergirded the MPD’s reputed exceptionalism in the arena of crime control efficiency. Fortunately for Breier, the MCCR expressed little desire to depart from his zero sum perspective, at least in the years and months that preceded the outbreak of civil violence in 1967. Some members questioned the CAPBC’s “negative attitude” towards police-community relations. One commissioner, for example, implied that the CAPBC was a militant organization that had lost legitimacy after separating from moderate white parishioners at St. Elizabeth Church.<sup>54</sup> Corneff Taylor warned his MCCR colleagues—all Maier appointees—that the CAPBC formed as a “vigilante-type operation.” They should “protest loudly and long” its approach to police reform.<sup>55</sup>

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<sup>52</sup> “Starns Hears Rumblings of Milwaukee Race Riots,” *The Milwaukee Star*, August 15, 1964, 1.

<sup>53</sup> The MCCR was appointed by the mayor and served on his behalf. It acted as the City of Milwaukee’s civil rights watchdog and as an occasional clearinghouse for public discrimination complaints. Chief Breier was a member, but rarely attended meetings unless they directly involved the police department. “Milwaukee Commission on Community Relations, Executive Committee Meeting,” September 3, 1964, 3, Box 45, Folder 21, “Commission on Community Relations, June - December, 1964,” Records of Mayor Henry W. Maier Administration, Milwaukee, Wisconsin, Milwaukee Series 44, University of Wisconsin-Milwaukee Archives.

<sup>54</sup> Reverend Charles Hammer, St. Elizabeth’s pastor, was an early co-chair of the CAPBC, volunteering to lead the organization alongside Reverend B.S. Gregg. However, he left the committee after Chief Breier and one of his lieutenants paid the white cleric a personal visit. “Milwaukee Commission on Community Relations, Executive Committee Meeting,” September 9, 1964, 5.

<sup>55</sup> “Milwaukee Commission on Community Relations, Executive Committee Meeting,” September 9, 1964, 5.

Although it sought to distance itself from the CAPBC, the MCCR did acknowledge that the MPD's controversial actions on the near north side presented a public relations challenge that could lead to disorder. Black perceptions of police illegitimacy and the looming threat of unrest forced the commission to concede that Milwaukee needed a revised police complaint procedure. One MCCR member went so far as to suggest the city establish a "police civilian board" to "handle complaints against the Police Department."<sup>56</sup> Breier, on the other hand, vigorously opposed the concept, arguing complaints "should be referred to the department for investigation by trained personnel." The MCCR countered that they should be present to "determine substance" on all police complaints and whether referrals were necessary for internal investigations or finding "some other means of handling the complaint." Essentially, these deliberations resulted in Breier establishing a revised "Internal Affairs Bureau" (IAB).<sup>57</sup> The IAB's creation ensured that all investigations into citizen complaints against the police would remain under the chief's purview. The move gave the appearance of reform, but did nothing to empower the MCCR or non-police agencies. Its purpose, according to the chief, was to interrogate complaints made against officers, to look into possible derelictions of duty, and to supervise background checks of police candidates. In the end, Breier largely utilized the IAB to investigate possible rules violations committed by police personnel. It was rarely employed to investigate civilian allegations of police misconduct. The IAB inevitably served as a powerful mechanism for an autocratic chief to tighten the reigns of his authority and to expand local police power.

### *Limits of Reform*

The CAPBC's efforts to reconstitute police rules and oversight through civic negotiation

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<sup>56</sup> "Milwaukee Commission on Community Relations, Executive Committee Meeting," October 1, 1964, 2.

<sup>57</sup> The IAB was previously known as the "Investigations Bureau." Breier staffed the bureau, at least in its first incarnation, with two detectives, a detective sergeant, and a stenographer.

highlighted the limitations for police accountability advocates seeking substantive change through formal municipal channels, where the priority remained upholding traditional power arrangements and ensuring racial pacification. Deflection, subterfuge, false promises, the proposal of study commissions and other forms of deferred action comprised the toolkit of white police bureaucrats when responding to Black demands for accountability. Established relationships between old-guard Black professionals and white public officials helped preserve existing racial and class hierarchies of authority. The CAPBC's engagement with Milwaukee's all-white police bureaucracy in 1964 and 1965 revealed the powerful influence of the city's existing narrative of policing exceptionalism. Segregation ensured that most white residents were blind to the MPD's racial containment and order maintenance practices on the near north side. More constructive forms of policing in white urban spaces affirmed the political currency of the police department's exceptionalism narrative. "High crime" Black areas received sufficient police attention, while white neighborhoods merited more responsive police safeguarding. As such, the MPD received the benefit of the doubt from white elected officials, the MFPC, and community organizations, who were increasingly anxious about Black law enforcement proposals. Milwaukee Circuit Court judges, too, almost always supported police actions, particularly in cases involving civil rights activists. They often conflated Black movement activism with criminality. White police leaders and the Milwaukee County District Attorney, meanwhile, defended police discretion and framed the MPD as a noble agency committed to defending law-abiding (white) Milwaukeeans from the (Black) criminal element. If shining a light on racialized police misconduct felt like an uphill battle for groups like the CAPBC, then advancing substantive change must have felt like scaling a mountain.

The CAPBC first attempted to meet with Chief Breier to discuss ways of improving police-Black community relations in August 1964. Breier had scheduled a meeting with the committee in early September. "The lines of communication are always open to my office to any *responsible*

committee,”<sup>58</sup> the chief said. “Responsible,” in this context, meant deference to police authority and subservience to “law and order.” As such, the MPD refused the CAPBC’s entreaties once it became clear the committee was pursuing litigation, in addition to greater civilian control over police functions in response to police brutality. Publicly, Breier argued that he could not meet with the group because his schedule was “too heavy.” The chief defended his patrolmen and rejected the premise of police brutality, arguing that the department sufficiently processed brutality charges.<sup>59</sup> Under the MPD’s internal review system accused officers investigated their own alleged wrongdoing.<sup>60</sup> External review, civilian or otherwise, was off limits in Breier’s view. He told the MCCR that September that “he wouldn’t care to have anyone else making an investigation or second guessing” his officers.<sup>61</sup> Complying with Breier’s calls for subservience was not acceptable to Calvin Sherard. He responded to Breier’s refusal to meet with the CAPBC, arguing that “actions by police officers are detrimental to the image of the whole department.” Something had to be done about “the alleged beatings of Negro children by police officers.” Invoking the MPD’s racial double-standard, Sherard avowed that Black youth were being beaten “in such a manner that the children’s parents would have been subjected to jailing had they committed the act...If these matters cannot be negotiated across the table, they will be negotiated in the streets in the form of demonstrations.” CAPBC members called for a sit-in at Breier’s office.<sup>62</sup>

After the police chief rebuffed their request to meet, the committee turned its attention to Mayor Maier. For a month, the mayor had delayed meeting with the CAPBC. On October 20, 1964,

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<sup>58</sup> Emphasis added by the author. Both Chief Breier and CAPBC Chairman Rev. B.S. Gregg had scheduling conflicts that postponed their initial meeting. “Breier Meet 'Next Week,’” *The Milwaukee Star*, September 26, 1964, 3.

<sup>59</sup> “Breier Too Busy, Seek Meeting with Mayor,” *The Milwaukee Star*, October 10, 1964, 1; Milwaukee Police Department, *Annual Report*, 1963.

<sup>60</sup> The MPD appointed its first two detectives to the newly created Bureau of Internal Affairs in October 1964. The bureau was to investigate complaints of alleged police misconduct, derelictions of duty, and candidate investigations. “Breier Too Busy, Seek Meeting With Mayor.”

<sup>61</sup> “Police Brutality Probe by Outsiders Rejected,” *The Milwaukee Journal*, September 10, 1964, Part 1, 22; “A Look at the Police,” *The Milwaukee Journal*, September 14, 1964, Part 1, 14.

<sup>62</sup> “Seek Meeting with Mayor,” *The Milwaukee Star*, October 10, 1964, 2.

ten committee members appeared at City Hall to impress upon him the urgency of the MPD's declining legitimacy among African Americans on the near north side and to deliver the group's seven-point platform.<sup>63</sup> Maier's staff kept the committee waiting, then said he was sick with the flu and could not meet. When the CAPBC finally convened with the mayor on November 10<sup>th</sup>, they presented themselves as tax-paying citizens who were concerned about the "growing disrespect for local policemen." The CAPBC explained that the near north side's "rising tension" sprang from "the double-standard constantly used to measure citizens in that community."<sup>64</sup> Significantly, however, the committee focused on the disrespect that poor and migrant Black youth sometimes conveyed to white patrolmen. This had the effect of placing the onus for change on Black young people and economically vulnerable residents, not on the law enforcers wielding power at street level. Seemingly, against the wishes of its militant members, the CAPBC under-emphasized the dehumanizing nature of police violence that had brought the group to City Hall in the first place. Instead, the committee focused on the need for an improved human rights training program and the hiring of more Black patrolmen to police in Black neighborhoods. The CAPBC, in this sense, met Maier on his ideological terms. This was not entirely surprising, given the committee's largely middle-class composition and the influential voice that Black professional leaders, like Rev. B.S. Gregg, marshaled within the group. In this sense, the committee reflected the transition towards Black militancy, not the end result of that shift. The meeting with Maier provided a lesson for police accountability advocates: Telling elected officials that Black citizens did not need "different treatment," but "equal treatment" from the MPD would not to be enough to prevent police violence and reduce racial tensions.<sup>65</sup>

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<sup>63</sup> Present were Reverend B.S. Gregg, Assembly-elect Lloyd Barbee, Marilyn Morheuser, Calvin Sherard, Dr. William Finlayson, Earl Calvin, Reverend Lovell Johnson, Professor Rudolph Morris, Reverend Lucius Walker, and Marvin Hannah. "Mayor Maier Meeting Postponed," *The Milwaukee Star*, October 24, 1964, 2.

<sup>64</sup> "Maier 'Passes Buck' in Committee Meeting," *The Milwaukee Star*, November 14, 1964, 1.

<sup>65</sup> "Negro Police Called Need in Inner City," *The Milwaukee Journal*, November 11, 1964, Part 3, 1.



The CAPBC's discussion with Mayor Maier proved ineffective from a reform standpoint, as it allowed City Hall to affirm rhetorical control over the direction of what a growing number of Black residents perceived as a crisis of police legitimacy. Maier sanitized the committee's urgent message about the MPD's racialized brutality, neglect, and enforcement double-standards, as well as the role that police played in escalating social tensions. Controlling the narrative helped City Hall to reinforce a policing status quo that emphasized law and order at the expense of garnering procedural justice and officer discipline for aggrieved Black citizens. The Maier administration, like Chief Breier and, subsequently, the MFPC, refused to acknowledge that police violence really existed on the near north side. They both acted on and reinforced the MPD's exceptionalism narrative.

In a statement issued following the mayor's meeting with the CAPBC, Maier shared his respect for the committee's "universal respect for the principles of law and order." These were "men of good will," able to "tackle and solve mutual problems" through the "peaceful petition for redress of wrongs." He added that negotiation through government channels was essentially the "time-tested method of democracy." As such, Maier decried those taking "to corner soapboxes." The mayor castigated civil rights activists, who he saw as agitators seeking "violence and disorder." Maier rebuked seemingly combusive modes of Black political dissent, which were building momentum nationally. In the process, he minimized the hard, often dangerous work that many grassroots activists employed to change discriminatory laws. The goal remained pacifying potential disruptions.

I am convinced that they have the most to gain from law and order. The school integration decision from 1954 is law and order. The civil rights bill, [that] just passed Congress, is law and order. Where would the civil rights movement be without these acts, without this law and order? Well, the answer is that they would be set back some considerable distance. Law and order are the northsiders' best friend, make no mistake about it, because the opposite of law and order is mob rule, and that's the way of the Ku Klux Klan, the night riders, the bombers, and the lynch mob.<sup>66</sup>

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<sup>66</sup> "Mayor Maier's Statement Following a Meeting, November 10, 1964, with the Citizen's Anti-Police Brutality Committee."

This was a misinterpretation of recent history—all the more stunning in that Maier issued his remarks in the same year as Freedom Summer and the founding of the Mississippi Freedom Democratic Party. The violent, in some cases deadly struggle to register Black voters in the Deep South demonstrated that “law and order” was the mob, it was the Klan, it was white supremacy. Prevailing white conceptions of law-and-order were the inverse of the Black freedom struggle and the system that civil rights insurgents, from Selma to Milwaukee, fought to upend.

Maier’s response affirmed what often happens when Black police accountability advocates downplayed the harsh realities of racialized police violence in meetings with the white-controlled political establishment. Whether the CAPBC did so out of what some members viewed as a need for political expediency was not clear. Ostensibly, Calvin Sherard believed that a more confrontational approach with white police bureaucrats had a better chance of garnering substantive reforms. Regardless, the mayor’s rejoinder showed that a tempered message only fueled the MPD’s long-standing exceptionalism myth, which continued to predominate. The widespread belief in the police department’s infallibility helped undermine the capacity of police accountability advocates to move the mayor, MFPC, and chief of police to action in service of Black law enforcement demands. Until Milwaukee experienced a sizable outbreak of civil violence as a consequence of police-Black community tensions, white police bureaucrats gladly held onto the notion that the MPD was still among the nation’s most effective police departments. The disturbing reality of police brutality known to the CAPBC and other Black near north side residents belied this notion. At this point, however, police accountability advocates still believed that white city officials might act on their behalf if they reasonably stated their concerns. All the same, there was no guarantee that a Black uprising would even impress upon City Hall the need for change either. White elected officials, like Maier, already blamed the behavior of Black individuals and Black-led organizations working to end discrimination through activism for their own civil rights shortcomings. Indeed, in his response to

the CAPBC, the mayor labored to make a distinction between the “decent, law abiding citizens” on the near north side, who “do not approve of violence and disorder,” and those willing to resort to “riots” or “the destruction of property” when expressing their “anguish.”<sup>67</sup>

While Maier reportedly found his meeting with the CAPBC “constructive,” it did little to move the committee’s platform forward or to convince the mayor and Common Council that political action was necessary. Maier deferred responsibility to the MFPC and Chief Breier, claiming no authority to issue orders that met the CAPBC’s seven demands. As the *Milwaukee Star* reported, he “gave excuses why he couldn’t (or wouldn’t) act, and started talking politics.”<sup>68</sup> The meeting further revealed the legal-institutional barriers to police accountability that obstructed local political action. For instance, during their discussion, Mayor Maier referenced the 1911 state law that empowered the police chief to set rules for the MPD. That same Wisconsin statute endowed the MFPC with a civilian oversight function. The meeting with the mayor, therefore, was useful in that it helped to clarify for police accountability advocates the institutional arrangements that constituted Milwaukee’s police bureaucracy and the legal foundations of police power.

Delayed action from city officials meant young Black folk on the near north side continued to experience unchecked police violence. Two teenagers, aged sixteen and fifteen, alleged that white officers beat them in separate incidents in November 1964.<sup>69</sup> Once again, the MPD’s District Five station was the scene of police intimidation and brutal mistreatment. The CAPBC called an

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<sup>67</sup> “Mayor Maier’s Statement Following a Meeting, November 10, 1964, with the Citizen’s Anti-Police Brutality Committee.”

<sup>68</sup> “Maier ‘Passes Buck’ in Committee Meeting,” *The Milwaukee Star*, November 14, 1964, 1.

<sup>69</sup> In the first case, a group of young Black men were stopped by four-to-five police detectives while walking down a street on a Saturday night at around 8:00pm. One of the youths said a detective threw his parole card on the ground. For protesting this action, the youth was tossed into a squad car and transported to District Five station. He was taken to the hospital, but refused treatment. The teen was released after his mother contacted their parole officer. The other incident involved a young Black male walking in a group of six persons. He was making a phone call in a telephone booth when multiple patrolmen yanked him out and started beating him. The entire group of six was taken into custody. The complainant was taken to District Five station and subsequently beaten again during questioning. “Police Brutality Committee Has Call Meeting in Wake of Two New Complaints,” *The Milwaukee Star*, November 21, 1964, 1, 13.

emergency meeting at St. Matthew Church, inviting parents of the victims to recount their children's experiences for the record. MCCR program director William Parish joined the meeting, which resulted in the organization of a picket outside of District Five on December 21, 1964.<sup>70</sup> CAPBC demonstrators called for an investigation into District Five and for the MCCR or some other municipal agency to investigate the MPD's treatment of Black citizens. Addressing this issue did not mean "creating a double standard," but "alleviating the double standard that we are presently confronted with."<sup>71</sup> The MNAACP, in a rare turn, allied with the more militant CAPBC. The venerable civil rights organization announced it would boycott all businesses encompassed by District Five if the committee's requests went unheeded by the MPD.<sup>72</sup> "We will extend it to the downtown area, including all utilities and public services," recently-elected president John Broadnax remarked. Under new leadership, the MNAACP made more explicit connections between racialized police violence in Milwaukee and other forms of discrimination.<sup>73</sup> Calvin Sherard, Action Committee chairman for the CAPBC, clarified that the committee was "not attacking the individual officers," but protesting "a policy" that allowed them to "exercise their personal view and strong racial feelings under the guise of law and order."<sup>74</sup> This distinction mattered; the committee understood that without challenging police practices as outlined in the MPD rulebook, more unabated violence would transpire against African Americans. It was police policy and the whims of the police chief that protected the department's "bad actors," granting them ample discretionary room to enforce the law as they saw fit.

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<sup>70</sup> The group also discussed a sit-in at Breier's office and proposed a mass demonstration at the Milwaukee Safety building. "Police Hit by Pickets," *The Milwaukee Star*, December 19, 1964, 1.

<sup>71</sup> "Protest Scheduled Friday, December 4," *The Milwaukee Star*, November 28, 1964, 2.

<sup>72</sup> "To Channel 6 Editorial," Box 21, Folder 9, Citizens' Anti-Police Brutality Committee, 1964-1965, Lloyd A. Barbee Papers, 1933-1982, Milwaukee Mss 16, University of Wisconsin-Milwaukee Archives; "Store Boycott Considered by NAACP," *The Milwaukee Journal*, December 21, 1964, Part 2, 4.

<sup>73</sup> "Boycott Likely Says New NAACP Pres.," *Milwaukee Star*, December 26, 1964, 3.

<sup>74</sup> The protest was initially scheduled for December 4th, but held December 11th. "Protest Schedule Friday, December 4," *The Milwaukee Star*, November 28, 1964, 2. "Brutality Committee Considers Sit-in, Other Action," *The Milwaukee Star*, December 12, 1964, 1.

No investigations or official actions resulted from the demonstration. However, the rally did put Chief Breier on high alert; he saw his department as under attack. “Baiting police officers has become a problem in Milwaukee as in other cities,” Breier told a sympathetic crowd in rural Wausau, Wisconsin.<sup>75</sup> Rights activists and everyday Black citizens in northern cities—mostly poor and working-class—were ramping up their criticisms of law enforcement in the wake of 1964’s urban rebellions. Many had grown disaffected with urban liberalism, as well as middle-class African American leaders.<sup>76</sup> They began to demand control over institutions that traditionally engendered racially discriminatory outcomes, like police departments engaged in disproportionately high rates of surveillance, stops, and arrests in Black neighborhoods. For Breier, citizens who challenged police authority were “inviting the breakdown of the forces that can protect them from disorder.” Groups like the CAPBC, the chief surmised, were “confusing brutality with the lawful use of force.”<sup>77</sup> Although Calvin Sherard insisted that Breier had “no understanding of the problem” or its impact on near north side residents, the chief’s own words suggested that he knew exactly what was occurring: Black citizens were boldly challenging white supremacy. He advised that his officers “need not and should not knuckle down, need not and should not take any abuse.”<sup>78</sup>

With Chief Breier unwilling to listen and the mayor deflecting any responsibility, the CAPBC moved to convince the MFPC to assert its assumed influence over Milwaukee’s policing apparatus. The committee was giving civic negotiation a final chance. Rev. Gregg sent a letter to the commission asking to “discuss ways of eliminating police brutality and affecting a better relationship between the police department and near north side residents.”<sup>79</sup> The two parties eventually convened in a public meeting on January 21, 1965. The CAPBC asked that all Milwaukee citizens

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<sup>75</sup> “Baiting of Police Called Problem,” *The Milwaukee Journal*, December 10, 1964, Part 1, 21.

<sup>76</sup> Eric C. Schneider, Christopher Agee, and Themis Chronopoulos, “Dirty Work: Police and Community Relations and the Limits of Liberalism in Postwar Philadelphia,” *Journal of Urban History* 46 (5) (2017), 2.

<sup>77</sup> “Baiting of Police Called Problem,” *The Milwaukee Journal*, December 10, 1964, Part 1, 21.

<sup>78</sup> “Baiting of Police Called Problem,” *The Milwaukee Journal*, December 10, 1964, Part 1, 21.

<sup>79</sup> “Fire, Police Commission to Meet,” *The Milwaukee Star*, January 2, 1965, 2.

interested in eliminating police brutality and forging better relations be present.<sup>80</sup> Supporters of both the police department and committee attended—the latter, mostly Black, the former, overwhelmingly white.<sup>81</sup> The convening was scheduled to occur at the MFPC’s Safety Building offices, but was moved to Judge Christ Seraphim’s courtroom after nearly two hundred people attended.<sup>82</sup> This courtroom was an inhospitable place for Black activists and arrestees seeking justice within the criminal-legal process. As civil rights attorney Terrance Pitts observed, the Milwaukee County Circuit Court judge, “backed the police without question.” Judge Seraphim once advised an officer to “go back to school” and “learn how to use his Billy club” in reference to handling Black-led civil disobedience.<sup>83</sup> The CAPBC now sat in hostile territory, eager to challenge the brutal results of Seraphim’s advice in conversation with a part-time municipal agency seemingly empowered to answer its pressing demands.

Rev. B.S. Gregg, the CAPBC’s Chairman, served as spokesman for the ten-person delegation. The committee drew from a broad cross-section of moderate-to-progressive liberal voices in Milwaukee’s civil and human rights community.<sup>84</sup> After introducing the committee members on hand, Gregg opened with remarks that emphasized the consequences of unbridled police violence in other U.S. cities. He emphasized not only how police brutality and mistreatment threatened public order and community safety, but how it also encouraged opportunities for reform

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<sup>80</sup> “Police Brutality Meet Set Next Thursday,” *The Milwaukee Star*, January 16, 1965, 1.

<sup>81</sup> Robert Taylor, a Black Republican challenging Democrat Henry Reuss’ Congressional seat, was in attendance to support the MPD. He commented to reporters that police should be monitoring the “beatings and muggings” taking place on the north side, “or the only thing left on 3rd St. will be buses.” “Put Charges in Writing, Negroes Told,” *The Milwaukee Journal*, January 25, 1965, Part 2, 1.

<sup>82</sup> “Put Charges in Writing, Negroes Told,” *The Milwaukee Journal*, January 25, 1965, Part 2, 1. “Spell Out Brutality Claims,” *The Milwaukee Sentinel*, January 22, 1965, Part 2, 1; “Commission Says Prove It,” *The Milwaukee Star*, January 30, 1965, 1.

<sup>83</sup> “National Advisory Commission on Civil Disorders, Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6,” 17.

<sup>84</sup> Representing the CAPBC at the meeting were Father W. J. Miles, Reverend Lucius Walker, Dr. William Finlayson, Dr. Hugo Engelmann, Assemblyman Lloyd Barbee, Calvin Sherard, Earl Calvin, Marilyn Morheuser, Marvin Hannah, and Attorney John Broadnax. “Statement of the Citizens’ Anti-Police Brutality Committee before the Milwaukee Police and Fire Commission, January 21, 1965,” 2, Box 57, Folder 1, “Police Brutality, 1961-1974, undated,” Lloyd A. Barbee Papers, 1933-1982, Milwaukee Mss 16, University of Wisconsin-Milwaukee Archives.

as initiated by the police:

The problem which Milwaukee faces is not peculiar to this city. It is a problem which all America faces. It is a problem which is one of the poisonous outgrowths of racial prejudice, and one which must be faced before it causes racial tensions to erupt. It is the problem of police brutality in the ghetto areas of large cities.<sup>85</sup>

The CAPBC made the point that Milwaukee's police bureaucracy should be learning from what took place in Harlem, North Philadelphia, Rochester, and other riot-torn cities in 1964. These municipalities were now initiating "extensive training programs in human rights, human relations, and the techniques and purposes of civil rights groups." In contrast, the MPD, at present, offered just five hours of human rights training to new recruits. Gregg referred to the high cost of civil violence and the threat it posed to Black lives. African Americans were "not safe to peaceably move about" their own neighborhoods. He recounted instances where Black youth were "beaten by policemen while being transported" to holding cells and "sadistically punished prior to being charged with a crime." The discretionary authority of overzealous white police officers not only promoted mistrust and fear, but inflicted serious physical harm. "Make no mistake about it," Gregg charged, "we have some law officers in this city who consistently insult, harass, and brutalize Milwaukee Negroes...who act on the assumption that every Negro is a second-class citizen, a person to be treated with contempt, a person without rights before the law." The CAPBC criticized Breier's MPD for shunning preventative strategies, while prioritizing tactics of racial suppression. Rev. Gregg even cited the use of "police dogs" in crisis trainings at District Five station, in addition to other "techniques of quelling riots."<sup>86</sup> In Milwaukee, he said, "tensions are rising to the point of explosion." Rev. Gregg concluded the CAPBC's opening statement by calling for "responsible, speedy execution" of its platform by police bureaucrats. He reiterated the committee's core

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<sup>85</sup> "Statement of the Citizens' Anti-Police Brutality Committee before the Milwaukee Police and Fire Commission, January 21, 1965," 2.

<sup>86</sup> Chief Breier claimed to know nothing about the use of police dogs, stating that a demonstration was the prerogative of the District Five Sergeant on duty. "Police Brutality Meet Set Next Thursday."

demands, which “sprang from our day-to-day awareness of a problem of great magnitude.”<sup>87</sup>

As the meeting progressed, it became clear that the MFPC was not willing to take the CAPBC at its word. Despite the testimony of a respected community organization, the commission required proof that police brutality on the near north side was real. The CAPBC had not brought affidavits, no formal complaints to file with the MFPC. Regardless, CAPBC member F. Marvin Hannah said he would personally testify to being brutalized by Milwaukee police in 1963. In response, MFPC member Judge Francis X. Swietlik bristled, “We want no *ex parte* testimony.” Charges of brutality needed to be sworn under oath and “taken through due process of law,” he said.<sup>88</sup> Other comments from Judge Swietlik suggested that rumors about law enforcement and improving the police department’s image were more important than securing justice for victimized residents. “The word has gone out that our policemen are a bunch of brutes...if they are we will clean it up, Swietlik concluded towards the end of the meeting.”<sup>89</sup>

The MFPC said it would review the CAPBC’s proposals. Two weeks later, it rejected the CAPBC’s demands as an undue request for special treatment. The commission did, however, agree that unaddressed police misconduct could lead to civil violence. Still, it made no specific efforts to mitigate alleged police abuses against African Americans. “All citizens must be treated equally,” one MFPC member stated. “None are to receive special privileges and none are to be mistreated.” The commission basically relied on a reverse discrimination argument to deny Black complainants redress for their claims of police misconduct. This reflected the wider tendency of Milwaukee

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<sup>87</sup> Those demands were the immediate removal of patrolmen “found guilty of violating the human rights of citizens.” Psychological screenings of new recruits and existing officers, particularly those assigned to “the core area.” Enhanced “human relations” training for all officers and reappraisal of current practices. Review of the police complaint process, when law enforcers engage in misconduct or neglect their sworn duties. The recruitment of African-American patrolmen as “a preventative measure.” The “active recruitment” of Black youth for the Police Aide program, which needed to be “continuous and vigorous.” “Statement of the Citizens’ Anti-Police Brutality Committee before the Milwaukee Police and Fire Commission, January 21, 1965,” 4-5.

<sup>88</sup> “Commission Says Prove It,” *The Milwaukee Star*, January 30, 1965, 1.

<sup>89</sup> “Spell Out Brutality Claims,” *The Milwaukee Sentinel*, January 22, 1965, Part 2, 1.



officials to downplay and delegitimize Black grievances as human rights abuses. The MFPC presumed that the impartiality of the law as written, its inherent “colorblindness,” ensured fair treatment. The laws that police enforced, they said, were “designed and enacted to preserve the rights of all citizens...The rights of all citizens are human rights.” MPD training was “designed to afford equal protection to the public.” Changing how police enforced the law for one group created a “double-standard,” violating the MPD’s ability to police “on an equal basis to all persons throughout the city.”<sup>90</sup>

The MFPC’s critique of the CAPBC’s requests not only applied to allegations of undue police violence, but to issues that they themselves had direct control over, such as the MPD’s racial composition. As the board stated, “The rules provide that no recognition may be given to any entrance or promotional applicant because of race, creed, or color.”<sup>91</sup> Commissioners maintained that “merit and merit alone” would determine success on “all entrance and promotional examinations.” Staffing District Five was not under the MFPC’s purview. “Personnel are assigned by the Chief to districts and duties on the basis of need—where they can best serve the public.” Acts of aggression, name-calling, and neglect did not qualify as urgent needs. Likewise, the commission held that psychological screenings were non-essential to police hiring and denied “officers on the department...demonstrate in their performance that they are intolerant in their opinions.” On the threat of “riots,” the MFPC said past civil rights demonstrations had not resulted in disturbances and that police adequately controlled such dissent. There was little reason, they presumed, that civil unrest would occur in Milwaukee.<sup>92</sup>

The MFPC also noted that according to the 1911 Wisconsin statute governing municipal

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<sup>90</sup> “The Board of Fire and Police Commissioners of the City of Milwaukee statement,” March 18, 1965, Box 21, Folder 9, Citizens’ Anti-Police Brutality Committee, 1964-1965, Lloyd A. Barbee Papers, 1933-1982, Milwaukee Mss 16, University of Wisconsin-Milwaukee Archives.

<sup>91</sup> “The Board of Fire and Police Commissioners of the City of Milwaukee statement.”

<sup>92</sup> “The Board of Fire and Police Commissioners of the City of Milwaukee statement.”

police departments in the state, it had no power to control how Milwaukee’s police chief “regulated” or “prescribed rules” for their department. It was Chief Breier’s responsibility, the commission explained, to preserve “the public peace” and “see that all laws and ordinances of the city are enforced.” The MFPC’s authority lay in its capacity to select employees for hire and arbitrate select internal or public grievances, not to decide or rule on the treatment of officers by the department. When “a valid complaint is submitted by a freeholder,” that individual may “order a hearing.” The commission then “acts in a quasi-judicial capacity.” The MFPC elucidated for the CAPBC and other police accountability advocates that it was “an administrative tribunal,” not a civilian oversight body. It could not “act as an investigator, prosecutor or defender.” The “freeholder” clause prevented non-property owners from filing grievances against police officers. Disqualified complainants had no other choice but to register their grievances with the MPD itself.<sup>93</sup>

Notwithstanding the growing number of civilian complaints against the police, the MFPC insisted that “proper training” made the MPD “very successful in PREVENTING RIOTS.”<sup>94</sup> It was Chief Breier’s responsibility to “prevent unlawful disturbances,” and not to “quell” them after the fact. The department’s training procedures for crowd control were more than adequate, commissioners insisted. The MFPC refuted that District Five officers were being trained on how to use police dogs, or that the police department emphasized the “quelling” of riots over their prevention. The MPD was “doing its job in teaching all of its members to avoid any discrimination in dealing with the public.”<sup>95</sup> While the commission admitted that “racial prejudice” may exist on the force, they refused to believe that such bias could spark civil violence and further denied that the city stood at the precipice of unrest. New police recruits, the MFPC argued, did not need to be screened for bigoted views—hiring standards already weeded out racially biased applicants.

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<sup>93</sup> “The Board of Fire and Police Commissioners of the City of Milwaukee statement.”

<sup>94</sup> Emphasis in the original. “The Board of Fire and Police Commissioners of the City of Milwaukee statement.”

<sup>95</sup> “Riots Renew Issue of Civilian Police Review Boards,” *Milwaukee Journal*, August 22, 1965, Part 1, 13.

As requested, the CAPBC documented first-hand accounts of police abuse and failed them with the MFPC. Rev. Gregg delivered three affidavits in March 1965 that supported fifteen-year-old James Spivey's account of police violence. This particular complaint demonstrated the immense bureaucratic hurdles that police accountability advocates had to transcend in order to garner justice. The Black north side youth alleged white officers beat him at District Five station.<sup>96</sup> Spivey's injuries were so severe that the police checked him into Milwaukee County's emergency hospital. There, doctors treated him for a serious head wound, telling the officers he should stay overnight for treatment. The police refused, bringing him to a youth detention facility instead.<sup>97</sup> Spivey alleged that patrolmen called him racist names on the drive to the detention center. Breier offered no comment on the complaint.<sup>98</sup> The MFPC tabled the CAPBC's claim to allow the commissioners time to review Spivey's allegations. Their eventual response underscored the crux of the police accountability issue: plausible deniability and the abdication of institutional responsibility. Judge Swietlik questioned whether the CAPBC was in compliance with the freeholder's clause in bringing their complaint.<sup>99</sup> Because the committee did not name a specific officer or note the complainant's property owner status, the MFPC moved to submit the complaint before the City Attorney, who also represented the MPD. The commission evidently expressed no empathy for James Spivey. The CAPBC's F. Marvin Hanna attended the MFPC's March 4<sup>th</sup> meeting. When the commission entered its usual "red tape routine,"<sup>100</sup> he stood up to voice an objection. On the identification of the officers involved, Hanna argued that the MPD refused to provide the names of the arresting patrolmen. The MFPC allowed the CAPBC more time to retrieve the officer names and then amend their complaint.

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<sup>96</sup> James' father and brother provided descriptions of his injuries. He was arrested with his brother.

<sup>97</sup> "To Submit First Brutality Case," *The Milwaukee Star*, February 27, 1965, 1, 3.

<sup>98</sup> "3 Affidavits Allege Police Beat Boy, 15," *The Milwaukee Journal*, March 5, 1965, Part 2, 2.

<sup>99</sup> Milwaukee Fire and Police Commission, Minutes, March 18, 1965, Legislative Reference Bureau, City of Milwaukee.

<sup>100</sup> Hanna's "red tape" description was levied against the MFPC at an April 1965 MCCR meeting. Milwaukee Commission on Community Relations, "Executive Committee Meeting," April 29, 1965, Box 45, Folder 22, "Commission on Community Relations, January - July, 1965," Records of Mayor Henry W. Maier Administration, Milwaukee, Wisconsin, Milwaukee Series 44, University of Wisconsin-Milwaukee Archives.

In the meantime, the commission sent the existing complaint over to the City Attorney's office. Not surprisingly, the City Attorney communicated at the next MFPC meeting that the CAPBC's grievance did "not comply with provisions of law and is therefore not a valid complaint."<sup>101</sup> Hanna appeared at the City Attorney's office to explain the circumstances. However, he did not bring an amended complaint; he could not do so. The police department had refused to provide him with the officers' names because "juveniles were involved."<sup>102</sup> Still, he was able to retrieve their badge numbers. However, these were deemed insufficient. The Spivey complaint was formally dismissed at the next MFPC meeting for "not constituting a complaint within the law."<sup>103</sup> To say that Milwaukee's existing police oversight system benefitted accused officers was an understatement.

That the Spivey family even came forward to register James' complaint was a rare occurrence. Few police brutality victims brought complaints against the MPD out of fear of retaliation. Publicly reporting acts of police violence was dangerous. Doing so could lead to police harassment, intimidation, arrest and incarceration, or worse, violence. It brought stress and added to the existing traumas of navigating Milwaukee's uneven racial landscape. At a Milwaukee Commission on Community Relations meeting, F. Marvin Hanna publicly stated that "his committee knew of several instances where complainants' families were threatened with removal from welfare aid if the complaints were not dropped."<sup>104</sup> Many Black families did not trust white city officials to engage in fair investigations. The CAPBC understood this, attempting to position itself as a liaison between aggrieved Black residents and a powerful criminal justice system. However, this approach failed to improve accountability for Black residents, in no small part because of the Catch 22 described above. Public fears of registering complaints against the MPD meant that few police grievances

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<sup>101</sup> Milwaukee Fire and Police Commission, Minutes, April 1, 1965.

<sup>102</sup> Milwaukee Commission on Community Relations, "Executive Committee Meeting," April 29, 1965.

<sup>103</sup> Milwaukee Fire and Police Commission, Minutes, April 15, 1965.

<sup>104</sup> Milwaukee Fire and Police Commission, Minutes, April 15, 1965.

made their way into the public record. Without a formal record of racialized police violence, police bureaucrats saw little need for action. City officials, namely Chief Breier, the MFPC, and Mayor Maier, mistrusted the intentions of police accountability advocates. They refused to grant them the benefit of the doubt when they raised issues of police brutality because they posed a challenge to the city's white racial order.

After the MFPC refused to honor the CAPBC's affidavits in the Spivey case, the committee largely disappeared from public view. In May 1965, the CAPBC dropped "police brutality" from its name, rebranding as the "Committee for Better Police-Community Relations."<sup>105</sup> The name change marked a symbolic victory for Milwaukee police bureaucrats, who hoped to minimize the issue of police brutality. That phrase, B.S. Gregg admitted, seemed to hinder the committee's ability to improve "police-community relations."<sup>106</sup> By mid-1965, the CAPBC had dissolved. Individual members continued to struggle for police accountability. Most notably, recently elected Wisconsin State Assemblyman Lloyd Barbee made ending racialized police violence and limiting the power of Milwaukee's police chief central to his political agenda at the State Capitol in Madison over the course of the next decade. Most CAPBC members turned their attention to the intensifying civil rights issue of school integration, including Barbee and Marilyn Morheuser, co-chairs of Milwaukee United School Integration Committee (MUSIC). Calvin Sherard, the CAPBC's most outspoken, radical voice, left Milwaukee for New York City.

Ultimately, the committee's platform initiated a long-term process of unsettling Milwaukee's policing status quo. The CAPBC was among the first organizations to challenge the city's powerful narrative of policing exceptionalism. They were also the first to record the racially differential, often brutal treatment of Black citizens by the MPD. Rather than identify police violence as a significant

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<sup>105</sup> "Police Probe Group Takes New Name," *The Milwaukee Journal*, May 17, 1965, Part 3, 14.

<sup>106</sup> "Police Group Takes New Name," *The Milwaukee Journal*, May 17, 1965, Part 3, 14.

problem worth fixing, white police bureaucrats essentially cloaked themselves in the comfort of the MPD's vaunted reputation for crime control efficiency and professionalism. They deflected responsibility after listening to clear-cut, often disturbing accounts of police brutality. Milwaukee's police bureaucracy aimed to reinforce existing law enforcement structures, which clearly benefited a white majority. Chief Breier rejected the very premise of the CAPBC's demands, denying the existence of police misconduct. Mayor Maier, meanwhile, praised the group's willingness to work through formal channels, but claimed he had no power to enact law enforcement changes. He cautioned the CAPBC that rule-changes were, according to state law, the exclusive purview of the police chief. The all-white MFPC revealed its own skepticism of police brutality complaints, despite its position as a quasi-judicial civilian oversight body.

### *Gaining Civil Rights Insurgency*

The CAPBC was not alone in seeking to alleviate racial tensions on Milwaukee's north side in the 1960s. A more moderate, Black-led coalition called the Human Relations Coordinating Council (HRCC) tried to pressure Chief Breier and the MPD into incorporating a community relations program in 1966. The council's advocacy, like the CAPBC's, revealed the limits of formal negotiation with the city's white-controlled police bureaucracy. The council was a product of Milwaukee's liberal establishment. It formed under the auspices of the Milwaukee Commission on Community Relations in August 1964 following the Harlem uprising. Eight separate organizations comprised the council, which identified "a need for increased consultation and exchange of views" among citizens concerned about human rights in the city.<sup>107</sup> However, the HRCC reflected the same

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<sup>107</sup> "Analysis of Program on Milwaukee Commission on Community Relations," June 11, 1964, Box 45, Folder 22, "Commission on Community Relations, January - July, 1965"; "New Council Organized by Rights Units," *The Milwaukee Journal*, October 25, 1964, Part 2, 2; Eight organizations comprised the HRCC's core: Milwaukee Jewish Council, Fair Employment Practices Division of the Industrial Commission, Governor's Commission on Human Rights, Institute of Human Relations of UW-Milwaukee, Milwaukee Urban League, Near Northside Non-Partisan Conference, Milwaukee Citizens for Equal Opportunity, and Milwaukee Commission on Community Relations. Other HRCC member

anemic civil-rights agenda as Mayor Maier. It called for the improvement of “inter group relations,” “equal opportunity,” and “unity of purpose” across civic agencies without specific enforcement objectives.<sup>108</sup> The HRCC operated at the behest of City Hall liberals, who only sought to tame individual “prejudices,” not address the institutional and economic racism that undermined Black homebuyers, workers, and students. The HRCC had little interest in documenting police brutality. It looked to hold the city’s police bureaucracy accountable in the interest of preventing civil unrest, advocating a modified return to the MPD’s liberal law-and-order approach. HRCC members expressed dismay when the CAPBC criticized the MPD. The group warned against “radicals” fomenting an uprising in Milwaukee. The council opposed the creation of a civilian review board and was hesitant to accuse the MPD of engaging in the excessive use of force against African Americans. Instead, they argued for an improved police image through “community relations” enhancements. The group did not demand justice for the growing number of Black citizens alleging police misconduct.

A key difference between the CAPBC and HRCC was that the latter shunned direct action in favor of political arbitration. Council members did not consider themselves “activists,” and opposed civil disobedience as a method for achieving racial equality. The HRCC was strictly reformist, its approach non-confrontational. The group called for meetings with police bureaucrats to discuss community relations improvements. Continued eruptions of civil violence in U.S. Cities and the possibility of unrest in Milwaukee informed the HRCC’s advocacy. As Rev. Louis Beauchamp, the

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organizations included the American Jewish Committee, Milwaukee Congress on Racial Equality, Greater Milwaukee Conference on Religion and Race, Milwaukee NAACP, National Conference of Christians and Jews, Anti-Defamation League, Greater Milwaukee Council of Churches, North Shore Human Relations Council, Wisconsin Civil Liberties Union, West Suburban Council on Human Relations, South Suburban Human Relations Council. Human Relations Coordinating Committee meeting minutes, March 2, 1967; “New Council Organized by Rights Units,” *The Milwaukee Journal*, October 25, 1964, Part 2, 2.

<sup>108</sup> “Invitation to Governor’s Commission on Human Rights to attend Human Relations Coordinating Council meeting,” September 30, 1964, Box 1, “Human Relations Coordinating Council, Milwaukee,” Part 3C (1980/170) - General Correspondence and Subject File - Additions, 1962-1969, State Historical Society, Wisconsin. Equal Rights Division - Case Files, Employer Files, General Correspondence and Subject File, and Hearing Files, 1945-2012.

council's chairman, wrote to Chief Breier in January 1966, "Our national experience makes it clear that inadequate communication produces distrust of law enforcement, especially on the part of those segments of the community which feel themselves aggrieved by alleged inequities in the administration of the law."<sup>109</sup> The policing status quo, according to Beauchamp, was unfeasible and unrest imminent if the MPD failed to institute community relations reforms immediately. The HRCC embraced emerging federal "police-community relations" guidelines, including the integration of police departments and establishment of distinct internal units ordered to address "problems of community tension." The council lobbied for a voluntary police-community relations committee comprised of police, clergy, business, civic, education, and minority group representatives, and pushed for two pilot committees at the district level to mediate complaints. Members stressed close cooperation with police administrators in an effort to "achieve community understanding." Their primary objective was for responsible community organizations to share public safety information, largely in service of racial pacification. Like the CAPBC, the HRCC called for an expanded human relations training program. They also followed the federal government's lead in supporting continuing educational opportunities for police personnel. The council suggested the MPD apply for Law Enforcement Assistance Administration (LEAA) funding.

Nevertheless, the HRCC faced resistance from Chief Breier, particularly after its members called for the establishment of an internal police-community relations unit. Ostensibly because of its more moderate, hands-off approach, the chief was initially willing to meet with HRCC representatives. Five delegates met with Breier and the MFPC to discuss police-community relations issues in April 1966. The meeting, held in Judge Christ Seraphim's courtroom, saw white police bureaucrats fixate on the HRCC's claim that "many citizens who come into frequent contact with

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<sup>109</sup> Rev. Louis Beauchamp to Police Chief Harold Breier, January 6, 1966, Box 138, Folder 29, "Police Department, January-June 1966," Records of Mayor Henry W. Maier Administration, Milwaukee, Wisconsin.



the police” viewed law enforcement in “the same manner as minority groups are viewed...faceless, inhuman, and as scapegoats for many of the community’s problems.”<sup>110</sup> Not surprisingly, Breier and the MFPC responded defensively to the implication that police could be viewed as little more than “faceless” agents. They questioned the council’s intentions and cast allegations of police isolation from the Black community as generalizing and inaccurate. Although the HRCC expressed empathy for the police, directly acknowledging the challenges officers faced, Breier and the MFPC insisted that the police department could not be held liable for the near north side’s ills. In June 1966, the chief rejected the HRCC’s proposal for a police-community relations program and refused to attend any future meetings with the council.<sup>111</sup> State law afforded him that right.

### *The Organization of Organizations*

The Organization of Organizations took up Calvin Sherard’s mantle of Black working-class advocacy for police accountability in the mid-1960s, as intensifying police-Black citizen tensions and consistent civic inaction pushed Milwaukee towards civil violence. The group pressed police bureaucrats to establish a “citizens review board” to adjudicate brutality complaints. A review board would not only “give citizens the assurance that their complaints would be fairly heard,” but also “protect police officers if they properly enforce the law.”<sup>112</sup> The umbrella organization’s chairman, John Franks, wrote Chief Breier directly. He stated that “officers of the law failed to fulfill their obligations to the community through acts of negligence.”<sup>113</sup> The creation of independent police

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<sup>110</sup> “Breier Receives Relations Plan,” *Milwaukee Sentinel*, April 15, 1966, Part 2, 1; “Police Community Relations Proposals of the Human Relations Coordinating Council,” April 14, 1966.

<sup>111</sup> After presenting its “police community relations recommendations” in December 1966, the HRCC never heard from Breier. Human Relations Coordinating Council meeting minutes, March 2, 1967, Box 7, Folder 7, “Administrative Subject Files, Human Relations Coordinating Council - Transcript of Meeting, April 14, 1966, Papers, 1966-1967,” Milwaukee Urban League Records, 1919-1979. Milwaukee Mss EZ, University of Wisconsin-Milwaukee Archives.

<sup>112</sup> “Review Board Needed,” *The Milwaukee Star*, June 11, 1966, 4.

<sup>113</sup> John Franks to Harold Breier, April 28, 1966, Box 138, Folder 29, “Police Department, January-June 1966,” Records of Mayor Henry W. Maier Administration.

oversight boards in cities like New York and Philadelphia influenced the Triple O's proposal. "In our position," Franks said, noting the effects of Milwaukee's worsening racial apartheid, "we are often able to discover such cases whereas you may not be aware of them." Franks criticized the MFPC's failure to conduct even a single hearing on a police brutality complaint since it became empowered to do so in 1885. According to the Triple O, fire and police commissioners had not heard or acted on any citizen grievances since 1952.

Chief Breier responded as he did when the CAPBC first called out his department for police brutality in 1964. Milwaukee officers patrolling on the city's near north side did "the same kind of job as anywhere else." The chief was right; police regimes across the country aggressively defended their city's racial boundaries and upheld white supremacy in comparatively poorer Black neighborhoods and mixed-race environs. It was a position supported by conservative elected officials, who made no effort to conceal their racist views when it came to matters of civil rights and policing. For instance, after learning about a specific case of police negligence outlined by the Triple O, a Democratic state senator from Milwaukee wrote to Chief Breier:

I want you to know that I trust you and your department and that your men will not abuse their police powers. I also know that restraints must be used to the degree of resistance, and though an error may occur from time to time, it is beastly and jungle-like to demand resignations. I am against the establishment of a Citizen Review Board, because if you have to make allowances to such a group, certainly you will have to make the same allowances to all nationalities and ethnic groups of which we have an abundance. Too bad you can't sue for harassment of the police department.<sup>114</sup>

That June, Mayor Maier responded to the Triple O's call to establish a citizen review board.

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<sup>114</sup> At a May 19, 1966 MFPC meeting, Triple O chairman John Franks requested the commission review Elizabeth Williams' allegation of police negligence. Commissioners referred Franks' charge to Chief Breier to be discussed at the next MFPC meeting. Milwaukee Fire and Police Commission Meeting Minutes, May 19, 1966, Box 138, Folder 30, "Police Department, July-September 1966," Records of Mayor Henry W. Maier Administration; Wisconsin Senator Casimir Kendzioriski to Chief Breier, May 11, 1966, Box 138, Folder 29, "Police Department, January-June 1966," Records of Mayor Henry W. Maier Administration.

He insisted that the MFPC already served that function.<sup>115</sup> In a WTTI-TV interview, Maier said the commission was open to all citizens in need of a case review. But the MFPC first required proper documentation. Some Black residents said that the MFPC's location, in the "intimidating atmosphere" of the Milwaukee Safety Building, dissuaded residents from coming forward with police brutality complaints.<sup>116</sup> A *Milwaukee Star* reporter challenged the mayor's contention and contacted the MFPC. Secretary George Ruger told them, only "freeholders" could file police complaints as required by Wisconsin law. That rule, according to Ruger, was meant to "show you're a substantial citizen and not a fly by night who just came into town and is trying to cause trouble."<sup>117</sup> The statute undermined the mayor's argument that the complaint review process was democratic. As the *Star* editorialized, "This provision of the law clearly denies the right of complaint to the ghetto dwellers who need it most while giving it to the landholders who least likely to use it."<sup>118</sup> The MFPC's responsibility was "not to serve as a review board...but to recruit, hire and promote the nearly 3,300 positions in the Milwaukee fire and police departments." Should a hearing occur, accused officers faced the threat of punishment in the form of paid suspensions. If the MFPC administered a suspension of fifteen days or more, an officer was entitled to an appeal and trial in the Safety Building. The MPD conducted investigations into alleged police misconduct and, under Chief Breier, refused to disclose the results of "internal matters." The *Star* reiterated that police heightened tensions through their actions: "An ignorant policeman with a gun on his side, a night

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<sup>115</sup> Mayor Maier also defended the MFPC's all-white composition, adding that he appointed several "labor men" to the board who were "grassroots citizens." He implied a working-class background meant they understood issues facing the "core area."

<sup>116</sup> As the *Star* wrote, "police are distrusted by slum dwellers as a symbol of oppression and unchecked brute power." Police "frequently resort to force in a minor infraction of the law and claim 'resistance to arrest' as a handy catchall excuse...An urgent need exists for an independent bi-racial civilian review board to investigate and rule on charges of police abuses of power." "Review Board Needed," *The Milwaukee Star*, June 11, 1966, 4.

<sup>117</sup> "Mayor's Claim of Police Board Untrue," *The Milwaukee Courier*, June 11, 1966, Part 1, 1.

<sup>118</sup> "Review Board Needed," *The Milwaukee Star*, June 11, 1966, 4. The commission also approved applications for "private detective agencies and individual agents." "Mayor's Claim of Police Board Untrue," *The Milwaukee Courier*, June 11, 1966, Part 1, 6.

stick in his hand, and lacking restraint and discipline, is as dangerous a source of potential trouble in an area of racial conflict as cane imagined.”<sup>119</sup>

### *Civil Rights Insurgencies and Counter-Insurgencies*

Civil rights mobilizations, victories, and setbacks permeate the existing literature on Black Milwaukee. Histories document the African American community’s social, economic and political development, as well as the long civil rights movement that both professional Black citizens and the working poor engaged in from the 1940s through the 1970s. Confrontations between the MPD and residents of color are interwoven throughout narratives of Black proletarianization, migration, education reform, and open housing activism.<sup>120</sup> Indeed, the fraught relationship between Black residents and law enforcement is an important thread connecting this burgeoning scholarship.<sup>121</sup>

A flurry of Black-led civil rights campaigns between 1963 and 1968 captured news headlines in Milwaukee, as well as the attention of a restive white public. Organizations like the Milwaukee Congress on Racial Equality (MCORE), MUSIC, and the YC reflected the 1960s turn away from accommodation and towards a more confrontational approach to securing racial justice. Late in summer 1963, MCORE organized sit-ins against a Milwaukee County Social Development Commissioner who made racist comments about Black migrants. MUSIC organized student boycotts in May 1964 and again in October 1965 in response to biased practices in the public school

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<sup>119</sup> “Review Board Needed,” *The Milwaukee Star*, June 11, 1966, 4.

<sup>120</sup> Frank A. Aukofer, *City With a Chance: A Case History of Civil Rights Revolution* (Milwaukee: Marquette University Press, 2007); Jack Dougherty, *More than One Struggle: The Evolution of Black School Reform in Milwaukee* (Chapel Hill: The University of North Carolina Press, 2004); Paul Geib, “From Mississippi to Milwaukee: A Case Study of the Southern Black Migration to Milwaukee, 1940-1970,” *The Journal of Negro History* 83 (4) (Autumn, 1998): 229-248; Patrick D. Jones, *The Selma of the North: Civil Rights Insurgency in Milwaukee* (Cambridge, MA: Harvard University Press, 2009); Joseph A. Rodriguez, *Bootstrap New Urbanism: Design, Race, and Redevelopment in Milwaukee* (Lanham: Lexington Books, 2014); Trotter, *Black Milwaukee*.

<sup>121</sup> Jones, “Get Up Off of Your Knees!”; Yohuru Williams, “‘Give Them a Cause to Die For’: The Black Panther Party in Milwaukee, 1969-1977” in *Liberated Territory: Untold Local Perspectives on the Black Panther Party*, ed. Yohuru Williams and Jama Lazerow (Durham: Duke University Press, 2008); Andrew Witt, *The Black Panthers in the Midwest: The Community Programs and Services of the Black Panther Party in Milwaukee, 1966-1977* (New York: Routledge, 2007).

system. That committee—led by the CAPBC’s Barbee and Morheuser—established “Freedom Schools” for protesting Black youth. Educators at the schools taught Black history, culture, and activism to Milwaukee youth for the first time. During the school boycotts, police officers visited Black ministers who made their churches available to African American students. The police told them not to cooperate with MUSIC, alleging its protests were organized by “communists” and “rabble rousers.” Such police intimidation proved successful, as some church leaders withdrew from the movement.<sup>122</sup> MUSIC members also vied with police as they participated in human “chain-ins” to protest educational injustices and the “stunning practice” of “intact busing.”<sup>123</sup>

In 1965, Milwaukee’s NAACP Youth Council demonstrated against Big Boy restaurant’s racist hiring practices. And, in February and August of 1966, they rallied outside the Fraternal Order of the Eagles Club in protest of its exclusionary membership policy. The YC called out elected officials—nearly all of who were Eagles members—and marched in front of Milwaukee County Judge Robert Cannon’s Wauwatosa residence. In June 1967, the Youth Council turned its attention to housing discrimination. They marched again in Wauwatosa, this time against housing segregation. The 200 straight nights of protest that the YC and advisor Father James Groppi led from August 1967 to April 1968—described by local historians as the “March on Milwaukee”—induced violent white reactions and a mix of police behavior that ranged from the dutiful allowance of demonstrators to engage in lawful protests to the infliction of police brutality once marchers

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<sup>122</sup> “Interview with Lloyd Barbee,” 7, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967 - Oct. 3, 1967,” Civil Rights During the Johnson Administration, 1963-1969, Part V, Folder, 001346-025-0001, Lyndon Baines Johnson Presidential Library, Austin, Texas.

<sup>123</sup> Faced with the issue of school overcrowding in the 1950s, the Milwaukee Public School board approved of a policy of busing elementary school children from older inner city schools (mostly Black) to newer, predominantly white neighborhood schools. Bused African American students were kept “intact” throughout the day, segregated from their white peers. As historian Jack Dougherty argues, this reinforced idea about Black racial inferiority and placed heavy burdens on African American families. Rather than redraw neighborhood school district boundaries in ways that promoted integration, the school board acted from a place of fear in line with prominent white opposition to the *Brown* (1954) decision. Dougherty, *More than One Struggle*, 4-96.

crossed the 16<sup>th</sup> St. viaduct into the chaotic atmosphere of Milwaukee's all-white south side.<sup>124</sup>

As Milwaukee's civil rights insurgency intensified, the MPD kept a watchful eye on Black freedom fighters and allies. The police occasionally used their discretion to strong-arm civil rights activists, who they characterized as a threat to public order and traditional white middle-class sensibilities. Civil rights demonstrations in Milwaukee, and across the country, targeted the willingness of police to use force against Black men and women engaged in non-violent civil disobedience. They also called out the militarized police violence used against Black dissenters engaged in urban uprisings. On March 13, 1965, Milwaukee civil rights organizations staged a massive solidarity march in support of Black and white activists marching in Selma, Alabama. State police brutalized members of the Student Nonviolent Coordinating Committee (SNCC), the Southern Christian Leadership Conference (SCLC) and other coalitions while attempting to cross the Edmund Pettis Bridge from Selma to Montgomery the previous week. Nearly 2,500 people marched from MCORE's headquarters to the Milwaukee County Courthouse. National episodes of police violence and eruptions of civil disorder also provided cause for local mobilizations.

The "Milwaukee March toward Freedom and Independence," for instance, commemorated the second anniversary of the 1963 March on Washington for Jobs and Freedom.<sup>125</sup> Held to dramatize local grievances around "the absence of equality of opportunity in housing, jobs, and schools," the event doubled as a vehicle to communicate solidarity with Black men and women in Watts who recently experienced civil violence and conflict with Los Angeles police. Flyers created

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<sup>124</sup> "Timeline," March on Milwaukee Civil Rights History Project, accessed July 20, 2019, <https://uwm.edu/marchonmilwaukee/timeline>.

<sup>125</sup> The march took place on August 28, 1965. An umbrella committee representing more than 50 human rights, church, welfare, fraternal, and civic groups organized the protest. A mix of perspectives on the political left participated. Some, like the Socialist Workers Party (SWP), rankled organizers, who wanted to keep the demonstration's focus on racial inequality. SWP activists carried signs that protested U.S. involvement in Southeast Asia and passed out handbills in support of a Black Milwaukee soldier, Pfc. Winstel Belton, who was engaged in a hunger strike abroad. Milwaukee March toward Freedom and Independence flyer, August 28, 1965, Box 1, Folder 5, Other Projects and Miscellany, 1964-1966," MUSIC Records, Milwaukee Mss 5, University of Wisconsin-Milwaukee Archives; "March toward Freedom and Independence Set Saturday," *The Milwaukee Star*, August 28, 1965, 1, 4, 8.

for the demonstration asked, “Do Northside Milwaukee police have the same contempt” as LAPD Chief William Parker, whose racism “sifted down through his department?” A cartoon of a white officer choking and striking a man on the head with a Billy club adorned the leaflet, which directly connected housing segregation to police violence: “How much is Milwaukee segregation costing YOU and ME?”<sup>126</sup> Police brutality was an integral part of urban America’s worsening racial apartheid. The interracial assemblage, estimated between 400 and 800 people, marched from N. 12th St. and Lloyd St. to MacArthur square. Protesters sang freedom songs and chanted civil rights slogans along the route. The St. Matthews C.M.E. Church drill team led the procession; comedian Dick Gregory and Mississippi Freedom Democratic Party delegate Fannie Lou Hamer addressed the crowd. “For you to be free, my Caucasian friends, I must be free,” the Mississippi native Hamer declared. In his speech, Gregory brought up the unrest in Los Angeles, “If a child cried, you wouldn’t ask him why—you changed his wet diaper.” Police brutality need not entail physical force, he continued. A verbal insult was enough. “Police brutality is the way [an officer] talks to me and the way he handles me.” At the same time, Gregory observed that police were underpaid and had difficult jobs. That they took their resentment out on others was unacceptable. “If the cop ever wakes up and realizes he’s in the same boat, he’ll march with me,” Gregory proclaimed in a gesture of solidarity. “The brick is not the answer...It’s not a problem of Black against white, it’s a problem of right against wrong.”<sup>127</sup>

During the 1965 rally, a *Milwaukee Star* reporter asked the CAPBC’s Calvin Sherard for his opinion on the Watts uprising. It was not long before he left the city. Sherard stressed paying more attention to the fire than to the manmade tinderbox that fueled the blaze. “This is like being more critical of an explosion and the noise produced by the explosion than of the fuse lighter, the

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<sup>126</sup> The leaflet also stated: “Don’t talk it. DO IT! MARCH Fight POLICE BRUTALITY and EVERYTHING ELSE...”

<sup>127</sup> “Hundred in Orderly Rights Rally,” *Milwaukee Journal*, August 29, 1965, Part 1, 1, 20.

instigator of the explosion.” Riot prevention, for Sherard, meant addressing “unjust systems” of political racism and economy: “There must be a complete eradication of the ingredients that are compounded to bring about such rioting...police brutality, job discrimination, and the double standard that is exercised in many of the courtrooms around the country.” The chronic abuse of “people’s minds and bodies” over time had translated into heightened disrespect for “manmade laws.” Rioting was to be expected, “the law of nature is greater.” As he continued, “The mind and body can only take so much...the only provocation the system has in carrying out these injustices are class and color of skin.” Lawlessness was not the sole preserve of repressed Black citizens, but also “penetrated our law enforcement agencies,” subjecting African Americans to police violence. It was the police who “served as a nucleus to disorder.”<sup>128</sup>

White counter-protestors, representing a group called the Los Angeles Memorial Committee (LAMC), met civil rights demonstrators on the steps of Milwaukee County Courthouse the day of the Milwaukee March toward Freedom and Independence. Picketers, like insurance salesman Bernard White, were eager “to protest the riots and anarchy that seemed to have gripped the nation.” The LAMC’s signs implied that civil rights protests were unpatriotic. Like the police, they blamed communism. “Is This Another Communist Controlled Demonstration?” one read.<sup>129</sup> This white citizens group aligned with others mobilizing in counter-protests of Black charges of police brutality and discrimination. The Committee on Police Support (COPS), for instance, offered the most forthright defense of Chief Breier and Milwaukee police. COPS vigorously denied that police brutality existed, calling Black allegations of police abuse on the near north side “fraudulent” and “sloganeering.”<sup>130</sup> Foreshadowing the white calls of “reverse racism” to come in the aftermath of

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<sup>128</sup> “NALC Critical of Riot Critics,” *The Milwaukee Star*, August 28, 1965, 3.

<sup>129</sup> “Hundred in Orderly Rights Rally,” *Milwaukee Journal*, August 29, 1965, Part 1, 1, 20.

<sup>130</sup> Chadbourne H. Williams to Assemblyman Frederick P. Kessler, “May 30, 1965,” Box 11, Folder 16, “1965-66 Committee on Police Support,” Frederick P. Kessler Papers, 1958-1992. Milwaukee Mss 211, University of Wisconsin-Milwaukee Archives.



Affirmative Action, the committee insisted that it was Black citizens, not the police, who were the true agents of harassment. “Decent citizens everywhere,” i.e. white, were to “honor” the police “who protect us,” the group claimed. There were other organizations present in the city taking public stands against the civil rights movement. Former Milwaukee Mayor Frank Zeidler reported a large number of John Birch Society members in the city. Society co-founder, William J. Grede, of Milwaukee’s Allen-Bradley Company, contributed heavily to the organization. Three Wisconsin legislators were Birchers and three of the society’s executive board members lived in Milwaukee County.<sup>131</sup> Another prominent right wing group was called Truth About Civil Turmoil. Anti-Communist downtown business organizations screened the film “Anarchy, USA.”

In May 1967, retiring District Five Captain George Sprague said he did not believe any “riots” would occur in Milwaukee. He decried the “willingness” of “minority groups” to “follow the so-called leaders...into any tension situation” in a speech delivered before a COPS-sponsored event at the Wisconsin Athletic Club.<sup>132</sup> Captain Sprague—a known John Birch Society member—blamed the press for inflaming racial tensions and not supporting the city’s police force. From Sprague’s perspective, news outlets like *The Milwaukee Journal* were the real “harassers.” Sprague rejected the possibility of “police harassment” against African Americans. Other speakers at the dinner, like former FBI agent and then Salt Lake City Police Chief W. Cleon Skousen, traded anti-communist conspiracy theories. “Communists,” Skousen suggested, “have made more progress in our country in the last 20 months than they had in the last 20 years.” It was “Communists” who “fomented and exploited unrest,” he claimed; they would make 1967 a year “America will never forget.”<sup>133</sup> Skousen and Sprague’s comments reflected widespread feelings among white police administrators that social

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<sup>131</sup> National Advisory Commission on Civil Disorders, “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 3, Folder, 001346-024-0871, Civil Rights during the Johnson Administration, 1963-1969, Part V, Lyndon Baines Johnson Presidential Library, Austin, Texas.

<sup>132</sup> COPS honored the 25-year MPD veteran with its “Outstanding Local Policeman Award.”

<sup>133</sup> Indeed, 1967 provided an unforgettable summer of unrest, however not due to Communist plots to undermine law-and-order. “Police Captain Doubts Riots This Summer,” *Milwaukee Sentinel*, May 12, 1967, Part 1, 5.

fragmentation, moral decay, and misguided liberal policies and court decisions were “crippling police officers in their work and destroying police morale.” The men cited recent Supreme Court decisions and called liberal police review boards conspiratorial inventions designed to undermine police and reduce their effectiveness. Riots in Watts, Los Angeles were communist-inspired and plotted, victimizing “the good people” with “tragedy, despair, and violence.” Meanwhile, in Sprague’s view, America’s prison populations were [regrettably] diminishing “almost as fast as the crime rate was going up.”<sup>134</sup> Because of Chief Breier and the MPD’s reactionary law-and-order approach, there was not “any large degree of tensions” in Milwaukee.

Other conservative organizations backed the police in this racially charged climate, denouncing the legitimacy of Black civil rights activism along the way. The Milwaukee Citizens’ Crime Committee (MCCC) organized “to promote safety from crime on city streets” and support “the present conduct of police” and the “firm manner in which it handles arrests of criminals and hoodlums.”<sup>135</sup> Their formation was a direct counterpoint to the Citizens Anti-Police Brutality Committee. The MCCC explicitly denied that the “mistreatment of Negroes by police” existed, calling the CAPBC’s allegations “false and shameful.” The MCCC, a sub-committee of the racially conservative Citizens’ Association of Wisconsin, Inc., opposed a state open housing law and efforts to integrate Wisconsin public schools.<sup>136</sup> The conservative body held its first meeting in January 1965, where six “directors” outlined a seven-point platform. The group endorsed the police department’s “conduct and performance;” it affirmed its support of the rank-and-file “as friends and neighbors,” encouraging “good citizens” to “be friendly, courteous and cooperative” to MPD

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<sup>134</sup> “Police Review Boards Come under Attack,” *Milwaukee Sentinel*, May 12, 1967, Part 1, 14.

<sup>135</sup> “Milwaukee Citizens’ Crime Committee,” Box 111, Folder 17, “Milwaukee Citizens’ Crime Committee, 1965,” Records of Mayor Henry W. Maier Administration, Milwaukee, Wisconsin, Milwaukee Series 44, University of Wisconsin-Milwaukee Archives; “Police Get Backing of New Group,” *The Milwaukee Journal*, February 4, 1965, Part 1, 20.

<sup>136</sup> Richard Houdek, a white draftsman at a local engineering firm, served as MCCC chairman; John Nezworski was vice chairman. “Police Dogs Put through Paces as Citizen Crime Fighters Watch,” *The Milwaukee Journal*, June 7, 1965, Part 2, 1; “John Carroll Enters Race,” *The Milwaukee Journal*, December 30, 1966, Part 1, 7

personnel; it denied the existence of police brutality, citing “individual misconduct” to be investigated by the Chief of Police, and not “any civilian review board;” it “censured” and “condemned” the CAPBC’s likening of the MPD to a “Gestapo” police force at a District Five protest; it demanded greater police protection in “high crime,” (i.e. Black) neighborhoods, including “firmer control of demonstrators who many times block pedestrian and vehicles’ traffic and cause loud disturbances;” it favored laws that compelled persons 16-years-of-age or older to “be tried in criminal court for violent crimes;” and it said it would hold “citizens’ meetings to combat crime.”<sup>137</sup>

Although the MCCC maintained that its actions were “not pinpointed towards negroes” or “motivated by any racial considerations,” the committee’s chairman stated that it met because of a news report that three Black youths had beaten a white youth on a city bus traveling down 3<sup>rd</sup> St.<sup>138</sup> Clearly the all-white MCCC saw Milwaukee’s crime problem through a racial lens and believed that white residents were the victims. In its view, local political leaders were also guilty of “condoning and fostering lawlessness.” At a March 1965 meeting called “to protest violence on Milwaukee’s streets,” one MCCC member asked a sympathetic alderman, “How can we get Police Chief Breier to use police dogs.” The group demanded more officers, more street lighting, and an end to the news media’s “belittling” of the MPD. Black youth crime was the main point of discussion at the meeting, which drew roughly 300 attendees. Some of the committee’s members were more vocal in their retributive law-and-order rhetoric than others. State Senator Norman Sussman, an elected official, called for revising of the children’s code so that 16 and 17-year-old minors would be criminally prosecuted. The Milwaukee Democrat called for “no more hanky-panky, no more kissing ‘em, no more loving ‘em; they must go into criminal court.”<sup>139</sup>

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<sup>137</sup> “Milwaukee Citizens’ Crime Committee.”

<sup>138</sup> “Police Brutality Probe by Outsiders Rejected,” *The Milwaukee Journal*, September 10, 1964, Part 1, 22.

<sup>139</sup> Father James Groppi also attended the meeting, which took place at the North Avenue Auditorium, in what is today Metcalfe Park. He urged the committee to support fair housing and legislation to eliminate hiring discrimination. “State Senator Calls Brown Poor Judge,” *The Milwaukee Journal*, March 8, 1965, Part 2, 5.

## Conclusion

Five days before the CAPBC met with the MFPC in January 1965, William Coates and Michael Thomas learned their police brutality case would be heard in the U.S. District Court of the Eastern District of Wisconsin. The federal bench had reversed a decision made by the City Attorney to dismiss all charges on jurisdictional grounds. The Coates and Thomas families officially alleged that officers Young and Hessel had violated the teens' "right not to be deprived of their lives, liberties, and property, without due process of law."<sup>140</sup> Despite their vivid descriptions of police heavy-handedness, a liberal judge, former Wisconsin Governor John Reynolds, dismissed Coates and Thomas' complaint "on the merits" in April 1968. He cited a lack of direct evidence that police brutality occurred. In the end, it was the word of two Black youths against two white police officers. The latter's standing as agents of the state afforded them the benefit of the doubt in court.<sup>141</sup>

Collectively, Milwaukee's white police bureaucracy, elected officials, and citizen-led organizations denied the legitimacy of Black grievances against the MPD's racially disparate treatment. Pointing to the city's comparatively low crime rate and the department's vaunted national

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<sup>140</sup> This is also referred to as the "due process clause" of the 14th Amendment. "Brutality Case to Be Heard in U.S. District Court," *The Milwaukee Star*, January 16, 1965, 2.

<sup>141</sup> As the Wisconsin ACLU's Joan McManus argued in 1975, "when a commission has to consider a citizen's word against the cop's...the cop is almost always believed." Barbara Dembski and Monroe Walker, "Filing Complaint is Course in Red Tape," *The Milwaukee Journal*, Part 1, 12. Michael Thomas and William Coates' parents sued Officers Young and Hessel on July 31, 1964 for \$100,000 in punitive damages, plus costs, for violating provisions of the 1964 Civil Rights Act. Their complaint, drafted by Thomas M. Jacobson—attorney for Milwaukee's Congress on Racial Equality chapter and Wisconsin NAACP legal redress chair—was the "first of its kind" to be filed at the District Court for Wisconsin's Eastern District. Jacobson was law partner to State NAACP chair and recently elected Wisconsin Assemblyman Lloyd Barbee. The litigation took years to wind through court. Not until April 22, 1968 did Judge John Reynolds—a former Wisconsin governor and civil rights advocate—dismiss the case "on the merits." The teens lacked evidence linking the officers directly to the abuse. It was an uphill battle, as the youth's words carried little weight in a courtroom naturally favorable towards the police, who provided their own version of events. Both officers denied using excessive force or abusing the plaintiffs. Coates' initial injuries, according to Young, could have come from falling on a protruded pipe laying below the picket fence. The officers agreed they saw no blood on Coates face. As Judge Reynolds argued, "a case should never be grounded upon possibilities, since to adopt one possibility over another amounts to mere speculation, guess, or conjecture as to what might have happened. Here, the evidence compels but one conclusion; that is, that the plaintiffs have failed to meet the burden of proving their case by the preponderance of the evidence." *Thomas and Coates v. Young and Hessel*, United States District Court for the Eastern District of Wisconsin, No. 64-C-203 (1964).

status, they saw little reason to second-guess what was, in their view, an exceptional law enforcement agency. Hardening residential segregation exacerbated white perspectives around race, crime, and public safety, as fewer-and-fewer white residents bore witness to the differential policing that the CAPBC and other accountability advocates highlighted. While some white observers acknowledged that overzealous policing occurred on Milwaukee's near north side, most characterized it as a necessary response to presumed criminality. The mainstream press supported this vantage point, often emphasizing the racial dimensions of urban crime and, in turn, reinforcing racist perceptions of Black life and culture.

While long-standing civil rights organizations, like the MUL and MNAACP, saw improving police-Black community relations as essential to building a more equitable society, the CAPBC was the first grassroots organization concerned about policing in Black Milwaukee to explicitly build on the “institutional and organizational frameworks” of 1960s civil rights insurgents. The committee challenged police bureaucrats to reimagine how Black near north side residents experienced the law, advocating a bolder reform agenda that took on the city's dual law enforcement system.<sup>142</sup> While the CAPBC's charges of police brutality and warnings of civil unrest, fatefully, did not convince Milwaukee's all-white police bureaucracy to act in a substantive fashion, they nonetheless pushed the struggle for police accountability forward. Significantly, the CPABC's activism showed that racially disparate policing was not simply the byproduct of bureaucratic intransigence, but it also reflected City Hall's lack of institutional and legal control over the MPD, its rules and governing practices.

Indeed, the CAPBC launched what would become a decades-long, multi-organizational process of exposing and documenting police abuse against African Americans in service of garnering accountability. Although its negotiations failed to produce meaningful change, the committee proved influential in the city's Black freedom movement. For example, before civil violence erupted

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<sup>142</sup> “Brutality,” *The Milwaukee Star*, August 15, 1964, 12; Balto, “Occupied Territory,” 241.

in Milwaukee on July 30, 1967, the Triple O worked with the Catholic Archdiocese's Council on Urban Life and the Milwaukee Community Relations-Social Development Commission to coordinate public hearings meant to record alleged cases of racialized police brutality. The Triple O was an umbrella coalition of civil and human right organizations working to end poverty and build economic power in Black Milwaukee.<sup>143</sup> The documentation process added to the growing narrative that policing looked different across the city's color line. These hearings also dredged up pain and discomfort for Black citizens who had arrived in search of economic opportunity and freedom from Jim Crow. Targeted order maintenance policing helped belie much of the promise of northward migration and revealed that Black people's subordinate status as citizens was a national problem.

The CAPBC also encouraged Milwaukee police bureaucrats to take a public stance on Black allegations of police abuse. It forced city leaders to, at the very least, consider what a rising number of north side residents viewed as an unfair law enforcement system. White civic leaders—whether they chose to admit it or not—stood at a crossroads over how they would enforce police power across an increasingly multiracial, yet segregated and unequal metropolitan landscape. Would they continue to support (or accept) police practices that generated disparate rates of Black surveillance, brutality, and arrests? Or, would they reconstitute police authority in humane ways that accounted for Milwaukee's rapidly changing social and economic demographics and the civil rights revolution? The CAPBC's interactions with Chief Breier, Mayor Maier, and the MFPC provide insight into how white city officials understood matters of race, policing, and violence. Their limited interactions with the CAPBC made plain that institutional tactics of denial, deflection, blame, and criminalization would endure until civil violence forced new modes of action.

Although short-lived, the CAPBC's drive to garner a more responsive and just policing

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<sup>143</sup> Sophie Andersson, Alexandra Beyreis-Heim, Emily Daley, Anna Ehlke, Scott Espinoza, Jeremy Miller, Paul Newcomb, Lukas Sommer, Noah Stevenson, Brandon Szpot, "Community-Based Organizations," *Encyclopedia of Milwaukee*, accessed October 25, 2020, <https://emke.uwm.edu/entry/community-based-organizations/>.

system for Black residents deserves more attention in Milwaukee's civil rights historiography. While the committee perhaps placed too much faith in negotiation, it nonetheless played an influential role in moving the struggle for accountability forward. The CAPBC articulated a multi-pronged strategy for police reform that shaped future efforts to transform Milwaukee's uneven criminal justice terrain. As the committee's seven-point program enumerated, police bias was a constituent element in the wider nexus of racial injustice that Black professional leaders, poor and working-class activists, and everyday citizens confronted in the "late migration era." Yet the struggle for police accountability still holds a tertiary or quaternary place in the literature as compared to struggles for employment and marketplace access, education desegregation, or open housing. The truth is, law enforcement was ever-present and contoured all of these campaigns. White city officials tasked the MPD with defending public order, safeguarding life and property against what most white constituents saw as the lawless actions of civil rights agitators. As such, white police brass and rank-and-file officers positioned Black citizens demonstrating against racial injustice as radicals willing to flout the law for their own disruptive, self-serving ends.

African Americans fed up with Milwaukee's dual law enforcement system worked to expose the MPD's racist narrative of policing exceptionalism. In doing so, they exhibited a range of overlapping ideological and class positions, as well as competing strategies to effect change within the public safety arena. The CAPBC, in particular, featured both racial liberals convinced that civic negotiation was the best means of generating reform and more assertive working-class activists willing to apply direct pressure in the streets. How police accountability advocates responded to an abusive police power correlated with the militancy of their respective political vantage points and the level of attention they received from the city's antagonistic, all-white police bureaucracy. For instance, the NAACP Youth Council and their advisor, Father James Groppi, experienced regular police harassment, brutality, and arrests as a consequence of direct action protests and a

comparatively militant racial and class politics. The YC's radicalism shaped its clear denunciations of the MPD as an occupying force that was more concerned with countering civil rights demonstrators than protecting all citizens equally. Conversely, more reformist, middle-class coalitions, such as the HRCC, deferred to Milwaukee's white power structure. They eschewed civil disobedience as a tactical approach to advancing equality and exhibited a greater unwillingness to lose white patronage, despite their growing preoccupation with differential policing.

As Milwaukee's civil rights movement intensified in the mid-1960s, so too did police surveillance, harassment, brutality, and arrests. Much of it was directed against Black civil rights activists. Preserving law and order remained imperative for the city's white power structure during this combustive period. Chief Breier's increasingly reactionary brand of law-and-order served as an effective instrument in countering civil rights insurgents. And, as the counter-organizing of white racial conservatives demonstrated, reactionary law-and-order also served as a potent tool for rallying the city's white ethnic majority. Concurrently, Black civil rights activists and residents increasingly viewed the MPD as the most visible symbol of white control. This perspective was grounded in a deeper history of racial and class conflict, often mediated by law enforcement. Black migrants and more established African Americans alike experienced intensifying police mistreatment and neglect over the course of the 1960s, in part as a consequence of cyclical patterns of migration, segregation, criminalization, and the MPD's strategic over-saturation of Black spaces.

In the end, Black and allied police accountability advocates failed to impress upon Milwaukee's police bureaucracy the urgency of their demands for change in the mid-1960s. After years of City Hall ignoring Black complaints of police brutality and calls for more diverse police representation, input, and oversight, the city experienced its own version of civil unrest in late Summer 1967. Violent racial confrontations among white counter-protestors and an interracial cohort of open housing demonstrators followed that consequential event. Discussed in greater detail



in the next chapter, the eruption of civil violence in Milwaukee at a politically charged moment of civil rights insurgency had the net effect of reauthorizing Chief Breier's power and legitimizing the MPD's reactionary law-and-order turn. The narrative of policing exceptionalism was maintained locally, as Breier and Mayor Maier consolidated white support in the aftermath of unrest. They utilized the political capital they gained in suppressing Black dissent to steer the direction of police accountability activism away from transformative policy outcomes, which might have generated "community control" for Black residents, as some activists began demanding in the late 1960s. At the same time, white police bureaucrats gave the impression of progressive police reform when they applied for and received federal law enforcement assistance grants intended to improve police-Black community relations and minority hiring. Ironically, Breier resisted these efforts to better coordinate and centralize police power. He believed they, too, threatened his institutional control. By the close of the decade, Milwaukee's corrosive racial politics persisted, rendering the enactment of even reformist law enforcement outcomes a thorny proposition.

## CHAPTER FOUR

### Reactionary Law-and-Order in Milwaukee

Milwaukee's narrative of policing exceptionalism was rooted in an assumption—that the police department's (MPD) independence from City Hall facilitated a high degree of professionalism, reform innovation, and crime control efficiency. Whether that assumption bore out, however, was contingent on the personality, leadership style, and strategic agenda of the person in charge. Historically, the Milwaukee Fire and Police Commission had (MFPC) appointed either disciplinarian, headstrong police chiefs, like John Janssen, or more ostensibly forward-thinking, liberal administrators eager to maintain public order through artful projections of police power as a force for democracy, such as Joseph Kluchesky. All five police chiefs hired from 1888 to 1964 existed somewhere along that spectrum, which leaned just left of center to far-right ideologically. All of them were police officials who understood their role of preserving Milwaukee's traditional capitalist, white cultural order. As a body, the MPD reflected the character of its head from the top-down; they alone diagramed, managed, and executed the city's law enforcement hierarchy and mission. They did so free of political interference, as provided for by state law. Striking workers, wayward youth, and poor people, especially of color, remained vulnerable to violent police abuses of power and aggressive order maintenance practices. These occurred despite the MPD's exemplary reputation. Still, most residents seemed to favor the end result of the police chief's sovereign vision, which for decades produced one of the lowest reported crime rates in the U.S. and a reform orientation that was the envy of outside police agencies.

Intensive postwar Black population growth and the white racism it unleashed across all segments of society shifted the above dynamic.<sup>1</sup> It pierced a widening hole in an already precarious

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<sup>1</sup> Milwaukee's Black population grew from 62,458 in 1960 to 105,088 in 1970. Campbell Gibson and Kay Jung, "Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and Other Urban Places in the United States," U.S. Census Bureau, Population Division, Working Paper no.

exceptionalism narrative that, for better or worse, relied heavily on the police chief's inviolable administrative discretion. Mounting Black community demands for fair police treatment, equitable representation, and meaningful accountability complicated prevailing assumptions about a value-neutral police power, as well as the utility of the MPD's widely admired reform approach. African Americans—young and old, bourgeois and poor—not only revealed dual standards of justice that tracked lines of race and class, but, after the 1958 police murder of Black migrant Daniel Bell, began challenging police oppression through ever more confrontational modes of civil rights activism. Black accountability advocates, in their diminished efforts to negotiate an end to police brutality on Milwaukee's segregated north side, learned that the MFPC did far more than stabilize police recruitment and arbitrate personnel disputes. It acted as a regulatory firewall that shielded the police chief from criticism and an honest hearing of citizen complaints against the MPD, while maintaining a virtually all-white police force. In the mid-1960s, the commission defended Harold Breier—an autocrat and avowed racist firmly situated on the John Janssen side of the local police chief spectrum. Following Breier's lead, white police bureaucrats denied the potential for the civil violence then spreading across urban America, with a strong belief in the exceptionalism narrative Breier inherited. Yet, the new chief showed no desire to uphold a historically liberal law-and-order record that, while nominally democratic, served to obscure racism's growing centrality to police power and public perceptions of the MPD's validity.

This chapter argues that Black Milwaukee's deepening crisis of police legitimacy in the late 1960s was tied to how Chief Breier approached police administration. Breier served from 1964 to 1984, the longest tenure for an MPD chief since John Janssen (1888-1921). His imperious leadership, shored up by the state-sanctioned authority outlined in the Progressive Era statute (1911), was the clearest reason why police accountability remained so elusive for African Americans

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76 (February 2005), Table 50.

and other minoritized groups unduly victimized by police violence. During a period of momentous national progress on civil rights, the MPD endured as an antagonistic, oppressive force for citizens of color relegated to the margins. The frustrations of Black Milwaukee residents, even after Congress' passage of the 1964 Civil Rights Act, reflected the limited scope of federal civil rights gains and liberal anti-poverty programming, which never went so far as to guarantee the economic justice needed to instill full equality. As historians have demonstrated, the liberal Johnson administration's anti-poverty agenda was rooted in the same racist ideas about Black life and culture that undergirded the MPD's liberal law-and-order agenda and "cultural adjustment" programs in the 1940s and Cold War 1950s. Despite briefly empowering community action agencies with resources and decision-making power—a highly contested process politically—eruptions of civil violence in the 1960s elevated public fears.<sup>2</sup> The uprisings shifted the federal state's urban agenda towards punitive policies of racial suppression, and away from alleviating the structural causes of Black dissent and issues like police brutality. Liberal and conservative political voices alike, local and national, conflated peaceful mobilizations for justice, urban rebellions, and everyday street crime as disorderly behavior, particularly Milwaukee's latest police chief. This perspective held implications for Milwaukee in Summer 1967 when Black leaders' prophetic vision of civil violence came true. North side unrest, aggressively put down by the MPD, led to the city's white power structure reckoning with "police-community relations" enhancements as a means of ensuring order. The question was, to what extent, given the state-sanctioned authority of the police chief? Moreover, how much progress could Milwaukee's Black-led struggle for police accountability make given the limitations of state law?

Sensing his profession and Milwaukee's white cultural order was under attack from radical

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<sup>2</sup> That America's "urban crisis" erupted into civil violence in U.S. cities is a long-term consequence of decades of human conflict over issues of race, economics, and politics. Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton: Princeton University Press, 1996), 5.

civil rights “agitators” and racial liberals in the 1960s, Breier eschewed government-backed efforts that seemed poised to disrupt Milwaukee’s law enforcement status quo. Rather than embrace federal liberal law-and-order reforms aimed at enhancing procedural justice within the criminal-legal system, Breier doubled down on reactionary law-and-order policing. In turn, he ignored guidelines proposed by the Johnson administration that encouraged municipal police departments to establish “community relations units,” install police review boards, and expand racial diversity in their ranks. The chief declined to support federal grant applications that often served preventative policing goals. He argued that the MPD already had a community relations plan that worked well for citizens, African Americans included. When civil rights groups and federal agencies pressed Breier to resolve his department’s discriminatory practices, he leveraged the state-sanctioned authority afforded him by the 1911 statute. The chief successfully scorned outside political interference well into the 1970s. Breier was supported in doing so by Milwaukee’s political establishment, which recognized his immense sway over a mostly white constituency that generally subscribed to the era’s backlash politics. He exceptionalized Black-led civil rights organizations like the Milwaukee NAACP Youth Council (YC), Organization of Organizations (Triple O), and the city’s Black Panther Party chapter (MBPP). Breier framed them as “communists” in need of aggressive policing, vigilant monitoring, and, from time-to-time, a heavy hand. His legal impunity was a necessary pre-condition for curbing left-wing political upheaval. The 1911 statute continued to reinforce the MPD’s legitimacy with “law abiding” Milwaukeeans during Breier’s tenure, while guaranteeing that elected officials hesitated to defy their city’s popular police chief.

