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Chief for Life: Harold Breier and His Era

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CHIEF FOR LIFE: HAROLD BREIER AND HIS ERA

by

Ronald H. Snyder

**A Dissertation Submitted in
Partial Fulfillment of the
Requirements for the Degree of
Doctor of Philosophy
in American Urban History**

at

The University of Wisconsin-Milwaukee

December 2002

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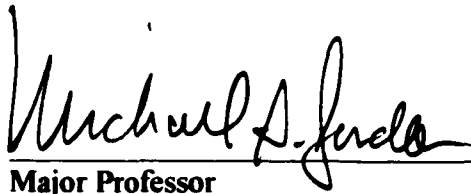
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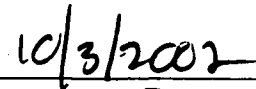
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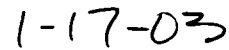
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ABSTRACT

CHIEF FOR LIFE: HAROLD BREIER AND HIS ERA

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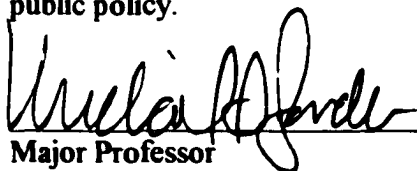
The University of Wisconsin-Milwaukee, 2002
Under the Supervision of Professor Michael Gordon

Harold Breier served as Milwaukee's Chief of Police from 1964 until 1984. His tenure occurred during a time of cultural upheaval in the United States, marked by the turmoil of the civil rights movement, the peace movement, and a youth rebellion against traditional societal values and norms. Many people perceived Breier as an opponent of cultural or political change. He was accused of tolerating excessive police force, especially when minority citizens or counterculture youth were involved, and presiding over a racially segregated police department. Others credited him with making Milwaukee one of the safest cities in the country and protecting the core values of American society.

Chief Breier's authority was unique among urban police chiefs. He enjoyed statutory lifetime tenure and had exclusive power to make and enforce departmental rules. Although most of his formal power was derived from state law, much of his influence resulted from the general perception that he commanded a large following among the electorate, and any public official opposing his policies or methods would be punished by the voters. Acting on that perception, most local and state politicians refrained from criticizing him or challenging his virtually unlimited power over law enforcement in Milwaukee. Mayor Henry Maier occasionally worked around Breier but denied that he was doing so.

A series of events involving Breier and his department alienated segments of the community and resulted in efforts to curb the chief's formal power. The result was a change in state law, which removed much of his unilateral authority. His inability to influence those changes, and the electoral success of some of his opponents, raised questions about his political power. Breier retired rather than serve with diminished authority.

Although Breier's tenure arrangement was unique, his career helps explain the cultural milieu in which other urban police chiefs of his era operated. It sheds light on the historic political role of urban police chiefs and their influence on the development of public policy.


Major Professor

10/3/2002
Date

For Patricia J. Hayes

You are the reason why I am here.

You are the reason why I am.

You are the reason.

John Nash

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Acknowledgments

Those of us who have access to university facilities sometimes overlook the rich treasure that is the public library system. Much of the Breier story was pieced together in the reference room of the Central Milwaukee Public Library. Its vast inventory of carefully catalogued newspapers and magazines was invaluable. I am especially grateful to Paul Woehrmann, Special Collections Librarian, for his determined efforts to locate and share a tape recorded interview that he conducted with Harold Breier shortly before the chief's death in 1998.

The staff of the Area Research Center of the State Historical Society of Wisconsin at the Golda Meir Library of the University of Wisconsin-Milwaukee provided me with literally dozens of archived materials, which added substance and context to this project.

The professional staff of the Milwaukee Board of Fire and Police Commissioners treated me with kindness and generosity. They made me feel at home in their office and responded to my every request for materials with efficiency, professionalism, and good cheer. I am deeply grateful to Executive Director Joseph J. Czarnecki, research analyst Joan Dimow, and especially to Renee Kleinert for their assistance and support.

I am most grateful to the individuals who took the time to talk with me and share their personal recollections of the Breier era. Their names appear in the bibliography and in footnotes scattered throughout the text, but I want to especially acknowledge them, not only for their critical contributions to this project, but for their on-going efforts to enrich the quality of life in Milwaukee.

The completion of my task at the University of Wisconsin-Milwaukee is a bitter-sweet event, because my graduate education provided some of the happiest and most rewarding experiences of my life. I met some intelligent and interesting students, and I was blessed with the life-altering opportunity to study under the direction of faculty who were accomplished scholars and first-rate human beings. Five of those faculty members,

all of whom were my instructors, agreed to serve on the committee that guided my studies. They shared their experience and knowledge with me and encouraged me every step of the way.

As I prepared to apply to the UWM Graduate School for admission to the Multidisciplinary Committee-Directed Ph.D. program in 1997, a faculty member in the History Department suggested that I ask Michael Gordon, Associate Professor of History and Director of the Public History Program, to serve as my major professor. That turned out to be wonderful advice. During the ensuing years, Professor Gordon led me through the admissions process, the selection of courses, the preliminary examination, and the dissertation. It was always clear to me that he had my best interests at heart and that he was someone whom I could trust and count on. If there is any merit in this work, it is a testament to his guidance and support. Any errors in fact or judgment are mine.

Glen Jeansonne, Professor of History, is a prolific and accomplished scholar of Twentieth Century America. He is a gifted teacher, whose graduate courses are regularly filled to capacity. He directed my Master's Thesis in 1997-98. He suggested Harold Breier as the topic for this dissertation. I hope that it is not too presumptuous to say that he is also my friend.

Andrew Martin, Associate Professor of English, added an important dimension to my studies and to my life by exposing me to the world of American literature; literature that broadened my understanding of the historical periods and movements in which I am interested. I have rarely enjoyed myself as much as I did during those moments when I discussed Steinbeck or Hemingway, or Wright with that gentle and sensitive scholar.

I have known Donald Noel, Professor Emeritus of Sociology, longer than just about anyone at UWM. His reputation as a strong advocate for students and an active citizen of the campus community has been long established. However, it was only when I enrolled in his graduate seminar in the sociology of race relations that I came to see him for what he really is; a man who has devoted his life and his considerable academic talents

to the cause of human rights and equal opportunity for all. UWM was immeasurably enriched by his presence and diminished by his recent retirement.

Joseph Rodriguez, Associate Professor of History, not only taught me urban history and exposed me to the culture of rigorous scholarship but honored me by joining my faculty committee. My association with him in this final stage of my student career is most appropriate, because he came to symbolize everything that was challenging and rewarding and joyous about my graduate studies at UWM.

I am most appreciative for the contributions made to my work by several other faculty members. Assistant Professor of History Amanda Seligman allowed me to begin preliminary research on Chief Breier and urban police in partial fulfillment of the requirements for her seminar on "the urban crisis." She provided many helpful suggestions, including the title of this dissertation.

Frederick Olson, Professor Emeritus of History, read the manuscript and offered wise counsel throughout the dissertation process.

I returned to school after an absence of more than twenty-five years to pursue a Master's Degree in History in 1996. The first graduate class in which I enrolled was taught by Professor of History (now Professor Emeritus) Walter Trattner. From the very first class session, I was "hooked." He was my inspiration.

My life-long fascination with history and politics and my commitment to urban America is part of the legacy left to me by my late parents, Morris A. Snyder and Rebecca Corinne Jaffe.

Personal and professional interests enrich the quality of life, but the satisfaction, joy, and pride that comes from others makes life worth living. In that spirit, I thank my daughters, Molly Snyder Edler and Jennifer Snyder Surges.

This work is dedicated to my wife, Patricia Hayes, who taught me in so many ways that dreams can come true.

Introduction: It Was A Very Bad Year

On Thursday evening October 8, 1981, the New York Yankees defeated the Milwaukee Brewers by a score of 3-0 at Milwaukee County Stadium in game two of a best of five playoff series for the American League Eastern Division championship. The Yankee victory, sparked by the four-hit pitching of twenty-two year old Dave Righetti and a ninth inning home run by veteran Reggie Jackson, gave the New Yorkers an insurmountable two games to none lead in the series.¹

For at least one of the 26,395 fans in attendance the Brewers loss would not be the most memorable event of the evening.

Thirty-three year old James Schoemperlen, a certified public accountant from suburban South Milwaukee, joined some friends at the stadium. During the game, he consumed an excessive amount of the beverage that made Milwaukee famous; although his blood alcohol level, .086%, was below the threshold of legal intoxication in Wisconsin.

Returning home alone from the baseball game, Schoemperlen stopped his car at a traffic light at the intersection of South 24th Street and West National Avenue. He opened his car door and relieved himself. He did not notice a group of high school students nearby. Shortly after Schoemperlen drove away, the students stopped a passing Milwaukee Police Department squad car and told the officers that a man had indecently exposed himself from his car. They furnished a description of the car and the vehicle license plate number.

¹The 1981 baseball season was temporarily suspended by a player's strike. When the season resumed, Baseball Commissioner Bowie Kuhn ordered that a new mini-season begin and that an extraordinary series of playoffs between division leaders from each "half" of the season determine the divisional championships. The Yankees won the "first half" of the season, and the Brewers won the "second half" of the season. See Tom Flaherty, "Last Chance Awaits Brewers," The Milwaukee Journal, 9 October 1981.

Within moments, the police spotted Schoemperlen's automobile. Fearing a drunk driving arrest, Schoemperlen made his second mistake of the evening. He attempted to elude his pursuers. Twenty-two police officers gave chase. Ten minutes later, Schoemperlen crashed his car into a police roadblock. He jumped from his car and attempted to flee on foot. According to eye-witnesses, several policemen caught up with him and pulled his pants down to his ankles. A motorcycle officer smashed Schoemperlen's face on the pavement three or four times. Another policeman hit him in the face several times with a walkie-talkie. Others punched and kicked him repeatedly and pulled clumps of hair from his head while he lay on the ground.

Schoemperlen was conveyed to St. Luke's Hospital where he received fifty stitches on his face and inside his mouth. His nose and cheekbone were broken and three of his teeth were chipped. Police officers at the scene told investigators that Schoemperlen's injuries occurred, because he hit his face on the steering wheel of his car and tripped over a police motorcycle while attempting to flee.²

Within three days, Milwaukee County District Attorney E. Michael McCann requested a judicial investigation, known in Wisconsin as a "John Doe" hearing, of the incident. Several officers were subsequently tried for felony battery. Officer Dominic D'Acquisto was convicted in April, 1983. He served a jail sentence and was dismissed from the police force. Officer John Ciecwiwa was convicted of obstructing an officer in connection with a cover-up of the beating and also was fired from the department. Four other police officers served suspensions for their parts in the assault and cover-up.³

²Julie Sabljak, "Officers Reassigned After South Side Arrest," The Milwaukee Journal, 11 October 1981; Karen Robinson, "FBI To Interview Injured Man in Police Case," The Milwaukee Journal, 13 October 1981; Walter Fee, "Judge Orders Probe of Alleged Beating," The Milwaukee Journal 14 October 1981.