Since Milwaukee maintained a comparatively low crime rate, its national reputation for a high level of public safety remained intact. Still, federal officials and other external observers took notice of the overt racism that came to typify a police force once heralded for its strong relationships to policed communities. The National Advisory Commission on Civil Disorders

(NACCD), which argued that white racism and a lack of resources, jobs, and equitable schooling in segregated Black communities fueled America's urban rebellions, sent a research field team to investigate conditions in the city.<sup>3</sup> For the first time, a federally-commissioned agency sought out, listened to, and trusted local Black perspectives on what racial liberals saw as a dual policing system organized around privileging and protecting white interests. Chief Breier's reactionary law-and-order ethos was notable in the aftermath of the city's 1967 "civil disturbance." The relatively small uprising followed more than a decade of police-aggravated tensions between city officials and Black young people, racialized "close surveillance" policies, and mounting brutality on Milwaukee's north side. Although Mayor Henry Maier and Breier emerged from the conflict as victors for their assertive response, some local officials began to take Black demands for police accountability more seriously. Recent appointees to the MFPC, including its first African American member, and liberal voices on the Common Council and in the Milwaukee Commission on Community Relations favored advancing select procedural reforms. These included making it easier for non-property owners to file civilian complaints against the MPD, hiring a new "community relations specialist" to rebuild trust, and emphasizing minority police recruitment. Still, the Mayor continued to go slow on civil rights. His post-civil disturbance plan offered hollow pronouncements with little teeth. White constituents made-up an overwhelming majority of Maier's political base, informing this political calculus. When asked to explain why he did not oppose Breier's reactionary response to civil unrest, such as outfitting a new Tactical Squad to repress civil rights activists, the mayor pointed to the 1911 statute that upheld the police chief's authority.

Once valorized by the U.S Justice Department for its liberal "reform era" innovations,

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<sup>3</sup> These researchers reported what they learned from Milwaukee activists, organizational leaders, police personnel, elected officials, and others into summaries and policy recommendations that helped flesh out the Johnson administration's most comprehensive report to date on the nation's urban crisis. For a historical account of the National Advisory Commission on Civil Disorders, see: Steven M. Gillon, *Separate and Unequal: The Kerner Commission and the Unraveling of American Liberalism* (New York: Basic Books, 2018).

NAACD field team interviews showed that the MPD was perceived by Black-led organizations, community leaders, and civil rights groups as a highly regressive police department. This was, in part, reflected in the work of police accountability activists. Organizations like the Ad-Hoc Committee on Police Administration (AHCPA) and Catholic Archdiocese's Council on Urban Life (CUL), for example, elevated issues of police reform in the local civil rights movement. They spotlighted critiques of Milwaukee's discriminatory police function, detailed biased law enforcement practices, and explained why the MPD remained so isolated from the city's heavily policed communities of color. The AHCPA and CUL hoped to bring Milwaukee's police bureaucracy more firmly into the ambit of the federal government's police reform program. Washington D.C. was investing millions of dollars into a massive project of police modernization, coordination, and civil rights compliance. The War on Crime, ironically, laid the foundations for a punitive carceral state that, over time, wreaked havoc on African Americans in Milwaukee. The priority for the Johnson administration and U.S. Justice Department in the late 1960s was taming dissent, restoring order, and controlling crime. Conversely, police accountability advocates on the ground in Milwaukee wanted to secure procedural justice for Black and Latinx residents vulnerable to police mistreatment. Neither federal agencies or local accountability activists paid enough attention to police discretion and the capacity of officers to inflict unchecked violence.

### *1967 Civil Disturbance*

On Saturday, July 29, 1967, National Urban League Director Whitney M. Young, Jr. warned readers in a syndicated column that “the reason for riots is not mysterious. It is obvious to anyone with eyes to see with and ears to hear with. But too many civic leaders act blind and deaf when it comes to the Negro's just grievances. They say ‘it can't happen here’ and when it does, they blame it

on outside agitators.”<sup>4</sup> Less than twenty-four hours after Young’s piece ran in *The Milwaukee Star*, the nation’s “long hot summer” came home to Milwaukee. A multi-day outbreak of civil violence, mostly involving white police and Black young people, touched off on the city’s north side on the morning of July 30, 1967. The embers of Detroit’s uprising had only begun to cool when the sparking incident, a late-night skirmish between two young Black women outside a Milwaukee CORE-sponsored dance, turned into a larger disturbance involving police and several hundred spectators. Frustrated Black youth eventually converged with officers. Some bombarded baton-wielding police with debris.<sup>5</sup> Police ordered folks to disperse. While walking home, some people broke glass storefront windows. The collective anger of Black young people reflected years of building tension and resentment towards the MPD. Patrolmen and special unit reinforcements arrived, adorned in riot gear and armed with shotguns. They were prepared to quell the escalating disorder by force. The MPD’s militaristic bearing, and later that of the Wisconsin National Guard, intensified a small uprising that fanned out across Black Milwaukee’s core business district.<sup>6</sup> Police funneled a raucous crowd down N. 3<sup>rd</sup> St., seeking to contain and control the mass of people before they reached downtown. Physical articulations of Black dissent and forceful police reaction lasted well into the morning, then repeated the following evening as rumors of police brutality swirled. More violence transpired—shooting, looting, and burning—sporadically throughout the week. The violence included the police killing of an 18-year-old college student, Clifford McKissick. The MPD argued McKissick was suspected of firebombing a paint store.<sup>7</sup> According to Father James Groppi, however, the innocent McKissick was “killed unnecessarily and irresponsibly,” just outside of his

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<sup>4</sup> Whitney M. Young, Jr., “To Be Equal,” *The Milwaukee Star*, July 29, 1967, 4.

<sup>5</sup> Karl H. Flaming, *Who 'Riots' and Why? Black and White Perspectives in Milwaukee* (Milwaukee: Milwaukee Urban League, 1968), 8-10.

<sup>6</sup> Mayor Henry Maier had quietly prepared for “rioting” since the previous year.

<sup>7</sup> McKissick was shot and killed by police at approximately 10:00pm on August 2, 1967. “Flash Point,” *The Milwaukee Journal Sentinel*, July 30, 2007, accessed July 15, 2015, <http://www.jsonline.com/news/milwaukee/32420114.html>; “Bitter Crowd, 500 Strong[,] Attends McKissick Funeral,” *The Milwaukee Star*, August 12, 1967.



own home.

In the end, Milwaukee's civil disturbance did not meet the federal government's criteria for a "riot," according to investigators, "at least in the sense that Detroit and Newark were riots."<sup>8</sup> Nevertheless, it generated four deaths, over one hundred injuries, 1,450 arrests, two destroyed buildings, and more than \$570,000 in unrecoverable losses.<sup>9</sup> Localized property damage included a few overturned cars, one a police vehicle.<sup>10</sup> Law enforcement intensified the clash, according to many African Americans, by reacting "out of misinformation or panic...much more strongly than the situation warranted."<sup>11</sup> The show of police force was strong, as 750 MPD officers, 250 state troopers, and 950 Wisconsin National Guardsmen had closed off an 840-square-block area of the primarily Black north side by Monday morning.<sup>12</sup> Most "riot" participants were reportedly young Black men. A majority of the damage was window and plate glass breakage, with some minor fires. Looting was minimal.<sup>13</sup> Only one "sniper" was confirmed and apprehended, despite police-reported gunfire. Most bullets emanated from police weapons. Racist media depictions of wanton shooting, looting, and burning at the hands of "roving gangs of Negroes" gave the impression of a more serious conflict.<sup>14</sup> Frenzied news stories fueled pathologizing narratives that blamed Black youth

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<sup>8</sup> Bernard Dobranski, 1, "Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967," Folder, 001346-025-0001, Civil Rights during the Johnson Administration, 1963-1969, Part V, Lyndon Baines Johnson Presidential Library, Austin, Texas. Milwaukee's uprising was relatively tame. In Detroit, for example, 43 people died, police arrested 17,000, and tens of thousands of buildings were destroyed. Glenda Elizabeth Gilmore and Thomas J. Sugrue, *These United States: A Nation in the Making, 1890 to the Present* (New York: W. W. Norton and Co., 2015), 438.

<sup>9</sup> Historians Thomas Sugrue and Kevin Mumford make important connections between the civil violence that erupted in Newark and Detroit, respectively, and how racial inequality was exacerbated by the larger economic and political shifts taking place in metropolitan America after World War II. Kevin Mumford, *Newark: A History of Race, Rights, and Riots in America* (New York: NYU Press, 2007); Sugrue, *The Origins of the Urban Crisis*. The most thorough historical account of Milwaukee's 1967 uprising is featured in Patrick Jones' history of the city's civil rights movement. Patrick D. Jones, *The Selma of the North: Civil Rights Insurgency in Milwaukee* (Cambridge, MA: Harvard University Press, 2009).

<sup>10</sup> Ashley M. Howard, "Milwaukee Revisited," *The Black Scholar*, August 17, 2016, Accessed June 20, 2020, <https://www.theblackscholar.org/milwaukee-revisited-ashley-m-howard/>.

<sup>11</sup> National Advisory Commission on Civil Disorders, "Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967," 85, Folder, 001346-024-0871, Civil Rights during the Johnson Administration, 1963-1969, Part V, Lyndon Baines Johnson Presidential Library, Austin, Texas.

<sup>12</sup> Howard, "Milwaukee Revisited."

<sup>13</sup> An early morning rainstorm that occurred on July 31<sup>st</sup> helped ease the night's unrest.

<sup>14</sup> The NACCD deemed the looting and fire damage minimal and found most of the property destruction to be "window and plate glass damage." Twelve police officers were injured, one killed. Most arrests were curfew violations

criminality ahead of poor living conditions and differential policing. Such portrayals minimized the severity of longstanding Black grievances with police and the political potency of Black youth resistance to police mistreatment. Milwaukee's uprising, on the whole, was "a metaphor for the lack of connection" that poor and working-class Black citizens felt towards failed urban policies, more specially liberalism's failure to address either systemic inequality or day-to-day racial indignities.<sup>15</sup>

Whether characterized as a "riot," "uprising," or "rebellion," Milwaukee's "civil disturbance," as city officials named it, reflected America's ongoing policing crisis in the 1960s.<sup>16</sup> It conveyed accumulating Black frustrations with white racism and questions about the legitimacy of police power. And it showed how far the country still had to go in terms of realizing its commitment to democracy. Although police directly enflamed racial tensions, Chief Breier described the event as "a case of plain lawlessness."<sup>17</sup> Sapping the comparatively small uprising of any political legitimacy ensured that it would not "rise to the level of formal politics."<sup>18</sup> Breier shielded the police department and his forceful response from outside criticism. Alternatively, bodies like the Milwaukee Commission on Community Relations (MCCR), the Milwaukee Urban League (MUL), and the

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within police cordoned near north side. Father Groppi and nine Milwaukee NAACP Youth Council members were arrested on July 31, 1967. The city's estimate of unrecoverable losses included property not covered by insurance and extra police, fire and National Guard expenses. Frank Aukofer, "A Night of Riot—and Afterward—in Milwaukee," *The Milwaukee Journal*, August 11, 1967, Part 2, 1, 11; Jones, *The Selma of the North*, 148; National Advisory Commission on Civil Disorders, "Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967," 17, 80, 105.

<sup>15</sup> Matthew J. Countryman, *Up South: Civil Rights and Black Power in Philadelphia* (Philadelphia: University of Pennsylvania Press, 2006), 155.

<sup>16</sup> On the use of language by historians to describe the civil violence of the 1960s, see: Amanda I. Seligman, "But Burn—No": The Rest of the Crowd in Three Civil Disorders in 1960s Chicago," *Journal of Urban History* 37 (2) (2011): 230-255. According to a follow-up study on Milwaukee's 1967 civil disturbance, "Civil disorder" and "racial conflict" were popular terms employed by both Black and white residents, while "revolt" and "insurrection" were not. J. A. Slesinger, "Community Opinions Concerning the Summer 1967 Civil Disturbances in Milwaukee," University of Wisconsin-Milwaukee, April 1, 1968, 5. Sugrue has argued the term "uprising" is most appropriate for portraying the civil violence of the 1960s. It encapsulates a "spontaneous upsurge of protest or violent expression of discontent, something with political content, but short of a full-fledged revolutionary act." Thomas J. Sugrue, *Sweet Land of Liberty: The Forgotten Struggle for Civil Rights in the North* (New York: Random House, 2008), 334.

<sup>17</sup> National Advisory Commission on Civil Disorders, "Report on disturbances in Milwaukee, Wisconsin, July 30-August 6," 44. "Lawlessness" was a term commonly employed by police administrators to inflate communism and crime in response to the urban uprisings of the 1960s. Stuart Schrader, *Badges without Borders: How Global Counterinsurgency Transformed American Policing* (Berkeley: University of California Press, 2019), 114.

<sup>18</sup> Schrader, *Badges without Borders*, 239. National Advisory Commission on Civil Disorders, "Report on disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967," 44; Schrader, *Badges without Borders*, 114.

University of Wisconsin-Milwaukee's School of Social Welfare revealed stark divisions in how white and Black residents understood the causes of civil unrest. Professor Joseph A. Slesinger analyzed decisions made by public officials to re-impose order.<sup>19</sup> His report further exposed the depths of racial inequity in the city. For most white observers, the "riots" amplified the need for "law and order." Respondents cited a "breakdown of social control," rebellious youth, inadequate parental supervision, "Communist" and "Black Nationalist" political agitation, and the rhetoric of civil rights leaders as precipitating factors.<sup>20</sup> White respondents also "supported measures designed to control deviant behavior and violence."<sup>21</sup> Conversely, most Black participants in the study saw "poor housing, job discrimination, unemployment, unequal educational opportunities, and police brutality" as primary determinants. The outbreak of civil violence was a consequence of protracted racial discrimination in housing, employment, education, and public accommodations. Moreover, they viewed the MPD as "responsible for turning what would have been a minor blowing-off of steam into a full scale riot."

This perspective was largely corroborated by researchers working for the National Advisory Commission on Civil Disorders, which visited Milwaukee in September 1967.<sup>22</sup> A field team investigation of the city's civil disturbance revealed deep polarization between the MPD and Black residents. Their report on Milwaukee detailed Chief Breier's reactionary, almost counter-insurgent approach to police administration and the department's racialized discretionary tactics on the ground. Such findings belied the liberal law-and-order ethos that typified Milwaukee's narrative of

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<sup>19</sup> Twenty University of Wisconsin-Milwaukee social scientists contributed to this report. Among the UW-Milwaukee social scientists was George Kelling, future co-author of the 1982 *Atlantic Monthly* article outlining "Broken Windows Theory." See: Introduction; Slesinger, "Community Opinions Concerning the Summer 1967 Civil Disturbances in Milwaukee"; National Advisory Commission on Civil Disorders, "Report on disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967," 1.

<sup>20</sup> Slesinger, "Study of Community Opinions Concerning the Summer 1967 Civil Disturbance in Milwaukee," 37. Jones, *The Selma of the North*, 161.

<sup>21</sup> Slesinger, "Study of Community Opinions Concerning the Summer 1967 Civil Disturbance in Milwaukee," 37.

<sup>22</sup> NACCD field team interviews and research were conducted from September 27 to October 3, 1967. "Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967."

policing exceptionalism in the 1940s and 1950s, which outwardly emphasized “community relations,” but still encouraged racial control and close surveillance tactics. The thirteen-person team surveyed conditions on the ground, seeking to explain the causes of civil unrest. Their findings reflected the NACCD’s conclusion that America was “moving toward two societies, one black, one white—separate and unequal.”<sup>23</sup> On the MPD, investigators said police were “virtually anonymous in fact and in law. It is the general impression of the white community that the department performs its function competently and efficiently. However, the Negro community views it as brutal, corrupt and segregated.”<sup>24</sup> The field team proposed elected officials take on a larger role in Milwaukee’s police bureaucracy, to “exert an influence on the chief to improve the department” and raise accountability. Until then, the MPD would “remain a bone of contention”<sup>25</sup>—no small task given Breier’s state-sanctioned authority and the political influence he wielded as defender of the city’s white cultural order.

As NACCD investigators underscored, Mayor Maier had spent close to fifteen months preparing to manage a riot and no time trying to prevent one.<sup>26</sup> Many Black citizens expected future outbreaks of violence to occur, lest the city begin “redressing the legitimate grievances of the Negro community” that provoked police-Black citizen tensions. The mayor’s response to civil violence affirmed white political support and, consequently, popular approval for the MPD’s reactionary law-and-order approach. The mayor’s swift declaration of a “state of emergency,” issuance of a nine-day curfew around the “Inner Core” disturbance area, and request for 1,200 National Guard troops

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<sup>23</sup> The National Advisory Commission on Civil Disorders, *The Kerner Report* (Princeton: Princeton University Press, 2016), 1.

<sup>24</sup> National Advisory Commission on Civil Disorders, “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 81-82.

<sup>25</sup> “Adequacy to City’s Response to Grievances,” 2, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>26</sup> The city published a “Manual of Procedure in Civil Emergencies” in June, 1966. Box 139, Folder 1, “Police Department, January - May 1967,” Records of Mayor Henry W. Maier Administration, Milwaukee, Wisconsin, Milwaukee Series 44, University of Wisconsin-Milwaukee Archives.

reinforced white support and easily tempered Milwaukee's small uprising.<sup>27</sup> The response earned him the enmity of some Black civil rights activists, who alleged racial double-standards in enforcement. Maier refused to take the same actions when 13,000 white counter-protestors confronted only a few hundred Black and allied open housing marchers in August, 1967.<sup>28</sup> To many white residents, Maier's decisiveness proved he was willing to defend their interests against those of seemingly unruly Black malcontents, whose protests they linked to a rising crime rate. The mayor reinforced conceptions of street crime and non-violent protest when he argued the civil disturbance was "deliberately planned in advance" by "militants" to make him "look bad" for going slow on civil rights.<sup>29</sup> While he successfully fought for a change in Wisconsin's formula for aid to cities, Maier also deflected criticism of his own inaction and failure to curb white discrimination and advance integration.<sup>30</sup> Fears of crime were real, for both white and Black residents. Each demanded more police protection, as the city saw a 90.7 percent increase in "serious crime" from 1963 to 1967.<sup>31</sup> However,

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<sup>27</sup> The curfew, ratified by the Milwaukee Common Council on July 31, 1967, included the closing of all liquor stores, taverns, and service stations. Sales of alcoholic beverages, gasoline, weapons and ammunition were immediately restricted. The "riot control area" extended across 984 square blocks, with 1<sup>st</sup> St. (East), 27<sup>th</sup> St. (West), Capitol Drive (North), and State St. (South) perimeters. Aukofer, "A Night of Riot—and Afterward—in Milwaukee."

<sup>28</sup> Jones, *The Selma of the North*, 184.

<sup>29</sup> Jones, *The Selma of the North*, 165.

<sup>30</sup> Historically, Mayor Maier equivocated on Black freedom demands, advocating a conservative approach to social change that blamed racial segregation, the near north side's comparatively poor economic conditions, and white discrimination on suburban prejudices and Black behavioral issues. The mayor did not support Alderwoman Vel Phillips' fair housing ordinance, arguing it placed too much onus for change on city institutions and not enough on outside municipalities attracting white Milwaukee residents and businesses. As he often noted, white flight diminished the city's property tax base. Lost revenues then weakened City Hall's capacity to administer social services and aid to indigent residents. Maier called out suburban lawmakers unwilling to support Milwaukee financially but happy to enjoy its cultural and entertainment amenities. He argued they deserted the city and refused to see their role in maintaining segregation by shutting out Black home buyers. To offset his city's diminishing tax base, the mayor embraced federal aid as a means of generating economic growth. Administering federal dollars to cities would eventually become a critical means for strengthening local criminal justice agencies in response to the 1960s urban crisis. Jones, *The Selma of the North*; John Gurda, *The Making of Milwaukee*, 3<sup>rd</sup> ed. (Milwaukee: Milwaukee County Historical Society Press, 1999), 370. On Maier securing state and federal aid to cities, see: Samantha Fleischmann, "Redistributing Resources: Henry Maier, the Wisconsin Alliance of Cities, and the Movement to Modify Wisconsin's State Shared Revenues" (Master's thesis, University of Wisconsin-Milwaukee, 2020).

<sup>31</sup> Chief Breier blamed rising robberies, burglaries, larcenies, and auto thefts on juvenile criminality, a lack of parental control, the need to assign beat patrolmen to monitor civil rights demonstrations, and the "teaching and preaching of disrespect by certain elements of the community." David N. Mitchell, "Flood of New Crime Shows No Sign of Cresting," *The Milwaukee Journal*, June 30, 1968, Part 1, 1, 12.

this data was misleading for technical and political reasons.<sup>32</sup> Maier backed Breier's conservative approach to crime control, lest he face the "strong backlash of public opinion" from white south side residents and political figures."<sup>33</sup> He was "astute" in that he never undertook political actions "likely to be unpopular with the majority of his constituency," Assemblyman Lloyd Barbee noted.<sup>34</sup> Black voters barely factored into the mayor's political coalition. His fiercest critics described him as "disinterested in constructive action toward alleviating the problems of the Negro community."<sup>35</sup> Most blue collar and professional white residents saw the MPD chief as a bulwark against Black activism and crime. Therefore, the mayor approached him with cautious deference.<sup>36</sup> Breier boasted decades later that Maier could make suggestions about policing, but never give him orders.<sup>37</sup>

Mayor Maier's high approval rating among white residents, including labor and business interests, combined with Chief Breier's state-sanctioned authority and the MPD's social isolation from poor and working-class Black residents, ensured that Milwaukee's police bureaucracy would

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<sup>32</sup> Rising crime in the 1960s can be attributed to a number of factors. For one, police professionalization meant law enforcement was, as Stuart Schrader notes, "better prepared to discover and respond to a range of new, as well as traditional, crimes." Radios and squad cars expanded police coverage, "leading to additional interactions with the public and thus higher rates of police observation or public reporting of lawlessness." Revised data collection methods led to more accurate crime reporting to the FBI. It is also likely that local police regimes artificially inflated crime statistics to attract great federal funding after 1965. Stuart Schrader, *Badges Without Borders*, 137. Former Chief Assistant U.S. Attorney Frank Gimbel and Attorney James Shellow recognized that new police techniques for documenting and responding to reported crime in the mid-1960s contributed to Milwaukee's increases, while also noting the role that increasing economic disparities plays. Mitchell, "Flood of New Crime Shows No Sign of Cresting."

<sup>33</sup> The all-white south side was a center of political power in Milwaukee. As Assistant U.S. Attorney Frank Gimbel stated, the mayor "looked good from a theatrical standpoint," but was "a hack" when it came to human relations. "Interview with Frank Gimble [sic]," 3, "Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967." White voters handed Maier a landslide election victory in 1968. The margin was so wide that some Democratic Party leaders considered him a potential nominee for vice president.

<sup>34</sup> "Interview with Lloyd Barbee," 3, "Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967." According to Barbee, City Hall was generally willing to "buy peace at any price so long as that price presented no real concession by the city government." "Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967," 1.

<sup>35</sup> Assemblyman Barbee called him "extremely conservative," a "sick man and an "egomaniac." Likewise, the director of the Northtown Planning and Development Commission characterized the mayor as "extremely thin skinned" and "maladjusted." National Advisory Commission on Civil Disorders, "Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967," 3; "Interview with Ray Alexander, Associate Director, Northtown Planning and Development Commission," 2, "Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967."

<sup>36</sup> Ronald H. Snyder, "Chief for Life: Harold Breier and His Era" (Ph.D. diss., University of Wisconsin-Milwaukee, 2002), 69; Aukofer, *City with a Chance*, 20.

<sup>37</sup> Snyder, "Chief for Life," 70.

continue to sidestep the “community relations” issues that liberals in the federal government saw as foundational to the urban unrest of the 1960s. Perceptions of effective crisis management shaped local prescriptions. To a growing number of African Americans, City Hall had abdicated its responsibility to Black voters. Elected officials ignored how white racism structured north side living conditions and aggressive policing in the area. Political cover enabled Breier to double-down on hostile law-and-order tactics, engendering fear and distrust of the MPD among Black residents and intensifying Milwaukee’s crisis of police legitimacy. Mayor Maier took a hardline stance on “rioting,” but moderated his approach according to his audience. As the mayor said in a press conference, he would “not stand by and permit violence...it was his responsibility to do everything in his power to save life and property in Milwaukee.”<sup>38</sup> Civil unrest not only posed a threat to the public good, but also to Maier’s downtown economic development and neighborhood improvement projects. These schemes relied on federal subsidies, so the mayor was eager to maintain a good working relationship with the Johnson administration and federal bureaucrats. Still, white city officials perceived the Black “Inner Core” as, if not innately disordered, then prone to disorderly behavior based on the same racist “culture of poverty” arguments that undergirded urban liberalism and prolonged the urban crisis. “The only hope we have is an orderly society,” Maier argued. “It is my responsibility,” he continued, “to look after orderliness in our society and in Milwaukee and to look after the interests of our citizens.” While the mayor generally subscribed to the “harm principle” embraced by liberal city governments dealing with intersecting issues of inequality and public safety in the postwar period, it was clear whose “orderliness” he saw as in need of supervision: the poor and working-class African Americans provoked into police-citizen confrontations.<sup>39</sup>

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<sup>38</sup> “Mayor Maier press conference concerning local religious leaders and civil disturbances, August 30 1967 (partial),” March on Milwaukee Civil Rights History Project, accessed November 15, 2018, <https://collections.lib.uwm.edu/digital/collection/march/id/1771/rec/7>.

<sup>39</sup> The harm principle held that “the state was justified in policing only activities that physically or materially harmed others. It signaled a turn away from the overpolicing of status offenses. However, because white “cosmopolitan liberals,” in cities like San Francisco, had a tendency of “rooting Black violence in Black culture,” the harm principle was applied

Civil rights activists offered an alternative perspective on the 1967 uprising. They sought to leverage civil violence into political action that addressed the structural inequality at its heart. A coalition of leaders from Black-led organizations and churches outlined reform proposals. The “Common View,” an umbrella coalition of civil rights organizations and Black leaders, requested a meeting with Mayor Maier to press its demands. The group cited the “indifference projected by the white power structure” and City Hall’s failure to establish programs that substantively addressed local conditions.<sup>40</sup> The Common View’s proposals touched on housing inequality, unemployment, educational disparities, biased judicial procedures, and limited recreational facilities. On policing, the coalition made eight demands for procedural reforms that expanded Black police representation, community input, and oversight. Specifically, they called for the hiring of a Black District Five Captain, a Black “community relations specialist,” the installation of a “joint citizen-police grievance system,” a Black MFPC member, the suspension, without pay, of any officer involved in a questionable shooting, a Police Aide program that catered to Black students, the appointment of a Black judge, and a public defender system for people accused of violating the law.<sup>41</sup> After some delay, the mayor eventually met with the group. But he rebuffed their calls for civilian oversight, insisting that the MFPC already had “the power to hire, fire, and promote policemen” and “hear charges of misconduct.” Milwaukee, unlike other cities, had “a civilian review board with power for more than fifty years,” he stated. The mayor rejected the notion of MFPC bias, insisting the commission was a “fair and impartial” body. Instead, he faulted civil rights leaders for their “studied effort...to avoid bringing a case” before the board.<sup>42</sup> Regarding the Common View’s demand for a

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unevenly in poor spaces of color. Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* (Chicago: University of Chicago Press, 2014), 14, 157.

<sup>40</sup> National Advisory Commission on Civil Disorders, “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 17, 69.

<sup>41</sup> “Riots Called Reaction to Whites’ Indifference,” *The Milwaukee Journal*, August 2, 1967, Part 1, 10.

<sup>42</sup> All they had to do was ask the MFPC “on its own motion to take the case,” Maier said. Recall that the Citizens Anti-Police Brutality Committee had brought alleged cases of police abuse but were denied legal authority to make their claims. National Advisory Commission on Civil Disorders, “Report on Disturbances in Milwaukee, Wisconsin, July 30-



Black fire and police commissioner, Maier said he would “not make an appointment simply to appoint a Black man. He must be qualified and carry a lot of weight.” In a statement demonstrating the MFPC’s fealty to the mayor, Maier said any future commissioners “must be willing to push my objectives and be able to execute the many detailed steps required to make my program come true...he must be a supporter of mine.”

Maier refused to work with the Common View. Instead, he devised a thirty-nine-point plan with another group of African American leaders. The Interdenominational Ministerial Alliance (IMA), according to the mayor, was the true voice of Black Milwaukee, as the Common View allegedly did not represent the people’s interests. The “moderate-to-conservative” faith leaders in the IMA had “long-standing ties to the mayor.”<sup>43</sup> Meeting with Maier on August 5, 1967, they worked out a response to civil violence. Dubbed Milwaukee’s “Little Marshall Plan,” the scheme emphasized racial inclusion within the existing white order. It called for no direct economic aid or revised power arrangements that benefitted poor and working-class Black citizens. The centerpiece was a “crusade for resources,” which reflected the mayor’s argument about resolving urban ills through metropolitan and state cooperation.<sup>44</sup> The plan’s criminal justice measures reflected proposals outlined by the federal Commission on Law Enforcement and Administration of Justice (PCLEAJ), and even some of the Common View’s proposals, namely the recruitment of more Black police and improved “community relations.” But it was short on specifics of how to get there. Racial pacification was City Hall’s focus. Yet, Maier and the IMA conveyed no assurances of even implementing racial diversity on the MPD and the improvement of the police image.<sup>45</sup> One element

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August 6, 1967,” EX-8.

<sup>43</sup> Jones, *The Selma of the North*, 166.

<sup>44</sup> Property taxes, according to Maier, were “never intended to carry the problems of today—poverty, blight, and special educational needs.” Therefore, county, state, and federal governments, well-funded by suburban property and corporate taxes, were obligated to provide struggling cities with the revenues necessary for funding social and economic programs. National Advisory Commission on Civil Disorders, “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” EX-3.

<sup>45</sup> The Little Marshall Plan called on an outside agency, the Milwaukee Conference on Religion and Race (MCRR), to

of the plan that the mayor and Common Council had the authority to enact was commissioning yet another study on the “Inner Core” and devising ways to alleviate poverty, unemployment, and crime—labor that the Milwaukee Commission on Community Relations (MCCR) already performed in the late 1950s and whose findings Maier rejected upon taking office in 1960.<sup>46</sup>

Civil rights activists decried the IMA-supported plan. The thirty-nine points could have marked an inflection point in terms of how white city officials approached race, crime, and policing. Yet, the enactment of more gradualist reforms that only appeased a small sub-set of Black middle class residents trumped the public safety concerns of the city’s Black majority. Milwaukee CORE leader Cecil Brown, Jr. called the plan “asinine,” arguing the mayor would only “use it for his purposes.”<sup>47</sup> Maier had forged a program headlined by toothless measures that brought no immediate relief. Improved police-community relations through Black police hiring was the administration’s response to the crisis of police legitimacy.<sup>48</sup> According to the mayor, it had to be, as he claimed no power to make internal changes on the MPD and showed little interest in doing so. A

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establish a “bi-racial council” that would meet with the MFPC “to examine police hiring and promotion practices and examine citizens’ complaints.” The MCCR was supposed to “establish curricula to train youths 14 years and older for eventual positions in the Police Department,” with the assistance of the Superintendent of Schools and vocational school director.

<sup>46</sup> Other proposals required the mayor to “seek,” not guarantee, state and federal aid for new manufacturing jobs and programs that would specifically cater to Black workers. These and other housing, mortgage insurance, zoning, and urban renewal proposals had little chance of passing Wisconsin’s Republican-controlled legislature. The plan included federal policies on “rat control” and “air and water pollution” abatement, laudable goals in theory, but again, reforms that City Hall had no power to authorize. Finally, the program called on the Common Council to introduce a county-wide open housing measure, ignoring Alderwoman Phillips’ three unsuccessful attempts to pass a municipal fair housing ordinance. Each time, Phillips was denied in the Common Council on a vote of 18-1. While Maier’s plan carried the pretense of change and interracial cooperation, it represented more of the same for struggling poor and working-class Black residents.

<sup>47</sup> Brown also alleged the mayor held a grudge against the city’s three heavily Black voting wards because he did not carry them in the 1964 election. “Interview with Cecil Brown, Jr., Director of Milwaukee CORE,” 4, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>48</sup> The mayor recognized the dearth of Black police personnel. But he blamed Black residents, citing their lack of interest in becoming police officers. “You cannot expect a Negro to reach the highest levels of command if there are only a handful willing to work in the department. Missing from the mayor’s analysis was any appreciation for the profound mistrust Black Milwaukeeans felt towards the police department. African Americans were “suspicious, afraid, and bitter toward the police department,” with complaints ranging “from a lack of tact and common sense on the part of the police to extreme harassment and brutality. Maier’s “community relations” proposals were at odds with the harsh reality of police power and discretion, which it wielded unevenly predominantly Black areas. National Advisory Commission on Civil Disorders, “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 15-16, EX-8.

reconfigured MCCR focused on “building bridges of understanding,” creating “open lines of communication,” and “preserving diversity without endangering the social order.” As such, the commission failed to target racialized power imbalances enforced by the MPD.<sup>49</sup> The city’s focus on equal opportunity hiring and “education and conciliation” further ensconced Breier’s reactionary law-and-order approach.

Maier’s Little Marshall Plan reflected his mastery of what historian Michael Katz once termed “mimetic reform.”<sup>50</sup> The mayor responded to Black civil rights demands in ways that imitated the rhetorical thrust of racial liberalism. However, his responses signified an incomplete realization of Black civil rights demands in that they created the mirage of new programs that, even if actualized, maintained inequitable structures of power and patterns of resource allocation. For example, at the height of the direct action campaigns led by Lloyd Barbee and Milwaukee United School Integration Committee against the discriminatory practice of “intact busing,” Maier proposed a “War on Prejudice.” That plan, a reference to the Johnson administration’s “War on Poverty,” called for metropolitan cooperation, acculturation, and a voluntary public relations campaign that would “make discrimination unpopular, so unpopular...that those who practice it will find themselves in an ostracized minority.”<sup>51</sup> The War on Prejudice was little more than a revised appeal for attitude adjustment—a liberal “hearts and minds” approach. It not only targeted white residents, but also African Americans, implying that discrimination flowed in two directions and was a problem of equal racial contribution. Nor did Maier press the Milwaukee Common Council or state legislature to enact policies that addressed white discrimination in any systematic fashion. Consequently, Black civil rights leaders saw the mayor’s policies as a continuation of the

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<sup>49</sup> Milwaukee Commission on Community Relations, “Milwaukee Commission on Community Relations Progress Report, 1969-1970,” 3, 5, 12.

<sup>50</sup> Michael B. Katz, “Why Don’t American Cities Burn Very Often?” *Journal of Urban History* 34 (2) (January 2008), 193.

<sup>51</sup> “Mayor Hopes to Hire Expert to Direct War on Prejudice,” *Milwaukee Journal*, November 14, 1965, Part 2, 1.

accommodationism of the 1950s, embracing a political gimmick that relied on hollow promises and the veneer of action on racial injustice in the form of study committees, reports, and interracial convocations.<sup>52</sup>

### *Contours of Reactionary Law-and-Order*

Milwaukee's 1967 civil disturbance reflected over a decade of accumulating, under-addressed police-Black community tensions. Public frustrations were compounded by City Hall's unresponsiveness to growing Black demands for economic justice and an end to discriminatory employment, education, and housing policies. Civil violence was a likely outcome, as Milwaukee's white-controlled police bureaucracy remained comfortable refusing Black claims of police abuse. The unwillingness of the MFPC to accept Black complaints, and the limited authority of other institutions, like the Milwaukee Commission on Community Relations, to guarantee accountability for overpoliced and underprotected African Americans reinforced the racial double-standards at the heart of the city's narrative of policing exceptionalism. Chief Breier, empowered by state law, freely administered reactionary law-and-order against Black political "agitators" and their "communist" sympathizers. He did so with no fear of impunity and little desire to improve "community relations." His order maintenance approach emphasized controlling the activities of Black civil rights activists and youth, who comprised more than half of the city's African American population. The exceptionalism narrative and racist ideas about Black living conditions reinforced one another. When the 1967 civil disturbance erupted, it most white Milwaukeeans did not question the MPD's legitimacy to restore order or the utility of police authority. Instead, most white power brokers chided Black freedom fighters and allies. Liberals in city government placated Black discontent. They promised to update the MFPC's recruitment and oversight practices, to satisfy Black police

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<sup>52</sup> Jones, *The Selma of the North*, 76.

accountability demands, meet federal civil rights requirements, and hopefully prevent further unrest. Liberal appeasement in service of procedural justice and limiting opportunities for political dissent was part of the equation when it came to legitimizing police power at the community level.

Divergent conceptions of safety and disorder fueled public debates. Some Milwaukeeans felt less safe because they held racist views about crime, which they unevenly attributed to poor and migrant African Americans. Others, particularly Black residents, felt increasingly vulnerable to discretionary police violence, as much as they did crime. In truth, people living on Milwaukee's segregated north side were disproportionately vulnerable to both crime and over-zealous policing. Still, resolving interrelated concerns around interpersonal and state violence resulted in government reform solutions that expanded police power and investments in law enforcement as the primary agent for maintaining social order. White commentators and policymakers never probed the MPD's history of terrorizing poor and working Black and Brown folk. Consequently, federal and local solutions stressed increasing racial diversity, developing interagency cooperation, improving "community relations," and upgrading police hardware and "soft power" capacities. Shoring up the MPD as a response to civil violence supplanted efforts to alleviate poverty on the north side through federal interventions. The War on Poverty had begun to empower Black-led community agencies in the mid-1960s. The lack of local political pressure to shift how the police functioned, civil unrest, and subsequent episodes of racial violence surrounding the Milwaukee NAACP Youth Council's grassroots campaign for a fair housing ordinance saw Chief Breier double-down on his department's aggressive, response-oriented crime control and order maintenance tactics. Civil violence, amplified by an intensifying national conversation around race and public safety, reinforced the assumed need within Milwaukee's white power structure for a stronger police presence on the north side and vigilant monitoring of Black civil rights activists, who showed no signs of letting up on challenging

white supremacy through direct action, “not violent” protests.<sup>53</sup>

The MFPC appointed Breier chief during a critical juncture in U.S. criminal justice history. Police regulations were shifting in the 1960s. The “procedural revolution” transformed state criminal procedures and re-authorized the application of police discretion in ways meant to limit abuses of power. The Supreme Court moved from a flat preoccupation with guilt or innocence to ensuring that the procedural, or due process rights of criminal defendants were better recognized throughout the justice system. The liberal Warren court decided cases that dealt with processes of arrest, investigation, and adjudication. Their decisions favored criminal suspects, who were historically rendered vulnerable to police misconduct, such as when officers violently questioned suspects using the “third degree.” Police administrators, on the whole, saw the Supreme Court’s decisions in the *Mapp* (1961), *Gideon* (1963), *Escobedo* (1964) and *Miranda* (1966) cases as attacks on their authority, the discretion of officers, and police expertise. With reported street crime rising, many police chiefs believed the federal government was being too protective of “criminals” and ignoring the safety of “law-abiding” citizens. The court had undermined “reform era” crime control strategies that relied on procedural efficiency in the criminal justice system. As a result, it became harder for police to arrest and convict individuals.<sup>54</sup> This process was central to Milwaukee’s narrative of policing exceptionalism. Both the civil rights revolution occurring in the streets and in the criminal-legal system informed Chief Breier’s reactionary law-and-order approach.

It is impossible to separate the MPD’s reactionary turn from Harold Breier’s upbringing and professional evolution. The chief was “old-school”—the product of a pre-World War II era when white civic elites and defenders of the traditional racial order entrusted law enforcement to preserve

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<sup>53</sup> As historian Patrick Jones has shown, Milwaukee NAACP Youth Council Commandos engaged in “not violent” protest. The group did not use weapons or deploy violence as a tactic, but it was willing to defend itself when attacked by white power groups and police. Jones, *The Selma of the North*, 133.

<sup>54</sup> Risa Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* (New York: Oxford University Press, 2016), 199-200.

the peace free from the corrosive influence of politics. Breier once professed that his job was to protect “the good people” of Milwaukee from the “bad.”<sup>55</sup> This dichotomy tracked lines of race and class and built on decades of discriminatory structures. As a Black newspaper columnist noted just after the chief’s death in 1998, “Breier never saw blacks as ‘good people.’”<sup>56</sup> His stubborn, hard-nosed leadership style was comparable to overtly racist law-and-order proponents, like Frank Rizzo in Philadelphia or Bull Connor in Birmingham.<sup>57</sup> But it also reflected the more covert, racialized order maintenance instincts of reform era heavyweights, such as O. W. Wilson in Chicago or William Parker in Los Angeles.<sup>58</sup> Like the latter, Breier looked to maintain order and control crime through response-oriented automobile patrols and sound detective work following the commission of crimes. He did not believe the police should serve a dedicated social relations function. Reform era chiefs who emphasized “crime suppression, technological innovation, and administrative efficiency,” like Breier in Milwaukee, “tended to shunt aside community relations work.”<sup>59</sup> Liberal reformers, on the other hand, believed that centralization and improving community relations were not mutually exclusive developments. Enhanced technology, crime detection, and policing efficiency could coexist with greater community involvement and police responsiveness to community-identified problems.

Chief Breier’s rigid approach to police administration was forged during his early life on Milwaukee’s south side. There, he developed a conservative understanding of morality and society.

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<sup>55</sup> Eugene Kane, “Sadly, Breier Never Saw Blacks as ‘Good People,’” *Milwaukee Journal-Sentinel*, September 15, 1998.

<sup>56</sup> Kane, “Sadly, Breier Never Saw Blacks as ‘Good People.’”

<sup>57</sup> Timothy J. Lombardo, *Blue Collar Conservatism: Frank Rizzo’s Philadelphia and Populist Politics* (Philadelphia, PA: University of Pennsylvania Press, 2018).

<sup>58</sup> These two chiefs engaged in law enforcement policies that produced racist outcomes as well. Though they did so under the guise of liberal law-and-order and a willingness to embrace professionalizing reforms that brought African Americans more closely under the purview of law and enforcement and deeper into the criminal justice system. See: Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power* (Chapel Hill: The University of North Carolina Press, 2019); Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD* (Chapel Hill: The University of North Carolina Press, 2018).

<sup>59</sup> David Riley, “Community Control of Police,” *Civil Rights Digest* 2 (4) (Fall 1969), 34-35.

Like countless other blue-collar white ethnics, Breier typified the mostly Polish-American south side's parochial views on race. He grew up in a strict Lutheran household in the 1910s and 1920s—one of three children born to German immigrant parents.<sup>60</sup> The Great Depression encouraged the young Breier to forego college and help support his family. From 1929 to 1939, he worked industrial jobs to earn money.<sup>61</sup> Breier entered law enforcement as a Sheriff's Deputy in 1939. In 1940, he accepted a position as patrolman with the MPD. In three year's time, he made Acting Detective and soon ascended the bureau's ranks.<sup>62</sup> Throughout his life, Breier lived in the same neighborhood, eventually buying a home with his wife Eleanore in 1941.<sup>63</sup> A provincial upbringing and conservative values shaped Breier's leadership style. While he considered himself a "hard-headed professional," NACCD investigators described him as an "anti-intellectual"—a man "opposed to education," who discouraged officers from attending college to gain new skills.<sup>64</sup> The MFPC named Inspector of Detectives Breier Milwaukee's twelfth police chief on February 15, 1964.<sup>65</sup> He earned the position based on his reputation as a "strong disciplinarian," an "active and aggressive officer."<sup>66</sup> Commissioners believed him capable of "rectifying conditions" on a police force dealing with a rare

<sup>60</sup> Breier was born on August 29, 1911, the same year the Wisconsin legislature passed the influential policing statute. He was the only son born to Mr. and Mrs. John Breier. Snyder, "Chief for Life," 21-23.

<sup>61</sup> Breier also played amateur football during this time. He worked as a factory timekeeper, and electrician's assistant, and a "paint factory inspector." Snyder, "Chief for Life," 22.

<sup>62</sup> Breier rose from patrolman (1940) to Acting Detective (1943), Detective (1946), Detective Sergeant (1951), Lieutenant of Detectives (1954), Captain of Detectives (1958), Deputy Inspector of Detectives (1960), Inspector of Detectives (1962), and, finally, Chief of Police (1964). Snyder, "Chief for Life," 25.

<sup>63</sup> Breier met his wife, Eleanor Klancnik while working at the paint factory. Her parents owned a south side tavern, the Sunnyside Tap. Snyder, "Chief for Life," 22.

<sup>64</sup> This is an area where Breier clearly diverged from most reform era police chiefs, who valued education as a marker of professionalization. See: Samuel E. Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lanham: Lexington Books, 1977); National Commission on Civil Disorders, "Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967," 14.

<sup>65</sup> George Ruger to Milwaukee Common Council, February 17, 1964, Box 81, Folder 22, "Fire and Police Commission, 1960-1965," Records of Mayor Henry W. Maier Administration. Nineteen sixty-four was also the same year that Republican presidential nominee Barry Goldwater ignited a conservative movement for law-and-order in response to civil rights demonstrations and Black uprisings in northern cities. Breier perceived issues of crime and safety through a similarly racialized lens, frequently conflating non-violent civil disobedience and protest with illicit behavior and rioting.

<sup>66</sup> He actively visited crime scenes as Inspector of Detectives. Breier also engaged in "gun battles" with suspects, both as an Inspector of Detectives and as Chief of Police, earning him department citations and burnishing his crime-fighting lore. Snyder, "Chief for Life," 25-26.



corruption scandal.<sup>67</sup> Most MFPC members saw Breier as unflappable in demeanor—well-suited for maintaining internal and external order as Milwaukee pursued its economic growth and redevelopment agenda in a socially combustible postwar context.<sup>68</sup>

Four factors shaped Breier’s lifelong skepticism of external forces: police suspicion of civilians, his “contempt for non-professionals,” a desire to protect his statutory authority, and his confusion over why citizens desired change when, in his view, Milwaukee was already one of the safest cities in the U.S.<sup>69</sup> Breier was known as “a cop in the traditional sense of the word.”<sup>70</sup> From an external vantage point, the chief vigorously maintained the MPD’s institutional independence, refusing to allow predecessors’ achievements in police professionalization “go to hell” as a result of political interference.<sup>71</sup> Internally, he demanded loyalty from all subordinates and rewarded faithful officers with administrative cover when they faced outside scrutiny, especially those alleged to have engaged in racialized misconduct. Strategically, he subscribed to the three “r’s” that defined reform era policing: “random patrol, rapid response, and reactive investigation.”<sup>72</sup> The chief prioritized enforcing the criminal code, arresting law violators, and closing-out cases, all while running an airtight department in which power flowed from the top-down.

Having spent decades in the Detective Bureau, Breier favored a reactive “detective

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<sup>67</sup> In 1962, 35 Vice Bureau and Traffic Bureau officers were forced to retire or resign following a state investigation into charges of bribery, ticket fixing, and tax evasion. After two weeks in office, Breier stopped an internal investigation into the police scandal, refused to disclose any disciplinary actions, and failed to cooperate with Wisconsin’s Assistant Attorney General on a state investigation into police corruption. Snyder, “Chief for Life,” 29. “Rectifying conditions” quote from Milwaukee Fire and Police Commissioner Peter Pavlovich. “Milwaukee’s Inspector Breier Is Appointed Chief of Police,” *The Milwaukee Journal*, February 16, 1964, Part 1, 1, 12.

<sup>68</sup> Ironically, the press initially saw Breier as a great communicator, who often left his door open and gave candid interviews when called upon after murders, robberies, and other serious crimes occurred. Snyder, “Chief for Life,” 26.

<sup>69</sup> “Outsiders” in this context included other units within Milwaukee’s police bureaucracy, such as the mayor’s office, the Common Council, and the MFPC. Snyder, “Chief for Life,” 66-67

<sup>70</sup> “Interview with Ray Alexander, Associate Director, Northtown Planning and Development Commission,” 2, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>71</sup> Charles J. Sykes, “Opposition United on Police Bill,” *The Milwaukee Journal*, May 13, 1980, Part 1, 1, 3.

<sup>72</sup> “Community policing” advocates in the 1980s identified the “three R’s” as an outmoded approach. They argued that random patrol, rapid response, and reactionary investigation ineffectively prevented and reduced crime, undermined relationships with policed communities, and wasted law enforcement resources. Fritz Umbach, *The Last Neighborhood Cops: The Rise and Fall of Community Policing in New York Public Housing* (New Brunswick: Rutgers University Press, 2011), 13-18.

culture.”<sup>73</sup> This penchant for reacting to crime rather than preventing it served to weaken the MPD’s beat patrol services. As one criminologist argues, Breier focused little on developing relationships with Black business-owners, churches, and community organizations in service of order maintenance.<sup>74</sup> He worked to guarantee Milwaukee’s exceptional status as a “crime free” city by arresting and processing a high volume of criminal offenders.<sup>75</sup> That meant engaging in aggressive order maintenance policing in predominantly Black “high crime” areas. The chief assigned white police recruits from the south side to “the toughest police beats” in the city to “prove themselves from the beginning.” Breier’s district commanders charged line officers with neglect of duty if they returned to district stations without meeting daily arrest quotas. Consequently, the “police routinely questioned people in advance of accusing them for crimes.”<sup>76</sup> Some officers relished working north side beats, not to protect people, but, as one African American leader put it, to “take advantage of the situation” for “their own betterment and promotion.”<sup>77</sup> Like his predecessors, the chief directed most department resources towards Black Milwaukee neighborhoods and employed racialized crime data to justify the MPD’s crime control strategy and reinforce ideas about racial difference .

Thanks to the 1911 statute, Breier wielded his power over rank-and-file officers with little concern for institutional blowback. He imposed strict standards and expected rank-and-file officers to obey all of his rules and commands. The chief forbade all police personnel from speaking publicly on law enforcement matters without his approval. Violators faced immediate reprisal—threatened, disciplined, or fired depending on the offense. Early in his administration, he punished rules-violators with two-week suspensions. This policy remained in effect until the Milwaukee Police

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<sup>73</sup> George Kelling, *Policing in Milwaukee: A Strategic History* (Milwaukee, WI: Marquette University Press, 2015), 104.

<sup>74</sup> See: Kelling, *Policing in Milwaukee*.

<sup>75</sup> John E. Westburg, “The Socio-Political Matrix of the Milwaukee Police Department,” Milwaukee Legislative Reference Bureau, 1973, 85.

<sup>76</sup> National Commission on Civil Disorders, “Report on Disturbances in Milwaukee, Wisconsin, July 30–August 6, 1967,” 16.

<sup>77</sup> “Interview with Eugene Robertson,” 2, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967–Oct. 3, 1967.”

Patrolmen's Protective Association (MPPPA) "legislated the maximum non-appellate suspension period to five days."<sup>78</sup> Chief Breier punished rule violators by occasionally forcing them to work on scheduled off days without pay "until he was satisfied." One researcher likened this practice to "involuntary servitude."<sup>79</sup> Breier was cold, but shrewd, only suspending officers when he was certain they would not appeal to the MFPC. His regimented internal policies inadvertently facilitated the rise of police union power in Milwaukee, as the MPPPA largely defined itself against their boss' strict disciplinary practices, his antagonism towards educational development, and his reluctance to engage in community relations improvements.<sup>80</sup>

Chief Breier differentiated himself from his liberal law-and-order forerunners in terms of how he envisioned "police-community relations."<sup>81</sup> He shunned bringing officers into dialogue with Black and Latinx community groups, refused to actively push for integration, and scorned the concept of community relations units, bureaus, or programs within the MPD. When civil rights organizations challenged Breier's decision-making when it came to engaging with minoritized communities, he not only distanced himself on policy, but rhetorically undercut his critics' moral position by labeling them as criminal subversives. The chief pursued ad hominem attacks against perceived opponents, while denying non-police stakeholders a role in shaping the direction of policing in Milwaukee. Knowing that substantive reforms would only be enacted through statutory

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<sup>78</sup> Kenneth Feit, "The Milwaukee Police Department, March-April, 1970," 5-7, Box 37, Folders 16-23, "Wisconsin Council on Criminal Justice, 1971," Wisconsin Department of Local Affairs and Development, Secretary's Administrative Subject File, 1967-1975, 2001/176, Wisconsin Historical Society, Division of Library, Archives, and Museum Collections.

<sup>79</sup> Feit, "The Milwaukee Police Department, March-April, 1970," 5-7.

<sup>80</sup> The MPPPA was especially critical of Breier's promotion of officers based on clearance rates and arrests over "crime prevention or community relations." Wisconsin Committee to the U.S. Commission on Civil Rights, *Police Isolation and Community Needs* (Washington, D.C.: Government Printing Office, 1972), 41. Breier's authority alone did not elevate police union power. Other factors were the 1959 state law authorizing public employee unions to collectively bargain (given teeth in 1963) and the legislative gains and identity-based movements associated with civil rights activism. Ken Germanson, "Milestones in Wisconsin Labor History," Wisconsin Historical Society, Accessed June 20, 2020, <https://www.wisconsinlaborhistory.org/resources/milestones/>.

<sup>81</sup> Under Chiefs Joseph Kluchesky and John Polcyn, the department led in this area of police reform nationally. Samuel E. Walker, "The Origins of the Police-Community Relations Movement: the 1940s," *Criminal Justice History* (1) (1980): 225-246.

revision, the chief felt free to insist that both racialized police violence and any need to work with community groups in resolving crime was a myth.<sup>82</sup> Furthermore, the MPPPA outflanked him from the left on the community relations issue. Union president Robert Kliesmet said the MPPPA was willing to collaborate with community organizations to improve public safety. While the union's core objective was defending the interests of rank-and-file officers, they also saw a public safety value in revising the police department's image.

Breier's sense of impunity was reinforced by his "great popularity among whites in the greater Milwaukee area."<sup>83</sup> A high level of support from white blue-collar and middle-class professionals "probably neutralized any influence" elected officials had over Breier's MPD.<sup>84</sup> This esteem only grew in the wake of the 1967 civil disturbance and subsequent Black-led demonstrations for open housing—campaigns that notably penetrated the chief's native south side. Breier further proved his racial bona fides when he rebuffed Black police brutality complainants, rejected calls for citizen review of the MPD, and conflated civil rights demonstrators with violent criminals. He defended police officers who roughed up fair housing marchers after protests at Kosciuszko Park descended into chaos. White residents expressed their "general gratitude" for the "absence of serious riots," despite some having committed acts of racial violence.<sup>85</sup> The urban uprisings of the 1960s focused white attention "on the role of the police as protector of property and master of order."<sup>86</sup> This strengthened Breier's resolve. Civil rights "militants," in his view, refused to follow the

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<sup>82</sup> Changing the policing statutes required pronounced social demographic changes within the political landscape, so as to convince enough state representatives of the merits of revising the law. The political will required to alter Wisconsin's 1911 policing statute took time to develop over the course of the 1960s, 1970s, and 1980s. Chief Breier rejected charges that the MPD was ever brutal in its handling of Black citizens, or that police themselves instigated unrest through disrespect or mistreatment of Black youth. Yet both critics and supporters of the MPD found that the department was "not accessible to the people it served." Most attributed this to his "narrow definition of police work." Breier was "the official expert" who needed "no outside views." *Police Isolation and Community Needs*, 85.

<sup>83</sup> *Police Isolation and Community Needs*, 49.

<sup>84</sup> Despite Milwaukee's "weak mayor" system, meaning the Common Council wielded more legal authority in City Hall, Mayor Maier successfully "altered the basic influence relationships" to a degree that matched almost any big-city mayor. *Police Isolation and Community Needs*, 112-113.

<sup>85</sup> *Police Isolation and Community Needs*, 93.

<sup>86</sup> *Police Isolation and Community Needs*, 92.

law or work through established grievance channels. Then they initiated violence when his men attempted to lawfully re-impose order in the community. In stubbornly resisting Black dissent, Breier embodied a white folk hero persona—a powerful avatar for those eager to conserve white hegemonic power in a proud white ethnic city.

Breier's comprehension of "race relations" shaped a strategic approach that centered Black surveillance, subversion, and suppression. He addressed "civil rights insurgents" through a domestic "counterinsurgency" agenda that aimed to stamp out political dissent and any perceived "socialist," "communist," or "revolutionary" infiltrations of society.<sup>87</sup> Breier's logic was not new. It stemmed from decades of discriminatory policies and practices that hardened racialized dichotomies of "good" (white) and "bad" (Black) space and citizens.<sup>88</sup> Such racially-coded moral distinctions were founded in white racial and class biases that were not unique to Milwaukee. Blue-collar white Philadelphians, for example, "used class distinctions as rhetorical qualifiers to explain who they were not willing to share urban space with."<sup>89</sup> Police liability was less of an issue for Breier than law enforcement being attacked by racial liberalism run amok. He thought the nation was, more broadly, losing its moral footing and traditional values. Liberals were too eager to coddle "criminals." This, in turn, fueled revanchist white demands for law-and-order, a sentiment that spread in the mid-1960s, particularly in the suburban and exurban communities that comprised an important base of support for Richard Nixon in 1968. To many white voters, liberalism had failed in its "ability to ensure

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<sup>87</sup> Historian Patrick Jones first characterized Milwaukee's civil rights movement, particularly the activism of the Milwaukee NAACP Youth Council, as a "civil rights insurgency." Jones, *The Selma of the North*. As Jordan Camp and Jennifer Greenburg argue, "counterinsurgency" has had a long history in the U.S., serving as "a central force in the 'restoration of class power' in the face of recurrent challenges to capitalist imperialism." Jordan T. Camp and Jennifer Greenburg, "Counterinsurgency Reexamined: Racism, Capitalism, and U.S. Military Doctrine," *Antipode* (2020), 2.

<sup>88</sup> Revanchist white framings of Black demonstrations, historians note, "stemmed from the normalization of segregated space." Lombardo, *Blue Collar Conservatism*, 89.

<sup>89</sup> These qualifications were widespread across racially chaining postwar terrains, whereby white residents assumed that "respectable" Black homeowners had made the choice to remain with other Black residents in their segregated inner city neighborhoods. Perhaps some might, but this served to erase the discriminatory intent and outcomes of public and private housing policies. Lombardo, *Blue Collar Conservatism*, 89.

personal security,” creating political space for a conservative backlash.<sup>90</sup>

Chief Breier’s subordinates reflected his parochial views on race, which emanated from the top. District Five Police Captain George Sprague embodied the most prominent example. Sprague was a known John Birch Society member who, according to Assemblyman Lloyd Barbee, was “openly contemptuous of Negroes.”<sup>91</sup> Chief Breier put him in charge of the police district with the largest African American population: District Five. In 1967, approximately 90,000 Black residents lived on the near north side, which District Five largely encompassed. Captain Sprague rejected a federal grand jury complaint of alleged violations at his precinct. He denied complaints were even filed, blaming “rabble rousers” for District Five’s external scrutiny.<sup>92</sup> The avowed racist “dismissed” police brutality charges against police officers “out of hand.” His attitude was “an excellent reflection of the attitudes and beliefs of the Police Chief, Harold Breier,” according to Lloyd Barbee, “a racist and a bully.”<sup>93</sup>

Chief Breier understood issues of police accountability through a similarly racialized lens. His reactionary law-and-order regime undermined police misconduct complaints. Breier denied accountability for Black claims of police brutality with special vigor. NACCD researchers described “inadequate” “channels of communication for grievances.”<sup>94</sup> Citizen complaints were “an exercise in futility,” according to Black residents. When the public filed a complaint of “police brutalization,”

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<sup>90</sup> Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005), 2, 9. This analysis of liberalism gained traction despite the central role played by the Democratic Johnson administration in establishing the War on Crime and targeting the criminalized behavior of African Americans relegated to segregated urban communities. See: Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2016).

<sup>91</sup> “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 17. “Interview with Lloyd Barbee,” “Milwaukee, Wisconsin, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.” U.S. Attorney Thomas Brennan described Sprague as “bad news.” “Interview with Thomas Brennan, September 29, 1967.”

<sup>92</sup> “Adequacy of Channels of Communication for Grievances,” 3, “Milwaukee, Wisconsin, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>93</sup> “Interview with Lloyd Barbee,” 1-2.

<sup>94</sup> “Adequacy of Channels of Communication for Grievances,” 3, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

Breier oversaw in-house investigations. Several complainants observed that “nothing was done,” as if the chief’s officers could “never tell a lie and therefore [could] do no wrong.”<sup>95</sup> Not “a single conviction or reprimand” for “alleged [police] mistreatment” occurred from 1964 to 1967—Breier’s first three years in office.<sup>96</sup> External investigations simply did not happen. The Milwaukee Commission on Civil Rights lacked the “powers to do anything” in response to police discrimination.<sup>97</sup> The MFPC “served the function of a Review Board for the adjudication of complaints,” but, according to people interviewed by the NACCD, never brought one to trial. While residents occasionally filed civil litigation against the MPD or individual officers, none were “pursued to judgment.”<sup>98</sup> Interviewees described “a do-nothing attitude” when it came to City Hall’s capacity to curb police misconduct.<sup>99</sup> Mayor Henry Maier euphemized police violence, proudly describing the MPD as “pretty tough.”<sup>100</sup> While Breier apparently disciplined officers “from time to time,” he did nothing to stem the flow of police violence being administered on Milwaukee’s north side.

The deadly police shooting of 44-year-old Lee Wilson on December 30, 1967 illustrated that eruptions of civil violence that summer had done nothing to raise police accountability standards. Wilson was killed following the enforcement of a petty crime: jaywalking. Yet another ruling by the Milwaukee County District Attorney of “justifiable homicide” frustrated Black citizens.<sup>101</sup> Conflicting accounts from police and witnesses at the scene renewed tensions and deepened

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<sup>95</sup> “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 80.

<sup>96</sup> “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 80.

<sup>97</sup> Black citizens were also blocked from filing complaints about services like garbage collection and street lighting. Ibid.

<sup>98</sup> At the time of the NACCD investigation, the Thomas and Coates federal cases described in Chapter Three were still pending.

<sup>99</sup> Since Maier’s election in 1960, this resident continued, “he has done nothing for the Negro citizens of Milwaukee and all indications are that he doesn’t plan to.” “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 80.

<sup>100</sup> “Adequacy to City’s Response to Grievances,” 1, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>101</sup> “Negro’s Death Called Similar to Crucifixion,” *The Milwaukee Journal*, January 21, 1968, Part 1, 6.

mistrust.<sup>102</sup> Civil rights groups rallied around the Wilson killing, lending urgency to growing demands for civilian police oversight, improved police-Black community relations, and the hiring of more Black MPD officers.

While Black leaders were livid, they were largely powerless to obtain justice. Some saw police integration as the only viable solution—a means of mitigating against the racist discretion of white patrolmen. Integrating historically white police regimes, like the MPD, was one of several enduring liberal responses to police brutality and elevated racial tensions. Many African Americans perceived Black officers as “reformers” in their own right, arguing their race made them intrinsically sensitive to the community’s needs and, therefore, less likely to harass and abuse.<sup>103</sup>

The NAACP Youth Council circulated a petition calling for an inquest into Wilson’s “murder.” YC members described Wilson as “industrious and dedicated to his [four] children.” Commando Milton Latson warned that his group would “retaliate” if police ever tried to use lethal force against open housing demonstrators as they had against Wilson and Clifford McKissick.<sup>104</sup> As he continued, “We are no longer nonviolent toward the police department.” County Supervisor Isaac Coggs connected the MPD’s aggressive policing on the near north side to the issue of residential segregation, urging the YC to march on the statehouse in Madison and demand a state

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<sup>102</sup> Police stopped John T. Smith, for jaywalking. 44-year-old Lee Wilson then interfered as they were issuing Smith a ticket. There was a struggle. Wilson was shot and killed. The officer who ended up shooting Wilson said he heard the suspect fire two shots while he was attending to Smith’s jaywalking ticket. He rushed over to inspect the commotion. Then, he fired his service weapon at Wilson’s shoulder, claiming to have fired only a single shot. However, a coroner later found two bullets in Wilson’s body. Conversely, witnesses said Wilson tried to leave the scene, but police grabbed him from behind. A police-instigated struggle ensued before Wilson was shot. One witness, a Black cab driver, said he heard shouting. He saw at least three white officers pummeling Wilson in the head “with a hard dark object.” Then he heard the crack of an object, “with sufficient force, in his judgment, to kill.” As Wilson lay on the street, badly beaten, a crouching patrolman evidently drew his gun and fired two shots from no more than a foot-and-a-half away. Another witness shouted, “Don’t kill him! Don’t kill him!” Then, “Look what you did...you shot him.” An officer was said to have responded, “Shut up! Shut up!” A man who stopped to take pictures of the incident was arrested and charged with disorderly conduct. “Eyewitness Says Police Beat; Killed Man Lying Unconscious on Frozen Street,” *The Milwaukee Courier*, January 6, 1968, 1-2.

<sup>103</sup> Kenneth Bolton and Joe Feagin, *Black in Blue: African-American Police Officers and Racism* (New York: Routledge, 2004), 19.

<sup>104</sup> “Commandos Demand Inquest into Wilson Murder Case,” *The Milwaukee Courier*, January 13, 1968, 3.



fair housing law.<sup>105</sup> Outraged African Americans and allies rallied for justice. “It is time for the community to act against the police killing of Negroes for no reason at all,” Coggs exclaimed. “If the police want war they will get it,” he added. Coggs called out the District Attorney for “covering up” police misconduct.<sup>106</sup> Roughly 300 demonstrators marched down Center St.—the scene of the killing—to Wisconsin Ave, then up N. 8<sup>th</sup> St. to the Milwaukee Safety Building. The Wisconsin Civil Liberties Union requested a federal probe into Wilson’s death ten days later. Breier imposed no discipline on the officer who shot Wilson. “As far as I’m concerned, the air is clear,” Chief Breier, said, defending their actions.<sup>107</sup>

African American police spoke candidly to the NACCD about Chief Breier’s explicit toleration of racialized police violence. A former Black officer, Charles Densford, worked under Breier’s command while serving as Inspector of Detectives in the early 1960s. The fifteen-year veteran confirmed that his boss condoned police brutality in front of personnel. Densford told NACCD researchers that detectives began their day shifts questioning individuals arrested during the previous night. “On many occasions,” it was “quite obvious” they had experienced violence at the hands of police.<sup>108</sup> When Densford reported police brutality incidents to Inspector Breier, he was told to “mind his own business.” Another Black detective made notations of in-house beatings on interview cards. Breier reprimanded that officer for documenting what he witnessed. As Inspector, he made light of officers using lethal force. During a roll call, as the bureau discussed a police brutality incident that occurred on Milwaukee’s north side, Densford said Breier commented, “Well,

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<sup>105</sup> The YC, to that point, had marched for 146 straight days for an open housing ordinance. “Negro’s Death Called Similar to Crucifixion,” *The Milwaukee Journal*, January 21, 1968, Part 1, 6.

<sup>106</sup> The rally was held on January 20, 1968. “Scene of the Murder Rally Scheduled for Saturday,” *The Milwaukee Courier*, January 20, 1968, 1.

<sup>107</sup> District Attorney Hugh O’Connell agreed. Mayor Maier, however, asked O’Connell to reconsider his decision. Black residents were irate; Maier feared more civil unrest. Still, he blamed the Black press for “stirring confusion,” not the actions of police. “DA: Will Not Call Inquest into Death of Negro Man,” *The Milwaukee Sentinel*, January 3, 1968, Part 1, 7.

<sup>108</sup> “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 80.

I guess we'll have to shoot a few of the bastards.”<sup>109</sup> He also characterized Breier as “a bully and a dictator who does not permit his officers to think at all.” MPD personnel had to obey the chief’s orders “without deviation.” Many feared him, according to the officer.

White officers perceived to have transgressed the MPD’s “us-against-them” mentality when it came to policing Black Milwaukee faced retaliation from department administrators. In one instance, a white officer assigned to patrol a beat in a majority Black district built a rapport with Northcott Neighborhood House Director Rev. Lucius Walker. The Organization of Organizations founder asked the officer, who hailed from Milwaukee’s south side, to teach Northcott youth about police regulations and how the beat patrol function worked. After speaking about his experiences working in law enforcement with Black Head Start school children, kids affectionately embraced the white officer. Chief Breier received word, as newspapers reported on the hug. Soon thereafter, Special Assignment Squad (SAS) officers questioned the white patrolman about his relationship to Northcott Neighborhood House, which they knew to be an organizational base for planning civil rights demonstrations. An hours-long interrogation ensued, whereby the SAS beat the white patrolman to the point of needing hospitalization. He was subsequently forced to resign due to “so-called civil rights activity,” according to attorneys Jim and Gilda Shellow.<sup>110</sup> Chief Breier apparently wrote the patrolman a recommendation letter for a job in Florida on the understanding that he would not publicize his beating at the hands of police co-workers.

Perpetrating and covering-up racist police violence was as much a function of the MPD’s command structure as it was the discretionary choices of police personnel. Breier revised the department’s administrative hierarchy in ways that facilitated and protected rank-and-file officers

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<sup>109</sup> Interview with Charles Densford, 1-2, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>110</sup> “Interview with James and Gilda Shellow and William Coffey,” 4, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

known to employ violent methods. As *Milwaukee Sentinel* reporter Gene Cunningham told NACCD researchers, “a certain portion of the police force employed brutal methods.”<sup>111</sup> The MPD’s twelve-member SAS reported directly to the chief of police. It was drawn from across the department and “responsible only to Breier for whatever purposes he wished.” He was, Cunningham suggested, “fully aware that such methods were used.” The NACCD field team concluded that Breier ran “a tough department” that was “impervious to all charges against its offices of brutality.” The “widespread complaint” of police mistreatment produced “no justification and no redress.”<sup>112</sup> Class position made little difference. As youth program director Mel Hall told NACCD researchers, police committed “brutality against all Negroes in Milwaukee...middle-class or not, as long as he is black, police treat him the same.”<sup>113</sup> Breier was strict about enforcing the law, even minor offenses, like parking violations and jaywalking. Because he was so rigid, officers “appeared tougher than they were before.”

Chief Breier’s disdain for civil rights activists and conflation of political dissent with lawlessness shaped the MPD’s operational adjustments in the late 1960s. The most notable was his formation of the Tactical Enforcement Unit (TEU) on August 7, 1967. Breier established the unit before the embers of the 1967 civil disturbance had cooled. He assigned the all-white “Tactical Squad” to monitor violent crimes, public demonstrations, crowd control situations, and illicit behavior on Milwaukee’s Black near north side, Latinx near south side, and “the hippie section” of the mostly white east side.<sup>114</sup> The unit featured seven sergeants and forty-five officers, who cruised

<sup>111</sup> “Interview with Gene Cunningham,” 3, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>112</sup> “Potential after Riot,” 1, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>113</sup> “Interview with Mel Hall,” 1, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>114</sup> “Crime Fighters Rush to Trouble Spots,” *The Milwaukee Journal*, September 7, 1969, Accent 1. The east side Hippie scene was largely concentrated on Brady St. Jeff Bentoff, East Side, *Encyclopedia of Milwaukee*, accessed October 25, 2020, <https://emke.uwm.edu/entry/east-side/>.

“troubled areas in unmarked cars,” searching for events that might “spark a riot or lesser civil disturbance.”<sup>115</sup> They applied what one police administrator called “selective enforcement,” whereby police saturated a particular area with “all of the available manpower.”<sup>116</sup> The goal was to “suppress trouble before it gets out of hand” with just one or two cars.<sup>117</sup> This was the essence of Breier’s reactionary law-and-order ethos. The chief handpicked personnel with the highest arrest totals and a penchant for intimidation for the Tactical Squad. He formed the unit around the same time that the Los Angeles Police Department established its famed Special Weapons and Tactics unit.<sup>118</sup> The TEU administered a similar “get tough” version of “riot control” in Milwaukee’s “high crime” areas.<sup>119</sup> It brandished intimidating weaponry. According to researcher Kenneth Feit, the TEU “patrolled ghetto neighborhoods with shotguns openly displayed and functioned in a military fashion by making summary arrests.”<sup>120</sup> The TEU was notorious for harassing and arresting Black youth and radical-left activists on minor, often contrived offenses. The NAACP Youth Council and other Civil Rights-Black Power organizations referred to the unit as the “Goon Squad.” Its aggressive react first, ask questions later ethos hardened negative Black perceptions of the MPD “as an occupational army in a subcultural colony.”<sup>121</sup>

The TEU symbolized Breier’s reactionary law-and-order approach for accountability advocates. Like the Special Assignment Squad, the unit reported and was directly accountable to the chief alone. Other cogs in the police bureaucracy had no control over its actions. When Social Development Commission (SDC) members Jeanetta Robinson and Alderwoman Vel Phillips

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<sup>115</sup> “Crime Fighters Rush to Trouble Spots.”

<sup>116</sup> “Special Force Builds Envied Crime Fighting Record,” *The Milwaukee Journal*, September 7, 1969, Accent 11.

<sup>117</sup> Previously, the MPD sent in numerous squads, escalating crowd control situations. They learned over time that this sparked larger civil disturbances, so they strategically reduced the number of squads sent to a potential “riot” situation. “Special Force Builds Envied Crime Fighting Record.”

<sup>118</sup> Felker-Kantor, *Policing Los Angeles*, 52-53.

<sup>119</sup> “Core Youth Taking Up New Cause,” *The Milwaukee Journal*, July 21, 1968, Part 2, 1, 6.

<sup>120</sup> Feit, “The Milwaukee Police Department, March-April, 1970,” 27.

<sup>121</sup> Feit, “The Milwaukee Police Department, March-April, 1970,” 14.

questioned the Fire and Police Commission about the Tactical Squad's repressive tactics, its seemingly exclusive assignment to Black sections, and its lack of African American or Latinx officers, commissioners said they were "unfamiliar with the inner operations of the police department."<sup>122</sup> The MFPC, again, deflected responsibility to Breier, who said the SDC had "no authority to investigate the procedure of the police department." Armed with his state-sanctioned authority and the support of most white residents and elected officials, Breier refused to placate his critics. Instead, the chief attacked the SDC for "condoning crime rather than trying to prevent it."<sup>123</sup> The TEU was, according to the chief, made up of "crime fighters" who operated "strictly according to the law." Legal or not, the Tactical Squad's daily operations personified the MPD's most discriminatory practices. It exacerbated media narratives of crime, violence, and disorder on Milwaukee's north side. "Instead of the tactical squad preventing a riot from occurring, they are contributing to the possibility of a riot,"<sup>124</sup> Jeanetta Robinson argued. The Tactical Squad's oppressive function amplified white fears and racist ideas about Black criminality, indirectly contributing to harmful cycles of poverty and despair. According to the *Milwaukee Star*, there was an upsurge in crime and murder on the north side as a direct result of the TEU's harsh tactics.<sup>125</sup> Breier had little use for such complaints, exclaiming that "if a citizen does not violate the law, he will never come in contact with this tactical squad." Yet, plenty of "law-abiding" Black residents still encountered the unit's aggression.<sup>126</sup>

A biased criminal-legal system shielded the police chief's reactionary law-and-order regime. African Americans experienced "unequal justice" in Milwaukee County courts—disproportionate punishments, stricter sentencing, and "exorbitant bail for minor offenses." According to

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<sup>122</sup> The meeting took place in March 1968. A Black patrolman was not selected for the TEU until the early 1980s. "SDC Got No Answers from Breier," *The Milwaukee Star*, March 16, 1968, 1, 17.

<sup>123</sup> "SDC Got No Answers from Breier," *The Milwaukee Star*, March 16, 1968, 1, 17.

<sup>124</sup> "SDC Got No Answers from Breier," *The Milwaukee Star*, March 16, 1968, 17.

<sup>125</sup> "Creative Conditions," *The Milwaukee Star*, March 16, 1968, 4.

<sup>126</sup> "Creative Conditions," *The Milwaukee Star*, March 16, 1968, 4.

Assemblyman Lloyd Barbee, it was well known in the community that Black families could “not obtain justice in the courts.”<sup>127</sup> Judicial discrimination was “an explosive issue.” Civil rights advocates regarded Judge Christ Seraphim as the worst offender. He had “a non-judicial temperament,” Barbee reported to NACCD researchers. Seraphim was “extremely severe with people...arrested in demonstrations or any other sort of activity with which he [did] not personally approve.”<sup>128</sup> The long-time judge attempted to coerce arrested activists into pledging that they would never again demonstrate for civil rights in public—a constitutional right—before imposing severe sentences.<sup>129</sup> He applied a “double-standard of justice,” levying higher fines, stricter and longer punishments to Black defendants. Moreover, state prosecutors purportedly charged white and Black arrestees differently, despite similar offenses. White residents received lower charges that carried lighter penalties, while Black defendants faced more serious charges with harsher sentences.<sup>130</sup>

The court assigned public defenders only to citizens charged with felonies, attorney Alan Eisenburg said. It rarely advised people charged with misdemeanors of their legal rights. Milwaukee’s Legal Aid Society advised indigent defendants to take guilty pleas.<sup>131</sup> The system “very definitely” discriminated against poor citizens of color. There had not been “one single conviction of police brutality in Milwaukee.”<sup>132</sup> As of 1967, Milwaukee officials had never held a public inquest hearing

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<sup>127</sup> Milwaukee Congress on Racial Equality leader Cecil Brown also said there was “no such thing as justice in Milwaukee courts.” Seraphim, he noted, also “despised people on welfare.” “Interview with Cecil Brown, Jr.,” 1, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967”; “Interview with Lloyd Barbee, 3,” “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>128</sup> “Interview with Lloyd Barbee,” 8, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>129</sup> Seraphim was also an elite member of the Fraternal Order of the Eagles. YC president Fred Bronson called him “a legend,” who was “more contemptible of his court than any of the accused.” “Interview with Fred Bronson,” 3, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967”; Interview with Terrance Pitts,” 1, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>130</sup> “Interview with Terrance Pitts,” 3, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>131</sup> On the Legal Aid Society, see: Thomas G. Cannon, *Equal Justice: A History of the Legal Aid Society of Milwaukee* (Milwaukee: Marquette University Press, 2010).

<sup>132</sup> “Interview with Alan Eisenburg, 1-2, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

following any police killing or in-custody death. Had the city called for one after officers shot and killed Clifford McKissick during the “civil disturbance,” U.S. Attorney Thomas Brennan believed it would have alleviated racial tensions and Black mistrust of the police.<sup>133</sup> When law enforcement “brutalized” Black Milwaukeeans “without any provocation,” City Hall failed to grant relief. Without of “a fair and impartial judicial system,” Barbee asserted, efforts to garner police accountability proved futile. As Eisenburg detailed, Milwaukee police enjoyed the benefits a biased court system that enabled them to escape prosecution. The attorney once defended a Black police brutality victim who had seventeen witnesses testify to an officer’s misconduct. The accused patrolman simply told the court that the defendant was lying and they lost the case. “There has to be some kind of check on the police,” beyond the press, a strong “civilian review board,” Eisenburg noted.<sup>134</sup>

State law established an independent Fire and Police Commission. But the MFPC did not operate in isolation from local politics. A south side political club, the Milwaukee Metropolitan Civic Alliance (MMCA), influenced the city’s police bureaucracy in postwar decades. The MMCA supported pro-growth candidates committed to maintaining the traditional order. This included Henry Maier in his campaigns for mayor and Wisconsin’s state assembly. As mayor, Maier appointed at least three MMCA members to the MFPC. That commission’s Chief Examiner/Executive Secretary, George Ruger, was also a club member. The alliance traded on its connections with City Hall to get Inspector of Detectives Harold Breier appointed police chief in 1964, ahead of internal candidates who were more closely aligned with the police department’s liberal law-and-order era. Breier was an affiliate of the south side civic alliance. The MFPC, comprised of a retired business executive, local union officials, and an attorney representing the interests of south side

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<sup>133</sup> “Interview with Thomas Brennan, September 29, 1967, 2, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>134</sup> “Interview with Alan Eisenburg,” 2, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

manufacturers, saw value in Breier becoming chief. This also helps explain why the commission was so defensive when the Citizens Anti-Police Brutality Committee demanded accountability in 1964. The MFPC was, to an extent, beholden to the MMCA and “careful to work within the boundaries” of “archaic law,” according to researcher Carl Hamm.<sup>135</sup> While the MMCA supported Democrats nationally, it flexed a powerful conservative voice in Milwaukee politics. As such, the MFPC “exemplified the [civic alliance’s] desire to preserve the status quo and the ‘right’ if not the ‘far right’ in politics at the local level.”<sup>136</sup> The mayor’s club allegiances also neutralized City Hall’s efforts to expand police accountability, as he ignored the Martin-Weber Committee’s 1968 call to establish a new public safety review board that was more accountable to citizens.

When the MFPC appointed Harold Breier as police chief in 1964, Milwaukee civil rights organizations had only just begun challenging anti-Black racism through direct action street demonstrations. The city’s burgeoning civil rights insurgency magnified issues of racialized police violence and lax accountability. Efforts to address policing intersected with and gave shape to related campaigns to end employment, education, and housing discrimination. Civil rights mobilizations reciprocally intensified white racial animosities, especially among blue-collar workers, merchants, and professionals on the south side and other all-white sections of the city. Chief Breier showed little regard for the physical mistreatment of activists. He once commented about those who resisted the police, “If they get up again, we’ll knock ‘em down again.”<sup>137</sup> In Breier’s view, Black protestors undermined police-community relations, and not the other way around. Civil rights activists not only inspired civic disorder, but were responsible for Milwaukee’s rising crime rate. It was because the

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<sup>135</sup> Carl Hamm, “Milwaukee Police Department: Civil Service and Pension Case Study,” Police Foundation, August 15, 1971, 9, Box 1, Folder 16, “Greater Milwaukee Conference on Religion and Urban Affairs, Police Brutality, 1971, 1983-1984,” Joan McManus Papers, 1970-2003, UWM Manuscript Collection 267.

<sup>136</sup> Carl Hamm, “Milwaukee Police Department: Civil Service and Pension Case Study,” Police Foundation, August 15, 1971, 9, Box 1, Folder 16, “Greater Milwaukee Conference on Religion and Urban Affairs, Police Brutality, 1971, 1983-1984,” Joan McManus Papers, 1970-2003, UWM Manuscript Collection 267.

<sup>137</sup> Feit, “The Milwaukee Police Department, March-April, 1970,” 5-6.



MPD had to “control last summer’s riot and subsequent demonstrations,” distracting them from standard assignments, that reported crime increased thirty-three percent Breier said in 1968. Civil rights marches, in Breier’s view, harmed the MPD’s “patrol potential,” as they diverted personnel and resources away from crime-fighting. To “promote harmonious police-community relations,” he argued that civil rights groups should teach their followers “the rights and duties of citizens.” Breier blamed urban ills on the “self-appointed pseudo community leaders” who “taught and preached disrespect for law and order.”<sup>138</sup>

The MPD intimidated and surveilled African Americans at Breier’s direction. The chief expanded the “close surveillance” tactics of his predecessors. Patrolmen interrogated dozens of Black residents on a routine basis “to know who was on the street in case a crime was committed.”<sup>139</sup> For Breier, overt racial profiling was the most effective means of preventative patrol. Former Police Captain Carl Hamm, who oversaw the Youth Aid Bureau before being removed by Breier, said it was informal policy to stop and question any Black residents “discovered after dark outside the area which most Negroes lived.”<sup>140</sup> African Americans, journalist Frank Aukofer wrote, felt “watched” in their own communities. Suburban white residents, on the other hand, felt protected by the police.<sup>141</sup> Patrolmen were instructed to arrest any Black people who “talked back to a police officer” and detain on a traffic infraction “any Negro stopped or seen with a white woman in his car.”<sup>142</sup> Chief Breier instructed subordinates to track the movements and telephone calls of civil rights leaders, including Lloyd Barbee and Father Groppi. In August 1966, he put the NAACP Youth Council and

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<sup>138</sup> He suggested that Father Groppi and the YC ordered Black youth to skip school in favor of demonstrating and rioting. “Breier Says Police Force Has Served Public Well,” *The Milwaukee Journal*, June 13, 1968, Accent, 1.

<sup>139</sup> National Commission on Civil Disorders, “Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967,” 16.

<sup>140</sup> “Interview with George Pazik, Northtown Planning and Development Council,” 2-3, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>141</sup> “Interview with Frank Aukofer,” 4, “Milwaukee, Wisconsin, Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>142</sup> “Interview with George Pazik, Northtown Planning and Development Council,” 2-3.

its “Freedom House” headquarters under surveillance. The YC reported seeing SAS officers photographing its members.<sup>143</sup> Breier argued that police monitoring of Freedom House was in the group’s interest, speciously arguing they needed “protection” from outside threats. The YC knew the MPD was conducting surveillance as “a pretext to bully and intimidate.” Under the watchful eye of plainclothes officers, the department photographed, hassled, and arrested YC members over trivial non-violent offenses, such as littering, “interfering,” or playing dice. The group said white officers verbally incited them to riot.<sup>144</sup> Police claimed they could “shoot off a few” without any consequence. In response to the MPD’s scrutiny, the YC conducted its own “surveillance” of Breier’s home residence.<sup>145</sup>

Breier’s racial politics informed administrative, or structural decisions he made as police chief. He refused to establish an internal community relations unit tasked with developing partnerships with Black and Latinx residents, or neighborhood associations concerned about interpersonal crime and police violence. Partnering with communities of color to ensure stability undermined police authority and posed a threat to public order in his view. Breier was hesitant to champion minority recruitment and refrained from nominating Black patrolmen, detectives, and ranking officers (two) for promotion. The chief rejected grassroots demands for enhanced civilian input on devising enforcement strategies, whether offered by civil rights activists or political liberals and moderates. While Breier insisted that MPD personnel acted without bias, his administrative choices suggest otherwise. The chief de-emphasized human relations training in the police academy. New recruits received sixty-two hours of training total, yet only four explored “human relations”

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<sup>143</sup> This direction followed the firebombing of the Milwaukee NAACP’s offices, as well as an anonymous bomb threat called into City Hall. “Anonymous Call Sparked Evacuation, Bomb Hunt,” *The Milwaukee Sentinel*, August 10, 1966, Page 10, Part 1; “Curious Onlookers Visit Bomb Site,” *The Milwaukee Sentinel*, August 10, 1966; Jones, *The Selma of the North*, 150.

<sup>144</sup> Police also allegedly told YC members that they hoped they would have to serve in the Vietnam War—a global conflict that saw a disproportionate share of poor and working-class Black citizens killed.