³"Officer Takes Fifth At John Doe Hearing," The Milwaukee Journal, 20 October 1981; Ralph D. Olive, "Witness Backs Cycle Officer," The Milwaukee Journal, 14 July 1982; Jo Hansen, "Fired Officer Reinstated, Disciplined," The Milwaukee Journal, 17

Schoemperlen brought a civil suit against the city and settled, in June, 1984, for \$500,000.⁴

The incident was a public relations disaster for the Milwaukee Police Department. "The result of all this," said Ed Hinshaw, Director of Editorial Affairs for Milwaukee television station WTMJ, "is that thoughtful people can conclude that an encounter with the Milwaukee police, for whatever reason, can lead to police violence--unreasonable and unnecessary violence."⁵ In a survey of over one thousand Milwaukee County residents, conducted by the University of Wisconsin-Milwaukee Social Science Research Facility on behalf of The Milwaukee Journal, seventy-seven percent of those replying said that they believed that the police acted improperly in the case.⁶

The Schoemperlen case was but one in a series of events that made 1981 a particularly difficult year for the Milwaukee Police Department and its administrators. Two police officers were killed in the line of duty, and two citizens died at the hands of police. In one of those incidents, three officers were charged with reckless conduct by the District Attorney following the death of a twenty-two year old African American named Ernest Lacy. Lacy was arrested for a rape that he did not commit and mysteriously died

November 1983. Six officers were fired by Police Chief Harold A. Breier for lying to internal police investigators. Four of those officers, Alan Miller, David Ritchie, Gregory Price, and Rodney Libby, were reinstated by the Board of Fire and Police Commissioners and given suspensions instead. The dismissals of D'Acquisto and Ciecwa were upheld by the commission.

⁴"Schoemperlen Case Settled, Lacy and Bell Pending," Milwaukee Courier 30 June 1984.

⁵WTMJ Editorial, 13 August 1982, "Records of the Henry W. Maier Administration," Milwaukee Series 44, Box 140, Folder 18, Milwaukee Urban Archives, Gold Meir Library, The University of Wisconsin-Milwaukee, Milwaukee.

⁶"Majorities Critical of Police in Three Cases," The Milwaukee Journal, 21 February 1982.

while being transported to jail in a police van. In the other case, Sugar Dee Tates, a Caucasian exotic dancer, was shot to death by police after she allegedly eluded a road block and tried to run down a patrolman with her car.

In that same year, a Federal jury awarded nearly \$1.8 million to the family of Daniel Bell, an eighteen year old African American who was killed by police in 1958. A former police officer, Laurencia Bembenek, the wife of police detective Elfred Schultz, Jr., was charged with the murder of Schultz's ex-wife. The police union staged a thirty-six hour walkout on Christmas Eve in protest of remarks made by Milwaukee Alderman Roy Nabors, which they interpreted as justifying the murder of two white police officers by an African American.⁷

The events of that year inevitably focused renewed public attention on the department's highly controversial chief Harold A. Breier. Breier, who had served in his position since 1964, was the only police chief in the United States guaranteed lifetime tenure by state law.⁸ He enjoyed nearly unlimited authority over the operation of the department including the right to promulgate internal rules and regulations and to discipline, suspend, dismiss, or promote police department employees, subject only to ratification by the Milwaukee Board of Fire and Police Commissioners, a quasi-personnel unit established by the State Legislature.

For years, Chief Breier had been under public attack from those who claimed that he was too tolerant of excessive police force, especially when minority citizens or counterculture youth were involved, and that he presided over a racially segregated

⁷"Shooting Shatters Hope For A Less Troubled Year," Milwaukee Sentinel, 2 January 1982. Nabors said that the gunman "could have suspected that the police were simply going to kill him." See CBS Sunday Morning News, Columbia Broadcasting System Television, 3 January 1982, transcript, p. 11.

⁸Chap. 586, secs. 1-23 (1911).

department. A local columnist referred to him as "a racist administrator, a borderline fascist, and the man who contributed more to the segregated reputation of Milwaukee than any other."⁹ Even scholars accused him of being "a virtual autocrat" who "had extraordinary success in resisting all attempts to install any measure of democratic authority" over the Milwaukee Police Department.¹⁰

However, Breier enjoyed enormous support in the community, especially among ethnic working-class whites, largely concentrated on the city's South Side.¹¹ His supporters credited him with making Milwaukee "the most crime free" city of its size in the United States.¹² They attributed the rapid containment of violence during

⁹Eugene Kane, "Sadly, Breier Never Saw Blacks As 'Good People'," Milwaukee Journal Sentinel, 15 September 1998.

¹⁰Henry J. Schmandt, John C. Goldbach, and Donald B. Vogel, Milwaukee: A Contemporary Urban Profile (New York: Praeger Publishers, 1971), 103.

¹¹Gary C. Rummier, "Residents Keep Allegiance to Breier, Survey Finds," The Milwaukee Journal, 5 April 1984; For many, Breier seemed to represent what Los Angeles Police Chief William Parker called "the thin blue line on whose shoulders rested not only the safety of the citizenry but the fate of American society and the future of western civilization." The concerns that caused the white working-class to move away from their historic connection to New Deal-type liberalism and embrace conservative responses to perceived social and cultural changes are well documented in the secondary literature. Among those materials that are most helpful in explaining this phenomenon are Alan Brinkley, Liberalism and Its Discontents (Cambridge, MA: Harvard University Press, 1998); Jonathan Rieder, "The Rise of the Silent Majority," in The Rise and Fall of the New Deal Order, 1930-1980 eds. Steve Fraser and Gary Gerstle (Princeton, NJ: Princeton University Press, 1989), 243-268; Thomas J. Sugrue, "Crabgrass Roots Politics: Race, Rights, and Reaction Against Liberalism in the Urban North, 1940-1964," Journal of American History 82, no. 2 (September, 1995): 551-578 and The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit (Princeton, NJ: Princeton University Press, 1996), 259-272; Gary Gerstle "Race and the Myth of the Liberal Consensus," Journal of American History, 82, no. 2, (September, 1995), 579-586; and Arnold Hirsch, "Massive Resistance in the Urban North: Trumbull Park, Chicago, 1953-1966," Journal of American History, 82, no. 2 (September, 1995), 522-550.

¹²U. S. News and World Report magazine reported that Milwaukee was "the most crime-free city in the 700,000 to 800,000 population group." Among six cities in this

Milwaukee's civil disturbance in July, 1967, and the absence of subsequent disorders, to his no-nonsense approach to law enforcement.¹³ They applauded his characterization of his supporters as "the good people of Milwaukee (who) buy what we are selling" and his opponents as "malcontents, ultra liberals and special interest groups."¹⁴ They held testimonial dinners in his honor and cheered when he promised "never to adopt a policy of appeasement at any time toward those who violate laws" and when he termed the idea of special police dialogues with minority groups as "hogwash."¹⁵

A Police Captain said that Breier could inspire people and reminded him of General George Patton and Green Bay Packers Coach Vince Lombardi. Like those legendary figures, the captain said, Breier demonstrated complete dedication to his job, absolute confidence in his own judgment, and a clear understanding of what it meant to win.¹⁶

class, Milwaukee was the lowest in incidents of murder, rape, assault, burglary, and auto theft. See "How One City Keeps Its Streets Safe," U. S. News and World Report, 28 September 1964, 68-72.

¹³Martin Gruberg, A Case Study in U.S. Urban Leadership: The Incumbency of Milwaukee Mayor Henry Maier (Brookfield, VT: Avebury Press, 1996), 103.

¹⁴Harold Breier, quoted in Alex Dobish, "A Farewell to the Good People," The Milwaukee Journal, 2 May 1984.

¹⁵Harold Breier, quoted in Marian McBride, "Chief Talks Basics," Milwaukee Sentinel, 21 March 1970; William B. Hale, Jr. "Seven Hundred and Fifty Salute Breier, Officers at Sellout Dinner at Pfister," The Milwaukee Journal, 2 May 1970; Dobish, "Farewell to the 'Good People'," The Milwaukee Journal, 2 May 1984; Michael O. Zahn, "Ovations Say It All At Breier Party," The Milwaukee Journal, 1 July 1984; "Breier's Core Stand Assailed, Defended," Milwaukee Sentinel, 1 February 1968; Jonathan Coleman, Long Way To Go: Black and White in America (New York: Atlantic Monthly Press, 1997), 214-217.

¹⁶Lawrence Murray, quoted in Alan Borsuk, "Chief Has a Way That's His Alone," The Milwaukee Journal, 2 May 1984.

Most of his supporters and critics likely would have agreed with a local reporter's characterization of Breier as "more than a police chief. . . not just a person but an attitude. He became part of the definition of Milwaukee. . . strong, straight, and solid. Honest and hard working. Intransigent and blunt, unbending and unchanging. . . law and order personified." ¹⁷

For years, most elected officials shied away from even a hint of criticism of Breier. Some thought that he might eventually follow the lead of his counterpart, Frank Rizzo of Philadelphia, and move from the chief's office to the mayor's suite in City Hall.¹⁸ A few, like Milwaukee's long-time Mayor Henry W. Maier, felt pressured to support him, or at least not to oppose him, in order to keep winning the South Side wards.¹⁹ Others were simply afraid, as an anonymous Milwaukee Alderman told the Wisconsin Advisory Committee to the U. S. Civil Rights Commission, because Breier was capable of "raising havoc in the city."²⁰

Even those elected officials who concluded early in Breier's tenure that too much power had been concentrated in the chief's hands were careful to couch their concerns in theoretical terms.²¹ When the Wisconsin State Legislature granted Milwaukee's Common

¹⁷Ibid.

¹⁸Gruberg, Case Study in U. S. Urban Leadership, 212; Kane, "Sadly, Breier Never Saw Blacks as 'Good People'," The Milwaukee Journal, 15 September 1998.

¹⁹Frank A. Aukofer, City With a Chance: A Case History of the Civil Rights Revolution (Milwaukee: The Bruce Publishing Company, 1968), 20.

²⁰Wisconsin Advisory Committee to the United States Commission on Civil Rights, Police Isolation and Community Needs (Washington, D.C.: U. S. Commission on Civil Rights, 1972), 110.

²¹Only the semi-public Professional Policemen's Protective Association, the police union, was willing to challenge Breier's authority early in his tenure. In 1973, they won the right to appeal department rules to an outside arbitrator. See Joel McNally, "Police Pay Raised, Chief's Power Cut," The Milwaukee Journal, 19 August 1973.