<sup>145</sup> They held two “protective vigils” on September 30 and October 1, 1966. Shortly thereafter, the YC announced the formation of its “Commando” unit, which Breier viewed as a direct provocation. Jones, *The Selma of the North*, 150-152.

issues. Those that did failed to address minoritized perspectives, racial discrimination, or the troubled relationship between Black and Latinx communities and law enforcement. The only training film that remotely dealt with “prejudice” emphasized Polish-American experiences. Here, the MPD diverged from previous liberal law-and-order administrations. During the 1950s and even early 1960s, former Inspector Raymond Dahl said the MPD built strong working relationships between the MPD and Black community leaders, in service of crime prevention.<sup>146</sup> Dahl saw “race relations” as a “problem” just starting to be “scratched” by the MPD when Breier was named chief. After 1964, this programming was almost entirely ignored.

### *The War on Crime and Milwaukee*

In the wake of the 1960s urban uprisings, the Johnson administration invested heavily in policing. Concurrently, it hoped to reign in racist law enforcement practices that threatened to destabilize Black communities and further undermine the police image. Racialized police violence and misconduct threatened the administration’s efforts to empower inner city neighborhoods through “Great Society” employment training and economic development programs. Federal officials planned to compel America’s thousands of individual police agencies to be more democratic and value-neutral in their discretionary enforcement practices, ensuring that police better complied with civil rights laws and were held accountable to all citizens. The federal state built on a liberal law-

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<sup>146</sup> Dahl retired from the MPD in 1965. The 31-year MPD veteran was proud of his work. He strongly backed the MPD’s beat patrol program, which he saw as “the answer to juvenile delinquency and to traffic enforcement...the answer to crime prevention.” Still, like Breier, Dahl bypassed police discretion as a factor in generating “the recent wave of civil disobedience,” asserting that “law and order” was “a community problem, not a police problem.” Schools and parents had to do more to teach “respect for the law.” “How One City Keeps Its Streets Safe,” *U.S. News & World Report*, September 28, 1964, 70. Dahl retired from the MPD to become an instructor at the University of Louisville’s Southern Police Institute. There, he organized a seminar on “race relations and riot control” that was partially funded by a \$500,000 Ford Foundation grant. Dahl had competed with Breier, among others, for the chief of police position. “Police Here Understand Race Relations: Dahl,” *The Milwaukee Journal*, October 6, 1965, Part 3, 1; Milwaukee Police Department, *Annual Report*, 1965, 23.

and-order agenda proposed by the Truman administration after World War II.<sup>147</sup> Yet the administration's overarching goal was to strengthen law enforcement, so as to better manage periods of civil unrest and political dissent.<sup>148</sup> Police militarization, via grant-funded technology and weapons upgrades, helped advance this process. While most police leaders rejected law enforcement liberalism in the 1940s, "revisions and renovations" to policing amid the social crises of the 1960s drew in "practitioners and expert counselors" shaped by global experiences with anti-communist, counter-insurgency missions.<sup>149</sup> To assure public safety, the President's Commission on Law Enforcement and Administration of Justice proposed establishing criminal justice planning agencies, standardizing the collection of crime data, and investing millions in police professionalization through a dedicated federal agency—the Law Enforcement Assistance Administration (LEAA).<sup>150</sup>

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<sup>147</sup> The Truman administration aimed to shore up the "first civil right" of citizens: freedom from violence." See: Naomi Murakawa, *The First Civil Right: How Liberals Built Prison America* (New York: Oxford University Press, 2014).

<sup>148</sup> Eruptions of civil violence exposed the limitations of Johnson's Great Society platform as a political vehicle for advancing equality. Intensifying Black frustration with structural racism and police violence led to mounting episodes of civil unrest in America's cities. State and local governments looked to restore order through force. Some mayors called in the National Guard, including Milwaukee's Henry Maier. Federal troops marched into Detroit. The Johnson administration framed Black dissent as a phenomenon grounded in social pathologies rather than as an outcome of systemic anti-blackness. Equal opportunity for jobs, employment training, and expanded recreation underscored its anti-poverty program, not direct economic aid or wealth redistribution. "Community behavior" was framed as "the root cause of poverty, and, by extension, crime." This view was pervasive on Johnson's "Crime Commission." In formulating its 1967 report, the President's Commission on Law Enforcement and the Administration of Justice (PCLEAJ) rejected input from poor residents of color exposed to intensifying poverty, crime, and police violence. Federal policymakers expanded police and state supervision capacities. The PCLEAJ put the onus for changing "negative attitudes" between the police and Black citizens on Black residents themselves. It was the people's job to make law enforcement feel welcome and understood. Humanizing law enforcement as "officer friendly" would, as Elizabeth Hinton has written, "soften the impact of the increased patrols" in Black neighborhoods. Hinton, *From the War on Poverty to the War on Crime*, 86, 102.

<sup>149</sup> The police, as historian Stuart Schrader argues, were "key actors who put crime on the national political agenda and benefitted" from the shift towards building "an apparently unbiased policing apparatus." Schrader, *Badges without Borders*, 114.

<sup>150</sup> The Johnson administration announced it would wage its War on Crime in tandem with the War on Poverty in Spring 1965. It introduced a bill in a Democratic-controlled U.S. Congress that established the Office of Law Enforcement Assistance (OLEA). The new agency played a significant role in steering local police, judicial, and correctional decision-making through the allocation of millions of dollars in federal grant money to state, county, and municipal criminal justice agencies. Among the projects that the OLEA championed were community relations, education, and diversity hiring initiatives intended to build trust between local police and minoritized citizens. The administration's goal was to restore order and re-authorize police power in impoverished urban neighborhoods of color, while also shoring up civil rights compliance and eliminating the discriminatory police actions that so many economically vulnerable and frustrated Black citizens were protesting against. The OLEA became the Law Enforcement Assistance Administration following passage of the Omnibus Crime Control and Safe Streets Act of 1968. President Johnson called for the nation's War on Crime to be "thorough, intelligent, and effective" in his initial presentation of the Law Enforcement Assistance Act to Congress on March 8, 1965. Elizabeth Hinton, "Why We Should Reconsider the War on Crime," *Time*, March 20, 2015,

The commission argued for aligning police with government institutions focused on social and economic development, including the Community Action Programs established as part of the War on Poverty.<sup>151</sup> Police participation, in theory, helped control crime, tempered youth delinquency, and mitigated prospective civil disorders.<sup>152</sup>

The Johnson administration framed the War on Poverty and War on Crime as twin enterprises—equality and order as two sides of the same coin. However, making connections between law enforcement and federal anti-poverty programs did more to aggravate inequality than aid distressed urban communities. As historian Elizabeth Hinton has argued, the liberal administration “operated from the assumption that black community pathology caused poverty and crime.” It “supported a punitive transformation of urban social programs” founded “on the principle that saturating a targeted area with surveillance equipment and police officers performing both social welfare and crime control functions would effectively restore order.”<sup>153</sup> Even as they contributed to social welfare programs, the government held municipal police responsible for

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accessed January 20, 2020, <http://time.com/3746059/war-on-crime-history>.

<sup>151</sup> *The Challenge of Crime* served as the basis for the 1968 Omnibus Crime Control and Safe Streets Act, which, among other provisions, established the Law Enforcement Assistance Administration within the U.S. Department of Justice. The President’s Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society: A Report by the President’s Commission on Law Enforcement and Administration of Justice* (Washington, D.C.: United States Government Printing Office, 1967).

<sup>152</sup> The Johnson administration shored up police power through criminal justice interventions that fiscally supported law enforcement and prioritized the rehabilitation of the police image ahead of administering direct economic aid to poor and working-class citizens exposed to excessive poverty, crime, and police violence. The administration waged both of its domestic “wars” on liberal terms. For example, the War on Crime paired the expansion of police power with calls to increase Black and Latinx police hiring and implement police-community relations and sensitivity training programs. While these measures, were intended to expand access and promote police-civilian trust in segregated Black neighborhoods, they “largely translated to public relations efforts to improve the image of law enforcement.” The state insisted upon the flawed logic that “federally subsidized police recruitment and training could become racially fair.” Murakawa, *The First Civil Right*, 73-74.

<sup>153</sup> The NACCD shared this view about Black pathologies and their relationship to crime and poverty, despite recognizing that white racism conditioned urban ghettos. It advocated for jobs creation programs and a guaranteed minimum income alongside policing solutions. The NACCD argued that empowering police officials in helping to devise and participate in urban social programs would improve police-community relations, reinforce law enforcement, and guarantee social control. Elizabeth Hinton, “From ‘War on Crime’ to War on the Black Community: The Enduring Impact of President Johnson’s Crime Commission,” *Boston Review*, accessed February 16, 2020, <http://bostonreview.net/us/elizabeth-hinton-kerter-commission-crime-commission>.

“identifying criminals and removing them from the streets.”<sup>154</sup> The economic costs of civil violence and the “paramilitary response” that a small percentage of Black residents engaged in convinced federal officials that the War on Poverty’s “housing, education, and training programs” were indefensible spending priorities.<sup>155</sup> As the administration began closing War on Poverty programs in Black communities, scaling back funding for “autonomous grassroots organizations,” local police departments filled the void. The bulk of federal domestic aid to cities was soon being directed towards punitive criminal justice solutions as opposed to rehabilitative, non-violent public health solutions.<sup>156</sup> The transition of the federal War on Poverty to the War on Crime in the late 1960s and into the 1970s was supported by the same racist, criminogenic ideas about Black life and culture that characterized the Great Migration era.<sup>157</sup> Not only did federal officials ignore the institutional racism that conditioned the postwar urban crisis, but they cataloged Black civil disobedience alongside lawless white resistance. This helped reinforce a thorny middle ground that allowed both racial liberals and conservatives to argue for enhanced policing and punishment in response to civil unrest rooted in racism and inequality.<sup>158</sup> In this way, the Johnson administration helped lay the foundations for the nation’s late-century “carceral state.”<sup>159</sup>

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<sup>154</sup> Hinton, *From the War on Poverty to the War on Crime*, 113-114.

<sup>155</sup> Paramilitary responses also likely “made militant appeals more attractive to young people living in segregated poverty.” Hinton, *From the War on Poverty to the War on Crime*, 112.

<sup>156</sup> Seventy-five percent of Safe Streets Act funding went to municipal police forces. Courts, corrections, and community control initiatives supported by civil rights and Black Power advocates were either secondary concerns or disregarded. Hinton, *From the War on Poverty to the War on Crime*, 113.

<sup>157</sup> These ideas had serious implications for Black citizens grappling with racism, injustice, and inequality. As with the police-community relations movement of the 1940s, the federal government did not really value Black citizens as equal partners in restoring order in cities. It positioned African Americans as incapable of self-control, as evidenced by so-called “rioting.”

<sup>158</sup> Consequently, police departments continued to enforce the law aggressively in “high crime” Black and Latinx neighborhoods. The War on Crime resulted in a growing number of Black citizens being brought into closer contact with “the punitive arm of the state.” This increased “the likelihood of their eventual incarceration.” Hinton, *From the War on Poverty to the War on Crime*, 113.

<sup>159</sup> On the origins of the carceral state, see: Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America*, 2<sup>nd</sup> ed. (Cambridge, MA: Harvard University Press, 2019); Heather Ann Thompson, “Why Mass Incarceration Matters: Rethinking Crisis, Decline, and Transformation in Postwar American History,” *The Journal of American History* no. 97.3 (December 2010): 703–734; Hinton, *From the War on Poverty to the War on Crime*; Balto, *Occupied Territory*. Such dynamics worsened under Republican administrations, which worked with Congress to grant state governments more control over funding disbursements. Richard Nixon’s “New Federalism” served “as a bulwark

In Milwaukee, the War on Crime converged with the police bureaucracy's mixed efforts to, on the one hand, impose law and order amid rising reported crime and, on the other, gradually democratize police hiring, build mutual trust in predominantly Black and Brown neighborhoods, and improve accountability structures in the face of sustained police violence. Chief Breier's reactionary law-and-order ethos contrasted with the Johnson administration's liberal "community relations" recommendations. Milwaukee police chiefs had embraced liberal law-and-order reforms in the 1940s. Yet, Breier eschewed any that called for closer working relations between police and communities of color vulnerable to police violence, poverty, and crime. This contrasted the outward pronouncements of police chiefs addressing similar public safety concerns in racially segregated U.S. cities. Breier joined police leaders who "decried federal encroachment" while they "craved federal dollars."<sup>160</sup> He was willing to apply for police equipment and computer upgrades that improved the MPD's technological and weapon's capacities. But Breier was skeptical of interventions from Washington, D.C., or Madison for that matter, that he believed might weaken his authority. He saw the creation of "community relations units," independent civilian oversight boards, and racial diversity in police hiring and promotions as a threat to his ability to control MPD regulations, procedures, and outcomes. Therefore, he refused to apply for federal criminal justice planning grants that went towards police-community relations improvements and opening lines of communication

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against reform" in the criminal justice arena, "enabling all manner of repressive policing and wanton violence to go unchallenged." As Stuart Schrader has argued, federalism "was the same force that "sanctioned passivity amid lynchings and other racist outrages." Schrader, *Badges without Borders*, 118-119. Grafting the War on Crime onto city governments, like any national project of its size and scope, was a knotty process. Local dynamics threatened to undermine the intent and application of federal criminal justice directives. Significantly, conservative political forces at the national level relied on the ideology of federalism to ensure state control over War on Crime implementation and expenditures. This blocked some municipal criminal justice planning agencies from receiving direct federal aid, in addition to CAPs eligible for War on Crime funding. The Johnson Crime Commission argued that Black-run social institutions that had received federal anti-poverty funding had failed urban youth. As a result, Black young people expressed their discontent in a disorderly fashion. The commission subscribed to Labor Department undersecretary Daniel Patrick Moynihan's thesis that, despite racial discrimination and inequality, a lack of "strong and loving parental guidance" had produced a generation of Black youth prone to criminality. Such racist assumptions influenced the PCLEAJ's "battle plan." Hinton, *From the War on Poverty to the War on Crime*, 101.

<sup>160</sup> Schrader, *Badges without Borders*, 114.

with residents living in “high crime” areas. Milwaukee’s police chief worked to rhetorically and administratively limit opportunities for outside meddling into the department’s affairs. This presented a problem, as the Department of Justice mandated state and local police agencies receiving any federal aid comply with the 1964 Civil Rights Act’s anti-discrimination provisions. Breier’s resistance to federal directives, in turn, hardened Black and Latinx perceptions of police illegitimacy and unaccountability.

Breier insisted in the press and before police accountability advocates that the MPD already had an effective “community relations” program. The department printed and distributed “crime prevention brochures” on auto theft, muggings, women’s self-defense, and burglaries. Police lectured to school children, handed out pamphlets, recognized citizen contributions to crime control, and set up event booths for police recruitment. To the chief, these activities generated the “personal contact” among police and community groups that reformers demanded. The MPD developed “citizen cooperation” in support of the city’s “crime fighting program.” In other words, “community relations” for Breier relied on one-way communications of police policy to citizens interested in the police function. There was no preventative imperative to involve the community in the day-to-day work of controlling crime; police responded after it occurred. Citizens were responsible for answering police questions when asked, then moving out of the way. Residents did not help shape crime control or order maintenance strategies, set rules, or impose discipline. The MPD’s “excellent” community relations program was, according to Chief Breier about “a common understanding of teamwork, fair play, and wholesome living.”<sup>161</sup> That was “community relations of

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<sup>161</sup> All patrolmen and detectives were “trained to be courteous and to use good judgment and common sense in their every contact with citizens.” Breier authorized select personnel to deliver speeches and conduct tours of the Milwaukee Safety Building. Officers volunteered time lecturing on crime prevention, “the dangers of drug abuse,” “women’s self-defense,” and “citizen-police cooperation.” They did so at parent-teacher gatherings, business events, and church and fraternal association meetings. Feit, “The Milwaukee Police Department, March-April, 1970,” 9; “Breier Says Whole Force Works on Community Relations,” *The Milwaukee Journal*, April 18, 1966, Part 3, 1.



the highest form.”<sup>162</sup>

Milwaukee’s policing history shows that the relationship between federal law enforcement experts and local police officials was not always one of collaboration, as scholars have suggested. Chief Breier rejected the main problem areas outlined by the National Advisory Commission on Civil Disorders in its 1968 report.<sup>163</sup> He did not see psychological or cultural sensitivity screenings as necessary in determining who patrolled in predominantly Black spaces. Police review boards, likewise, were anathema to police administrators in Milwaukee and a threat to the chief’s legal authority. Breier saw no use for detailed policy guidelines that provided officers with discretionary guidance on determining whether criminal offenders should be arrested according to contextual factors. Lawlessness was lawlessness and the chief wanted his officers to arrest *all* violators. Breier did not support Black police recruitment for the sake of diversity. The “best” applicants should be hired, regardless of race, based on exam scores and job fitness. The chief paid little mind to federal, state, and local coordination around police planning, preferring to set his own strategic direction for his department. He eschewed federal aid for community-based crime control agencies staffed by social workers, city employees, and police. Breier also rejected social welfare agencies that functioned outside the purview of the criminal justice system, like Youth Service Bureaus. While he opposed bringing communities into closer contact with the MPD, that did not mean Breier refrained from monitoring populations he viewed as criminal and potentially rebellious. While the federal government expressed concern about a vulnerable police image and law enforcement’s perceived

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<sup>162</sup> According to Breier, the MPD logged 3,200 hours of community relations work in the first four months of 1968. The previous year, he added a mandatory 12-hour training course on “the importance of proper decision making by line and staff supervisors,” a video for supervisors titled “Police-Minority,” and concert performances by the MPD band at schools. Breier also noted that the MPD’s Youth Aid Bureau coordinated discussions between young people and professional athletes. Children in police custody received special attention from the MPD, he maintained. Commanding officers evaluated cases and brought in parents for conferences intended to “reach an understanding of the law.” “Breier Says Police Force Has Served Public Well,” *The Milwaukee Journal*, June 13, 1968, “Accent,” 1.

<sup>163</sup> The National Advisory Commission on Civil Disorders, *The Kerner Report* (Princeton: Princeton University Press, 2016).

legitimacy in a charged political atmosphere, Breier saw the MPD's image as strengthened by 1967's civil unrest.

Advancing police reforms, to the extent that they had any control over the implementation process, fell to Mayor Maier, the Common Council, and the MFPC. For City Hall, enacting even minimal police reforms without alienating white voters who supported the status quo upheld by Breier and his allies was a delicate process. While all three institutions historically backed the independent authority of Milwaukee's police chief, they, unlike him, saw opportunities to make piecemeal adjustments that appealed both accountability advocates and besieged Black residents mistrustful of the police and eager to more responsibly curtail rising crime. Still, they struggled mightily to institute federal community relations guidelines with Breier in charge of the MPD. As studies on Los Angeles and Chicago illustrate, Milwaukee was well behind in creating a revised "community relations philosophy" as it grappled with its crisis of police legitimacy.<sup>164</sup> The city also diverged from San Francisco, St. Louis, Atlanta, and Baltimore, where neighborhood centers received citizen complaints, involved "the community in analyzing and correcting its own problems," and emphasized "self-determination, communication of grievances, department feedback, civilian crime prevention and revised training programs for recruits."<sup>165</sup> In this way, citizens were brought into the process of expanding—and further legitimating—police power.

Against this backdrop, Milwaukee's police bureaucracy applied for criminal justice funding to shore up its policing system. The recruitment, training, and assignment of Black officers signified the most palatable reform in the wake of the 1967 civil disturbance. The Johnson Crime Commission had listed Black police hiring among its policy recommendations, finding that "for police in a Negro community to be predominantly white can serve as a dangerous irritant."<sup>166</sup> The NACCD echoed

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<sup>164</sup> See: Felker-Kantor, *Policing Los Angeles*, 113; Balto, *Occupied Territory*.

<sup>165</sup> Feit, "The Milwaukee Police Department, March-April, 1970."

<sup>166</sup> Ad Hoc Committee on Police Administration in Milwaukee, "The Problem of Police Community Relations in

calls for police diversification, among other structural recommendations in its 1968 report. The LEAA awarded state criminal justice agencies federal dollars to meet specific policing objectives. Following passage of the 1968 Omnibus Crime Control and Safe Streets Act, Governor Warren Knowles established the Wisconsin Council on Criminal Justice (WCCJ).<sup>167</sup> The council conducted state criminal justice planning and administered Safe Streets Act funds in Wisconsin. Recruiting Black patrolmen became part of a larger plan to alleviate police-Black citizen tensions on Milwaukee's north side. For racial liberals, the approach corresponded with the equal opportunity and "maximum feasible participation" provisions guiding the Johnson administration's Great Society platform.<sup>168</sup> Yet expanding Black participation in the system without challenging law enforcement's basic charge of defending white capitalist interests, or preserving the subordinate status of poor and working-class people of color, meant racialized police violence would persist.<sup>169</sup> The federal government only superficially addressed the street-level discretion, oversight, and disciplining of

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Milwaukee," 6, Ad Hoc Committee on Police Administration in Milwaukee, Milwaukee SC 177.

<sup>167</sup> Governor Warren Knowles originally established the WCCJ in the Wisconsin Attorney General's office, but soon brought the 21-member body under his direct authority. *Police Isolation and Community Needs*, 38-39.

<sup>168</sup> Keeanga-Yamahtta Taylor, *From #BlackLivesMatter to Black Liberation* (New York: Haymarket Books, 2016), 40-41; Hinton, *From the War on Poverty to the War on Crime*, 84-86. Federal responses to urban inequality and civil unrest after 1964 shaped policy responses in Milwaukee. Community Action Programs (CAP) were an important part of the Johnson administration's anti-poverty agenda. They called for the "maximum feasible participation" of poor people living in designated poverty areas. This included Milwaukee's north side. The Office of Economic Opportunity (OEO) distributed grants to local community action agencies responsible for planning and dispersing federal funds to grassroots antipoverty agencies. CAPs were intended to empower poor people to lift themselves up out of poverty on their own initiative. However, they left vulnerable Black residents liable for the War on Poverty's success or failure. Federal officials failed to name white racism or hold to account the federal, state, county, and municipal agencies responsible for historical patterns of injustice. The Johnson administration maintained a liberal rationale for conducting CAPs, emphasizing poor Black behavior as the primary driver of metropolitan inequality. The federal government located the onus for change on poor people themselves, asking them to fix entrenched economic conditions of the white majority's making. The state expected African Americans to "cope with their own experiences of marginalization" in order to gain freedom from repressive ghetto conditions. White elected officials, meanwhile, bore no responsibility for remediating urban poverty and inequality, while continuing to run governing institutions. Although the Johnson administration did not hold white-controlled institutions responsible for engendering inequality, there was some value in articulating and funding a vision of Black self-empowerment that, even if short-term, provided grassroots organizations with resources and the confidence needed to take on pressing economic issues. Elizabeth Hinton, "Stop Blaming the Victims," Miller Center, accessed April 24, 2019, <https://millercenter.org/issues-policy/us-domestic-policy/stop-blaming-victims>.

<sup>169</sup> This is not to say that the federal government was wholly ineffective at affirming racial equality in policing; it also served the vital function of upholding civil rights compliance among grant recipients. This often came at the behest of Black officers, who were eager to make good on the protections outlined in the Civil Rights Act of 1964 and the Equal Employment Opportunity Act of 1972.

officers that enabled discriminatory enforcement, abuses of power, and lax accountability.

Chief Breier avoided race-conscious recruitment drives engaged in by other big city police departments. Civil Rights Attorney Terrance Pitts noted that he removed Black patrolmen from the civil disturbance area.<sup>170</sup> A number quit the department because they had to be “Uncle Toms” to make it professionally. In 1968, the chief addressed Black police recruitment and its place in the police bureaucracy’s public relations efforts. Although he said it was the MFPC’s job to oversee employment, Breier said he “made it a matter of policy to urge all our law enforcement people to ask qualified persons to make application for the position.” While he insisted this “solicitation” was “to all people regardless of color or creed,” the chief could not say how many Black men served on the department. Estimates for June 1967 pointed to thirty-five to forty of 2,000 sworn officers, with Captain Dewey Russ being the highest ranking Black employee.<sup>171</sup> Attrition rates were high. The MPD was only two percent Black, “with little chance of improvement in the foreseeable future.”<sup>172</sup> Breier’s racist attitudes “permeated the entire department,” a NACCD field team representative wrote. The chief denied that Black officers possessed cultural fluency, or that their experiences and familiarity with the Black community diverged from the white rank-and-file. All personnel comprised “a vital part of our community relations program,” Breier insisted. Black recruitment “would help any police department’s community relations program,” he reasoned. Yet, Breier made no direct effort to recruit African Americans and undermined the MFPC’s efforts. Black personnel had to genuflect to white superiors in order to advance in rank. Breier, some said, undermined

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<sup>170</sup> “Interview with Terrance Pitts,” 3, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>171</sup> “Breier Says Police Force Has Record of Service to Public,” *The Milwaukee Journal*, June 13, 1968, “Accent,” 2. Of 1,800 sworn personnel on the MPD, the NACCD field team reported “only 70” were Black. Assemblyman Barbee counted no more than forty. These counts varied because the police department and MFPC did not track race in employment. “Adequacy to City’s Response to Grievances,” 1, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>172</sup> “Potential after Riot,” 1, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

promotional opportunities.<sup>173</sup> Promotion had little to do with “professional abilities.” Officers advanced because they agreed with Breier and were deemed “controllable.”<sup>174</sup>

The city appeared to take demands for improved police accountability structures, minority recruitment, and the need for culturally responsive policing seriously as the War on Crime ramped up. However, it inevitably sabotaged its own narrow reform proposals as a result of the police chief’s immense power. A prime initiative was hiring a “Community Relations Specialist” (CRS) to handle citizen police complaints, lecture on “human relations” at the police academy, speak to community groups about the police function, and recruit Black and Latinx officers.<sup>175</sup> The first CRS was appointed in November 1967, in the wake of civil unrest. The position was initially approved by Mayor Maier and the Common Council in 1966.<sup>176</sup> Richard Artisan, a Black police officer with FBI experience, got the job but resigned within six months. He stated in a public letter that “community relations programs require the involvement, cooperation, and assignment of uniformed personnel who are committed to its success.” The MFPC, Artisan alleged, delayed the implementation of new procedures, held hearings behind closed doors, and deprived its own specialist of a “functional role in processing complaints.”<sup>177</sup> He said he could not adequately represent the interests of the community.

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<sup>173</sup> The MFPC once ranked former Black detective Charles Densford second out of six officers applying for Detective Sergeant. Fifty applicants applied and six passed the examination. The chief allegedly conferred with MFPC members and lowered Densford to sixth in promotion rank without explanation. He was passed over, in his view, because he “refused to Tom.” Interview with Charles Densford, Former Detective of the Milwaukee Police Department,” 1-2, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967 - Oct. 3, 1967.”

<sup>174</sup> Densford called for an MFPC “representative of the community,” with at least one Black member, “a community relations division within the department,” and “a civilian review board to investigate complaints of police brutality.” Interview with Charles Densford, Former Detective of the Milwaukee Police Department,” 1-2, “Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967.”

<sup>175</sup> Within six months, the city’s first specialist had resigned, stating that “community relations programs require the involvement, cooperation, and assignment of uniformed personnel who are committed to its success.” *Police Isolation and Community Needs*, 69-71.

<sup>176</sup> The position was eventually funded in a 1969 Safe Streets Act grant for \$77,973. That money was matched by a state contribution of \$51,983. The 1969 grant totaled \$129,957. *Police Isolation and Community Needs*, 25.

<sup>177</sup> Reverend Kenneth Bowen replaced Richard Artisan in February 1968. Feit, “The Milwaukee Police Department, March-April, 1970,” 23-25.

Likewise, Rev. Kenneth Bowen, a Black pastor and respected community leader, referred to the job as “a sinecure to appease the black community.” The new CRS “resented the intimidation” that police bureaucrats exerted. The position lacked authority to follow up on public grievances. The department blocked the CRS from contacting accusers, even to inform them of a complaint status. When CRS Bowen criticized Chief Breier for his personal obstruction, the MFPC admonished him behind closed doors, urging Bowen not to speak to reporters. The local press objected to this exclusion, citing a freedom of information violation. Rev. Bowen began referring cases to the Wisconsin Civil Liberties Union over the MFPC. Protecting the police image and cooling opportunities for dissent seemed to be the commission’s sole priorities, not instilling justice for aggrieved citizens.

Chief Breier deliberately undermined the CRS’ utility. He offered little to no institutional support to Richard Artisan or Rev. Kenneth Bowen. Breier refused to assist on dispute resolutions between police and community members that the CRS mediated. Without the chief’s backing, and thus rank-and-file support, the CRS failed to repair damaged community relations, instill trust, and encourage Black young people to join the MPD. Breier declined to appoint the few existing Black officers on the force to help the CRS and MFPC recruitment efforts. In addition, he squandered federal money earmarked for Black and Latinx Police Aide recruitment by directing the bulk of the grant towards lecturing lower-to-intermediate elementary school children; he avoided high school students who might presently seek a police career. As CRS Bowen observed with frustration, the Breier downplayed the extent to which Black people “identified [the police] with the arm of repression.”<sup>178</sup> When the Common Council Judiciary Committee held a hearing in 1970 about strengthening the CRS and including a stronger oversight function, Breier testified that he opposed civilian review of police complaints and argued it would hinder police morale. The motion was

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<sup>178</sup> Bowen resigned as Community Relations Specialist in 1973.

shelved; more than half of the Common Council was beholden to Breier. As Louis Miller, the MFPC's first Black commissioner stated after his 1973 resignation, "None of the actions we've taken have done anything to slow down citizen complaints...the same things are being done by the police department."<sup>179</sup>

Consequently, the police bureaucracy's community relations strategy foundered. It was difficult to enact substantive reforms when the police chief possessed so much authority. "Community relations" improvements had to correspond with Breier's willingness to participate. This led to wasteful spending. For instance, federal grant money was used to purchase and outfit a "community relations mobile unit" in 1969.<sup>180</sup> Police patrolmen drove the vehicle—a customized bus—into communities of color. There, they lectured to the public on the benefits of policing careers and people's responsibilities in helping law enforcement control crime and maintain order. In 1971, an evaluation team determined that the community relations mobile unit "did not meet goals of minority recruitment or specialized training."<sup>181</sup> This failure, along with a growing number of violent police-citizen encounters, encouraged Black community leaders to take a far more active role in police testing, hiring, and training.

Administrative intransigence was not the only reason Milwaukee's police-community relations program failed to meet its objectives; the MFPC had a credibility problem. Many Black and Latinx folk saw the commission as withdrawn and beholden to the mayor and police chief. As a 1975 *Milwaukee Journal* series documented, all but one Fire and Police Commissioner had politically donated to Mayor Maier's political campaigns as of 1974.<sup>182</sup> Residents pondered the commission's capacity for hearing alleged grievances and fairly assessing police misconduct violations. The MFPC

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<sup>179</sup> "1st Black on Police Board Quits," *The Milwaukee Journal*, February 9, 1973, Part 1, 1, 13.

<sup>180</sup> The community relations mobile unit was eventually dedicated in February, 1970. Box 81, Folder 27, "Fire and Police Commission, January-June, 1970," Records of Mayor Henry W. Maier Administration.

<sup>181</sup> *Police Isolation and Community Needs*, 25-27.

<sup>182</sup> "Value of Police Commission Questioned," *The Milwaukee Journal*, February 25, 1975, Part 1, 1, 6.

had not dismissed a single police officer based on a citizen complaint since it gained the authority to do so in 1911, despite several known cases of police brutality and abuses of power. The MPD's Bureau of Internal Affairs (BIA), handpicked by Chief Breier, investigated the few police complaints that the commission heard.<sup>183</sup> The bureau denied the CRS access to police records and reports when conducting investigations into police brutality. The BIA also conducted investigations on public complaints brought by citizens to police district stations. The BIA was said to be chronically "understaffed," its employees "overworked and untrained for the subtleties of following through with complaints." Breier only appointed aging officers to the bureau who professed loyalty to the chief and the MPD's existing structures. No officers with college degrees served in the BIA. Their job, according to one researcher, was to "erase problems," nothing more. Chief Breier, Newspaper publisher Irwin Maier stated, oversaw all charges of police brutality to ensure that the truth remained concealed.<sup>184</sup>

One reason the MFPC struggled to remove abusive officers was the "freeholder's clause" in the 1911 statute, which stated that only property owners could file grievances with the commission. The Common Council voted to change the City Charter in 1968 to expand the pool of potential complainants to "qualified electors."<sup>185</sup> The Wisconsin State Assembly also approved its own procedural reform measure. Nonetheless, the MFPC continued to deny youth, passersby, and people unable to vote due to a criminal conviction from filing complaints. The Ad Hoc Committee on Police Administration (AHCPA) fought to change the verbiage from "electors" to any "person"

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<sup>183</sup> Barbara Dembski and Monroe Walker, "A Look Beyond the Badge," *The Milwaukee Journal*, February 23, 1975, Part 1, 1, 20.

<sup>184</sup> "Interview with Irwin Maier," 2, "Milwaukee, Wisconsin, Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967."

<sup>185</sup> The Common Council's judiciary-legislation committee recommended changing the state law preventing all people from filing misconduct complaints against police and fire personnel. The law had been changed from authorizing property holders to file complaints to authorizing "electors" in June 1966. The MFPC was against the change to allowing anyone to file a complaint. Alderwoman Vel Phillips said barring minors, new immigrants, suburban residents, city visitors, and "insane" people from filing complaints was "morally wrong." "Panel Urges Complaints Law Change," *The Milwaukee Sentinel*, October 1, 1968, Part 1, 5.



with a complaint, as it made a series of accountability recommendations in November 1968.<sup>186</sup>

The MFPC was historically secretive. When the WCCJ awarded the commission \$35,000 in Safe Streets Act funds to write a comprehensive plan for criminal justice improvements, a draft was submitted and adopted in a closed Common Council session. The MFPC held hearings on police misconduct behind closed doors as well. The City Attorney objected to this practice on the grounds that citizens deserved a fair hearing. The commission was not legally obligated to do so, however. Back-and-forth delayed implementation of a revised complaint procedure.<sup>187</sup> “Mired in the status quo,” the MFPC put more energy towards defending an outmoded, ineffective oversight model than towards proposing reforms that allowed the people to determine “how the department was run.”<sup>188</sup>

### *Struggling for Police Accountability*

In rejecting “police-community relations” reforms that saw a more proactive role for law enforcement in improving the social and economic conditions facing his city’s Black and Brown populations, Chief Breier and the MPD indirectly strengthened the arguments of critics who supported liberal law-and-order. His reactionary approach to police tactics and administration rendered preventative policing strategies a more attractive solution, even if these too called for a high rate of taxpayer investment and rested on precarious public perceptions of police legitimacy. This was the goal for most African Americans in Milwaukee. Black citizens wanted to be included in the police bureaucracy, believed in law enforcement’s capacity for change, and hoped to have a meaningful role in the police decision-making and oversight process. Moreover, few accountability advocates hoped to “abolish” the MPD. Rather, they aimed to reconstitute the department around

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<sup>186</sup> Freda Kellams to Betty McJunkin, November 6, 1968, Ad Hoc Committee on Police Administration in Milwaukee, Milwaukee SC 177, University of Wisconsin-Milwaukee Archives.

<sup>187</sup> Feit, “The Milwaukee Police Department, March-April, 1970,” 23-25.

<sup>188</sup> Feit, “The Milwaukee Police Department, March-April, 1970,” 24.

liberal principles of access, fairness, and inclusion. And yet, Chief Breier and Milwaukee's white-controlled political establishment treated even reformist police accountability advocates as radical leftists seeking to overthrow the established order.

In the summer of 1968, after two hundred straight nights of marching for an open housing ordinance, Milwaukee's NAACP Youth Council turned its attention towards the issue of racialized police violence. The group implored Breier to meet and discuss "police-community relations" improvements. That the chief negotiate with "the poverty stricken, the ghetto minority and the youth generation...venting their wrath upon the only identifiable image of their government, the police officer," in his view, was "hogwash."<sup>189</sup> Yet, this was the crux of the problem—police were often the only state agents that many segregated Black residents encountered on a daily basis. The YC took special issue with the department's TEU, which they perceived as a repressive unit authorized by the chief to stamp out civil rights activists and aggressively impose racial control on Milwaukee's north side.<sup>190</sup> The council gathered more than two thousand signatures for a petition that demanded one particularly violent TEU officer be removed from the unit, as well as from policing Black neighborhoods. That July, the MPD arrested two YC members at a tavern. Following this incident, the council urgently called for a meeting with the MFPC, which was evidently working with the Milwaukee Commission on Community Relations to find solutions to the inner city's policing crisis. For the YC, it was important that Black police officers, "who have an understanding of the people and their problems," take the lead in any new community relations program.<sup>191</sup> The group attended an MFPC meeting on July 26, 1968. There, they demanded the removal of Tactical Squad officer Armando Brazzoni. Father James Groppi and YC members accused him of using

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<sup>189</sup> "Breier Says Police Force Has Record of Service to the Public," *The Milwaukee Journal*, June 13, 1968, Accent, 2.

<sup>190</sup> "Core Youth Taking Up New Cause," *The Milwaukee Journal*, July 21, 1968, Part 2, 1, 6.

<sup>191</sup> Frank A. Aukofer, "Police New Target of Core Protestors," *The Milwaukee Journal*, July 21, 1968, Part 2, 6.

“threats and coercion” and “inciting violence by his attitude and action.”<sup>192</sup> Residents shared first-hand accounts of Brazzoni’s aggression, as well as the brutality of TEU officers in general. Breier, meanwhile, said he investigated the complaints and, not surprisingly, found no wrongdoing. The MFPC continued to act as a firewall for the chief. Commission chair Francis Swietlik informed the YC they had no power to tell the chief where to assign his personnel. If a qualified citizen registered a “lawful” complaint against an officer, they would conduct a trial. Alderwoman Vel Phillips attempted to compel action in the Common Council, such as transferring police officers “considered to be hostile or contemptuous toward black people.” However, her all-white colleagues voted down the proposal.<sup>193</sup>

Assemblyman Barbee, at the time Wisconsin’s only Black legislator, documented the MPD’s surveillance and often brutal practices as evidence in legislative bills that addressed Milwaukee’s unchecked police authority. This included police “tapping telephone lines,” following civil rights leaders,” “parking around their homes,” “excessive scrutiny of private lives,” “keeping police dossiers on civil rights activists,” “photographing demonstrators and those present at public hearings.”<sup>194</sup> Barbee outlined the need for Black “community patrols” on the north side, where residents “overwhelmed by invading white armies in blue” would feel safe navigating their own neighborhoods. In one of the earliest articulations of Black “community control” of the police in Milwaukee, Barbee argued that patrolmen could train Black youth and attorneys on how to educate

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<sup>192</sup> “Police Board Urged to Remove White Policeman from Core,” *The Milwaukee Journal*, July 26, 1968, Part 2, 1, 3.

<sup>193</sup> Phillips’ proposal was voted down 12-4. She did not identify specific officers, but the implication was clear: some “bad apples” had undermined police-Black community relations, escalated tensions, and engendered “bitter antagonism” among Black residents. She saw her resolution as both cost-effective and life-saving. Alderman Robert Sulkowski, on the other hand, argued that the Common Council was “not in a position to tell the chief how to run his department or assign his personnel.” Phillips, he went on, had only introduced the measure because police arrested a YC Commando. In his view, the MPD had every right to break up “clusters of youths crowded on corners.” Phillips and her allies should “stop harassing the police.” “Council Kills Request for Police Transfers,” *The Milwaukee Journal*, August 3, 1968, Part 1, 8; “Aldermen Back Vel Philips,” *The Milwaukee Star*, August 10, 1968, 15.

<sup>194</sup> “1. Experiences with Surveillance,” Box 52, Folder 19, “Miscellany, ca. 1961-1978, n.d.,” Lloyd A. Barbee Papers, 1933-1982, Milwaukee Mss 16, University of Wisconsin-Milwaukee Archives.

residents on their civil rights, register grievances, and deal with abusive police and a biased criminal-legal system that was “either unwilling or unable to believe that policemen lie.” Those who “daily experienced the ongoing denial of justice” were best prepared “to operate programs to alleviate the misadministration of justice.” As Barbee’s work with the Citizens Anti-Police Brutality Committee in 1964 and 1965 revealed, city officials ignored police brutality complaints, “regardless of the person or group to whom they were presented.” The inability to right police wrongs “through conventional channels” amplified Black community mistrust and established a dire need for reform. Barbee joined in calling for Black police recruitment and training. However, added that these programs should also educate white residents, so they would not over react to seeing African American police. Black youth must also be included in the MPD’s Police Aide program, Barbee noted.

Milwaukee newspapers confronted Chief Breier’s hands-off approach to police-community relations before civil violence struck in 1967. The *Milwaukee Journal* called for a reform program that embraced preventative approaches to controlling crime. It editorialized that white patrolmen symbolized a wider system of racial injustice to many Black citizens, who needed to feel understood in order to properly value the police function. To “help prevent trouble before it starts,” the door must be open to “persons the police regard as trouble makers.”<sup>195</sup> Police, moreover, should value citizen contributions to order maintenance. The MPD could not rely on “crowd control and riot regulation” alone. Still, the *Journal* and others making the case for police reform did not make connections between structural racism, police “boundary work,” and the persistence of poverty and crime on Milwaukee’s segregated north side. Updated human relations training programs and district level “police-citizen liaison committees” would not address policing’s core function of repressing

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<sup>195</sup> The editorial continued: “The police function can sometimes mean the difference between community harmony and community hate, between area calm or upheaval. Intimidation, badgering, the contemptuous remark, the hasty arrest for the slightest infraction—such tactics tend to aggravate the situation.” “The Police and the Negro,” *The Milwaukee Journal*, May 16, 1967, Part 1, 16.

vulnerable workers and the poor whose discontent was seen by elites as a threat to the traditional social and economic order.

A study committee formed by the Wisconsin legislature following the release of the NACCD report chided the Milwaukee police chief's "Pollyanna" attitude towards "police-community relations."<sup>196</sup> Legislators concluded that there was "as much desire for law and order" on the near north side as there was in surrounding communities. Police had to work harder to earn the respect of "the ghetto community" in order to resolve tensions. Breier's refusal to cooperate with the Governor's Commission on Law Enforcement to procure federal aid and his unwillingness to attend the 1968 International Police Chiefs Association meeting rankled investigators, who also chastised Milwaukee's Common Council for not concerning itself with police rules and practices. Aldermen historically passed resolutions on routine decisions, like changing fiscal allowances for police uniforms and transferring funds through city coffers. Increasing racial tensions between the police and Black citizens, as well as a rise in reported street crime in the late 1960s, encouraged the Common Council to debate police-community relations and the city's civilian police complaint structures. Aldermen discussed Milwaukee's lawful controls over the chief of police and the need for a rigorous police department study. Between 1965 and 1972, the Common Council introduced at least six ordinances related to police-community relations and the pacification of racial tensions. Most followed the "storm of riots" around the country from 1967 to 1968.<sup>197</sup>

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<sup>196</sup> The Wisconsin Legislative Council Advisory Committee was led by state senator Walter Chilsen (R-Wausau). Reflecting the MPD's turn away from the MPD's once robust investment in its Youth Aid Bureau, the Chilsen report noted that the department only staffed one office to deal with the now 70,000 youths in Milwaukee's "poverty area." The report, while critical of Breier's operational choices, failed to mention the MPD's history of discriminatory practices against Black citizens. In response to this criticism, Breier denied that the department had a strategic issue in connecting with Black youth on the near north side. "Our community relations program certainly reaches out to them. Westburg, "The Socio-Political Matrix of the Milwaukee Police Department," 59. "Breier Called Blind to Police Problems," *The Milwaukee Journal*, October 23, 1968, Part 1, 1, 24. Breier responded, arguing "We are relating to them...But we do not reach the militants, certain clergy, certain bleeding hearts, certain do-gooders, and certain other dissidents." The problem was not the police, but the community. "Breier Says Police Serve Well in the Core," *The Milwaukee Journal*, October 24, 1968, Part 1, 1, 11.

<sup>197</sup> Westburg, "The Socio-Political Matrix of the Milwaukee Police Department," 34.

While government studies did nothing to alter the legal parameters of police power in Milwaukee, Mayor Maier nevertheless insisted on commissioning a new one to determine how the city might reduce police-community tensions and improve the police function. Many in Milwaukee's Black community saw this as a face-saving measure. In 1968, Maier appointed the Martin-Weber Committee (MWC) to improve the organizational function of city government.<sup>198</sup> The body recommended several notable public safety improvements. Its members agreed with the growing consensus among police accountability advocates that the MFPC should have the power to remove fire and police chiefs "at its pleasure," while also setting "indefinite terms" of employment.<sup>199</sup> The MWC lamented the commission's "limited authority" on rule-making and personnel matters. Furthermore, it saw Breier's concentrated power as "a serious organizational flaw." The chief was "neither elected nor accountable to an elected official or body, directly or indirectly."<sup>200</sup> The public was blocked from offering input on how their communities were policed and lacked any institutional mechanism to address perceived misconduct.

The Martin-Weber Committee implicitly denounced the existing statutory framework of police power that privileged Milwaukee's police chief. Bringing the community into the decision-making process, the MWC argued, would provide the MPD with "a broader base than would otherwise exist for the acceptance and support of enforcement policies." Among its proposals, the committee called for a more comprehensive police function that went beyond "apprehending law breakers." Its proposals for enhanced "visibility" and oversight mirrored the Johnson Crime Commission's 1967 recommendation for more "effective legislative, executive, and judicial review

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<sup>198</sup> In January 1968, Mayor Maier appointed a 9-member committee to study and draft a proposal for the reorganization of City Hall so that it could better address resident needs. Named for its co-chairs, T. R. Martin and C. Edward Weber—respective business administration deans at Marquette University and the University of Wisconsin-Milwaukee—the committee revealed its findings in December 1968. The Martin-Weber Committee's report echoed the mayor's gradualist approach to resolving urban problems.

<sup>199</sup> "Organization Study, City of Milwaukee, submitted by the Martin-Weber Committee, December 16, 1968, Box 81, Folder 25, "Fire and Police Commission, January - June, 1969," Records of Mayor Henry W. Maier Administration.

<sup>200</sup> Martin-Weber Report, (1968), 27.

and control” of the police.<sup>201</sup> The MWC wrote that “civilian control” of the MPD be “substantially increased.” To do so, it called for the MFPC to function as a true “policy board.” “Personnel matters”—the “selection, appointment, promotion, demotion and discharge of fire and police officers”—required bureaucratic oversight, well outside of the MPD’s purview. This revised “Public Safety Board” “would exercise policy-making authority over many aspects of the Department” and be liable for “budgeting, community relations, physical facilities, organization, compensation, rules of conduct, research and evaluation of performance.”<sup>202</sup> Breier opposed the concept as “destructive of police morale.”<sup>203</sup> Around this time, the Common Council and Wisconsin Assembly both introduced bills that limited Milwaukee Police Chiefs to terms of five to six years, subject to renewal. Neither measure passed.

Racial liberals remained at the vanguard of Milwaukee’s police accountability movement in the late 1960s. A grassroots coalition, the Ad Hoc Committee on Police Administration (AHCPA), formed after the release of NACCD report in February 1968. The committee of veteran civil rights activists sought to change law enforcement policies in ways that increased Black representation, input, and oversight in Milwaukee’s police bureaucracy. They identified approaches to reforming local police administration: passing ordinances, revising statutes, applying community pressure, and enacting “test cases.” The AHCPA was rooted in Milwaukee’s legal and Catholic civil rights community. The Milwaukee Archdiocese’s social justice arm, the Council on Urban Life (CUL),

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<sup>201</sup> Maier appointed the Martin-Weber Committee on January 24, 1968. “Organization Study,” 29.

<sup>202</sup> Its creation meant transferring MFPC “personnel functions” to a “Bureau of Career Service” and its “semi-judicial function” to a “Career Service Commission.” “Organization Study,” 28.

<sup>203</sup> Feit, “The Milwaukee Police Department, March-April, 1970,” 6. The Chairman of the Milwaukee Commission on Community Relations, Paul Moynihan, supported the Public Safety Board concept. Police leadership under Breier, according to Moynihan, was the “most volatile” social problem facing the city— “one of the greatest sources of tension in this community is the stubborn refusal of the chief of police to admit that there is anything wrong.” The MPD gets “little help and cooperation” because “there are no meaningful police-community relations.” Moynihan also criticized Breier as an “anti-intellectual” with “the powers, tenure, and outlook of a 19<sup>th</sup> century Central American dictator.” Breier’s refusal to authorize “lateral entry” for new hires, which would allow college-educated applicants with criminal justice degrees enter the department above the rank of patrolman, particularly rankled Moynihan. “Moynihan Still Persistent in Goading Breier,” *The Milwaukee Journal*, December 1, 1968, Part 2, 11; “Better Trained Police Urged by Moynihan,” *The Milwaukee Journal*, March 12, 1969, Part 2, 7.

galvanized the AHCPA. A legal and ethical responsibility drove the group's police-community relations proposals. Attorney Jack Eisendrath chaired the committee, which advocated six main objectives: First, revising the 1911 statute so that all persons in first-class cities could file lawful grievances against the police, not only electors or property-holders. Second, establishing judicial review of MFPC decisions. Third, creating an independent staff with subpoena powers to review all police complaints. Fourth, expanding the MFPC from five to seven members, each serving three-year terms. Fifth, passing a statute that would limit police and fire chiefs to five-year appointments.<sup>204</sup> Finally, recruiting and promoting more Black police officers.<sup>205</sup>

The reformist AHCPA believed in procedural justice and the fair imposition of public order by law enforcement. The phrase "police brutality" was notably absent from the committee's demands. The group did not single out white racial violence committed against Black demonstrators, nor did it highlight the MPD's surveillance of civil rights activists. Alternatively, the AHCPA saw it as "essential to the maintenance of law and order in any community that citizens live with respect for the police." In turn, "an effective police force must have respect for and understanding of the people in a community in which the police seek to enforce the law."<sup>206</sup> The AHCPA noted the MPD's exceptional status, observing that people "pointed with pride to a police force which had gained a preeminent position in the Nation." However, the department's community relations program had become "sorely strained," aggravating tensions "between citizens and police in the Central City." "Riots and destruction" were not the answer, but neither was the "sheer force and violence" employed by police against groups of color "yearning...for social acceptance."<sup>207</sup> The

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<sup>204</sup> "Alderman to Seek Police Changes," *The Milwaukee Journal*, July 12, 1968, Accent, 3.

<sup>205</sup> "The Problem of Police-Community Relations in Milwaukee," Ad Hoc Committee on Police Administration in Milwaukee, Milwaukee SC 177.

<sup>206</sup> "Report of the Ad Hoc Committee on Police Administration in Milwaukee," Social Action Vertical File, circa 1960-1980, Mss 577, Wisconsin Historical Society, Division of Library, Archives, and Museum Collections.

<sup>207</sup> The "alienation of community institutions," including the police, "must be recognized, and forthright steps taken to remove disruptive tensions." "Report of the Ad Hoc Committee on Police Administration in Milwaukee."



AHCPA delivered its recommendations to Mayor Maier's Committee on City Government Reorganization on February 29, 1968.<sup>208</sup> For the first time, Milwaukee police accountability advocates looked to set term limits on the police chief, as well as a mandatory performance review.

The support of Black elected officials helped further the AHCPA's agenda. Alderwoman Vel Phillips worked with the committee to draft ordinances and introduced them in the Common Council. She argued that Chief Breier was "accountable to no one but himself," that he possessed "vast powers" in need of being reined in.<sup>209</sup> On July 12, 1968, Phillips proposed a measure that empowered any person eligible to vote in the state, a "qualified elector," to register a police complaint with the MFPC. This measure would supplant the "freeholder" requirement written into state law. It passed the Common Council and informed the legislature's subsequent decision to remove the property requirement from the 1911 statute. Unfortunately for Phillips, her colleagues shelved the remainder of the AHCPA's recommendations. One required the MFPC to investigate all police complaints and establish an independent staff within the commission to assist with processing citizen grievances. The Community Relations Specialist would also gain access to police misconduct files.<sup>210</sup> Another proposal would have established "a proper police-community relations program inside the MPD," as lobbied for by the AHCPA. Finally, Phillips had proposed that the police chief assign more Black officers to north side districts.

The Council on Urban Life, beyond its leadership capacity in the AHCPA, worked to address the "deep hostility" and "abrasive relationships" between Black citizens and the police.<sup>211</sup>

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<sup>208</sup> "Restrictions Asked on Chief of Police," *The Milwaukee Journal*, February 29, 1968, Part 2, 1-2.

<sup>209</sup> "Panel Asks Study of Police Chief," *The Milwaukee Sentinel*, February 29, 1968, Part 1, 5.

<sup>210</sup> Milwaukee's City Attorney argued the complaint investigation process could only be changed at the state level. Also, Section 23, Ch. 586 (1911) named the police chief as sole custodian of department books and records. Only Breier could inspect the books, with any decisions reviewable by the courts. This resolution was placed on file in January 1970 and shelved. Westburg, "The Socio-Political Matrix of the Milwaukee Police Department," 37-38; December 17, 1968 letter, "Ad Hoc Committee on Police Administration in Milwaukee."

<sup>211</sup> The CUL served as a social planning and urban affairs non-profit that operating under the Milwaukee Archdiocese. "Preliminary Report to the Priest's Senate," June 11, 1968, 2, "Police Community Relations, 1967-1971," Council on Urban and Rural Life Records, Subject Files, 1966-1984, Marquette University Archives.

The “social planning and urban affairs” non-profit played an active role in supporting Black-led struggles for school integration, open housing, and welfare rights. Father Patrick Flood, its Executive Director, was a staunch human rights advocate inspired by the civil rights movement and the Catholic Church’s Vatican II reforms.<sup>212</sup> He sat beside Father Groppi in September 1967 when the YC advisor testified to the MPD’s brutal treatment of Black citizens before the NACCD in Washington, D.C. The two priests joined YC Commandos and community representatives from Watts, New York, and Omaha.<sup>213</sup> When it came to policing, the CUL’s Social Action Committee acknowledged that grassroots activists lacked coordination on police reform. “Fragmentation” and a lack of “organization and unity” frequently undermined change. The CUL spoke out in support of Milwaukee’s new Black Panther Party chapter, which was experiencing police intimidation and retaliation from the MPD *and* FBI. The police “are not repressive because they are sadistic monsters,” Flood remarked. Rather, “they are because they sense that repression is what society expects from them in regard to blacks, browns, the poor and the politically unpopular.” The CUL admonished the MPD and MFPC’s “unparalleled secrecy.” It was no wonder that the public had a “complete lack of faith” in the criminal justice system. The council criticized Breier’s lifetime tenure and his refusal to cooperate with investigative and regulatory bodies, such as the Johnson Crime

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<sup>212</sup> An associate pastor, Flood served as the Council on Urban Life’s Executive Director from 1967 to 1975.

<sup>213</sup> YC Commandos Dwight Benning and James Pierce joined Groppi and Flood, as well. At the hearing, Groppi expressed skepticism of government committees, formed in the wake of civil violence. He said too often, they took no substantive action in dealing with entrenched economic racism. Groppi detailed the MPD’s conflation of non-violent civil rights protest with the more confrontational and destructive dissent displayed during the civil disturbance. Chief Breier “identified a demonstration and a picket line as being synonymous with a riot.” Groppi then castigated the racial double-standard used by the press and city officials to describe violent behavior: “When we talk about preaching nonviolence, I think we ought to do it in the white community first.” Milwaukee’s Black community, Groppi cautioned, was grappling with “the effects of the white man’s problem.” It was white discrimination and segregation that relegated African Americans to “the secondary status in the American system.” White-contrived policies created the “frustration and hopelessness” that spilled out into rioting and police-community violence. Groppi continued, “When we teach him nonviolence, then I think we ought to talk about nonviolence in the black community. If he is not going to be nonviolent, I don't think the black man should be told to be non-violent.” “Commission Meeting, September 21, 1967,” 1518-1615, Folder, 001346-003-0538, Civil Rights During the Johnson Administration, 1963-1969, Part V, Lyndon Baines Johnson Presidential Library, Austin, Texas.

Commission, the NACCD, and the WCCJ, which administered Safe Streets Act funding.<sup>214</sup>

Carrying on the Citizens Anti-Police Brutality Committee's legacy of documenting the MPD's racialized violence, the CUL gathered testimony from Black residents who experienced police mistreatment. It used this evidence to support federal police brutality complaints and court filings. For instance, the council documented the case of Mattie Shaw, a Black mother living on Milwaukee's north side. Shaw saw two white police officers enter her house without a warrant. Inside, they threatened her sons with physical violence. Another individual, Avelardo Valdez, said an MPD officer brutalized him while walking on the all-white South Side. He filed a complaint with the police department, but never heard back. Police questioned Mattie Gulley Westbrook's son for several hours over a purse snatching he did not commit. Agnes Copeland's son Michael was "detained, roughed up, handcuffed, and questioned by police for no reason." James Coleman claimed he was "severely beaten by police." He filed a police brutality claim with the MFPC, but it was rejected because he did not own property.<sup>215</sup> Charges against Coleman were dismissed by a Milwaukee County court. Soon after, the Wisconsin ALU then filed a federal lawsuit on Coleman's behalf. Mary Robinson's daughter was "roughed up" by law enforcement. Police kicked in her front door and chased her kids around their own house. Sherry Walden was "beaten and sworn at," then arrested and thrown into a police wagon outside the Milwaukee Arena. Walden was charged with disorderly conduct after inadvertently striking an officer. Barbara Mabra was several months pregnant when police barged into her home without a warrant. They knocked her over while trying to arrest her husband on gambling charges. James Simmons was bitten by an officer at the Milwaukee Safety Building and had his jaw broken.<sup>216</sup> These troubling accounts of police brutality

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<sup>214</sup> "The Police Problem in Milwaukee," 1-2, Box 2, Folder 13, Council on Urban and Rural Life Records, Subject Files, 1966-1984, Police Community Relations, 1967-1971.

<sup>215</sup> Barbara Dembski and Monroe Walker, "Justices Upheld Penalties," *The Milwaukee Journal*, March 3, 1975, Part 1, 10.

<sup>216</sup> "The Police Problem in Milwaukee," 1-2.

illustrate the profound disrespect, dehumanization, and violence that the MPD meted out against Black and Latinx residents, as well as the consequences of lax accountability. Police had license to use violence, knowing full well the department had their back.

The grassroots struggle for police accountability became more cross racial in the late 1960s. Latinx migrants and some Afro-Latinx people and their descendants also faced police brutality and challenged it accordingly, often working in partnership with Black-led Civil Rights-Black Power organizations. Mexican-American activist and labor organizer Ernesto Chacon helped establish Milwaukee's Latin American Union for Civil Rights (LAUCR) in 1968. The organization, composed mostly of Mexican-American and Puerto Rican residents, fought to increase social services for Latinx Milwaukeeans. The group confronted a familiar set of conditions—labor exploitation, housing discrimination, and education bias. The LAUCR collaborated with the NAACP Youth Council and was supported by Assemblyman Barbee and Alderwoman Phillips.<sup>217</sup> *La Guardia*, a bilingual community newspaper published by Avelardo “Lalo” Valdez, railed against Chief Breier and the MPD's oppressive authority on the city's near south side. While conservative Latinx residents largely supported law enforcement, a number of Brown youth, young adults, tavern patrons, and members of rights-based organizations “working to correct racism and deprivation” related experiences of police harassment and brutality.<sup>218</sup> The MPD engaged in a “police riot” against Latinx demonstrators in March 1971. Militant Latinx organizations on the left, including the LAUCR, Young Lords, and Spot Centro Nuestro, decried reformist approaches that framed policing as “workable in general.” They refused to accept liberal arguments about the “maladjustment” of Latinx newcomers over the “racism and bad administration” at the heart of the policing system.

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<sup>217</sup> Black and Brown activists joined forces on a seven-month protest of Allen-Bradley Corporation for the firm's discriminatory hiring practices in 1969. Joseph A. Rodriguez, “Mexicans,” *Encyclopedia of Milwaukee*, accessed February 17, 2020, <https://emke.uwm.edu/entry/mexicans/>.

<sup>218</sup> “Some People Call Him Pig, because That's What He Is!!!,” 1, Folder 72, Box 1, La Guardia Records, in possession of Sergio Gonzalez, Marquette University.

Many argued the MPD reflected the white ruling class's desire to suppress "working people, welfare people, youth minorities," and other "stepped on" groups. Those who fought for "civil rights, human rights, justice, and freedom for Spanish Speaking people and poor people" were "enemies of the existing social order."<sup>219</sup>

Few studies critiqued the police power like Kenneth Feit's two-part investigation, published in 1971. The 29-year-old seminarian researched the MPD for nine months under the auspices of the CUL. His research anticipated the criticisms leveled against Chief Breier and the police bureaucracy by the Wisconsin State Committee of the U.S. Civil Rights Commission in 1972. Feit provided "a systematic analysis" of the department, advocating for structural changes to police operations.<sup>220</sup> His study evaluated police recruitment and training, assignments and promotions, citizen complaints and police-community relations, police administration, and the coercive actions of the TEU. It expanded on the NACCD's 1968 findings, revealing an operationally flawed, racist structure that functionally undermined reform. Feit identified two fundamental issues. First, civilians had virtually no role in the day-to-day affairs of the MPD. Second, police personnel were prevented from showing "professionalism and self-determination" in the workplace.<sup>221</sup> Breier's reactionary leadership, Feit ascertained, was the reason for the department's internal and external deficiencies, especially on matters of oversight, community relations, and minority recruitment. The MFPC, he determined, was not an adequate civilian review board. It deferred power to the police chief and failed to adjudicate charges of police violence. The CRS lacked authority to set and implement community

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<sup>219</sup> "Some People Call Him Pig, because That's What He Is!!!" 1.

<sup>220</sup> Feit was also a Marquette High School history teacher. He maintained that he did not write the report to criticize the department or attack Chief Breier personally, but to explain why police abuse and exploitation endured. Feit said his goal was to improve police services and the work experiences of individual officers. As with all other external investigations of the MPD and its conduct, Breier chose not to cooperate in the study. Many rank-and-file officers, the MPPPA, various south side aldermen, and several prominent white residents objected to the CUL's account of the MPD's internal dynamics. Kenneth P. Feit, S.J., "To the Editor of the Sentinel," June 19, 1970, "Police Community Relations, 1967-1971," Council on Urban and Rural Life Records, Subject Files, 1966-1984, Marquette University Archives.

<sup>221</sup> Feit, "The Milwaukee Police Department, March-April, 1970," 28-29.

relations policies. Instead, they experienced intimidation from both the police chief and MFPC.<sup>222</sup> In regards to the MPD's lackluster record of Black recruitment, Feit identified four barriers: the department's negative public image, the relative scarcity of African Americans in command positions, the frequent disqualification of Black and Latinx recruits for "economic" and "culturally-determined" reasons, and the pervasive racism on the force.<sup>223</sup> As the seminarian concluded, "all of this pointed to a structural problem within the Police Department itself...a conspiracy of silence...too much secrecy and too much power in the hands of one man." Chief Breier's consolidated power isolated the MPD from the communities it overpoliced and underprotected. This not only affected residents, but encouraged low morale on the department.<sup>224</sup> Reforms that failed to directly address the chief's power would provide only "an illusion of change."<sup>225</sup>

### *Conclusion*

Through his reactionary application of law-and-order, ironclad grip on police power, and racist dog whistles, Chief Breier undermined police accountability and the Black-led struggle to transform Milwaukee's police bureaucracy into a more equitable, culturally responsive law enforcement system. His symbolic authority derived from his white south side roots and parochial attitudes on race, gender, and sexuality.<sup>226</sup> That influence was reinforced by a criminal-legal system and police bureaucracy that reflected white south side political, business, and labor interests.

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<sup>222</sup> After leaving the position, Bowen said the CRS represented nothing more than a superficial attempt by white city officials to appease disgruntled black residents. He called out the city's "unimaginative" police recruitment program, which relied on "outdated" physical and educational requirements and limited hiring to state residents only. The position itself was not financially rewarding, offering low pay and "little promise of advancement."

<sup>223</sup> He also connected the harmful effects of racial segregation—inequitable and under-resourced schools, "poor nutrition," and a greater likelihood of possessing a "criminal record"—to the failure of many Black applicants testing for patrolmen. Feit, "The Milwaukee Police Department, March-April, 1970," 14-16.

<sup>224</sup> "Police System Here Likened to Papacy," *The Milwaukee Sentinel*, June 6, 1970.

<sup>225</sup> Feit, "The Milwaukee Police Department, March-April, 1970," 29.

<sup>226</sup> The MPD's Vice Squad was known to "harass" and "bait" gay Milwaukeeans through entrapment before making disorderly conduct arrests. "Enticement" by police was a legal maneuver. "Vice Squad Zeroes in on Gays," *Kaleidoscope* 3 (10) (1970), 4.

However, Breier's legal authority stemmed from the 1911 statute that granted Milwaukee public safety chiefs life tenure and near-absolute policymaking and regulatory power. Revising that statute, which the police chief defended at every turn, emerged as the principal goal of accountability activists in the 1970s. Breier's commands over police operations, opposition to external review and federal interventions, and racist perceptions shaped the strategic direction and reputation of his department in lasting ways. He maintained an insulated, militarized, and reactive police force. The MPD manufactured consent to police counterinsurgency through Breier's acts of rhetorical criminalization, violent police boundary work, and the effecting of arrests.<sup>227</sup> No public figure was more consequential in fomenting mistrust of the police and denying the reality of Black claims of racialized police violence than Harold Breier.

Breier's tenure did not mark a complete disjuncture with the past, as some scholars have suggested.<sup>228</sup> While it is true that the "chief for life" clung to "the unfettered authority that his lifetime tenure and total control over police policy and procedures gave him," previous MPD chiefs enjoyed the same privileges.<sup>229</sup> Where Breier differed was in his rejection of law enforcement liberalism—both in terms of his rhetorical leadership and administrative practices. Breier exacerbated an existing set of racialized criminal-legal and law enforcement arrangements. Chiefs Joseph Kluchesky and John Polcyn, for instance, masked racist understandings of Black life and culture in a more liberal, assimilationist veneer that reinforced the MPD's progressive national standing. Breier, on the other hand, lifted any pretense that the MPD must adhere to liberal administrative principles, police training, or departmental rule-making. Unlike his predecessors,

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<sup>227</sup> Racism within counterinsurgency helped to ensure the survival of capitalism in the face of recurrent threats to the traditional social and economic order. Camp and Greenburg, "Counterinsurgency," 2.

<sup>228</sup> Kelling, *Policing in Milwaukee*. Historian Simon Balto has filled portions of this narrative gap. See: Simon Ezra Balto, "The Laws of the Land: Race, Policing, and Public Narratives of Working-Class Black Criminality in Post-World War II Milwaukee" (Master's thesis, University of Wisconsin-Madison, 2010).

<sup>229</sup> George Kelling, "Milwaukee Police Department," *Encyclopedia of Milwaukee*, accessed November 9, 2019, <https://emke.uwm.edu/entry/milwaukee-police-department/>.

Breier refused to embrace the guidance or policy proposals of outside experts, or to participate in public safety discourses and commissioned government studies that challenged his views. Anything threatening to limit his sole authority was out of bounds. In turn, Breier no longer concealed the MPD's reliably poor treatment of poor and working-class Black and Latinx residents behind a veil of social progress. Instead, he quashed public dissent from white supremacy through openly coercive policing tactics marked by routine harassment, surveillance, and intimidation. Breier preserved Milwaukee's reputation for efficient crime control through a no-nonsense, counter-insurgent projection of police power. His leadership style was closer to Chief John Janssen's: secretive and unyielding. Only for Breier, the MPD's perceived enemies were no longer European immigrant workers, but rather low-income Black "militants" and civil rights activists.

The timing of Breier's reactionary law-and-order turn matters; he resisted liberal police reform proposals at a critical juncture of federal statecraft in the late 1960s. To better maintain order in America's riot-torn cities, federal officials tried to reign in discretionary police power and ensure civil rights compliance across the nation's intricate criminal justice system through commissioned studies, the introduction of new policing guidelines, and highly coordinated and massive taxpayer investments in the policing and penal initiatives that comprised the War on Crime. Breier's reactionary law-and-order tactics contradicted liberal efforts to globally project police power in America as racially inclusive, democratic, and lawful.<sup>230</sup> He refused to move on civil rights demands for diverse police representation, input, and oversight; bypassed federal and state investigations into the causes of its 1967 "civil disturbance"; and dismissed criminological findings that recommended more preventative public safety measures. The data that social scientists gathered in the late 1960s shaped national policing debates and policies, including the Omnibus Crime Control and Safe

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<sup>230</sup> As historian Nikhil Pal Singh argues, this vision was a myth considering the numerous proxy and covert military campaigns that the U.S. engaged in throughout the Cold War period in an effort to maintain global supremacy. Nikhil Pal Singh, *Race and America's Long War* (Berkeley, CA: University of California Press, 2017), 5.



Streets Act of 1968. Alternatively, Breier fought to preserve the MPD's state-sanctioned independence. This encouraged his staunch defense of "law-abiding," i.e. white Milwaukee residents and informed his forceful calls to maintain the city's "good order." At the same time, Breier welcomed government investments in police militarization and "riot control." Emboldened by conservative public support, Chief Breier readily embraced federal law enforcement assistance when it aligned with his reactionary program to counter civil rights insurgency and aggressively control crime, particularly on Milwaukee's north side.

Racial demographic shifts, gaining civil rights insurgency, and federal interventions revealed the limits of urban liberalism as a vehicle for change in Milwaukee. It exposed the myth about the city's narrative of policing exceptionalism that many Black residents knew already. Given the extent to which coercive order maintenance policing strategies like over-saturation, "close surveillance," and stop-and-frisk already disrupted Black lives on Milwaukee's north side, Black community leaders saw continuities in the MPD's tactics under Breier. Liberal or reactionary law-and-order tended to produce similar results. The sustained direction of police resources and attention towards Black and, to a growing extent, Latinx spaces engendered a steady stream of stops, arrests, and violent police-citizen encounters. The MPD helped advance the criminalization of Black and Brown people in the eyes of a fearful white public, while further provoking an "us versus them" policing mentality. The department's occupational presence and aggressive order maintenance function exacerbated deteriorating economic conditions in tandem with employment, housing, and education discrimination. While the police were not the only agents of the state responsible for diminishing Black life chances, civic access, and structures of opportunity, they clearly stood as the most "visible and easily accessible symbol of a society that many Negroes feel is unjust."<sup>231</sup>

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<sup>231</sup> This quote comes from a *Milwaukee Journal* editorial. It continues: "The police function can sometimes mean the difference between community harmony and community hate, between area calm or upheaval. Intimidation, badgering, the contemptuous remark, the hasty arrest for the slightest infraction—such tactics tend to aggravate the situation."

Whether the MPD was viewed as exceptional for its efficient crime control and reform-orientation or its counter-insurgent aggression and resistance to police-community relations programs, Black Milwaukeeans experienced a more coercive and severe brand of law enforcement during Chief Breier's tenure. His reactionary approach underscored the urgency for Black civil rights activists to address police power. Discriminatory treatment remained a through line for Black and, increasingly, Latinx citizens relegated to a segregated and unequal urban terrain that demanded race-conscious, non-punitive safety measures. Intensifying police violence raised the sense of urgency among Black and allied police accountability advocates, who mostly sought reformist objectives, like increasing Black police representation, input, and oversight. Police accountability advocates saw raising access and opportunity as the most effective means of curbing ongoing challenges around police violence and unresponsiveness to Black public safety concerns. From racial liberals in the Ad Hoc Committee on Police Administration to Milwaukee's more radical Black Panther Party chapter, accountability advocates expressed a range of ideological vantage points. All fought to remake policing so that it would better serve those living on the social and economic margins. Garnering a greater measure of control over who applied police discretion, enforced the law, and regulated police actions across heavily-policed spaces of color made sense as movement objectives.

Chief Breier's reactionary approach re-contoured Milwaukee's narrative of policing exceptionalism around his rejection of police reform. The narrative's 180-degree shift developed in tandem with Black Milwaukee's gaining civil rights insurgency, just as its liberal law-and-order heyday relied on the suppression of poor Black migrants. Chief Breier's aggressive handling of the 1967 civil disturbance and subsequent civil rights demonstrations affirmed his legitimacy among a majority of white residents and civic elites. He stubbornly denied that Black residents faced a unique policing crisis and saw police misconduct allegations and complaints of abuse as a subversive threat

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"The Police and the Negro," *The Milwaukee Journal*, May 16, 1967, Part 1, 16.

to police legitimacy. Breier presented a dramatic foil for Black and allied accountability advocates. But his presence was also a double-edged sword. His authoritarian rule of the MPD, repressive street-level tactics, and broad political influence complicated the public safety landscape. Breier's rejection of liberal law-and-order obscured the fundamental problem that policing itself functioned as a tool of racial and class suppression. No reform had ever transformed this dynamic. His overall resistance to federal policing recommendations, such as establishing an internal community relations bureau or strengthening police-community partnerships, narrowed the focus of accountability groups. Breier's stewardship of the MPD delayed the ability of police accountability activists to overhaul Milwaukee's policing structures in ways that more meaningfully served Black community health and safety concerns. Scrutinizing where Breier's authority emanated from, curtailing his power, and thus rendering the MPD more amenable to liberal procedural reforms occupied much of the movement's energy in the 1970s. This focus eventually resulted in tangible statutory reforms, including the empowerment of the MFPC and City Hall to set police rules and implement oversight. But it also meant continued government investment in policing as a solution to urban ills rooted in race-based economic inequities.

## CHAPTER FIVE

### Envisioning Community Control of the Police

With Police Chief Harold Breier, police bureaucrats, and elected officials shielding police misconduct, the Milwaukee Police Department (MPD) continued to surveil, neglect, and brutalize Black citizens with impunity during what historians have termed the “long 1970s” (1969-1984).<sup>1</sup> In response, civil rights and Black Power organizations persisted in challenging unchecked police violence and indifference, while waging new battles over internal discrimination and minority recruitment. However, in this post-Civil Rights Act period, Milwaukee’s policing system remained broadly immune to change. State law still empowered Chief Breier to run the MPD free of political interference and oversight. An abiding faith in the necessity of law enforcement as a means of managing inequality, containing social discord, and regulating street crime endured. Support from Milwaukee’s white majority reinforced the police department’s sense of legitimacy and imperviousness to change. Breier was a near immovable object to both liberal reformers and Civil Rights-Black Power groups demanding a radical overhaul to the public safety apparatus. He even refused to coordinate with federal agencies trying to advance a national War on Crime that was injecting millions of dollars into local law enforcement.

Still, the long 1970s saw a diverse range of citizens and government actors alike chip away at Chief Breier’s authority, while also visualizing new modes of neighborhood safety that derived from the self-determined needs of “overpoliced and underprotected” people themselves.<sup>2</sup> “Community control” of the police emerged as a rallying cry for Black Power activists and allies engaged in Milwaukee’s struggle for police accountability. This chapter focuses on the emergence of community

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<sup>1</sup> Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: Simon and Schuster, 2001), 4.

<sup>2</sup> Joe William Trotter, Jr., *Black Milwaukee: The Making of an Industrial Proletariat, 1915-1945*, 2<sup>nd</sup> ed. (Urbana: University of Illinois Press, 2006), 118.

control in the late 1960s and 1970s, locating its place in the longer movement and tracing its relationship to more moderate reform efforts. At the same time that Black Power groups articulated their vision for community control, racial liberals sought to harness federal civil rights law to force the MPD into compliance on its hiring and oversight practices.

Community control activists and liberal reformers alike strove to overcome Chief Breier's reactionary stewardship of the MPD. However, they approached that task with different goals in mind. The former articulated a vision for community control out of life-or-death urgency, particularly given the disproportionate rate with which Breier's regime was ending Black lives. Recurrent police violence on Milwaukee's north side from 1968 to 1975 reinforced longstanding frustrations with the city's whitewashed police bureaucracy. Survival was the first concern, as law enforcement was legally empowered to kill. Locating police authority in the hands of the marginalized, mauled, and murdered was the only recourse. Community control advocates understood the MPD's "us against them" mentality emanated from the top-down. Breier showed no desire to change course; therefore, poor and working-class Black folk had little choice but to envision an entirely different system that located power at the grassroots. Community control was a counter-argument to reactionary law-and-order. But it also marked a departure from liberal law-and-order in its affirmation of Black humanity, dignity, and self-empowerment. The concept rejected Black exceptionalization by the police. In an era of worsening deindustrialization, budget austerity, and retributive statecraft, community control reflected Black peoples' will to solve urban problems on their own terms. It brought together Black Power activists, civil liberties advocates, and Black political representatives. Their collective struggle mattered, in part because it helped move the state legislature to act on redirecting police power in Milwaukee away from the police chief and towards democratically elected or appointed bodies.

Liberal reformers, on the other hand, prioritized the democratization of the MPD in the

interest of preserving public order. As Black Milwaukeeans outlined their vision for community control of the police, federal officials continued to wage a War on Crime that was designed to expand police power on liberal terms. The federal state was investing huge sums of money in local policing and criminal justice initiatives. At the same time, the U.S. Justice Department and other federal agencies wanted to ensure that local police departments were more representative of historically overpoliced communities of color, more value-neutral in their discretionary practices, and more preventative in their crime control function. As the U.S. Civil Rights Commission detailed in a 1972 study, and as Black and Latinx residents knew all too well, the MPD had a long way to go in terms of meeting the expectations of federal bureaucrats. Washington D.C.'s interests—as well as most racial liberals in Milwaukee—centered on preventing unrest and diminishing crime. The federal government prioritized upholding the social and economic order and limiting opportunities for dissent, especially from radical Black political organizations like the Black Panther Party. Expanding minority recruitment was seen as a means of improving “police-community relations” and preserving order. Diverse representation in law enforcement was a top priority, as well as an overlapping demand with community control activists. Officers who lived in the neighborhoods they patrolled and looked like the citizens they policed were, both parties held, more likely to keep the peace free of violent conflict. Police and citizens would, ideally, build trust, minimize tensions, and effectively prevent crime together.

Acting at the behest of Black citizens and Black police officers, federal agencies and the courts played an important role in moving the MPD towards a more democratic system in the 1970s. Federal officials in the U.S. Justice Department rendered the MFPC's recruitment process, if still imperfect, more racial and gender inclusive by mandating affirmative action. But they also emphasized civil rights compliance to help shore up the machinery of policing, strengthening public perceptions of law enforcement's legitimacy. In the process of investigating Milwaukee's police

department and ruling on the civil rights complaints of MPD personnel, they further exposed the city's historically racist law enforcement system. Here, federal agencies held up the liberal law-and-order era (1930s-1950s) as exceptional, without considering the extent to which police discriminated against and criminalized Black residents in this period. In any case, federal bureaucrats looked to create pathways of access and opportunity in the current moment. One way the courts did so was by filing binding orders, called "consent decrees," that mandated affirmative action hiring and set goals, checkpoints, and conditions for police bureaucrats to meet. Local officials either fell in line with federal civil rights provisions or lost valuable block grant funding. City Hall needed federal aid to equalize property tax shortfalls, so it supported compliance. Unfortunately for reformers, they still had to contend with a strong-willed chief who was, at least as he saw it, entitled to disregard federal interventions. Breier fought hard to preserve his autonomy, whether that meant challenging various recruitment directives or resisting a U.S. Attorney's investigation into the MPD's history of racialized violence.

Both community control advocates and liberal reformers shared the goal of hiring more Black officers as part of transforming local policing. For community control advocates, Black police patrolling in Black districts signaled a greater likelihood for respect and, thus, survival. Decades of repressive enforcement tactics administered at the direction of white police officials encouraged Black activists to demand more law enforcers who looked like them. They desired responsive peacekeeping from individuals who understood their culture and history in relation to white supremacy. In truth, Black police recruitment totals fell below their anticipated number. Reformers encountered a lack of support from City Hall, feeble MFPC recruitment campaigns, and internal police racism so vehement that it either precluded Black applications or forced African American officers from the job, sometimes before they could finish probationary periods. A lack of accountability inside the MPD reflected lax accountability structures outside.

As community control advocates and racial liberals reimagined police power in Milwaukee, two forces also gained political influence in the city's public safety discourse during this period. First, a growing neighborhood movement coalesced. Led by liberal homeowners in racially transitioning neighborhoods, it featured a diverse set of middle-class voices. Community associations prioritized crime and safety issues at a moment when residents were losing faith in municipal institutions. Neighborhood groups believed police bureaucrats, especially Chief Breier, could do more to help communities proactively control crime and reign in police violence. They supported "community-oriented" policing, an emerging approach to crime control that threatened to up-end "reform era" policing.

Second, the Milwaukee Professional Policemen's Protective Association (MPPPA) loomed as a dominant voice of opposition to calls for procedural reform and the disciplining of officers accused of misconduct. The association first organized in 1909 to defend MPD personnel who faced civil litigation. In the early 1970s, it used the arbitration process to establish itself as a powerful foil to Chief Breier and police accountability advocates. While ranking association members backed the chief's wider agenda and valued his support when police came under attack from critics, the MPPPA dissented from Breier's strict rules and opposition to making "community relations" improvements. To union leaders, the status quo left rank-and-file officers vulnerable to violent crime, especially on the north side. Both the MPPPA and Milwaukee's neighborhood movement found inspiration in rights-based campaigns meant to build political power for interest groups. Whether defined by race, profession, or residential status, Milwaukeeans of all stripes organized self-help units dedicated to advancing their interests amid waning faith in technocratic governance.

*The War on Crime in Milwaukee*



Historical context is key when tracing Milwaukee's Black-led struggle for community control. Most importantly, the long 1970s saw an unprecedented federal expansion of police power. First initiated by the liberal Johnson administration in the wake of the 1960s urban rebellions, the national War on Crime grew under President Richard Nixon and his successors.<sup>3</sup> The Republican candidate won election in 1968 calling for a return to "law and order" in response to public anxieties around urban crime, civil violence, the counterculture, identity-based activism, campus revolts, and protests against the war in Southeast Asia.<sup>4</sup> Rising fears about crime, disorder, and protest had been a subtext of the final Omnibus Crime Control and Safe Streets Act of 1968. Nixon vowed to prevent further unrest in America's cities and, like his Democratic predecessor, saw law enforcement as critical to restoring order within low-income African American communities. Nixon unified working- and middle-class white suburban voters under a shared message organized around racialized fears of continued political upheaval. As historian Christopher Agee writes, "conservatives would unleash the police to enforce traditional standards of citizenship in the streets and would exclude untraditional perspectives from government debate."<sup>5</sup>

In this context, liberals worked to convince the "law-and-order administration" that affirmative action policies would serve as "a bulwark against urban disorder."<sup>6</sup> The executive branch upheld the provisions of the 1964 Civil Rights Act and supported efforts to diversify police

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<sup>3</sup> As historian Elizabeth Hinton has shown, the roots of the 1960s War on Crime can be traced back further, to the Kennedy administration's "juvenile delinquency" control initiatives in the early 1960s. Elizabeth Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America* (Cambridge, MA: Harvard University Press, 2016).

<sup>4</sup> The Nixon campaign pursued a "Southern Strategy" to win over "Dixiecrats" in the former Confederacy, trafficking in racist dog-whistles that also appealed to white middle class suburban and urban blue-collar voters anxious about similar racial, social, economic, and cultural issues. See: Michael W. Flamm, *Law and Order: Street Crime, Civil Unrest, and the Crisis of Liberalism in the 1960s* (New York: Columbia University Press, 2005). Nixon appealed to some Black conservatives and disaffected liberals eager to garner more control over inner city neighborhoods, free of patronizing government interventions. Gesturing towards "Black capitalism" and race-conscious entrepreneurship, candidate Nixon appeared to support efforts to build Black economic self-sufficiency. But his administration offered no direct federal aid. Keeanga-Yamahata Taylor, *From #Black Lives Matter to Black Liberation* (Chicago: Haymarket Books, 2016), 85.

<sup>5</sup> Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1952-1972* (Chicago: University of Chicago Press, 2014), 12.

<sup>6</sup> Timothy J. Lombardo, *Blue Collar Conservatism* (Philadelphia: University of Pennsylvania Press, 2018), 123.

agencies. However, that did not mean Nixon supported liberal law-and-order reform goals. In fact, the administration's "get tough" approach largely reflected Chief Breier's hardline views on race and policing. Both Nixon and Breier opposed Supreme Court decisions that protected the rights of criminal suspects and decriminalized status offenses, diminishing police discretionary authority.<sup>7</sup> Nixon was clear about what he saw as the root cause of crime, arguing it was "insufficient curbs on the appetites or impulses that naturally impel individuals towards criminal activities."<sup>8</sup> As such, "surveillance, sentencing, and incarceration strategies" grew more punitive under his direction.<sup>9</sup> The Nixon administration increased criminal convictions and imposed harsher sentencing guidelines, particularly on drug crimes, while strengthening U.S. courts and prisons.<sup>10</sup> In the process, "the nation's incarcerated population transformed from majority white to majority black and Latino."<sup>11</sup> Nixon's team worked to roll back domestic social welfare and anti-poverty spending. Alternatively, the Johnson administration had emphasized growing police power, while continuing to support rehabilitative criminal justice outcomes and funding cities in ways that addressed economic inequality and poverty.

The Nixon administration's War on Crime, like Johnson's, focused on containing poor and potentially "rebellious" urban communities of color. Both administration's targeted "segregated

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<sup>7</sup> Supreme Court rulings, like *Miranda v. Arizona* (1966), recognized the civil liberties of criminal suspects. Conservatives viewed these decisions as too permissive. The decriminalization of local status offenses, like vagrancy, also nurtured "the conditions for more unrest," requiring a "reassertion—and expansion—of police power and discretionary authority" in poor and working-class urban spaces. Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD* (Chapel Hill: The University of North Carolina Press, 2018), 43.

<sup>8</sup> Quote in James Forman, Jr. *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017), 76.

<sup>9</sup> For instance, the Nixon administration built hundreds of new prisons and jails at state and federal level, introduced mandatory minimum sentencing in the District of Columbia Court Reorganization Act of 1970, "sanctioned the practice of holding suspects in jail without formal charges" and established new offender categories to ensure longer terms of incarceration. Hinton, *From the War on Poverty to the War on Crime*, 138.

<sup>10</sup> In 1971, President Nixon declared a "War on Drugs" that targeted "hard" illicit drug use, abuse, and trafficking, especially in poor communities of color. Forman, Jr., *Locking Up Our Own*, 20-21.

<sup>11</sup> The problem of crime for Nixon was the problem of "street" crime, or urban Black crime. "In a direct and systematic way," Elizabeth Hinton argues, "Nixon recognized that the politics of crime control could effectively conceal the racist intent behind his administration's domestic programs." Hinton, *From the War on Poverty to the War on Crime*, 142.

urban areas as a means to dispel civil disorder and manage the effects of the country's urban crisis."<sup>12</sup> However, Nixon's "New Federalism" platform tackled America's urban crisis with a different set of objectives in mind. It granted states control over the use of federal anti-crime funding to meet state, county, and municipal criminal justice needs. Federal money was distributed through a familiar block grant system.<sup>13</sup> But it put mostly conservative state administrators, as opposed to grassroots organizations and liberal city governments, in charge of directing the fight.<sup>14</sup> The U.S. Justice Department invested tens of millions of dollars in state and local War on Crime initiatives through the newly created Law Enforcement Assistance Administration (LEAA).<sup>15</sup> While most federal grant money went to white suburban and rural municipalities, which reported less crime, a large share of federal dollars still went to shoring up the power of police in cities.<sup>16</sup> The president supported projects that expanded law enforcement's "punitive authority in Black urban neighborhoods" through "discretionary" crime control funding.<sup>17</sup> This discretionary executive funding was essentially unregulated. Federal investments in municipal crime control, through state

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<sup>12</sup> Hinton, *From the War on Poverty to the War on Crime*, 136.

<sup>13</sup> "Federal policymakers used block grants to empower state planning agencies to develop their own path for the War on Crime by finding local projects and programs of their choice. But the Safe Streets Act forced states, if they had not done so already, to develop long-term strategies for their respective law enforcement programs, providing federal funding for such efforts at 90 percent of their cost." Eligibility for LEAA grants required local and law enforcement officials to devise criminal justice improvement plans that dealt with "training, detecting, and apprehending criminals, and improving prosecution and the courts." Grants were rarely turned down; some were poorly conceived. Hinton, *From the War on Poverty to the War on Crime*, 143.

<sup>14</sup> With the election of Carl Stokes in Cleveland in 1968, Black candidates started to win elections in cities with growing Black populations and liberal politics.

<sup>15</sup> The 1968 Omnibus Crime Control and Safe Streets Act established the LEAA. "Omnibus Crime Control and Safe Streets Act of 1968 42 U.S.C. §3789d," United States Department of Justice, accessed April 2, 2020, <https://www.justice.gov/crt/omnibus-crime-control-and-safe-streets-act-1968-42-usc-3789d>.

<sup>16</sup> Peter Constantine Pihos, "Policing, Race, and Power in Chicago" (Ph.D. diss., University of Pennsylvania, 2015), 213-214.

<sup>17</sup> This discretionary spending maintained an "enduring" and "highly repressive" federal function in segregated urban neighborhoods. The Nixon administration relied on "the discretionary portion of the crime control budget to fund law enforcement initiatives of its own choosing." Congressionally authorized discretionary funds allowed the administration to continue the block grant process while also paying directly for local crime control programs they deemed necessary in cities. Hinton, *From the War on Poverty to the War on Crime*, 137. Prior to 1968, the federal government used discretionary spending programs under a tax structure dating to the 1930s. Federal revenues grew by nearly five times from 1932 to 1970. State and municipal resources—comprised largely of property and sales tax revenues—fell dramatically in that span. The federal government contributed limited criminal justice resources and oversight to states and municipalities, which exclusively underwrote police departments themselves. Pihos, "Policing, Race, and Power in Chicago," 215.

block grants and discretionary spending, accelerated the decline of social welfare and anti-poverty programs.<sup>18</sup> The administration cut the funding authority of community-based organizations headed by poor Black and Latinx citizens through the federal government's newly decentralized revenue sharing program. This diminished "the relationship between the federal government, municipalities, and poor Americans."<sup>19</sup>

The War on Crime's expansion coincided with growing national unease around stagnant markets and rising inflation. A recession from 1973 to 1975, for instance, devastated industrial cities like Milwaukee. Deteriorating economic conditions in cities hit poor and working-class African Americans the hardest. Black workers experienced meager industrial employment and wage gains in the long 1970s. Rising Black male un- and under-employment paralleled the steady out-migration of heavy manufacturers, exacerbating deindustrialization and white suburban growth.<sup>20</sup> Creeping industrial decline leveled Milwaukee's Black working-class in the late 1970s and into the 1980s.<sup>21</sup> The regional labor market, historian Marc Levine argues, developed a "spatial mismatch" in the last third of the 20<sup>th</sup> century. In this period, suburban and exurban municipalities experienced net employment

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<sup>18</sup> Under Nixon, the LEAA also facilitated corruption in its criminal justice spending. Millions of federal dollars went to "public organizations, private companies, and individual researchers who could develop technology, hardware, and theories that would help the federal government prevent future crime." Hinton, *From the War on Poverty to the War on Crime*, 136. Corporate backers, friends of the administration, and influential private companies invested in the nation's punitive carceral turn at the state, county, and municipal levels, often receiving preferential treatment. State Senator Jerris Leonard, a Republican representing the Milwaukee suburbs, chaired the LEAA from 1971 to 1973. "Jerris G. Leonard, Jr. Papers, 1956-1968, 1998-2000," Finding Aid, Milwaukee Mss 115, Wisconsin Historical Society, Division of Library, Archives, and Museum Collections, accessed March 5, 2020, <http://digicoll.library.wisc.edu/cgi/f/findaid/findaid-idx?location=wimiugma;c=wiarchives;cc=wiarchives;q1=Jerris%20Leonard;rgn=main;view=text;didno=uw-whs-mil00115>.

<sup>19</sup> Hinton, *From the War on Poverty to the War on Crime*, 137.

<sup>20</sup> Industries with "less specialized product lines and stiffer price competition" moved facilities "to lower-wage communities" in suburban and rural Wisconsin, non-union states in the Sunbelt South, and overseas. John Gurda, *The Making of Milwaukee*, 3<sup>rd</sup> ed. (Milwaukee: Milwaukee County Historical Society Press, 1999), 414.

<sup>21</sup> Although manufacturing remained "a critical source of jobs" through the early 1980s, nearly all heavy manufacturers closed their city plants for good or relocated by the 1990s. Between 1972 and 1992, forty-six percent of industrial manufacturers disappeared from Milwaukee's local economy, including iconic corporations like International Harvester, A. O. Smith, and Allis-Chalmers. Trotter, *Black Milwaukee*, 299. Milwaukee's industrial economy declined sharply in the early 1980s. A strong dollar, high interest rates, and increasing price competition from foreign manufacturers made it more expensive to produce goods. Fifty-six thousand industrial workers in the four-county metropolitan area lost their jobs between 1979 and 1983 after reaching a high of 220,200 workers in 1979. Gurda, *The Making of Milwaukee*, 418.

gains.<sup>22</sup> As industrial job losses in the city intensified, Milwaukee's population of working-age Black men grew by 30,000.<sup>23</sup> They had few options to turn to for work. Concomitantly, the city's Black poverty rate rose from 28.4 percent in 1980 to 41.9 percent in 1990.<sup>24</sup>

Thousands of Black workers, relegated to poor central city neighborhoods, were unable to compete in a segmented labor market that largely bypassed Milwaukee's north side. Enduring metropolitan segregation added to a racialized politics of public safety that continued to target Black people struggling to stay afloat financially. Many were forced to engaged in informal economic and illicit activities.<sup>25</sup> Reported crime data in this period continued to reinforce criminalizing perceptions of Black life and culture. As America's punitive turn worsened in the Nixon era and beyond, the stain of a criminal record made it exceedingly difficult for African American workers to secure adequate employment. The above factors combined to produce a racially disproportionate, high rate of Black joblessness. In 1970, Black male unemployment in Milwaukee reached fifteen percent—nearly twice the rate of white city dwellers and quadruple that of white suburbanites.<sup>26</sup> Well over half of all Black workers in Milwaukee held industrial positions at the start of the decade, compared to 42 percent of white workers. Automation played a role in limiting Black industrial employment, as new machinery and technologies allowed corporations to expand production levels while keeping pace with fewer personnel. Consequently, the metropolitan area's total industrial output value increased from \$2.98 billion in 1967 to \$8.5 billion in 1980, despite net job losses in Milwaukee.<sup>27</sup>

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<sup>22</sup> Marc V. Levine, "The Crisis of Black Male Joblessness in Milwaukee: Trends, Explanations, and Policy Options" (University of Wisconsin-Milwaukee, Center for Economic Development, 2007).

<sup>23</sup> This figure reflects Black working-age male population growth between 1970 and 2000. Levine, "The Crisis of Black Male Joblessness in Milwaukee," 33-34.

<sup>24</sup> Gurda, *The Making of Milwaukee*, 421.

<sup>25</sup> Housing segregation confined more than ninety percent of Black male workers to the city proper. Gurda, *The Making of Milwaukee*, 421.

<sup>26</sup> This joblessness rate tracks Black men in the prime of their working lives, between 25 and 54 years of age. Levine, "The Crisis of Black Male Joblessness in Milwaukee," 9, 33-34. By 1986, Black male joblessness in the city reached 26 percent—nearly three times the metropolitan average. By 1987, the city lost 28,386 jobs while the suburbs gained more than 30,000. Gurda, *The Making of Milwaukee*, 421.

<sup>27</sup> The city was able to escape the worst aspects of the 1973-1975 recession.

Meanwhile, class was becoming more salient within Milwaukee's Black community, much as it was elsewhere in urban America. In the 1970s, Black citizens entered both the public and private sector in large numbers. Some individuals turned to policing careers, since law enforcement offered a living wage, job security, and a decent pension. As historian Peter Pihos has noted, "an upwardly redistributive but formally race-neutral political project led to new opportunities for black advancement combined with a collapse of the bottom end of the labor market." The end result of that liberal project was a sizable increase in "black class stratification from what existed under Jim Crow."<sup>28</sup> In turn, class dynamics played a more central role in delineating intra-racial conversations around public safety and U.S. criminal justice policies. A growing literature has documented the role that powerful, middle-class and affluent Black community leaders in cities like New York, Atlanta, and Washington, D.C. have played in supporting the growth of America's late-century carceral state.<sup>29</sup> Although a rising chorus of Black professionals and newly elected politicians called for an "all of the above" approach that blended rehabilitative and retributive measures in controlling crime, "each incremental step" in the War on Crime's advance "resulted in dishing out more punishment." This was, in large part, a result of "racialized state failure."<sup>30</sup> The nation's divided federal state had favored an inequitable tax structure that made it virtually impossible for liberals to pursue redistributive social policies. The disparate mass incarceration of Black criminal offenders was not "wholly foreseeable" at the time, even if African American experiences with the U.S. justice system rendered it predictable.

Against a depressed economic backdrop, crime became more of a "material reality" for Black Milwaukeeans, as it disproportionately harmed poor and working-class families of color. Still,

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<sup>28</sup> Peter C. Pihos, "The Inclining Significance of Crime," *The Journal of Urban History* (2019), 3-4.

<sup>29</sup> See: Michael Javen Fortner, *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment* (Cambridge, MA: Harvard University Press, 2015); Forman, Jr., *Locking Up Our Own*.

<sup>30</sup> Lisa L. Miller, *The Myth of Mob Rule: Violent Crime and Democratic Politics* (New York: Oxford University Press, 2016), 100.

despite the gaining prominence of “law and order” as a slogan, public anxieties around crime and safety appeared to factor less in the city during the early 1970s than issues of “taxation and housing.”<sup>31</sup> The Milwaukee Urban Observatory (MUO) attributed this to Milwaukee’s powerful “local and national reputation as a safe city.”<sup>32</sup> However, not all residents felt safe.<sup>33</sup> Reports of elevated street crime, particularly in Black inner city neighborhoods, raised alarm among community leaders. Black residents both bore the brunt of urban crime and experienced an undue share of the police response. Chief Breier’s reactionary law-and-order approach did little to address the root causes of crime and too often failed to resolve cases involving Black crime victims. Public framings of Milwaukee’s north side as crime-riddled fed a fear-driven public safety narrative. White state officials used this account to justify harsher criminal justice policies that failed to treat poverty and inequality with economic aid and enhanced welfare assistance. The white public’s obsession with “the specter of black crime” fueled America’s carceral turn in the late 20<sup>th</sup> century.<sup>34</sup> Racialized crime discourses carried political weight, as many Black voters supported increased spending on the MPD and favored more street patrols to control the spread of crime.<sup>35</sup> At the same time, they advocated for culturally responsive policing that adequately observed the civil rights of policed citizens.

As suggested above, Milwaukee’s narrative of policing exceptionalism still held currency in

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<sup>31</sup> Henry J. Schmandt and Harold M. Rose, “Citizen Attitudes in Milwaukee...A Further Look,” Milwaukee Urban Observatory (Summer 1972), 33.

<sup>32</sup> The Milwaukee Urban Observatory at the University of Wisconsin-Milwaukee published a report, “Citizen Attitudes in Milwaukee,” in September 1971 based on surveys conducted with 443 households during July and August 1970. The Wisconsin legislature funded a second study conducted by the Milwaukee Urban Observatory and UW-Milwaukee that expanded the project’s scope to include data of race, age, income, homeownership status, and neighborhood of residence. It reflected deeper racial polarization. Henry J. Schmandt and Harold M. Rose, “Citizen Attitudes in Milwaukee, Wisconsin, Summer, 1970” (September, 1971), 1-3, 56.

<sup>33</sup> The MUO found that about 80 percent of residents favored public agencies “stopping” drug selling and using over “education,” providing “better medical treatment,” or “dealing with underlying causes.” “Citizen Attitudes in Milwaukee,” 64.

<sup>34</sup> As historian Simon Balto argues, that “specter” did so well before the postwar era. Simon Balto, *Occupied Territory: Policing Black Chicago from Red Summer to Black Power* (Chapel Hill: The University of North Carolina Press, 2019), 128. “Youths and youth gangs,” “Blacks,” “Hippies,” “radicals,” and “agitators” were perceived as “the biggest problem” in Milwaukee, all far above “the Mafia.” “Citizen Attitudes in Milwaukee,” 65.

<sup>35</sup> “Citizen Attitudes in Milwaukee...A Further Look,” 43-44; “Citizen Attitudes in Milwaukee,” 56.

the 1970s. It influenced public understandings of crime and safety. According to a 1972 MUO survey, residents were satisfied with the MPD's overall performance.<sup>36</sup> A 1972 U.S. Civil Rights Commission study also showed that "a substantial percentage" considered the department to be "the best police force in the country."<sup>37</sup> Again, however, this satisfaction was not uniform. Variables like income, education, occupation, age, and race mattered when determining who favored the MPD. People "of lower economic status," many living in communities "where the crime rate was highest," were "more likely" to be "disenchanted" with the police and "to have unfavorable contacts." Residents in this group were frequently renters who felt "less safe" walking through their neighborhoods at night. Women constituted a higher percentage than men of those "dissatisfied" with the MPD. Likewise, people with "little formal education," who worked in "semi-skilled, unskilled, and service worker" positions showed higher rates of disenchantment than "businessmen." Milwaukee youth were more inclined to believe that law enforcement did "not treat people in their neighborhood well." "Elders" expressed concern about "crime and the safety of the streets," but were generally satisfied with their police protection.

A "sizable proportion" of African Americans "in all socio-economic categories" believed the MPD enforced the law unfairly. Respondents said Black people were "not treated in the same manner as whites" and that "the system of justice discriminates against them."<sup>38</sup> Of those who expressed the greatest dissatisfaction with the police, roughly five times as many were Black than white.<sup>39</sup> Forty-one percent of Black citizens felt "unsafe," while 63 percent of white respondents felt "safe." Forty-three percent of surveyed Black people responded that the MPD as not good at

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<sup>36</sup> Eighty-five percent of Milwaukeeans surveyed by the Urban Observatory in 1972 expressed satisfaction with law enforcement, thirty-four percent of whom were "highly satisfied." "Citizen Attitudes in Milwaukee...A Further Look," 34.

<sup>37</sup> Wisconsin State Committee of the U.S. Commission on Civil Rights, *Police Isolation and Community Needs* (Washington, DC: Government Printing Office, 1972), 2.

<sup>38</sup> "Citizen Attitudes in Milwaukee...A Further Look," 44.

<sup>39</sup> Only 8 percent of Black respondents were "highly satisfied" with law enforcement. "Citizen Attitudes in Milwaukee...A Further Look," 39.



“protecting residents.” A majority said police “took a while” to respond to service calls, while two thirds of white residents said police arrived “right away.” Black dissatisfaction with the MPD also “cut across all income groups.” This contrasted the “highly favorable rating” of all white residents. Furthermore, Black discontent with police translated into a wider dissatisfaction with the criminal justice system as a whole. Forty-one percent of Black respondents saw the courts as “unfair,” versus sixty-two percent of whites.

Ultimately, War on Crime funding did little to alter police conduct. Instead, the LEAA strengthened state and local police patronage systems.<sup>40</sup> Before Congress passed the 1968 Safe Streets Act, local police departments relied almost exclusively on property and sales tax revenues to operate. Suburbanization diminished Milwaukee’s annual budget. Public property holdings declining from forty to thirteen percent of individual and corporate holdings from 1950 to 1980.<sup>41</sup> After the conservative Democrat Henry Maier was elected mayor in 1960, he increasingly turned to the federal government to help pay for social and economic programs and emergency services, like the police. As Milwaukee struggled to balance annual budgets in the long 1970s, agencies like the LEAA offered necessary relief. Between 1968 and 1975, agencies in the city received almost \$3.8 million in federal criminal justice funding.<sup>42</sup> Police bureaucrats, namely the MFPC and City Hall, applied for nearly \$600,000 to recruit and train police personnel. LEAA grants focused on “minority recruitment” and ways of improving “community relations.” The MPD spent just over \$618,000 federal dollars on “computerization,” which went towards upgrading the police department’s data collection and surveillance capacities.<sup>43</sup> Computer-based technologies helped the MPD forecast

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<sup>40</sup> Pihos, “Policing, Race, and Power in Chicago,” 213-214.

<sup>41</sup> The city’s suburban periphery grew by more than three times, from 234,000 residents to 761,000 between 1950 and 1980. Trotter, *Black Milwaukee*, 284-285.

<sup>42</sup> Of this, \$235,000 went to planning grants between 1969 and 1973. “Department of Fiscal Liaison, Law Enforcement Assistance Grants to Milwaukee,” Box 104, Folder 17, “Law Enforcement Assistance Administration, 1972-1975,” Records of Mayor Henry W. Maier Administration.

<sup>43</sup> “Department of Fiscal Liaison, Law Enforcement Assistance Grants to Milwaukee”;

crime patterns, while also bolstering statistical data collection in “high-crime” neighborhoods. It also facilitated militarized police crackdowns on radical Black activists and low-income criminal offenders of color. Almost no federal investments went to upgrading police weaponry in this period, although the city received \$28,500 for “riot control” in 1968. Milwaukee police received ample funding at a time when federal and state governments severely curtailed investments in housing, health, and job-training resources.

The Wisconsin Criminal Justice Council (WCCJ) administered LEAA funds in the state. The 20-member body was one of the first state planning agencies in the country set-up to apply for and receive Safe Street Act funds.<sup>44</sup> Under a Republican governor, Warren Knowles, the WCCJ initially prioritized police training and juvenile delinquency. Members recognized criminal justice funding alone would not “eradicate the causes of crime.” Partnering with agencies and “professionals in other fields,” they surmised, would help address public safety issues in a “rapidly changing society.”<sup>45</sup> In 1970, the council resolved to dramatically expand criminal justice spending in the state. Federal LEAA disbursements increased from \$3,795,000 in 1970 to \$7,309,000 in 1971.<sup>46</sup> The WCCJ had more money to pursue a dual racial pacification and crime-fighting agenda.<sup>47</sup> Most funds went to Milwaukee, where police reported about one third of all crime in Wisconsin.<sup>48</sup> When Democratic Governor Patrick Lucey took office in 1971, he appointed new WCCJ members. Liberals reoriented the council’s focus on police-community relations and fighting the War on Drugs in Wisconsin.

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<sup>44</sup> “Governor Makes Corrections and Courts Priorities in Charge to New Council,” “Wisconsin Council on Criminal Justice Bulletin,” 1, Box 104, Folder 16, “Law Enforcement Assistance Administration, 1969-1971,” Records of Mayor Henry W. Maier Administration.

<sup>45</sup> Thomas Lubenow, “Milwaukee Has Third of State Crime,” *The Milwaukee Journal*, December 9, 1970, Part 2, 1-2.

<sup>46</sup> WCCJ estimated it would spend \$12,735,000 in Safe Streets Act funding in 1972, \$17,000,000 in 1973, \$22,887,000 in 1974, and \$26,934,000 in 1975. Thomas Lubenow, “Milwaukee Has Third of State Crime,” *The Milwaukee Journal*, December 9, 1970, Part 2, 1-2.

<sup>47</sup> The WCCJ proposed distributing more than \$235,000,000 in federal, state, and local funding from 1970 to 1975. Task forces were also appointed to address the criminal courts and corrections. Thomas G. Lubenow, “Lucey Ready to Resume State’s War on Crime,” *The Milwaukee Journal*, June 20, 1971, Part 2, 14.

<sup>48</sup> The council recognized that crime was not limited to Black neighborhoods. In fact, it noted in 1970 that there was a “dramatic upturn” in “non-ghetto” crime among white middle-class youth. Thomas Lubenow, “Milwaukee Has Third of State Crime,” *The Milwaukee Journal*, December 9, 1970, Part 2, 1-2.

Governor Lucey expanded the WCCJ from twelve to eighteen members, adding six people from Milwaukee. Chief Breier was notably absent from this delegation; he largely refused to participate in state War on Crime programming. Former Urban League Director Walter Kelly, however, served as the council's executive director. The re-constituted WCCJ crafted policies, reviewed LEAA grant applications, and authorized funding requests.

### *The Demand for Community Control*

Community control in the long 1970s was, according to one historian, a “radical agenda of reorienting the relationship between residents and the police.”<sup>49</sup> Ideally, it located decision-making power in the hands of people historically persecuted by state violence and white racial terror, and called for “rigorous external oversight” of a revised law enforcement system. Black Power activists focused on community survival framed its agenda. The Oakland Black Panther Party for Self Defense (BPP) perhaps articulated the best known vision for community control of the police in June 1969.<sup>50</sup> Monitoring and reimagining law enforcement was part of the organization's larger program to, as Robin D.G. Kelley writes, “provide for the social needs of Black communities where the state failed.”<sup>51</sup> The BPP called for separate public safety departments in Black, Brown, and white communities. These agencies were to be headed by a full-time police commission, not individual chiefs. “Neighborhood Police Control Councils” comprised of community members would democratically select police commissioners. These councils would have the power to discipline officers and direct commissioners to change policies by a popular vote as needed. They could also fire appointed police commissioners deemed unresponsive to the community's needs at any time.

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<sup>49</sup> Max Felker-Kantor, “The Coalition Against Police Abuse: CAPA's Resistance Struggle in 1970s Los Angeles,” *The Journal of Civil and Human Rights* 2 (1) (Summer 2016), 79.

<sup>50</sup> “Petition Statement for Community Control of the Police,” *The Black Panther*, June 14, 1969, 16.

<sup>51</sup> Robin D.G. Kelley, “What Abolition Looks Like, From the Panthers to the People,” *Abolition for the People*, October 26, 2020, accessed October 27, 2020, <https://level.medium.com/what-abolition-looks-like-from-the-panthers-to-the-people-6c2e537eac71>.

The people would hold the authority to recall neighborhood council representatives. Finally, all police had to live in communities they safeguarded.

Black Power activists and allies in Milwaukee articulated a similarly far-reaching vision for overhauling Milwaukee's policing infrastructure. These more radical police accountability groups not only advocated for Black representation, input, and oversight within the city's police bureaucracy, but for community control of an entirely new law enforcement system. In the aftermath of the 1967 civil disturbance and the civil violence meted out by police and white south side fascists against Milwaukee's NAACP Youth Council during the group's fair housing marches, ideas about communal self-determination animated Milwaukee's civil rights insurgency. The concept extended to Latinx, Indigenous American, and Women's organizations, sparking a host of identity-based groups. Self-determination infused the city's political left with a more revolutionary politics that rejected liberalism and conservatism's white heteropatriarchal and imperialistic policy prescriptions. Existing within Milwaukee's white power structure, which forcibly contained its own internal colonies in the city's ghettoized near north and south side communities, was no longer feasible. Public cynicism deepened as elected officials brushed aside or placated Black and Brown complaints of police violence. The MPD, Father James Groppi warned, was "the most imminent problem in the Black community...nothing more than an occupation army."<sup>52</sup> The department's "oppressive nature" was meant to "keep the Black man in line." Mounting distrust of police bureaucrats and their capacity to change facilitated ideas about community control at the base of Milwaukee's civil rights insurgency.

Communal self-determination emanated from Milwaukee's blossoming Black Power organizations. The movement surfaced locally in October 1966, a few months after Student Non-Violent Coordinating Committee Chairman Stokely Carmichael famously declared in Greenwood, Mississippi: "We been saying freedom for six years and we ain't got nothin'. What we got to start

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<sup>52</sup> "500 Stage Largest Housing March Here in 2 Months," *The Milwaukee Sentinel*, February 12, 1968, Part 1, 5, 14.

saying now is Black Power!”<sup>53</sup> However, Black nationalist organizing in the city extends back to the 1920s, when Milwaukee featured an active United Negro Improvement Association chapter.<sup>54</sup> As the revolutionary Black Panther Party for Self-Defense was forming in Oakland, California, the interracial NAACP Youth Council established its militant “Commando” unit to help protect civil rights demonstrators from white vigilante and police violence. Police had joined white counter-protesters in attacking YC activists and allies at open housing marches, especially when they crossed over to the city’s south side. Roughly 16,000 angry residents, for instance, greeted some eight hundred civil rights marchers on the second night of the YC’s lengthy open housing campaign.<sup>55</sup> Police brutality followed the arrests of demonstrators, who comprised a multi-racial contingent. The Commandos formed after white supremacists bombed the YC’s “Freedom House” headquarters on the north side. The young Black men wore black berets, black boots, and a customized “Commando” sweatshirt.<sup>56</sup> Rather than claiming to be disciples of “non-violence,” they upheld a

<sup>53</sup> Stokely Carmichael delivered his famous speech invoking the phrase “Black Power” after being released from jail on June 16, 1966. He and two SNCC demonstrators had been arrested in Greenwood, Mississippi while participating in the “Meredith March”—a multi-organizational civil rights protest meant to carry out the recently-maimed activist James Meredith’s one-person march for freedom. Carmichael borrowed the phrase from his work in Alabama assisting the Lowndes County Freedom Organization (LCFO). “The LCFO used the black panther as its symbol, members openly carried guns, and they believed in ‘black power for black people.’” Ligon, “Turn this Town Out’: Stokely Carmichael, Black Power, and the March against Fear,” *Rediscovering Black History*, accessed March 2, 2020, <https://rediscovering-black-history.blogs.archives.gov/2016/06/07/turn-this-town-out-stokely-carmichael-black-power-and-the-march-against-fear/>. As Carmichael clarified two years later, Black Power was “a call for black people in this country to unite, to recognize their heritage, to build a sense of community. It is a call for black people to define their own goals, to lead their own organizations.” Peniel E. Joseph, *Dark Days, Bright Nights: From Black Power to Barack Obama* (New York: Basic Books, 2010), 26.

<sup>54</sup> The parents of Malcolm X, Louise and Earl Little, were briefly members. Marcus Garvey spoke to the chapter in 1922. See: Erik S. McDuffie, “The Diasporic Journeys of Louise Little: Grassroots Garveyism, the Midwest, and Community Feminism,” *Women, Gender, and Families of Color* 4 (2) (Fall 2016): 146-170.

<sup>55</sup> Mark Braun, “Social Change and the Empowerment of the Poor: Poverty Representation in Milwaukee’s Community Action Programs, 1964-1972” (Ph.D. diss., University of Wisconsin-Milwaukee, 1999), 58. The YC and Alderwoman Vel Phillips staged a rally in late August 30, 1967 after arsonists set fire to the group’s “Freedom House” headquarters. The MPD arrested 137 people, inflicting numerous injuries. Open housing marchers traveling to the south side the previous two nights. They experienced violent unrest initiated by white counter-protesters, condoned by police. Another confrontation between the YC and MPD occurred outside St Boniface Church, where the YC met and Father Groppi presided. This clash led to more police brutality and arrests. Williams, “Give Them a Cause to Die For,” 238.

<sup>56</sup> “October 1966, Youth Council Commandos Formed,” March on Milwaukee Civil Rights History Project, accessed March 2, 2020, <https://uwm.edu/marchonmilwaukee/timeline/>. Mary Arms led a number of women in the YC who felt left out of the exclusively male Commando unit. She and other empowered women leaders in the group proposed the formation of the “Commandoettes,” but were voted down. Erica Metcalfe, “The Youth Council Commandos’ Quest for Quality Housing,” *Wisconsin Magazine of History* (Winter 2014-2015), 3.

principle of “not-violence.” The “security unit” was not afraid to use force, but only when necessary. “If the police or the white crowds came after us or the marchers, we weren’t afraid to mix it up,” former Commando Prentice McKinney said. “We fought back.” As such, many white observers viewed them as “a violent, militant organization.”<sup>57</sup>

Milwaukee’s short-lived Black Panther Party chapter (MBPP) shared a vision for community control that extended beyond law enforcement. The group, which reached between seventy-five and one hundred members, organized in the winter of 1968.<sup>58</sup> Its members ideologically opposed city officials and Black moderates, whose liberal politics catered more to Black bourgeois interests than the Black poor and proletariat.<sup>59</sup> The MBPP saw liberalism as complicit in processes of Black ghettoization and economic exploitation. In response, they advocated for, as co-founder Kenny Williamson put it, “community control of community institutions” and “cooperative economic endeavors.”<sup>60</sup> Via the provisioning of social services, Milwaukee’s Panthers established a “community-oriented organization.”<sup>61</sup> On the issue of police brutality, the MBPP’s goal was never to

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<sup>57</sup> Patrick D. Jones, *The Selma of the North: Civil Rights Insurgency in Milwaukee* (Cambridge, MA: Harvard University Press, 2009), 133; Williams, “Give Them a Cause to Die For,” 235-237; “Commandos, National Association for the Advancement of Colored People Youth Council,” March on Milwaukee Civil Rights History Project, <https://uwm.edu/marchonmilwaukee/keyterms/commandos-naacp-youthcouncil/>.

<sup>58</sup> On the estimated number of members, see: Andrew Witt, “Picking Up the Hammer: The Community Programs and Services of the Black Panther Party with Emphasis on the Milwaukee Branch” (Ph.D. diss., Loyola University Chicago, 2005), 97.

<sup>59</sup> Initially founded in Oakland, California in 1966, the Black Panthers saw themselves as the vanguard of a global revolution and anti-colonial struggle led by poor people of color against exploitative capitalist systems. On the history of the Black Panther Party for Self Defense, see: Charles Jones, ed., *The Black Panther Party [Reconsidered]* (Baltimore: Black Classic Press, 1998); Yohuru Williams, *Black Politics/White Power: Civil Rights, Black Power, and the Black Panthers in New Haven* (New York: Blackwell Publishing, 2000); Jama Lazerow and Yohuru Williams, eds., *In Search of the Black Panther Party: New Perspectives on a Revolutionary Movement* (Durham: Duke University Press, 2006); Peniel E. Joseph, *Waiting 'Til the Midnight Hour: A Narrative History of Black Power in America* (New York: Holt, 2007); Paul Alkebulan, *Survival Pending Revolution: The History of the Black Panther Party* (Tuscaloosa: University of Alabama Press, 2007); Judson L. Jeffries, ed., *Comrades: A Local History of the Black Panther Party* (Bloomington: University of Indiana Press, 2007). Donna Jean Murch, *Living for the City: Migration, Education, and the Rise of the Black Panther Party in Oakland, California* (Berkeley: University of California Press, 2010).

<sup>60</sup> When the MBPP surfaced in early 1969, Oakland’s BPP had already begun to “put down the gun” in favor of prioritizing “community survival programs.” Yohuru Williams, “Give Them a Cause to Die For: The Black Panther Party in Milwaukee, 1969-1977” in *Liberated Territory: Untold Local Perspectives on the Black Panther Party*, Yohuru Williams and Jama Lazerow, eds. (Durham: Duke University Press, 2008), 242.

<sup>61</sup> Witt, “Picking Up the Hammer,” 102.

use violence or cause a civil disturbance. “The gun,” member Walter Chesser stated, was used “merely as a defensive tool.” The chapter’s community service initiatives included a free breakfast program for school children, free healthcare clinic, and prison visitation program that supported the families of incarcerated north side residents. The MBPP collaborated with radical-left white and Latinx organizations.<sup>62</sup> As historian Yohuru Williams argues, their willingness to build a multiracial coalition “moved [the MBPP] closer, in theory at least, to the model already established by Father Groppi and the Commandos.”<sup>63</sup> However, the Black Panthers’ willingness to “intervene” and “rectify” problems through armed self-defense distinguished it from the YC’s “not-violent” approach.<sup>64</sup>

Milwaukee’s Panthers articulated a vision for community control of the police that drew on the legacy of Black working-class resistance to the MPD’s racialized violence.<sup>65</sup> It was part of its “larger efforts to improve police-African American relations.”<sup>66</sup> The group’s community control plan emphasized decentralization of the city’s police bureaucracy. Chief Breier had far too much power in the current system. Like the Oakland Party, the MBPP conceived of a police hierarchy that located managerial authority with independent police districts demarcated by race. Fifteen-member neighborhood councils, elected by community residents, would vote on a district commissioner, who would be subject to recalls by citizens as needed. “The people should control everything,” Dakin Gentry added.<sup>67</sup> Lieutenant of Information Nate Bellamy said the MBPP’s goal was to

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<sup>62</sup> By 1969, the Oakland chapter had accepted white allies to help advance the people’s revolution, so long as Black men and women stayed in leadership positions and set its course. See: Williams, “Give Them a Cause to Die For.”

<sup>63</sup> During the 1968 election season, the Oakland BPP formed a political alliance with the mostly white Peace and Freedom Party, much to the chagrin of other Black Power advocates, like the Revolutionary Action Movement, US Organization’s Ron Karenga, and former SNCC Chairman Stokely Carmichael. Williams, “Give Them a Cause to Die For,” 241.

<sup>64</sup> Witt, “Picking Up the Hammer,” 102-103.

<sup>65</sup> Andrew Witt, *The Black Panthers in the Midwest: The Community Programs and Services of the Black Panther Party in Milwaukee, 1966-1977* (New York: Routledge, 2007), 61-72. Erica Lashanda Metcalfe, “We Need to March!: Black Working Class Protest Politics in Milwaukee, 1920-1970,” (Ph.D. diss., Howard University, 2016), 3-5.

<sup>66</sup> Witt, “Picking Up the Hammer,” 102.

<sup>67</sup> *The Milwaukee Courier*, August 2, 1969, 10.

“alleviate from the black community all these fascist, racist storm troopers and, in turn, replace them with respectable new police officers.”<sup>68</sup> He recognized there were “some people on the police force...dedicated to the people’s needs,” but these officers were “caught up into the system” and trapped by “fear of losing their jobs.” The Black community, party members held, were prepared to police themselves on their own terms and had to have oversight of the process. Furthermore, community control would “lessen the case-load of overburdened courts,” which saw Black defendants appearing on charges that were “petty or trumped-up” as a result of police discretion.<sup>69</sup>

The MBPP barely got their self-defense program off the ground before the chapter’s initial iteration was dissolved, largely as a result of conflicts with police and subsequent legal cases. Because of the Black Panthers’ national reputation for armed confrontations with law enforcement, the MPD made eradicating the local chapter its top priority.<sup>70</sup> Chief Breier moved to eradicate the group from the city entirely. In his view, the Panthers posed a dangerous, highly subversive threat. Therefore, the MPD amplified an already combustible atmosphere on Milwaukee’s predominantly Black north side. The chief’s approach aligned with other law-and-order regimes, who targeted Black Panther branches throughout the country.<sup>71</sup> On occasion, clashes between law enforcement and the Panthers resulted in bloodshed. The MPD’s Tactical Squad targeted, harassed, and arrested the Milwaukee branch. Outfitted with “overly aggressive,” “outcast officers,” the TEU specifically targeted the MBPP. The paramilitary unit rolled three-to-four people deep in squad cars on the north side, its officers visibly armed with shotguns and rifles.<sup>72</sup> Meanwhile, the MPD’s Red Squad conducted surveillance and maintained a file on the group.<sup>73</sup>

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<sup>68</sup> “Panthers Outline Plan to Decentralize Police,” *The Milwaukee Journal*, October 13, 1969, Part 2, 9.

<sup>69</sup> Witt, “Picking Up the Hammer,” 104.

<sup>70</sup> FBI Director J. Edgar Hoover had declared the BPP “the number one threat to the nation’s internal security,” long before a local chapter formed.

<sup>71</sup> The U.S. Congress was beginning its own investigations into the BPP’s spread nationally. Williams, “Give Them a Cause to Die For,” 244.

<sup>72</sup> Braun, “Social Change and the Empowerment of the Poor,” 72; Witt, *The Black Panthers in the Midwest*, 44.

<sup>73</sup> Witt, “Picking Up the Hammer,” 99.



While the MBPP tried to avoid confrontations with the MPD, they did not shy away from them either. Milwaukee police arrested three MBPP members who allegedly tried to murder a white police officer with a shotgun blast after he pulled over their vehicle in September 1969. The three Panthers denied the charge, insisting that police had framed them and planted a shotgun. According to Nate Bellamy, the MPD tried to “stop the party from educating the people” and “jail as many panthers as possible.” The “Milwaukee Three,” as they became known, were “beaten badly” by police.<sup>74</sup> A trial for attempted murder took place in November 1969. An all-white jury sentenced two defendants to thirty years in prison; the third was sentenced to ten.<sup>75</sup> “Police persecution was,” historian Andrew Witt argues, “the primary reason why the first wave of the Milwaukee Panthers disbanded” that winter.<sup>76</sup> However, “internal dissension” also played a major role. Rank-and-file MBPP members felt betrayed when Branch Captain Dakin Gentry wrote to the BPP’s Central Committee asking for the dissolution of the chapter based on a “lack of success in the community.” They observed that Gentry and Bellamy received plumb jobs in Milwaukee’s “Concentrated Employment Office.” City Hall was known to offer bureaucratic service positions to Black militants as a means of cooling down political radicalism or stifling dissent. Regardless, Oakland dissolved the MBPP before it had a chance to press for its community control agenda.<sup>77</sup>

Other organizations filled the void left by Milwaukee’s Black Panthers on demanding community control. The Wisconsin Committee to Combat Fascism petitioned City Hall in 1970 to

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<sup>74</sup> “3 Panthers Accused of Attempted Murder,” *Soul City Times*, September 27, 1969; Witt, “Picking Up the Hammer,” 96. The “Milwaukee Three” were Jesse White, Earl Leverette, and Booker Collins, Jr. “Officer Shot at, 3 Black Panthers Held,” *The Milwaukee Journal*, September 22, 1969, Part 2, 1.

<sup>75</sup> Other MBB members, George Owens and Allen Crawford, were arrested on weapons charges and sentenced to ninety days in jail that October. Witt, “Picking Up the Hammer,” 96-97.

<sup>76</sup> Witt, “Picking Up the Hammer,” 142.

<sup>77</sup> Former members of the MBPP established a new revolutionary Black Power organization, the People’s Committee for Survival (PCS), in April 1972. In August 1973, after a one-and-a-half-year wait, the group was reinstated as a Black Panther Party chapter. The PCS stemmed from the People’s Committee to Free Jan Starks, which was created by Ronald Starks and Michael McGee earlier in 1972. Jan Starks was the brother of Ronald Starks. Jan was a soldier serving in Southeast Asia. He was arrested in Taiwan for allegedly possessing opium. Wisconsin Representative Henry Reuss helped Black community members and the People’s Committee to get Jan Starks freed. Starks was “framed because of his race and low military rank.” Witt, “Picking Up the Hammer,” 97-98.

redistribute power from “the one-man dictatorship of Chief Breier” to the neighborhood level.<sup>78</sup> They proposed a decentralized structure similar to the MBPP model. Milwaukee’s American Civil Liberties Union chapter, meanwhile, also supported community control of the police. Organizer Joan McManus drafted a position paper that detailed the ACLU proposal. Her intent was “changing the concept and role” of law enforcement “so that status and success” in policing meant “being responsive to the needs of the people in the community.”<sup>79</sup> A drastic shift was needed, since “every other approach to improving police/community relations had failed.” Liberal reforms did not address the racial and economic implications of police power, focused on whether “improving image,” “recruiting minorities,” or establishing “citizen advisory review boards.”<sup>80</sup> Like the MBPP and anti-fascism committee plans, McManus underscored decentralization. She envisioned a reformed MPD reconstituted under a multi-district framework. The ACLU framed the MPD as “an occupying army” that did not “know nor care about the people or the culture of the community they work in.”<sup>81</sup> A set of dual enforcement standards existed, set by a powerful police chief and “the dominant white middle-class culture.” Pushed to the margins were Black and Brown men and women who resided in heavily policed, under-serviced, and segregated neighborhoods.<sup>82</sup>

McManus was clear in her writing that “the police problem in Milwaukee” was not “a matter of a few bad cops...to be remedied by higher standards and psychological screening.” Rather, it was

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<sup>78</sup> Witt, “Picking Up the Hammer,” 106.

<sup>79</sup> Joan McManus, “A Working Paper for a WCLU Position on Community Control of the Police,” 1, Box 1, Folder 15, “Greater Milwaukee Conference on Religion and Urban Affairs, Police Accountability, 1984-1985, 1991,” Joan McManus Papers, 1970-2003, UWM Manuscript Collection 267, University of Wisconsin-Milwaukee Archives.

<sup>80</sup> McManus wrote that “hiring large numbers of blacks and other racial and cultural minorities” had failed, largely because “asking minorities to join the police force” was “like asking blacks to join the Ku Klux Klan...Chicanos to join the Texas Rangers...or Indians to join the Calvary.” Moreover, citizen review boards struggled because they were populated by individuals “who agree with the police and/or do not cause any trouble.” McManus, “A Working Paper for a WCLU Position on Community Control of the Police,” 2.

<sup>81</sup> McManus, “A Working Paper for a WCLU Position on Community Control of the Police,” 1.

<sup>82</sup> McManus observed that “racial and class separation could hardly be greater” than they were in 1970. But “integration and/or assimilation” was asking Black and Brown people to “adopt a [white] culture which is alien to them.” This denies them “the freedom to fully participate in a democratic society and to be fully and equally protected by its laws.” “A Working Paper for a WCLU Position on Community Control of the Police,” 2-3.

“the police system itself—quasi-military, secret, based on maintaining the status quo”—that allowed for police repression.<sup>83</sup> Eventually, she asserted, policing “corrupts all but the most exceptional men.” By not speaking out against police violence, the community “gives it our tacit approval.” Because society expects Black, Brown, poor, and “politically unpopular” citizens to be repressed, the MPD inflicts violence. They get away with abuses of power because liberal opposition is “fragmented” and local politicians are “extremely conservative, parochial, and secretive.” She cited an “absence of organization and unity,” which makes it easier for police misconduct to go ignored.

#### *1972 U.S. Civil Rights Commission Study*

At the same time that radical Black Power organizations and the Milwaukee ACLU laid out their visions for community control of the police, more moderate liberal interests concerned about issues of public safety worked towards making the MPD more accessible, fair, and community-oriented. They did so to better control crime, which felt to many people like a growing problem in the long 1970s, but also to reduce opportunities for civil disorder and racialized police violence. While community control advocates also wanted to better address crime in Black and Brown neighborhoods, their prevailing concern was the routine police brutality being administered by Breier’s MPD. Liberal organizations and accountability advocates prioritized order maintenance improvements and mending relationships between a recalcitrant police force and disparate community groups. At different times, both of these ideological/political forces turned to the federal government, either for LEAA funding to help pay for programs related to crime and safety, or to intervene when the MPD failed to meet its compulsory civil rights requirements.

Federal investigations aided Milwaukee liberals in documenting the need for police reform.

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<sup>83</sup> Joan McManus, “The Police Problem in Milwaukee,” 1, Box 1, Folder 15, “Greater Milwaukee Conference on Religion and Urban Affairs, Police Accountability, 1984-1985, 1991,” Joan McManus Papers, 1970-2003.

Following the political upheavals of the 1960s, the U.S. Commission on Civil Rights (USCCR) interrogated police discrimination within individual agencies in an effort to highlight structural biases, enforce civil rights compliance, and encourage procedural reforms that would better serve diverse urban populations.<sup>84</sup> In 1972, the commission investigated the MPD. The USCCR appointed a Wisconsin Study Committee (WSC), which found a police department and top administrator that was “accountable to no one.”<sup>85</sup> The WSC’s report on the MPD revealed for a national audience the extent to which Chief Breier’s impervious authority undermined the police department’s ability to police fairly, address internal and external discrimination, and hold officers accountable for misconduct. It also documented the apparent turn towards reactionary law-and-order that Breier had facilitated since becoming chief in 1964. Once perceived by federal agencies as an exemplary police force, the MPD now stood out more for its regressive tactics, strict regulations, and institutional isolation than for its admired professionalism, reform-orientation, and efficient crime control. The state-sanctioned independence that, for decades, was seen as a boon to the department’s outwardly progressive development, now prevented City Hall from making even basic alterations to Milwaukee’s policing system, or the MPD’s strategic approach, public outlook, and internal culture.

The WSC’s report, released on December 6, 1972, dealt a symbolic blow to Chief Breier’s

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<sup>84</sup> The bipartisan USCCR was established in 1957 to help shape and enforce national civil rights policies. It conducted investigations and made reports on cases of alleged civil rights violations, including voter disfranchisement, employment discrimination, and denials of equal protection and due process in the administration of justice. The Wisconsin State Committee of the U.S. Civil Rights Commission released its report in December 1972. *Police Isolation and Community Needs*, iii.

<sup>85</sup> Quote found on *Police Isolation and Community Needs*, 114. The WSC investigated the MPD from August 1971 to April 1972, conducting hearings and interviews before drafting a final report on its findings. The committee heard testimony on the MPD’s relationship to the communities it purported to serve. Citing “racial tension in police community relations” and “recent structural and cultural developments in urban police departments,” it developed an analysis of “crime, police, and the minority community. Percy Julian, an attorney from Madison, chaired the WSC, which also included UW-Milwaukee political scientist Cornelius Cotter; Larry Reed, an administrative assistant for the Milwaukee Bucks; Juanita Renteria, Assistant Director for United Migrant Opportunity Service; and George Pazick, Vice President of the Northtown Planning and Development Council. The committee set three hearings on “crime, police, and the minority community” in Milwaukee between December 1, 1971 and February 2, 1972. Thirty-seven people attended, including current and former MPD officers; the MFPC and staff; elected leaders from across city, county and state government; and community representatives “concerned about police service.” The WSC also conducted follow-up interviews for clarification on points of emphasis. *Police Isolation and Community Needs*, 3.

reactionary law-and-order methods, but did not force any structural adjustments. The committee questioned the MPD's insularity and the usefulness of its freedom from external oversight. The WSC noted that little had changed since the National Advisory Commission on Civil Disorders (NACCD) identified "police brutality" as "the most pervasive" issue identified by Black citizens in the fall of 1967.<sup>86</sup> Milwaukee's police bureaucracy showed "no sensitivity" to "the magnitude of this problem." The WSC acknowledged that the MPD, once considered "a model" and "pioneer in progressive police measures," had lost its "innovator" reputation under Breier.<sup>87</sup> Instead, it found an administrator "whose central focus...has been to stress traditional police duties."<sup>88</sup> The chief "downgraded" areas that other police departments now stressed, such as "college education, specialized teams for juveniles, and minority and community relations units." He denied public requests for information and refused to comply with inquiries from outside government agencies, including the U.S. Department of Justice.<sup>89</sup> In terms of waging Milwaukee's War on Crime, Breier refused to apply for federal grants earmarked for "human relations training, community relations work or programs designed to treat special situations" related to race.<sup>90</sup> These tasks were left to the Mayor's office and MFPC. The police chief's "independence on civilian control" allowed him to "avoid public scrutiny" for all departmental operations.

The WSC identified pervasive discrimination within and without the MPD. They proposed solutions that would rid the MPD of racism and create a more balanced system. The liberal

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<sup>86</sup> National Advisory Commission on Civil Disorders, "Report on Disturbances in Milwaukee, Wisconsin, July 30-August 6, 1967," Folder, 001346-024-0871, Civil Rights during the Johnson Administration, 1963-1969, Part V, Lyndon Baines Johnson Presidential Library, Austin, Texas.

<sup>87</sup> In the era of liberal law-and-order, during the 1940s and 1950s, the MPD innovated by "instituting the first police aide program" and developed "a community relations manual." *Police Isolation and Community Needs*, 7-8.

<sup>88</sup> Chief Breier declined to join city and county officials, police union leaders, MFPC members, former police officers, and civil rights advocates in testifying for the WSC's 1972 report.

<sup>89</sup> Breier also denied requests for information from state legislative committees, the state attorney general's office, and grassroots organizations. He offered limited cooperation to federal investigatory bodies.

<sup>90</sup> Chief Breier did apply for "communications" and data processing equipment upgrades. *Police Isolation and Community Needs*, 8-9.

committee concluded that the MPD’s organization and policies had severely “isolated” it from the communities of color most in need of responsive policing and protection from interpersonal crime and police misconduct. The WSC called on Milwaukee’s mayor to “devote his considerable influence to the task of making the MPD accountable to the electorate,” to marshal support from the Common Council and state officials, and to use his executive authority to re-organize the police department. The WSC posed a series of questions to Mayor Maier about the MPD, as well as the MFPC’s capacity to raise police accountability standards. His answers largely deflected responsibility. The mayor pointed to the police chief’s statutory powers, arguing that his office only had the authority to direct the MPD during times of emergency, like the 1967 civil disturbance. Maier applauded the MFPC’s minority recruitment efforts, despite the fact that it fell well short of its goal. Regarding civilian oversight, the mayor cited the 1911 statute and the Wisconsin State Supreme Court’s decision to affirm the Milwaukee police chief’s autonomy. Consequently, the WSC recommended that all Safe Streets Act funding for the city be withheld until the MPD drastically improved its “human relations” training practices, cooperated with outside agencies and funding sources, established a dedicated “community relations unit,” and recruited additional “minority” officers.<sup>91</sup>

The WSC report also documented the experiences of Black police officers in Milwaukee. It exposed a problematic system of Black police recruitment, assignment, and promotions. The committee recognized that “uniformed personnel jobs in local police and fire departments were the

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<sup>91</sup> This meant Black, Latinx, and Women recruits. In 1967, the President’s Commission on Law Enforcement and the Administration of Justice (PCLEAJ) directed local police agencies to “develop policies and practices governing their actions when dealing with minority groups and other citizens.” The PCLEAJ cited a need to improve the image of police forces and their tumultuous relationships with residents of color. Nurturing Black and Latinx law enforcement careers, the commission believed, would help police and Black middle-class leaders reach mutual goals of order maintenance and the expansion of Black economic opportunity and political power via the civil service system. See: The President’s Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society: A Report by the President’s Commission on Law Enforcement and Administration of Justice* (Washington D.C.: United States Government Printing Office, 1967).

most difficult for minorities to obtain.”<sup>92</sup> Recruits entered the department as patrolmen, some through the Police Aide program. After five years, eligible patrolmen could apply for sergeant. After a period of time as sergeant, they could apply for lieutenant and, eventually, captain. Since 1885, the MFPC had overseen all hiring and promotions in Milwaukee’s police and fire departments. The Commission designed, scheduled and administered entrance and promotional examinations and determined eligibility lists based on composite grades. As of 1973, the grade for new recruits featured three examination components: forty percent written, thirty percent physical agility, and thirty percent oral interview. Successful recruits exhibited “good moral character,” had zero felony convictions or “habitual petty law violations,” and were U.S. citizens with at least one year of residency in Wisconsin. They had to demonstrate English proficiency and pass reading comprehension, oral, and written exams. Patrolmen between the ages of 21 and 33 years also had to meet a 5’ 8” height requirement.

Until 1968, the MFPC kept no record of how many Black officers worked for the MPD. This changed with the arrival of Marquette Law School Dean Charles Mentkowski, who aimed to update the commission’s statistical records and meet federal diversity requirements. Still, despite dozens of applications, very few Black candidates succeeded in getting hired on the MPD. The Assistant to the Executive Secretary of the MFPC selected written exam questions, which were supplied by the Public Personnel Association. The MFPC conducted oral interviews and physical agility tests. Failure to obtain a passing score on either resulted in disqualification. Eligible candidates were also expected to pass medical screenings. Breier offered no reliable data on the number of Black police officers employed. Depending on who the WSC asked, estimates ranged from thirty-three to seventy-one. According to interviewees, Breier ordered Black officers not to respond when anyone asked about his department’s racial composition.

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<sup>92</sup> *Police Isolation and Community Needs*, 2.

The WSC's investigation reflected Milwaukee's economic segmentation and racial segregation. Chief Breier exacerbated existing racial and class schisms, as City Hall and the MFPC looked to diversify the MPD. One way City Hall tried to do so was by hiring a Community Relations Specialist (CRS) to help improve the department's image by mediating disputes between heavily-policed poor and working-class communities of color and law enforcement. At Breier's urging, rank-and-file officers voted against its creation. The chief saw the position as unnecessary, since every patrolman, in his view, was already a community relations expert. The WSC noted that Breier stressed traditional practices, like monitoring jaywalking. He rejected partnering with Black-led organizations and community institutions to better control crime. The chief's aversion to taking Black police recruitment and retention deepened the gulf between the department and the MFPC's Community Relations Specialist.

The WSC's recommendations charted a reformist path that was meant to better connect police bureaucrats to federal War on Crime programming, mitigate opportunities for civil disorder, and ensure that the MPD was in compliance with civil rights laws. If the city followed these steps, justice would be more equitably served. Moreover, civil service employment opportunities would become more widely available to populations suffering from disproportionate unemployment, poverty, and crime. To ensure the creation of a more diverse police force that advanced access and opportunity, the committee proposed eliminating the MPD's one-year state residency requirement. That rule effectively barred recent Black and Brown arrivals from employment and precluded national recruitment efforts. It advocated for a reduction in the department's 5' 8" height requirement, which Latinx representatives argued disqualified them from entry onto the force. Regarding the testing of police recruits, the committee recommended that the MFPC devise an entrance exam that was free of cultural bias and more specific to the functions of the job. Although it should not serve as an "intelligence test," they argued that examinations should include psychological testing for new



recruits. Finally, existing Black officers should be enlisted to recruit patrolmen and police aides, with the MPD recording its racial data and tracking progress of advancement.

Ultimately, the WSC shed a brighter light on the MPD's discriminatory practices, particularly the department's internal racism and undermining of minority recruitment, retention, and advancement.<sup>93</sup> The committee's recommendations mostly focused on improving police-community relations, outlining specific areas to enhance civilian input and oversight. Public testimony revealed that people of color saw the MPD "as a quasi-military occupational force unresponsive to community concerns and needs."<sup>94</sup> Therefore, the WSC recommended establishing "community advisory boards" to aid district-level commanders in developing "mutual understanding of department policy and community needs." Such advisory boards were to include women, students, senior citizens, "business people," and other community representatives. The Committee also recognized that Chief Breier's lifetime tenure was a great hindrance to accountability. It recommended Mayor Maier and the Common Council restructure the city's public safety institutions so that the police and fire chiefs served limited terms and were held responsible by elected officials. Finally, any public complaints received by the MPD should go before the MFPC. Grievance hearings were to be well-publicized, so citizens could be made aware of their options when they experienced police mistreatment.

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<sup>93</sup> Overt racial discrimination denied Black officers promotion for years. Chief Breier exerted special control over promotions to the Detective Bureau. He reserved the right to appoint all "Acting Detectives"—the initial rank required for an officer's name to be advanced for promotion to full Detective. The committee recommended that only acting detectives who had served a year in their position should qualify for the Detectives examination administered by the MFPC. Moreover, all patrolmen, not just those selected by the chief, should be eligible to complete this test. Recognizing the lack of non-white brass, the committee called for Black and Brown officers to be promoted immediately to administrative positions in districts encompassing sizable nonwhite populations, like District Five, District One, and District Two. The committee also recommended that all administrative comments concerning police promotions be made in writing. No police brass should be present for the MFPC's oral interviews, as white supervisors had historically exerted undue influence on the promotion process when nonwhite candidates came up for review. *Police Isolation and Community Needs*, 43-46.

<sup>94</sup> *Police Isolation and Community Needs*, 125.

## *The Police Killing of Jacqueline Ford*

Supporters of community control grew increasingly vocal in the wake of several high-profile police killings of Black Milwaukee citizens in the mid-1970s. On November 14, 1972, the famed Black feminist and Marxist philosopher, Dr. Angela Davis, said one of their names before a packed house of about 1,000 spectators at the Black-owned Creative Center on N. Teutonia Ave.<sup>95</sup> Less than six months removed from being acquitted of aggravated kidnapping and first-degree murder charges in California, Davis decried Ms. Jacqueline “Jackie” Ford being “viciously shot down by a Milwaukee cop.”<sup>96</sup> A white Detective, Snead Carroll, was the culprit. He fatally shot the 19-year-old less than a week after Mother’s Day, on May 17, 1972. Carroll killed Ford outside of the inner-rear doorway of a second-story flat on N. 13<sup>th</sup> St. He was one of three detectives to enter the building’s rear entrance that day. The detectives ascended Ford’s staircase in search of a man who was wanted in connection with an armed robbery and shootout. The officers found 23-year-old Duane Greer, Ford’s boyfriend, in the apartment.<sup>97</sup>

Soon after Carroll shot Ford, the MPD’s public relations team went about defending the veteran detective’s honor. Police on the scene reported Ford’s death as accidental. They said he had rushed up the back staircase to subdue the young woman, who, at first, officers said was brandishing a butcher’s knife. They retracted that claim. Carroll said he “tripped” while moving quickly up the

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<sup>95</sup> The Creative Center was formerly the Egyptian Theater. At the time it was the only Black-owned theater in Wisconsin. “Angela Davis Visit Set Monday at the Creative Center,” *The Milwaukee Star Times*, November 9, 1972, 1.

<sup>96</sup> Davis’ speech touched on the killing of Soledad Brother George Jackson, South Africa’s oppressive apartheid regime, U.S. imperial aggression in Vietnam, and other racist forces of “monopoly capitalism.” “Angela Davis Visit Set Monday at the Creative Center.”

<sup>97</sup> An accomplice in the robbery, Lavern Scott, tipped MPD investigators off to Greer’s assumed location at Ford’s N. 13<sup>th</sup> St. apartment. The previous day, a detective shot and wounded Scott as he, Greer, and, and another man, George M. Williams, exited a Lisbon Ave. liquor store after allegedly holding it up for \$70.00. A “tavern customer” was non-fatally shot in the leg. Detective Carroll and several other officers said they visited Ford’s apartment earlier that Wednesday. She denied Greer was hiding in her flat and refused to let the police inside. Scott insisted that Greer was hiding in Ford’s apartment. Carroll, two other detectives, and several patrolmen returned to the apartment, entering through its front and rear entrances with their guns drawn. “Police Shooting of Woman Probed,” *The Milwaukee Journal*, May 18, 1972, Part 2, 1, 7; “Woman Killed as Police Raid Home for Suspect,” *The Milwaukee Journal*, May 18, 1972, Part 1, 7.

staircase, unintentionally firing his service weapon in the direction of Ford's lower right chest.

District Attorney E. Michael McCann called the shooting "accidental, though tragic." Although he requested an inquest hearing at the behest of the Ford family, McCann told reporters that Carroll was "one of the most capable and professional men in the Milwaukee Police Department."<sup>98</sup> Few police accountability advocates expected justice from the DA. As McCann told Joan McManus in 1970, he would "probably never file criminal charges" against a police officer in "a citizen complaint case." They would not be able to overcome the credibility afforded to police in court.<sup>99</sup>

Black residents, incensed over Ford's death, mobilized a campaign for justice. Twenty-five community members filled a small room for the June inquest hearing, including friends and family of the deceased. When the county medical examiner announced his decision to exonerate Detective Carroll, loved ones cried out against what they knew to be a grave injustice. Attorney Terrance Pitts called the medical examination a "whitewash." "If a cop can't be held responsible for falling and killing someone," he asked, "What are our lives worth—nothing."<sup>100</sup> Duane Greer, on the other hand, was charged with attempted murder, armed robbery, and "causing injury by conduct regardless of life." At the hearing, MPD detectives reiterated their story, insisting that one accidental shot was fired. However, witnesses and neighbors presented a murkier picture. Greer and Ford's sister testified to hearing multiple shots fired. A Madison crime lab expert studying the case argued that the bullet that hit Ford exited her body and entered the apartment door from the opposite side of where police described. Nevertheless, the medical examiner confirmed the police version of events. Carroll's actions were ruled "excusable homicide." After the inquest hearing, Sarah Ford addressed the press. She called out the whitewashed criminal-legal system's contradictory character and self-

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<sup>98</sup> "Police Shooting of Woman Probed."

<sup>99</sup> McManus, "The Police Problem in Milwaukee," 2.

<sup>100</sup> "Police Shooting of Woman Probed"; "Woman Killed as Police Raid Home for Suspect"; "Detective Cleared in Fatal Shooting," *The Milwaukee Journal*, June 16, 1972, Part 2, 1, 12.

serving narratives, commenting, “Each one is coming up with a different story.... They’re going to stick together on their lies...They makes the law, and they breaks the law, to their own advantage.”<sup>101</sup>

Black-led neighborhood organizations assembled in the days after the Ford killing, demanding community control of the police as part of a larger quest for Black political and economic self-determination.<sup>102</sup> In Milwaukee, a short-lived umbrella coalition of Black Power organizations formed as the Council of Black People (CBP). The CBP’s focus was to eliminate police violence on the north side. For its members, that began with garnering Black police representation, gaining Black input on police policy, and guaranteeing Black civilian oversight of police actions. MBPP co-founder Walter Chesser said it was “the first time in Milwaukee [that] Black people came together to seriously deal with the question of community control of the police.”<sup>103</sup> The CBP’s goal was ultimately to engender more responsible police protection—not to abolish law enforcement, but “to develop a police department responsive to the community it serves.”<sup>104</sup> That included decentralization of the MPD, or at least uncoupling the department from the “impregnable” grasp of Chief Breier. The critical issue for Chesser and others was the lethal, physical police force regularly inflicted on African Americans. The CBP “was not responding to the loss of one black life,” he affirmed, but “to the deaths of all Black persons at the hands of Milwaukee’s Police Department.”

The CBP organized a demonstration at the Milwaukee Safety Building in the wake of the

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<sup>101</sup> Sarah Ford filed a federal civil rights lawsuit against Chief Breier and the City of Milwaukee seeking \$1.25 million in damages. The case moved slowly through the system, and was not settled until 1976. Judge John Reynolds dismissed Ford’s claim for “want of prosecution and to clear the court’s calendar.” The Common Council’s Judiciary-Legislation Committee then recommended a \$15,000 payout. “\$1 Million Suit Dismissed in Gun Death,” *The Milwaukee Sentinel*, May 4, 1976; “City Urges Settlement in Shooting,” *The Milwaukee Journal*, September 27, 1976, Part 2, 5; “Sarah Ford Addresses News Reporters,” *Daily News*, June 14, 1972, Milwaukee Journal Stations Records, Milwaukee Mss Collection 203, University of Wisconsin-Milwaukee Archives.

<sup>102</sup> As Elizabeth Hinton has written, in the context of increasing civil violence in the late 1960s, “mainstream black activists shifted the focus of their organizing from the pursuit of civil rights and equal access to the quest for self-determination and community control.” Hinton, *From the War on Poverty to the War on Crime*, 132.

<sup>103</sup> Walter Chesser, “Reader Opinion: Did Beach Disrupt COPB?” *The Milwaukee Star Times*, June 22, 1972, 4.

<sup>104</sup> “Reader Opinion.”

Ford killing, where they presented three demands: first, for the MPD to fire Detective Carroll. Second, for Breier to replace all white patrolmen serving in Black Milwaukee neighborhoods with Black officers. Third, for the police chief, mayor, and MFPC chairman to formally apologize to the Ford family for carelessly ending Jacqueline's life. The CBP worked with Black clergy to shine a brighter light on issues of police violence, circulating a petition for legal changes that permitted community control of the police.<sup>105</sup> On May 23, 1972, upwards of 300 people marched on Milwaukee's Safety Building after Ford's funeral service.<sup>106</sup> Four of the marchers representing the CBP—Walter G. Beach II and Webster Harris of the recently formed New Image Concept, Commando Project I leader Jesse Wade, and Robert Bond of Interested Veterans of the Central City—demanded a meeting with Chief Breier. "We are not satisfied," Beach told the press after the meeting.<sup>107</sup> "The three points that we presented to the chief were presented as strongly as [they] could be presented. And we let the chief know that we were not satisfied with anything other than a positive position on the part of the police administration," he added. While Beach insisted the CBP would "continue to pursue the issue," he looked to set the public's mind at ease about any threat of civil unrest surrounding the outcome of the inquest hearing. "We are not here to destroy or tear down. We merely want to make input. And we feel that we ought to have that opportunity to talk to the chief to seek the beginning of negotiations on behalf of the citizenry of the City of Milwaukee, specifically of the Black community, and with the Police Department. This is what I call working together," Beach concluded.

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<sup>105</sup> *The Milwaukee Star Times*, June 8, 1972.

<sup>106</sup> "250 Blacks Protest Gun Death," *The Milwaukee Journal*, May 23, 1972, Part 3, 10. *The Milwaukee Sentinel* reported a lower estimate of 150 protestors. "Says Breier Vows Look at Black Demand," *The Milwaukee Sentinel*, May 24, 1972, Part 1, 5. Conversely, *The Milwaukee Courier* reported about 300 protestors. "Protestors demand the removal of racist white cops from Black Community," *The Milwaukee Courier*, May 27, 1972, 1.

<sup>107</sup> Chief Breier initially refused to meet with the CBP. First District Commander Gregory Isermann told the envoys that Breier was too busy. Isermann said he would personally deliver their requests. Alderman Orville Pitts intervened, taking it upon himself to telephone Breier from the building's lobby. He was able to persuade Breier to hear out the grievances of his constituents. Walter G. Beach II addresses news reporters, May 23, 1972, *Daily News*, Milwaukee Journal Stations Records; "250 Blacks Protest Gun Death," *The Milwaukee Journal*, December 12, 2018, Part 3, 10.

None of the CBP demands were met. Chief Breier told the council he would take “a long, hard look” at removing white officers from Black neighborhoods by the next year. However, he called the request “impractical,” citing a limited availability of Black patrolman candidates.<sup>108</sup> Not surprisingly, the chief refused to fire Carroll, who he believed acted appropriately and was exonerated by the DA. In a letter to his fellow MFPC members, Louis Miller, the only Black commissioner, pleaded for at least a suspension pending a full investigation.<sup>109</sup> But Miller’s colleagues rejected his request. Assistant City Attorney Thomas Hayes advised the MFPC that police officers could not be suspended unless a “formal complaint” was filed by an “elector.” The only room for action was on recruiting more Black police. That representation was so low, five years after the MFPC had begun taking minority recruitment seriously, was a problem for a commission that had done little beyond placing a handful of public advertisements, outfitting a “community relations mobile unit,” and employing a “community relations specialist” to lecture to Black and Latinx people on the benefits of police work. The MPD’s harsh tactics in minoritized spaces, meanwhile, undermined their recruitment efforts long-term. Countless Black and Brown youth mistrusted police and showed no interest in joining their oppressor. But even those who expressed interest faced institutional barriers. In 1972, only two Black young people qualified for the Police Aide program, despite an eligibility list of sixty-two candidates. The MFPC’s executive secretary, Arlene Kennedy, cited “economic conditions” and “high unemployment” as factors. Yet Black officers and community members knew that written exam questions favored white test-takers in their cultural framing. This compounded existing distrust of Milwaukee’s police bureaucracy.<sup>110</sup>

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<sup>108</sup> “Not Enough Blacks to Fill Police Jobs, Breier Says,” *The Milwaukee Journal*, May 24, 1972, Part 2, 12.

<sup>109</sup> “Commission Declines to Suspend Detective,” *The Milwaukee Journal*, May 19, 1972, Part 1, 20.

<sup>110</sup> Thirty-two Black and three Latinx candidates applied for the Police Aide position. Three passed the written examination; one failed the medical test. Of the two candidates that passed the MFPC’s assessments, only one was appointed based on the MPD’s eligibility rankings. Kathleen Matichuk, “Police Minority Drive Proves Disappointing,” *The Milwaukee Journal*, August 11, 1972, Part 1, 4; Ralph E. Van Atta, “A Program for Reducing Spurious Attrition of Blacks by Police Patrolman Qualifying Examinations,” Box 9, Folder 29, “Administrative Subject Files, Wis. Council on Criminal Justice - Police Dept. Test Skills Program, 1974-1976,” Milwaukee Urban League Records, 1919-1979,

Because of the CBP and Walter Beach's commitment, Black police recruitment remained the only viable reform solution. The statute protecting Chief Breier's authority, combined with his political influence, neutralized any hope for elected officials expanding community input or civilian review structures. Whether Black officers patrolling on the north side would actually lead to a reduction in racialized police violence was an untested question. As one retired Black officer claimed, he and his peers intervened in potentially violent situations involving white police and Black citizens. "If you see an officer getting heavy handed with someone else," the officer said, "you step in between and you take the blow. And then when they hit you, you can hit back."<sup>111</sup> In 1971, only fifty-one Black officers served out of 2,200 sworn personnel—just two percent of the MPD's total.<sup>112</sup> At Breier's direction, supervising officers refrained from assigning Black officers to the same squad. They were not allowed to congregate together on the job. The goal for Walter G. Beach II and his collaborators was to create power in numbers, eventually moving Black officers up the chain of command within the existing system. He started a community-based hiring drive, working alongside the Milwaukee Urban League, University of Wisconsin-Milwaukee, Adult Basic Education Department of the Spanish Center, and MFPC to host skills training workshops.<sup>113</sup>

Beach's efforts were successful. Ford's death motivated, for instance, future League of Martin president Lenard Wells to join the MPD.<sup>114</sup> His long career began as two forces converged in the long 1970s: Black Power organizations seeking to implement community control of the police

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Milwaukee Mss EZ, University of Wisconsin-Milwaukee Archives.

<sup>111</sup> Lenard Wells, interview by Will Tchakirides, November 12, 2016, African Americans in the Milwaukee Police Department Oral History Project.

<sup>112</sup> Kenneth Feit, "The Milwaukee Police Department Part II," 5.

<sup>113</sup> "Blacks Fear Police Plant, Oust Whites," *The Milwaukee Journal*, January 4, 1973, Part 2, 2.

<sup>114</sup> Wells heard Beach discuss the shooting death on his WAWA radio show with O.C. White. Beach personally recruited him as he was leaving his manufacturing job. As Wells recalled in an oral history interview, "I'm leaving A.O. Smith one morning, and Walter G. Beach is standing there, and he handed me a flyer, and he looked me in the eye...and says, 'You are who we need. Come to a meeting.' And the meeting was at the Urban League..." Lenard Wells, interview by Will Tchakirides, November 12, 2016. Lenard Wells migrated to Milwaukee in 1968 from Whatley, Alabama, a small farming town of several hundred residents. Wells had a large family, with twelve siblings—eight boys and four girls. "Jackie Ford's Family Sues City, Hearing Begins Half Million-dollar Suit," *The Milwaukee Star Times*, November 9, 1972, 3; Lenard Wells, interview by Will Tchakirides, November 12, 2016.

and the federal government enforcing civil rights compliance within police agencies. Beach's recruitment push, in January 1973, secured a record sixty-two minority applicants—mostly Black, but also some of Latinx and Native American ancestry.<sup>115</sup> In May, he founded a police training school that would operate through his non-profit organization, the New Image Concept (NIC), which sought grant funding through the LEAA. The “image” of the MPD was the main inhibitor to “good potential policemen,” Beach surmised.<sup>116</sup> Black politicians supported the one-time Milwaukee NAACP president's recruitment efforts. Without recruiting more Black patrolmen, Lloyd Barbee wrote Beach, “the dogs who are to protect us will become madder, or wolves who will prey upon the Black and Latin community all the more.”<sup>117</sup> Mayor Maier appointed the second Black Fire and Police Commissioner, William Gore, in May 1973. It marked a liberal transition for the MFPC, as the board moved further away from the secretive, conservative, all-white civic alliance's powerful influence. Police brutality, Gore said, was “something that should be looked at honestly and corrected.”<sup>118</sup> He expressed hope that Milwaukee would curb Black suspicions of police. However, additional police killings foiled this goal.

### *Black Lawmakers and Police Reform*

Racialized police killings, like the Ford case, shaped Black political agendas during the long 1970s. Milwaukee's few Black legislators responded to constituent demands for accountability.

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<sup>115</sup> “Minorities Take Up Police Officer,” *The Milwaukee Journal*, January 26, 1973, Part 2, 13.

<sup>116</sup> In July 1973, the New Image Concept held a “Police Community Solidarity Day” fundraiser for the Minority Police Training and Recruitment School of Milwaukee. Beach hoped to fund the training school through an LEAA grant. However, he missed an application deadline with the Metropolitan Milwaukee Criminal Justice Council in January 1974. Box 56, Folder 40, Police Training and Recruitment of Minorities, 1973, undated, Lloyd A. Barbee Papers; “Training School for Would-Be Officers Planned,” *The Milwaukee Journal*, May 18, 1973, Part 2, 4. The NIC hosted its first police training and recruitment course for police recruits in February 1974. The course was held at 1201 W. Vliet St. Box 140, Folder 3, “Police Department, October-December, 1974,” Records of Mayor Henry W. Maier Administration.

<sup>117</sup> Lloyd Barbee to Walter Beach, July 10, 1973, Box 56, Folder 40, “Police Training and Recruitment of Minorities, 1973, undated,” Lloyd A. Barbee Papers, 1933-1982, Milwaukee Mss 16, University of Wisconsin-Milwaukee Archives.

<sup>118</sup> “Commissioner Tells Job Aims,” *The Milwaukee Courier*, May 19, 1974, 3.



However, they found lax support from white colleagues. Assemblyman Lloyd Barbee, who had joined Alderwoman Vel Phillips in calling for more Black police officers in the early 1960s, was the most active.<sup>119</sup> His participation in the Citizens Anti-Police Brutality Committee (1964-1965), when Chief Breier refused to work with local organizations in alleviating police-community tensions, showed him that fixing Black Milwaukee's policing crisis would require legislative solutions. In 1968, Barbee introduced a bill that granted anyone the right to file a complaint against the police with the MFPC, regardless of taxpayer or property owner status. It passed. The next year, he proposed additional measures that failed.<sup>120</sup> "We no longer have time for debate when incidents of violence by police are directed against and restrict the legitimate movement of people," Barbee argued.<sup>121</sup> His first bill mandated psychological screenings for police recruits, so as to remove potentially dangerous or racist patrolmen.<sup>122</sup> Another made it illegal for police to abuse any person stopped, arrested, or detained by law enforcement. In "incident after incident," the assemblyman observed, Milwaukee police were "catching a person unaware and physically assaulting him for no reason other than exercising his power."<sup>123</sup> A third measure would have established a civil rights division within the Wisconsin Department of Justice. That agency, among other responsibilities, was to handle all police brutality and misconduct allegations registered in the state.<sup>124</sup> Finally, Barbee drafted a bill that would install a civilian head of the MPD—a commissioner appointed by and who served at the mayor's

<sup>119</sup> While Barbee retained faith that policing could be made legitimate through "conscientious" administration and efforts to attract Black personnel who were "alert to the problems of the inner core," he was clear-eyed about how institutional racism functioned on the MPD. He did not think that hiring more Black police officers alone would automatically resolve issues of discrimination. "Liberal advocates" were "proceeding like a herd of turtles" in the "race against racism," doing "too little too late." Lloyd A. Barbee, "State Report," *The Milwaukee Star Times*, May 2, 1974, 4.

<sup>120</sup> "Barbee Bills Would Curb Police Violence," *The Greater Milwaukee Star*, May 31, 1969, 7.

<sup>121</sup> "Barbee Moves to Stop Cops," *The Milwaukee Courier*, May 24, 1969, 1.

<sup>122</sup> Barbee identified a need to "weed out all those potentially sadistic people who enjoy physically beating a victim" in favor of those who can "calmly react to all situations." "Barbee Bills Would Curb Police Violence."

<sup>123</sup> "Barbee Bills Would Curb Police Violence."

<sup>124</sup> Finally, Barbee introduced a measure calling for the creation of a civil rights division within the Wisconsin Department of Justice. As the lawmaker affirmed, "With a continued rise in police violence and a significant number of persons being constantly oppressed, there must be a move made to protect society from its own creations, mainly the police." "Barbee Bills Would Curb Police Violence."

discretion.<sup>125</sup> All of these bills reflected mounting Black frustrations with the city's all-white police bureaucracy. Unfortunately, few made it out of committee.<sup>126</sup>

Assemblyman Barbee again addressed police brutality in 1971. He specifically responded to the violence inflicted by the MPD's Tactical Squad. His latest measure declared that "no law enforcement officer shall abuse any person detained or in the custody of a law enforcement agency."<sup>127</sup> The proposed bill helped aggrieved people file lawsuits with the U.S. Justice Department, along with calling for mandatory investigations. Any officers who engaged in violent acts or misconduct were to be disciplined. Barbee put forward more bills, including one that challenged the 1911 statute granting Milwaukee public safety chief's lifetime tenure, policymaking authority, and regulatory independence. "If we want to begin to get rid of militarism from the police department, then we have got to start with the department's leadership," he stated.<sup>128</sup> During a June 1973 legislative hearing on setting four-year term limits for public safety chiefs, Barbee and an assembly colleague, Harout Sanasarian (D-Milwaukee), criticized Chief Breier's "arrogance," "inaccessibility" to citizens, and "roadblocking" of elected officials who tried to make the MPD "more open and responsive to the people."<sup>129</sup> In Barbee's view, the department had become exceptional for being the only police department in the country to run "contrary to democratic arrangements," with a "police

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<sup>125</sup> "Civilian Police Head Favored by Barbee."

<sup>126</sup> Other legislators actively worked to shore up the MPD's counterinsurgent power in the wake of civil violence. For instance, the Wisconsin Senate passed a stronger "stop and frisk" law, just before Barbee demanded action on curbing racialized police violence in Milwaukee. It authorized police to "stop and question" persons "considered suspicious" prior to effecting an arrest and reflected the unease of white officials with Black Power organizations, especially the MBPP. The stop and risk law required that confiscated weapons be sent to the State Crime lab for processing within forty-eight hours of seizure. It also made weapons and other materials discovered in police searches subject to seizure and admissible in court as evidence. Black activists and civil rights groups assailed the measure. African Americans, Barbee said, felt "harassed and intimidated by police who illegally detain[ed] Blacks for questioning just for being on the street." The MPD's history of indiscriminately stopping and searching Black residents—regardless of class background—dated to at least the 1930s, when Vice Squad officers aggressively frisked and brutalized presumed "policy" gamblers. "Barbee Moves to Stop Cops."

<sup>127</sup> "March 23, 1971, Introduced by Representative Barbee," Box 57, Folder 1, Police Brutality, 1961-1974, n.d., Lloyd A. Barbee Papers.

<sup>128</sup> "Civilian Police Head Favored by Barbee," *The Greater Milwaukee Star*, August 30, 1969, 2.

<sup>129</sup> "Hearing Critical of Breier," *The Milwaukee Journal*, June 13, 1973, Part 2, 4.

chief appointed for life.”

Other Black legislators introduced policing measures as more got elected to office in the long 1970s. State Senator Monroe Swan, former chair of the Organization of Organizations, introduced three bills in March 1973. They responded to the MPD’s brutal searches and interrogations following the shooting deaths of two officers. The first measure required on duty police in “first class cities” to wear police badge identification numbers sewn on their uniforms.<sup>130</sup> The second called for a five-member “police and fire safety review board” to be established in each of Milwaukee’s seven police districts. The boards would be able to evaluate and act on civilian police complaints.<sup>131</sup> One member from each board would also serve on the MFPC, raising the commission’s membership from five to twelve members. Swan’s third bill, co-sponsored with five other senators and three representatives, called for the creation of a “safety commissioner’s” office in Milwaukee. The Safety Commissioner would be responsible for appointing police and fire chiefs and holding them accountable. They would report to the MFPC, which would be expanded from five to nine members, with the Common Council appointing two members and the fire and police unions appointing two as well. The measure also called for public safety chiefs to serve four-year terms. Swan introduced another measure in April prohibiting police officers in first-class cities from living outside of the precincts or districts in which they served.<sup>132</sup>

Lloyd Barbee was also the first Black community leader in Milwaukee to float the idea of police abolition. He told the city’s International Society for General Semantics chapter in 1968 that all police forces should be abolished. “They are taught violence and actively practice it,” Barbee stated, referencing the police riot that had just taken place outside of the Democratic National

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<sup>130</sup> Swan introduced these bills on March 30, 1973. “1973 Senate Bill 417,” 1, Box 139, Folder 21, “Police Department, March, 1973,” Records of Mayor Henry W. Maier Administration.

<sup>131</sup> “1973 Senate Bill 418,” 1, Box 139, Folder 21, “Police Department, March, 1973,” Records of Mayor Henry W. Maier Administration.

<sup>132</sup> “1973 Senate Bill 448,” 1, Box 139, Folder 22, “Police Department, April-September, 1973,” Records of Mayor Henry W. Maier Administration.

Convention in Chicago.<sup>133</sup> He framed the police as defenders of class privilege, “put in a position of killing human beings for taking or damaging property.”<sup>134</sup> “This kind of action triggers counter-action” from overpoliced citizens, who perceive law enforcement as “an occupying army.” Barbee held that it was only possible for the police to “maintain law and order” if they respected human dignity rather than “violate it with acts of brutality, harassment, and sadism.”<sup>135</sup> To make his point, Barbee alluded to an era of benevolent policing, pre-militarized and with sound community relations. We can no longer “rely on hardware and weapons for law and order,” Barbee commented. “Police now play the role of provocateurs, doing much more harm than good,” and “white bigots support this kind of force.”<sup>136</sup>

Barbee unsuccessfully tested his abolition concept in the legislature in October 1969. He introduced what is essentially a proposal for community control of law enforcement. The bill called for the abolition of all police departments in Wisconsin cities and villages with populations over 5,500 residents. The departments were to be replaced with volunteer forces led by civilian administrators appointed by community boards, who were also tasked with supervising the agency’s “day-to-day activities.”<sup>137</sup> The bill did more than simply dismantle organized police departments. It called for their civilian-led replacements to be staffed by unarmed officers. In not carrying deadly “instruments of force,” historically used to “escalate essentially peaceful situations into violent confrontations,” law enforcement would keep the peace, refrain from brutality, and “further reduce the authoritarian appearance of policemen.”<sup>138</sup> Barbee argued this engendered “community respect and acceptance” from residents who mistrusted the intentions of police. Lastly, the bill also called for “a draft procedure” when volunteers were needed. Draftees would be guaranteed the right of re-

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<sup>133</sup> “Barbee Feels Police Shouldn’t Exist at All,” *The Milwaukee Journal*, September 14, 1968, Part 2, 6.

<sup>134</sup> “Barbee Says Disarm Cops,” *The Milwaukee Courier*, September 21, 1968, 1.

<sup>135</sup> “Barbee Says Disarm Cops.”

<sup>136</sup> “Barbee Says Disarm Cops.”

<sup>137</sup> “Bill Would Abolish Police, Draft Plainclothes Force,” *The Milwaukee Courier*, October 18, 1969, 1.

<sup>138</sup> “Bill Would Abolish Police, Draft Plainclothes Force.”

employment, assuming they held a job, after two-year terms. All officers would undergo psychological screenings. Community boards would be empowered to set procedures according to local conditions. For Barbee, police “abolition” meant dismantling and rebuilding law enforcement from the ground up under a program of community control that anchored policing in service, not racist public order enforcement.

### *Re-organized Milwaukee Black Panther Party and the United Black Community Council*

Following the Council of Black People’s apparent dissolution in 1972, Milwaukee’s Black Panther Party (MBPP) reorganized.<sup>139</sup> It was formally re-chartered in 1973 and featured about fifty members, mostly Black women. Again, the MBPP took up the banner of community control of the police. In May 1974, the group called for the formation of a citizen elected “City-wide Police Commission” (CPC). While all Black residents experienced some form of overpolicing and underprotection in Milwaukee, the Panthers faced a near-constant threat of police harassment, surveillance, and violence. The Party’s national reputation for armed militancy and Black Nationalist posturing encouraged a focused police response locally. While the CPC had little chance of realization in a white-controlled city dominated by competing liberal and conservative political interests, it outlined a unique vision for community control that served as a baseline for more radical police accountability advocates going forward. Ronald Starks called the plan “the first viable restructuring of the present police department system designed to institutionalize actual control by the community.”<sup>140</sup>

The Black Panthers’ idea for the CPC revived the public safety board concept outlined in 1968 by the Martin-Weber Committee (MWC). The MWC had proposed replacing the Fire and

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<sup>139</sup> Based on newspaper mentions, the Council of Black People appears to have dissolved after the public demonstrations for justice for Jacqueline Ford ended in 1972.

<sup>140</sup> “Community Control of the Police Urged,” *The Milwaukee Star Times*, May 9, 1974, 1.

Police Commission with a seven-member body responsible for setting all police policies.<sup>141</sup> However, the MBPP wanted to add eight additional members. CPC candidates would run on public campaigns funded by City Hall. They had to be civilians, at least eighteen years of age, and should not concurrently hold public office. The CPC would then choose local administrators to oversee seven police district boards. These citizen-led boards would hold the authority to hire and fire police personnel, promote officers, process complaints, and operate the internal affairs bureau. CPC records would be open and accessible to the public, and people could petition for special meetings as needed. Central to this self-determined vision was, again, requiring the police to live in the districts they served. This would ensure fair representation, raise standards of accountability, and improve community relations, while at the same time lowering Black arrest rates. The MBPP set a goal of collecting 30,000 signatures for a state legislative referendum to “change laws governing police affairs” in 1976. To build support, they proposed educational classes to familiarize people with the MPD’s “history, structure, and operation.”<sup>142</sup>

Black Power organizations flourished in Milwaukee during the mid-1970s. The revived MBPP and others participated in a United Black Community Conference in August 1974.<sup>143</sup> It was designed to bring Black Milwaukeeans of sundry political, religious, and philosophical perspectives together. The conference’s more than a dozen workshops aimed to create a unified Black position on local issues like police brutality, education, housing, healthcare, and the needs of veterans. Penny and Michael McGee, both Black Panthers and community activists, led the conference’s steering committee. They focused on developing Black political unity, community control of institutions, an “economic base” for community survival programs, and registering Black voters.<sup>144</sup> The event led to

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<sup>141</sup> This idea drew on the Organization of Organizations’ 1965 proposal to Chief Breier, the MFPC, and City Hall for an independent citizen review board. “Autonomy Defended by Breier,” *The Milwaukee Journal*, September 25, 1974, Part 2, 12.

<sup>142</sup> “Panther Party Circulates Petition,” *The Milwaukee Star Times*, May 9, 1974, 4.