Council the authority to limit the terms of fire and police chiefs in 1977, Breier and Fire Chief William Stamm were specifically excluded from the law.²² The Council responded by setting a seven year term limit but also exempted the incumbent chiefs.²³

After 1981, however, a direct assault on Breier's power and authority seemed to gather momentum. It was fueled in part by a flurry of unflattering national media stories depicting police-community tension in Milwaukee. The New York Times and Time magazine reported on the Lacy case. Newsweek claimed that "the political pressure on Breier has become overwhelming." Rolling Stone recounted the arrest of punk rock singer Wendy O. Williams for an alleged lewd and lascivious performance at a Milwaukee night club, which resulted in a brawl between police and members of her band. The CBS Sunday Morning News sent veteran reporter Morton Dean and a camera crew to Milwaukee to prepare a special feature entitled "Long Memories and Short Fuses," which aired as the program's "cover story" on January 3, 1982. Dean's assessment was that "events of the past several months have damaged Milwaukee's reputation as a peaceful, manageable, law-abiding city. Milwaukee is beginning to seem more like the Wild West than the Middle West."²⁴

²²Assembly Bill 44, Wisconsin State Legislature, 1977; "Limits Put on Terms of Chiefs, The Milwaukee Journal, 8 June 1977

²³"Council Votes To Limit Chief's Term to Seven Years," The Milwaukee Journal, 22 December 1977; "Limit on Chiefs Becomes Law," The Milwaukee Journal, 31 March 1978.

²⁴ "Milwaukee Policeman's Trial May Be Delayed" The New York Times, 18 October 1981; "Accidents or Police Brutality?" Time, 26 October 1981, 70; Mark Starr and Sylvester Monroe, "Milwaukee Cops Under Fire," Newsweek, 15 February 1982, 31; "Everyone Knows It's Wendy," Rolling Stone, 24 December 1981, 49; "CBS Sunday Morning News," Columbia Broadcasting System Television, 3 January 1982, transcript; Ron Elving, "Milwaukee Police: An Outside View," The Milwaukee Journal, 22 February 1982.

Breier seemed to become more outspokenly defiant during those difficult times. He berated a visiting delegation of Milwaukee religious leaders, which included the Roman Catholic Archbishop and the Bishop of the Lutheran Church in America, in the presence of television news cameras, told a civic luncheon that the busing of black school children had spread crime throughout the city, and sent police officers to the homes of critics whom, he argued, were "misinformed and needed to be straightened out."²⁵

Surveys began to show that, while the seventy-two year old chief's support remained strong among registered voters, a majority of respondents thought that he should retire.²⁶ Local politicians began to gingerly raise muted and carefully crafted questions about the direction of the Milwaukee Police Department. The Milwaukee Board of Fire and Police Commissioners, which for years had served as little more than a rubber stamp for Breier's personnel decisions, began to aggressively assert an independent course and sought additional powers. Even Mayor Maier, who had claimed for over twenty years that he had no control over police matters, developed creative approaches around Breier's authority.

Within three years, in what surely must have been among the most contentious issues in the history of Wisconsin politics,²⁷ the Legislature stripped Breier and Fire Chief

²⁵Ron Elving and Amy Robideau Silvers, "Breier's Tough Stance Stuns Religious Leaders," The Milwaukee Journal, 18 February 1982; Mary Zahn, "Breier Releases Data He Claims Shows Blacks Spreading Crime," Milwaukee Sentinel, 25 February 1984; Maier Papers, Milwaukee Series 44, Box 103, Folder 2; Box 140, Folder 6; Thomas Heinen, "Police Visits Bring Few Complaints," The Milwaukee Journal, 14 November 1983; "Unannounced Police Calls on Critics May Be Barred," Milwaukee Sentinel, 18 November 1983.

²⁶Rummler, "Residents Keep Allegiance to Breier," The Milwaukee Journal, 5 April 1984.

²⁷Steve Burkholder, "Police Proposal Stirs Clash," The Milwaukee Journal, 25 February 1983.

Stamm of much of their autonomy.²⁸ Breier campaigned publicly against the change in state law, which effectively divided most of his powers among the Mayor, the Common Council, and the Fire and Police Commission.²⁹ He even sought to soften his image by proposing formalized police-neighborhood cooperation.³⁰ His loyal supporters organized an all-out assault against the proposed change in state law. They overwhelmed the Mayor's office, the Common Council, the State Legislature, and the press with telephone calls, petitions, letters, and telegrams.³¹ They organized public meetings and rallies.³² But, it was too late. When Wisconsin Governor Anthony S. Earl signed the bill into law, Breier chose to retire rather than serve with diminished authority.³³

Colorful and fascinating as his tenure may have been, Harold Breier's story is not his alone. It is, more importantly, an account of a time when urban people struggled with nothing less than the practical meaning of some of the most basic issues of citizenship in a democracy.

Despite the controversy that swirled around him, Chief Breier is not the villain of his own story. His career is, rather, a guidepost by which each of us can measure our

²⁸Ch. 62.50, Sec. 3 (1984), Wis. Law 1590.

²⁹"Breier Charges Vendetta: Chief Berates Assembly Bill, Defends Record," The Milwaukee Journal, 1 March 1984; Roger McBain and Fran Bauer, "Breier Calls Bill To Cut Power 'a Mishmash'," The Milwaukee Journal, 7 March 1984; Susan Trebach and Scott Gillespie, "Breier Calls Bill on Control of Police Dangerous," Milwaukee Sentinel, 21 March 1984.