<sup>143</sup> “Blacks to Meet for Two Days,” *The Milwaukee Sentinel*, August 14, 1974, Part 1, 9.

<sup>144</sup> “Unity Conference Set for August 23,” *The Milwaukee Star Times*, August 15, 1974, 1.

the formation of the United Black Community Council (UBCC), which competed with Black-led liberal coalitions in debates around police violence and public safety. The group came to include former members of the MBPP, after Huey Newton shut down all branches outside of California in 1977, members of the Republic of New Africa, and the Nation of Islam.<sup>145</sup>

### *January 1973 Police Slayings and Response*

The issue of police-Black citizen violence was aggravated amid a violent start to 1973. On a cold January night, two white patrolmen, Charles Smith and Gerald Hempe, were shot and killed on N. Palmer St. by a 26-year-old Black male suspect.<sup>146</sup> It was not immediately clear why the officers pulled Ben Sanders and a vehicle of three passengers over, nor why the traffic stop took a tragic turn. According to witnesses, police were arresting a passenger, 21-year-old Gregory Daniels, when Sanders exited the vehicle and began firing.<sup>147</sup> Community members suspected the MPD's history of "social harassment" played a role.<sup>148</sup> In response to the first slaying of a police officer since 1967, the MPD engaged in an aggressive "manhunt," or, what one Black Vietnam War veteran called, "a search and destroy mission."<sup>149</sup> Three tavern owners complained to the Milwaukee NAACP that officers stormed into their establishments, lined patrons up at gunpoint, searched them for guns, and made arrests.<sup>150</sup> Black homeowners decried a lack of search warrants. Alderman Ben Johnson said the killings were "symptomatic of the problems that are confronted daily" by Black citizens.<sup>151</sup> More

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<sup>145</sup> Witt, "Picking Up the Hammer," 100.

<sup>146</sup> "2 Young Men Held in Officers' Slayings," *The Milwaukee Journal*, February 1, 1973, Part 1, 1. Sanders eventually received a life prison sentence. "Ben Sanders," *The Milwaukee Star Times*, August 23, 1973, 4.

<sup>147</sup> It is quite possible that Sanders feared the police were going to kill Gregory Daniels and he fired preemptively. Police had shot and killed Gregory Daniels' brother during an attempted robbery in June 1972. "Police Criticized for Manhunt," *The Milwaukee Star Times*, February 8, 1973, 3.

<sup>148</sup> "Ben Sanders, Jr.," *The Milwaukee Star Times*, June 21, 1973, 4.

<sup>149</sup> "2 Young Men Held in Slaying of Officers; Charge Expected," *The Milwaukee Journal*, February 1, 1973, Part 1, 10.

<sup>150</sup> "Twenty-three-year-old John Lindsey reported that a white officer held a shotgun, safety unlocked, against his neck and said, 'Nigger if you don't tell me where that gun is, I'll blow your fucking head off.'" "Incidents Involving Police Leave a Bitter Taste," *The Milwaukee Journal*, February 11, 1973, Part 1, 16; "Ald. Johnson Opposes Doe Probe of Police," *The Milwaukee Journal*, February 10, 1973, Part 1, 11.

<sup>151</sup> "Policing of Inner City Hit," *The Milwaukee Journal*, February 2, 1973, Part 2, 1.

than a dozen suspects were eventually apprehended, with more stopped, searched, and questioned. The invasive “hunt” triggered latent traumas. Officers “forcibly entered” several family residences and businesses in the vicinity of the crime in search of witnesses and suspects. One elderly man said he did not know who he was more scared of, “the cops or the muggers...” The police “treat us just like we was all criminals.”<sup>152</sup> Some “terrorized” suspects were so badly beaten they required hospitalization.<sup>153</sup> At a district station, police denied attorney visitations to interrogated suspects.<sup>154</sup> Jesse Wade, of the Commandos I project, expressed remorse about the officers’ deaths.<sup>155</sup> However, he also surmised that the young patrolmen would still be alive “if cops hadn’t been messing with folks.” Most Black people in the city, he said, “don’t go looking for cops...they go the other way.”<sup>156</sup>

The MPD’s actions evoked the 1956 and 1957 police searches for Black rape suspects following the alleged sexual assaults of white women. Only this time, the Black community had more political capital. Black elected officials connected the tragedy of the police murders to discriminatory law enforcement tactics and a lack of protection for Black residents living on Milwaukee’s north side. Alderman Orville Pitts observed that an “illegal curfew” existed after 9:00 p.m. in the Black community. Residents found in violation were “stopped and frisked while they walked or drove their cars.”<sup>157</sup> The MPD criminalized African Americans, while ignoring “the

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<sup>152</sup> “2 Young Men Held in Slaying of Officers; Charge Expected,” *The Milwaukee Journal*, February 1, 1973, Part 1, 10.

<sup>153</sup> Forty-nine-year-old disabled World War II veteran Clarence Euwing was beaten by police in a telephone booth. Officers arrested him for “disorderly conduct.” He was eventually fined after spending twenty hours in custody. “Police Slayings Spark Reprisals,” *The Milwaukee Star Times*, February 8, 1973, 1; “Incidents Involving Police Leave a Bitter Taste,” *The Milwaukee Journal*, February 11, 1973, Part 1, 16; “Maier Pleads for Peace, Pitts Seeks Protest,” *The Milwaukee Journal*, February 8, 1973, Part 1, 9; “March on City Hall to Be Called Off if—,” *The Milwaukee Journal*, February 14, 1973, Part 2, 4.

<sup>154</sup> Police also proceeded to question suspects in private after lawyers had advised clients of their right not to answer questions.

<sup>155</sup> Commandos I was a social service project taken up by former members of the NAACP Youth Council Commandos in the late 1960s and 1970s. The group focused on issues around ex-offender’s and prisoners’ rights, youth employment, and diversionary programs. The new social service organization signaled a turn towards entering the criminal-legal system bureaucracy and jockeying with police agencies and prisons for criminal justice funding. Erica Metcalfe, “The Youth Council Commandos’ Quest for Quality Housing,” *Wisconsin Magazine of History* (Winter 2014-2015), 14.

<sup>156</sup> “Police Attitudes toward Inner City Decried,” *The Milwaukee Journal*, February 2, 1973, Part 2, 7.

<sup>157</sup> “Maier Pleads for Peace, Pitts Seeks Protest,” *The Milwaukee Journal*, February 8, 1973, Part 1, 9.



muggers, burglars, and other people who commit crimes” in their neighborhoods. Johnson called for “psychological screenings” of police officers so as to remove those “who had overt racism and hostility.”<sup>158</sup> This was not about “going soft” on crime, he said, but instilling “mutual trust and respect.” Having learned from past police-citizen conflicts, Black political leaders agreed that reaching out to the MPD to improve police-community relations was “futile,” “worthless,” “superfluous.”<sup>159</sup> The same went for the “useless” MFPC, as County Supervisor Terrence Pitts described the commission. According to the supervisor, “the only way to stop harassment and police brutality” was “to win cases in a civil court system.”<sup>160</sup> His brother (Orville Pitts) called for an FBI probe, noting that justice “can only be achieved through the federal process.” Pitts’ investigation request characterized the MPD as “engaged in a conspiracy to deny civil rights to citizens.”<sup>161</sup> Speaking in front of about one hundred frustrated Black constituents at the Northtown Planning and Development Center, the Black alderman called on thousands of residents to inundate City Hall with their grievances against the MPD and peacefully “paralyze” municipal government.<sup>162</sup>

Black politicians were not alone in voicing their concerns about racist policing. A white alderman, Martin Schreiber, said public complaints made against the police for acts of violence should be City Hall’s “top priority.” By February 10, 1973, at least four civilian complaints of police brutality had been turned over to the U.S. Department of Justice’s Civil Rights Division.<sup>163</sup> Still, rather than listen to and act on Black grievances against the police, Mayor Maier focused on other issues, like uniting residents living in Milwaukee’s “Model Cities” district to fight against federal

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<sup>158</sup> This reform was first proposed by the Citizen’s Anti-Police Brutality Committee in 1964. “Ald. Johnson Opposes Doe Probe of Police,” *The Milwaukee Journal*, February 10, 1973, Part 1, 11.

<sup>159</sup> Mack Alexander and Ronald Haase, “Pitts Urges Suits,” *The Milwaukee Sentinel*, February 7, 1973, Part 1, 7.

<sup>160</sup> Mack Alexander and Ronald Haase, “Pitts Urges Suits,” *The Milwaukee Sentinel*, February 7, 1973, Part 1, 7.

<sup>161</sup> “Police Slayings Spark Reprisals,” *The Milwaukee Star Times*, February 8, 1973, 1.

<sup>162</sup> “Maier Issues Inner City Peace Plea,” *The Milwaukee Journal*, February 8, 1973, Part 1, 1. Alderman Pitts soon cancelled his proposed demonstration at City Hall because he thought the formation of a citizen’s committee to study the roots of Black community and police differences would be more worthwhile. “Ald. Johnson Opposes Doe Probe of Police,” *The Milwaukee Journal*, February 10, 1973, Part 1, 11.

<sup>163</sup> “Ald. Johnson Opposes Doe Probe of Police,” *The Milwaukee Journal*, February 10, 1973, Part 1, 11.

budget cuts.<sup>164</sup> Rather than tell police to stop harassing Black people, Alderman Pitts said, Maier told “members of the (black) community not to walk the streets at night, to refrain from provoking the police.”<sup>165</sup> He warned against local demagogues manipulating “false charges, innuendos, and tensions” around policing. The Milwaukee ACLU, alternatively, framed the north side as a “tinderbox” ready to explode following the next instance of police intimidation or brutality. The organization demanded better police leadership. Black residents suggested the community engage in “economic boycotts” to pressure Chief Breier into disciplining violent officers.<sup>166</sup> Although the Milwaukee County District Attorney conducted a brief “John Doe” probe into civilian claims of “police brutality, abuse, and harassment,” the investigation turned up no police reprimands or convictions.<sup>167</sup> Meanwhile, white citizens defended Chief Breier, who according to *The Milwaukee Journal*, was “seen by large numbers of Milwaukeeans as the city’s foremost protector against the forces of crime and disorder.”<sup>168</sup>

In response to the 1973 police killings and the MPD’s aggressive response, representatives from over sixty Black professional and service organizations chose twelve community leaders to form a Show of Solidarity Committee (SSC). The liberal coalition administered a familiar set of demands. Upwards of three hundred people attended the SSC’s first meeting at Calvary Baptist Church that February. The open assembly included all Black city, county, and state elected officials. The committee challenged the MPD searches in the wake of the police killings. Without blaming the entire department, it castigated “a bigoted minority of officers bent on destroying the goodwill that

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<sup>164</sup> “Maier Issues Inner City Peace Plea,” *The Milwaukee Journal*, February 8, 1973, Part 1, 1.

<sup>165</sup> “No Breach of Breier’s Bastion Appears in Sight,” *The Milwaukee Journal*, February 18, 1973, Part 2, 10.

<sup>166</sup> “Maier Pleads for Peace, Pitts Seeks Protest,” *The Milwaukee Journal*, February 8, 1973, Part 1, 9.

<sup>167</sup> Pressure from Black political leaders—Milwaukee County Supervisors Terrance Pitts and Clinton Rose and Assemblyman Walter Ward—encouraged the investigation. Mack Alexander and Ronald Haase, “Complaints Follow Two Slayings,” *The Milwaukee Sentinel*, February 7, 1973, Part 1, 1. The DA’s office established complaint centers at Calvary Baptist Church and Northcott Neighborhood House for residents fearful of identifying themselves publicly. Black politicians were skeptical. Terrance and Orville Pitts feared the DA’s probe “would be a whitewash swept under the rug.” “Ald. Johnson Opposes Doe Probe of Police,” *The Milwaukee Journal*, February 10, 1973, Part 1, 11.

<sup>168</sup> “No Breach of Breier’s Bastion Appears in Sight,” *The Milwaukee Journal*, February 18, 1973, Part 2, 10.

does exist” in the Black community.<sup>169</sup> The SSC demanded improved police-Black community relations—“an immediate end to all acts of hostility, brutality, and misuse of police authority”—in addition to Chief Breier’s resignation and a change to the state law granting police chiefs lifetime tenure and rule-making authority.<sup>170</sup> The committee planned a protest march from Garfield Park to City Hall for the following week to pressure Mayor Maier and the Common Council to finally act on making police-community relations improvements. Reverend Roy Nabors, Pastor at Calvary Baptist Church, warned the mayor that if he ignored the coalition’s demands, up to 3,000 residents would march. The SSC met with Maier and, perhaps not unsurprisingly, changed their proposed demonstration to a rally.<sup>171</sup> In cancelling the march, Nabors cited a reduced volume of civilian complaints, mounting clergy support for Black concerns, and more open communication from the mayor’s office.<sup>172</sup>

The rally at Calvary Baptist Church generated five demands. They included a restructured police department, with term limits on the chief of police, a citizen review board, an expanded MFPC to include Black and Latinx members, the appointment of Black commanders and assignment of more Black officers in majority African American districts, and the enforcement of a recently passed ordinance requiring police officers to wear patches showing their badge numbers.<sup>173</sup> Louis Miller, who had resigned from the MFPC in January, told attendees that the MFPC was an

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<sup>169</sup> Reverend Roy Nabors to Mayor Maier, February 15, 1973, Box 139, Folder 23, “Police Department, October-December, 1973,” Records of Mayor Henry W. Maier Administration. Rev. Roy Nabors led the meeting, saying, “We love our city and we are justly proud of it. However, we are saddened and dismayed that our city officials will continue to permit a small but determined minority of our policemen to destroy the overall effectiveness of a fine police organization and bring tensions to the breaking point by wanton lawlessness, hostility, and harassment of our citizens...” “March on City Hall to Be Called Off if—.”

<sup>170</sup> “March on City Hall to Be Called Off if—.”

<sup>171</sup> At a City Hall meeting, the committee and Maier proposed forming a “civilian safety commission” to “review the actions of police and fire chiefs,” as outlined by the Martin-Weber Committee in 1968. “Committeemen Claim New Accord Is Being Reached,” *The Milwaukee Star Times*, February 22, 1973, 1.

<sup>172</sup> “City Hall March Called Off,” *The Milwaukee Journal*, February 18, 1973, Part 2, 1, 4.

<sup>173</sup> In May 1971, the Milwaukee Common Council approved Alderman Orville Pitts’ proposed ordinance for police officers to wear badge numbers sewn onto uniforms by a 14-3 margin. Edward H. Blackwell, “Group Will Seek Shakeup of Police,” *The Milwaukee Journal*, February 25, 1973, Part 2, 9.

anti-Black institution. He left his post, in part, because bringing “significant change” to the previously all-white body felt like such a monumental struggle. Miller urged residents to “push for a stronger voice.”<sup>174</sup> At the rally, the SSC established a police brutality fund to be administered by the Milwaukee NAACP. It called on citizens to file federal lawsuits in response to police brutality cases. Alderman Pitts said police violence resulted from the power wielded by manufacturers, industrialists, and bankers. The MPD served at their behest. Therefore, political pressure should be applied to local capitalists.

More incidents of racialized police violence transpired that summer, often under murky circumstances. In late June, police shot and killed a disabled 24-year-old Black man after he commandeered a police service weapon in Police District Five’s parking garage and wounded four officers.<sup>175</sup> Warren Pettis was arrested on charges of public drunkenness and disorderly conduct. He reportedly shouted to officers that he was not going to die like Chicago Black Panther Party leader Fred Hampton, who was notably murdered by federal police in December 1969. Pettis was a war veteran, who three months earlier had commented on the employment problems of returning Black servicemen.<sup>176</sup> He said he had been brutalized by police. Counselors at Project WHERE, a veteran’s support organization, suspected he was provoked into a shooting match by police. The organization described him in glowing terms as someone who “wanted to become a more productive citizen within the Black community.”<sup>177</sup> In August 1973, two officers shot and killed 22-year-old Andrew Friend—a young Black man who, according to MPD reporting, was acting erratically and

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<sup>174</sup> Edward H. Blackwell, “Group Will Seek Shakeup of Police,” *The Milwaukee Journal*, February 25, 1973, Part 2, 9; “Former Fire and Police Commission member,” *The Milwaukee Star Times*, March 1, 1973, 1.

<sup>175</sup> Police killed Pettis early on the morning of June 26, 1973. The shooting took place late on the night of June 25, 1973. Two officers were shot twice in the leg, one in the arm, and bullets grazed two. No officers died. “Congressional Probers to Study Other Police Cases,” *The Milwaukee Journal*, September 22, 1981, Part 2, 4; “4 Officers Shot, Prisoner Slain,” *The Milwaukee Journal*, June 26, 1973, Part 1, 1.

<sup>176</sup> “The Pulse of the Community,” *The Milwaukee Star Times*, March 22, 1973, 4.

<sup>177</sup> “Caught More than the Usual Amount of Hell,” *The Milwaukee Courier*, June 30, 1973, 1.

endangering the lives of children while in an alcohol or drug-induced state.<sup>178</sup> Friend's family called the shooting "mass murder" and challenged the police version of events.<sup>179</sup> The case perplexed and saddened many residents, amplifying Black mistrust of the police. As the public intellectual James Cameron editorialized, "the police, evidently, knowing nothing about imagination, or even the basics of human psychology, reverted, apparently, to their natural behavioral pattern in dealing with black people."<sup>180</sup> Milwaukee County Medical Examiners ruled the shooting "justifiable" after a tense inquest hearing. Andrew Friend's family charged the MPD with manipulating witness testimony and the county with ignoring requested subpoenas.<sup>181</sup>

### *Civil Rights Compliance and Revenue Sharing*

The public outcry among African American residents that greeted the police killing of Jacqueline Ford in May 1972, the release of the USCCR's report on the MPD that December, and

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<sup>178</sup> On the morning of August 20, 1973, Andrew Friend was helping to babysit a neighbor's six children in the Westlawn Housing Project while their mother worked a third shift in the suburb of Wauwatosa. A 17-year-old girl was also helping to watch the house and children. The MPD said patrolling officers in a cruiser spotted Friend outside at 4:30am. He was supposedly staggering on a sidewalk, waving his arms. The police approached Friend in their cruiser and questioned him. Friend reportedly said to the officers, "You sure have nice guns and shiny badges." They said he appeared intoxicated and made comments that suggested a drug-induced state. When the officers called for a police ambulance, Friend fled back to the neighbor's house. He woke three of the children, aged 10, 9, and 6, and sat with them around the kitchen table, forcing them to sing with him. Police circled around to the back of the house and saw Friend, through the kitchen window, singing to three hysterical children. Friend, according to witnesses, held a butcher's knife up to the 10-year-old's throat after noticing the police. An officer said he heard Friend say, "I'm going to kill all these kids." Officers said they told Friend to drop the knife. A struggle ensued between him and the boy's 9-year-old brother. That's when officers killed Friend, firing shots into his forehead and back, evidently through the kitchen window. "Knife Wielder Slain by Policemen," *The Milwaukee Journal*, August 20, 1973, Part 1, 1, 16; "Police Slay Alleged Knife Wielder," *The Milwaukee Star Times*, August 23, 1973, 1. Andrew Friend had a lengthy arrest record, the press reported, dating to 1968. It included disorderly conduct, burglary, and reckless endangerment charges. He testified in Milwaukee County Circuit Court in 1969 that he did not like to be around police. Law enforcement used this statement to justify the shooting death.

Kathleen Matichek, "Knife Wielder Expressed Dislike for Policemen," *The Milwaukee Journal*, August 21, 1973, Part 2, 1. <sup>179</sup> The Friend family called Andrew's death "mass murder," not "justifiable homicide," as police officials declared. Friend's brother, Lawrence, said Andrew did not drink or use drugs. Lawrence Friend was a former head of the Milwaukee NAACP Youth Council. He challenged the police department's version of events. Lawrence did not believe the police had reasonable cause to fire fatal shots. He complained that the department had refused to release the police report to his attorney and that he planned to appeal to Governor Lucey and Black legislators. Lawrence also said that the children involved loved Andrew. Assistant District Attorney William Gardner called for a public inquest. "Friend Family Charges Shooting 'Mass Murder,'" *The Milwaukee Star Times*, August 30, 1973, 1, 5.

<sup>180</sup> James Cameron, "Cameron's Eye," *The Milwaukee Star Times*, September 6, 1973, 4.

<sup>181</sup> "Cops Not Charged in Fatal Shooting," *The Milwaukee Star Times*, September 20, 1973, 1, 9.

the police violence that followed the murder of two white patrolmen in January 1973 converged with local, state, and federal efforts to bring Milwaukee's police hiring practices into compliance with Title VI of the Civil Rights Act of 1964. Guaranteeing diverse hiring, free from racial bias, remained the most palatable reform proposal supported by both liberal police accountability advocates and poor and working-class Black people concerned about public safety. Both sides worked to alleviate police-community tensions without diminishing law enforcement's capacity for effective crime control and order maintenance in a city grappling with compounding issues, like white flight, federal disinvestment, deindustrialization, and increasing street crime.<sup>182</sup> For City Hall officials, the stakes were not simply about mitigating opportunities for civil violence among Black residents frustrated by inequality or, for some, protecting vulnerable populations of color from police misconduct—they were also about the possibility of losing federal grant dollars under the Nixon administration's revenue sharing program.

On October 20, 1972, a Wisconsin Council on Criminal Justice (WCCJ) civil rights compliance officer asked Chief Breier to account for the MPD's racial demographics and submit data on all white, Black, Mexican, and Native American personnel hired onto the department since January 1, 1971. The compliance officer, Rina Rosenberg, wanted the names, racial backgrounds, and assignments of all rank-and-file officers and an explanation for how their recruitment occurred, including any gender restrictions and an outline of all screening processes.<sup>183</sup> Breier responded, petulantly, and declined to provide any demographic information. He argued the MPD had only applied for "radio equipment" upgrades from the WCCJ and was thus exempt from state monitoring because his grant request did not have "employment" or "training" as a "primary objective." Rosenberg informed Breier that federal law mandated compliance from all agencies receiving *any*

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<sup>182</sup> "Crime Increases in State," *The Milwaukee Star Times*, December 13, 1973, 7.

<sup>183</sup> "Breier Refuses Request of State Crime Council," *The Milwaukee Journal*, December 3, 1972, Part 2, 8.

LEAA funding.<sup>184</sup> She gave him a deadline of November 27, 1972, less than a month before the Wisconsin State Committee published its report on the MPD's institutional isolation and discriminatory internal and external practices. Still, the police chief abstained. The WCCJ proposed holding a hearing on the MPD's unwillingness to comply with federal civil rights law and, in March 1973, recommended that the U.S. Justice Department deny Milwaukee \$400,000 in Safe Streets Act funds. Mayor Maier assured the council that Breier had complied with its request and the WCCJ canceled the hearing.<sup>185</sup> But the chief, nonetheless, bypassed the council and sent the MPD's demographic data straight to the LEAA in Washington, D.C.<sup>186</sup> He reported that fifty-eight Black men, one Black woman, six Native Americans, and ten Latino men served on a staff of 1,900 sworn personnel—roughly four percent of his department.<sup>187</sup>

The LEAA forwarded the MPD's demographic information to the DOJ's Civil Rights Division, which met with the Maier administration, the MFPC, and Chief Breier on August 30, 1973.<sup>188</sup> After the meeting, the DOJ announced an investigation into Milwaukee's police recruitment practices.<sup>189</sup> If the city's police bureaucracy was found to be in violation of U.S. civil rights law, then it would not only lose criminal justice funding, but all revenue sharing monies for 1974—a total of \$16,374,629.<sup>190</sup> While the DOJ did not name specific anti-discrimination claims it was investigating

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<sup>184</sup> They also made clear to Breier that the MPD was not being charged with discrimination (at this time), just with a failure to comply with federal law. "Civil Rights Compliance by Police to Be Aired," *The Milwaukee Sentinel*, March 9, 1973, Part 1, 5; Rina Rosenberg to Chief Breier, December 6, 1972, Box 42, Folder 26, "Wisconsin Council on Criminal Justice, 1972," Wisconsin Department of Local Affairs and Development, Secretary's Administrative Subject File, 1967-1975, State Historical Society of Wisconsin Archives Division.

<sup>185</sup> The WCCJ decided in May 1973 to make it a policy not to approve applicants who failed to provide civil rights compliance information. Other grant applications were approved, such as funding for a "cost benefit study" of the MPD (\$54,000). "Police Data to Be Given to Council," *The Milwaukee Journal*, April 6, 1973, Part 2, 8; "Federal Fund Bid by Police Held Up," *The Milwaukee Journal*, June 13, 1973, Part 2, 4.

<sup>186</sup> Deputy City Attorney James C. Newcomb to Rina Rosenberg, June 22, 1973, Box 139, Folder 22, "Police Department, April-September, 1973," Records of Mayor Henry W. Maier Administration.

<sup>187</sup> African Americans constituted roughly fifteen percent of Milwaukee's total population. John W. Kole, "Chicago Case May Affect City," *The Milwaukee Journal*, September 14, 1973, Part 1, 5.

<sup>188</sup> Thomas Lubenow, "Hiring of Police Faces US Probe," *The Milwaukee Journal*, August 30, 1973, Part 1, 1.

<sup>189</sup> The investigation was conducted by Denis Gordon, a deputy chief of the DOJ Civil Rights Division's employment section, DOJ attorney James Angus, and Herbert Rice, director of the LEAA's Civil Rights Compliance division. Thomas G. Lubenow, "Fire, Police Hiring Practices Under US Scrutiny," *The Milwaukee Journal*, Part 1, 10.

<sup>190</sup> In 1973, about 40 percent of Milwaukee's revenue sharing monies went to public safety. "Chicago Case May Affect

or who called for the probe, it said federal officials were looking into the “systematic exclusion” of “minorities” from the “testing procedures and physical requirements for policemen.”<sup>191</sup> As police-Black community tensions increased in the mid-1970s, Black MPD officers brought complaints of internal racism to federal authorities. They supported the USCCR’s 1972 probe. Some even met anonymously with local reporters before the Wisconsin State Committee released its findings. Black officers were hesitant to talk with the press on the record, fearing retaliation from supervisors and Breier. They expressed hope that the investigation would compel the DOJ to file litigation alleging discrimination in police hiring and promotions, as it recently had in Chicago and Buffalo.<sup>192</sup> A memorandum circulating throughout the MPD suggested “some men coming into the department” would not have met previous hiring standards. New recruits, accordingly were “to be watched closely for rule infractions” during their one-year probationary period, during which time they could not appeal disciplinary measures.<sup>193</sup> Although Breier insisted on his support for inter-governmental cooperation, he stated that any MPD personnel who spoke with DOJ investigators would be subject to internal rules barring discussions of “official business” with “outsiders.”<sup>194</sup> He demanded federal subpoenas for police testimony. Of the twenty-nine officers contacted to testify, only three responded.<sup>195</sup> When an investigator incredulously asked the chief who *he* was “responsible to,” what “supervisor,” he said he was only “responsible for the efficiency and good conduct of the

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City.”

<sup>191</sup> “Hiring of Police Faces US Probe.”

<sup>192</sup> On the Chicago case, see: Pihos, “Policing, Race, and Power in Chicago.”

<sup>193</sup> Edward Blackwell, “Black Officers Favor Police Department Probe,” *The Milwaukee Journal*, September 2, 1973, Part 2, 1, 6.

<sup>194</sup> “Breier Quizzed on Gag Rule,” *The Milwaukee Journal*, December 13, 1974, 1. District Court Judge John Reynolds ruled on April 10, 1975 that Chief Breier’s “gag rule” “improperly and illegally interfered” with the federal government’s discovery of facts in its anti-discrimination lawsuit. His ruling prohibited Breier from enforcing the gag rule and any others that discouraged employees from cooperating or talking with DOJ officials regarding the case. The ruling did not compel MPD officers to talk to federal investigators, however. Breier was also barred from denying employees promotions, transfers, or assignments based on their speaking with the DOJ. “Court Orders Repeatedly Demanded,” *The Milwaukee Sentinel*, April 11, 1975, Part 1, 10.

<sup>195</sup> Snyder, “Chief for Life,” 56. The DOJ requested that the FBI interview fifty policewoman and Black male officers on the MPD’s alleged discriminatory practices. “Judge Lifts Police Gag in Discrimination Lawsuit,” *The Milwaukee Sentinel*, April 11, 1975, Part 1, 1.



department.”<sup>196</sup>

The threat of losing millions of dollars in federal funding “roused” Milwaukee’s police bureaucracy into finally taking action on revising its recruitment and testing practices. It is important to recognize the federal government’s role in pushing local reform. However, this was a liberal intervention that did nothing to alter existing police structures and had no immediate impact on long-standing Black complaints of police violence. DOJ investigators wrote to the MFPC in August 1973. It demanded that the commission rewrite its civil service hiring documents, so as to ensure minority recruitment and testing procedures free of cultural bias. The goal, they said, was “hiring 40% of black patrolmen,” as previously set by the commission.<sup>197</sup> The MFPC had only begun tracking the racial composition of Milwaukee’s police and fire departments in 1973.<sup>198</sup> Following the release of the USCCR’s December 1972 report, it instituted dual eligibility lists that tracked white and non-white candidates. The commission resolved to hire two minority officers for every three white applicants.<sup>199</sup> Only one Black candidate qualified in 1971.<sup>200</sup>

At the same time that the DOJ conducted its investigation, Black police officers filed Equal Employment Opportunity complaints. These ushered in federal court monitoring of Milwaukee’s public safety hiring and assignment procedures. U.S. District Court Judge John Reynolds filed a consent decree in 1974 mandating the hire of three “minority” officers for every five open positions on the MPD. On June 28, Reynolds filed a temporary restraining order that prevented the MFPC and Milwaukee Fire Department from hiring twenty-two white applicants.<sup>201</sup> The order prevented

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<sup>196</sup> “Chief Says Men Must Obey Rule,” *The Milwaukee Journal*, December 13, 1974, part 2, 4.

<sup>197</sup> “Fire, Police Hiring Practices under US Scrutiny.”

<sup>198</sup> “Police ‘Color’ Hiring Rules in Wake of Report,” *The Milwaukee Star Times*, December 14, 1972, 2.

<sup>199</sup> The commission continued to administer the same testing for all applicants. It set no hiring quotas for women officers. “Police Get Court Order on Hiring,” *The Milwaukee Journal*, July 26, 1975, 8; Dick Budelman to Leila, August 6, 1981, Box 19, Folder 3, Milwaukee Police Department, 1978-1981, National Association for the Advancement of Colored People, Milwaukee Branch, Records, Milwaukee Mss EP; Snyder, “Chief for Life,” 55.

<sup>200</sup> Kathleen Matichuck, “Police Minority Drive Proves Disappointing,” *The Milwaukee Journal*, August 11, 1972, Accent, 4.

<sup>201</sup> Milwaukee Legal Services sought the restraining order on behalf of Loren J. Washington, who filed a class action

the commission from hiring patrolmen examined in Summer 1974, and “temporarily restrained” the MFPC from “engaging in any unlawful discriminatory employment practice or any practice which serves to continue past discriminatory employment practices against women.” It also barred the commission from “using unfair and non-job related physical ability tests for positions of police patrolman until a final determination on the merits of this case.” Reynolds set a hearing for October 2, 1974.<sup>202</sup>

Reynolds certified the MFPC’s affirmative action program in the case *Ward and U.S. v. Milwaukee* (1974). It centered Black women’s experiences with the MPD and instigated lasting hiring changes based on both race and gender. In the case, Christine Ward, a 28-year-old Black applicant, filed a class action lawsuit against the city and MFPC. She filed on behalf of thirty-seven women who had passed the written examination for patrolman, but then failed the “physical ability” test. Lloyd Barbee represented Ward. He denounced the MFPC’s physical ability test as “inaccurate” and “discriminatory...not a true test of a person’s strength.”<sup>203</sup> Ward’s suit alleged that when “patrolmen” were hired, they did not need to continue taking the physical examination in order to stay employed. This made the process arbitrary and unfair. As Barbee observed after Judge Reynolds entered a final court order in 1979, this legal battle was only the beginning of a broader process of integrating the MPD and, in turn, making it more accessible and accountable to the communities it served. “We won the legal constitutional battle for employment opportunities,” he said. “It will be a hollow victory unless more Blacks, minorities, and women apply, qualify, multiply, and stay in this field. Only by working more in these types of jobs can change from within be accomplished.”<sup>204</sup>

In the end, the DOJ filed two lawsuits alleging racial and gender discrimination in

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lawsuit alleging the MFPC discriminated against Black and Latinx applicants. “Hearing September 11 - Commission Ordered Not to Hire 22 Firemen,” *The Milwaukee Courier*, August 3, 1974, 1.

<sup>202</sup> “Hearing September 11 - Commission Ordered Not to Hire 22 Firemen.”

<sup>203</sup> “Hearing September 11 - Commission Ordered Not to Hire 22 Firemen.”

<sup>204</sup> “*Ward vs. City*, Final Order Entered in Discrimination Case,” *The Milwaukee Courier*, January 6, 1979, 1.

Milwaukee's public safety hiring practices. One was filed against the city and MFPC on October 17, 1974. Federal attorneys alleged that a "pattern or practice of discrimination based on race and sex with respect to employment" existed in the police and fire departments. Federal prosecutors argued the city was operating in violation of title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, the provisions of the State and Local Fiscal Assistance Act of 1972, the provisions of the Safe Streets Act, and rights guaranteed under the 14<sup>th</sup> Amendment.<sup>205</sup> Title VII exempted state and local governments from being required to protect employees from discrimination. The Equal Employment Opportunity Act of 1972 expanded the provision to cover public and private employers, educational institutions, and labor organizations with fifteen employees or more.<sup>206</sup> The State and Local Fiscal Assistance Act, signed into law in October 1972, allocated \$30.2 billion to U.S. states over a five-year period. A provision of the law prohibited "discrimination by race, religion, national origin or sex" in the distribution of federal funds. Chicago's Afro-American Patrolmen's League (AAPL) was the first police organization to file an anti-discrimination complaint with the U.S. Treasury Department.<sup>207</sup> The group alleged institutional discrimination against Black, Mexican-American, and Puerto Rican officers in Chicago. The MPD had even greater racial disparities than Chicago. Black officers comprised fifteen percent of Milwaukee's total population, but only three percent of sworn police personnel. Black officers comprised sixteen percent of Chicago's force and thirty-three percent of the city's population.<sup>208</sup>

MFPC Executive Secretary Kennedy and Chief Breier filed written depositions with the U.S.

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<sup>205</sup> *United States v. City of Milwaukee*, United States District Court, E.D. Wisconsin, 441 (1977)

<sup>206</sup> The first year that the 1972 Equal Employment Opportunity Act was in effect, employers with 25 or fewer employees were exempted from coverage. "Equal Employment Opportunity Act of 1972," U.S. Equal Employment Opportunity Commission, accessed December 3, 2018, [https://www.eeoc.gov/eeoc/history/50th/thelaw/eeo\\_1972.cfm](https://www.eeoc.gov/eeoc/history/50th/thelaw/eeo_1972.cfm).

<sup>207</sup> On Chicago's Afro-American Patrolman's League, see: Pihos, "Policing, Race, and Power in Chicago"; Balto, *Occupied Territory*; Beryl Satter, "Cops, Gangs, and Revolutionaries in 1960s Chicago: What Black Police Can Tell Us about Power," *The Journal of Urban History* 42 (6) (2016): 987-991; Tera Eva Agyepong, "In the Belly of the Beast: Black Policemen Combat Police Brutality in Chicago, 1968-1983," *The Journal of African American History* 98 (2) (Spring 2013): 253-276.

<sup>208</sup> John W. Kole, "Rights Case May Affect City Police," *The Milwaukee Journal*, September 14, 1973, Part 1, 1.

Attorney's office in December 1974. On February 11, 1975, Judge Reynolds ordered the MPD to fill fourteen of twenty-four patrolman vacancies "from among those who are currently being considered for an eligibility list" and "who were previously examined in June or July 1974 on the basis of the defendants' policy of hiring two qualified minority applicants for every three majority applicants."<sup>209</sup> Reynolds ruled the MFPC had followed "unconstitutional procedures" in its written and physical agility testing. In response to the federal government's earlier pattern-and-practice investigation, he issued a summons through the DOJ's Civil Rights Division. It ordered the MFPC to immediately stop engaging in practices that had "the purpose or effect of unlawfully discriminating against any future employee or any applicant or potential applicant for employment as a fire-fighter with the Milwaukee Fire Department because of such individual's race, sex, or national origin, etc." The city responded with an appeal. James Brennan, Milwaukee's City Attorney, countersued, charging the federal government with discrimination by engaging in a selective enforcement of civil rights law. Brennan claimed the U.S. had exempted suburban fire and police departments from setting minority hiring quotas. This response disappointed Black leaders. MNAACP President Thomas Malone summed up the community's frustration with City Hall's equivocation on affirmative action hiring: "Milwaukee has to get its own house in order. Here is where the professional job market can have the greatest impact on minorities. Here is where there are many minorities who want jobs as firemen and policemen. Milwaukee has a greater opportunity to hire minorities than the suburbs do, and a greater responsibility."<sup>210</sup>

While ideological divisions were present among liberal reformers and more radical activists demanding community control, these federal interventions suggested that there was broad agreement around the need to democratize the MPD once and for all. The former looked to alter

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<sup>209</sup> Reynolds rejected the city's appeal in a 1976 decision.

<sup>210</sup> "Blacks Say City Should 'Set Its Own House in Order,'" *The Milwaukee Courier*, October 5, 1974, 1.

Milwaukee's policing system so that it better reflected the communities it served, generally to preserve public order, create access, and limit violence. The latter envisioned a transformed police bureaucracy that directly empowered overpoliced and underprotected citizens of color with input, oversight, and representational authority. The combination of police violence, growing anxieties over street crime, and mounting desires among everyday people to organize and become more involved in preserving neighborhood safety signaled that the status quo was in trouble. Chief Breier's isolated and reactionary law-and-order approach was increasingly less popular with citizens, as Milwaukee diversified in the late 20<sup>th</sup> century. The city's Black-led struggle for police accountability, with the support of federal agencies, was gradually turning towards revising the 1911 statute that historically empowered Milwaukee's police chief—a power that was “unique in the United States, with nothing like it short of military occupation.”<sup>211</sup>

#### *Citywide Coalition for Community Control of the Police*

Around the time that Milwaukee's second Black Panther Party chapter outlined its vision for community control of the police and the weakening of Chief Breier's power, liberal reformers also worked to attenuate the MPD's authority under a related, if less self-determined model. The Milwaukee ACLU, having drifted from its most radical 1970 writings on community control, organized with Black legislators and civil rights activists in July 1974 under the banner of the Citywide Coalition for Community Control of the Police (CCCCP). The multi-organizational unit formed as police brutality claims rose following the 1973 police slayings. The coalition called for the police chief to be held liable to the mayor and Common Council and for the elimination of their lifetime tenure.<sup>212</sup> The CCCCCP saw political negotiation as the best recourse in effecting change,

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<sup>211</sup> “Legislators Holding Key to Milwaukee's Police Reform,” *The Milwaukee Journal*, September 29, 1974, Part 1, 1.

<sup>212</sup> Barbara Dembski and Monroe Walker, “Legislation Sought to Revamp Police,” *The Milwaukee Journal*, March 9, 1975, Part 2, 6.

given Breier's statutory authority. They came to see proposals for community control that empowered minoritized groups with input on police policy directly as unfeasible. Nevertheless, the coalition aimed, according to Lloyd Barbee, to "work together on legislation" that rendered the MPD more "open and accountable to the public" and to "push passage of the recommendation proposed by the Martin-Weber Committee."<sup>213</sup> The CCCCP specifically addressed "the secret and autonomous practices" of the MPD and Chief Breier's "public-be-damned belief that he is accountable to no one."<sup>214</sup>

In September 1974, the CCCCP and nearly one hundred residents pressured the Milwaukee Common Council's public safety committee to draft an ordinance creating an independent public safety review board that functioned outside of Breier's purview.<sup>215</sup> Spokeswoman Karen Golsil attacked his lifetime appointment and "sole control over department operations." ACLU attorney Curry First argued that police misconduct and inadequate protection were unsustainable and dangerous; law enforcement discouraged citizen complaints and offered no public relief. The CCCCP-backed proposal was drafted by Alderman Ben Johnson, one of two Black city councilmen.<sup>216</sup> The measure authorized a mayor-appointed public safety board to set policies related to police budgeting, community relations, compensation, facilities, and more. The six-member body, serving six-year terms, would appoint new police chiefs on a limited term basis. For the CCCCP, the proposal was a compromise, as the coalition wanted safety board members to serve three year terms

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<sup>213</sup> The 1968 Martin-Weber Committee proposed the creation of a seven-member public safety board. The review board would be able to set police department policy related to budget, community relations, facilities, organization, compensation, research, rules of conduct, and evaluation of performance. It would also be empowered to appoint future police chiefs, who would serve a specified term limit, retain civil service status, and have administrative responsibility over the MPD. Public safety board members would be appointed by the mayor, serve six-year terms, and enjoy the support of a full-time staff person. "Combat Police Abuse," *The Milwaukee Star Times*, November 30, 1974, 4; "State Rep. Lloyd Barbee—Comment—Combat Police Abuse," *The Milwaukee Courier*, November 30, 1974.

<sup>214</sup> "Combat Police Abuse."

<sup>215</sup> The Common Council Public Safety Committee voted 4-1 to have Milwaukee's City Attorney draft legislation to create the board. "Safety Board Proposal Resurrected," *The Milwaukee Journal*, September 25, 1974, Part 2, 1.

<sup>216</sup> The Common Council ordered the City Attorney James Brennan to draft "suggested legislation," which was then sent back to the full council for a vote. Barbara Dembski and Monroe Walker, "Legislation Sought to Revamp Police," *The Milwaukee Journal*, March 9, 1975, Part 2, 6.

and be represented by two union members, two “minority group” members, two members of the general public, and one youth (aged 18-24). The CCCCP asked for safety board candidates to be nominated by citizen petitions with 5,000 signatures and for the board to select its own chairman, not the mayor. They also made clear that those most affected by police violence—racial minorities, youth, and the poor—must receive sufficient representation.

As the CCCCP observed, city officials undermined community-led efforts to make the MPD more accountable by telling grassroots activists that police rule-making authority and oversight were subject to state law. Then, when those same groups traveled to Madison to support the revision of state law, city officials claimed policing issues were matters of “local concern” and “none of the legislature’s business.”<sup>217</sup> The Milwaukee Common Council never passed the review board ordinance. Breier remained “immensely powerful and popular,” capable of ending an alderman’s career by leaning on a network of white civic organizations, business communities, and citizen’s councils.<sup>218</sup> They lacked the political will to put their voices on record. However, some Common Council members did argue for revising the 1911 statute that determined police rule-making authority and outlined the police chief’s terms of service. They came to see this as a more effective way to generate accountability, from a legal standpoint, without ceding police power to everyday citizens. A multi-racial coalition of state representatives, led by Milwaukee Democrat Dennis Conta, worked in Madison to reform law enforcement in “cities of the first class,” i.e. Milwaukee. For state lawmakers, the challenge was striking a “delicate balance” between limiting the potential for partisan manipulation of the MPD—the quality that had built the exceptionalism myth—and preventing an “uncontrollable, authoritarian police department.”<sup>219</sup> However, only a handful of Black lawmakers

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<sup>217</sup> John F. Ebbott to Assemblymen Lloyd Barbee, February 6, 1975, Box 56, Folder 42, “Police Bills, 1969-1976,” Lloyd A. Barbee Papers.

<sup>218</sup> Barbara Dembski and Monroe Walker, “Legislation Sought to Revamp Police,” *The Milwaukee Journal*, March 9, 1975, Part 2, 6.

<sup>219</sup> “Legislators Holding Key to Milwaukee’s Police Reform,” *The Milwaukee Journal*, September 29, 1974, Part 1, 1.

supported civilian, as opposed to political, review of the police.

### *A Deadly Winter in the Policing of Black Milwaukee*

Two more lethal police brutality incidents occurred in December 1974. Both were ruled justifiable by the District Attorney, aggravating a tempestuous few years of police-Black citizen conflict and renewing further calls for community control. In the first incident, police shot and killed Black Panther Johnnie Starks in his own apartment. Mary Pendleton, a 42-year-old Black woman accompanying the 54-year-old Starks, died from smoke inhalation after Tactical Squad officers hurled tear gas into the flat. The chemicals ignited a building fire that injured six additional people. Two Black plainclothes detectives actually arrived at the scene first, in search of a homicide suspect. A shootout ensued. Later, a white TEU officer, Gerald Albertson, fired the fatal shotgun blast that killed Starks. Albertson had a history of violence. The MFPC failed to discipline the officer after a Black woman alleged that he beat her 15-year-old son with a wrench “for no justifiable reason.”<sup>220</sup> The MPD claimed that officers raided Starks’ building in search of a murder suspect. Yet, none was found. As Community Review Board member Jeanetta Robinson later stated during a UBCC “peoples trial,” Starks was armed with a revolver because he was involved in citizens’ crime watch. He had attempted to keep “dope smokers and others doing illegal things out of the building.”<sup>221</sup> He likely suspected that the plainclothes officers were malicious intruders.

Black residents were outraged at the killings, and showed it in the streets. The UBCC demonstrated outside of the Milwaukee Safety Building. Protestors demanded an independent investigation of Starks and Pendleton’s deaths.<sup>222</sup> Police and sheriff’s deputies retaliated by arresting

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<sup>220</sup> The mother, Ms. Donna Schrank, testified at a Community Review Board “peoples trial.” “Police Brutality,” *The Milwaukee Star Times*, January 23, 1975, 3.

<sup>221</sup> Deborah Crosby, “Community Review Board Vows Verdict,” *The Milwaukee Star Times*, January 9, 1975, 1.

<sup>222</sup> “Group Will ‘Try’ Police,” *The Milwaukee Courier*, January 18, 1975, 2.



ten members of UBCC's Committee to Fight Police Repression. Having been spurned in the past, Black activists refused to wait for city officials to conduct an inquest hearing. Two days after the UBCC arrests, the council formed a "Community Review Board" (CRB) to investigate the killings.<sup>223</sup> In true Milwaukee fashion, they met at the Paradise Lanes bowling alley. The CRB's main objective was "to organize the community politically" and render the MPD "more responsive and sensitive to the needs of the community."<sup>224</sup> Knowing that white police bureaucrats would not review and act on these police brutality cases in a thorough and timely fashion, Black community control activists took it upon themselves to review cases and issue verdicts. They proposed "people's trials," after which they would submit their findings to the District Attorney, Mayor Maier, Chief Breier, the MFPC, the state legislature, and the DOJ.<sup>225</sup> The process served both a substantive and symbolic, almost therapeutic function for a community traumatized by unchecked police violence. Whether Milwaukee's police bureaucracy acted or not, the CRB would perform its due diligence on behalf of poor and working-class Black people vulnerable to police violence. As UBCC chair Hubert Canfield wrote, it was difficult to get Black community members to come forward with their stories of police brutality out of fear of retaliation.<sup>226</sup>

Only two days after the Community Review Board formed, a white patrolman shot and killed a Black 16-year-old. Jerry Brookshire was unarmed. Officer Ray Marlow said he fired his gun "accidentally"—a grim reminder of Sned Carroll's shooting of Jacqueline Ford. Marlow asserted that he was chasing Brookshire, a suspected "car thief" and "purse snatcher," after the teenager ran from a reportedly stolen vehicle. His account stated that Brookshire resisted arrest as Marlow was engaging in a pat down.<sup>227</sup> The patrolman's gun evidently fired as he fell while frisking Brookshire,

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<sup>223</sup> The UBCC initially looked to form a police review board as early as August 22, 1974. "Black Panel on the Job," *The Milwaukee Courier*, November 16, 1974, 13.

<sup>224</sup> "Inner City Hearing Critical of Police," *The Milwaukee Journal*, January 20, 1975, Part 2, 4.

<sup>225</sup> "Review Boards to Meet," *The Milwaukee Star Times*, January 2, 1975, 1.

<sup>226</sup> "Inner City Hearing Critical of Police," *The Milwaukee Journal*, January 20, 1975, Part 2, 4.

<sup>227</sup> Dan Carpenter, "Slaying Response Travels Rough Road," *The Milwaukee Courier*, January 4, 1975, 1. Wisconsin passed

who laid spread eagle on the ground.<sup>228</sup> However, an eyewitness contradicted the officer's report. Risking police intimidation and potential violence, a woman bravely came forward and told authorities that the young man was gunned down while climbing a fence.<sup>229</sup> The police killing enraged an already emotional and increasingly divided Black community. Residents were still trying to make sense of the Starks and Pendleton killings less than two weeks prior. Lillie Mae Brookshire, Jerry's mother, filed a civil rights lawsuit. In 1979, she received a \$12,000 "wrongful death" settlement for the loss of her son.<sup>230</sup>

Black politicians registered their alarm in the wake of the latest police killings. Alderman Orville Pitts wired Chief Breier a message, on Christmas day, of "shock and dismay." Milwaukee's second-ever elected Black alderman called for Officer Marlow to be "discharged or suspended for unprofessional conduct." The "rash of 'accidental deaths,'" he noted, severely weakened trust in the police—"law abiding citizens" believed the MPD "unfairly administered" justice.<sup>231</sup> "Justifiable outrage, fear, and anger swept through the Black community in the form of meetings, excited rallies, minor conflicts...and 'grand-stand plays'" following the deaths of Starks, Pendleton, and Brookshire.<sup>232</sup> Upwards of five hundred people crammed into St. Mark A.M.E. Church on December 27, 1974. Mayor Maier arrived halfway through the emotionally charged event, greeted by

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a "stop and frisk" law that authorized police to stop suspicious persons, detain them without placing them under arrest, and frisk them for weapons in March 1969. "Stop and Frisk Bill Approved," *The Milwaukee Courier*, March 8, 1969, 1.

<sup>228</sup> "Board Hears Evidence," *The Milwaukee Star Times*, January 9, 1975, 1.

<sup>229</sup> The witness, Ms. Ola Mae Davis, experienced intimidation and violence as a result of sharing her account of the Brookshire killing. Her home was firebombed, as was the motel room that she later moved into. Ms. Davis also received numerous threatening phone calls. At the December 27, 1974 rally, seventy-five people signed up to serve as personal guards for Ms. Davis. Witt, *The Black Panthers in the Midwest*; Stephen Mills, "The Spirit of Jerry Brookshire in Milwaukee," *Workers World*, August 26, 2016, accessed September 1, 2018, <https://www.workers.org/2016/08/26/the-spirit-of-jerry-brookshire/>; Gregory D. Stanford and Jay Anderson, "Crowd Gathers, Protests Shooting," *The Milwaukee Journal*, December 27, 1974, Part 1, 12; "Slain Youth's Steps Traced," *The Milwaukee Journal*, December 29, 1974, Part 1, 6. The mother of another witness, a young boy, held her son's testimony back "for fear of danger to his life." "Board Hears Evidence," *The Milwaukee Star Times*, January 9, 1975, 1.

<sup>230</sup> "Old Questions Surface in Wake of Lacy Death," *The Milwaukee Journal*, July 26, 1981, Part 1, 10.

<sup>231</sup> Box 140, Folder 3, Records of Mayor Henry W. Maier Administration.

<sup>232</sup> Deborah Crosby, "Two Groups Probe Brookshire Death," *The Milwaukee Star Times*, January 2, 1975, 1.

a din of “jeers.”<sup>233</sup> He used his time to defend the city’s record on “Inner Core” issues, blaming “social conditions” and the Nixon administration’s budget cuts to programs that addressed “unemployment,” “bad housing,” and “family problems.” Black elected officials called for a “united Black front” against the city’s “racist police system” and proposed ending the lifetime appointment of Milwaukee police chiefs.<sup>234</sup> County Supervisor Terrance Pitts implored City Hall to “stop giving the police money to kill black people” and to appoint Black Police Captains in MPD Districts Five and Seven. Some community members called for an “armed black defense group.” Meanwhile, the Brookshire family demanded an independent doctor’s examination, Black solidarity, and justice for a senseless police “murder.” Hundreds more attended community meetings later that week, including one specifically for women.<sup>235</sup>

“Conflict and dissent” within the community shrouded the formation of a twenty-one member grassroots study group charged with investigating the Brookshire killing and answering the recent rash of police repression.<sup>236</sup> A group of up-and-coming Black activists, including 25-year-old Black Panther Michael McGee denounced the city’s Black political class for intentionally “freezing out” and drawing support from the UBCC’s Community Review Board. In response, the CRB said it would take it upon itself “to expose the brutality and injustice Black people are being subjected to by the police department.”<sup>237</sup> In their view, Black citizens could ill afford another official determination of excusable homicide, nor could they give in to a white-controlled political process that consistently abdicated justice for Black victims of police violence. Black elected officials had, journalist Deborah Crosby wrote in a *Star Times* editorial, the “resources and knowledge,” useful

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<sup>233</sup> “Tumult Greets Mayor at Rally,” *The Milwaukee Journal*, December 27, 1974.

<sup>234</sup> Alderman Ben Johnson, Alderman Orville Pitts, County Supervisor Terrance Pitts, and State Representative Walter Ward were on hand. Jay Anderson and Gregory D. Stanford, “Slain Youth’s Steps Traced,” *The Milwaukee Journal*, December 29, 1974, Part 1, 6.

<sup>235</sup> “Breier Ouster Asked at Rally,” *The Milwaukee Sentinel*, December 30, 1974. Box 57, Folder 1, “Police Brutality, 1961-1974, undated,” Lloyd A. Barbee Papers.

<sup>236</sup> Deborah Crosby, “Two Groups Probe Brookshire Death,” *The Milwaukee Star Times*, January 2, 1975, 1.

<sup>237</sup> “Review Boards to Meet,” *The Milwaukee Star Times*, January 2, 1975, 1.

information and expertise, to help citizens win this “righteous struggle.” But there was “a distinct point where their hands were tied by careers, reputations, and friends” they were not willing to risk. The “nature of politics in this country leaves no room for endless sanction of would-be Black messiahs.”<sup>238</sup> Supervisor Pitts countered that the UBCC were “Johnny-come-latelies” who came “to disrupt” and “engineer leadership through disunity.”<sup>239</sup>

The group that McGee and the UBCC dissented from—the “Committee of 21” (C21)—was represented by a mix of Black politicians, civil rights veterans, Latinx community leaders, and liberal organizational stalwarts.<sup>240</sup> Some members, like Rev. R.L. Lathan, had struggled against police brutality in Milwaukee ever since the police murdered Daniel Bell in 1958. Citizens Anti-Police Brutality Committee leaders Rev. B.S. Greggs and Assemblyman Barbee also participated. The C21 demanded that Officer Marlowe be suspended without pay as a “pending an honest and full investigation of this latest homicide.”<sup>241</sup> It turned to federal tools for protecting the civil rights of individuals through litigation, while also pressuring Mayor Maier to compel Chief Breier “to enforce

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<sup>238</sup> According to Crosby, Black residents had to intensify their demands for justice by applying even more pressure on Black elected officials. The movement was bigger than personal feelings and political careers. “It has been made clear that whites in power have no intention of helping us to win justice, and that certain of them will do all they can to thwart and destroy our struggle toward that end... We have been involved with this kind of spur-of-the-moment movement before. When Jacqueline Ford was killed everybody was all excited and getting bold with the police department. But when the medical examiner came down with a “justifiable homicide” decision, we accepted it as though we had done all we could. We let that struggle die when the white man absolved the white policeman of all responsibility and we cannot afford to do that again. Our ‘leaders’ apparently have too much at stake to take the kinds of positions that need to be taken before all of us become ‘accident victims’ at the hands of public servants like the Milwaukee Police Department... This movement must live, we must be victorious if we are ever to be treated as free, human beings—with respect and acceptance of our own human dignity.” Crosby, “Message to the People.”

<sup>239</sup> *The Milwaukee Courier* observed that County Supervisor Terrance Pitts was “probably the most active Black Milwaukeean in the struggle against police repression in the last three years,” having represented the family of Jacqueline Ford and police brutality victims Percy and Mary Wright. “Temperatures Rise as Black Community Responds,” *The Milwaukee Courier*, January 4, 1975, 9.

<sup>240</sup> The Committee of 21 included County Supervisor Terrance Pitts, Alderman Orville Pitts, State Representative Lloyd Barbee, First Wisconsin Bank vice president Bernard Benn, Milwaukee Community Development Agency co-director John Givens, Attorney John Daniels, Attorney Andrew Reneau, Attorney Francisco Camacho, Reverend B.S. Gregg, Reverend Lovell Johnson, Reverend R. L. Lathan, WAWA News Director Walter G. Beach II, Reida Davis, Eloise Cobbs, Gerthine Thompson, Lynette Bracey, Alice Darnell, Myra Samuels, Marcia Coggs, Aenone Rosario, and Abbie Davis. “Slaying Response Travels Rough Road,” *The Milwaukee Courier*, January 4, 1975, 1.

<sup>241</sup> Committee of 21 Petition to MFPC and MPD Chief Breier, December 30, 1974, Box 57, Folder 1, “Police Brutality, 1961-1974, undated,” Lloyd A. Barbee Papers.

the laws equally or resign.”<sup>242</sup> The committee observed the need to change state law, which undergirded the MPD’s institutional independence and freedom from oversight. At a meeting, Barbee noted his introduction of several bills in the legislature between 1969 and 1974, which addressed police chief term limits. Replacing Breier was not enough, he said, “we have to alter the system.”<sup>243</sup> The C21 petitioned the U.S. Attorney General to investigate the MPD “for conspiracy to commit genocide against Blacks in violation of law and humanity.” They also stated that Milwaukee’s inquest system and the District Attorney's office should be scrutinized as well. Police killings of Black men and women are consistently ruled “accidental and justifiable homicide.” The group called for “a complete investigation of the recent homicide[s] by the police during December 1974. The harm which flows from these killings of Blacks by so called law enforcers murders justice, the essence of good government...investigate, prosecute and convict the killers in blue of Blacks and minorities.”<sup>244</sup>

Concurrently, the UBCC’s Community Review Board invited Black politicians and business leaders to its first hearing on January 5, 1975. Chairman Kenneth Williamson, representing a diverse cohort of students, youth, community organizers, veterans, attorneys, and elected officials, chalked up their “conspicuous absence” to “bad timing” and “conflicting schedules.” Williamson stressed “the need for unity”— “divisions [in the black community] are in fact only metaphysical.”<sup>245</sup> The UBCC’s urgency was plain: “Each and every day that we waste seems to be fatal...it is of paramount that we begin to get on our job.” Part of the review board’s charge was creating a task force to “pre-

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<sup>242</sup> “Breier Ouster Asked at Rally,” *The Milwaukee Sentinel*, December 30, 1974. Box 57, Folder 1, “Police Brutality, 1961-1974, undated,” Lloyd A. Barbee Papers.

<sup>243</sup> “Suspension Asked,” *The Milwaukee Sentinel*, December 30, 1974. Box 57, Folder 1, “Police Brutality, 1961-1974, undated,” Lloyd A. Barbee Papers.

<sup>244</sup> Committee of 21 to U.S. Attorney General, December 31 1974, Box 140, Folder 3, “Police Department, October-December, 1974,” Records of Mayor Henry W. Maier Administration.

<sup>245</sup> United Black Community Council letter to Black community leaders and organizations, December 25, 1974, Box 62, Folder 13, “Miscellaneous Organizations, United Black Community Council, 1974,” Vel Phillips Papers, 1946-2009 (bulk 1957-2009), MSS 231, University of Wisconsin-Milwaukee Archives.

investigate” police-involved shootings of black residents, “past, present, and future.”<sup>246</sup> That they were “pre”-investigating police killings indicated the UBCC’s distrust of Milwaukee police bureaucrats. Too many times, Black deaths at the hands of the police went unpunished, police policies unaddressed. “The Committee sees that the police murders last month are not ‘accidents’ but part of a systematic pattern of police repression against Black people and all working people.” The group connected Milwaukee’s struggle to a national Black movement against police violence. “We have seen brothers and sisters murdered and harassed not just in Milwaukee but all across the country.”<sup>247</sup> The Board vowed to report its findings directly to “the community” with an “analysis of why [the death] happened.” In these “People’s Trials,” they looked “to offer possible changes” to police practices “to end such conduct.” These changes would then be submitted to “the proper authorities.”<sup>248</sup>

A “People’s Trial” was held the following week by the Committee to Fight Police Repression at Canaan Baptist Church.<sup>249</sup> The UBCC called for the punishment of any officers involved in the shootout that claimed Johnnie Starks and Mary Pendleton’s lives. The committee demanded “organized resistance” in poor and working-class communities against police repression.<sup>250</sup> A march of around one hundred persons to the MPD’s District Five station followed.

More police shooting deaths of Black citizens followed in 1975. The police killed a 20-year-old Black male in August.<sup>251</sup> Charles Dailey was mistaken as a burglary suspect. Police alleged that he pointed a gun at officers. The District Attorney’s office, again, ruled the police actions “justifiable homicide.” Michael McGee and the UBCC called for Black self-defense— “Do for yourself. Defend

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<sup>246</sup> Box 62, Folder 13, “Miscellaneous Organizations, United Black Community Council, 1974,” Vel Phillips Papers, 1946-2009 (bulk 1957-2009), MSS 231, University of Wisconsin-Milwaukee Archives.

<sup>247</sup> “Group Will ‘Try’ Police,” *The Milwaukee Courier*, January 18, 1975, 2.

<sup>248</sup> Box 62, Folder 13, “Miscellaneous Organizations, United Black Community Council, 1974.”

<sup>249</sup> The trial was held on January 18, 1975. “Police Brutality,” *The Milwaukee Star Times*, January 23, 1975, 3.

<sup>250</sup> Clay Evans, “Black Officers Testify at Starks-Pendleton Inquest,” *The Milwaukee Courier*, January 18, 1975, 1.

<sup>251</sup> “Inquest Sought in Slaying,” *The Milwaukee Journal*, August 28, 1975, Part 2, 1.

yourself...the only gun slingers left in town are the police.”<sup>252</sup> A week earlier, Steven H. Gaston was shot and killed by police.<sup>253</sup> The twenty-one-year-old had tried to evade a roadblock in an allegedly stolen car. New conversations around police-Black community relations took place in halls of government, but no substantive actions that shifted police policies, administrative structures, or oversight capacities resulted.<sup>254</sup> Speaking before the United Black Community Conference, McGee not only called out the DA, Chief Breier, and Mayor Maier, but also liberal Black elected officials and the Committee of 21. He implored, “Does anyone know who else we can turn to, except ourselves?”<sup>255</sup>

In June 1976, the UBCC reiterated the Milwaukee Black Panther Party’s demands for community control of the police. That meant electable, district-level citizen review boards that were empowered to oversee all police actions; civilian input and open communications on police policies; and the hiring of more Black and Brown police officers.<sup>256</sup> The UBCC counted almost twenty police killings since 1972. It was times for “each district police station to be controlled by the people that live within that particular district’s boundaries.” Government study committees, formal inquests, investigations, political deliberations—none of it had led to revised law enforcement procedures or more humane and accountable police behavior on Milwaukee’s north side. Mayor Maier had the power under Milwaukee’s City Charter, to “take care that the laws of the state and the ordinances of

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<sup>252</sup> Edward H. Blackwell, “Shooting Angers Conferees,” *The Milwaukee Journal*, August 28, 1975, Part 2, 1.

<sup>253</sup> Gaston was killed on August 23, 1975. See: Table 1.

<sup>254</sup> On September 2, 1975, a Joint Legislative Service Center meeting was held in Madison “concerning the deterioration in community-police relations.” The meeting was chaired by State Senator Monroe Swan and featured an array of state and local leaders. Lawmakers resolved, once again, to recruit Black officers as a “short range” goal. Other proposed solutions involved bringing the federal courts in to hold Milwaukee’s police chief accountable, awarding personal damages paid by offending officers to police violence victims or their families, establishing “community control or decentralization of the police,” and establishing “a community relations department” within the MPD. Box 140, Folder 4, “Police Department, March-September, 1975,” Records of Mayor Henry W. Maier Administration.

<sup>255</sup> Alderman Orville Pitts did send a letter to the Milwaukee County DA demanding an investigation into Dailey and Gaston’s deaths. In it, he said, “The incidents are sparking community questions as to whether gun fire is becoming the standard means of apprehending suspected criminals on the city’s North Side.” Edward H. Blackwell, “Black Conference Angered by Slaying,” *The Milwaukee Journal*, August 28, 1975, Part 2, 10.

<sup>256</sup> “No longer would Black and poor citizens look at the police department as oppressors, but as protectors,” their plan stated. UBCC, “It Needs to Be Said,” *The Milwaukee Star Times*, June 17, 1976, 4.

the city are duly observed and enforced; and that all officers of the city discharge their respective duties.” And yet, when Black police accountability advocates demanded redress for disparate and deadly MPD practices, he claimed to have no control over the MPD.<sup>257</sup> It was the same story in 1976 as it was in 1966, as it was when Black community leaders first tried to shift the terms of police power in Milwaukee during the post-World War II era.

### *Community Control and the Neighborhood Movement in Milwaukee*

Black demands for community control in the 1970s converged with the development of a wider “neighborhood movement” that, as historian Joseph Rodriguez notes, “included residents of all races and ethnicities actively seeking to address community problems via direct action.”<sup>258</sup> This multi-racial drive for localized power at the grassroots built on Black-led organizing models to address social, economic, and political concerns that community leaders thought white city officials had neglected, including administering responsive crime control and curbing police brutality.<sup>259</sup> Protests of racist urban renewal policies and freeway construction projects, as well as efforts to garner more direct public control over the disbursement of federal Community Action and Model Cities funding in the 1960s, helped establish a baseline of activity for Milwaukee’s burgeoning neighborhood movement. Calls for infrastructure and municipal service improvements, which diverse community organizations amplified through demonstrations, compelled city officials to take these local demands seriously and view neighborhood associations as interest groups whose voices mattered in the enactment of civic policy.

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<sup>257</sup> UBCC, “It Needs to Be Said,” *The Milwaukee Star Times*, June 17, 1976, 4.

<sup>258</sup> Joseph A. Rodriguez, *Bootstrap New Urbanism: Design, Race, and Redevelopment in Milwaukee* (Lanham: Lexington Books, 2014), 76.

<sup>259</sup> The Lapham Garfield Neighborhood Association of the late 1950s represented an early incarnation of the 1970s neighborhood movement, in that it brought diverse communities, rights-based organizations, and neighborhood leaders together to work towards locally empowered responses to issues that directly impacted north side residents, including police brutality and neglect of police service. See: Chapter Two.



While these primarily middle-class, predominantly white community associations confronted a host of issues—from curbing freeway expansion, to battling real estate “block-busters,” to fighting for school desegregation—crime and safety became a top priority, particularly as middle and working-class Black families began moving into previously all-white areas on the city’s northwest and west sides following the passage of new fair housing laws in the late 1960s. Crime control was a concern for neighborhood “self-help” organizations like the Cooperation West Side Association, Mid-Town Neighborhood Association, and Sherman Park Community Association, who respectively organized to stabilize and economically develop their individual communities. The crime issue was magnified as both a material reality and a phenomenon historically racialized by white politicians, media outlets, and residents. Milwaukee neighborhood associations joined a national drive that reflected deepening public anxieties around street crime, police protection, and the local impact of constrained municipal budgets.<sup>260</sup> Neighborhood groups reimagined crime control on their own terms, though they were eager to do so in consort with the police department, from whom they desired greater cooperation, respect, and service. Select law enforcement agencies throughout the country were just beginning to embrace principles of “community policing,” which was coalescing as a strategy for re-integrating beat patrol officers in neighborhoods to proactively prevent crime, resolve disputes, and facilitate trust between police and citizens.<sup>261</sup>

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<sup>260</sup> As Rodriguez notes, “policing was a limited resource that neighborhoods had to compete for” and rising crime did not translate into an expanded police budget during the 1970s and 1980s. Rodriguez, *Bootstrap New Urbanism*, 79.

<sup>261</sup> Nostalgia undergirded the community-oriented policing project of the late 20th century. Advocates characterized the approach as a return to a bygone era of policing, when officers walked a beat and cultivated mutually beneficial relations with shop-owners, community groups, parents, and youth. This was never the case for all citizens, particularly groups of color. The strategy assumed that everyday people added value to the policing mission and, therefore, called for their input and collaboration in identifying policing priorities and allocating resources. Community-oriented policing made sense for residents, who were collectively experiencing the threat of crime. Through its deployment, citizens could theoretically exert a measure of control over the police, mitigating the proliferation of crime and disorder, as well as opportunities for police malfeasance. Community-oriented policing was meant to reorient rank-and-file officers away from random patrols and centralized command posts, which, by the 1970s, criminal justice experts, social critics, and everyday residents came to view as disengaging, ineffective, and volatile. Encouraging police to familiarize themselves with people living in the districts they patrolled would hypothetically reduce police-community tensions, minimize the use of excessive police force, and better control disorderly behavior. The problem with community-oriented policing, among others, was that municipal police forces were not looking to surrender autonomy or their expert status as crime-

The neighborhood movement sought to align itself with preventive policing strategies. Citizen “block watch” systems emerged in the 1980s and 1990s, whereby residents organized community patrols and hired private security firms to monitor the spread of crime in their neighborhoods. These practices, according to one scholar, “shattered what had been a state monopoly on the official surveillance of public spaces.”<sup>262</sup> Neighborhood “watch” programs normalized civilian engagement in proactive street patrol, sometimes functioning alongside police officers and police surveillance practices. However, in Milwaukee, MPD assistance to block-level community watch efforts remained contested given Chief Breier’s hesitancy to embrace community involvement in policing. He saw an expanded community role as ineffective in resolving crime and thought it would diminish police authority. Chief Breier and Mayor Maier also argued that beat patrols were too costly and necessitated greater taxpayer support.<sup>263</sup> Despite the fact that some community associations deliberately embraced racial diversity, Milwaukee’s neighborhood movement was not free of bias. Poor and working-class Black and Latinx citizens, particularly youth, received the bulk of community and police attention based on historically perceived, thoroughly racialized white conceptions of disorder and criminality.

The neighborhood movement prompted a range of responses in individual communities. Some, like the Sherman Park Community Association (SPCA), explicitly opted to make integration a priority in their racially changing northwest side district. At the same time, SPCA members urged Black newcomers to comply with white middle class notions of proprietorship and communal

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control agents. The approach also privileged the voices of homeowners, organizational elites, businesses, and other moneyed interests at the expense of poor and working-class residents. “Broken Windows policing”—a community-oriented policing strategy that targets low level, non-violent offenses thought to produce more serious crimes—is part of this paradigm. It has resulted in a disproportionate number of Black and Brown arrests. Broken Windows theory co-author George Kelling was a Milwaukee native. See: Introduction; James Q. Wilson and George L. Kelling, “Broken Windows: The Police and Neighborhood Safety,” *Atlantic Monthly* (March 1982), 29–38.

<sup>262</sup> See: Benjamin Holtzman, “Expanding the Thin Blue Line: Resident Patrols and Private Security in Late Twentieth-Century New York,” *Modern American History* (2020), 2, doi:10.1017/mah.2020.1.

<sup>263</sup> Rodriguez, *Bootstrap New Urbanism*, 79.

respectability. This stemmed from a shared belief held by its members that achieving a desirable “quality of life” in their neighborhood meant stabilizing property values, which in turn would help homeowners preserve local perceptions of community safety and security. The SPCA attracted “responsible” homeowners and developers who bought into the idea of proactive crime reduction. Poor and working-class Black migration to the northwest side neighborhood threatened to disrupt this model, since race-based state and private sector housing policies historically linked Black habitation to poverty, vice, and crime. Liberal community groups like the SPCA challenged racist housing policies through mobilizations and legal actions inspired by civil rights activists, while also working to remake understandings of Black racial inferiority that might derail their community’s progress. Against a backdrop of social demographic change, collective struggle, and metropolitan transformation in the 1970s, community-oriented policing in Milwaukee took shape.<sup>264</sup>

#### *Milwaukee Professional Policemen’s Protective Association*

The long 1970s was also an era of expanded police union power in Milwaukee. Opposition to Breier’s strictures influenced the Milwaukee Police Patrolman’s Protective Association’s (MPPPA) development. A level of institutional mistrust flowed from within the department as much as it did without. Police unions accumulated power and used it to advance specific goals, such as garnering wage increases, securing benefits, upgrading equipment, and meeting staffing needs.<sup>265</sup> Today, they

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<sup>264</sup> On the SPCA, see: Juliet Saltman, *A Fragile Movement: The Struggle for Neighborhood Stabilization* (New York: Greenwood Press, 1990).

<sup>265</sup> Both neighborhood associations and police unions drew on the ideas of a criminologist turned community organizer name Saul Alinsky. Some police unions found his argument that “change comes from power; and power comes from organization,” appealing. “In order to act,” Alinsky argued, “people must get together.” Saul D. Alinsky, *Rules for Radicals: A Pragmatic Primer for Realistic Radicals* (New York: Random House, 1971), 114. On police unions embracing Alinsky’s ideas, see: Ron Delord, Michael R. Shannon, Michael R., and Jon Burpo, *Police Union Power, Politics, and Confrontation in the 21st Century: New Challenges, New Issues* (Springfield: Charles C. Thomas, 2008), 23. On an example of a Chicago community association drawing from the Alinsky model, see: Simon Ezra Balto, “‘The Law Has a Bad Opinion of Me’: Policing and Politics in Twentieth Century Black-Chicago,” (Ph.D. diss., University of Wisconsin-Madison, 2015), 207. On Alinsky being more of a political liberal than a radical, see: Arnold Hirsch, *Making the Second Ghetto: Race and Housing in Chicago 1940-1960*, 2<sup>nd</sup> ed. (Chicago: The University of Chicago Press, 2008), 209. The Triple O studied radical community organizing in Chicago with Alinsky as it endeavored to organize poor and working-class Black

tend to endorse political candidates who reflect their conservative values and support objectives that protect their rights as officers. Police unionism has translated into modern police departments becoming independent political units that mobilize for their own benefit, “regardless of what that means for the public.”<sup>266</sup> Law enforcement has immense power over the lives of citizens, including the power to kill. Therefore, it is critical that enforceable measures of police accountability exist. Contemporary police unions undermine accountability more than any other force in the criminal justice system. As legal scholar Matthew Flynn warned as early as 1974, “The rise of the power of police unions in the past decade is a development...which will also have to be dealt with if the police are to be accountable to the public.”<sup>267</sup>

Chief Breier’s antagonistic relationship to the MPPPA influenced Milwaukee’s struggle for police accountability. Mutual respect existed among police administrators and the police association. However, it wavered under Breier’s draconian leadership. He set inordinately strict rules and expected his officers to follow them accordingly. Breier imposed his authority over the professional and personal lives of rank-and-file police, even dictating who they could or could not live with. He dismissed the idea of salary increases for officers who earned advanced degrees or obtained college credits, calling higher education “bad for department morale.” The chief refused to meet with MPPPA officials to discuss possible treatment options for personnel dealing with alcoholism, drug addiction, or emotional distress.<sup>268</sup> For decades, the MPPPA operated as a fraternal and protective association whose views aligned with police administrators and the movement for professionalization. This emphasis started to shift in the 1960s and 1970s, as the police union movement progressed. As labor historian Dennis Deslippe has written, “demands for racial justice

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Milwaukeeans. Mark Edward Braun, “Social Change and the Empowerment of the Poor: Poverty Representation in Milwaukee’s Community Action Programs,” (Ph.D. diss., University of Wisconsin-Milwaukee, 1999), 159.

<sup>266</sup> Simon Balto, “Occupied Territory: An Author’s Response,” *Black Perspectives*, African American Intellectual History Society, April 10, 2020, accessed April 10, 2020, <https://www.aaihs.org/occupied-territory-an-authors-response/>.

<sup>267</sup> Matthew J. Flynn, “Police Accountability in Wisconsin,” *Wisconsin Law Review* 1131 (1974), 1148.

<sup>268</sup> Breier also blocked officers from seeking outside support. Snyder, “Chief for Life,” 39.

and individual rights led to great scrutiny of [police] behavior.” More attention paid by society to the rights of suspects and intensifying public criticism of police practices encouraged rank-and-file officers to feel more and more isolated and unappreciated.<sup>269</sup> Police unions organized to address what they saw as unfair, racially biased affirmative action policies advanced by the civil rights movement.

Since 1885, a local ordinance prevented police personnel in Milwaukee from engaging in off-duty political activities, such as turning out the vote for political candidates or making contributions to campaigns. MPPPA members could not collectively bargain and police rules forbade officers from discussing police business with “outsiders,” including arbitrators. Breier made the rules and no one could publicly discuss the MPD handbook without facing reprisal from the chief. In October 1970, the MPPPA asked the Common Council to revise Milwaukee’s 1885 ban on off-duty political activity. Breier quashed the attempt using his vast political influence to pressure aldermen on the council’s finance committee. Then, in January 1971, the MPPPA’s executive board asked city labor negotiators and Mayor Maier for the right to bargain on rules, police grievance procedures, and salaries. Breier responded by reprimanding eight of the nine officers on the board.<sup>270</sup> Rank-and-file officers responded by waging a “blue flu”; ninety-five percent of the city’s police officers called in sick on January 23, 1971. As historian Ronald Snyder noted, it was “the first time in city history that public employees had engaged in such activity.”<sup>271</sup> Wisconsin Employment Relations Commissioners travelled to Milwaukee from Madison to help city officials negotiate with uniformed officers and ensure public safety. Breier was ostensibly detached from the negotiations, but also working out of view to prevent his prized Detective Bureau from joining the action. During the four-day walkout,

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<sup>269</sup> Dennis A. Deslippe, “Do Whites Have Rights?: White Detroit Policemen and ‘Reverse Discrimination’ Protests in the 1970s.” *The Journal of American History* 91 (3) (December, 2004): 939.

<sup>270</sup> MPPPA president Robert Kliesmet, the ninth officer, was on leave from the MPD and, thus, out of Breier’s reach for punishment. Federal District Court Judge ordered the removal of Breier’s officials reprimands from the officers’ files in 1973. Snyder, “Chief for Life,” 41.

<sup>271</sup> Snyder, “Chief for Life,” 41.

the MFPC authorized the use of special police. Supervisors and Milwaukee County Deputy Sheriffs kept the peace. A Milwaukee police wives organization and surrounding police unions supported the MPPA's actions, as did the Left-progressive *Kaleidoscope* newspaper, which drew a distinction between the rank-and-file and Chief Breier's "boys— (non-striking members) the vice squad, the detective bureau, and the subversive squad."<sup>272</sup> While the union assumed all hell would break loose if they struck, crime and traffic accidents maintained the same rates. The MPPA failed to win the endorsement of the AFL-CIO, which argued that their salary demands were too high and their social positions too conservative and alienating from the labor movement. Eventually, a court injunction ended the strike.

Milwaukee diverged from other big cities confronting the urban crisis in that its police bureaucracy never presented as fearful of additional rioting or intensifying Black demands for civilian review. While some liberal mayors, as historian Alex Elkins has observed, "appointed police commissioners with a mandate to maximize efficiency in the war on crime and to discipline officers who were rude, offensive, or unduly brutal to members of the public—especially black residents," Chief Breier doubled-down on his reactionary law-and-order approach.<sup>273</sup> Under Breier, the MPD eschewed the elite, technocratic professionalism advocated for by the International Association of Chiefs of Police. Alternatively, Milwaukee's police chief enjoyed state-sanctioned lifetime tenure, allowing him to resist War on Crime interventions that he saw as meddling and overreaching. Furthermore, he did not view police brutality as real, let alone a practice unevenly meted out against African Americans. Indeed, Breier saw the MPD as exceptional because of its institutional independence, an efficient, value-neutral crime control machine that existed above the fray of urban

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<sup>272</sup> "Internal Breieritis," *Kaleidoscope*, January 29 - February 4, 1971.

<sup>273</sup> These police commissioners prioritized preventive patrol sought to cut costs by optimizing efficiency. This brand of police management was top-down, but also technocratic. Alexander B. Elkins, "Battle of the Corner: Urban Policing and Rioting in the United States, 1943-1971" (Ph.D. diss., Temple University, 2017), 462.

politics. He essentially authorized police brutality through his permissive accountability structures, enabling aggressive discretionary policing in Black spaces and against civil rights demonstrators.

Consequently, the city did not feature the same contentious relationships shared by rank-and-file officers and “professionalism experts” leading other urban police forces. Chief Breier never implemented “economy measures like one-man patrol cars” and “departmental trial boards” used “to scapegoat officers before a bloodthirsty public.”<sup>274</sup> In fact, the opposite was true in Milwaukee, where MPPPA leaders called the chief out for not taking police-community relations seriously enough. The police union argued that Breier’s inattention to community relations matters and his willingness to allow Black mistrust of the police to deepen put the lives of MPPPA members at risk. This is not to say that line officers in Milwaukee were not frustrated by the liberal Supreme Court’s police rulings in the 1960s, which ostensibly prioritized the needs of criminals over law enforcement, nor that they supported civilian review boards as means of tempering racial unrest. Moreover, they did not have to worry about an “elite management class” replacing Breier’s reactionary law-and-order approach, given the state-authorized structure of police power. The union generally aligned with Breier. Still, the MPPPA was becoming frustrated with a top-down system that privileged the Detective Bureau at the expense of patrol.<sup>275</sup> In 1973, the police association won the right to appeal departmental rules to an outside arbitrator.<sup>276</sup>

The MPPPA, alongside other police unions nationally, “combined the traditional progressive goals of organized labor to win greater power, rights, and dignity for workers with a more

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<sup>274</sup> Elkins, “Battle of the Corner,” 463.

<sup>275</sup> All police officers had to meet Breier’s rigid standards of conduct. However, the chief, a former detective who led the Detective Bureau for two years, favored personnel who solved crimes, not those who responded or prevented to disorder. For Breier, the MPD’s detective culture gave shape to the department’s reputation for crime control efficiency and its reportedly high clearance rate. See: George Kelling, *Policing in Milwaukee: A Strategic History* (Milwaukee: Marquette University Press, 2015).

<sup>276</sup> The association did not strike again until December 1981; it waged a 36-six-hour walkout after Alderman Roy Nabors remarked to the press that a Black man who shot and killed two police officers had likely feared for his life. Snyder, “Chief for Life,” 4, 7.

conservative, indeed even counter-revolutionary, agenda.”<sup>277</sup> However, the MPD’s rank-and-file did not need to “defeat” a “liberal and radical program to regulate front-line officers,” or proposals like “civilian review,” “tougher departmental trial boards,” or “stricter gun-use guidelines” until the late 1970s and early 1980s. The structure of police power, and the authority that state legislation vested in Milwaukee’s police chief, delayed urgency in this area for MPPPA members.<sup>278</sup> In the interim, police union leaders framed their grievances as civil rights demands. The MPPPA championed collective bargaining—Wisconsin passed one of the nation’s first such laws for public employees in 1959—and more transparent grievance procedures within Milwaukee’s police bureaucracy.<sup>279</sup> They focused their activism on union recognition and developing a workable police-community relations plan. According to MPPPA officials, efforts to improve police-community relations had “resulted in frustration for many sensitive police officers who want to bridge the credibility gap with minority groups.” They claimed that aggressive, racist officers perpetuated “the negative ‘pig’ stereotype” ascribed by many residents of color and argued that “the cloud of poor police community relations has contributed to a breakdown in police protection.” Some officers did crackdown on Black and Brown folk, while others were “reluctant to intervene in racial situations for fear of a brutality charge.” The point being that, somewhat ironically given their political position today, police union members in Milwaukee believed they had “a vital interest in maintaining good community relations.”<sup>280</sup>

Alternatively, Chief Breier saw little need or rationale for the community to play an active role in everyday police work.<sup>281</sup> Early in 1970, the chief reaffirmed this perspective before the

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<sup>277</sup> Elkins, “Battle of the Corner,” 463.

<sup>278</sup> Elkins, “Battle of the Corner,” 463.

<sup>279</sup> Wisconsin Labor History Society, “Primer,” accessed April 11, 2020, <https://www.wisconsinlaborhistory.org/resources/primer/>.

<sup>280</sup> *Police Isolation and Community Needs*, 73-74.

<sup>281</sup> In Breier’s view, the citizen’s job was to respond to police questioning, help solve crimes as needed, while never engaging in crime prevention strategies or directing police oversight. That was handled internally by the department. In April 1966, Breier maintained “all policemen are trained to be courteous and to use good judgment and common sense



Milwaukee Common Council's judiciary committee.<sup>282</sup> That January, the MPPPA announced it would apply for \$40,000 in Safe Streets Act funds to establish a "program involving police and community in closer cooperation." "Project Communication," was "a program designed to improve the quality of the relationship between citizens and the police." Under the plan, two MPPPA members—"professional police personnel"—would meet with community groups "to exchange ideas and hopefully increase understanding of police and community perspectives."<sup>283</sup> Breier refused to comment publicly, while expressing his displeasure internally. Behind the scenes, he forced subordinates, many of who had respected him as a leader who always stood up for police officers' interests in moments of public outcry against the profession.<sup>284</sup> The Detective Bureau's supervisors and the John Birch Society joined Breier in opposing the measure. The latter mailed oppositional literature out to local police officers.<sup>285</sup> Consequently, the union withdrew its application for LEAA funding in March.<sup>286</sup>

In August 1973, an arbitrator determined that MPPPA members could appeal MPD rules beyond Chief Breier. It was "the first blow to Breier's absolute control over the police department."<sup>287</sup> Milwaukee's police union, not elected officials fearful of Breier, initiated, what MPPPA President Robert Kliesmet called, the "good erosion" of the chief's power.<sup>288</sup>

### *Conclusion*

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in their every contact with citizens; that's community relations." Feit, "The Milwaukee Police Department, March-April, 1970," 9.

<sup>282</sup> The meeting was held on January 26, 1970. Feit, "The Milwaukee Police Department," 9.

<sup>283</sup> *Police Isolation and Community Needs*, 74.

<sup>284</sup> "Auxiliary benefits of the project would be identification of tension and conflicts, recruitment assistance, expanded human relations training, and police participation in law enforcement planning." The proposals were rejected by a majority of the rank and file members, though MPPPA leaders blamed Chief Breier's lack of support because it would have strengthened the union's position. *Police Isolation and Community Needs*, 75.

<sup>285</sup> Feit, "The Milwaukee Police Department, March-April, 1970," 10.

<sup>286</sup> The vote was about 800 officers to 400, with another 800 abstaining. Feit, "The Milwaukee Police Department," 10.

<sup>287</sup> Snyder, "Chief for Life," 160.

<sup>288</sup> Joel McNally, "Arbitrator Took Big Steps," *The Milwaukee Journal*, August 19, 1973, Part 2, 1.

Civil rights gains, continued attention to law enforcement, and the federal government's efforts to stabilize cities in the wake of 1960s civil unrest led to a more intensive cataloging of racialized police violence. As Milwaukee citizens filed complaints against abusive police officers in the federal court system and with the Milwaukee Fire and Police Commission (MFPC), police mistreatment was better documented.<sup>289</sup> From 1964 to 1974, residents filed no less than forty-five claims of police brutality against the city.<sup>290</sup> Still, judges determined all of these complaints were "invalid."<sup>291</sup> In that same span, at least 128 citizens filed grievances with the MFPC. Yet the commission dismissed seventy percent of these cases; no officers lost their jobs. Only eight police personnel received suspensions, most for "a week or less." As of 1975, the MFPC had yet to fire a single police officer based on a police brutality complaint. Fears of police retaliation and frustration with the commission's slow review process dissuaded citizens from filing grievances.<sup>292</sup> Meanwhile, Milwaukee police killed at least six residents from 1972 to 1974 alone. Each death was ruled justifiable, almost all victims were Black.

The question for most poor and working-class Black folk in Milwaukee was not whether the exercise of political control over the MPD was necessary, but how to re-cast who exercised that authority. Community control mandated civilian oversight of police strategies, "enforcement decisions," and conduct.<sup>293</sup> Citizen review—anchored in policed communities and operated by

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<sup>289</sup> The MPD's training manual defined police brutality as "conduct unbecoming of a member and detrimental to the service." Barbara Dembski and Monroe Walker, "A Look Beyond the Badge," *The Milwaukee Journal*, February 23, 1975, Part 1, 1.

<sup>290</sup> Between 1968 and 1974, the MPD fired three officers for "misconduct connected to citizen abuse." The dismissals resulted from internal investigations "prompted by publicity" surrounding the cases. But this was rare. It is not clear if the abused citizens were Black or representative of another minoritized group. Barbara Dembski and Monroe Walker, "Some Find Police System Frustrating," *The Milwaukee Journal*, February 23, 1975, Part 1, 20.

<sup>291</sup> From 1970 to 1974, thirteen citizens alleged civil rights violations in federal court filings. Three were settled out of court. "Some Find Police System Frustrating."

<sup>292</sup> Attorneys also expressed fear of police reprisal. White residents filed charges against the MPD too. However, Black and Latinx citizens filed the most complaints. "Some Find Police System Frustrating."

<sup>293</sup> Under community control, the policing of minor crimes like "disorderly conduct, drunkenness, and vagrancy" would "vary according to what the particular community finds offensive." David Riley, "Community Control of Police," *Civil Rights Digest* 2 (4) (Fall 1969), 34-35.

policed citizens—was fundamental to this concept. Without it, unchecked abuses of police power would “only widen the gap” and “increase the warfare” between law enforcement and minoritized citizens.<sup>294</sup>

Milwaukee’s Black-led struggle for police accountability turned to community control in the long 1970s. While it never achieved the level of local authority that adherents imagined, particularly from the standpoint of garnering rule-making input and civilian complaint oversight. Still, as this chapter argues, Black and allied police accountability advocates moved a white-controlled police bureaucracy towards a more democratic framework. During the long 1970s, reform activity buzzed around issues of police violence, administrative control, and law enforcement strategy. For better or worse, that action was united by the widespread conviction that policing was the most legitimate means of preserving order in a socially and economically changing city.

Against the backdrop of intensifying police-Black civilian violence, rising public fears about crime, a deepening budget crisis, and internal police dissension, a political consensus emerged around revising the institutional independence that had long defined Milwaukee’s narrative of policing exceptionalism. By 1975, Black and white allied state legislators worked to revise the policing structure in “first class cities.” Despite his widespread popularity among white constituents, Chief Breier’s leadership had grown costly, both from a police budget standpoint and the rising number of payouts the city was making to settle police brutality claims. The federal government, via the USCCR’s 1972 report, outlined why the MPD’s community isolation was detrimental to the maintenance of law-and-order and effecting public safety. The shooting death of Jacqueline Ford by a Milwaukee detective, the 1973 slayings of two MPD officers and the racialized police violence that followed, and the police killings of Jerry Brookshire and other Black citizens illustrated the system’s

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<sup>294</sup> Black politicians embraced community control. Cleveland’s first Black mayor, Carl Stokes, cited the “nationwide struggle going on for civilian control of the districts. Riley, “Community Control of Police,” 29-30.

dysfunction. The MFPC was unable to meet the needs of aggrieved citizens. Federal lawsuits and legislative changes are the only way to secure accountability and transform Milwaukee's police oversight structures.

In Milwaukee, the long 1970s was an era of prolonged social tensions, political activism, and intra-racial discord. It was an unsettled moment of Black movement building that largely centered on curbing police violence and ending institutional discrimination on the MPD. It was a period when poor and working-class people of color, Black and Latinx, expressed vocal disenchantment with Chief Breier's reactionary leadership. Spurned by urban liberalism and mistrustful of governing institutions, Black and Brown freedom fighters turned inward, to their own communities, and imagined what it would mean to build power from the grassroots.

However, local efforts to instill community control of the police and respond to ongoing episodes of racialized police violence failed to restructure police power on acceptable terms. This had as much to do with the persistence of liberal policy prescriptions that framed police reform exclusively as a matter of weeding out individual bad actors and advancing institutional diversity, as it did with conservative backlashes against Black political dissent, costly social welfare programs, and rising street crime. Liberals and conservatives joined forces to expand the machinery of the carceral state in the long 1970s. The bipartisan tough on crime consensus legitimized police power as a solution to the 1960s urban crisis without fully appreciating the role law enforcement had always played in aggravating urban inequality and reproducing biased criminal-legal outcomes that disproportionately harmed African Americans. Reactionary and liberal law-and-order politics, therefore, continued to shape Milwaukee's racial politics, which still broadly favored a white working, professional, and business class majority. As such, Black men and women consistently found themselves on the wrong end of perpetually a racist, sexist, and classist policing system.

The Black-led movement for police accountability challenged the core assumptions that

powered Milwaukee's durable narrative of policing exceptionalism. For decades, City Hall prided itself on the MPD's assumed professionalism and crime control efficiency—a status that most elected officials believed sprang from the department's state-sanctioned independence from political oversight and the freedom it was afforded to innovate. Concerns around the persistence of racialized police violence under Chief Breier, as well as rising street crime on Milwaukee's north side, engendered grassroots and federal pressures for City Hall to confront its established approach to law enforcement. While the civil violence of 1967 ushered in new prospects of reform, encouraging police bureaucrats to make changes to police recruitment and community relations procedures, resistance from the MPD undermined success.

## CHAPTER SIX

### The Coalition for Justice for Ernest Lacy and the Limits of Reform

“This Lacy-type incident, so common in American life, is a condition we live with and expect to happen to any one of us, every time we step out into the city streets!”<sup>1</sup> So wrote Black community historian, and America’s only known racial terror lynching survivor, James Cameron as a 1983 civil suit filed by the mother of a slain police brutality victim worked its way through the federal courts. The deadly circumstances that eventually resulted in a \$600,000 settlement, two statutory reforms, and the firing of a white MPD officer began late on the night of July 9, 1981 when a brutal police encounter led to the death of yet another Black young person in Milwaukee. Ernest Lacy had taken a break from helping his cousin paint an apartment when he walked to the Open Pantry Food Mart at Wisconsin Ave. and N. 23<sup>rd</sup> St. to retrieve a snack. On the way, three members of the Milwaukee Police Department’s (MPD) all-white Tactical Enforcement Unit—each with a history of using excessive force—stopped and questioned him about an alleged rape that occurred near W. Michigan and N. 20<sup>th</sup> St.<sup>2</sup> The female victim was white and the officers were looking for a Black male suspect.<sup>3</sup> Lacy fit the assailant’s description.<sup>4</sup> Likely “petrified” when the

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<sup>1</sup> James Cameron, “An Open Letter to the Milwaukee Fire and Police Commission Regarding the Ernest Lacy Complaint,” March 31, 1983, 12, Dr. James Cameron Pamphlet Collection, Milwaukee Public Library, accessed October 31, 2020, <https://content.mpl.org/digital/collection/jcameron/id/529/rec/5>.

<sup>2</sup> “Officer Says Lacy Not Told He Was Arrested,” *The Milwaukee Sentinel*, April 15, 1983, Part 1, 5; “Officers, Lacy Family Plead Cases,” *The Milwaukee Journal*, June 14, 1983, Part 2, 17. Officer Dekker reportedly “choked” a Black woman in front of the Milwaukee Arena because, according to the victim, she “touched” him “in a friendly gesture” after asking about a group of people being locked-up in a police paddy wagon. A second confrontation in 1978 saw Dekker beat two men and two women in a tavern. In November 1980, Dekker, Eliopul, and Kalt, together, were accused of beating an unarmed man unconscious. Their actions underscored a culture of violence that fostered mistrust and resentment among Black citizens. “Dekker Tied to Four Other Brutality Cases,” *The Milwaukee Courier*, July 18, 1981, 1, 3.

<sup>3</sup> The specific circumstances of the crime—a racialized sexual assault—conjured historical images of white rage and fed racist narratives of Black male criminality and lustfulness after white women. See Chapter Two. Black female complainants of sexual assault, meanwhile, said they experienced a double-standard when it came to police responses in Milwaukee. About three months before Lacy was stopped by police, Black community members and Black police officers faulted the MPD for not taking seriously “a string of attacks” against Black women on the city’s north side. Four of eighteen victims were raped. Gregory D. Stanford, “Blacks Want More Done to Nab Rapist,” *The Milwaukee Journal*, April 16, 1981, Part 1, 1.

<sup>4</sup> Officers testified later at an inquest hearing that the alleged suspect was a 5’ 10” Black man with “long bushy sideburns” and wearing a blue shirt. Gregory D. Stanford, “Witness Tells How Officers Arrested Lacy,” *The Milwaukee Journal*, September 18, 1981, Part 1, 10.

officers approached, he hesitated to comply with their aggressive commands.<sup>5</sup> The 22-year-old suffered from a psychological condition that manifested in acute “periods of emotional stress.”<sup>6</sup>

What happened next underscores the tragic legitimacy of Ernest Lacy’s fears of Milwaukee police. The three cops arrested him, failing to read him his rights in the process. According to the police report, a resistant Lacy tried to run before being placed in the back of a squad car. One of the officers grabbed his arm; a struggle ensued. Eventually all four men were on the ground, jostling over competing goals of freedom and suppression. To subdue Lacy, Officer Thomas Eliopul pressed his knee against the young man’s upper back and neck, between his shoulder blades, with Lacy’s left cheek pressed to the sidewalk. Eliopul then raised Lacy’s arms, almost perpendicularly, behind his torso for handcuffing—a move that an independent medical examiner said helped cut-off the flow of oxygen to the lungs.<sup>7</sup> The other two officers, James Dekker and George Kalt, held their suspect’s legs down. Witnesses saw the officers wrestle Lacy to the floor, inducing a “violent, convulsive seizure” before he was “absolutely still.”<sup>8</sup> Medical opinions varied about what stopped Lacy from breathing, though all agreed Eliopul’s force played the decisive role.<sup>9</sup> Once he was

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<sup>5</sup> Lacy’s parents described their son as “petrified of the police,” as well as “gentle,” “docile,” and “not violent.” Joe Manning and John Fauber, “Family Says Lacy Thought He Was Inferior to Others,” *The Milwaukee Sentinel*, July 11, 1981, Part 1, 5.

<sup>6</sup> Lacy’s condition had required medical attention at Milwaukee County General Hospital as recently as the previous month. As his mother noted, Ernest’s apprehension was magnified by existing fears of local police. “Nurse Says Lacy Was Frightened, Withdrawn,” *The Milwaukee Journal*, April 24, 1983.

<sup>7</sup> Nathaniel Sheppard Jr., “Death of Black Man in Police Custody Leads to Bitter Protests,” *The New York Times*, August 16, 1981.

<sup>8</sup> As the officers carried Lacy to the police van, one witness said his “eyes were open, his tongue was partially out, he was not breathing and he was not moving.” The witness, an electrician named Fred Kolde, was on his way home from work. Nathaniel Sheppard Jr., “Death of Black Man in Police Custody Leads to Bitter Protests,” *The New York Times*, August 16, 1981. Another witness said he saw Lacy thrown on the hood of a police squad car twice, then kned in the groin by police. Family members viewing Lacy’s body post-mortem said they saw blood on his genitals. Kevin Merida, “2nd Autopsy Clouds Case,” *The Milwaukee Journal*, July 12, 1981, Part 1, 1, 4.

<sup>9</sup> Alan Eisenberg, the Lacy family’s attorney, hired an independent “legal and forensic medicine specialist” to review the deceased’s body. Ophthalmologist G. W. Lazachek determined that Lacy died of “compression strangulation.” The force of Eliopul’s knee to Lacy’s neck cut off his air supply. Kevin Merida, “2nd Autopsy Clouds Case,” *The Milwaukee Journal*, July 12, 1981, Part 1, 1; “Defense Doctor and Eye Specialist,” *The Milwaukee Journal*, July 13, 1981, Part 1, 10. Other medical experts, including Milwaukee County Medical Examiner Chesley Erwin, disagreed with Lazachek. Remarkably, Erwin suggested there was a strong possibility that Lacy was “frightened to death.” After two county autopsies, medical examiners reasoned Lacy probably died from a lack of oxygen but officially left the cause of death “undetermined.” Sheppard Jr., “Death of Black Man in Police Custody Leads to Bitter Protests”; Marilyn Kucer, “New Autopsy Fails to

forcibly restrained, the Tactical Squad members called for a police van. It arrived minutes later and they carried Lacy into the vehicle's holding chamber and shut the door.<sup>10</sup> The police then drove to the sexual assault survivor's home to identify Lacy. In this moment, they said they recognized he was unconscious. Police attempted to revive him using an ammonia capsule.<sup>11</sup> The unconscious Lacy was rushed to Good Samaritan Medical Center and pronounced dead at 12:46 a.m. on July 10, 1981.<sup>12</sup> Earlier that night, around the same time that Lacy was stopped, patrolman David A. Clarke Jr. arrested a man who later admitted to committing the sexual assault.<sup>13</sup>

News of Lacy's death spread the next morning.<sup>14</sup> It reached a number of Black community groups who, over the course of "the long 1970s," had committed to addressing the net effects of structural racism and racialized police violence against Black Milwaukeeans. Some, like the United Black Community Council (UBCC), prioritized issues of police brutality and neglect.<sup>15</sup> Indeed, this latest in-custody death invigorated police accountability activists who were already struggling for a more just, responsive, and community controlled law enforcement system. Black residents living on

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Reveal Cause of Lacy's Death," *The Milwaukee Sentinel*, July 13, 1981, Part 1, 1, 13.

<sup>10</sup> It was against police rules to place an unconscious person into police van. The two police van attendants testified to the MFPC in 1983 that they believed Lacy was conscious when he entered the van, and that he was "passively resisting" the officers. "2 Say They Believed Lacy Was Conscious," *The Milwaukee Journal*, April 13, 1983, Part 1, 5. A block or two away, they stopped and searched two more Black males, arresting one on a minor Sheriff's warrant. The arrested man saw Lacy's body spread across the floor upon entering the back of the van. He warned an officer, but they ignored his appeal. This witness, Tyrone Brown, said he told one of the police officers that Lacy looked "beat up pretty bad," to which the officer replied, "How do you know he wasn't hit by a car?" Sheppard Jr., "Death of Black Man in Police Custody Leads to Bitter Protests."

<sup>11</sup> The failure of Eliopul, Dekker, Kalt, and the two officers driving the van to provide medical attention would later serve as a focal point for both accountability advocates and state legislators.

<sup>12</sup> His body, according to an independent pathologist, showed abrasions and bruises. Woliver, *From Outrage to Action*, 62-63; "No Blows," *The Milwaukee Courier*, July 18, 1981, 8.

<sup>13</sup> Clarke would go on to serve as Milwaukee County Sheriff from 2002 to 2017. "Officers Were Taught First Aid, Instructor Testifies at Inquest," *The Milwaukee Journal*, October 10, 1981, Part 2, 4. As community activist Howard Fuller recounted: "...what happened was, allegedly, there was a rape, and the only description was, it was a young Black man. Ernest Lacy just happened to be going to the store. And...what they did to him was, they [the police] threw him down and they, you know, went into that choke hold, or put their knee on his neck. And, he, he ultimately died in police custody, in the van. And...there were witnesses who saw this and came forward. And so, our whole thing was that these police needed to pay for his death." Howard Fuller (Distinguished Professor of Education, Marquette University), in discussion with the author, March 2013.

<sup>14</sup> Police told Lacy's family he "just died." Woliver, *A Measure of Justice*, 62.

<sup>15</sup> Evidently, a Lacy family member called the UBCC's Michael McGee the same night Ernest died. Woliver, *A Measure of Justice*, 63.



Milwaukee's segregated north side had weathered an onslaught of police abuse in recent years. At least ten Black men and women lost their lives in police-Black citizen encounters between 1967 and 1981.<sup>16</sup> Non-lethal police brutality incidents continued unabated since the issue first gripped Black community leaders in the postwar era. Between 1972 and July 1981, citizens filed over 267 police misconduct complaints with the Milwaukee Fire and Police Commission (MFPC).<sup>17</sup> At least fifty cases sat pending in state and federal courts at the time of Lacy's death.<sup>18</sup> Black allegations of police brutality often went unreported. Fears of police retaliation and a sense that the system did not work in their favor prevented more from coming forward. Many citizens, according to journalist Gregory Stanford, had "come to accept it as a fact of life and had little hope that officials would act on their complaints."<sup>19</sup> In the wake of Lacy's death, the threat of civil violence was real. Black rebellion was in the air nationally. Miami's Liberty City and Overtown neighborhoods had just experienced civil unrest after an all-white jury exonerated four white police accused of beating a Black insurance agent to death.<sup>20</sup> "Our city of Milwaukee is in a crisis," James Cameron warned. "Whether it will terminate peaceably or in more bloody steps being taken remains to be seen."<sup>21</sup>

This chapter places the police killing of Ernest Lacy in context. To do so, it pays attention to historical contingency and agency.<sup>22</sup> Any victories that the Coalition for Justice for Ernest Lacy

<sup>16</sup> See: Appendix A.

<sup>17</sup> The MFPC dismissed 154 of these complaints. Sheppard Jr., "Death of Black Man in Police Custody Leads to Bitter Protests."

<sup>18</sup> The cases were pending in both federal and county circuit courts. Chief Breier said that the MPD had fewer misconduct complaints against its officers than in other cities and commended his department's training program. Gregory D. Stanford, Barbara Dembski, and James Romenesko, "Lacy Death Puts Spotlight on Police Conduct," *The Milwaukee Journal*, July 26, 1981, Part 1, 1.

<sup>19</sup> For many, the MPD inhabited "the role of an occupying army in which brutality is routine." Gregory D. Stanford, Barbara Dembski, and James Romenesko, "Old Questions Surface in Wake of Lacy Death," *The Milwaukee Journal*, July 26, 1981, Part 1, 10; Gregory D. Stanford, Barbara Dembski, and James Romenesko, "Minorities See Police as Brutal," *The Milwaukee Journal*, July 30, 1981, Part 1, 1.

<sup>20</sup> The man's name was Arthur McDuffie. Miami's Black uprising occurred in 1980. "The Day Miami was Rocked by Riot After Cops Cleared in McDuffie Beating," *Miami Herald*, May 15, 2016, accessed April 26, 2020, <https://www.miamiherald.com/news/local/community/miami-dade/article77769522.html>.

<sup>21</sup> At the same time, he noted that some Black residents had "the utmost confidence" in the MPD, despite "quite a few" having "ceased to respect its insensitivity to respect of the human personality." Cameron, "An Open Letter to the Milwaukee Fire and Police Commission Regarding the Ernest Lacy Complaint," 7.

<sup>22</sup> Historian Andrew Baer's book on Chicago's police accountability movement shaped my thinking on "contingency"

(CJEL) achieved in the early 1980s were tied to contextual factors that transcended the case itself. More specifically, police bureaucrats operated under a brightening federal spotlight at the time of Lacy's 1981 death. Two preceding developments, both surfacing in 1978, raised federal scrutiny. First, a former MPD officer divulged the truth about the 1958 police killing of Black migrant Daniel Bell. The officer said the patrolman who shot Bell not only planted a knife on his lifeless body, justifying self-defense claims, but that supervisors knew about the murder and helped cover it up. The Bell case revelations sparked demands for justice, a federal lawsuit, and accelerated grassroots activism around passing a statute that would reduce the police chief's policymaking authority. The shocking disclosure also encouraged a federal investigation of the MPD's history of using deadly force. Second, a group called Residents Integrating Law Enforcement (RILE) requested a federal probe into racial and gender discrimination on the police force. A U.S. Attorney's investigation led to mandates on diversity hiring that, if unmet, could strip Milwaukee of valuable revenue sharing funds. In 1981, the city's Black police association, the League of Martin (LM), went even further. The LM filed a Title VII lawsuit against Chief Breier, the MPD, MFPC, and City for violating Black officers' civil rights. The League's complaint alleged racist hiring, promotion, and assignment practices. These two developments added to a mix of existing forces that threatened to disrupt Milwaukee's policing status quo.

Next, this chapter details the steps that activists took to secure "a measure of justice" for Ernest Lacy's family from 1981 to 1983. Far from fomenting civil unrest, the CJEL channeled an emotional public response into the largest peaceful campaign for racial justice the city had seen since

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and "agency." As Baer writes, "the interplay between agency and contingency in the [John] Burge scandal" mattered in terms of what police accountability advocates were able to achieve over the course of decades. It was "the convergence of perseverance and opportunity" that enabled social movement activists and advocates for institutional accountability to eventually succeed in bringing the abusive commander to justice. Likewise, factors of contingency—"both concrete and abstract developments"—informed how the Chicago Police Department's torture scandal and the movements it inspired played out over time. It framed "opportunities and constraints." Andrew S. Baer, *Beyond the Usual Beating: The John Burge Torture Scandal and Social Movements for Police Accountability in Chicago* (Chicago: The University of Chicago Press, 2020), 10-11.

1968. In the months following the Lacy killing, thousands of residents demonstrated in support of the Lacy family and for the prosecution of the officers responsible for cutting his life short. Marches, rallies, sit-ins, boycotts, and lawsuits endured well into the mid-1980s. The CJEL's movement was powered by a diverse coalition of Black and allied community groups—many of who were tired of seeing the MPD kill young Black men and women with impunity. Public anxieties and distrust of the police undermined communal safeguarding at a moment of worsening economic and political distress for African Americans. Considering Lacy's innocence and the arresting officers' checkered pasts, accountability groups sensed an opening to confront police bureaucrats on their historical failure to deliver justice to Black police brutality victims. Building on the movement tactics of preceding campaigns, the CJEL garnered results in areas where prior mobilizations had failed. For instance, the MFPC eventually fired the officer directly responsible for Lacy's death. The city also paid a substantial sum to the victim's family.

Official responses to Lacy's death and mounting Black frustrations around police-community relations and police violence were also contingent on recent political, social, and economic changes. Milwaukee's Black population increased by almost 42,000 between 1970 and 1980.<sup>23</sup> Meanwhile, its white population decreased by about 139,000. This demographic shift held political ramifications for longtime Mayor Henry Maier and other elected officials trying to retain power. While the city remained seventy-three percent white in 1980, African Americans were emerging as a more influential voting bloc, along with Latinx residents. Constituents of color cared deeply about issues of crime and policing. A 1980 *Milwaukee Journal* poll, for instance, showed that 69 percent of Black voters were dissatisfied with Chief Breier's leadership.<sup>24</sup> Yet, despite the salience

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<sup>23</sup> Campbell Gibson and Kay Jung, "Historical Census Statistics on Population Totals by Race, 1790 to 1990, and by Hispanic Origin, 1970 to 1990, for Large Cities and Other Urban Places in the United States," U.S. Census Bureau, Population Division, Working Paper no. 76 (February 2005), Table 50.

<sup>24</sup> Gregory D. Stanford, "Maier Seen as Having Kept City from Typical Urban Woes," *The Milwaukee Journal*, February 14, 1980, Part 2, 6.

of police-community relations as an issue, the mayor received ample Black support in his 1980 reelection bid. According to some reporters, the mayor “divorced himself from the Police Department in the public’s mind.” Although Maier’s challenger, Assemblyman Dennis Conta, authored a 1976 bill that put term limits on public safety chiefs and limited their rule-making authority, most Black voters saw him as “soft” on policing overall. Maier’s willingness to establish a committee to track developments in the Lacy case—a step never taken by a Milwaukee mayor in response to a racialized police killing—reflected a desire to show Black constituents that he was taking their concerns seriously.<sup>25</sup> With the revelations of the 1958 murder cover-up, Maier also had little choice politically but to provide full transparency.

The Lacy case was indirectly connected to glaring economic indicators. Throughout the “long 1970s,” a “spatial fix” had occurred in Milwaukee’s economy that disproportionately affected Black workers and their families.<sup>26</sup> The city’s rapid industrial decline at the end of the 1970s and

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<sup>25</sup> Maier also needed greater minority support as he eyed an unprecedented seventh term in 1984.

<sup>26</sup> Marc Levine, “The Crisis of Black Male Joblessness in Milwaukee: Trends, Explanations, and Policy Options,” University of Wisconsin-Milwaukee, Center for Economic Development, Working Paper (March 2007), 9. On the “spatial fix” metaphor, see David Harvey, *The Limits of Capital* (Chicago: University of Chicago Press, 1982). On the “long 1970s,” or the period between 1969 and 1984, see: Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: Simon and Schuster, 2001).

Midwestern manufacturing firms facing rising oil prices and diminishing profits sought fresh opportunities abroad to outsource production lines and utilize cheaper labor in deregulated markets. New technologies and strategies facilitated a shift towards “integrating and managing spatially dispersed global enterprises. Revised global trade rules and financial practices, in addition to new protections for Western intellectual property, led to the abandonment of U.S. production facilities for “more lucrative arrangements” overseas and in the nation’s Sunbelt South. Milwaukee industrial firms struggled to pay off debts, so they laid off workers and started closing factories. The expectation of obtaining a union job with good wages disappeared for most high school graduates. Jobs in the information and healthcare sectors paid similar wages, but required specialized training and advanced degrees. Jane L. Collins and Victoria Mayer, *Both Hands Tied: Welfare Reform and the Race to the Bottom of the Low-Wage Labor Market* (Chicago: The University of Chicago Press, 2010), 35-36. Project out and it was clear that national policymakers, firms, financial institutions, and state governments were engaging in a larger process of social reorganization around “perceived market imperatives” that concentrated corporate and proprietary control over goods and resources. These ranged from “intellectual property rights, to laws governing the movement of goods and capital across borders and the basic rules undergirding employment.” Brishen Rogers, “Work after Quarantine,” *Boston Review*, April 7, 2020, accessed April 8, 2020, <https://bostonreview.net/class-inequality/brishen-rogers-work-after-quarantine>. Such initiatives undermined worker’s rights and labor contracts negotiated over decades of political struggle. The “social wage,” which was informed by citizenship, community standards, and economic conditions, gave way to “a naked competitive logic.” The antecedents of this market-oriented structure existed in the 1940s, 1950s and 1960s. However, it was accelerated by U.S. elected officials in the 1970s, 1980s, and 1990s. State actors failed to ensure that the global economy met the daily needs of poor and working-class people, especially Black citizens.

early 1980s and its transition from a high-wage manufacturing economy to a comparatively low-wage service economy in the late-20<sup>th</sup> century impacted Black workers and families differently than white. Black workers had yet to attain high levels of labor seniority.<sup>27</sup> Laid off white workers, most of who lived in comparatively prosperous neighborhoods and suburbs, fared much better in terms of finding new, good-paying jobs.<sup>28</sup> In 1970, Milwaukee's Black poverty rate was twenty-two percent below the national average. By 2000, it was thirty-four percent higher than the national mark. Low-wage service jobs, which surpassed available manufacturing opportunities by 1981, were among the only jobs available to under-educated Black workers.<sup>29</sup> The "mark" of a criminal record, or the lingering professional stain assigned by the state to the growing number of Black citizens swept up in U.S. "wars" on crime and drugs, compounded harsh economic realities.<sup>30</sup> When the CJEL formed, Americans were experiencing the second "dip" of a global economic recession that devastated Black and Latinx families. The recession began shortly before President Ronald Reagan signed the Economic Recovery Tax Act of 1981, which cut taxes for corporations and wealthy Americans, slashed domestic spending for the poor, and drastically reduced federal low-income housing subsidies.<sup>31</sup> Against this backdrop, the CJEL put aside lingering ideological differences within Milwaukee's Black-led movement for accountability and focused on securing justice for the Lacy family and re-constituting police power.

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<sup>27</sup> This was the case for Black men in particular. Decades of union and employer discrimination in the early-to-mid 20th century undermined Black workers' ascent within organized labor; they were only just beginning to garner high-level union jobs. See: Joe William Trotter, Jr., *Black Milwaukee: The Making of an Industrial Proletariat, 1915-1945*, 2<sup>nd</sup> ed. (Urbana: University of Illinois Press, 2006).

<sup>28</sup> Their whiteness and affluence "insured that new businesses would spring up" in white urban enclaves and suburban municipalities. Isabel Wilkerson, "How Milwaukee Has Thrived While Leaving Blacks Behind," *The New York Times*, March 19, 1991, A1.

<sup>29</sup> Many retail and service sector jobs were part-time, making it harder for Black families to save money and meet basic needs. Between 1973 and 1996, women's work outside of the home rose by forty percent. Collins and Mayer, *Both Hands Tied*, 37.

<sup>30</sup> Devah Pager, *Marked: Race, Crime, and Finding Work in an Era of Mass Incarceration* (Chicago: University of Chicago Press, 2007).

<sup>31</sup> Between 1981 and 1989, the Reagan administration reduced Housing and Urban Development's budget by nearly four times, "from \$74 billion to \$19 billion in constant dollars." "Ronald Reagan: A Better Friend of Blacks than Obama?" *The Milwaukee Courier*, February 12, 2011.

### *The Police Killing of Daniel Bell Revisited*

Although justice at the time went for naught, the 1958 police killing of Daniel Bell sparked Milwaukee's Black-led movement for police accountability.<sup>32</sup> The 22-year-old's tragic shooting death roused Black community activists and professional leaders, who were growing more and more concerned about both the individual prejudices of white patrolling officers and the rampant neglect shown by law enforcement towards Black crime victims on the city's north side. And yet, the full story of Bell's demise remained unknown to the public for twenty years. Bell's family always suspected foul play.<sup>33</sup> They worked assiduously to clear his name and tell the truth of his false criminalization. However, no verifiable evidence or witness testimony existed that would hold up in Milwaukee's white-controlled criminal-legal system. This changed in 1978, after former patrolman Louis Krause confessed to a reporter and District Attorney E. Michael McCann that Bell was not shot in self-defense, but murdered in cold blood by Officer Thomas Grady.<sup>34</sup> Seeking to ease a "troubled conscience," Krause set the record straight about a lethal police encounter that, as historians argue, galvanized Black Milwaukee's postwar freedom struggle.<sup>35</sup> Krause also spoke candidly about the wider culture of racialized violence on the MPD. For example, he described how

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<sup>32</sup> See: Chapter Two.

<sup>33</sup> Daniel Bell's siblings suspected foul play from the moment police said their brother had flashed a knife with his right hand. He was left handed. So too did the Black community members who mobilized a protest march in the weeks that followed. As the Bell family grieved a fallen son, a "conscious and detailed" masking of the truth ensued. The conventional media portrayed their loved one as "a knife-wielding aggressor" and little more. The Bell family "endured the false stigma of persistent governmental perjury and racial insults to their brother's memory." Dock Bell, the family patriarch, died in the arms of one of his sons before a final verdict was ever read in the family's civil case. Kelly, "What Price Justice," 2.

<sup>34</sup> "Partial Truth on an Ugly Incident," *The Milwaukee Journal*, August 31, 1979, Part 1, 10. Grady had resigned from the MPD in 1958 before having to face disciplinary charges for "conduct unbecoming of an officer." Jerry Resler, "Coverup in '58 Homicide," *The Milwaukee Sentinel*, September 1, 1979, 10. Krause was dismissed by the MPD in April 1958 for his role in tavern fight that occurred with five other officers. He struggled with alcoholism after leaving the force, descending into years of heavy drinking before sobering up three years before making his confession about Daniel Bell. Jerry Resler, "Coverup in '58 Homicide," *The Milwaukee Sentinel*, September 1, 1979, 10.

<sup>35</sup> In addition to tackling police violence, Milwaukee's civil rights movement addressed racism in employment, public accommodations, education, and housing. See: Patrick D. Jones, *The Selma of the North: Civil Rights Insurgency in Milwaukee* (Cambridge, MA: Harvard University Press, 2009).

officers would place Black suspects “on the elevator in the old Safety Building” and give them “an elevator ride going to the top floor, back down to the garage and literally beating the shit out of them” the entire time.<sup>36</sup> Black residents told similar stories to the National Advisory Commission on Civil Disorders research team in 1967, as did Black police officers.<sup>37</sup> DA McCann opened a John Doe investigation into a police cover-up in late November 1978.<sup>38</sup> Chief Breier, a detective in 1958, called Krause’s story “bull roar” and defended the MPD’s historical practices.

In Krause’s revised telling of Bell’s 1958 murder, the young man was pulled over on account of his race. Whether he had a broken tail light or not mattered less than Officer Grady’s eagerness to, as Krause stated, “arrest some niggers.”<sup>39</sup> Likely frightened of the consequences of being apprehended again for not possessing a driver’s license, the Louisiana native fled. After catching up with Bell, Grady fired from behind him at point blank range.<sup>40</sup> Bell was unarmed, so Grady planted a “throwaway knife” in his right hand to make it appear as if he had fired in self-defense.<sup>41</sup> The two

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<sup>36</sup> Police abuse of Black arrestees in MPD elevators was a notorious tactic used by Milwaukee police to administer private beatings. The testimony of a Black clergyman who spoke during a town hall on police-community relations in October 1978 illustrates this fact, as well as the connections between racialized police violence and the maintenance of white supremacy and housing segregation in the city. The Black pastor, Rev. George Johnson, said he called the police on a white neighbor after the neighbor physically struck him and his daughter. Two white officers responded. Instead of recording Johnson’s account of what happened, the officers first conferred with the abusive neighbor. After recording his story, they walked over to Rev. Johnson and “advised” him to leave the neighborhood. According to Johnson, the patrolmen insisted he had “no right living in that area.” When he asked the police for their names and badge numbers, they refused. They then arrested Rev. Johnson on a disorderly conduct charge. Johnson filed a complaint with the District Seven commander. Then, while riding in an elevator with the officers, they stopped the machine and administered a severe beating. The police threatened the clergyman, saying, “you don’t know what you have done” and what you are “getting yourself into.” In his testimony, Rev. Johnson likened the “people wearing blue suits” to the “men who beat us in white sheets.” Kleinert and Kleinert, “Police Misconduct: Fear, Apathy, and Coverups,” *The Milwaukee Courier*, August 15, 1981, 1, 12.

<sup>37</sup> George L. Roberts to Sam Dennis, September 15, 1967, “Materials Resulting from Field Team Trip Sept. 27, 1967-Oct. 3, 1967,” Folder, 001346-025-0001, Civil Rights during the Johnson Administration, 1963-1969, Part V, Lyndon Baines Johnson Presidential Library, Austin, Texas; Lenard Wells (Lecturer, University of Memphis), in discussion with the author, November 2016.

<sup>38</sup> Helene Morrison, “After 20 Years, the Echoes of a Police Gunshot Return,” *The Milwaukee Journal*, December 10, 1979, Part 1, 16; Jeff Kannel, “Was There a Cover-up? Shooting Case Unresolved after 21 Years,” *The Milwaukee Courier*, January 15, 1979, 1.

<sup>39</sup> Sylvia Bell White and Jody LePage, *Sister: An African American Life in Search of Justice* (Madison: Wisconsin University Press, 2013), 176. The officers reported that Bell fit the description of a Black male robbery suspect.

<sup>40</sup> The muzzle of his gun literally touched Bell’s jacket. Grady pointed the weapon upward, so as to inflict a mortal head wound.

<sup>41</sup> *The Milwaukee Journal* defined “throwaways” as “knives or spare guns that could be planted on bodies after police shootings to make it appear that officers shot in self-defense.” “Bell Case ‘Shocks’ Ex-Police Chief,” *The Milwaukee*

patrolmen—who were not partners, but whose paths met on shift that night—reported an improbable story in which Bell shouted while running away, “You sons of bitches will never catch me, I’m a hold-up man.” Relying on false information, an all-white inquest jury handpicked by the Milwaukee County Sheriff exonerated Krause and Grady. As Bell family attorney Walter Kelly wrote during legal proceedings over twenty years later, Thomas Grady had “a known propensity for racial prejudice against blacks.”<sup>42</sup> The disgraced former officer admitted to framing Bell in August 1978. He pled guilty to reckless homicide and perjury charges the following year, was convicted, and began serving a seven-year prison term in January 1980.<sup>43</sup>

Louis Krause’s confession to a police cover-up in the aftermath of the Bell killing delivered what appeared to be a fatal blow, at least conceptually, to the MPD’s narrative of policing exceptionalism. His admission disrupted the notion that, when left to its own devices free of oversight, the MPD was well-equipped to deliver efficient and honest crime control. Krause told John Doe investigators that the “coverup and conspiracy” engaged in by police supervisors “reached to the top of the department.”<sup>44</sup> It began at the crime scene and was actively supported by two commanding officers: Detective Inspector Rudolph Glaser and Detective Captain Leo Woelfel.<sup>45</sup> In

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*Sentinel*, September 3, 1979, Part 1, 5; District Attorney E. Michael McCann to Milwaukee Journal Editorial Board, September 5, 1979, Box 140, Folder 9, “Police Department, January-August 1979,” Records of Mayor Henry W. Maier Administration, Milwaukee, Wisconsin, Milwaukee Series 44, University of Wisconsin-Milwaukee Archives. State law permitted police to shoot at “fleeing felons.” White and LePage, *Sister*, 176.

<sup>42</sup> Grady evidently remarked to Louis Krause after ending Bell’s life, “it’s just a goddamn nigger kid anyhow.” Walter F. Kelly, “What Price Justice: The Daniel Bell Case,” Box 19, Folder 1, “Bell, Daniel 1982-83,” National Association for the Advancement of Colored People, Milwaukee Branch, Records. Milwaukee Mss EP, University of Wisconsin-Milwaukee Archives. According to Krause, Grady spent his shift hunting for Black north side residents to detain; Grady “needed some more arrests that night...he was going to check some vacant homes around 7th or 8th St. or Vine St. and arrest some niggers.” Diane Schwerm, “Justice Done in 21-Year-Old Shooting Case, McCann Says,” *The Milwaukee Journal*, August 30, 1979, Part 1, 16.

<sup>43</sup> “Extensive Bell Coverup Denied,” *The Milwaukee Journal*, July 19, 1980, Part 1, 8.

<sup>44</sup> A Detective Sergeant allegedly told Krause to “stick to your guns,” when he tried to explain to supervisors what happened on the night of February 2, 1958. Curry First to Thomas Atkins, NAACP New York Headquarters, January 19, 1983, Box 19, Folder 1, “Bell, Daniel 1982-83,” National Association for the Advancement of Colored People, Milwaukee Branch, Records. Milwaukee Mss EP. Then Police Chief Howard Johnson denied any knowledge of a cover-up.

<sup>45</sup> Both Glaser and Woelfel had died by the time Krause told his revised account. The first story about the police cover-up of the Bell killing was buried on page sixteen of the *Milwaukee Journal*. A year later, it was headline news. Helene Morrison, “After 20 Years, the Echoes of a Police Gunshot Return,” *The Milwaukee Journal*, December 10, 1978, Part 1,



order to cast the innocent Bell more credibly as a knife-wielding criminal, Captain Woelfel ordered Detective Russell Vorpapel to pick up a “known alcoholic” and buy her drinks before bringing her to the morgue to identify Bell as a criminal.<sup>46</sup> When Krause told his superiors the truth about what happened to Bell, he said “they convinced him to match his story with what Grady had told him”—that the officer shot in self-defense at a lunging Black man slashing a knife. Nobody in power would question their fabrication. Krause’s testimony revealed that the MPD’s reputation for honest police administration in the liberal law-and-order era was “a veil of lies.”<sup>47</sup> The cover-up masked racist, life-threatening, and illegal acts of police discretion. MPD supervisors were willing and able to protect their own officers at the expense of the truth, systematically devalue Black life, and further justify the department’s undue, extractive presence in Black urban spaces. These choices aligned with police policies that determined how Black neighborhoods experienced law enforcement—harmful double standards that helped preserve narratives of racial difference, promoted common white perceptions of Black criminality, and supported racial segregation.

The Coalition for Justice for Ernest Lacy would not have gained the organizational following or community support it did in 1981 had a grassroots campaign for justice not emerged in 1979 around the revisited Bell case. In addition to the Bell family filing a federal lawsuit against Thomas Grady, former Police Chief Howard Johnson, and the City of Milwaukee for violating Bell and his family’s civil rights, frustrated police accountability advocates made their voices heard on the streets.<sup>48</sup> For decades, Black and Latinx citizens had critiqued Milwaukee’s racist policing system and

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<sup>46</sup> Detective Vorpapel refused to go along with the Captain’s plan and eventually quit the MPD over the Bell case. The only individual who claimed to have “identified” Bell as their assailant was actually robbed while Bell sat in jail for driving without a license. Captain Woelfel and Inspector Glaser also had the officers falsify police reports to make the murder appear more legitimate. White and LePage, *Sister*, 177.

<sup>47</sup> Quote by *Milwaukee Journal* reporter Alex P. Dobish. Alex P. Dobish, “Former Officers Named in Bell Killing Coverup,” *The Milwaukee Journal*, September 6, 1979, Part 1, 1.

<sup>48</sup> The Bell family hired civil rights attorney, and former partner of Lloyd Barbee, Tom Jacobson to pursue the case. He brought in outside attorneys Curry First and Walter Kelly, who handled much of the work. The plaintiffs sued the defendants on the grounds that the traffic stop, killing, and cover-up violated Daniel Bell’s and the Bell family’s civil

its brutal behavior. At issue now was determining the extent to which the MPD's 1958 cover-up extended to the dozens of other police killings that occurred since. Despite pursuing the John Doe case, DA McCann refused to prosecute or even name those who participated in the MPD cover-up, citing a statute of limitations that protected offenders who lived in the state at least six years after their offense.<sup>49</sup> To pressure McCann and local officials, more than two hundred fifty demonstrators joined a "March for Justice" in September 1979.<sup>50</sup> The march wound its way through Milwaukee's north side, from New Hope Baptist Church to N. 6<sup>th</sup> St., where Bell was murdered. Rev. R. L. Lathan, who organized the city's first Black-led civil rights march after Daniel Bell's death in 1958, symbolically rode at the front of the procession in a hearse and casket.<sup>51</sup> Protesters aimed to indict and convict Grady, expose others involved in the alleged cover-up, compensate the Bell family, and secure an investigation into all racialized police killings in Milwaukee. As radio host O. C. White commented, the Bell case raised "a question about some of the other 'mistakes' and 'accidents' that have happened in the community."<sup>52</sup>

Because of the Bell case revelations, momentum built for a federal investigation into racialized police violence in the city. On September 28, 1978, a hearing on police-community relations was held at North Division High School.<sup>53</sup> Organizers invited Black Alderman Roy Nabors, who supported a federal investigation into Milwaukee police shooting deaths. Black fire and police commissioner William Gore attempted to force the Milwaukee County DA to reveal more about the

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rights. Liberal District Court Judge John W. Reynolds presided over the case. A federal jury found the defendants guilty and awarded the family \$1,795,000 on December 16, 1981. However, Mayor Maier and the city appealed, dragging the case on for another couple years before a smaller settlement was reached. Thomas J. Hagerty, "Award Doesn't End Bell Family's Battle," *The Milwaukee Journal*, December 17, 1981, Part 1, 1; White and LePage, *Sister*, 229-231.

<sup>49</sup> White and LePage, *Sister*, 227.

<sup>50</sup> D. Michael Cheers, "Twenty-one Years Later, White Cop Admits Killing Black Milwaukee Man," *Jet Magazine*, September 27, 1979.

<sup>51</sup> Cheers, "Twenty-one Years Later, White Cop Admits Killing Black Milwaukee Man"; White and LePage, *Sister*, 229.

<sup>52</sup> Gregory Stanford, "Doubts Raised by Slaying Case," *The Milwaukee Journal*, August 30, 1979, Part 1, 16.

<sup>53</sup> North Division High School was the heart of Black Milwaukee's community control movement around public education. Howard Fuller, an alum, led the Coalition to Save North Division. The group ensured that it would continue as a neighborhood school, serving primarily Black students. Box 140, Folder 8, "Police Department, January-August 1978," Records of Mayor Henry W. Maier Administration.

officials' actions in the cover-up using a special procedure.<sup>54</sup> White officials went on the defensive, as Black political leaders used their limited, if growing power to secure justice. City Attorney James Brennan informed the MFPC that it had no legal right to conduct an investigation into Bell's shooting death or potential police cover ups.<sup>55</sup> Nevertheless, on October 2, 1979 the Milwaukee Common Council, led by Alderman Nabors, passed a resolution (9-7) to ask the U.S. Department of Justice to investigate all police shooting deaths occurring in the city since 1965.<sup>56</sup> Mayor Maier was reluctant to sign the resolution, given the upcoming primary election and a desire to appease white south and northwest side voters who actively supported Chief Breier and the MPD.<sup>57</sup> Breier offered Maier a safety valve, confidently writing him that he had "no fear" and "strongly urged" the mayor to sign the resolution, which he did shortly thereafter.<sup>58</sup>

Fortunately for both Maier and Breier, a federal statute of limitations narrowed U.S. Attorney Joan Kessler's 1980 investigation into the MPD's "use of deadly force and other violent conduct" to between 1975 and 1979.<sup>59</sup> This negated at least eight Black in-custody deaths, some of which were controversial, high-profile cases that drew community protests. Kessler's investigation identified zero deaths that "appeared likely to be developable into prosecutable cases."<sup>60</sup> Only the 1976 police shooting death of white "Outlaw" motorcycle club member Roger Lyons evidently neared "criminal misconduct."<sup>61</sup> Of twenty-two lives lost between 1975 and 1979, eight were African

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<sup>54</sup> White and LePage, *Sister*, 228.

<sup>55</sup> James F. Brennan to Milwaukee Fire and Police Commission, September 27, 1979, Box 140, Folder 9, "Police Department, January-August 1979," Records of Mayor Henry W. Maier Administration.

<sup>56</sup> Joan F. Kessler, "Milwaukee Common Council Resolution, Observations and Recommendations," March 27, 1980, Box 140, Folder 12, "Police Department, January-May, 1980," Records of Mayor Henry W. Maier Administration.

<sup>57</sup> Ronald H. Snyder, "Chief for Life: Harold Breier and His Era" (Ph.D. diss., University of Wisconsin-Milwaukee, 2002), 80.

<sup>58</sup> The vote was 9-7. Chief Breier to Mayor Maier, October 3, 1979, Box 140, Folder 9, "Police Department, January-August 1979," Records of Mayor Henry W. Maier Administration.

<sup>59</sup> Kessler, "Milwaukee Common Council Resolution, Observations and Recommendations," 3.

<sup>60</sup> Kessler, "Milwaukee Common Council Resolution, Observations and Recommendations," 16.

<sup>61</sup> The U.S. Attorney's office conducted a nine-month grand jury investigation that was "unable to develop sufficient admissible evidence of federal criminal misconduct to justify requesting an indictment." Kessler, "Milwaukee Common Council Resolution, Observations and Recommendations," 16.

Americans.<sup>62</sup> The rate of Black citizens who died in police custody, as compared to white, almost matched the rate of Black arrestees.<sup>63</sup> Kessler counted 45 of 137 total complaints had made to the MFPC as “excessive force.”<sup>64</sup> However, these complaints did not include racial identification, making it difficult to find “a pattern of racism.”<sup>65</sup> Incomplete data collection limited the study, as did Chief Breier’s refusal to cooperate without being subpoenaed.<sup>66</sup> In the end, the federal government found “no factually sufficient basis” to investigate police misconduct in Milwaukee on a wider scale.<sup>67</sup> Unless other officers came forward and said they lied, Kessler saw no need to open inquiries into previous shooting deaths. On the issue of accountability, however, she wrote that the MPD “is effectively free to ignore articulated public policy,” which “contribute substantially to the feeling of a significant portion of our population that they are in fact treated differently because of race.” While the MFPC had power to, as of 1977, “review department policy annually,” it lacked the authority “to impose policy, or enforce policy already adopted.” The police accountability issue was a “political problem” to be solved by elected officials, not “criminal civil rights prosecution.”<sup>68</sup>

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<sup>62</sup> Fourteen in-custody deaths between 1975 and 1979 were white citizens. Six of the total deaths were suicides in Milwaukee County Jail. Only one “Hispanic” died in police custody during this span (1979). Kessler, “Milwaukee Common Council Resolution, Observations and Recommendations,” 8.

<sup>63</sup> Despite comprising “only about 20% of the population,” Black citizens accounted for “more than 40% of all arrests” in Milwaukee from 1975 to 1979. Kessler, “Milwaukee Common Council Resolution, Observations and Recommendations,” 7.

<sup>64</sup> Seventy of these incidents involved injuries, resulting in 37 lawsuits. U.S. Attorney Joan Kessler to Henry Maier and Robert Anderson, Box 140, Folder 12, “Police Department, January-May, 1980,” Records of Mayor Henry W. Maier Administration.

<sup>65</sup> Kessler, “Milwaukee Common Council Resolution, Observations and Recommendations,” 1, 11.

<sup>66</sup> The MFPC and City Attorney cooperated fully. Kessler, “Milwaukee Common Council Resolution, Observations and Recommendations,” 4.

<sup>67</sup> A leak of Kessler’s report to the U.S. Justice Department to the press in Milwaukee angered the Maier administration and Milwaukee City Attorney’s office. The latter asked the DOJ for an investigation into Kessler’s conduct, citing “an unprofessional attempt...to influence the outcome of our local political elections.” Maier was up for reelection and Kessler’s report allegedly went beyond the scope of investigating police shooting deaths exclusively and suggested internal discrimination on the police force that City Hall was, by her account, doing little to resolve. The City Attorney referred to her as “a political activist.” City Attorney James B. Brennan to Michael E. Shaheen, Jr., U.S. Department of Justice, Office of Professional Responsibility, April 17, 1980, Box 140, Folder 13, “Police Department, June-September, 1980,” Records of Mayor Henry W. Maier Administration.

<sup>68</sup> Kessler, “Milwaukee Common Council Resolution, Observations and Recommendations,” 15-17.

*Residents Integrating Law Enforcement and the League of Martin Lawsuit*

A second federal report written by U.S. Attorney Kessler in 1980 did necessitate action from the city. This one involved the employment of “minorities”—African American, women, and Latinx officers—on the MPD. Stepping backward, on May 31, 1978, a newly formed organization called Residents Integrating Law Enforcement filed a complaint with the Civil Rights Division of the U.S. Treasury Department’s Office of Revenue Sharing (ORS). George Sanders, a Black Milwaukee journalist, drafted the letter.<sup>69</sup> RILE comprised an anonymous roster of active and former MPD personnel. Most were members of the city’s Black police association, the League of Martin. RILE’s mission was “the integration of Hispanics, Blacks, and women into the MPD.” The group acted anonymously out of fear of harassment or retaliation from police administrators and rank-and-file officers.<sup>70</sup> Their whistleblower complaint alleged “discriminatory practices” in violation of the U.S. Eastern District Court of Wisconsin’s 1975 consent decree mandating the hiring of two “minority” officers for every three white officers on the MPD.<sup>71</sup> RILE called for a federal investigation into how Milwaukee officials used federal revenue sharing funds and for “a determination” as to whether federal aid should be withheld, suspended, or withdrawn as a result of internal police discrimination.<sup>72</sup> The group cited five specific areas of concern. First, “no Blacks, Latinos, or Females” had been assigned to work at the MPD’s training academy. Second, Chief Breier had

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<sup>69</sup> Sanders also mailed a copy of the letter to President Jimmy Carter’s offices, as well as those of U.S. Attorney Griffin Bell, Housing and Urban Development Secretary Patricia Hayes, and Wisconsin Fifth District Congressperson Henry Reuss. Sanders did not sign his name on the document. He served as RILE’s spokesperson, and believed integration made for “a more humane police and a lower unemployment rate among minorities.” As Sanders commented, “It’s time for accountability, and the police should be held accountable by the people they are supposed to be protecting. “Police Misconduct,” *The Milwaukee Courier*, October 7, 1978, 12; George Sanders (Freelance journalist), in discussion with the author, April 2018.

<sup>70</sup> Charles J. Sykes, “City, US Make a Deal; Funds to Keep Coming,” *The Milwaukee Journal*, September 26, 1979, 1; Gregory Stanford, “US-City Deal Called a Sham,” September 26, 1979, 1; Box 19, Folder 3, “Milwaukee Police Department, 1978-1981,” National Association for the Advancement of Colored People, Milwaukee Branch, Records, Milwaukee Mss EP, University of Wisconsin-Milwaukee Archives.

<sup>71</sup> Women were included among Black, Latinx, Native American, and Asian American officers.

<sup>72</sup> RILE specifically charged the MFPC, MPD, “and any other section, group or agency of the City of Milwaukee” with “engaging in discriminatory practices” while utilizing federal economic assistance.

assigned no minority officers to specialized police units, “particularly the so-called Tactical Squad.” Third, as of 1978 “no Latino or Female Lieutenants, Captains or Sergeants,” and zero “Black Lieutenants” served in the department.<sup>73</sup> Fourth, Black officers comprised less than four percent of the MPD’s nearly 2,200 sworn personnel. Finally, RILE noted the high Black attrition rate. Numerous African American officers had “resigned or quit the force with unusual frequency because of racism, intimidation, and other unfair conditions.”<sup>74</sup> RILE signed its complaint “on behalf of the citizens and residents of Milwaukee,” suggesting the city as a whole suffered from the “discriminatory conditions” advanced by police bureaucrats.

About two weeks later, the Civil Rights Division of ORS notified the mayor’s office that it would investigate RILE’s complaint.<sup>75</sup> The federal government revealed its findings to the city on August 21, 1979, reporting that Chief Breier had failed to comply with Title VI of the 1964 Civil Rights Act, which prohibited discrimination by parties receiving federal revenue. According to investigators, the MPD “used promotion selection procedures” and “engaged in assignment practices that adversely affected the employment opportunities of black police officers.” The report cited evidence that Black patrolmen were concentrated in predominantly Black districts and “excluded” from mostly white areas. At the time of the investigation, the MPD was assigning no Black officers to Districts Two and Six on the city’s white south side.<sup>76</sup> Consequently, the ORS threatened to withdraw the city’s federal aid after finding “probable cause” for racial discrimination in the MPD. By late September, the matter was apparently resolved through “conciliation,” or

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<sup>73</sup> The department employed only one Black captain at the time, Dewey Russ.

<sup>74</sup> George Sanders to Robert Clark, May 31, 1978, Box 19, Folder 3, “Milwaukee Police Department, 1978-1981,” National Association for the Advancement of Colored People, Milwaukee Branch, Records, Milwaukee Mss EP, University of Wisconsin-Milwaukee Archives.

<sup>75</sup> ORS notified the city on June 16, 1978. Box 140, Folder 9, “Police Department, January-August 1979,” Records of Mayor Henry W. Maier Administration.

<sup>76</sup> Respondents for the city designated these police precincts as white residential areas. As of June 1980, the city submitted three police assignment rosters. The rosters showed a complete absence of Black officers assigned to District Two and Six.

settlement through a neutral third party.<sup>77</sup> However, Black officers filed additional complaints with the U.S. Attorney.<sup>78</sup> The city's 1982 report to ORS showed improvement in the distribution of Black police officers to the other five districts. Still, half of all Black officers were assigned to District Five and District Seven.<sup>79</sup> Chief Breier continued to exclude Black police from the Tactical Squad until 1982.<sup>80</sup> The city only appointed two African Americans to the squad in July 1982 in response to community pressure as a result of the Lacy case and a U.S. Justice Department communication.<sup>81</sup>

The groundwork laid by RILE set the stage for the federal litigation filed by Black police officers in 1981. It showed that a viable outlet existed for Black police to challenge racism that circumvented Chief Breier's state-sanctioned power. Needing evidence to challenge internal discrimination in the U.S. District Court, League of Martin members documented work practices that they believed violated their civil rights. They maintained separate memo books, one for daily work and another for documenting racism. When Black officers began filing complaints in the mid-1970s, their supervisors "started watching...to see who was keeping two sets of memo books."<sup>82</sup>

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<sup>77</sup> The ORS wrote City Attorney Brennan on September 24, 1979 that its investigation into police hiring and promotion practices was resolved. Brennan to Shaheen, Jr., April 17, 1980.

<sup>78</sup> On June 6, 1980, DOJ's Civil Rights Division wrote City Attorney Brennan stating that the U.S. Attorney had received additional complaints "relative to assignment, promotion, and termination practices" on the MPD. James B. Brennan to Joan F. Kessler, February 2, 1981, "Police Department, January-February, 1981," Records of Mayor Henry W. Maier Administration.

<sup>79</sup> "Additionally, the 1979 notice of non-compliance cited the City for the circumstance wherein only one black officer held a special assignment on the district level, while no black detectives were assigned to the Special Assignment Squad. The City's June 1982 annual report showed three black officers holding special assignments on the district level. The ORS has subsequently learned that at least two of these officers no longer hold such assignments and that black officers continue to allege discrimination in this area." The MPD's 1982 Annual Report continued to show that zero Black detectives worked the Special Assignments Squad.

<sup>80</sup> Black officers Earl Ridgway and Leslie Barber became the first Black officers assigned to the Tactical Squad in June 1982, after the U.S. District Court of the Eastern District of Wisconsin forced Breier to integrate the unit. Cheikh T. Sylla, "US After Breier, Wants More Blacks on Tactical Squad," *The Milwaukee Courier*, September 11, 1982, 1; "Tactical Squad Officer Shifted," *The Milwaukee Sentinel*, October 1, 1983.

<sup>81</sup> Treadwell O. Phillips to Mayor Maier, August 21, 1979, Box 19, Folder 3, "Milwaukee Police Department, 1978-1981," National Association for the Advancement of Colored People, Milwaukee Branch, Records. Milwaukee Mss EP, University of Wisconsin-Milwaukee Archives.

<sup>82</sup> Quote in: Lenard Wells (Lecturer, University of Memphis), in discussion with the author, November 2016. The League of Martin's first president and future MPD Chief (1996-2003) Arthur Jones filed the first discrimination complaint by a police officer with the State Department of Industry, Labor and Human Relations on March 16, 1976. The complaint alleged that MPD District Five Lieutenant James Marx, Jones' "early shift" commander, engaged in racial discrimination when he denied Jones' request for a plainclothes assignment. Notwithstanding recommendations from multiple sergeants, District Captain Duane Casey selected five white officers for promotion ahead of Jones, two of

According to former LM president Lenard Wells, “That hit the police department like a barn fire.”<sup>83</sup> Largely at issue for the League was Breier’s control over internal assignments and promotions. Although the MFPC approved who got hired and promoted, the chief determined who filled “exempt positions.”<sup>84</sup> For instance, he controlled who made “Acting Detective,” an informal prerequisite Breier bestowed before any officer could advance through MFPC channels to “Detective.” Breier empowered loyal district-level subordinates to nominate officers for these roles.<sup>85</sup> Supervisors denied exempt assignments to Black officers, some of who worked at the same precinct for over ten years.<sup>86</sup> In November 1981, the chief directed the involuntary transfer of seven “outspoken” Black patrolmen from the MPD’s District Five station.<sup>87</sup> With the support of the

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whom had less seniority. Jones was passed over for a plainclothes assignment in 1973, despite having more seniority and experience than selected white officers. After receiving Jones’ 1976 complaint, the state mailed Chief Breier a letter asking him to attend a conciliation meeting to discuss the issue further. Later that year, Jones filed a second complaint alleging retaliation by MPD officials for complaining about racial discrimination. In 1979, the Equal Employment Opportunity Commission found “probable cause” to believe that the department, indeed, had retaliated against Arthur Jones based on his race and for filing his initial complaint. By this point, Jones had made Detective. However, as he argued in the League of Martin’s 1981 lawsuit, the MFPC should have promoted him to Detective in 1976. As a result, he missed out on two years of eligibility towards becoming Lieutenant of Detectives, which required three years of service in the Detective Bureau. Scott Anderson, “Black Officers File Federal Suit; Seek Promotions, End to Retaliation,” *The Milwaukee Courier*, November 28, 1981, 1, 10; “Black Officer Files Bias Complaint,” *The Milwaukee Journal*, March 17, 1976, Part 2, 9.

<sup>83</sup> Lenard Wells (Lecturer, University of Memphis), in discussion with the author, November 2016.

<sup>84</sup> These included the Tactical Enforcement Unit, Special Assignments Squad, and Acting Detectives (AD). According to MPD rules, being an acting detective for a year was required to make full detective. The Chief of Police had the authority to downgrade AD’s before they reached their year requirement. Arthur Jones’ experience working in District Five reveals the extent to which Black police officers were excluded from special assignment promotions, which prevented them from earning the “Acting Detective” designation: “Every Special [Assignments Squad member] that worked at District Five became an acting detective, and the only way you could become a detective is if you were an acting detective for at least one year. Then you could take the exam for detective...So the only way you could become a detective on the Milwaukee Police Department was to become an acting detective...The only way you became a detective at District 5 and a lot of other districts was if you worked special. See, you went from beat to squad, to plainclothes, to detective.” Arthur Jones, “Duncan Group, Inc.: Through One City’s Eyes Video Recording and Interview Transcripts, 1998-1999,” Milwaukee Mss 202, University of Wisconsin-Milwaukee Archives.

<sup>85</sup> Other exempt positions included Administrative Sergeants, the Auto Squad (auto thefts), the Tavern Car (tavern violations), and the Special Car (general felonies and misdemeanors).

<sup>86</sup> According to Arthur Jones, “The department did assign Black officers to weekend squad patrols, when taverns stayed open late, on a temporary or ‘loan’ basis...I thought that was terrible...There were young white officers who damn near came out as contemporary with me, coming out of the academy, who were assigned to squads.” These assignments were important, as they signaled a path to professional achievement. Breier himself became Chief of Police after serving as a full detective, then rising to the rank of Detective Inspector—the head of all detectives. As Jones reiterated, “everything centered around the Detective Bureau in the Milwaukee Police Department. Everything. That’s where the power was.” Arthur Jones, “Duncan Group, Inc.”

<sup>87</sup> Thirty-four Black officers worked at the station; only six percent of the MPD was Black. Gregory D. Stanford, “Reassignments Anger Black Officers,” *The Milwaukee Journal*, November 8, 1981.



Milwaukee Urban League and NAACP, LM President Arthur Jones announced the filing of a class-action lawsuit against Breier, District Five supervisors, the MPD, the MFPC, and the City on November 18, 1981.<sup>88</sup> Among their allegations, the officers said a white sergeant told them to issue more jaywalking and traffic tickets in the mostly Black district as retaliation for the Coalition for Justice for Ernest Lacy's protests that summer.<sup>89</sup> Here, the internal ramifications of the Lacy killing within the MPD intersected with the external implications for policed Black residents. Both Black police and civilians were ensnared by racist double-standards.

### *Forging a Grassroots Movement*

Against this backdrop of renewed protests and pending lawsuits, Milwaukee's Black-led movement for police accountability coalesced around the July 1981 police killing of 22-year-old Ernest Lacy. With his family's support, the Coalition for Justice for Ernest Lacy (CJEL) formed on July 13, 1981 at the N. 3<sup>rd</sup> St. offices of the United Black Community Council (UBCC).<sup>90</sup> About forty people attended the initial meeting, representing dozens of community and civil rights organizations. Most attendees were Black; however, white and Latinx voices were also present. A sense of urgency pervaded the gathering. "These people (the officers who killed Lacy) are still on the street, and they could do the same thing tomorrow night," activist Michael Rosen exclaimed.<sup>91</sup> The UBCC's Michael McGee was nominated to lead the umbrella coalition. All present agreed that the first step would be to pressure the MFPC to suspend Officers Eliopul, Dekker, and Kalt until an investigation was completed; then seek prosecution.<sup>92</sup> Each of the officers had pending brutality claims filed against

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<sup>88</sup> Karen Rothe, "Minority Officers Plan Discrimination Lawsuit," *The Milwaukee Sentinel*, November 19, 1981; Gregory D. Stanford, "Harassment Alleged in Black Officers' Suit," *The Milwaukee Journal*, December 17, 1981, Accent, 1.

<sup>89</sup> Sergeant Phil Eccher denied the allegations, as did his union representatives. Black officers also alleged receiving "bottom-rung chores, suspensions, threats of discipline and orders to get haircuts," as written in federal affidavits. "Transfer of Officers Defended," *The Milwaukee Journal*, December 11, 1981, Part 2, 1.

<sup>90</sup> Gregory D. Stanford, "Coalition Urges Suspensions," *The Milwaukee Journal*, July 14, 1981, Part 2, 1.

<sup>91</sup> Gregory D. Stanford, "Coalition Will Seek Officers' Suspensions," *The Milwaukee Journal*, July 14, 1981, Part 2, 4.

<sup>92</sup> The commission did so, with pay.

them by Milwaukee citizens. The MFPC had scheduled a hearing for all three officers just hours before they encountered Ernest Lacy on Wisconsin Ave. However, it was postponed for health reasons.<sup>93</sup>

The CJEL immediately channeled existing frustrations over decades of racialized police violence into concerted action.<sup>94</sup> To do so, it drew on grassroots momentum harnessed during recent mobilizations for racial justice, more specifically the effort to save a predominantly Black neighborhood high school from being closed down and reopened as an integrated magnet school, the Bell movement for accountability, and the “Coalition to Oust Breier” as Milwaukee police chief. Marquette University Equal Opportunities Program director Howard Fuller co-chaired the CJEL alongside McGee. Both men were respected community activists with experience leading grassroots campaigns and directing non-profit organizations. Fuller was a civil rights turned Black Power activist with an international profile. He led the “Coalition to Save North Division High School.”<sup>95</sup>

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<sup>93</sup> Dekker, along with two other police officers, was accused of police brutality by four complainants in February 1978. The city was forced to pay each individual \$750. In the postponed case, 45-year-old Rexnord Corporation machinist Hercules Brown filed a complaint against Dekker, Kalt, and Eliopul after he was arrested and allegedly brutalized on June 21, 1980. According to the officers’ attorney, the hearing was postponed because one of the officers was recovering from surgery. “3 Officers in Lacy Case Face Brutality Charge in ’80 Arrest,” *The Milwaukee Journal*, July 14, 1981, Part 1, 1. The MFPC dismissed the Brown case in October 1982. Patricia Wirth, “Brutality Case Dismissed,” *The Milwaukee Sentinel*, October 26, 1982, Part 1, 1.

<sup>94</sup> For a list of Black Milwaukee police brutality victims, see Appendix A.

<sup>95</sup> Howard Fuller was born on January 14, 1941 in Shreveport, Louisiana. He moved with his mother to Milwaukee’s Hillside Terrace housing project in 1947. Fuller attended North Division high school, where he excelled both academically and on the basketball court. In high school, Fuller says he learned the fundamentals of community activism: teamwork, organization, and effort. After earning a bachelor’s degree in Sociology from Carroll College in Waukesha, Wisconsin, he moved to Cleveland, Ohio. There, Fuller got married, obtained a Master’s degree in Social Work from Western Reserve University, and found employment as a job placement coordinator at Chicago’s Urban League branch.

After a protest in Cleveland for school integration as a member of the Congress on Racial Equality (CORE), Fuller discovered a newfound sense of purpose as a grass-roots organizer. He spent the next decade serving in North Carolina at the Operation Breakthrough community action agency. Fuller democratized higher education by founding an all-Black college, Malcolm X Liberation University. He crisscrossed the globe as a sought after leader, speaker, and organizer in the national Black Power movement. Known to his peers on the African Liberation Support Committee by his Swahili name, Owusu Sadauki, Fuller’s embrace of revolutionary Pan-Africanism brought him to the coast of East Africa, where he marched with anti-colonial Mozambican freedom fighters in a war to oust the Portuguese.

After working as a business agent for the American Federation of State, County, and Municipal Employees’ Union Local-77, Fuller moved back to Milwaukee in 1976. There, he successfully organized against the busing of African American students living in the neighborhoods surrounding North Division High School (1979), mobilized against police brutality following the death of Ernest Lacy (1981), and led the college division of the Educational Opportunity Program at Marquette University (1979-1983). Howard Fuller (Distinguished Professor of Education, Marquette University), in discussion with the author, March 2013.

McGee was a former Black Panther and co-founder of the UBCC, which spearheaded the city's movement for community control of the police and Black self-help in the 1970s. He also founded Project Respect—an anti-crime project focused on youth diversion and neighborhood crime control that partially relied on block grant funding.<sup>96</sup> Project Respect defied the notion that Black community activists were solely concerned about police violence and not intra-communal violence as well, which, for McGee, fit hand-in-hand. Despite seemingly opposing leadership styles—one was discreet and philosophical, the other spirited and tenacious—Fuller and McGee made a strong team. “People thought we weren’t going to be able to work together,” Fuller recalled in 2013. “I had a Master’s degree, [and was] college educated. Mike was...a Panther...a lot more militant acting...he functioned in a certain way, I functioned in a certain way.”<sup>97</sup> The two eventually had a notable falling out over the proper course of Black political action. However, from the late 1970s through mid-1980s, Fuller and McGee combined to form the vanguard of Milwaukee’s Black protest politics.<sup>98</sup>

While Fuller and McGee played prominent roles as co-chairs of the CJEL, helping to set the movement’s tone and direction, it was Ernest Lacy’s mother, Myrtle, who was the real face of the struggle. She served as a powerful symbol of Black women’s resistance to racialized police violence, particularly during protest marches and pickets, at the MFPC’s disciplinary hearings and in federal

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<sup>96</sup> Gregory D. Stanford, “A Question of Power,” *The Milwaukee Journal*, October 16, 1983, 4. A portion of Project Respect’s grant funding came from the Law Enforcement Assistance Administration and Wisconsin’s state criminal justice council.

<sup>97</sup> Howard Fuller (Distinguished Professor of Education, Marquette University), in discussion with the author, March 2013.

<sup>98</sup> The onetime revolutionary Black nationalist, Fuller, opted to “work within the mainstream” of state and local politics. McGee called Fuller a “lackey” and “hypocrite” after he moved into conventional politics. However, McGee also entered the political arena when he won an aldermanic district seat in 1984, following two failed tries in 1976 and 1980. Jonathan Coleman, *Long Way to Go: Black and White in America* (New York: Atlantic Monthly Press, 1997), 37-38. Leaving his days of radical adventurism behind, but remaining focused on uplifting poor and working-class people of color, Fuller entered the public sector. After serving as Secretary of Employee Relations (1983-1986), Dean of General Education at the Milwaukee Area Technical College (1986-1988), Director of Milwaukee County’s Department of Health and Human Services (1988-1991), and Superintendent of Milwaukee Public Schools (1991-1995), Fuller became a leading proponent of Wisconsin’s school voucher program; he founded an inner city charter school, and took a job as the Director of the Institute for the Transformation of Learning at Marquette University’s College of Education. Howard Fuller (Distinguished Professor of Education, Marquette University), in discussion with the author, March 2013.

court amid the legal battle for civil justice.<sup>99</sup> Her agency as an “emerging leader” in Milwaukee’s police accountability movement was, to some extent, contingent on the success of the 1970s Women’s movement and an implicit desire to complete the work of previous Black mothers forced into the spotlight after police killed their children.<sup>100</sup> Myrtle Lacy’s constant presence in all aspects of her son’s death provided an emotional reminder of police brutality’s less visible collateral consequences, especially for poor and working-class Black families whose mutual survival relied on, in part, emotional and monetary support provided by children and extended kinfolk.<sup>101</sup> The needless loss of Ernest’s life instilled a righteous anger and deep sadness in Myrtle Lacy. “It is as if I have lived another whole lifetime in these months since Ernest died...And I feel that life will never be the same...He was innocent...and nothing has been done about it,” she told reporters.<sup>102</sup> Still, she never lost faith in her community. “Every time we would go before the people, we would always get justice. When we went to the judiciary system, that’s when everything broke down.”<sup>103</sup> In addition to calling for the “just punishment” of the officers who killed her son, Lacy sought “redemptive” justice for Black families. Police were “not above the law.” It was incumbent upon her and the CJEL to communicate this message through direct action. The stakes were high for all Milwaukee residents, not just African Americans. As she remarked, “It is my duty and my strong conviction that if nothing happens out of this Lacy case, it will be a sad day for the white community and the black community. People could be hurt.”<sup>104</sup> While Lacy retained faith in the criminal-legal system, she was

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<sup>99</sup> Dorothy Austin, “Myrtle Lacy Emerges as Leader,” *The Milwaukee Sentinel*, February 8, 1982, Part 1, 8.

<sup>100</sup> Sarah Ford, mother of Jaqueline Ford, is a good example of a Black mother compelled to publicly seek justice. Jacqueline Ford, was killed by Milwaukee police detective Snead Carroll in 1972 when he purportedly tripped climbing a set of stairs and accidentally fired his gun. See: Chapter Five.

<sup>101</sup> The family struggled financially and Myrtle Lacy received county welfare benefits and medical assistance, which she actually chose to pay back after her civil case concluded in 1985. “I feel that, as far as I’m concerned, this is the right thing to do...when people have the money, they should pay,” Lacy told reporters after receiving a \$600,000 settlement. Larry Sandler, “Lacy’s Mother to Repay County for Welfare,” *The Milwaukee Sentinel*, October 24, 1985, Part 1, 1.

<sup>102</sup> Dorothy Austin, “Myrtle Lacy Emerges as Leader.”

<sup>103</sup> Laura R. Woliver, *From Outrage to Action: The Politics of Grass-roots Dissent* (Urbana: The University of Illinois Press, 1993), 86.

<sup>104</sup> Woliver, *From Outrage to Action*, 86.

dismayed when it operated by a dual standard: “I just want people punished like I would have been punished if I had killed somebody on Wisconsin Ave.”<sup>105</sup>

A broad assemblage of civil rights organizations, social justice non-profits, labor unions, houses of worship, neighborhood associations, professional groups, university programs, political parties, and student alliances comprised the CJEL. At its height, the coalition totaled over one hundred twenty-five groups. An umbrella coalition, according to political scientist Laura Woliver, allowed for “supportive and parallel” units to commit “time and energy to larger issues and different tactics.”<sup>106</sup> The CJEL was diverse, representing a range of political, cultural, and identity-based interests, yet complimentary in approach. From the AFL-CIO to the Workers World Party, Women Against Rape to the Latin American Union for Civil Rights, the National Association of Black Veterans to the People’s Anti-War Mobilization—it wagered that Milwaukee police bureaucrats could ill afford to ignore such a unified swath of stakeholders. As leaders, Fuller and McGee maintained a clear, “modest agenda.”<sup>107</sup> The coalition overcame competing interests and subordinated participants’ ideological differences by establishing “principles of unity” and focusing on the common goal of prosecuting the officers responsible for Lacy’s death.<sup>108</sup> They also hoped to establish new statutory first aid protocols for police and more reliable accountability structures. Open lines of communication facilitated the mobilization of thousands of citizens for demonstrations at a moment’s notice. The CJEL demanded transparency—not only in terms of clarifying the process of events leading up to Lacy’s death, but also in terms of how the city responded to yet another tragic police killing. The twenty-year cover-up of Daniel Bell’s murder was on their minds when Lacy perished. But so too were the police killings of Clifford McKissick (1967),

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<sup>105</sup> Dorothy Austin, “Myrtle Lacy Emerges as Leader.”

<sup>106</sup> Woliver, *From Outrage to Action*, 80.

<sup>107</sup> Woliver, *From Outrage to Action*, 68.

<sup>108</sup> Karen Rothe and Marilyn Kucer, “Better Milwaukee for Blacks Is Aim of Activists,” *The Milwaukee Sentinel*, August 17, 1981, Part 1, 12.

Lee Wilson (1967), Jacqueline Ford (1972), Andrew Friend (1973), Johnny Starks (1974), Mary Pendleton (1974), Jerry Brookshire (1974), Charles Dailey (1975), and Steven Gaston (1975). The coalition attracted “significant support” from the community, in part because Lacy was such a “sympathetic victim.” He was innocent of the violent crime he was stopped for and witnesses saw the police abuse him. This communal empathy was manifest when more than 2,500 people paid their respects at Lacy’s wake and hundreds attended his funeral on July 18, 1981.

The CJEL’s actions shaped and reflected the twists and turns of official responses to Ernest Lacy’s death from the MPD, District Attorney, Milwaukee County Medical Examiner’s office, Milwaukee Police Association, and City Hall. The coalition pursued non-violent direct action protest and civil litigation to secure justice for the Lacy family. As a secondary aim, it hoped to leverage public pressure and effect procedural changes in Milwaukee’s police accountability system. All told, the coalition led three marches and rallies in July and August 1981—the city’s largest protest mobilizations since 1967-1968—and a final march and rally on the one-year anniversary of Lacy’s death in 1982. The demonstrations spotlighted Milwaukee’s ongoing policing crisis and the dual accountability system Black residents were forced to navigate. The CJEL also held smaller demonstrations at City Hall and outside the MFPC offices.<sup>109</sup> It engaged in a one-day boycott of downtown commerce in 1981, a sit-in at District Attorney McCann’s office, and, in 1982, a month-long boycott of the downtown Gimbels and Boston Store, as well as the Capital Court shopping mall on the northwest side.

In negotiating established police accountability structures, the CJEL experienced several delays and set-backs, as well as some victories that helped coalition members persevere. The movement began when the Lacy family, represented by Milwaukee civil rights attorney Alan Eisenberg, sought relief through formal municipal channels. First, Myrtle Lacy submitted a citizen’s

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<sup>109</sup> Woliver, *From Outrage to Action*, 64.

complaint with the MFPC on July 15, 1981. It alleged “agonizing, horrible police brutality” committed against her son and called for the immediate suspension and timely disciplining of the officers involved.<sup>110</sup> In it, she identified the three Tactical Squad officers who subdued her son as “a potential threat and danger to the safety of other citizens.” Police officers Kenneth Kmichik (van driver) and Robert Enters (van attendant) were added to the complaint in October 1982.<sup>111</sup> Having received letters from CJEL organizations, the Greater Milwaukee Conference on Religion and Urban Affairs, and another group, Citizens for a Democratic Police, William Gore—the MFPC’s first African American chairperson—and colleagues voted to suspend the three officers pending investigation.<sup>112</sup> Breier and MPA President Robert Kliesmet “strongly opposed” the suspensions, arguing they violated the officers’ constitutional rights.<sup>113</sup> The police complaint review process moved slowly, with the Lacy’s allegations first reviewed by an MFPC “Rules Committee,” then investigated by staff before going on to the commission for a hearing. Years of appeals by the officers and their union representatives caused delay. The MFPC’s final decision on the Lacy case did not come until June 1983, illustrating why so many in Milwaukee’s activist community considered the board’s quasi-judicial function to be inefficient.

#### *The Special Advisory Monitoring Committee*

The MFPC temporarily suspended Officers Eliopul, Dekker, and Kalt with pay on July 25, 1981 pending investigation. Two days later, the MPA filed a complaint on the officers’ behalf with

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<sup>110</sup> Myrtle Lacy’s complaint read: “They subdued [Ernest]... Officer Eliopul pinning my son’s neck, back, and particularly trachea to the pavement out in the middle of Wisconsin Avenue... Officers [James] Dekker and [George] Kalt pinning his legs down.” “Terminate Eliopul,” *The Milwaukee Courier*, July 18, 1981; “Lacy’s Kin Calls for Police Firing,” *The Milwaukee Journal*, July 16, 1981, Part 2, 2.

<sup>111</sup> “Lacy Lawyers Want to Add 2 Officers to Complaint,” *The Milwaukee Journal*, October 17, 1982, Part 2, 8.

<sup>112</sup> The decisions to suspend the officers came two weeks after Myrtle Lacy filed the complaint. “Suspensions Studied in Lacy Death,” *The Milwaukee Journal*, July 17, 1981, Part 1, 1; “Religious Leaders Ask Suspension of Officers,” *The Milwaukee Journal*, July 24, 1981, Part 2, 5.

<sup>113</sup> “Suspensions Legal, Breier Told,” *The Milwaukee Journal*, July 25, 1981, Part 1, 1.

the U.S. Attorney's office alleging the violation of their civil rights.<sup>114</sup> The CJEL picketed outside Milwaukee's federal building as the union filed its grievance, carrying signs that demanded the officers' prosecution. The mayor carefully observed the brewing controversy. Given the Bell case revelations, risking a cover-up in the Lacy matter, or simply appearing apathetic, was not an option. Responding to the entreaties of venerable civil rights organizations, like the Milwaukee NAACP, Maier agreed to form a "blue ribbon panel" to monitor developments in the Lacy case.<sup>115</sup> The CJEL was skeptical. The mayor had a history of forming study committees following politically volatile or racially charged events. Rather than act on their most urgent recommendations, he often claimed a lack of authority.<sup>116</sup> This time around, Maier called for a special citizens committee to analyze institutional responses to civilian deaths in police custody. He urged Chief Breier, MFPC Chair Arlene Kennedy, and DA McCann to meet with the Milwaukee NAACP to discuss police-community relations and issues surrounding Lacy's death.<sup>117</sup>

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<sup>114</sup> "Maier Completes 11-Member Panel to Probe Lacy Case," *The Milwaukee Journal*, July 27, 1981.

<sup>115</sup> The Milwaukee NAACP reached out to Maier shortly after Lacy's death and the formation of the more radical CJEL. Milwaukee NAACP President Christine Belnavis wrote the mayor with "gratitude," applauding his "attention" and openness to "redressing" "police community relations" issues. In a meeting at City Hall, Belnavis sought "clarification" on the Lacy matter and made suggestions as to how the city could "relax" police-Black community tensions. "Christine Belnavis to Mayor Maier," August 20, 1981, Box 19, Folder 2, "Lacy, Ernest, 1981," National Association for the Advancement of Colored People. Milwaukee Branch, Records, 1917-1989, Milwaukee Mss EP, University of Wisconsin-Milwaukee Libraries, Archives Department. While this particular conference resulted in no substantive action, another meeting with the MFPC revealed that the commission was "concerned" about "a successive pattern of force" among MPD officers. As one commissioner argued, "proper" police supervision "would greatly assist in alleviating many problems within the department." "Milwaukee Branch N.A.A.C.P. Lacy Delegation Meeting with Fire and Police Commission," Box 19, Folder 2, "Lacy, Ernest, 1981"; "Milwaukee Polarized by Death of Black in Cop Van," *The Chicago Sun-Times*, August 16, 1981.

<sup>116</sup> A good example was the Martin-Weber Committee, which Mayor Maier helped form in the wake of the 1967 civil disturbance. The committee recommended establishing a civilian led police review board in 1968, but it never came to pass. Maier often blamed his own city's failure to act on issues of racial discrimination on the inaction of suburban municipalities and the authority of state laws. When municipal reform committees recommended redistributing the chief of police's authority, Maier and his City attorney often pointed to the 1911 policing statute as holding precedent.

<sup>117</sup> These included the suspension of the arresting officers; the dismissal of police personnel demonstrating "a proven pattern of excessive force and lack of community sensitivity"; the incorporation of a mandatory, "meaningful human relations course"; "more intensive research" into police recruitment; an end to the "promotion or retention" of abusive officers; increased training in "techniques of non-lethal apprehension and arrest"; the prospect for independent DA investigations into "police brutality or harassment"; and the increased hiring and promotion of "minorities," especially to "the ranks of lieutenant, captain and inspector." MNAACP President Christine Belnavis to Mayor Maier, July 20, 1981, Box 19, Folder 2, "Lacy, Ernest, 1981," National Association for the Advancement of Colored People, Milwaukee Branch, Records. Milwaukee Mss EP, University of Wisconsin-Milwaukee Archives.



On the same day that the MPA filed their federal complaint, the mayor announced appointments for his “Special Advisory Monitoring Committee” (SAMC). The group’s charge: to examine “the various processes involved in investigations into” Lacy’s death.<sup>118</sup> Former Maier aide Alex LeGrand and Mt. Zion Baptist Church Pastor W. J. Calvin chaired the eleven-member body. It was racially diverse, if politically loyal to the mayor.<sup>119</sup> No CJEL members were asked to serve. In a press conference, Maier expressed reservations about the “recycling of recent history” and perceptions among residents that he was not taking civilian demands for police accountability seriously.<sup>120</sup> The CJEL’s rhetoric and legal filings had named previous MPD killings and alluded to potential cover-ups that went beyond the Bell case. They also publicly charged Breier with hiding the facts of Ernest Lacy’s death after the chief exonerated the three arresting officers in an internal investigation.<sup>121</sup> Black SAMC members were themselves wary of being seen as yet another municipal committee that takes no action.<sup>122</sup> “I must go back to the black community...and keep the venom from flowing,” one member commented.<sup>123</sup>

In Maier’s view, the special committee functioned as “a mechanism to observe the workings

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<sup>118</sup> Mayor Maier instructed the SAMC to interrogate four questions: “1. Do the existing processes and procedures adequately insure that everyone observes the law, that the rights of all parties are protected, and that there is full and fair hearing of issues by all legal vehicles that are a party to the process? 2. Do the processes allow for a full, prompt, and impartial investigation of controversial cases with adequate public disclosure of the facts? 3. Are there any aspects of the process which have not been examined or fully considered? 4. Are there procedures in use elsewhere that might be adapted for Milwaukee’s use?” “Report of the Special Advisory/Monitoring Committee,” March 1982, 1, 4, Box 140, Folder 17, “Police Department, March-June, 1982,” Records of Mayor Henry W. Maier Administration.

<sup>119</sup> In addition to LeGrand and Calvin, members included Brother Booker Ashe, Alva Brown, Agnes Cobbs, Jerome Dudzik, Gregorio Montoto, Jackie Shropshire, Rabbi Frances Barry Silberg, and Steve Ziarnik. “Maier Completes 11-member Panel to Probe Lacy Case,” *The Milwaukee Journal*, July 27, 1981.

<sup>120</sup> He specifically mentioned the 1974 case of Jerry Brookshire and his experience negotiating that tragic event. “Some on Panel Have Mixed Emotions,” *The Milwaukee Sentinel*, July 28, 1981, Part 1, 11.

<sup>121</sup> The MPD completed its investigation just days after Lacy died. *The Milwaukee Journal* editorial board said Breier’s swift exoneration of the officers was “disturbing.” However, it also asked “the black community” to “avoid hasty judgment” and “restrain rhetoric that assigns guilt before all the facts are known.” Instead, they called for a “temperate search for justice” and opposed the “mass march” being planned for the following week. “Quest for Truth in Lacy Case,” *The Milwaukee Journal*, July 16, 1981, Part 1, 10.