³⁰"Breier Unveils a 'PR' Proposal," The Milwaukee Journal, 26 February 1984.

³¹Maier Papers, Milwaukee Series 44, Box 139, Folder 20.

³²"Author To Speak Here in Support of Breier," The Milwaukee Journal, 11 March 1984.

³³Jo Hansen, "Breier To Retire June 30: Chief to End 44-Year Career," The Milwaukee Journal, 1 May 1984.

understanding of what it meant, or should have meant, to be an urban American in the last half of the Twentieth Century.

A wealth of literature on American law enforcement exists. Much of it was written by criminologists and practitioners in the field. Only a relatively few monographs and articles examine urban police from an historical perspective. Most of those deal with police in the context of specific issues, especially race relations. Others focus on the history of police departments in major metropolitan areas, especially New York, Chicago, and Boston. According to a 1993 survey of the literature conducted by the National Institute of Justice, only five book-length studies have been written specifically about police chiefs.³⁴

This study of the career of Milwaukee's "chief for life" seeks to make a contribution to this generally neglected area of historical inquiry. Harold Breier merits such a study. He commanded the tenth largest police force in the United States.³⁵ The scope and duration of his power was unique among urban police chiefs. Yet, he was and remains largely unknown outside of Milwaukee and has virtually escaped the notice of urban historians and criminologists. Many of the historians who wrote about Milwaukee during the turbulent 1960s ignored him.³⁶ Several law enforcement analysts

³⁴Diane Maher Cameron, "Historical Perspectives on Urban Police," Journal of Urban History, 5, no. 1, (Nov, 1978): 129; Raymond G. Hunt and John M. Magenau, Power and the Police Chief: An Institutional and Organizational Analysis (Newbury Park, CA: Sage Publications, 1993), 3.

³⁵Samuel Walker, The Police in America: An Introduction (New York: McGraw-Hill, 1992), 43.

³⁶See Harold R. Wilde, "Milwaukee's National Media Riot," in Cities Under Siege: Anatomy of the Ghetto Riots, 1964-1968 eds. David Boesel and Peter H. Rossi (New York: Basic Books, 1971), 103-110; James R. Ralph, Jr., Northern Protest: Martin Luther King, Jr., Chicago, and the Civil Rights Movement (Cambridge, MA: Harvard University Press, 1993), 216-217.

acknowledged his unusual job status but said little about it or him.³⁷ Two books authored by the late Milwaukee Mayor Henry W. Maier barely mentioned Breier, even though Maier and Breier served together for more than two decades.³⁸

Despite the relatively brief passage of time, Harold Breier and his Milwaukee belong to an age that has virtually vanished. No modern police chief enjoys the absolute authority that was his, even in Milwaukee. Milwaukee is no longer a bastion of white working class dominance but a city that has experienced the pain and bewilderment of an emerging bi-racial and bi-cultural community. Thus, it would be difficult to draw practical lessons about contemporary urban law enforcement from the Breier era.³⁹

Although a study of the career of Harold Breier may not provide universal truths about urban policing, it may help us understand how perceptions about political power shape behavior and, in a very real sense, effect lives and alter history. This work will examine and evaluate the sources of Breier's political strength and how public perceptions

³⁷Patrick Murphy, former Commissioner of Police in New York and Detroit, and Richard J. Brzeczek, former Police Superintendent of Chicago, both mentioned that there once was a "chief for life" in Milwaukee in articles concerning the relationship between urban police chiefs and mayors. Allen H. Andrews, Director of Public Safety in Peoria, Illinois, dismissed the notion of chief for life as unworkable and an "undesirable concept in our culture and times" but failed to mention how and where that concept originated. See Patrick V. Murphy, "The Prospective Chief's Negotiation of Authority With the Mayor;" Richard J. Brzeczek, "Chief-Mayor Relations: The View from the Chief's Chair;" Allen H. Andrews, Jr., "Structuring the Independence of the Police Chief" in Police Leadership in America: Crisis and Opportunity ed. William A. Geller (New York: Praeger Publishers, 1985), 7, 35, 49.

³⁸Henry W. Maier, Challenge to the Cities: An Approach to a Theory of Urban Leadership (New York: Random House, 1966) and The Mayor Who Made Milwaukee Famous: An Autobiography (Lanham, MD: Madison Books, 1993), 79, 158, 256, 267.

³⁹See Daniel B. Wood, "Many Hats of the Modern Police Chief," Christian Science Monitor, 10 March 1997; Tom Held, "Police Change With Times Since Breier," Milwaukee Sentinel, 2 July 1994.

about him shaped his behavior and that of those who interacted with him. It will demonstrate why and how those perceptions changed over time and the consequences for the chief and the community. In so doing, it also may establish a frame of reference for further research. It may even encourage others to ask more questions. For example, Breier often demonstrated a fatalistic attitude about the future of urban law enforcement. "When the Milwaukee Police Department goes to hell," he once said, "they won't be able to blame Harold Breier . . . They can blame the politicians." He predicted that future police chiefs, weakened by limitations of authority, would be nothing more than "Good Time Charlies," intent on saving their jobs. He equated Milwaukee's reputation as a safe community with his style of policing.⁴⁰ What does the recent history of the Milwaukee Police Department tell us about those predictions? Did removal of the chief's life-time tenure change the character of the Milwaukee Police Department and, by implication, the safety of its citizens? Has the active involvement of local politicians strengthened or weakened the ability of police to do their jobs? Has it increased or decreased citizen confidence, public safety? Has the long over-due departmental policy of equal opportunity in hiring and promotion changed the relationship between minority peoples and the department, and more importantly, has it made their communities safer and healthier? Those issues are beyond the scope of this project, but they and others are critical to history's final judgment of Harold Breier. A more complete evaluation of his work can only be made when his tenure is examined alongside those that followed after him. Such tasks are for another day, and most likely, for another researcher.