<sup>122</sup> As one committee member reported, “The facts surrounding the Lacy case is what the community is interested in...The community is not going to sit still for...a study.” “Some on Lacy Panel Have Mixed Emotions,” *The Milwaukee Sentinel*, July 28, 1981, Part 1, 5.

<sup>123</sup> “Some on Lacy Panel Have Mixed Emotions,” *The Milwaukee Sentinel*, July 28, 1981, Part 1, 5.

of the legal processes in the Lacy case” and to “recommend ways to improve the system.”<sup>124</sup> The group clarified in the press that they were “not here to investigate the Lacy case,” as they lacked “the authority.” The SAMC met as a full body twenty-five times, holding sub-committee meetings as well. At Maier’s instruction, they reached out to the mayor’s offices and police departments of the thirty largest U.S. cities in an effort to learn more about the procedures they followed when citizens died in police custody. The SAMC heard testimony from twenty-seven local people, including Chief Breier, DA McCann, City Attorney James Brennan.<sup>125</sup> The committee spoke with CJEL members Howard Fuller, Lacy family attorney Alan Eisenberg, the Wisconsin Civil Liberties Union’s Eunice Edgar, and Russell Stamper of Wisconsin Black Lawyers Association. Breier testified before the SAMC on August 17, 1981. He strongly defended his officers, claiming they “were not involved in any way.” Breier refused to address Lacy’s death or police “techniques” or “procedures,” arguing they are “not to be discussed with the general public.”<sup>126</sup> He maintained that investigating in-custody deaths was the MPD’s role. “We won’t share that function with anyone,” he insisted. Based on the chief’s track record of defending illegal police stops and searches, violent beatings, and slayings, the CJEL anticipated his response. Police accountability advocates, having experienced two decades of reaction and resistance from Breier, believed that repairing police-community relations was impossible with him in charge of the MPD. Breier favored a “siege mentality” that divided his officers from the people and “further exacerbated police community tensions.”<sup>127</sup> As Howard Fuller put it, Breier “had everybody under his fist...he was like a local Hoover.”<sup>128</sup>

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<sup>124</sup> “Report of the Special Advisory/Monitoring Committee,” 2. The SAMC’s responsibilities included “examining investigative and legal processes, determining whether the current system in our city works properly, and recommending future improvements, if necessary.” Alex LeGrand to Chief Breier, September 15, 1981, Box 140, Folder 15, “Police Department, May-December, 1981,” Records of Mayor Henry W. Maier Administration.

<sup>125</sup> “Report of the Special Advisory/Monitoring Committee,” 8.

<sup>126</sup> Karen Rothe, “Maier Protests Breier Reaction to Panel Member,” August 18, 1981, Part 1, 6.

<sup>127</sup> “Crux of the Problem Is Breier,” *The Milwaukee Journal*, October 23, 1981.

<sup>128</sup> Howard Fuller (Distinguished Professor of Education, Marquette University), in discussion with the author, March 2013.

Mayor Maier approved the SAMC's twenty-six recommendations in "concept," if not entirely in "substance."<sup>129</sup> The committee focused on procedural reforms that could get passed at the state and municipal levels of government. Most of their recommendations targeted Breier's insular and reactionary leadership, his response to the use of excessive police force, his unwillingness to cooperate fully with outside investigators, his lack of support for the mental health and well-being of rank-and-file officers, and his unwillingness to promote personnel of color. Former police union president Jerome Dudzik had a clear hand in devising recommendations favoring rank-and-file officers, their health and well-being. While the SAMC recognized "police have a tough, often dangerous and unpleasant job"—one that that should transcend "petty criticisms"—they also observed that police work sometimes "harmed" individuals, who "deserve justice and means of recourse."<sup>130</sup> The committee surmised that "procedures must be in place" whereby "the rights of all are protected." Moreover, they had to "safeguard against even the remote possibility of a cover-up."<sup>131</sup> At the top of the committee's recommendations list was passage of a state law that advanced "safeguards into the cause of death or great bodily harm to persons in police custody or involved in police action."—A reform that the legislature ultimately accomplished in 1983.<sup>132</sup> The SAMC called for disciplinary action when the police chief refused to work with state and county investigators. Most other recommendations regurgitated the liberal police reforms of the era, largely emphasizing

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<sup>129</sup> Mayor Maier to MFPC Chairperson Arlene Kennedy, June 14, 1982, 1, Box 140, Folder 17, "Police Department, March-June, 1982," Records of Mayor Henry W. Maier Administration.

<sup>130</sup> "Report of the Special Advisory/Monitoring Committee," 25. Many recommendations focused on providing community support, mental wellness, and legal due process for police officers accused of misconduct. The influence of Milwaukee Police Association president Jerome Dudzik, and his irritation for Chief Breier's strict internal rules and insensitivity to rank-and-file health and wellness, was strongly felt. The SAMC recommended "mandatory psychological counseling" of officers involved in deadly interactions with citizens; mandatory "psychological screening" of all MPD applicants; psychological or alcoholic counseling for police officers "without fear of department reprisals"; and psychological evaluations before police promotions; family counseling for MPD personnel. "Report of the Special Advisory/Monitoring Committee," 22-23.

<sup>131</sup> This was less about ensuring swift, meaningful justice for victims of police violence and more about guaranteeing that the police chief cooperated fully with the District Attorney and Attorney General, allowing for transparency and providing copies of witness statements so as to prevent cover-ups. The recommendation largely maintained the MPD's investigatory authority, while slightly shifting the balance of investigatory oversight.

<sup>132</sup> "Report of the Special Advisory/Monitoring Committee," 20.

training improvements and police working with community groups to resolve crime.<sup>133</sup> No SAMC proposals addressed the CJEL's explicit demand for the firing and prosecution of the officers who killed Ernest Lacy, largely because the criminal-legal system made it so.

### *Marching Towards an Inquest Hearing*

The Coalition for Justice for Ernest Lacy's first step in achieving the officers' prosecution, systematically speaking, was the inquest called by District Attorney McCann. The MFPC was not authorized to file criminal charges in the Lacy case. "The only way to achieve justice," CJEL leaders insisted, was "to let the evidence come out in a court of law."<sup>134</sup> That meant District Attorney Michael McCann prosecuting the men who killed Ernest Lacy, "using the abundant evidence already before him." In order to determine the legitimacy of pursuing criminal indictments, McCann ordered Milwaukee County Medical Examiner Chesley Erwin to conduct an inquest.<sup>135</sup> Such hearings were not civil or criminal trials, but rather juridical investigative proceedings used to determine whether filing criminal charges was necessary or not.<sup>136</sup> The CJEL opposed McCann's call for an inquest, citing eyewitness testimony as more than sufficient to file criminal charges. As of July 17, 1981, Examiner Erwin was still determining a cause of death. The DA authorized an inquest start date in mid-August, anticipating "in excess of thirty witnesses" to testify before a six-person jury selected by Milwaukee County Sheriff William Klamm. That same week, Milwaukee state

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<sup>133</sup> The committee called for fairer, more comprehensive complaint review procedures; implementation of community-oriented policing and citizen involvement in crime prevention; achieving a more diverse rank-and-file; establishing a public relations unit to communicate with community groups; raising the educational standards of new police recruits; engaging in psychological screenings, evaluations, and counseling for all officers; and expanding human relations training in the academy. The SAMC called for the integration of the Tactical Enforcement Unit and for the promotion of "five or more minority officers with five or more years of experience" to "command positions." The SAMC's final recommendation called for an amendment to state law that would create "a Milwaukee-only office of public safety director." Mayor Maier to MFPC Chairperson Arlene Kennedy, June 14, 1982, 6-8.

<sup>134</sup> Scott Anderson, "Inquest Process 'Hopelessly Flawed,' Justice Means Prosecution: Coalition," *The Milwaukee Courier*, August 22, 1981, 1.

<sup>135</sup> McCann ordered the inquest on July 17, 1981. "McCann Orders Inquest into Cause of Lacy's Death," *The Milwaukee Sentinel*, July 18, 1981, Part 1, 1.

<sup>136</sup> Gregory D. Stanford, "Court Drama Seeks Truth in Lacy Case," *The Milwaukee Journal*, September 20, 1981, part 2, 1.

legislators called for a “full investigation” into Lacy’s death.

The Lacy Coalition, unwilling to sit idle while the Erwin and McCann deliberated, hit the streets demanding that officials move faster. They organized three demonstrations in the period leading up to the inquest. The first march and rally took place on July 20, 1981. One news report characterized the crowd as “bitter, but orderly.” Demonstrators focused on the filing of criminal charges against Officers Eliopul, Dekker, and Kalt and for the MFPC to swiftly administer lasting discipline. About four thousand protesters moved at mid-day from the scene of Lacy’s murder on N. 23<sup>rd</sup> St. and Wisconsin Ave. to Milwaukee’s Civic Center Plaza.<sup>137</sup> Myrtle Lacy, conversely, counted upwards of five thousand people “walking with power and strength.”<sup>138</sup> “We are the aggrieved family, but we’re looking for justice—and we will get justice,” she told the crowd. As people marched, they chanted the names Daniel Bell and Clifford McKissick—two young Black men shot and killed by Milwaukee police.<sup>139</sup> Roll calling the names of the deceased in this way represented a potent political act, as it re-inscribed their humanity into a contested public space devoid of any memorialization to police brutality victims. At the downtown plaza, Rev. R. L. Lathan, Alderman Roy Nabors, State Representative Annette Polly Williams, and Howard Fuller also addressed rally goers.<sup>140</sup> The MPD was prepared for civil unrest. More than one hundred officers, most adorned in riot gear and wielding batons, enveloped the non-violent demonstrators. Chief Breier made himself visible throughout the protest. Organizers viewed his presence as “an act of provocation to incite trouble.”<sup>141</sup> Demonstrators chanted in the chief’s direction, “Fire Breier, he’s a

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<sup>137</sup> Civic Center Plaza was located in front of the Milwaukee Public Safety Building, also the MPD’s District One headquarters. Chester Sheard, “Bitter, Orderly Marchers Denounce Police,” *The Milwaukee Sentinel*, July 21, 1981, Part 1, 1.

<sup>138</sup> Chester Sheard, “Bitter, Orderly Marchers Denounce Police,” *The Milwaukee Sentinel*, July 21, 1981, Part 1, 1.

<sup>139</sup> Bell, as described above, was murdered by police in 1958. College student Clifford McKissick was killed on August 2, 1967 amid Milwaukee’s civil disturbance. Karen Rothe, “Chanting Crowd Recalls 3 Deaths,” *The Milwaukee Sentinel*, July 21, 1981, Part 1, 5.

<sup>140</sup> “Rally,” *The Milwaukee Courier*, July 18, 1981, 8.

<sup>141</sup> Anderson, “Community,” 1.

liar” and “Hell no. We ain’t taking it no more.” When Fuller spoke, he called on the federal Law Enforcement Assistance Administration (LEAA) to withhold funds from the city, which were to be allocated for a “police-community relations program” that would have police lecturing citizens at shopping centers and community association meetings. This was “hypocritical,” he said, “when the police are out killing our people.”<sup>142</sup> After the rally ended, the coalition registered its own complaint with the Fire and Police Commission, alleging that Breier “deliberately tried to provoke an incident” when he marched into a peaceful crowd of demonstrators.<sup>143</sup> McGee and Fuller filed it as a First Amendment violation and act of discrimination “against members of the Black community,” demanding an investigation and the chief’s suspension or resignation.

With little movement on the case, the CJEL held a second protest march and rally, this time in the evening. The demonstration attracted an estimated 5,000 participants, the largest of the group’s protests.<sup>144</sup> Demonstrators again rallied in Civic Center Plaza, in front of the Milwaukee Safety Building. Most participants were young Black contemporaries of Lacy, with white and Black middle-aged faces also dotting the crowd.<sup>145</sup> Protesters jeered at Breier, who strode alongside the marchers with a “stoney expression,” guarded by plainclothes officers.<sup>146</sup> Twice the number of police were on hand, with a “phalanx” of at least one hundred officers wearing helmets and carrying

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<sup>142</sup> “Lacy Group Asks LEAA to Withhold Grant Funds,” *The Milwaukee Journal*, July 21, 1981, Part 2, 1.

<sup>143</sup> “Lacy, Ernest, 1981,” Box 19, Folder 2, National Association for the Advancement of Colored People. Milwaukee Branch: Records, 1917-1989, Milwaukee Mss EP, University of Wisconsin-Milwaukee Libraries, Archives Department. The CJEL complaint alleged an “excessive display of force,” including “riot-gearred policemen lining one side of the march” and “a deliberate attempt to intimidate the marchers, discourage people from joining the march, and prevent any further such marches and rallies.” Coalition for Justice for Ernest Lacy vs. Harold A. Breier, Board of Fire and Police Commissions, “Complaint,” National Association for the Advancement of Colored People, Milwaukee Branch.

<sup>144</sup> “Thousands March as Police Line Streets,” *The Milwaukee Journal*, July 31, 1981, Part 2, 1. According to Michael McGee, as many as 20,000 people participated.

<sup>145</sup> “Black, White, Young, Old Gathered at Rally,” *The Milwaukee Sentinel*, July 31, 1981, Part 1, 5. Michael McGee estimated that 20,000 people were in attendance at the rally. Contrast that with Harold Breier, who rode parallel to the march. He said, “500 is always a good figure,” when asked by *Sentinel* reporters how many attended. “Thousands March, Rally for Lacy,” *The Milwaukee Sentinel*, July 31, 1981, Part 1, 12. U.S. Commission on Civil Rights observers counted about 12,000. “Thousands March, Rally in Lacy Protest,” *The Milwaukee Sentinel*, July 31, 1981, Part 1, 1.

<sup>146</sup> Bruce Gill, “Silent Breier Watches Lacy Demonstrators,” *The Milwaukee Sentinel*, July 31, 1981, Part 1, 5.

batons. Some rode on motorcycles, others in squad cars and vans.<sup>147</sup> The CJEL's own cadre of field marshals—members of ABATE, a motorcycle rights organization—helped ensure an orderly demonstration.<sup>148</sup> Rally-goers carried signs that read, “Lacy: Innocent & Dead”; “Justice for Ernest Lacy”; and “Prosecute the Officers.” Chants of “Fire Breier. He’s a liar” and “No more killing” could be heard.<sup>149</sup> Eleven people spoke at the rally this time. Most of them called for the prosecution of Eliopul, Dekker, and Kalt.<sup>150</sup> Some condemned the media and MPD for false portrayals of Lacy as a mentally ill drug addict. As Ernest’s father, Leonardo Lacy, told reporters, the police were “only trying to cover up [Ernest’s] death. My son had no record. He was not a drug addict...He was a straight young man. The police killed him because a white woman said she was raped.”<sup>151</sup>

While the CJEL's marches and rallies reflected the community's clear outrage and desire for justice, it knew that additional protest actions would be necessary if city leaders were to take their voices seriously. Official responses, thus far, had failed to bring lasting disciplinary action or criminal charges against Lacy's killers. Therefore, the coalition broadened its target audience beyond police bureaucrats, elected officials, and the courts and focused on the city's business interests. To do so, it turned to another “traditional tactic of the Civil Rights Movement”: organizing “an active economic boycott of downtown merchants.”<sup>152</sup> Boycotts represented a confrontational civil rights strategy that relied on aggrieved citizens pressuring reluctant civic leaders to take action based on a shared value as consumers.<sup>153</sup> Black residents comprised a major portion of Milwaukee's retail customer base.

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<sup>147</sup> At least sixty cops were also ready when the march convened at Civic Center Plaza. “Thousands March, Rally for Lacy,” *The Milwaukee Sentinel*, July 31, 1981, Part 1, 12.

<sup>148</sup> The Outlaws, a motorcycle club whose member Roger Lyons was beaten to death by police in 1978, was scheduled to act as field marshals. They chose not to join to avoid causing “friction.” “Thousands March, Rally for Lacy,” *The Milwaukee Sentinel*, July 31, 1981, Part 1, 12.

<sup>149</sup> Bruce Gill, “Silent Breier Watches Lacy Demonstrators,” *The Milwaukee Sentinel*, July 31, 1981, Part 1, 5.

<sup>150</sup> Speakers included former Community Relations Specialist Kenneth Bowen, then Secretary of State Vel Phillips, and Fred Gordon of the National Conference of Black Lawyers. Scott Anderson, “Erwin’s ‘Lack of Oxygen Report’ Backs Coalition Contention: McGee; Prosecute,” *The Milwaukee Courier*, August 8, 1981, 1.

<sup>151</sup> “Thousands March, Rally for Lacy,” *The Milwaukee Sentinel*, July 31, 1981, Part 1, 12.

<sup>152</sup> “For Immediate Release,” Coalition for Justice for Ernest Lacy, August 4, 1981, Box 19, Folder 2, “Lacy, Ernest 1981,” National Association for the Advancement of Colored People, Milwaukee Branch.

<sup>153</sup> Jones, *The Selma of the North*, 254.

Downtown outlets were the “symbol of a revitalized Milwaukee.” Ending “business as usual,” by attracting patrons to the coalition’s “picket lines,” would theoretically lessen retail profits and threaten the economic security of the city’s latest development: The Grand Avenue Mall.<sup>154</sup> Gimbels and the surrounding shops on Wisconsin Ave., such as Boston Store, were integral to Mayor Maier and the business community’s “redeveloping downtown” project.<sup>155</sup> What is more, national corporations, with markets in New York, Philadelphia, and other northeastern cities, owned both Gimbels and Boston Store. This carried the potential of a broader ripple effect and added publicity.<sup>156</sup>

The CJEL held its first economic boycott on August 8, 1981.<sup>157</sup> A picket ran along Wisconsin Ave., from the Milwaukee River west to N. 5<sup>th</sup> St. Protesters carried signs, wore provocative t-shirts, and passed out leaflets. One of their goals was to compel business elites to publicly support an outside investigation of the Lacy incident.<sup>158</sup> As Michael McGee put it, Milwaukee’s commercial interests were “the real power brokers in this town.”<sup>159</sup> Unfortunately for the coalition, the action received a cool reception from shoppers and business leaders. Grand Avenue Mall developer Mathias DeVito saw “no connection” between his glossy new shopping center—what he called an “economic boon” to “groups plagued with high rates of joblessness”—and “the regrettable Lacy case.”<sup>160</sup> Consequently, the coalition lost some editorial support in Milwaukee’s mainstream dailies, who condemned the boycott as harmful to innocent bystanders. The CJEL had “somehow perceived” the downtown business community as an extension of “a largely

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<sup>154</sup> Gregory D. Stanford, “McCann Urges Police Department Changes,” *The Milwaukee Journal*, August 4, 1981, Part 1, 11; “For Immediate Release.”

<sup>155</sup> “Saturday Boycott of Downtown Businesses Called,” *The Milwaukee Courier*, August 8, 1981, 1.

<sup>156</sup> Box 1, Folder 16, “Greater Milwaukee Conference on Religion and Urban Affairs, Police Brutality, 1971, 1983-1984,” Joan McManus Papers.

<sup>157</sup> On the history of Black-initiated boycotts, see: Lizabeth Cohen, *Making a New Deal: Industrial Workers in Chicago, 1919-1939*, 2<sup>nd</sup> ed. (New York: Cambridge University Press, 2014).

<sup>158</sup> “Group Sets 2nd Rally to Protest Lacy's Death,” *The Milwaukee Journal*, July 22, 1981, Part 2, 1.

<sup>159</sup> Woliver, *From Outrage to Action*, 73.

<sup>160</sup> “Lacy Boycott Aims at Wrong Target,” *The Milwaukee Sentinel*, August 13, 1981, Part 1, 18.



white police department,” according to *The Milwaukee Sentinel* editorial board.<sup>161</sup> The coalition, by this logic, lost focus of remediating a tragic instance of police misconduct. Instead, it was framing police violence as entwined with issues of race and class, violating implicit principles of Milwaukee’s liberal capitalist order. CJEL boycotts presumably turned off white residents, who had grown tired of Sixties-style protests and Black accusations of racial prejudice.

On August 15, 1981, the CJEL’s third march and rally cut through Milwaukee’s north and near west side. It followed a new route: N. 4<sup>th</sup> and Chambers St. to N. 15<sup>th</sup> and Vliet St. Around eight hundred marched, with another couple hundred people waiting at Martin Luther King, Jr. Park to rally.<sup>162</sup> Chief Breier and his police officers, again, made their presence felt. At one point the chief stepped out of his unmarked vehicle and walked directly into a crowd of protestors, surrounded by six uniformed officers. Demonstrators “swirled” around him, chanting, “Fire Breier, he’s a liar!”<sup>163</sup> Michael McGee reasoned the chief was trying to intimidate and provoke a violent response from the crowd. “Breier is not crazy...He knows exactly what he’s doing. He is an old, senile, dangerous man, and we have to understand that,” Howard Fuller said. Latinx activist Tony Baez called police brutality “a national menace.”<sup>164</sup> James Groppi also spoke at the rally. The widely known activist once again decried police brutality, only now as it related to Ernest Lacy’s violated civil rights.<sup>165</sup>

Meanwhile, the Medical Examiner’s inquest hearing—initially scheduled for August 18, 1981—was derailed another month. Warren Hill, a deputy examiner, had publicly commented that there was not enough evidence to justify criminal charges against the officers. Hill’s apparent prejudging of the case angered CJEL leaders and the Lacy family, who lobbied charges of a

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<sup>161</sup> “Lacy Boycott Aims at Wrong Target,” *The Milwaukee Sentinel*, August 13, 1981, Part 1, 18.

<sup>162</sup> Approximately one hundred fifty police officers flanked the demonstrators as they marched. “3rd March for Lacy Draws 800,” *The Milwaukee Journal*, April 16, 1981, Part 2, 1. Chief Breier’s response as to why so many police officers were present: “It’s a training exercise.” “Speakers Rip Breier at Rally Over Lacy Case,” *The Milwaukee Journal*, April 16, 1981, Part 2, 10.

<sup>163</sup> “Speakers Rip Breier at Rally over Lacy Case,” *The Milwaukee Journal*, April 16, 1981, Part 2, 10.

<sup>164</sup> “Speakers Rip Breier at Rally over Lacy Case,” *The Milwaukee Journal*, April 16, 1981, Part 2, 10.

<sup>165</sup> At this point, Groppi was Milwaukee County’s most famous bus driver, having left the priesthood in 1976.

“whitewashing” at county officials.<sup>166</sup> They called for further protests and for Hill’s dismissal. Chesley Erwin asked retired liberal Appeals Court Judge Robert C. Cannon to preside over the inquest as a special medical examiner.<sup>167</sup> The CJEL demanded Black representation on the jury, which they received in equal number after Cannon verified that Black inquest jurors could be deliberately placed without violating state law.<sup>168</sup> The hearing began on September 14, 1981, lasted about a month, and was broadcast live on local television.<sup>169</sup> Leading off the inquest, Medical Examiner Erwin reiterated his belief that Lacy died from a lack of oxygen. Yet he found no signs of “excessive force.” It was unclear, he said, what precisely “keyed off” his death.<sup>170</sup> Witness Fred Kolde had an answer. He testified to standing ten feet from Lacy and the officers, where he saw the 22-year-old forcibly tackled by police to the ground. While pinned down, his body convulsed until he stopped moving. The arresting officers swore Lacy was alive, if unconscious when placed in the police van and that he did not require medical attention.<sup>171</sup> In testimony, they framed their arrestee as a drug-crazed criminal with superhuman force.<sup>172</sup> One officer, for example, testified that their combined weight of over 600 pounds was not enough to subdue the 145-pound Lacy.<sup>173</sup> According

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<sup>166</sup> “Inquest Delayed after News Story,” *The Milwaukee Journal*, August 18, 1981, Part 1, 1.

<sup>167</sup> The retired Cannon had been out of town and said he was not aware of the circumstances of the case. In 1966, Cannon was the focal point of MNAACP Youth Council protests against the Milwaukee Eagles Club’s discriminatory membership policy. The liberal judge’s Wauwatosa home was the scene of a raucous clash between protesting YC members and hooded Ku Klux Klan counter-demonstrators. The Wisconsin National Guard was called in to prevent a more violent altercation. Cannon ultimately refused to quit the Eagles Club but said he was working internally to change its racist policy. “Longtime Judge Here to Conduct Lacy Inquest,” *The Milwaukee Journal*, August 31, 1981, Part 1, 6.

<sup>168</sup> Judge Cannon looked to head off charges of racial prejudice. He paired three Black jurors and a Black alternate with three white jurors and a white alternate. Cannon found that no state law prevented him from meeting the CJEL’s request for a racially balanced inquest jury. However, had it been a civil or criminal trial, he would have had to draw from a random pool of jurors or form a “blue ribbon panel.” Howard Fuller and the CJEL were against forming a blue ribbon panel because of the potential for conservative Black jurors to be placed. Linda Fibich, “Lacy Panel to be Racially Mixed,” *The Milwaukee Journal*, September 10, 1981, Part 1, 1.

<sup>169</sup> Gregory D. Stanford, “Court Drama Searches for the Truth,” *The Milwaukee Journal*, September 20, 1981, part 2, 8.

<sup>170</sup> Bruce Gill, “Inquest Focuses on Nerve in Lacy’s Neck,” September 17, 1981, Part 1, 5.

<sup>171</sup> Bruce Gill, “Officer Says Lacy Was Alive,” *The Milwaukee Sentinel*, September 18, 1981, Part 1, 1, 15.

<sup>172</sup> Police called Lacy a “schizophrenic” “psychotic” prone to abnormal behavior based on how he articulated his medical needs under arrest. Nathaniel Sheppard Jr., “Death of Black Man in Police Custody Leads to Bitter Protests,” *The New York Times*, August 16, 1981.

<sup>173</sup> Ernest Lacy’s father Leonardo laughed when Officer George Kalt testified that his son reached for their gun. Judge Cannon mistakenly thought this was Howard Fuller and threw the CJEL leader out of the courtroom, to which he calmly obliged. Moreover, the officer testified that “a black hand” was seen “in the area” of their weapons during the

to Officer George Kalt, people who “are either high on drugs or mentally disturbed...sometimes possess an inordinate amount of strength.”<sup>174</sup> Regardless of the officers trafficking in racist, dehumanizing tropes, Lacy was not on drugs and had received no psychiatric treatment.

After listening to more than one hundred people testify for over three weeks, the medical examiner’s inquest jury stunned the city when, on October 17, 1981, it recommended “homicide by reckless conduct” charges be filed against Officers Eliopul, Dekker, and Kalt for using “unlawful means” to subdue Lacy.<sup>175</sup> It was the first time in Milwaukee’s history an inquest jury had ever recommended prosecuting city police.<sup>176</sup> Since 1967, six inquests involving the deaths of Black men or women at the hands of Milwaukee police had failed to result in criminal charges.<sup>177</sup> The jury also recommended lesser misconduct charges be filed against the two officers who drove the police van for “failure to render first aid” and “inform medical persons of Lacy’s condition upon request.”<sup>178</sup> Perhaps the most damning testimony came from pathologists, like Robert W. Huntington III, who argued Lacy died because of “the physical application of force” combined with a nerve reflex in his neck.<sup>179</sup> The inquest affirmed that Lacy had died three to five minutes after Eliopul applied pressure to his upper back, interrupting the flow of oxygen to his brain.<sup>180</sup> Referring to the inquest jury’s decision to recommend charges, Myrtle Lacy told reporters, “I feel like screaming. Every day...I

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struggle, further cementing Lacy as dangerous. Walter Fee, “Didn’t Laugh, Fuller Says,” *The Milwaukee Journal*, September 18, 1981, Part 1, 10.

<sup>174</sup> Gregory D. Stanford, “Witness Tells How Officers Arrested Lacy,” *The Milwaukee Journal*, September 18, 1981, Part 1, 10.

<sup>175</sup> Gregory D. Stanford, “Jury Must Put Pieces Together,” *The Milwaukee Journal*, October 13, 1981, Part 2, 2. The homicide by reckless conduct charges were felony charges carrying a maximum fine of \$10,000 and up to ten years in prison. Gregory D. Stanford, “Warrants Prepared against Police Officers,” *The Milwaukee Journal*, October 15, 1981, Part 1, 6.

<sup>176</sup> Howard Fuller (Distinguished Professor of Education, Marquette University), in discussion with the author, March 2013.

<sup>177</sup> Kevin Merida, “Decision Pleases Black Leaders,” *The Milwaukee Journal*, October 15, 1981, Part 2, 5.

<sup>178</sup> Woliver, *From Outrage to Action*, 64. The felony charges for failing to render first aid carried a maximum fine of \$10,000 and up to two years’ prison time. Gregory D. Stanford, “Warrants Prepared Against Police Officers,” *The Milwaukee Journal*, October 15, 1981, Part 1, 6.

<sup>179</sup> Gregory D. Stanford, “Lacy’s Death Attributed to Force,” *The Milwaukee Journal*, October 7, 1981, Part 2, 1, 6.

<sup>180</sup> Scott Anderson, “Tact Officers Facing Homicide Charges in Ernie Lacy Death,” *The Milwaukee Courier*, October 17, 1981, 1; Bennett H. Beach, “Law: Accidents or Police Brutality?” *TIME*, October 26, 1981.

prayed it would happen.”<sup>181</sup> Chief Breier, on the other hand, called the inquest jury’s decision “a terrible miscarriage of justice” that would “handcuff the police even more” and hurt morale. MPA President Robert Kliesmet called it “a perversion of the system,” the officers were “grossly mischarged.”<sup>182</sup> He later appealed the ruling on behalf of the five officers. Both Kliesmet and Breier accused DA McCann of “going out of his way to attack police.”<sup>183</sup> Local conservatives in a John Birch Society-sponsored group, Support Your Local Police, claimed a trial against the officers would only result in Black people rioting “for the fun of it.”<sup>184</sup> On October 16, 1981, Judge Cannon signed the arrest warrants.<sup>185</sup>

And yet, any elation the CJEL, Lacy family, and sympathetic residents felt dissipated when, during the 1981 holiday season, DA McCann requested that the Circuit Court dismiss the homicide and misconduct charges. Right when progress on the officers’ prosecution felt within reach, Judge Joseph Callen voided the inquest jury’s historic decision, withdrawing the arrest warrants. The District Attorney essentially used the logic of “reverse racism” to argue that Special Examiner Cannon had chosen an inquest jury “partially by race.” Doing so, McCann said, violated the constitutional rights of the officers.<sup>186</sup> The DA’s late-breaking decision to ask the court for a dismissal was, in part, based on his mistaken belief that the inquest jury’s recommendations would be “advisory” and not “mandatory.”<sup>187</sup> DA McCann then promised a devastated, if still determined Lacy family that he would file new criminal charges against Officers Eliopul and Kalt, which he did

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<sup>181</sup> Chester Sheard, “Coalition to Follow Lacy Case,” *The Milwaukee Sentinel*, October 15, 1981, Part 1, 6.

<sup>182</sup> Karen Robinson, “McCann Vows Charges by Jan. 10th,” *The Milwaukee Journal*, December 11, 1981, Part 2, 4.

<sup>183</sup> Gregory D. Stanford, “Some Police Term Jury’s Decision Unfair,” *The Milwaukee Journal*, October 15, 1981, Part 2, 5.

<sup>184</sup> Scott Anderson, “Trial for Lacy Officers Will Lead to Black ‘Riots for the Fun of It,’ Birchites Claim,” *The Milwaukee Courier*, December 18, 1981, 1.

<sup>185</sup> The state never charged the van attendants, Kmichik and Enters.

<sup>186</sup> Karen Robinson, “McCann Sets Deadline,” *The Milwaukee Journal*, December 11, 1981, Part 2, 1, 4.

<sup>187</sup> Because the inquest jury’s decision was “mandatory,” McCann argued, it became a “constitutional issue.” The DA apparently thought his office was meant to be the one that made the final call on arresting the officers. Karen Anderson, “McCann Vows Charges by Jan. 10,” *The Milwaukee Journal*, December 11, 1981, Part 2, 4.

on January 12, 1982.<sup>188</sup> Myrtle Lacy signed a fresh complaint and the police arrested both officers the next day.<sup>189</sup> A special prosecutor separately charged and arrested Dekker on a “misconduct in public office” charge, but not “reckless homicide” as recommended by the inquest jury. The misconduct charges stemmed from the officers not providing lifesaving aid to Lacy. This victory, too, was short-lived. Judge Callen again dismissed the pending charges against Officers Kalt and Eliopul on January 30, 1982.<sup>190</sup> This time, the Circuit Court cited a lack of probable cause. The criminal-legal system sent the Lacy’s hopes for prosecution into a second free fall. Irate but not discouraged, the CJEL held an “around the clock” sit-in in McCann’s Milwaukee Safety Building office.<sup>191</sup> They demanded he again file criminal charges against Officer Eliopul, whose case, the DA said, would require federal prosecution.<sup>192</sup> Despite McCann’s promise to the Lacy family, the officer most directly responsible for Ernest Lacy’s death would not be charged again for “homicide by reckless conduct.”<sup>193</sup> The District Attorney did issue a second “misconduct in public office” charge against Kalt.<sup>194</sup> It too was dismissed.<sup>195</sup> Myrtle Lacy persisted nonetheless: “In my mind, what happened is negligent homicide...some charges have to be filed.”<sup>196</sup>

### *Police Deaths and the “Blue Flu”*

With the inquest hearing in the rear view, and the officers who killed Ernest Lacy escaping

<sup>188</sup> Margaret Hoyos, “Mrs. Lacy Signs the Complaint,” *The Milwaukee Journal*, January 12, 1982, Part 2, 1. A special prosecutor would charge Dekker because the officer’s sister-in-law worked in the DA’s office. Karen Robinson, “McCann Sets Deadline,” *The Milwaukee Journal*, December 11, 1981, Part 2, 1, 4.

<sup>189</sup> “Arrests Made in Lacy Case,” *The Milwaukee Journal*, January 13, 1982, Part 2, 1.

<sup>190</sup> Margaret Hoyos, “DA Ponders Lacy Options,” *The Milwaukee Journal*, January 30, 1982, Part 1, 1

<sup>191</sup> “Milwaukee Police Target of Sit-in,” *The New York Times*, February 7, 1982.

<sup>192</sup> Karen Rothe and Chester Sheard, *The Milwaukee Sentinel*, “Lacy Group Plans Actions to Press Demands in Case,” February 3, 1982, Part 1, 5.

<sup>193</sup> “State Plans to Appeal Lacy Ruling,” *The Milwaukee Journal*, May 14, 1982.

<sup>194</sup> “Judge’s Letter Delays Lacy Case,” *The Milwaukee Journal*, March 22, 1982, Part 1, 4.

<sup>195</sup> Wisconsin Attorney General Bronson C. LaFollette unsuccessfully appealed the Circuit Court’s decision to drop the charges against Dekker and Kalt. “State Plans to Appeal Lacy Ruling,” *The Milwaukee Journal*, May 14, 1982; Kandace Hawkinson, “Police Panel Agrees to Hear Lacy Complaint,” *The Milwaukee Journal*, July 20, 1982, Part 2, 1.

<sup>196</sup> Margaret Hoyos, “Lacy Coalition to Meet,” *The Milwaukee Journal*, January 30, 1982, Part 1, 18.

prosecution, the widespread support enjoyed by Black-led police accountability advocates appeared to decline in winter 1981-1982. In December, a 19-year-old Black male, Robert Lee Collins, tragically gunned down two young police officers, Charles Mehlberg (25) and John Machajewski (24).<sup>197</sup> Invoking the racialized circumstances of Lacy's death, Aldermen Roy Nabors suggested that Collins likely feared for his life when confronted by the police and shot in self-defense. The alderman—long an ally in the policing struggle—was already in the MPD's cross-hairs for recently proposing a city ordinance that would have placed the police chief under the mayor and city council's control. "Milwaukee can ill afford to hide behind the laws of 1911 and dodge moral and political responsibility for its police department," he stated at a Common Council meeting.<sup>198</sup> "Irresponsible actions" and "procedures," including "Red Squad" spying and unwarranted surveillance needed reining in. Breier responded to the alderman's comments, saying it was "unthinkable that an alderman would defend a criminal who has just killed two police officers...that shouldn't happen in this law-and-order city."<sup>199</sup>

Nabors' comments about the late officers incensed the Milwaukee Police Association. The rank-and-file responded by walking off the job for a sixteen hour "blue flu" strike that ended on Christmas Eve.<sup>200</sup> Many Black officers chose not to participate.<sup>201</sup> Invoking the Lacy killing, MNAACP President Christine Belnavis called the strike politically motivated— "a political act

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<sup>197</sup> Collins was reportedly a robbery suspect. He said he shot the first officer accidentally during a struggle, then the second when it appeared he was about to fire his service weapon at him. Catherine Meister, "Shot Accidental, Suspect Says," *The Milwaukee Sentinel*, December 24, 1981, Part 1, 1.

<sup>198</sup> The proposed ordinance would have repealed the city charter's language relating to the chief's control over the department and adopted a section of state law that said Milwaukee police chiefs are to command the police force "under the direction of the mayor." "Nabors Proposal Would Tighten Aldermanic Grip on Police," *The Milwaukee Courier*, December 12, 1981, 3.

<sup>199</sup> "Breier Criticizes Nabors' Remarks," *The Milwaukee Journal*, December 24, 1981, Part 1, 4.

<sup>200</sup> Strikes by public employees in Wisconsin were illegal at the time. City hall filed a temporary restraining order to get a court hearing, where the strike would be declared illegal and the officers forced to return to work. Police supervisors and about 100 Milwaukee County Sheriff deputies stepped in to patrol the city. Chief Breier said he was "prepared to man the streets" himself if he had to. "Police Agree to End Walkout," *The Milwaukee Journal*, December 24, 1981, Part 1, 1; "Police Go out on Strike; Council Gets Union Plan," *The Milwaukee Sentinel*, December 24, 1981, Part 1, 6.

<sup>201</sup> "Police Go out on Strike; Council Gets Union Plan," *The Milwaukee Sentinel*, December 24, 1981, Part 1, 6.

designed to win immunity from punishment for police officers who break the law.”<sup>202</sup> Belnavis and Howard Fuller said the “fear” Nabors’ comments referenced was real in the Black community. Regardless, the MPA flexed its mounting political power, proffering twelve demands. They included a “comprehensive police-community relations program” and “a public relations program to improve the image of the police.”<sup>203</sup> The MPA’s two most immediate calls, necessary for ending the illegal strike, were for a ban on issuing reprisals against striking officers and that City Hall disavow Nabors’ statement. The alderman apologized, saying he was taken out of context. But making the statement was his constitutional right. Chief Breier was critical of the MPA’s “blue flu,” arguing that the officers’ “credibility with the citizens will certainly diminish. The good citizens are suffering.” MPA leaders were critical of both Nabors and Breier.<sup>204</sup> The MPA always had a tempestuous relationship with the chief. Upon his retirement, union president Robert Kliesmet called Breier “a racist” who “emulates the community he serves.”<sup>205</sup> The union also criticized DA McCann, who Kliesmet said was “piling straw on the camel’s back for the last six months.”<sup>206</sup> He was referencing the “overly aggressive” criminal charges pending against the officers who arrested Ernest Lacy.

### *1982 Boycotts and the Class Question in Milwaukee’s Police Accountability Movement*

The CJEL renewed its direct action protests as the drama surrounding District Attorney McCann and the Milwaukee County Circuit Court unfolded. Judge Janine Geske delayed the legal process once again, citing uncertainty around whether Officers Kalt and Dekker’s “misconduct in public office charges” were constitutional according to state law.<sup>207</sup> The CJEL planned a retail

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<sup>202</sup> “NAACP Chief Says Strike Was a Political Move,” *The Milwaukee Journal*, December 26, 1981, Part 1, 16.

<sup>203</sup> “Police Union Lists 12 Demands,” *The Milwaukee Journal*, December 24, 1981, Part 1, 4

<sup>204</sup> Woliver, *From Outrage to Action*, 66.

<sup>205</sup> “Police Chief Ends Twenty-year Reign Today,” *The Capital Times*, June 19, 1984.

<sup>206</sup> “Police Go Out on Strike; Council Gets Union Plan,” *The Milwaukee Sentinel*, December 24, 1981, Part 1, 6.

<sup>207</sup> Judge Geske said she would not issue a decision on the charges until April 26, 1982. “New Delay Revealed in Lacy Case,” *The Milwaukee Journal*, March 22, 1982, Part 1, 1.

boycott in response to the delay. Throughout the spring of 1982, the coalition protested outside of Milwaukee's downtown Gimbels and Boston Stores, as well as the Capital Court Shopping Center on the city's northwest side. These retail boycotts, to some extent, reflected a last ditch effort. As Howard Fuller warned, "This is the only non-violent thing left...since we have no intention of calling for a violent solution, we'll go to the maximum on non-violent tactics."<sup>208</sup> That meant drifting into questions of race and economics. The coalition wagered that retailers, pressured by angry consumers and diminishing profits, would pressure City Hall and the MFPC to take action in disciplining the officers who killed Lacy. In addition to the support he drew from labor unions, real estate developers, and city contractors, Mayor Maier had close ties to local business magnates, like Harold Sampson and Ben Marcus. Their commercial enterprises extended into Milwaukee's suburbs and surrounding states.<sup>209</sup> The coalition hoped the boycotts would generate enough of a backlash that Maier would have to honor his corporate allies' demands for assuaging dissatisfied consumers.

Similar to the previous year's actions, the 1982 boycotts garnered mixed results for the Lacy movement. Some businesses indirectly retaliated. For example, several Capitol Court retailers united in refusing to comment on sales information to the press. This undercut the CJEL's goal of publicizing the boycott's effectiveness. More directly, the shopping center barred demonstrators from carrying signs or distributing leaflets with political slogans. In response, the CJEL donned T-shirts with messages asking patrons to join the protest. Downtown, Michael McGee reported that the coalition's boycotting of Gimbels and Boston Store had slowed business.<sup>210</sup> Ultimately, the

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<sup>208</sup> Franzen, Ernst-Ulrich, "Boycott Planned If Lacy Charges Are Dropped," *The Milwaukee Sentinel*, March 22, 1982, 1.

<sup>209</sup> Sampson's investments included Red Carpet bowling lanes, hotels, and various leisure industries. Marcus owned eighty-three movie theaters, sixty-five Big Boy restaurants, thirty-three Kentucky Fried Chickens, eleven Captain Steak Joyns, and several hotels. Capitol Court mall, like the downtown shopping center, was also politically tied to Mayor Maier. The Northwestern Mutual Life Insurance Co. owned a minority share of the mall. Its board members sat on the Greater Milwaukee Committee, which coalition members identified as "the planning arm of the ruling class." Box 1, Folder 16, "Greater Milwaukee Conference on Religion and Urban Affairs, Police Brutality, 1971, 1983-1984," Joan McManus Papers.

<sup>210</sup> Stanford, Gregory D., "Stores Silent on Effect of Lacy Boycott," *The Milwaukee Journal*, April 13, 1982, Part 2, 1.



boycotts failed to produce substantive justice for the Lacy family as intended. Dismayed by the racial implications raised by the CJEL, which was now obstructing their relationship to the marketplace, business leaders and retail consumers alike balked at offering tangible support. While the coalition engaged in a months-long action that, in a narrow sense, disrupted the retail shopping cycle, they struggled to persuade the Circuit Court not to dismiss the misconduct charges pending against Officers Dekker and Kalt. The coalition decided not to prolong its boycott “with no clear negotiable point” for victory or to force residents “to lose good shopping access.”<sup>211</sup>

The practical effects of the CJEL’s boycott was one question, but what those actions meant for the umbrella organization as a grassroots political collective was another. More specifically, they touched on important questions about race and class as they relate to police violence and social control via law enforcement. The boycott ultimately revealed limitations as to what the wider society deemed an acceptable protest politics. A majority white public remained either unwilling or unable to connect larger issues of racial capitalism to Ernest Lacy’s death.<sup>212</sup> Milwaukee’s, and by extension America’s, white supremacist capitalist system has and continues to prioritize corporate profits and consumer access to the marketplace ahead of accounting for the (presumed) disposability of Black lives. Racism has always been essential to maintaining that system, and organized law enforcement has long served as its primary enforcement mechanism, dating back to the 1830s.<sup>213</sup> That Lacy was Black and poor, i.e. disposable in the eyes of the above order, matters contextually in terms of the

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<sup>211</sup> Consumer business was already slow due to construction, street blockages, and recent bus route changes. Targeting Capitol Court Mall proved questionable because of a property rights issue.

<sup>212</sup> See Chapter One for a definition of racial capitalism.

<sup>213</sup> Critical geographer Ruth Wilson Gilmore defines “racism” broadly as “the state-sanctioned or extra-legal production and exploitation of group-differentiated vulnerability to premature death.” Ruth Wilson Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007), 28. As sociologist Alex S. Vitale writes, “...police exist primarily as a system for managing and even producing inequality by suppressing social movements and tightly managing the behaviors of poor and non-white people: those on the losing end of political and economic arrangements.” Alex S. Vitale, *The End of Policing* (New York: Verso, 2017), 34. On the founding of police departments in Antebellum America, see: Sam Mitrani, *The Rise of the Chicago Police Department: Class and Conflict, 1850-1894* (Urbana: University of Illinois Press, 2013), 2. Boston formed the nation’s first professionalized police force in 1838. Wilbur Miller, *Cops and Bobbies: Police Authority in New York and London* (Chicago: University of Chicago Press, 1977), 17.

public discourse, political deliberations, and criminal-legal processes surrounding his death.

However, the boycott and the coalition's implicit invoking of the role that class plays in racialized police violence, subtly revealed latent ideological divisions within the CJEL. To be clear, the coalition, throughout its existence, remained squarely focused on the goal of achieving justice for the Lacy family. At the same time, however, its members expressed varied opinions about the case and its relationship to society writ large that are worth exploring. They help explain the persistence of racialized police violence, as well as the elusive nature of police accountability for Milwaukee's Black-led movement going forward.

Michael McGee and Howard Fuller's primary focus—beyond securing compensatory justice for the Lacy family and the criminal prosecution of the officers—was building Black political power and economic self-sufficiency. Each CJEL leader had formal political aspirations, too, which they partially realized based on the images they cultivated while shepherding the Lacy movement and other grassroots political campaigns. McGee and Fuller seemed less interested in building cross-racial working-class solidarity with a set goal of restructuring the city's police bureaucracy so that it stopped serving exploitative racial capitalist ends. Fuller had drifted from the radical Marxist politics that once typified his Black Power organizing, and McGee had always framed his pro-Black arguments for community control of the police in race-conscious terms that fit within the broader parameters of an existing law enforcement paradigm. McGee was not, what scholars people refer to today as, an “abolitionist,” at least based on his public commentary. Both Fuller and McGee's larger political objectives dealt with preserving and serving Black life, through more equitable police protection and criminal-legal processes and a more racially democratic municipal system overall. They saw law enforcement as a legitimate concept in its own right, but rejected the MPD's racist leadership and structure.<sup>214</sup> Through community organizing and the budding potential of Black

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<sup>214</sup> The argument that racism emanated from the top-down of the department and corrupted the institution as a whole

electoral power, it became more possible for activists like Fuller and McGee to realize procedural and substantive justice, to advance community control of the police and other municipal institutions, and to hire more Black police personnel. These were, for the better part of this history, the key reform elements for Black and allied police accountability advocates seeking to transform an unjust and racist policing system.

And yet, this framework of accountability, justice, and reform bypassed some inherent truths about the U.S. policing mission that merit further analysis—namely that its fundamental purpose was upholding white middle-class and corporate elite interests. While the CJEL was unified in its core objective, the group’s size and ideological diversity ensured the presence of divergent understandings of the policing crisis. Some individuals, for instance, made explicit linkages between racialized police violence, or “terror,” and the unaccounted for economic injustices that pervaded Milwaukee’s terrain. Such injustices—racialized and entrenched as they were—ran contrary to prevailing national myths of meritocratic individualism and the perfectibility of the U.S. capitalist system. Joan McManus, Director of the Mid-Town Neighborhood Association, offered the most succinct example. As she addressed rally goers in July 1982, “Ernie Lacy’s unjustifiable death is a terrible symbol of the blatant refusal of America’s political and economic system to provide what we all grew up believing was ours: ‘Liberty and justice for all.’” She continued:

What the people who taught us that...are most afraid of is that sooner or later we will see through all those fine words about the American Dream, about the classless society where all of us are equal. And that’s exactly what’s happening now...And the truth we’re seeing is that they’ve been running a game on us for better than 200 years. It’s a game that talks a good line about justice and equality, about a democracy where anyone can make it, but somehow only a few ever do...it’s a game that encourages the few of us who do manage to “make it” to think we did because somehow we’re different...The whole point of the game is to keep us divided against each other...from acting together, in our collective self-interest...It’s a game that tries to keep us in line when we start [protesting] like we’re doing now—by telling us to calm down, back off, be reasonable, and give the system a chance to

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was not new in Milwaukee, as this dissertation attests.

work...And above all it's a game where the ultimate weapon is the constant threat—and the periodic use of—police terror.<sup>215</sup>

Indeed, for McManus, Milwaukee's policing system relied on racial and class repression operating in tandem. Economic inequality was a fault line that divided metropolitan residents, white, Black, and Brown. It was evident during the boycotts and also reflected in deteriorating economic conditions for poor and working-class people in the early 1980s. "As the economy gets worse and worse, the 'problem' will affect more and more of us every day." McManus ended her speech by affirming the class implications of Lacy's death and the victims of police terror who came before. Their deaths symbolized "the injustice and the inhumanity of [the capitalist] system's game." Police brutality stemmed from a white-controlled power structure that relegated Milwaukee's working poor to hyper-segregated, under-resourced neighborhoods. The central city not only lacked the jobs and investment people needed to survive, but was becoming a breeding ground for Milwaukee's nascent, highly racialized carceral regime. Wisconsin's developing system of mass incarceration was lubricated by aggressive police contacts with poor and working-class citizens of color. Sometimes, as was the case for Ernest Lacy, these encounters resulted in death.

The CJEL was focused on "Lacy's death, the implicated officers, and showing massive public support around that."<sup>216</sup> McManus herself deemed it "tactically unwise" to expand the coalition's demands or scope of its moral argument beyond that goal. She believed the time would come for addressing the larger socio-political and economic ills that disproportionately affected Black and Brown residents, as soon as the courts resolved the "immediate issue of [the officers'] prosecution." However, one of McManus' critiques of the CJEL was that its leaders, though "strong," allowed the issue of police brutality to be framed as "a black one" alone.<sup>217</sup> "It is to the advantage of a capitalist

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<sup>215</sup> Rally speech, July 1982, Box 2, Folder 5, "Subject File, Lacy Coalition and Police Violence, 1982-1985," Joan McManus Papers, 1970-2003, UWM Manuscript Collection 267, University of Wisconsin-Milwaukee Archives.

<sup>216</sup> McManus Papers, "Citizen's Coalition," August 5, 1981.

<sup>217</sup> McManus, "Summary of Party Work/Lessons of Police Issue in Milwaukee, 1."

system to allow and encourage the misperception that police brutality is an issue of discrimination rather than a class issue,” she wrote. McManus regretted that the coalition had not built multiracial working-class solidarity around the issue of police violence, particularly following the October 1981 beating of James Schoemperlen—a white male severely brutalized by police after being arrested for an alleged indecent exposure incident and high speed chase on the south side.<sup>218</sup> She also noted that the coalition could have better leveraged traditional “splits” between the MPA and other “labor councils,” or even between the fire and police unions. The relationship between “police repression” and the “crisis of capitalism” undermined “real democratization” and “accountability of police.” A “united,” “common analysis and direction” was sorely needed.<sup>219</sup> In keeping “the accountability question muddy,” city officials deflected from the truism that “the current role of the police is essential to the existence of capitalism.” This was “not a local problem,” but “a national one,” “directly related to changes in economic conditions.”

McManus agreed with other CJEL members that Milwaukee’s policing crisis went beyond individual bad actors and a malignant chief administrator. She articulated three “fundamental problems.” The MPD was “particularly brutal to minorities,” it was “not effective in preventing crime,” and it functioned in “a totally closed system.”<sup>220</sup> However, for too long police accountability advocates had framed racialized police violence as “‘simply’ racism, rather than racism for a reason.”

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<sup>218</sup> Schoemperlen filed a civil suit and eventually received a \$500,000 settlement. Walter Fee, “Judge Orders Probe of Alleged Beating,” *The Milwaukee Journal*, October 14, 1981, Part 1, 1; John Fauber, “Beating Recounted by Schoemperlen,” *The Milwaukee Sentinel*, March 31, 1983, Part 1, 5.

<sup>219</sup> Despite a widespread “anti-police” “mood” in the early 1980s, McManus conceded it was difficult to mobilize people without a “specific brutality case to organize around.” Struggles “ebbed and flowed,” and the work had to continue during down periods. During a “lull,” as the Lacy case moved through the MFPC’s quasi-judicial system and the courts, she and others worked on developing a tactical response when the issue “moved again,” so that the coalition could “act as a network” and “move respective constituencies along in concert [sic].” This required clear communication among member groups so that people knew where they were “likely to be going on [the] issue.” Another ongoing task was to encourage and include “emerging leaders,” “systematically raising the class issue.” CJEL leaders wanted to build a “black political machine,” but what did that mean from a perspective of working-class, multiracial solidarity. McManus, “Summary of Party Work/Lessons of Police Issue in Milwaukee,” Box 2, Folder 5, “Subject File, Lacy Coalition and Police Violence, 1982-1985,” Joan McManus Papers.

<sup>220</sup> McManus, “Summary of Party Work/Lessons of Police Issue in Milwaukee, 2.”

They rendered arguments about brutal and inept officers and criticized the police chief as “too old-fashioned to use modern or community-based crime prevention methods.” But Breier’s “total control” was not at the root of the problem, she argued. Ousting the chief and integrating the Tactical Enforcement Unit would not resolve an essential flaw embedded in law enforcement’s mission: a design to suppress poor people, especially criminalized groups of color. McManus believed that a grassroots approach was necessary that could move people “beyond the ideas that integration of the department, better policy guidelines, a new chief” would alter “the basic role of the police.” This was critical to “our work in the neighborhoods and in unions.”<sup>221</sup> She was not alone in connecting police violence, racism, poor and working-class suppression, and the urgent need for cross-racial solidarity. The Communist Party of Wisconsin, another coalition member, demanded multi-racial working-class unity to bring justice to police brutality victims and to defeat police policies “imbedded in racism.”<sup>222</sup> “As economic conditions worsen—problems of police brutality and harassment will increase,” Party Chairman Fred Blair wrote to Milwaukee officials. The MPD’s “repressive and brutal policies” extended to both white blue-collar workers and white-collar professionals, including Sugar Dee Tate—an adult dancer shot and killed by Milwaukee police after fleeing a road block in November 1981—and James Schoemperlen.<sup>223</sup> “White people in our community place their own well-being in jeopardy,” Blair insisted, “when they remain silent in the face of injustice to minorities.”<sup>224</sup> Long-standing narratives about race, crime, and policing in

<sup>221</sup> According to McManus, the police system was dependent on misperception, “clouding” the real issue. Only multi-racial working-class solidarity was the answer to Milwaukee’s policing crisis; that solidarity had to extend “beyond the white left.” Another “misperception” was that “crime prevention” was “the job of the police.” Their responsibility was ultimately class and, thus, racial suppression. “Democratizing” the MPD’s “closed system” had to occur alongside structural changes to the police bureaucracy. The existing system’s “closed nature” is central to its “survival.” McManus, “Summary of Party Work/Lessons of Police Issue in Milwaukee, 2-3.”

<sup>222</sup> Fred Blair cited policies that “allow police to terrorize the community, with liberties to stop and search citizens under any pretense; enter any home; make any comment no matter how offensive...the freedom to commit any act in the community up to and including taking innocent lives, with no fear of penalty.” Fred B. Blair, “An Open Letter to Elected Public Officials, August 24, 1981, Box 19, Folder 3, “Milwaukee Police Department, 1978-1981,” National Association for the Advancement of Colored People, Milwaukee Branch Records.

<sup>223</sup> Karen Anderson, “Six Officers Advised to Aid Death Probe,” *The Milwaukee Journal*, November 18, 1981, Part 1, 1.

<sup>224</sup> Blair, “An Open Letter to Elected Public Officials.”

Milwaukee directly undermined cross-racial working-class solidarity and helped perpetuate racialized, unstable myths about crime and safety in the city.<sup>225</sup>

*The Milwaukee Fire and Police Commission Hearing and Federal Civil Rights Lawsuit*

About seven hundred people marched down Wisconsin Ave. to rally at Civic Center Plaza on July 10, 1982 to commemorate the one-year anniversary of Ernest Lacy's death. Responding to the smaller turnout than previous demonstrations, organizers cited community frustration with the drawn out criminal-legal process in the case. By this point, the courts had dropped all criminal charges against the arresting officers. Michael McGee also noted the threat of police intimidation.<sup>226</sup> Once again, Chief Breier responded to protesters by making sure his presence and that of his riot-ready department was felt. The demonstration's theme was calling for the dismissal of the officers who arrested Ernest Lacy and failed to provide him medical attention. The MFPC had finally scheduled a hearing on Myrtle Lacy's police misconduct complaint. "We are still, one year later, demanding justice," Howard Fuller told the crowd.<sup>227</sup> "Finally they're doing something," Myrtle Lacy observed.<sup>228</sup>

The MFPC hearing did not start for another month. MPA attorneys forced a delay through

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<sup>225</sup> For example, as McManus argues, Mayor Maier and Chief Breier perpetrated a myth—that they “‘saved” the good people of Milwaukee from being harmed by the bad people” during the 1967 civil disturbance. An extended police occupation of Black “Inner Core” neighborhoods—well after the MPD and Wisconsin National Guard had tempered a minor uprising—left “the clear impression that the entire city continued to face grave danger at the hands of the northside black community.” Chief Breier’s leadership was premised on the false dichotomy that “there are the ‘good people’—your hardworking, law-abiding white worker and the ‘bad people’—shiftless criminals who are blacks and radicals.” This “effectively prevented any unity among the diverse elements of Milwaukee’s working class.” Breier willfully “set himself up as a lightning rod” and “forced a polarization that invariably broke down on neighborhood and racial lines.” When the economic recession of the 1970s began eroding both Maier and Breier’s primary base of support, the combination of plant closures, job losses, diminishing federal aid, and increasing taxes combined with worsening police-community relations to create a serious public image problem for Milwaukee and the MPD. Negative media coverage gave rise to “growing dissatisfaction on the part of downtown investors,” whose political support was vital to the Maier regime. Opposition to Breier’s “oppressive rule” grew more broad-based and better organized, including Latinx, women’s, and largely white neighborhood groups. McManus, “Summary of Party Work/Lessons of Police Issue in Milwaukee.”

<sup>226</sup> “March, Vigil Recall Lacy’s Death,” *The Milwaukee Journal*, July 10, 1982, Part 1, 3.

<sup>227</sup> “March, Vigil Recall Lacy’s Death,” *The Milwaukee Journal*, July 10, 1982, Part 1, 3.

<sup>228</sup> Kandace Hawkinson, “Police Panel Agrees to Hear Lacy Complaint,” *The Milwaukee Journal*, July 20, 1982, Part 2, 1.

the Circuit Court.<sup>229</sup> When it began, the commission notified all five officers—Eliopul, Dekker, Kalt, Enters, and Kmichik—that they were being charged with failing to render first aid. The three arresting officers faced charges of using excessive force.<sup>230</sup> The hearing was held in the police administration building—hardly neutral territory. Michael McGee cited an “intimidating” atmosphere.<sup>231</sup> On the contrary, MPA officials complained about Commissioner William Gore barring off-duty officers from carrying their service weapons into the courtroom. Over the course of three months, the MFPC heard from attorneys, the accused officers, police co-workers, Lacy friends and family, and additional witnesses. As the hearing proceeded, State Representative Spencer Coggs (D-Milwaukee) worked to muster support for a bill in the Wisconsin legislature that would make it illegal for the police to use excessive force while making an arrest, or to allow other officers to abuse a person in custody.<sup>232</sup> The measure also rendered it a criminal offense if police failed to administer first aid to persons in their custody who required medical attention. Coggs specifically introduced the bill in response to the Lacy killing and Schoemperlen beating. While the measure was tabled in April 1983 (56-41 vote), the freshman assemblyman successfully attached a compromise version that included only the first aid provision in the legislature’s budget bill.<sup>233</sup> Democratic Governor Tony Earl signed it, making the “Lacy Law” official in July 1983.<sup>234</sup>

On May 20, 1983, the MFPC announced a verdict in its disciplinary hearing, finding only Thomas Eliopul guilty of using excessive force. All the commission ruled all five officers, however,

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<sup>229</sup> “Judges Clear Way for Lacy Hearing,” *The Milwaukee Journal*, January 27, 1983, Part 2, 10.

<sup>230</sup> Ralph D. Olive, “Lacy Hearing Ends as Lawyers Offer Arguments,” *The Milwaukee Journal*, May 6, 1983, Part 2, 1.

<sup>231</sup> “Lacy Coalition Leader Says Hearings Are Intimidating,” *The Milwaukee Journal*, March 30, 1983.

<sup>232</sup> Coggs’ proposed bill imposed felony penalties of a \$10,000 fine and up to five years in prison. Robert Kliesmet and the MPA opposed the bill citing the sufficiency of existing law. Charles E. Friederich, “Police Felony Bill Falts in Assembly,” *The Milwaukee Journal*, April 27, 1983; Editorial Board, “When Police Turn to Force,” *The Milwaukee Journal*, May 12, 1983, Part 1, 18; Richard P. Jones, “Coggs’ Fight on Lacy Bill Stalls in Legislature,” May 19, 1983.

<sup>233</sup> Coggs’ compromise version made the failure by police officers to administer first aid a misdemeanor, not a felony offense. Gregory D. Stanford, “A Rule for Police in Budget Bill,” *The Milwaukee Journal*, July 6, 1983, Accent, 2.

<sup>234</sup> “Lacy Case Prompts First-Aid Law,” *The Milwaukee Sentinel*, July 4, 1983, Part 2, 1.



guilty of “failure to give aid.”<sup>235</sup> Nearly another month went by before the MFPC provided disciplinary terms. Not firing the officers, Myrtle Lacy said at a final hearing, “would be the worst miscarriage of justice since Reconstruction.”<sup>236</sup> If a touch hyperbolic, Lacy’s comment signified the depths of her family’s pain and the profound mistrust they felt towards a criminal-legal process that once began hopeful and had gradually devolved into a prolonged spectacle of injustice. MPA attorney Gerald Boyle countered Mrs. Lacy by arguing his clients did their jobs properly— “If you don’t want anarchy, you better have good police officers, and a good police department, which I think we have.”<sup>237</sup> In the end, only Eliopul was terminated for “using excessive force”—a first for the city and MFPC on a complaint of racialized police violence. Myrtle Lacy called the decision “a measure of justice.”<sup>238</sup> The other four officers received sixty day suspensions.<sup>239</sup> The commission also removed Dekker and Kalt from the Tactical Enforcement Unit. The MPA, naturally, appealed the ruling to the Circuit Court, only to lose their case a year-and-a-half later in a final victory for the Lacy family. With the disciplinary process behind her, Myrtle Lacy filed a federal civil rights lawsuit against the City of Milwaukee, Chief Breier, and the five officers involved in her son’s death. The case was eventually settled for \$600,000 in the fall of 1985, on the same day that jury selection in the federal trial was set to begin.<sup>240</sup> It was the third major settlement City Hall made in resolving an alleged civil rights violation in an eighteen-month span, including a \$1,600,000 payout to the family of Daniel Bell. The City Attorney’s office insisted the Lacy settlement did not indicate an admission

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<sup>235</sup> In a final victory for the family, Judge Ralph Adam Fine upheld the MFPC’s dismissal of Eliopul and suspensions of Dekker, Kalt, Kmichik, and Enters in December 1985. It was not “in the public interest to paralyze police officer action by second-guessing decisions made in the field in good faith under hazardous conditions,” the judge stated.” However, the public must be protected from those few officers who abuse their authority.” Dave Hendrickson, “Officers in Lacy Case Lose Appeal,” *The Milwaukee Journal*, December 2, 1985, Part 1, 1, 12.

<sup>236</sup> “Officers, Lacy Family Plead Cases,” *The Milwaukee Journal*, June 14, 1983, Part 2, 17.

<sup>237</sup> Ralph D. Olive, “Panel Ends Lacy Hearing,” *The Milwaukee Journal*, May 6, 1983, Part 2, 6.

<sup>238</sup> Kenneth R. Lamke, “1 Officer in Lacy Case is Fired; Four Suspended,” *The Milwaukee Sentinel*, June 17, 1983, Part 1, 1.

<sup>239</sup> Kenneth R. Lamke, “1 Officer in Lacy Case is Fired; Four Suspended,” *The Milwaukee Sentinel*, June 17, 1983, Part 1, 1.

<sup>240</sup> The Lacy family’s attorneys received \$150,000 of the settlement. Walter Fee and Mark Ward, “Lacy Suit Settled for \$600,000,” *The Milwaukee Journal*, September 30, 1985, Part 1, 1.

of guilt. It was merely a less expensive means of ending “an emotional case.”<sup>241</sup>

### *The “Breier Bill” and the End of Reactionary Law-and-Order in Milwaukee*

The Coalition for Justice for Ernest Lacy’s efforts to garner police accountability occurred at the tail end of a roughly ten-year process of recalibrating the administrative terms of police power in Milwaukee. Citizens, the courts, federal agencies, state and municipal legislatures all contributed to a complex process of shifting law enforcement power from the police chief to the MFPC and elected officials. In 1984, this transition manifested in Senate Bill 56 (SB56), or what local newspapers dubbed, the “Breier Bill.” SB56 was a revision to the 1911 policing statute that bestowed politically independent, lifetime authority on Milwaukee police chiefs.<sup>242</sup> Since 1964, at the outset of his tenure, Harold Breier relished in having the power to write, revise, and interpret all police rules and regulations for the MPD.<sup>243</sup> SB56 ensured that those powers and privileges belonged to the MFPC.

An overarching purpose of this dissertation has been to explain the wider trajectory of this shift in police authority, highlighting the central role that Black citizens, community activists, and civil rights organizations have played in bringing it to pass. The CJEL’s campaign for police accountability—combined with a reopened Bell case and the legal activism of Black police officers—added to a chain of events that ended what had long been the core element of Milwaukee’s narrative of policing exceptionalism: the seemingly untouchable state power invested in police administrators. This confluence of forces, which sprang from the people, not only compelled Chief Breier to retire in 1984 at the age of seventy-two, but established a new playing field for police accountability advocates eager to guarantee a more racially just and humane policing system.<sup>244</sup>

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<sup>241</sup> “Lacy Suit Settled for \$600,000.”

<sup>242</sup> Paul Bargren, “Breier Bill: Control or Chaos,” *The Milwaukee Journal*, March 22, 1984, Part 2, 1.

<sup>243</sup> He also had state-sanctioned freedom from external political oversight and interventions, which he leveraged constantly.

<sup>244</sup> Jo Hansen, “Chief to End 44-Year Career,” *The Milwaukee Journal*, May 1, 1984, Part 1, 1.

The first noticeable chinks in Harold Breier's armor appeared in 1977, when, at a public hearing, State representative Edward McClain (Wausau-D) requested a copy of the MPD's "General Rules and Regulations."<sup>245</sup> Breier declined to provide the manual. Two circuit court judges subsequently ruled it was a "public record" and admissible for review. Legislators then passed a bill authorizing the MFPC to annually inspect all police rules and regulations. While Breier remained empowered to write and implement rules, the commission could now apply a "civilian review of police conduct and efficiency."<sup>246</sup> Around this time, Milwaukee state representatives Warren Braun and Marcia Coggs authored separate measures that limited the terms of police and fire chiefs to ten years or less, with the Common Council authorized to set tenure limits.<sup>247</sup> A compromise version of the bills passed and the Milwaukee Common Council decided on seven-year terms for police and fire chiefs, with expiration dates in off-election years.<sup>248</sup> However, the new law featured an important caveat: the current chiefs' tenures would remain indefinite.<sup>249</sup>

Liberal police bureaucrats and the press sensed a new era of accountability. After the bill passed, a headline in *The Milwaukee Courier* read: "FPC Finally on Side of Citizens."<sup>250</sup> The MFPC's only Black member, William Gore, called the 1977 law "long overdue." The commission, under Gore's leadership, began flexing its state-sanctioned powers. It formed a Rules and Complaints Committee. For the first time ever, the MFPC suspended hundreds of police regulations.<sup>251</sup>

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<sup>245</sup> This particular set of rules originated in 1950 and were last updated in 1968. Daniel P. Hanley, Jr., "Legislature, Courts Teamed to Make Rules Public," *The Milwaukee Journal*, November 6, 1977, Part 2, 1.

<sup>246</sup> "FPC Finally on Side of Citizens," *The Milwaukee Courier*, November 4, 1978, 4.

<sup>247</sup> "Chief's Tenure Bill Advances," *The Milwaukee Journal*, March 30, 1977, Part 2, 1.

<sup>248</sup> "New Chiefs on Good Terms," *The Milwaukee Journal*, December 31, 1977, Part 1, 8.

<sup>249</sup> Breier remained politically powerful. Reaching a deal on the legislation meant leaving his personal length of tenure untouched. Lawmakers expected him to retire soon, regardless. Other state proposals in the late 1970s called for the MFPC to review and, as needed, change police rules. Milwaukee Democrats, like Mordecai Lee, hoped this would "increase accountability and responsiveness." Damien Jaques, "Breier, Braun Take Flack," *The Milwaukee Journal*, March 1, 1977, Part 2, 3.

<sup>250</sup> "FPC Finally on Side of Citizens," *The Milwaukee Courier*, November 4, 1978, 4.

<sup>251</sup> A surprisingly controversial change made by the MFPC was allowing off-duty police the option to leave their service weapons at home when they drank in bars, so as to prevent violent incidents. It was previously required that all off duty police carry their service weapons at all times. "Ban on Off-Duty Police Guns While Drinking Sought," *The Milwaukee Courier*, August 9, 1980, 1; David M. Novick, "Breier's Iron Fist Opened Slightly," *The Milwaukee Courier*, September 30,

Chairman Gore specifically looked to address the MPD's use of deadly force regulations (or lack thereof). Police rules, many believed, granted police officers too much discretion. The commission wanted to establish a mechanism for conducting external audits of Special Assignment Squad dossiers. Doing so, Commissioner Gore added, would "keep people from having their rights violated by the police."<sup>252</sup> Civil rights activists then sued the MPD to release secret dossiers on their actions.<sup>253</sup> Two Black aldermen voiced their opposition to funding "all-white" Tactical and Special Assignment Squads and called for a public budget hearing.<sup>254</sup> The MFPC also addressed Breier's strict internal regulations. For example, they reinstated a mixed-race police couple he had fired for violating a policy on unmarried "cohabitation." Gore was careful not to make it appear as if the MFPC wanted to take over all police operations. Their objective was to "write rules where there is a void, where we suspended something and the police chief doesn't come up with a new rule. That's more limited than writing whatever we want."<sup>255</sup> Nevertheless, sorting out police power remained complicated, as Chief Breier refused to recognize the MFPC's new rule-making authority.

Grassroots efforts to revise police rule-making and oversight converged with related campaigns to remove Breier from office. A number of member organizations in the CJEL spent the better part of the 1970s trying to implement community control of the police, pushing for state legislation that would redefine the terms of police power, and attempting to "oust" Breier from his elevated perch. Black and allied accountability advocates began a petition to remove him from office in November 1979.<sup>256</sup> Their goal was to reach 50,000 signatures by the 1980 primary election.<sup>257</sup>

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1978, 1.

<sup>252</sup> The MPD was charging residents \$3.50 to view heavily redacted versions of their Red Squad files. Scott Anderson, "FPC Committee May Seek Deadly Force Rule Change," *The Milwaukee Courier*, August 23, 1980, 1, 12.

<sup>253</sup> "Brier [sic] Sued for Political Dossiers," *The Milwaukee Courier*, January 20, 1979, 1.

<sup>254</sup> The Black city councilors called for a public budget hearing to discuss police funding. David M. Novick, "Commission Clips Breier's Wings," *The Milwaukee Courier*, September 30, 1978, 4.

<sup>255</sup> "Commission Likely to Get Rule-making Power," August 1, 1979, Box 140, Folder 11, "Police Department, October-December, 1979," Records of Mayor Henry W. Maier Administration.

<sup>256</sup> "Anti-Breier Petition Seeks New Police Standards," *The Milwaukee Courier*, December 15, 1979, 1, 12.

<sup>257</sup> In two weeks, it gathered more than 5,000 signatures. The Coalition to Oust Chief Breier eventually garnered more

Activists were prepared to sue if city officials balked at the petition. The ad hoc Committee for Democratic Police said it would use the petition to spell-out a revised strategy for hiring a replacement chief. The petition called for an end to Detective Bureau and Special Assignment Squad spying on activists; compliance with MFPC review protocols; cooperation with the Common Council on budget review processes; an immediate end to police targeting of racial minorities; and an expanded affirmative action policy for police hiring. The UBCC's Michael McGee argued that Breier engaged in "malfeasance of office" when he refused to cooperate with the DOJ's 1979 investigation into police shooting deaths. "It is not only the minority community that is oppressed," he stated, "but a wide cross section of the community is upset."<sup>258</sup>

The MPD, on the other hand, framed the petition as a direct threat to Breier.<sup>259</sup> The chief had officers investigate the petition campaign. But the support Breier had long received, almost reflexively from city officials, was starting to wane. Mayor Maier wrote to the MFPC that Breier might no longer be up to the task of developing a modern police force.<sup>260</sup> The chief's replacement would, the mayor said, have to deal effectively with affirmative action mandates, work with neighborhood association block clubs on community-oriented policing, and be skilled at navigating police labor relations. Momentum was shifting among the people too. A public opinion survey found that fifty-four percent of residents were now dissatisfied with Chief Breier's performance.<sup>261</sup>

Participating members of the renamed Coalition to Oust Breier (COB) comprised the backbone of the CJEL in 1981.<sup>262</sup> The group was "more than just 'militants and radicals,'" Michael

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than 38,000 signatures. "Common Council Members Urged to Act against Breier; Public Hearing Set," *The Milwaukee Courier*, August 30, 1980, 3.

<sup>258</sup> McGee called Breier "an unchecked military dictator" empowered to "declare war on the community." "Anti-Breier Petition Seeks New Police Standards," *The Milwaukee Courier*, December 15, 1979, 1, 12.

<sup>259</sup> "Police Considering Remarks as Threats against Breier," *The Milwaukee Courier*, February 9, 1980, 1.

<sup>260</sup> In Spring 1980, the mayor wrote Fire and Police Commissioner Arlene Kennedy about the need to "move quickly" in searching for a new chief. Mayor Maier to Arlene Kennedy, March 25, 1980, Box 140, Folder 12, "Police Department, January-May, 1980," Records of Mayor Henry W. Maier Administration.

<sup>261</sup> "Anti-Breier Signatures Now in City Hands," *The Milwaukee Courier*, August 2, 1980, 1, 11.

<sup>262</sup> They included UBCC, the Protect Political Rights Committee, the Milwaukee Chapter of the National Alliance against

McGee remarked. It included the UBCC, Milwaukee Women’s Coalition, United Worker’s Organization, Committee for a Democratic Police, Gay Peoples Union, Project Respect, and Progressive Student Forums of the University of Wisconsin-Milwaukee and Marquette University.<sup>263</sup> The COB fought to include a ballot referendum on the chief’s resignation in November.<sup>264</sup> Among its motivations were Breier’s refusal to allow for community input on policing issues, his tolerance for police abuse of African Americans, Latinx residents, and Native Americans, and “his callous disregard for the safety of women in the city.”<sup>265</sup> Spokesman John Hagedorn called the petition “the only option we have” considering the high level of opposition to passing a state law that would compel police chiefs to retire at age seventy.<sup>266</sup> The COB quickly surpassed 30,000 signatures, with organizers collecting names at public events, like the annual Summerfest concerts. Still, they missed the 50,000 signature mark. The Common Council voted down the referendum, 11-5.

Although Breier remained in power, the COB contributed to “a growing atmosphere” of pressure for the state legislature to “change the 1911 law” empowering Milwaukee police chiefs for life.<sup>267</sup> Senate Bill 56—“relating to the powers of the Milwaukee Fire and Police Commission”—passed the Wisconsin Assembly’s criminal justice committee on February 3, 1984.<sup>268</sup> The measure, according to the Greater Milwaukee Conference on Religion and Urban Affairs, compelled police

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Racist and Political Repression, Project Respect, Inc., the Milwaukee Southern Christian Leadership Conference, ABATE of Milwaukee, Fight Back, and the United Workers Organization. “Anti-Breier Petition Seeks New Police Standards,” *The Milwaukee Courier*, December 15, 1979, 1, 12.

<sup>263</sup> The COB formed in Summer 1980.

<sup>264</sup> The COB had to collect just under 30,000 signatures from registered voters, or fifteen percent of the voting public. The petition asked the Mayor and Common Council to remove Breier from office if he resisted. “Anti-Breier Signatures Now in City Hands,” *The Milwaukee Courier*, August 2, 1980, 1, 11.

<sup>265</sup> “Breier,” *The Milwaukee Courier*, June 7, 1980, 11.

<sup>266</sup> Scott Anderson, “Breier Ouster Effort Surpasses Needed Signatures,” *The Milwaukee Courier*, July 19, 1980, 1.

<sup>267</sup> The Milwaukee Common Council held a hearing on whether to remove Chief Breier on September 16, 1980. They also voted on whether to put a referendum on Breier’s tenure on the November ballot. “Common Council to Hold Hearing Tuesday on Breier Removal,” *The Milwaukee Courier*, September 13, 1980, 1. “Petition Drive Against Breier Begins,” *The Milwaukee Courier*, June 7, 1980, 1; “Supreme Court Refuses to Hear Arguments on Breier Referendum,” *The Milwaukee Sentinel*, October 4, 1980, Part 1, 5.

<sup>268</sup> The bill passed on a 6-5 vote. It then went before the Rules Committee, which determined whether it would make it to the floor for a final vote. “Legislative Alert!” February 3, 1984, Greater Milwaukee Conference on Religion and Urban Affairs, Box 2, Folder 5, “Subject File, Lacy Coalition and Police Violence, 1982-1985,” Joan McManus Papers.

administrators to “conform to basic standards of good public administration.”<sup>269</sup> Governor Tony Earl signed the bill into law in March.<sup>270</sup> The measure signaled the end of city officials claiming they had no authority to hold police accountable. The statute better explained the intent of the 1977 law that revised Ch. 586 by granting the MFPC the “authority to make and revise department rules” and review policies that regulated police operations.<sup>271</sup> Milwaukee police chiefs reported to the MFPC, and the MFPC to the Mayor and Common Council. The police chief was in charge of running their department, but with enhanced political oversight. The new law also delineated that the mayor and Common Council were in charge of the police budget, which had reached \$97 million by 1984.

Frustrated by a changing public safety landscape, Harold Breier announced his retirement from the MPD on May 1, 1984.<sup>272</sup> “The special interest groups and the leftists” won this time, he said in a press conference. But he denied that police accountability activists alone had influenced his decision: “There wasn’t any one thing that made me retire... This is the time when the department is at the top... There’s going to be changes—changes which I will have no part of... In my opinion, [politicizing the police department] is a terrible mistake. We’re going back to the days of 1911.”<sup>273</sup> Breier’s retirement spelled the end of unrestrained reactionary law-and-order as a strategic approach. Subsequent MPD chiefs came to embrace “community-oriented policing” as a crime prevention strategy and utilized more proactive enforcement tactics. But they also continued to apply aggressive discretionary practices in low-income Black and Brown “high crime” areas. It took time to supplant the generation of officers trained under Breier’s “us-versus-them” mentality. As of 1991, three out of four had served under him.<sup>274</sup> Harold Breier’s legacy remained powerful.

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<sup>269</sup> “Legislative Alert!”

<sup>270</sup> Paul Bargren, “Breier Bill: Control or Chaos?” *The Milwaukee Journal*, March 22, 1984, Part 2, 1.

<sup>271</sup> “Legislative Alert!”

<sup>272</sup> He stayed on the force until June 30, 1984.

<sup>273</sup> Jo Hansen, “Chief to End 44-Year Career,” *The Milwaukee Journal*, May 1, 1984, Part 1, 1.

<sup>274</sup> Gregory D. Stanford, “Breier Tradition of Anti-Community Must Be Broken,” *The Milwaukee Journal*, August 21, 1991.

## *Conclusion*

For decades, police accountability advocates had demanded increased Black representation, community input, and civilian oversight within Milwaukee's police bureaucracy. The revived Daniel Bell case, the CJEL's movement, and a related campaign to oust Chief Breier from office brought them closer than ever to those long-standing demands. For the first time in the city's history, a lethal act of police violence committed against a Black citizen led to a guilty inquest jury verdict and the firing of the officer responsible. Coupled with the revision of the 1911 statute that authorized public safety chiefs with policymaking authority and the settlement of a lawsuit filed by Black officers to establish a more equitable hiring, assignment, and promotions process, the mid-1980s marked an apparent turning point in Milwaukee's struggle for police accountability.

Senate Bill 56 redirected policymaking authority away from the police chief and located it with a, theoretically, more accountable, mayor-appointed public safety board. The MFPC was, many believed, better equipped to take on the city's civilian complaint review function. For instance, it could now improve police rules for conducting independent internal investigations on public complaints against allegedly abusive officers. The law also delivered a blow to the long-standing narrative of policing exceptionalism that, for a century, had bolstered the MPD's outward sense of legitimacy. That persuasive story of crime control efficiency, reform innovation, and professionalism was rooted in a virtually all-white, politically-independent police force that drew strength from exploiting Black peoples' economic precarity and ongoing criminalization. The revised statute suggested a more racial- and gender-inclusive narrative was in the offing.

At the same time, policing remained the most viable method for answering urban problems rooted in economic racism, Black joblessness and poverty. Shifting police power from one agency to another did not address the structural issues that engendered crime on Milwaukee's north side and,



thus, communal demands for preventative law enforcement. The CJEL did not focus on the economic underpinnings of racialized police violence. Instead, the group narrowly focused on securing justice for Ernest Lacy's family. That kept the public's attention on issues of police brutality and racism's harmful impact on Black lives. The coalition's strategy worked in terms of garnering officer discipline, a monetary sum for the family, and a procedural change to how police responded to arrestees in need of medical attention.

But it avoided a more far-reaching analysis of the economic conditions and racial politics that justified "get tough" policing and punishment in America's Black urban spaces.<sup>275</sup> CJEL members were sure to find themselves in the streets once again challenging police racism and violence as future incidents occurred in Milwaukee's hyper-segregated streets. Like most police accountability coalitions that preceded them, the CJEL did not question the legitimacy of law enforcement as a public good. This limited more far-reaching solutions within the collective movement. Imagining a world without police was not only unthinkable, it was undesirable; most Black citizens longed for equitable police protection for their families, communities, and property.<sup>276</sup> As such, police accountability advocates tended to frame demands for police reform in procedural terms that continued to validate the MPD's crime control and order maintenance functions.<sup>277</sup>

Nevertheless, that Howard Fuller and Michael McGee kept such a large, ideologically diverse coalition grounded, so as to achieve a common goal, is commendable. Myrtle Lacy, too, provided

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<sup>275</sup> On "get tough" politics, see: Julily Kohler-Hausmann, *Getting Tough: Welfare and Imprisonment in 1970s America* (Princeton: Princeton University Press, 2017).

<sup>276</sup> On Black demands for more and fair policing, see: Michael Javen Fortner, *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment* (Cambridge, MA: Harvard University Press, 2015); James Forman, *Locking Up Our Own: Crime and Punishment in Black America* (New York: Farrar, Straus and Giroux, 2017).

<sup>277</sup> Demands included the punishment of abusive officers; the revision of police oversight structures so that *all* residents could access formal complaint reviews; the expansion of minority representation so as to effect more culturally responsive policing; and ensuring that citizens of color gained a meaningful voice in law enforcement rule-making. Victories were rare, mostly because the city's white power structure was unwilling to share authority, despite often drawing mutual interest from both aggrieved Black citizens and liberal power brokers. Milwaukee's shifting racial politics moved slowly, despite a growing Black and Latinx population.

inspirational and consistent leadership as a proud Black woman willing to lay her own vulnerabilities on the line after experiencing the heartbreaking loss of a son. This provided a model that Maria Hamilton, Sonia Moore, and other Black mothers have followed amid subsequent campaigns for justice and procedural reform after losing children to police violence.<sup>278</sup> Black women like Lacy, indeed, often served as both the organizational backbone, “bridge” and front-facing leadership of grassroots campaigns for police accountability, much as they did in ancillary civil rights struggles.<sup>279</sup>

Whether the reforms garnered by the Lacy coalition translated into fairer, more culturally responsive and just policing on the north side was mitigated by contextual factors. The movement cohered at a historical juncture when the economic bottom was falling out from under Black Milwaukee. Rising poverty, drug addiction, youth gang formation, and surging joblessness; a shrinking social safety net; and diminishing political support for rehabilitative measures ensured that both crime and police brutality would go on unless sweeping structural changes were advanced. Combined with the Reagan administration’s budget austerity and retributive federal criminal justice policies, a more robust policing presence saturated Black Milwaukee neighborhoods and racially transitioning urban communities, leading to fresh conflicts and lethal encounters.

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<sup>278</sup> Sonia Moore was the mother of Derek Williams, who was killed in police custody in 2011. Marti Mikkelson and Associated Press, “City of Milwaukee Reaches Tentative Settlement with Derek Williams’ Family,” *WUWM*, May 7, 2019, accessed May 7, 2019, <https://www.wuwm.com/post/city-milwaukee-reaches-tentative-settlement-derek-williams-family>. Maria Hamilton, mother of Dontre Hamilton (killed by a Milwaukee police officer in 2014) founded the organization Mothers for Justice United and led the 2015 Mothers March in Washington D.C., which challenged racialized state violence and called for institutional accountability from the U.S. Justice Department. Ashley Luthern, “For Memory of Sons, Maria Hamilton Plans Mother’s March on D.C.,” *The Milwaukee Journal-Sentinel*, March 28, 2015, accessed May 22, 2020, <http://archive.jsonline.com/news/milwaukee/for-memory-of-sons-maria-hamilton-plans-mothers-march-on-dc-b99469703z1-297847921.html/>.

<sup>279</sup> On “bridge” leadership, see: Belinda Robnett, *How Long? How Long?: African-American Women in the Struggle for Civil Rights* (New York: Oxford University Press, 1997). On Black women in the Black Freedom Struggle, see: Barbara Ransby, *Ella Baker and the Black Freedom Movement: A Radical Democratic Vision* (Chapel Hill: University of North Carolina Press, 2003); Peter B. Levy, *Civil War on Race Street: The Civil Rights Movement in Cambridge, Maryland* (Gainesville: University Press of Florida, 2003); Peter J. Ling, Peter John Ling, Sharon Monteith, *Gender and the Civil Rights Movement* (Newark: Rutgers University Press, 2004).

## EPILOGUE

From the hiring of the Milwaukee Police Department's (MPD) first Black patrolman in 1924 through the passage of a state law that reset the administrative terms of police power in 1984, Milwaukee's Black-led struggle for police accountability stayed broadly reformist in nature. Altering the dominant law enforcement system so that it better served and worked more effectively for minoritized citizens was its main objective.<sup>1</sup> As such, the goal was not to fundamentally transform how the city imagined and advanced public safety and the distribution of resources, free of all racial, class, gender, and sex coercion, surveillance, and violence. Instead, the movement's reformist agenda upheld the common assumption that "policing," as a concept, keeps people safe. Accountability, access, and transparency were necessary, but law enforcement also had important crime control and order maintenance functions to sustain. Otherwise, society would devolve into chaos and harms against law-abiding citizens would proliferate.

A diverse, mostly middle-class-led police accountability movement coalesced in mid- to late-20<sup>th</sup> century Milwaukee. Mobilizations and organizing often followed racialized police killings and moments where the MPD had failed to abide by either racial liberal or progressive-left expectations. The movement placed its faith in changing a state criminal-legal apparatus and municipal police bureaucracy that had always defended white supremacy, property rights, hetero-patriarchy, and the traditional civic order at the expense of a growing poor, low-income and working-class minoritized population. Most community organizations and political allies collaborating in the city's struggle for police accountability pursued an updated "liberal law-and-order" vision that embraced diversity, human relations training, community-oriented policing, and civilian review of police actions.<sup>2</sup> While

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<sup>1</sup> "Effectively," in this context, means that Milwaukee police equally respected the needs and rights of economically upright, middle, working, and professional-class non-white citizens. BIPOC youth and the poor largely stood on the outside looking in, as they negotiated the city's revised liberal law-and-order system of the late-20<sup>th</sup> century.

<sup>2</sup> On post-1960s liberal law-and-order policing, see: Max Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD* (Chapel Hill: University of North Carolina Press, 2018).

liberal law-and-order incorporated democratic principles, it also grew police power. The approach, as historian Max Felker-Kantor has argued, “combined a commitment to police accountability while enabling the expansion of [law enforcement’s] crime-fighting role.”<sup>3</sup> Liberal law-and-order operated according to the postwar “harm principle” that the aggressive policing of crime that threatened lives and property was justified. After the 1960s, the theory integrated the more conservative idea that offenders, chiefly the Black urban poor, deserved harsh punishments.<sup>4</sup> Rehabilitation, anti-poverty resources, and second chances only indulged, what came to be known as, “rational” crime actors.<sup>5</sup>

That said, some within Milwaukee’s Black-led struggle for police accountability, including the city’s first iteration of its short-lived Black Panther Party chapter, recognized the uneven power dynamics at play. They made connections between law enforcement and the exploitative racial capitalist arrangements that preserved Milwaukee’s color line. While unchecked police repression and a complicit criminal-legal system curtailed Black Power’s ideological potency within the city’s police accountability movement, articulations of community control of the police and self-determined visions of public safety at the neighborhood level signified a progressive undercurrent that still flows beneath the city’s conventional political waters. Present demands to defund the MPD and invest taxpayer resources into BIPOC (Black, Indigenous, People of Color) community health and housing initiatives are a legacy of this grassroots, progressive-left thread. Such radical visions persist despite PIC (Prison Industrial Complex) abolitionism’s subordinated place within an overall accountability struggle more content to co-opt Black radical perspectives than center them outright.<sup>6</sup>

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<sup>3</sup> Max Felker-Kantor, “Liberal Law-and-Order: The Politics of Police Reform in Los Angeles.” *Journal of Urban History* 46 (5) (September 2020), 3.

<sup>4</sup> On the “harm principle,” see: Christopher Lowen Agee, *The Streets of San Francisco: Policing and the Creation of a Cosmopolitan Liberal Politics, 1950-1972* (Chicago: University of Chicago Press, 2014).

<sup>5</sup> Sharon Dolovich, “Exclusion and Control in the Carceral State,” *Berkeley Journal of Criminal Law* 16 (2) (Fall 2011), 290.

<sup>6</sup> As scholar Miriam Kaba writes, PIC abolition is not only an effort to rid the world of policing, prisons, and surveillance systems. It is also “a political vision, a structural analysis of oppression, and a practical organizing strategy.” Hence, abolition is a worldview, a way of being in a restructured society. Miriam Kaba, “So You’re Thinking about Becoming an Abolitionist,” Democracy for the People, *LEVEL*, October 30, 2020, accessed October 31, 2020, <https://level.medium.com/so-youre-thinking-about-becoming-an-abolitionist-a436f8e31894>.

This epilogue interrogates why reformism has predominated in Milwaukee, and by extension the U.S. To do so, it touches on intersections of police accountability activism, social scientific crime control discourses, and the carceral political turn that exemplified policymaking around public safety issues in the “long 1970s.”<sup>7</sup> This historical moment matters, in part because BIPOC leaders in 2020—amid endemic police violence and a volatile COVID-19 pandemic—are reckoning with the racist criminal punishment system that came to fruition in this under-studied period. After decades of attempting to reform Milwaukee’s police bureaucracy, a transformed movement is demanding and experimenting with abolitionist solutions. Defunding the police and removing law enforcement from public spaces intended to generate learning, promote health, and build community are steps that build towards what Angela Davis has called “abolition democracy.”<sup>8</sup> These actions defy the limited reformist solutions of the past in Milwaukee, like the 1984 “Breier Bill,” or Senate Bill 56 (SB56). While that measure shifted police policymaking authority to a more representative, mayor-appointed civilian review commission, it also maintained the police department’s state-sanctioned legitimacy, refashioned the MPD’s impunity, and ensured an expanded police budget that drew funding away from urgently needed social and economic programs that would have better fostered health, wellness, and employment for African Americans and other minoritized groups.<sup>9</sup>

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<sup>7</sup> On the emerging “crime problem,” see: Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts. *Policing the Crisis: Mugging, the State, and Law and Order* (London: The Macmillan Press LTD, 1978), 23. As the authors note, “The crime problem referred to here is not the problem of ‘white-collar’ frauds and tax evasion, nor even the problem of professional organised crime, and the legendary Mafia. What crime ‘means’, in these reports, is something completely different: the sudden attack, the brutal assault, the brazen threat; the ‘amateur’, uncouth and arrogant ‘face-to-face’ street and apartment encounters with young blacks/drugtakers desperate either for cash or a quick fix...” On the “long 1970s,” see: Bruce J. Schulman, *The Seventies: The Great Shift in American Culture, Society, and Politics* (New York: Simon and Schuster, 2001), 4.

<sup>8</sup> Invoking W. E. B. Dubois’ framing of what was required of U.S. institutions to incorporate newly freed Black people into the national order during Reconstruction, Davis has called for the “creation of an array of social institutions that would begin to solve the social problems that set people on the track to prison.” Police racism is among the most visible of social problems. Angela Y. Davis and Eduardo Mendieta, *Abolition Democracy: Beyond Empires, Prisons, and Torture; Interviews with Angela Y. Davis* (New York: Seven Stories Press, 2005), 95.

<sup>9</sup> The 1984 “Breier Bill,” or Senate Bill 56, tangibly shifted the terms of police power in Milwaukee. It enabled the MFPC—which had slowly become more representative of Milwaukee’s population—to set all public safety regulations for the city. In addition to vesting the nation’s oldest civilian-led fire and police review board with policymaking authority, the 1984 law granted Milwaukee mayors veto power over rule changes and gave the Common Council the right to suspend policies. SB56 also empowered City Hall with the ability to appropriate funds for special law

### *Squaring Police Accountability and Crime Control in the Long 1970s*

Archival evidence suggests that police accountability advocates in Milwaukee during the long 1970s tended to conceive of public safety through a moderate political lens that framed law enforcement as institutionally vital to addressing urban ills—from crime, to poverty, to joblessness, to mental health crises. The most pressing problems for police reform advocates were the MPD’s outmoded leadership and racially oppressive function. They were frustrated by Chief Breier’s rejection of community-oriented policing concepts, which he viewed as a threat to his autonomy. To most reformers, the MPD required liberalization, oversight, and a renewed commitment to working with diverse public and private community partners—organizations, non-profits, and commercial enterprises. Implementing such changes would lead to a more useful, less racist law enforcement system. Movement actors championed integration and promoted a return to the renowned era of policing exceptionalism that prevailed in the 1930s and 1940s, before postwar Black migration, white racism, and civil rights insurgency re-shaped the MPD as a reactionary law-and-order regime. Perfecting law enforcement liberalism via technocratic adjustments, expanded diversity, and enhanced oversight would, in theory, result in fewer opportunities for racialized police violence to occur. It would also impose tangible consequences when police abused their authority and help guarantee a more orderly and productive city.

This liberal law-and-order framework called for regulating crime in a more culturally responsive, competent, and procedurally just way. According to MPD crime reporting, law violations disproportionately transpired on Milwaukee’s predominantly Black north side and in

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enforcement projects and to determine the number of officers assigned to them. Such projects included a neighborhood “foot patrol” pilot program, which drew heavy support from Milwaukee’s growing community association movement. Paul Bargren, “Breier Bill: Control or Chaos?” *The Milwaukee Journal*, March 22, 1984, Part 2, 1; Gregory Stanford, “Bill May End Police Tyranny,” *The Milwaukee Journal*, March 7, 1984, Part 2, 6.

adjacent, racially-transitioning urban neighborhoods. While Black families historically felt disrespected and threatened by the mostly white, hostile police force occupying their communities, they also shared concerns about the MPD's longstanding neglect in dealing with interpersonal crime. The latter unduly harmed Black people living in the city's most under-resourced and criminalized areas. Flagging economic conditions and the federal government's retreat from investing in liberal social welfare programs and community action agencies throughout the long 1970s compounded crime fears, generating broad public support for more efficient policing when, for instance, drug and gang-related crime started to increase in the early 1980s.<sup>10</sup> State budgets began to deliberately prioritize the policing of criminalized urban spaces and building new prisons to warehouse freshly convicted arrestees ahead of social welfare improvements and protections of the social wage.

In this revanchist context, easing public anxieties around crime grew as a concern for many liberal police reform advocates. It became a more persuasive issue for middle-class community organizations, some of whose members had joined campaigns for police accountability in the late 1960s and 1970s. Well-meaning liberal social reformers, in addition to conservative voices, filtered rising crime fears through a fraught "colorblind" discourse that located Black behavioral failings and cultural pathologies as principal causes of disorder. Demands for preventative policing strategies that targeted the comportment of poor and low-income residents, especially youth of color, *and* focused on mitigating racialized police violence merged as two sides of the same reform coin.

Reform legislation in this period took into account interrelated worries about policing and crime. Transferring police power in Milwaukee via the 1984 Breier Bill was as much about ensuring that the MPD effectively and responsibly addressed illicit behavior as it was about eradicating the rampant, racialized police violence at the heart of the city's police accountability movement. After

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<sup>10</sup> See: John M. Hagedorn, *People and Folks: Gangs, Crime and the Underclass in a Rustbelt City* (Chicago: Lake View Press, 1988).

nearly two decades of pressuring city officials and filing federal civil rights claims and lawsuits to limited avail, police accountability advocates anticipated that garnering a fairer, more reliable public safety system was only possible through a state-level reform measure that relocated police policy-making authority from the MPD to the Milwaukee Fire and Police Commission (MFPC). Reform groups lobbied the Wisconsin legislature to make this happen.<sup>11</sup> Removing power from an autocratic police chief in Harold Breier, many believed, would increase the likelihood of enacting the procedural changes needed to prevent another tragic “Lacy-type incident.”<sup>12</sup>

After the Wisconsin legislature passed SB56, the MFPC had the power to determine who was best suited to police and where; how MPD personnel should approach their jobs; and the type of disciplinary actions officers should face if found to have engaged in misconduct. At best, empowering the commission, accountability advocates hoped, would translate into more anti-discriminatory policing; enhance institutional oversight and transparency; and facilitate greater access and opportunities for Black, Latinx, and women police personnel. On this liberal law-and-order basis, communities would also be valued as contributing partners in Milwaukee’s evolving crime control and order maintenance program. As Governor Tony Earl commented at the Breier Bill’s signing ceremony, this law “simply restores the kind of accountability that any public official ought to feel.”<sup>13</sup> A Black Milwaukee senator, Gary George, likewise reassured his mostly African American constituents that the reform statute guaranteed “citizen input into policy decisions.”<sup>14</sup>

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<sup>11</sup> The lobbying of police accountability advocates helped to get Senate Bill 56 passed. For example, the Greater Milwaukee Conference on Religion and Urban Affairs formed a Criminal Justice Task Force in 1982. In Fall 1983, the task force assisted community associations and faith congregations on the improvement of “police-community relations,” “crime prevention,” and “police accountability.” Joan McManus served as the CJTF’s program manager. Among other duties, she rallied support for the bill in Madison. Citywide Anti-Crime Coalition, “Accomplishments,” Box 1, Folder 13, Citywide Anti-Crime Coalition, 1983-1985,” Joan McManus Papers, 1970-2003, UWM Manuscript Collection 267, University of Wisconsin-Milwaukee Archives, Milwaukee, Wisconsin.

<sup>12</sup> James Cameron, “An Open Letter to the Milwaukee Fire and Police Commission Regarding the Ernest Lacy Complaint,” 12.

<sup>13</sup> “Earl Signs Bill to Increase City’s Power over Breier,” *The Milwaukee Journal*, March 22, 1984, Part 2, 6.

<sup>14</sup> “Earl Signs Bill to Increase City’s Power over Breier,” *The Milwaukee Journal*, March 22, 1984, Part 2, 6.



Liberal police accountability advocates saw value in statutory police reform for good reason: no institutional or political mechanisms existed at the municipal level to meaningfully check the discriminatory actions of the MPD's "chief for life" or the discretionary decisions of officers.<sup>15</sup> The MFPC, established in 1885 as a civil service hiring board with quasi-judicial authority to discipline public safety personnel, historically co-signed the police chief's prerogatives and helped cool dissent through a slow-moving bureaucracy. The commission served as a plumb patronage position that conferred civic prestige. When it ruled on complaints filed against the MPD, the MFPC normally aligned with other units of Milwaukee's criminal-legal system, questioning the validity of Black complaints in particular. The commission had no influence on crafting police rules and regulations until 1978.<sup>16</sup> As such, the potential for even tactical or procedural modifications was contingent on the whims of a racist and reactionary police chief in Harold Breier. This dynamic began to shift after Milwaukee's 1967 "civil disturbance." As the Wisconsin Advisory Committee to the U.S. Civil Rights Commission reported in 1972, Chief Breier's reactionary law-and-order approach eroded the MPD's national "image as a pioneer in progressive police measures."<sup>17</sup> Mayor Henry Maier began appointing more diverse, reform-minded candidates to help improve the police image, meet federal diversity requirements, and satisfy potential Black voters. The MFPC was still loyal to City Hall's

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<sup>15</sup> Ronald H. Snyder, "Chief for Life: Harold Breier and His Era" (Ph.D. diss., University of Wisconsin-Milwaukee, 2002).

<sup>16</sup> While a 1978 law authorized the MFPC to review, suspend, and rewrite police policies it found "objectionable," Milwaukee police chiefs retained the power to make all department rules. They also controlled internal conduct reviews. In 1978, a Milwaukee County Circuit Court judge ruled that the MFPC did not have the authority to initiate policies. That changed with Senate Bill 56's passage. "Commission Raps Police Regulations," *The Milwaukee Journal*, July 7, 1978; "Breier Rejects 14 Proposed Rule Changes," *The Milwaukee Journal*, September 20, 1978, Part 1, 1, 10; Gregory Stanford, "Bill May End Police Tyranny," *The Milwaukee Journal*, March 7, 1984, Part 2, 6. Moreover, a 1977 state law had addressed the tenure of future public safety chiefs in Wisconsin's only "first class" city, imposing seven-year term limits on all new appointees. However, the law did not apply to Harold Breier, as Milwaukee legislators were fearful of the political repercussions. Chief Breier's reactionary law-and-order approach to crime control extended well into the 1980s. "New Chiefs on Good Terms," *The Milwaukee Journal*, December 31, 1977, Part 1, 8. On Breier's "gestapo tactics," see: "What Can We Expect from Passage of the Brier [sic] Bill?" *The Milwaukee Courier*, April 7, 1984, 4. A 1979 campaign to "oust" Chief Breier from office gathered 32,000 signatures. The Common Council refused to put the measure on the ballot in 1980. "Chief's View on Black Crime Roils Milwaukee," *The New York Times*, March 4, 1984, L24.

<sup>17</sup> Wisconsin State Committee of the U.S. Commission on Civil Rights, *Police Isolation and Community Needs* (Washington, DC: Government Printing Office, 1972), 7.

interests, but more willing to embrace contemporary police reforms that flouted the police chief's approach. Over time, this included measures like SB56.

And yet, as historian Keeanga-Yamahtta Taylor has argued, “statutory changes alone are rarely, if ever, enough to undo deeply ingrained cultural, social, economic, and political assumptions that shape our society.”<sup>18</sup> Writing in reference to federal housing policies, her assertion is no less salient when it comes to reforming law enforcement. In fact, part of the problem for police accountability advocates in Milwaukee was that the 1911 statute they looked to revise helped mold and strengthen conventional interpretations of policing and race in the city. Deep-seated, mutually reinforcing concepts of “police legitimacy” and “Black criminality” demarcated public contests around police violence, crime control, order maintenance, and institutional reform.<sup>19</sup> Naturally, accountability advocates found it challenging to disentangle these co-existent ideas. The 1911 law outlined the MPD's legitimacy as it pertained to an overwhelmingly white ethnic populace. Under the banner of reform, white social and corporate elites reconstructed municipal police power on racial and class terms. In the process, they cloaked the MPD in an outwardly depoliticized and value-neutral cover. This fed the dominant narrative of policing exceptionalism that developed in the mid-20<sup>th</sup> century. It fortified common understandings of police legitimacy and Black criminality. Vaunted ideas around the police department's independence, its openness to innovation, and the efficiency with which it nobly controlled crime and prevented disorder—i.e. labor and racial unrest—supported political decisions in City Hall, influenced outside perceptions of Milwaukee as “America's safest city,” and inflected street-level interactions between police and residents.

Of course, such police-citizen exchanges tracked differently across lines of race and class, as this dissertation has illustrated. Poor and laboring African Americans came to experience a different,

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<sup>18</sup> Keeanga-Yamahtta Taylor, *Race for Profit: How Banks and the Real Estate Industry Undermined Black Homeownership* (Chapel Hill: University of North Carolina Press, 2019), 254.

<sup>19</sup> Black criminality largely supplanted white radical-labor criminality in the 1930s and 1940s. See: Chapter One.

more heavy-handed and negligent brand of policing than their white counterparts. Extensive post-World War II Black migration, coupled with forceful white resistance to Black mobility and citizenship claims, exacerbated Milwaukee's disparate law enforcement system, as it did in other sectors. Containing Black residents translated into disproportionate surveillance, stops, arrests, and killings. The policing of race and class on the city's near north side, in particular, reciprocally informed the MPD's narrative of policing exceptionalism, which highlighted the department's ability to effect swift citations, arrests, and prosecutions on comparatively minor nuisance offenses, including vagrancy, disorderly conduct, and drunkenness.

Differential police "boundary" and "violence" work in poor and low-income spaces of color gave the exceptionalism narrative cogency, while also hardening perceptions of racialized criminality.<sup>20</sup> Administrative and enforcement innovations embraced by the MPD in the 1930s, 1940s, and 1950s interpolated racist ideas about poor and working-class Black and Latinx migrants. The department's Youth Aid Bureau, for example, monitored Black youth behavior, as white society broadly perceived them as more prone to "delinquent" behavior. Meanwhile, the department's Vice and "Red" squads scrutinized interracial socializing and closely watched activities among left-leaning political organizations. Such approaches remained broadly supported and progressed into the Civil Rights era 1960s and 1970s. Even in 1984, most residents "admired" the MPD; a slight majority supported Chief Breier, despite rising opposition to his unlimited authority and prolonged tenure.<sup>21</sup>

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<sup>20</sup> Stuart Schrader, "To Protect and Serve Themselves: Police in US Politics since the 1960s," *Public Culture* 31(3) (September 2019), 604; Micol Seigel, *Violence Work: State Power and the Limits of Police* (Durham: Duke University Press, 2018).

<sup>21</sup> The authority gained by non-police civilians irked Breier, who saw SB56 as dangerous and irrational political meddling. He was right, to a degree, when he argued that many people still supported the MPD. When the law was enacted in 1984, most residents "admired" the department. A *Milwaukee Journal* survey found that a wide majority of participants—77 percent—believed that the MPD was doing an "excellent" or "good" job." Fifty-six percent even viewed the chief positively. Respondents were about evenly split as to whether elected officials should have more control over the MPD, with 45 percent in favor and 44 opposed. Surveyed residents favored the MPD's crime control program (67 percent) but were less impressed by its "police-community relations" efforts (43 percent) and "work with minorities" (38 percent). However, the survey also reflected nagging racial divides. Black respondents were far more critical of the police. A slight majority "backed the department," "but not Breier," with 75 percent rating the chief as "fair or poor." Similarly, 83 percent of African Americans said Breier should retire, while 77 percent called for "new controls" over the MPD.

Elected officials still feared the political repercussions of crossing the police chief in the early-1980s. This helps explain why SB56 received fairly mixed support from the mayor and Common Council.

That said, negative opinions of the police chief and reactionary law-and-order tactics grew in Milwaukee's burgeoning neighborhood stabilization movement as the long 1970s progressed. Controlling crime under a "community-oriented policing" framework had emerged as a focus of community associations nationwide.<sup>22</sup> In Milwaukee, these grassroots organizations formed in Black, white, Latinx, and racially transitioning sections of the city. Their development was, in most cases, a response to 1960s social and political upheavals, as well as the democratization of the local housing market. Despite being largely comprised by white middle-class homeowners, some community groups deliberately supported racial integration.<sup>23</sup> However, they also called for more beat patrol officers and advocated for community relations units that would partner with residents to resolve property and nuisance offenses, like burglaries, auto thefts, sex work, and noise violations.

By the time the SB56 passed in 1984, neighborhood organizations had assumed greater responsibility in keeping their communities safe and their property values secure. In part, that meant attracting grant funding for home improvement projects that helped people maintain their properties, investing in community-based infrastructure programs, and shoring up private enterprise at the local level. But it also meant increasing neighborhood surveillance. Groups like the Sherman Park Community Association (SPCA) formed block clubs that connected residents and addressed social fragmentation. These block clubs established "neighborhood watches," which monitored illicit behavior at street-level and proactively alerted the police when perceived crimes occurred.<sup>24</sup> On

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<sup>22</sup> Elizabeth Hinton and DeAnza Cook, "The Mass Criminalization of Black Americans: A Historical Overview," *Annual Review of Criminology* (June 2020), 14.

<sup>23</sup> James Parks, "High Crime Area Alter Living Patterns of Big Cities," *The Milwaukee Journal*, December 19, 1974, Part 2, 14.

<sup>24</sup> "SPCA Mobile Watch Program Narrative," 11, in "Anti-crime Project, 1982," Box 1, Folder 5, Sherman Park Community Association Records, 1971-2002, UWM Manuscript Collection 72, University of Wisconsin-Milwaukee Libraries, Archives Department.

Sherman Park's east side, which was adjacent to the city's north side, that often meant surveilling the activities of poor and low-income Black youth, the poor, and low-income renters.<sup>25</sup> The SPCA's residential surveillance program counted seventy-five block clubs as of 1982.<sup>26</sup>

Yet, the SPCA and other neighborhood watch groups struggled to generate support from the MPD. Supervising officers, following the chief's lead, continued to resist community-oriented policing interventions that called for sharing authority with residents. Police resistance made it harder for community associations to preserve order and control crime on their terms. Concurrently, index crimes rose, prompting Milwaukee's neighborhood movement to actively demand reform.<sup>27</sup> In 1983, neighborhood organizations joined under the banner of the Citywide Anti-Crime Coalition (CAC). The CAC championed preventative crime fighting initiatives and lobbied for community-oriented policing in local and state legislatures. The coalition advocated for citizen input on public safety matters, a more diverse MPD, and the deployment of proactive crime control strategies.<sup>28</sup> Regarding police oversight, the CAC demanded a more vigorous MFPC complaint review function. The CAC also pushed the city to implement a "comprehensive neighborhood foot patrol program" in two "high-crime areas," including Sherman Park, in addition to creating two "crime prevention projects" monitored by the coalition's Neighborhood Advisory Councils.<sup>29</sup>

CAC member Joan McManus, a leader in Milwaukee social justice movements, advocated for

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<sup>25</sup> John Hagedorn, "Dreams of the Seventies, Facts of the Eighties, Report, Undated," 4, Box 2, Folder 35, Sherman Park Community Association Records, 1971-2002.

<sup>26</sup> For more on the SPCA, see: Juliet Saltman, *A Fragile Movement: The Struggle for Neighborhood Stabilization* (New York: Greenwood Press, 1990).

<sup>27</sup> "Index crimes," as classified by the Federal Bureau of Identification's Uniform Crime Report, in this span included murder (homicide), forcible rape, robbery, aggravated assault, burglary, theft, and auto theft. Reported index crimes rose annually in Milwaukee, from 33,748 in 1974 to 47,711 in 1983. "Crime in the City of Milwaukee, 1983," 1-2, 6, Box 1, Folder 13, Citywide Anti-Crime Coalition, 1983-1985," Joan McManus Papers.

<sup>28</sup> When it came to crime prevention, the CAC helped establish the MPD's "Crime Prevention Division," formed a "Special Committee on Crime Prevention" within the MFPC, and participated in proactive policing sessions at the MPD's training academy. Citywide Anti-Crime Coalition, "Accomplishments," Box 1, Folder 13, Citywide Anti-Crime Coalition, 1983-1985," Joan McManus Papers.

<sup>29</sup> The areas were around the Capitol Court Shopping Center in Sherman Park and along Lisbon Ave. in the Washington Park community. The program was financed with \$750,000 earmarked by the Common Council for police overtime. Bruce Gill, "Foot Patrols Begin Today in Two Areas," *The Milwaukee Sentinel*, November 11, 1983, Part 1, 1, 7.

both responsive crime control and enhanced police accountability structures. She did so through the Greater Milwaukee Conference on Religion and Urban Affairs' (GMCRUA) Criminal Justice Task Force (CJTF). Along with the CAC, the task force made its presence felt at MFPC meetings, asking tough questions, scrutinizing the police budget, and raising concerns about the Special Assignment Squad's spying on activists.<sup>30</sup> The CJTF also provided input on the hiring of Milwaukee's next police chief.<sup>31</sup> Liberal community associations, the League of Martin, and even some MFPC members backed the task force's efforts to keep police accountability issues at the forefront of civic discourse. Ongoing incidents of racialized police violence galvanized the CJTF's advocacy. The 1983 police killing of Percy Joiner, for example, embodied the life or death stakes of police responding to mental health incidents that required sensitive de-escalation.<sup>32</sup>

The Criminal Justice Task Force extended Milwaukee's police accountability movement into the post-Breier era when it co-organized a national conference with the Chicago-based organization Citizens Alert.<sup>33</sup> Held in Milwaukee in November 1984, the event convened police brutality victims and families, social activists, interfaith leaders, and criminal justice professionals.<sup>34</sup> Sessions covered victim family networking, filing civil rights litigation, strategizing policy, and enacting legislation.<sup>35</sup> Conference attendees completed joint projects, established regional networks, and formed a

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<sup>30</sup> The MPD's "Red Squad" historically maintained secret files on left-leaning activists and civil rights organizations.

<sup>31</sup> Accountability groups recommended someone from outside of the department. However, the MFPC appointed a former Breier lieutenant, Robert Ziarnik.

<sup>32</sup> The 38-year-old Black male was shot and killed by a white Tactical Squad officer on October 20, 1983. Two police "investigating reports of strange behavior" ticketed Joiner's car for parking in a tow-away zone. After police called for a tow truck, and partially secured the vehicle, a shotgun blast rang out from a nearby home. The officers crouched behind the tow truck with its driver and called for backup. Dozens of MPD cruisers converged on the scene. At one point, Joiner apparently exited the home with an axe. Within an hour-and-a-half, he was shot dead. No one else was injured. Witnesses testified that Joiner had exhibited "odd behavior" in the days leading up to the incident, "standing on his front lawn waving a knife at traffic." He had "raged and yelled" at neighbors, according to witnesses. "Man Killed after Firing Shotgun," *The Milwaukee Journal*, October 20, 1983, Part 1, 1; Mike Christopoulos and Anne Waukau, "Neighbor Says Slain Man's Behavior Odd," *The Milwaukee Sentinel*, October 21, 1983, Part 1, 5

<sup>33</sup> On Citizens Alert, see: Baer, *Beyond the Usual Beating*.

<sup>34</sup> The GMCRUA, Citizen Alert, the New York-based Center for Constitutional Rights, and United Black Community Council sponsored the conference. "Conference to Discuss Police," *The Milwaukee Journal*, November 12, 1984.

<sup>35</sup> Howard Fuller gave a keynote address. One conference session was titled, "Milwaukee: From Bell to Lacy and beyond." Myrtle Lacy was active at the conference. "Conference to Discuss Police," *The Milwaukee Journal*, November 12, 1984.

National Police Accountability Network (NPAN).<sup>36</sup> Overall, the conference aimed to “organize and mobilize community support for families of victims and for changes in police policy and practice,” to establish national accountability standards, and to “decrease police abuse of force.”<sup>37</sup>

Milwaukee and Chicago agreed to host demonstration projects that would provide research, advocacy, and education outreach. However, securing funding proved challenging in a recessed economy.<sup>38</sup> McManus worked to develop a “Center for Police Accountability” in Milwaukee—a “separate and independent agency” from the GMCRUA that was modeled on Citizens Alert.<sup>39</sup> She stressed four objectives: Acting as a “watchdog” over police operations and the conduct of officers; providing “public policy analysis on law enforcement related issues”; serving as a “resource center” to “neighborhood groups, the Citywide Anti-Crime Coalition, and others”; and establishing a regional police accountability network.<sup>40</sup> Unfortunately, McManus was only able to secure limited funding and her vision for a Milwaukee Center for Police Accountability died before it started.<sup>41</sup>

National Police Accountability Conference participants sought to combat the rising power

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<sup>36</sup> *Citizens Alert Special Report*, Spring 1985, Box 1, Folder 14, “National Police Accountability Network Project, 1985,” Joan McManus Papers.

<sup>37</sup> Eighteen representatives from ten states, “mostly low-income, women, and minority,” joined the NPAN’s steering committee. “Problem Statement,” Box 1, Folder 14, “National Police Accountability Network Project, 1985,” Joan McManus Papers; “National Police Accountability Network,” Box 1, Folder 15, “Greater Milwaukee Conference on Religion and Urban Affairs, Police Accountability, 1984-1985, 1991,” Joan McManus Papers.

<sup>38</sup> McManus proposed a budget of \$92,650, including funding for four staff salaries and program expenses. She and GMCRUA Executive Director Father Patrick Flood reached out to donors like the Max and Ana Levinson Foundation and the General Reconciliation Committee of the Christian Church, which helped fund the 1984. “National Police Accountability Network, 1985-1986 Proposed Budget,” Box 1, Folder 14, “National Police Accountability Network Project, 1985,” Joan McManus Papers; Joan M. McManus to Mr. Sidney Shapiro, June 12, 1985, Box 1, Folder 14, “National Police Accountability Network Project, 1985,” Joan McManus Papers; Ernest J. Newborn to Mr. Patrick A. Flood, May 6, 1985, Box 1, Folder 14, “National Police Accountability Network Project, 1985,” Joan McManus Papers.

<sup>39</sup> They hoped for funding from the “Methodist’s national office.” July 11, 1984, Box 1, Folder 15, “Greater Milwaukee Conference on Religion and Urban Affairs, Police Accountability, 1984-1985, 1991,” Joan McManus Papers.

<sup>40</sup> “Objectives,” Box 1, Folder 14, “National Police Accountability Network Project, 1985,” Joan McManus Papers.

<sup>41</sup> McManus did secure some funding through the Vanguard Public Foundation and Wisconsin Community Fund. The GMCRUA dissolved the CJTF in October 1985, citing a “need to focus on other, economic issues as their top priority.” According to Monica King, of the Milwaukee Community Fund, police accountability was becoming less of an issue, with “no “blatant” incidents of police harassment and/or brutality” occurring under new police chief Robert Ziarnik’s watch. Joan McManus was also laid off by the GMCRUA in 1985. June Makela to Joan McManus, July 31, 1985; Joan McManus to Eileen Luna, August 7, 1985; Monica King to Joan McManus, October 22, 1985, Box 1, Folder 14, “National Police Accountability Network Project, 1985,” Joan McManus Papers.

of police “unions, lawyers, professional associations and lobbyists,” who defended the rights of officers alleged to have engaged in violence and misconduct.<sup>42</sup> This was another outcome of the SB56: it charted a path for the Milwaukee Police Association (MPA) to become an even greater institutional hurdle for future police accountability advocates to clear.<sup>43</sup> During the long 1970s, the MPA framed its movement for bargaining rights and political recognition as akin to civil rights-based struggles. The association expanded its political power, supporting law-and-order candidates and lobbying state, county, and city officials on pro-police policies. After eight years of negotiation, the legislature passed an officer’s “Bill of Rights” law in 1980. This measure softened internal police policies and better-protected MPD personnel accused of misconduct by the public. It defined law enforcers as a protected class of citizens.<sup>44</sup> The law also granted rank-and-file officers the same privileges amid in-house investigations as criminal defendants received in the criminal-legal system.<sup>45</sup>

The police “Bill of Rights” law became a steady barrier to police brutality victims seeking compensatory relief and criminal prosecutions, as it empowered individual officers with legal protections. These protections transcended the 1911 statute. For decades, police chiefs had safeguarded MPD officers accused of abusing their authority, even to the point of covering up murder.<sup>46</sup> However, rank-and-file personnel resented the imposition of strict internal rules set by the police chief. The Breier Bill’s passage in 1984 changed this dynamic. In turn, the MPA became the principal defender of police officers accused of misconduct or civil rights violations. It also

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<sup>42</sup> The NPAN would enable “families, victims, and others concerned about police conduct and true community justice to organize themselves together to advocate for their needs from a more...equal basis.” “Reconciliation Application Form No. 101,” Box 1, Folder 14, “National Police Accountability Network Project, 1985,” Joan McManus Papers.

<sup>43</sup> The Milwaukee Police Association was renamed from the Milwaukee Professional Policeman’s Protective Association in 1977. “Gets New Name,” *The Milwaukee Sentinel*, November 12, 1976.

<sup>44</sup> The MPA identified a lack of “due process rights” when the police department’s Internal Affairs Bureau investigated officers alleged to have violated the MPD handbook.

<sup>45</sup> The law afforded officers the right to an attorney “for any reason” when under investigation. Accused officers were to be informed of the nature of all inquiries before questioning. Failure to do so meant the nullification of subsequently gathered evidence. Charles J. Sykes, “Frequent Foes Join Forces in Opposition to Police Rights Bill,” *The Milwaukee Journal*, May 13, 1980.

<sup>46</sup> See: The 1958 Daniel Bell case, discussed in Chapter II.



obstructed policy changes that allegedly coddled “criminals” at the expense of “law abiding” citizens.

Overall, the Breier Bill never translated into the level of accountability Black and allied civil rights activists envisioned in the 1960s and 1970s. The statute offered little relief to those overexposed to police violence, crime, and poverty. Rather than install mechanisms for input, oversight, and representation, SB56 entrusted a part-time, then mostly white MFPC with improving the police function in a soon-to-be “majority minority” city.<sup>47</sup> While the statute revised the terms of police power in ways that better aligned the MPD with federal civil rights provisions, the commission’s authority still derived power from the state legislature and City Hall. Control was not in the hands of historically “overpoliced and underprotected” people.<sup>48</sup>

In truth, SB56 could never have adequately resolved the totality of a policing crisis that was as much economic as it was political. Public and private resources had simply eroded too greatly on Milwaukee’s north side, reinforcing poverty and criminalizing perceptions. The law, more than anything, repurposed municipal liability for delineating police actions. The legislature did so without acknowledging the MPD’s racialized class imperative: to defend the property and commercial interests of, first and foremost, white and, since the 1960s, minoritized civic elites. A more liberal MFPC gained control over the policymaking and complaint review process. Still, accountability barriers remained. Citizens filed fewer complaints than reformers likely anticipated, with only 203 registered from 1985 to 1990.<sup>49</sup> The reasons why were at once structural and cultural. The commission took up only grievances that its “Committee on Rules and Complaints” identified as necessitating review and conducted hearings only on claims that explicitly violated police policy.<sup>50</sup>

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<sup>47</sup> Margo Anderson, “Peoples,” *Encyclopedia of Milwaukee*, accessed June 29, 2020, <https://emke.uwm.edu/entry/peoples>.

<sup>48</sup> Joe W. Trotter, Jr. *Black Milwaukee: The Making of an Industrial Proletariat, 1915-45* (Urbana: University of Illinois Press, 1988), 118. Dave Umhoefer, “Ticket Blitz Has Winners, Losers,” *Milwaukee Journal Sentinel*, June 18, 2000, Part 1, 1.

<sup>49</sup> Wisconsin Advisory Committee to the United States Commission on Civil Rights, *Police Protection of the African American Community in Milwaukee* (Washington, D.C.: U.S. Government Printing Office, 1994), 45.

<sup>50</sup> As legal scholar Richard Jones observed, “The commission can decide that a complaint should be dismissed because it is outside its authority, that the complaint should be referred to the chief of the fire or police department for investigation, or that the complaint should be referred for conciliation, which is a one-on-one meeting with the citizen

Fears of police retaliation dissuaded many African Americans from filing complaints, as they did prior to SB56. Ten years after the bill passed, MFPC investigator Joan Dimow observed that Black people were still “very uncomfortable about coming to police headquarters.” Those who did had to meet “the same burden of proof as in a criminal trial: beyond a reasonable doubt.” As former UBCC member Jeanetta Robinson told the U.S. Civil Rights Commission, “people...are literally afraid to go down to the fire and police commission and fill out these complaints...they have experienced such discrimination that even though it is a new day” with the MFPC, they “do not have faith based on past atrocities.”<sup>51</sup> Aggrieved parties were not awarded monetary judgments. At most, they received “the satisfaction of seeing the officer punished.” Time and again, however, the commission failed to apply discipline. The MFPC gained the “authority to impose sanctions and change policies in 1984,” just a year after it had fired, for the first time, an officer who killed a Black citizen.<sup>52</sup> But it refrained from enacting sweeping changes. MFPC trials rarely resulting in dismissals or strict rebukes; some officers persisted in abusing their power, insulated by the MPA.

### *The Punitive Turn and its Local Impact*

While SB56 portended a more democratic police rule-making process and oversight structure, the law was not passed in a vacuum. Its enactment reflected national social, economic, and political transformations taking place over the course of the long 1970s. Milwaukee’s police accountability movement had, alongside related battles over employment, housing, and education, confronted and disrupted white supremacy. The national response to BIPOC claims for rights, equality, and self-determination in the 1960s and 1970s manifested in what historian Julily Kohler-

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and the accused officer.” Richard S. Jones, “Processing Civilian Complaints: A Study of the Milwaukee Fire and Police Commission,” *Marquette Law Review* 77 (3) (Spring 1994), 514.

<sup>51</sup> Wisconsin Advisory Committee, *Police Protection of the African American Community in Milwaukee*, 45.

<sup>52</sup> Jones, “Processing Civilian Complaints,” 515-517.

Hausmann has called “tough politics.”<sup>53</sup> America’s punitive turn “degraded the citizenship” of the very people “making forceful demands on the state and challenging their subordination...” The nation’s rightward political drift positioned the urban Black poor, in particular, as pathological and wallowing in a “culture of poverty.”<sup>54</sup> Conservatives and erstwhile liberal policymakers argued that Black behavioral dysfunction sourced an intensifying urban “crime problem.” They rejected that systemic racism and class exploitation were any longer to blame. The framers of America’s “get tough” politics argued that “subordinated groups forfeited their rights and claims on the state by breaking the law or drawing state aid.”<sup>55</sup> As the long 1970s progressed, policy analysts increasingly favored crime control solutions that placed the needs of victims and “the community” ahead of so-called street criminals, “welfare dependents,” the homeless, “juvenile delinquents,” and the drug addicted.

Although police accountability activists on the left in Milwaukee, like Joan McManus, saw both “the root cause” of crime and “police abuse of force” in Black, Brown, and racially-mixed spaces as “poverty and racism,” this argument ran counter to the views of national policing experts in the 1970s and 1980s.<sup>56</sup> Social scientists researching effective means of crime control had moved from a liberal emphasis on addressing structural conditions and improving social welfare to a conservative emphasis on mediating the “disorderly” behavior of Black welfare state beneficiaries and the poor. Neoliberal and neoconservative policy agendas alike demonized poor and low-income

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<sup>53</sup> Julily Kohler-Hausmann, *Getting Tough: Welfare and Imprisonment in 1970s America* (Princeton: Princeton University Press, 2017), 292. As Taylor writes, “the concept of revanchism describes the punitive turn away from the social welfare and consumption-side Keynesianism that underpinned the 20th century concept of the social contract.” It used race to undo the social contract for African Americans and other BIPOC citizens who receive its benefits. Taylor, *Race for Profit*, 231.

<sup>54</sup> Acting on a law and order agenda that centered racialized suburban fears of urban disarray, the Republican Nixon administration framed urban crime as an outgrowth of liberal permissiveness and a “disintegrating social order.” Keeanga-Yamahtta Taylor, “We Should Still Defund the Police,” *The New Yorker*, August 14, 2020, <https://www.newyorker.com/news/our-columnists/defund-the-police>.

<sup>55</sup> Kohler-Hausmann, *Getting Tough*, 292.

<sup>56</sup> “Project Narrative,” Box 1, Folder 14, “National Police Accountability Network Project, 1985,” Joan McManus Papers, 1970-2003, UWM Manuscript Collection 267, University of Wisconsin-Milwaukee Archives, Milwaukee, Wisconsin.

residents of color in cities, who conservative pundits and academics referred to as the “under-class.”<sup>57</sup> In the late-20<sup>th</sup> century, the alleged criminality of dangerous “rational actors” was met by the state with huge taxpayer investments in funding police militarization, upgraded surveillance capacities, advanced computerization, and data science to analyze, map, and predict crime trends.<sup>58</sup>

The nation’s carceral turn, which scholars tend to originate with Nixon, was bipartisan. The Johnson administration’s War on Crime from 1965 to 1968 reflected, on the one hand, the need to better coordinate police agencies, ameliorate police-community tensions, and instill more democratic and competent police administration. On the other, it expanded police power and resources, so as to more effectively combat and then prevent lawlessness in America’s rebelling cities under the guise of liberal law-and-order. Ensuing Republican administrations focused deliberately on penal responses to the “urban crisis,” which Nixon declared over in 1973.<sup>59</sup> Yet they did so without the same compulsion to also alleviate poverty conditions. More technologically savvy and militarized policing blended with racist media imagery and stereotypes about Black urban life to heighten public fears about inner city crime. This cycle fed an ever more racialized and punitive backlash politics that proved popular with white suburban and exurban constituencies and other conservative voters.

Even before Milwaukee-native George Kelling and collaborator James Q. Wilson published their influential “Broken Windows” treatise in 1982, police agencies were investing millions of dollars in controlling low-level misdemeanor offenses in urban neighborhoods. They did so under the controversial premise that public fears of “disorder” bred serious crime.<sup>60</sup> Broken Windows helped buttress popular conceptions of the nation’s crime problem as urban and racial. It further justified the financing of law enforcement agencies as catch-all emergency responders, and it helped

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<sup>57</sup> Taylor argues, they did so “to undermine the legitimacy of a welfare state perceived to be prioritizing the care of ‘undeserving’ African Americans.” Taylor, *Race for Profit*, 232-233.

<sup>58</sup> Hinton and Cook, “The Mass Criminalization of Black Americans,” 14.

<sup>59</sup> Taylor, *Race for Profit*, 211.

<sup>60</sup> The disorderly behaviors that proactive, community-oriented policing addressed were, as Schrader puts it, “simply signifiers of marginalized political and economic status.” (1:57:35)

rationalize the growing network of jails, prisons, and detention centers needed to warehouse criminal offenders. Expanded preventative policing capabilities and surveillance encouraged more police-Black citizen contacts, which meant more hostile interactions, some of them deadly. All of this shaped perceptions about how to maintain order and determine who required punitive control.<sup>61</sup>

Broken Windows policing was theorized against the backdrop of the Reagan administration ushering in an even more draconian “War on Drugs” in the early 1980s. As historians have noted, President Reagan’s drug war enlarged “the scale of the raids, stings, and tactical police units” introduced by earlier administrations.<sup>62</sup> Congress passed harsh legislative measures that expanded “domestic surveillance, the criminal code, and mandatory minimum sentences”—policies that failed to pass under liberal congresses in the 1970s. The bipartisan Comprehensive Crime Control Act of 1984 established more direct relations between law enforcement and military agencies, upgrading police weapons capacities.<sup>63</sup> The law also created more severe mandatory minimum sentences and imposed three strike provisions on violent crimes. A Justice Department clearinghouse administered block grants for new state prison construction to facilitate the human caging of convicted drug offenders. The law introduced civil asset forfeiture penalties on drug crimes, which proved lucrative for local police departments, as well as corrupt officers and civilian whistle blowers on watch.<sup>64</sup>

The national expansion of police power over the course of the long 1970s facilitated more racially disparate enforcement and higher reported crime rates and arrests in Milwaukee. Racialized crime fears fed an evolving set of proactive order maintenance policing initiatives led by citizens.

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<sup>61</sup> Stuart Schrader points to the example of “911 policing,” which allowed the public to call police to specific areas quickly. It brought law enforcement into private homes and businesses in new ways. Police encountered behavior that now registered as crime in ways it had not previously.

<sup>62</sup> Elizabeth Hinton, *From the War on Poverty to the War on Crime*, 309.

<sup>63</sup> The act also reinstated the federal death penalty and eviscerated the federal parole system. Hinton, *From the War on Poverty to the War on Crime*, 309-310.

<sup>64</sup> That the Reagan administration ended the Law Enforcement Assistance Administration in 1982 did not matter; police power, as Vice President George H. W. Bush observed, continued to be funded by “criminals’ own property.” Hinton, *From the War on Poverty to the War on Crime*, 311-314. Quote on p. 313.

Community associations and non-profits concerned about both rising crime and the ongoing threat of police violence, assumed a powerful voice in the city's public safety discourse. They embraced ideas developed by criminologists in public and privately-funded government think tanks, like the National Police Foundation. Community-oriented policing concepts shaped their advocacy. Proponents eschewed the hierarchical, isolated, reaction-oriented crime control tactics of the "reform era."<sup>65</sup> Proactive policing valued liberal law-and-order concepts, like community relations, racial diversity, and, to an extent, civilian oversight.<sup>66</sup> Proactive, community-oriented policing devotees adopted law enforcement strategies written in collaboration with social scientists at the neighborhood level. In some cases, academics carried out grant-funded patrol experiments that aimed to enhance police service and crime prevention techniques and clarify patrol and surveillance capacities. "Respectable" community representatives, whose investment in the status quo ensured a positive working relationship with law enforcement, played a central role in advancing crime control prerogatives. Crime reduction through community-oriented policing took precedence over ensuring accountability to over-exposed poor and low-income BIPOC citizens.

That said, community-oriented policing's democratic intent has remained dubious at best. Police often "stoke older residents' fears about gangs, violence, and crime."<sup>67</sup> This aggravates generation gaps within communities and pushes the comparatively affluent to align with law enforcement at the expense of the poor and vulnerable. Citizen-police listening sessions often feature homeowners, business people, clergy, and retirees who are eager to maintain a conventional order that benefits their social and economic interests. Excluded are the young, unhoused, poor,

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<sup>65</sup> As Hinton and Cook write, the "revival of police research and development...undergirded the dissemination of new internal (police administration) and external (interagency cooperation) techniques under the umbrella of proactive policing and crime prevention." Hinton and Cook, "The Mass Criminalization of Black Americans," 14.

<sup>66</sup> As Hinton and Cook observe, proactive policing "incentivized police officers and administrators to experiment with community-policing initiatives and police-community task forces in conjunction with "respectable" residents and local partners." Hinton and Cook, "The Mass Criminalization of Black Americans," 16.

<sup>67</sup> Maya Schenwar and Victoria Law, "The Problem with 'Community Policing' Reforms," *Slate*, July 30, 2020, accessed July 30, 2020, <https://slate.com/news-and-politics/2020/07/prison-by-any-other-name-book-excerpt.html>.

drug dependent, and formerly incarcerated, whose legitimate stake in the social relations of their community go ignored. Police mobilize the affluent to surveil their blocks and report on presumptive safety violations. This community-based reportage sharpens racial and class divisions. Rather than strengthening urban neighborhoods, community-oriented policing fractures already tenuous social ties. Long-standing community residents, some pushed out by gentrifiers in search of more affordable urban living, are ensnared in a surveillance system that too often identifies them as inherent criminals rather than comrades. Meanwhile, wealthier newcomers are perceived as lawful. Community policing, moreover, negates critical scrutiny of law enforcement's racist, violent past. It bolsters popular support for the police among "docile and dependent" middle-class residents.<sup>68</sup> The strategy has largely provided police with enhanced resources, without imparting equitable security.

### *The Saga Continues*

Administrative control over police policymaking, indeed, shifted in 1984, but to what end? Black human and civil rights remain far from settled in Milwaukee, especially as they relate to a state criminal (in)justice system that incarcerates more Black men per capita than anywhere else in the U.S.<sup>69</sup> Federal consent decrees monitoring interdepartmental racism on the police force, diversity hiring, and procedural changes to police-citizen interactions have done little to alter the essential "ungovernability" of the MPD.<sup>70</sup> Placing Black faces in high places, moreover, has not ended police violence and racist enforcement practices in the city's still segregated, low-income and criminalized BIPOC neighborhoods. For example, Arthur Jones, Milwaukee's first Black police chief and a co-

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<sup>68</sup> See: William T. Lyons, Jr., *The Politics of Community Policing: Rearranging the Power to Punish* (Ann Arbor: University of Michigan Press, 1999), 9.

<sup>69</sup> A 2013 study found that Wisconsin incarcerated more Black men per capita than any other in the country. John Pawasarat and Lois M. Quinn, "Wisconsin's Mass Incarceration of African American Males: Workforce Challenges for 2013" (University of Wisconsin-Milwaukee, ETI Publications, 2013).

<sup>70</sup> Phrase borrowed from: Melanie Newport, "The Ungovernable Carceral State," *Black Perspectives*, African American Intellectual History Society, April 9, 2020, accessed April 10, 2020, <https://www.aaihs.org/the-ungovernable-carceral-state/>.

founder of the League of Martin, was also the first MPD administrator to fully implement Kelling and Wilson's Broken Windows theory in the late 1990s. Officers disproportionately cited poor residents of color on petty offenses—panhandling, jaywalking, vandalism, speeding, excessive noise, etc.—throughout his tenure (1996-2003). Broken Windows style policing continues to aggravate the region's inflated incarceration totals, while extracting money and resources via fines and seizures.<sup>71</sup>

Municipal police accountability structures remain anemic. In the 2000s, a good many Milwaukeeans continued to view the MFPC as “weak and ineffective.” Police officers, too, have positioned the commission as “harsh and unfair.” A 2006 study found that the MFPC was not actively investigating complaints from either citizens or police. When the commission did, few grievances went to trial or resulted in “sustained findings of officer misconduct.”<sup>72</sup> From 2000 to 2005, only eight of 437 total MFPC complaints saw adjudication. Two cases involving police were “sustained,” meaning the commission upheld the MPD's disciplinary ruling. Conversely, the MFPC conducted 44 trials on complaints from 1992 to 1999.<sup>73</sup> Aggrieved citizens and police personnel both expressed frustration about “long delays in the complaint process.” Different factors explain the low rate of sustained cases, “insufficiency of the allegations and difficulties in proving the alleged violations” chief among them.<sup>74</sup> The MFPC has monitored complaints, but too often stops short of instilling lasting justice. This allows for further abuses of power. “Conciliation,” researchers found, worked in ten percent (45 cases) of the 437 cases filed from 2000 to 2005. That meant the dismissal of charges against some police officers.<sup>75</sup> No investigations were conducted unless complaints went

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<sup>71</sup> As of 2000, Jones' Broken Windows approach had racked up about \$10,000,000 in fines on roughly 500,000 tickets. “Blacks, Hispanics and other minorities” received three of four tickets on average.

<sup>72</sup> Richard Jerome, *Promoting Police Accountability in Milwaukee: Strengthening the Fire and Police Commission* (Los Angeles: Police Assessment Resource Center, 2006), 1-2.

<sup>73</sup> Jerome, *Promoting Police Accountability in Milwaukee*, 49.

<sup>74</sup> Jerome, *Promoting Police Accountability in Milwaukee*, 22.

<sup>75</sup> During “conciliation,” commission mediators encouraged complainants and accused police personnel “to come to a mutual resolution.” Jerome, “Promoting Police Accountability in Milwaukee,” 2, 50.



to trial, an outcome the board avoided.<sup>76</sup> When it comes to holding the police accountable for institutional and interpersonal racism, the stakes remain high in Milwaukee.

State politics has played an important role for residents locally. Since the 1980s, Wisconsin has served as a laboratory for revanchist, market-oriented policy experiments in public education, social welfare reform, and the expansion of penal authority, with initiatives tested in Milwaukee.<sup>77</sup> The city's conflicting reputation as both the "worst city for black Americans" and an under the radar "tech hub" for mostly white professionals and culture entrepreneurs is attributable to neoliberal policy decisions that have engendered racially uneven rates of economic development, public-private investments, and asset accumulation.<sup>78</sup> The city's hyper-segregated landscape and class-based inequities continue to hit Black and Latinx residents the hardest. Meanwhile, its liberal political leadership, backed by many corporate and middle-class elites, has called on the MPD to perform the often-harsh boundary and violence work ostensibly required to manage the deleterious mental health impacts of deep-seated income inequality and budget austerity.

Today, Milwaukee's police budget comprises more than forty percent of the city's general revenue fund. Police accountability advocates see this allocation of public tax dollars as especially detrimental to the health and well-being of poor and low-income BIPOC citizens. This recognition on the part of advocates matters, as it marks a departure from the repeated faith Black and allied community organizations and activists have placed in police bureaucrats to resolve issues of crime

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<sup>76</sup> Jerome, *Promoting Police Accountability in Milwaukee*, 14.

<sup>77</sup> See: Robert S. Smith and William I. Tchakirides, "Brew City Bellwether: The Changing Landscape of the Black Family in Milwaukee," in *Contemporary African American Families: Achievements, Challenges, and Empowerment Strategies in the Twenty-First Century*, ed. Dorothy Smith-Ruiz, Sherri Lawson Clark, and Marcia J. Watson, 123-140 (New York: Routledge, 2016).

<sup>78</sup> The over-development of downtown Milwaukee since the 1960s has come at the expense of chronically under-developed central city communities of color. Evan Comen, "For Black Americans Moving to a New City, These Are Some of the Worst Places to Settle," *USA Today*, November 8 2019, accessed July 30, 2020, <https://www.usatoday.com/story/money/2019/11/08/moving-the-worst-us-cities-for-black-americans/40553101/>; Yui Hashimoto, "The Tale of Two Milwaukees," *Urban Milwaukee*, July 12, 2020, <https://urbanmilwaukee.com/2020/07/12/op-ed-the-tale-of-two-milwaukees/>.

and safety. Groups like Wisconsin Voices' African American Roundtable, Black Leaders Organizing Communities, and Leaders Igniting Transformation have pursued abolitionist objectives to help transform society. Organized under the banner of "Liberate MKE," they are now calling to defund the MPD by \$75 million and to re-direct taxpayer dollars towards housing, education, and public health interventions. Their call is urgent, as the city's police budget has grown by nearly that same amount (\$70,000,000) in the five years leading up to 2019.<sup>79</sup> Liberate MKE reflects an updated demand for community control of law enforcement—one that recognizes policing, punishment, and surveillance as inherently racist functions that have historically prompted unequal outcomes and aggravated metropolitan inequality structures. The campaign, led by Black women and youth leaders, has altered the public safety discourse.<sup>80</sup> It has also changed the underlying approach of activists, who see reforms that shore up police power as defective in building security and resolving problems rooted in racial capitalism. Addressing Milwaukee's racist policing system through electoral politics, statutory change, federal lawsuits, and revised inter-departmental policies has remained a dominant approach. But the 2019-2020 Liberate MKE campaign signals an important turn to keep an eye on.

Racialized police violence, as this project suggests, has never ended in Milwaukee. Recent campaigns to curb police brutality have centered on building new systems of community control, while also enacting procedural reforms. Accountability groups have focused, as they did in previous decades, on making the MPD a more culturally responsive and democratic policing agency that applies the law fairly. However, they have also reimagined communal self-determination and the capacity of Black north side residents themselves—people with credibility in the community—to

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<sup>79</sup> Initiated in 2019, the "Liberate MKE" campaign first called for a \$25 million reduction in the MPD's 2020 budget. Milwaukee's police budget accounted for nearly half of the city's entire general revenue outlay in 2020. The AART argued against a municipal budget that "values policing and incarceration more than it values violence prevention and community building." Liberate MKE organizers surveyed residents during neighborhood events and through door-knocking campaigns. African-American Roundtable, "Liberate MKE Survey Results" (September 2019), 1.

<sup>80</sup> Max Mitchelson, "Activist Markasa Tucker Talks the Past, Present, and Future of 'Defund the Police,'" *On Milwaukee*, July 28, 2020, accessed October 31, 2020, <https://onmilwaukee.com/articles/markasa-tucker-interview>.

intervene in crisis situations before involving the police.<sup>81</sup> A series of MPD killings of young Black men in Milwaukee during the 2010s renewed demands for racial justice in City Hall and the courts. The names of the deceased ring loudly in the city—Derek Williams, Dontre Hamilton, and Sylville Smith.<sup>82</sup> Each case saw Milwaukee County District Attorney John Chisholm, a noted liberal who is widely recognized as a progressive DA, refrain from criminally charging the officers for their deadly actions, justifying the use of lethal police force. In the wake of the killings, activists, youth, and family-led coalitions dragged the city’s long, Black-led struggle for police accountability into the new millennium. Their movement mobilized against the backdrop of larger democratic struggles, such as Occupy Wall Street (2011-2012) and the initial phase of the Black Lives Matter Movement (2013-2016). These national protest battles addressed violent outcomes of global-financial manipulation and racialized policing, respectively. The killings of Williams (2011), Hamilton (2014), and Smith (2016) by the MPD evoked Black Milwaukeeans’ long history of confronting police racism and violence, but also their class exploitation. Groups like the survivor-led “Coalition for Justice”—a nod to the movement organized by the 1981 Coalition for Justice for Ernest Lacy—drew on similar tactics of political negotiation, coalition-based mobilizing, and street-level protests to push for procedural changes, like requiring officers to wear body cameras and receive mental health and crisis intervention training, as well as federal civil rights interventions.<sup>83</sup>

Milwaukee’s ACLU, meanwhile, has exposed the limits of liberal law-and-order and the racism embedded in proactive, Broken Windows style policing. In 2017, the organization filed a federal lawsuit that challenged the MPD’s “high-volume, suspicionless” stop and frisk program.<sup>84</sup>

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<sup>81</sup> A prominent example was the 2015 Safe Zone initiative, led by Khalil Coleman and Shawn Moore. Ashley Luthern, “Milwaukee Woman Brings Street Level Credibility to Safe Zone Plan,” *Milwaukee Journal Sentinel*, June 8, 2015.

<sup>82</sup> The police killing of Smith in August 2016 sparked several nights of unrest in Sherman Park.

<sup>83</sup> Ashley Luthern, “Federal Lawsuit Filed in Dontre Hamilton Case,” *The Milwaukee Journal*, April 28, 2016, A2.

<sup>84</sup> *Collins, et al. v. City of Milwaukee, et al.*, 17-cv-00234-JPS, United States District Court, Eastern District of Wisconsin, Milwaukee Division. The Milwaukee Common Council approved the lawsuit on July 10, 2018. “Milwaukee Common Council Approves Historic Settlement with ACLU,” July 10, 2018, accessed February 9, 2019, <https://www.aclu-wi.org/en/news/milwaukee-common-council-approves-historic-settlement-aclu>.

Analyzing data on more than 350,000 pedestrian and traffic stops from 2010 to 2017, the ACLU outlined a “vast and unconstitutional” racial profiling agenda. Former Police Chief Edward Flynn—a noted advocate of data-driven, “problem-oriented” policing—introduced the policy in 2008.<sup>85</sup> The City of Milwaukee, MFPC, and Chief Flynn’s replacement, Alfonso Morales, settled the case in 2018 on behalf of a class of Black and Latinx residents.<sup>86</sup> The courts found that the program had violated plaintiffs’ Fourth Amendment rights, which bans unreasonable searches and seizures, as well as the “prohibition of racial and ethnic profiling” under the Fourteenth Amendment and Title VI of the 1964 Civil Rights Act.<sup>87</sup> Milwaukee police bureaucrats denied that the MPD’s tactics were discriminatory or illegal. “Saturation patrols” deployed in “economically depressed,” high-crime neighborhoods, police held, reflected a sound “crime deterrence” strategy, regardless of whether stopped individuals committed an offense or appeared reasonably suspicious.<sup>88</sup>

The settlement agreement marked a critical juncture in Milwaukee’s police accountability movement. Not only did it obligate the MPD to change its order maintenance tactics, data collection methods, supervisory practices, and officer training criteria, but it included long sought after disciplinary procedures for violators. Police personnel who breached the consent decree faced reprimand by superior officers. The settlement agreement also required stop and frisk data to be released to the public on a regular basis and the MFPC to expand and improve civilian and internal

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<sup>85</sup> Flynn was recommended for chief by Broken Windows theory co-author George Kelling, who served as an advisor to the MFPC as it searched for a new MPD leader. Kelling, *Policing in Milwaukee*.

<sup>86</sup> The initial lawsuit identified then MPD Chief Edward Flynn as a defendant. *Collins, et al. v. City of Milwaukee, et al.*, 17-cv-00234-JPS, United States District Court, Eastern District of Wisconsin, Milwaukee Division. The Milwaukee Common Council approved the lawsuit on July 10, 2018. “Milwaukee Common Council Approves Historic Settlement with ACLU,” July 10, 2018, accessed February 9, 2019, <https://www.aclu-wi.org/en/news/milwaukee-common-council-approves-historic-settlement-aclu>.

<sup>87</sup> ACLU of Wisconsin, “Common Council Approves Historic Settlement with ACLU to End Unconstitutional Stop and Frisks,” *Milwaukee Neighborhood News Service*, <https://milwaukeenns.org/2018/07/10/milwaukee-common-council-approves-historic-settlement-with-aclu-with-sweeping-police-reforms-to-end-unconstitutional-stops-and-frisks-of-black-and-latinx-people/>; *Collins, et al. v. City of Milwaukee, et al.*, 17-cv-00234-JPS, United States District Court, Eastern District of Wisconsin, Milwaukee Division.

<sup>88</sup> The MPD reasoned that it broadened the program to include “law-abiding” citizens in sweeps. *Collins, et al. v. City of Milwaukee, et al.*, 73.

complaint procedures. A new city-backed organization, the Milwaukee Community Collaborative Committee, served as a means for citizens to provide input on police operations and envision alternatives. The Common Council authorized the committee to review a U.S. Justice Department Collaborative Reform draft report in 2017 and solicit feedback from the public.

Indeed, not all police accountability advocates today agree with abolitionist proposals, like defunding the MPD. Reformist voices support investing in “good” policing. As such, they continue to influence policy debates. Elected officials are more receptive to liberal coalitions that advocate for procedural changes that maintain police power, while seeking to modify or “improve” police capabilities. The Community Collaborative Commission, for instance, has called on the city to shore up the MPD’s approach to “community policing,” as outlined by the Obama administration’s “President’s Taskforce on 21st Century Policing” (2015) report and the “New Era on Public Safety” (2019) study. Yet, these liberal proposals replicate many of the same reform fixes that have failed to hold police departments accountable since at least the 1960s. They incorporate policies enumerated by accountability groups in Milwaukee during the long 1970s, like garnering community input on police operations with the goal of “improving trust;” conducting annual surveys on “police-community relations;” evaluating “progressive policing strategies in other cities;” and regularly communicating public concerns over “police policies, procedures, and practices” to City Hall.<sup>89</sup>

Events in the summer of 2020 pushed this already polarizing conversation around public safety in all directions. Since May 29, 2020, four days after a Black man named George Floyd was asphyxiated by a white Minneapolis police officer, thousands have protested in Milwaukee against police violence and systemic racism.<sup>90</sup> New organizations formed amid the demonstrations, like the

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<sup>89</sup> Common Council President Cavalier Johnson, “New Appointments to Community Collaborative Commission,” *Urban Milwaukee*, June 10, 2020, accessed July 27, 2020, <https://urbanmilwaukee.com/pressrelease/new-appointments-to-community-collaborative-commission/>.

<sup>90</sup> Sophie Carson and Evan Casey, “‘The Whole Country’s Watching Now’: After 100 Days Marching, Milwaukee Protesters Want to Live Up to the Past and Change the Future,” *Milwaukee Journal Sentinel*, September 5, 2020, accessed October 31, 2020, <https://www.jsonline.com/story/news/local/2020/09/05/milwaukee-wauwatosa-protesters-hit-100->

People's Revolution and Milwaukee Alliance against Racist and Political Oppression. Latinx coalitions joined in solidarity, demanding justice in the streets, criminal-legal system, and MFPC for Joel Acevedo, a Latinx man killed by a white off-duty MPD officer in April. New protest strategies, like car caravans, which block entry points and have kept social distancers safe amid the COVID-19 pandemic, have facilitated larger and longer demonstrations. Clashes between protest leaders on freeway bridges and militarized police riot suppression tactics, including the use of chemical irritants, further galvanized crowds demanding justice. The MPD's show of force during peaceful protests exacerbated unrest. It also led to legal challenges and served to expedite the MFPC's subsequent demotion of embattled Police Chief Alfonso Morales, who soon retired.<sup>91</sup>

Milwaukee's movement has extended beyond the city's borders. Community leader Frank 'Nitty' Sensabaugh led a 750-mile march to Washington, D.C. in August. He and a contingent of Wisconsin protesters rallied with allied organizations and national voices.<sup>92</sup> While they did not intend to initially, demonstrators in Milwaukee expect to surpass the 200 straight nights of protests that NAACP Youth Council (YC) activists led in support of an open housing ordinance in 1967-1968. Like the YC, contemporary activists understand that marching into the city's majority white suburbs carries symbolic power. They have challenged police impunity in the adjacent city of Wauwatosa, where a now-suspended Black patrolman shot and killed three Black males in five years.<sup>93</sup> Activists also marched in Kenosha, Wisconsin in solidarity with demonstrators there after a white police officer shot a Black father, Jacob Blake, seven times in the back. As of this writing, Milwaukee's 2020 movement against police violence and systemic racism has not ceased. As community leader

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days-marching-look-future/5707624002/.

<sup>91</sup> Carson and Casey, "The Whole Country's Watching Now."

<sup>92</sup> Sensabaugh spoke to thousands of people and national media on the same hallowed grounds where Dr. Martin Luther King Jr. delivered his "I Have a Dream Speech" in 1963. Carson and Casey, "The Whole Country's Watching Now."

<sup>93</sup> The most recent, Alvin Cole, was only 17-years-old. Ricardo Torres, "The Police Are Making Us Look Bad": Protesters March through Wauwatosa Calling for Change," *Milwaukee Journal Sentinel*, November 1, 2020, accessed November 3, 2020, <https://www.jsonline.com/story/news/local/milwaukee/2020/11/01/protesters-march-through-wauwatosa-calling-change/6118725002/>.

Khalil Coleman observed, “The whole purpose is civil disobedience. The whole purpose is to be a disruption. Because injustice has been a disruption in the lives of many Black and brown people.”<sup>94</sup>

Ultimately, the query posed by James Cameron at the outset of this project—“How can a people be brought to respect a government that constantly oppresses and exploits them?”—lingers as an abiding one.<sup>95</sup> And not just in Milwaukee. Endemic police violence continues to harm Black people nationwide, even as 2020’s COVID-19 emergency offers its own racially disparate and deadly outcomes. The police murders of George Floyd, Breonna Taylor, and other BIPOC citizens have again exposed the racist underpinnings of U.S. law enforcement, as well as the inability of America’s criminal-legal system to administer justice. These killings have driven an international reinvigoration of the Movement for Black Lives—now the largest social movement in U.S. history.<sup>96</sup> Millions are demanding discipline for offending officers and calling to defund the police. White people, no longer comfortable with standing on the sidelines of political struggle, have joined Black, Latinx, and Indigenous folk in pressuring elected officials to move beyond symbolic gestures and expensive reforms that only expand police power with little pay-off for poor and working people. Studying over a century of policing history in Milwaukee tells us that both liberal and reactionary law-and-order will not solve far-reaching problems we know to be embedded in capitalism and racism.

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<sup>94</sup> Carson and Casey, “The Whole Country’s Watching Now.”

<sup>95</sup> Cameron, “An Open Letter to the Milwaukee Fire and Police Commission Regarding the Ernest Lacy Complaint,” 9.

<sup>96</sup> Larry Buchanan, Quoc Trung Bui, and Jugal K. Patel, “Black Lives Matter May Be the Largest Movement in U.S. History,” *The New York Times*, July 3, 2020, Accessed October 31, 2020, <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html>.

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## Appendix A

### Select Milwaukee Police Department Killings/In-custody Deaths

Date	Name	Age	Race	Cause of Death
1948	Emeit Clemons	27	Black	Shooting
1950	Murray Henry	22	Black	Shooting
1958	Daniel Bell	22	Black	Shooting
1959	Roscoe Simpson	29	Black	Shooting
1967	Clifford McKissick	18	Black	Shooting
1967	Lee Wilson	44	Black	Shooting
1970	Randolph Anderson	26	White	Shooting
1972	Jacqueline Ford	19	Black	Shooting
1973	Andrew Friend	22	Black	Shooting
1974	Johnnie Starks	54	Black	Shooting
1974	Mary Pendleton	42	Black	Asphyxiation
1974	Jerry Brookshire	16	Black	Shooting
1975	Steve Gaston	21	Black	Shooting
1975	Charles Dailey	20	Black	Shooting
1977	Roger Lyons	32	White	Head injuries
1981	Ernest Lacy	22	Black	Asphyxiation
1991	George Brown	15	Black	Shooting
2002	Larry Jenkins	31	Black	Shooting
2002	Samuel Rodriguez	24	Latinx	Shooting
2002	Edward Pundsack	28	White	Shooting
2003	Justin Fields	21	Black	Shooting
2005	Wilbert Prado	25	Latinx	Shooting
2010	Tony Bean	43	Black	Lost consciousness
2011	Derek Williams	22	Black	Asphyxiation
2014	Dontre Hamilton	31	Black	Shooting
2016	Sylville Smith	23	Black	Shooting
2020	Joel Acevedo	25	Latinx	Asphyxiation

## CURRICULUM VITAE

**William I. Tchakirides**  
wtchak@gmail.com  
<http://willtchakirides.com>

### EDUCATION

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- 2020 University of Wisconsin-Milwaukee, Ph.D., U.S. History  
Dissertation: “‘Accountable to No One’: Confronting Police Power in Black Milwaukee”  
Committee: Dr. Amanda I. Seligman (Chair), Dr. Joe Austin, Dr. Joseph Rodriguez, Dr. Robert S. Smith (Marquette University)
- 2011 American University, M.A., U.S. History, Public History Track
- 2006 Suffolk University, B.S., U.S. History

### RESEARCH AND TEACHING AREAS

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Policing, Crime and Punishment / African American History / U.S. Politics and Culture / Urban History / Social Movements / Public History / Digital Humanities / Oral History / Archives

### PUBLICATIONS

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#### Peer Reviewed

With Robert S. Smith. “Brew City Bellwether: The Changing Landscape of the Black Family in Milwaukee.” In *Contemporary African American Families: Achievements, Challenges, and Empowerment Strategies in the 21st Century*, edited by Dorothy Smith-Ruiz and Sherri Lawson-Clark, 123-140. New York: Routledge, 2016.

#### Public Scholarship

In *Encyclopedia of Milwaukee*, edited by Margo J. Anderson and Amanda I. Seligman. Available online through the University of Wisconsin-Milwaukee at [emke.uwm.edu](http://emke.uwm.edu):

“Betty Quadracci,” “Beulah Brinton,” “Blood Center of Wisconsin,” “British,” “City of Pewaukee,” “Digital Milwaukee,” Dorothy Enderis,” “Filipinos,” “Germantown,” “Hartford,” “Junior League of Milwaukee,” “Mary Blanchard Lynde,” “Milwaukee Magazine,” “Milwaukee NAACP,” “Milwaukee Press Club,” “Nelson P. Hawkes,” “Newhall House Fire,” “Public Service Building,” “Television,” “Village of Menomonee Falls,” “Village of Pewaukee,” “Village of Slinger,” “We Energies,” “Wisconsin Center,” “Yankee-Yorkers,” “YWCA Southeast Wisconsin,” and “YMCA of Metropolitan Milwaukee.”

#### Op-Eds

“Long before Sterling Brown’s Arrest, Milwaukee Struggled with a Policing Problem.” *The Washington Post*. June 3, 2018. <https://wapo.st/2z6o92I>

“‘Not Examined, but Rectified’: Let Milwaukee Heed Khalif Rainey’s Advice.” *Milwaukee Neighborhood News Service*. August 17, 2016. <https://milwaukeeenns.org/2016/08/17/not-examined-but-rectified-let-milwaukee-heed-khalif-raineys-advice>



## FELLOWSHIPS & AWARDS

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2019	R1 Distinguished Dissertation Fellowship, UW-Milwaukee
2019	Governor's Archives Award in Archival Achievement, Wisconsin Historical Society
2018	Distinguished Dissertation Fellowship, UW-Milwaukee
2017	Graduate Student Excellence Fellowship, UW-Milwaukee
2013	Graduate Student Travel Award, UW-Milwaukee
2012	Chancellor's Graduate Student Award, UW-Milwaukee
2011	Top Graduate Student Poster, National Council on Public History Annual Meeting
2010	Graduate Student Fellow, National Museum of American History
2010	Academic Merit Award, College of Arts and Sciences, American University
2006	History Department Book Prize, Suffolk University
2005	History Department Book Prize, Suffolk University

## TEACHING EXPERIENCE

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### University of Wisconsin-Milwaukee, History Department

2018	Teaching Assistant (Instructor: Chia Youyee Vang), Cambodia, Laos, and Vietnam: History and Culture
2016	Teaching Assistant (Instructor: Robert S. Smith), Multicultural America
2016	Instructor of Record, History 446: African American History since the Civil War
2015	Teaching Assistant (Instructor: Robert S. Smith), Multicultural America

## EMPLOYMENT

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**Marquette University, Center for Urban Research, Teaching, and Outreach**, Milwaukee, WI  
Project Lead and Web Designer, Documenting Black Lives Matter Archive, Milwaukee, WI, 2020

**Northwestern Mutual**, Milwaukee, WI  
Archivist, 2014–2020

**University of Wisconsin-Milwaukee, History Department**, Milwaukee, WI  
Project Assistant, Hmong Diaspora Studies Program, AY 2017–2018  
Project Assistant, Cultures & Communities Program, AY 2014–2015, 2015–2016, 2016–2017  
Research Assistant, The Encyclopedia of Milwaukee, AY 2013–2014  
Project Assistant, The Encyclopedia of Milwaukee, AY 2012–2013

**University of Wisconsin-Milwaukee, Golda Meir Library**, Milwaukee, WI  
Archives Technician, American Geographical Society Library, 2012–2014  
Web Developer, Digital Humanities Lab, 2013–2014

**American University**, Washington, DC  
Senior Library Assistant, Bender Library, 2010–2011  
Web Developer, History Department, 2011

**Smithsonian Institution**, Washington, DC  
Anacostia Community Museum, Web Developer, Paid Internship, Summer 2011  
National Museum of American History, Web Developer, Paid Internship, 2010–2011

## INVITED TALKS

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- 2020 “Milwaukee Fire & Police Commission: Accountable to Whom and for What? A Historical View,” Wisconsin ACLU, Milwaukee National Lawyers Guild, Milwaukee, Wisconsin, September 29
- 2020 “Smart Justice during COVID-19: The History of Policing,” Wisconsin ACLU, Milwaukee, WI, July 22
- 2020 “Why the Nation Erupted? Historicizing This Moment,” Panelist, Center for Urban Research, Teaching, and Engagement, Marquette University, Milwaukee, WI, June 11
- 2019 “Doing Public History in Milwaukee across Institutional and Grassroots Settings: Challenges and Opportunities,” Washington College, Chestertown, MD, December 19
- 2018 “Lessons from the Long Black Freedom Struggle,” March on Milwaukee 50<sup>th</sup> Anniversary, Body & Soul Healing Center, Milwaukee, Wisconsin, November
- 2017 “A Prince Among Slaves,” Film Discussion Facilitator, UW-Milwaukee Muslim Student Association, February 22
- 2016 “Civilian and Police Relations in Milwaukee,” Medical College of Wisconsin, Wauwatosa, WI, August 1
- 2016 “The Black Panthers: Vanguard of the Revolution,” Film Discussion Facilitator, John Michael Kohler Arts Center, Sheboygan, WI, February 9
- 2015 “Museums and Memory on the Internet: Creating the Stitching History Digital Exhibit,” with Rachel N. Baum, E.J. Basa, and Allain Daigle, Jewish Museum Milwaukee, Milwaukee, WI, February 25

## CONFERENCE ACTIVITY & PARTICIPATION

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### Conferences Organized

- 2016 Communications and Logistics Assistant, Imagining America National Conference, Milwaukee, WI
- 2014 Co-Coordinator, The Humanities and Technologies Camp, UW-Milwaukee, Milwaukee, WI
- 2014 Co-Coordinator, UW-Milwaukee History Graduate Student Conference, “Racial Formation, Racial Blindness,” UW-Milwaukee, Milwaukee, WI
- 2013 Co-Coordinator, Midwest Labor and Working-class History Graduate Student Colloquium, UW-Milwaukee, Milwaukee, WI
- 2012 Local Outreach Coordinator, The Humanities and Technologies Camp, Organization of American Historians and National Council On Public History Joint Annual Meeting, Milwaukee, WI

### Panels Organized

- 2021 (Pending) Co-organized with Ian Toller-Clark, “Towards a Liberated Black Milwaukee: The Strategic Evolution of Police Accountability Mobilizations in a Midwestern City,” Urban History Association Conference, Detroit, Michigan
- 2012 “Public History Online: Using the Web to Collaborate and Share,” Working Group Facilitator, Organization of American Historians and National Council on Public History Joint Annual Meeting, Milwaukee, WI, April 21

## Papers Presented

- 2020 "Black Cops, Cream City: Oral History and African American Policing in Milwaukee," Oral History Association, Baltimore, Maryland, October 9
- 2020 (Canceled) "Beyond the Grave: African American Resistance and the Deceased," Organization of American Historians Annual Meeting, Washington, D.C.
- 2018 "In King's Name: The League of Martin's Struggle to End Police Racism in Milwaukee," Association for the Study of African-American Life and History, Indianapolis, IN, October 5
- 2016 "Brew City Bellwether: Lessons from Milwaukee, WI," National Council on Black Studies Annual Conference, Charlotte, N.C., March 17
- 2014 "All Eyes on the Block: Racial Liberals and Community-based Crime Control in Milwaukee during the Mass Incarceration Era," Urban History Association Annual Meeting, Philadelphia, PA, October 10
- 2014 "'Fighting Back against the Crime Menace,' Liberal Integrationists and the Criminalization of Milwaukee's Urban Spaces during the Reagan Era," Organization of American Historians Annual Meeting, Atlanta, GA, April 13
- 2014 "A Conflicted Reality: Liberal Integrationists and the Criminalization of Urban Space in Milwaukee," University of Wisconsin-Milwaukee Graduate History Conference on Race and Ethnicity, Milwaukee, WI, February 15
- 2013 "The Fight to Make Higher Education Relevant to Black College Students in Milwaukee," Association for the Study of African American Life and History Annual Meeting, Jacksonville, FL, October 3
- 2013 "Perceptions, Strategies, and Consequences: Addressing Crime in Milwaukee's Sherman Park Community, 1980-1992," UW-Milwaukee Urban Studies Program Annual Student Forum, Milwaukee, WI, April 27
- 2013 "'Partiality Invested with Power': Race, Police Brutality, and the Death of Ernest Lacy," Midwest Labor and Working Class History Graduate Student Colloquium, Milwaukee, WI, February 15

## Roundtable Discussant

- 2019 "Federalism and Policing under the 'First White President,'" The Labor and Working-Class History Association, Durham, NC, May 31
- 2017 "To Defuse a 'Powder Keg': Historicizing the 2016 Milwaukee Uprising," Roundtable Organizer, The Labor and Working-Class History Association, Seattle, WA, June 23
- 2015 "Historicizing the Channels and Landscapes of Power and Struggle in the Neoliberal City," The Labor and Working-Class History Association Annual Meeting, Washington D.C., May 30
- 2013 "Teaching Digital History and New Media," Working Group, National Council on Public History Annual Meeting, Ottawa, ON, April 19
- 2013 "University-NPS Partnerships and the Benefits of Creative Space: Placing Arlington House in Transnational History," Roundtable, The Future of Civil War History: Looking Beyond the 150<sup>th</sup> Conference, Gettysburg, PA, March 14
- 2011 "Interpreting the Lives of People of Color at Arlington House," Poster Session, National Council on Public History Annual Meeting, Pensacola, FL, April 8

## Service

- 2013 Digital Drop-in Consultant, National Council on Public History Annual Meeting,

Ottawa, ON, April 19

## CAMPUS PRESENTATIONS

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- 2019 “Doing Public History Across Grassroots and Institutional Settings: Challenges and Opportunities,” UW-Milwaukee Libraries Digital Humanities Lab, Milwaukee, WI, December 16
- 2015 “Directions in Digital Humanities: ‘Stitching History from the Holocaust: A Digital Humanities Lab Project,’” with *Rachel Baum* and *Ann Hanlon*, UW-Milwaukee Libraries Digital Humanities Lab, Milwaukee, WI, March 4
- 2014 “Digital Humanities Methods: Omeka and Neatline,” UW-Milwaukee Libraries Digital Humanities Lab, Milwaukee, WI, November 12

## COMMUNITY OUTREACH

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- 2016 “From Marshall Clark to Dontre Hamilton: Connecting Racial Terror Lynchings and Anti-Black Police Violence in Milwaukee,” Walking Tour, Milwaukee, WI, August 15

## ORAL HISTORY COLLECTION DEVELOPMENT

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- 2017-2018 “March on Milwaukee 50th Anniversary: 200 Nights of Freedom” Oral History Committee Chair. Developed in partnership with the Wisconsin Historical Society, University of Wisconsin-Milwaukee Libraries, Wisconsin Black Historical Society, Marquette University Libraries, and Milwaukee County Historical Society
- 2016-2018 “African Americans in the Milwaukee Police Department Oral History Project.” Developed in partnership with the University of Wisconsin-Milwaukee Archives and Wisconsin Black Historical Society and Museum

## DIGITAL HISTORY PROJECTS

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- 2020 (In Progress) Documenting Black Lives Matter Demonstrations in Milwaukee, Digital Archive, UW-Milwaukee and Marquette University, Design Lead
- 2017 “200 Nights of Freedom,” March on Milwaukee 50<sup>th</sup> Anniversary Project, Design Team Member, <http://200nightsoffreedom.org/>
- 2015 UW-Milwaukee Cultures & Communities Program Website, College of Letters & Sciences, Web Designer, <https://uwm.edu/cultures-communities/>
- 2014 “Stitching History from the Holocaust,” Online Museum Exhibition, UW-Milwaukee Digital, Humanities Lab, Jewish Museum Milwaukee, Project Lead and Web Designer, <http://liblamp.uwm.edu/omeka/stitchinghistory/>
- 2014 “Transforming Justice: Rethinking the Politics of Security, Mass Incarceration, and Community, Health,” UW-Milwaukee, Center for 21st Century Studies Transdisciplinary Challenge Award project, Web Designer, <https://uwm.edu/transformingjustice/>
- 2014 Technology & Humanities Camp Milwaukee 2014, Web Designer, <http://milwaukee2014.thatcamp.org/>
- 2013 “The Milwaukee Crime Map Project,” Web Designer, Final Project for History-717, History and the New Media (defunct)
- 2012 Technology & Humanities Camp NCPH 2012, Web Designer,

- 2011 <http://ncph2012.thatcamp.org/>  
“Community Documentation Initiative,” Smithsonian Institution, Anacostia  
Community Museum, Co-Web Designer,  
<https://web.archive.org/web/20150221223711/http://cdi.anacostia.si.edu/>
- 2010 “American Enterprise,” Smithsonian Institution, National Museum of American  
History, Pre-Exhibition Website, Co-Web Designer,  
<https://web.archive.org/web/20121023002210/http://americanenterprise.si.edu/>

## **PUBLIC HISTORY INTERNSHIPS**

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### **Smithsonian Institution**, Washington, DC

Anacostia Community Museum, Web Developer, Paid Internship, May 2011–October 2011

National Museum of American History, Web Developer, Paid Internship, August 2010–May 2011

### **Milwaukee County Historical Society**, Milwaukee, WI

Processing Assistant, Brewery Collection, June 2010–August 2010

### **Arlington House, The Robert E. Lee Memorial**, Arlington, VA

National Park Service, Furnishing Plan Developer, January 2010–May 2010

### **Chesapeake & Ohio Canal**, Great Falls, MD

National Park Service, Historical Interpreter, September 2009–December 2009

### **Museum of African American History**, Boston, MA

Research Assistant, Gathering Place for Freedom exhibit, January 2006–May 2006

## **UNIVERSITY SERVICE**

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UW-Milwaukee Libraries Digital Humanities Lab Advisory Board, 2015-2016

Associate Developer/Consultant, UW-Milwaukee Libraries Digital Humanities Lab, 2013-2015

Graduate Student Liaison, UW-Milwaukee History Graduate Affairs Committee, 2012-2013

Consultant, UW-Milwaukee Digital Futures Grant, 2012

## **LANGUAGES**

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English, fluent / Spanish, conversational

## **DIGITAL SKILLS**

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Proficiencies: HTML, CSS, WordPress, Omeka, CommonSpot CMS

## **PROFESSIONAL MEMBERSHIPS OR AFFILIATIONS**

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Organization of American Historians

Urban History Association

Association for the Study of African American Life and History

Labor and Working-Class History Association

National Council on Public History