In order to develop a context for those who may take up that pursuit, as well as for those who simply wonder about Milwaukee and its leadership in the last half of the

⁴⁰Harold Breier, quoted in Charles J. Sykes, "Opposition United on Police Bill," The Milwaukee Journal, 13 May 1980.

Twentieth Century, this work attempts to shed some light on a critical but largely ignored era, dominated, in large measure, by the "chief for life."

I. Chief for Life: Theory and Practice

On September 10, 1858, the Milwaukee Common Council responded to citizen complaints of rowdiness and crime by establishing a professional police department for the city. The new department replaced the marshal and ward constable systems, which had existed since Milwaukee was established as a village in 1839. Under the terms of the ordinance, the police chief and his officers were to be appointed by the mayor and approved by the Common Council.¹ On October 4, the department's first chief, William Beck, and six patrolmen set up shop on the North Side of what is now Wisconsin Avenue just east of Water Street in downtown Milwaukee. According to a local press report, "peace and quiet soon prevailed."²

Yet over the next one hundred years, there were few periods of "peace and quiet" among the city's professional police or in the community itself. When Harold Breier became Chief of Police in 1964, the department was racked by controversy and loss of public confidence no less significant than in the department's formative years.

¹Milwaukee Board of Fire and Police Commissioners, "A Matter of Experiment: Commemorative Booklet, 1885-1985," p. 5. There are conflicting reports concerning the initial method of selection of the police chief. A report prepared for State Representative Dennis J. Conta by Jack Schairer of the Wisconsin Legislative Council on September 17, 1974, stated that the first chiefs were elected. See "Papers of Dennis J. Conta, 1969-1976," Milwaukee Manuscript Collection EQ, Box 3, Folder 4, State Historical Society of Wisconsin, Milwaukee Area Research Center, Golda Meir Library, The University of Wisconsin-Milwaukee, Milwaukee. However, the explanation given above has been repeated often by reputable sources, including the Fire and Police Commission, and appears to make the most sense given the chronology of the department's development. See also Roy Leschinsky, "Preliminary Study of the Police Department," 17 August 1973, "Records of the Henry W. Maier Administration," Milwaukee Series 44, Box 139, Folder 122, Milwaukee Urban Archives, Golda Meir Library, The University of Wisconsin-Milwaukee, Milwaukee.

² "Twelve Chiefs Preceded Breier," The Milwaukee Journal, 16 February 1964.

When the professional police department was first created in Milwaukee, the city's mayors used it to consolidate their power. Newly elected mayors routinely discharged chiefs and replaced them with their own supporters. Eight police chiefs served during the ensuing thirty years. Chief Beck was hired and fired three times. According to one source, mayors decided on whether or not to retain a police chief based upon which house of prostitution the chief selected to enforce the laws.³

Not only did the police administration change with each passing municipal election, but rank and file police officers were equally affected. As incoming mayors replaced chiefs, large numbers of patrolmen routinely resigned or were dismissed.

In 1885, citizen complaints about the poor quality of law enforcement in the city and the nation-wide trend to protect public servants from political influence⁴ prompted the Wisconsin State Legislature to revise the method for selecting the Milwaukee police chief.

The Legislature established a four (currently five) member Board of Fire and Police Commissioners for the city. The commissioners were to be appointed by the mayor and confirmed by the Common Council for five year staggered terms of service. Under the new law, the authority to hire and/or dismiss the chiefs of the city's safety services was transferred from the mayor to the Fire and Police Commission. The mayor could temporarily suspend the chiefs but only until the commission held a hearing and rendered a final determination on the chief's status.⁵

³Wisconsin Advisory Committee to the United States Commission on Civil Rights, Police Protection of the African American Community in Milwaukee (Washington, D.C.: U. S. Commission on Civil Rights, 1994), 13.

⁴On the national level, Congress passed the Pendleton Act, establishing the federal civil service, in 1883.

⁵Ch. 378, sec 1, (1885) Wis Laws 1251. For a comprehensive analysis of this legislation, see Matthew J. Flynn, "Police Accountability in Wisconsin," Wisconsin Law Review 1974, no. 4 (May, 1974): 1131-1166.

Mayor Emil Walber praised the new system and called upon Milwaukeeans to "take pride in seeing that there shall be no failure in the first formulated attempt at reform in our municipal service." He promised to appoint members to the Fire and Police Commission "who recognize, as I do, the principle that offices should be filled for the benefit of the people, and not dispensed as rewards for political service."⁶

The first chief of police appointed by the Commission was Florian J. Reis. He served for three years and was removed following allegations of official corruption.⁷

In 1888, the Fire and Police Commission appointed John H. Janssen as Reis' successor. Janssen served as chief for thirty-three years and developed a legendary reputation among members of the force.⁸ He built the police department from 181 sworn officers in 1888 to 694 when he retired in 1921. He secured steady and significant increases in the department's budget, which topped the million dollar mark in 1920. He established district police stations throughout the city. He instilled a sense of professionalism among the ranks, won competitive pay scales for uniformed officers from the Common Council, and developed the city's first systematic police training programs. He succeeded in driving the more blatant forms of gambling and prostitution from the city.

However, some of Janssen's actions were considered autocratic and controversial. He hired a physician to check on police reporting themselves as sick. He kept a "black book" on the misdeeds of politicians and other prominent figures. In the process, "Czar"

⁶Emil Walber, quoted in Board of Fire and Police Commissioners, "A Matter of Experiment," 5.

⁷Wisconsin Legislative Council, "Milwaukee Police Department Legislation," "Papers of Lloyd A. Barbee, 1933-1982," Milwaukee Manuscript Collection 16, Box 56, Folder 42, State Historical Society of Wisconsin. Milwaukee Area Research Center. Golda Meir Library. The University of Wisconsin-Milwaukee.

⁸For example, in a 1963 television interview, Milwaukee Police Chief Howard O. Johnson "pointed to a picture of . . . Janssen and said, 'He kicked the politicians out of the police department in 1890, and they're not going to get back in'." See WITI TV6 News Editorial #242, January 7, 1963, Maier Papers, Milwaukee Series 44, Box 138, Folder 7.

Janssen, as he was popularly known, became a powerful public figure in Milwaukee and often ran into conflict with the city's political leadership.

In 1906, Janssen and Mayor Sherburn Becker traded charges concerning the chief's authority and his alleged "lack of respect" for the mayor and Common Council. During that controversy, Becker raised a question that would be repeated many times during the next half-century. If the police chief "is not under the direction of the mayor," Becker wondered, "then I would like very much to know who is his superior."⁹

Mayor Becker's successor, Emil Seidel, had an even more contentious relationship with Janssen. In 1910, Seidel demanded the chief's resignation. Janssen fired back that Seidel could "go to hell. Neither you nor any other mayor can demand my resignation and get it."¹⁰

The power struggle between Janssen and Milwaukee's mayors occurred at a time when the state and nation were caught up in a wave of Progressive reform. In 1911, the Wisconsin State Legislature, anxious to institutionalize a professional, non-partisan, and orderly cadre of urban police and fire fighters, decided to increase and clarify the power of the police and fire chiefs and give them what amounted to full independence and life-time tenure. Police and fire chiefs of cities of the first class, of which Milwaukee was the only qualifying locality in the state, were designated as the heads of their respective departments and made "responsible for the efficiency and general good conduct of the department" and granted "the power to regulate and prescribe rules for the government of its members."

⁹ Sherburn Becker, quoted in "Says Janssen Is Playing Czar: Becker Opines Chief Should At Least Respect Office," Wisconsin Free Press, 20 November 1906, Records of the Maier Administration, Box 149, Folder 9.

¹⁰John Janssen, quoted in Wis Advisory Comm, Police Protection, 13.

The mayor's power to suspend the chiefs was removed, and the authority of the Board of Fire and Police Commissioners to dismiss the chiefs was restricted to reasons of "cause."¹¹

Many years later, Milwaukee City Attorney James B. Brennan said that the 1911 law made Milwaukee the only jurisdiction in the state in which the chief had "absolute authority to make department rules and regulations without local political influence" and may have been the only city in the United States in which locally elected officials were completely divorced from the operation and direction of the police department¹²

The virtually unrestricted power given to the chief was upheld by the courts on several occasions. In 1914, the Wisconsin State Supreme Court ruled in Kasik v Janssen that the authority of the Milwaukee police chief to establish and enforce departmental rules was necessary to his legal obligation to "promote obedience and efficiency" within the department¹³ The high court said in 1937, in McCarthy v. Steinkellner, that the powers of the police chief to govern the department were very broad unless otherwise circumscribed by law.¹⁴ In 1963, in the case of Kuszewski v. Board of Fire and Police Commissioners, the court declared that the broad powers given to the chief by the Legislature were "essential to the maintenance of public peace, enforcement of the laws and ordinances, (and) the supervision of the force."¹⁵

¹¹Wis Stats. 62.50, Secs. 1-29, Laws of 1911.

¹²James B. Brennan, quoted in "The Lightning Rod Is Harold A. Breier," The Milwaukee Journal, 23 February 1975.

¹³Kasik v. Janssen (1914) 158 Wis. 606, 149 N.W. 298.

¹⁴McCarthy v. Steinkellner (1937) 223 Wis. 605.

¹⁵State ex. rel. Kuszewski v. Board of Fire and Police Commissioners (1963) 22 Wis. (2d) 19, 125 N.W. (2d) 334.

The 1911 legislation also authorized the Board of Fire and Police Commissioners to adjudicate complaints from property owners concerning fire or police conduct and to serve as a board of appeal for disciplinary actions taken against any safety officer by the service chiefs.¹⁶

The law worked in strange ways. The first and last police chiefs to enjoy its protection, John H. Janssen and Harold A. Breier, served long and controversial terms. Their careers were marked by significant accomplishments and polarizing controversies. Those who occupied the position of police chief between them served for shorter periods of time and were, in the main, a fairly unremarkable lot.¹⁷

One could easily conclude that, although legislative independence was a significant weapon in the chiefs' arsenal, it alone did not explain Janssen's and Breier's overwhelming presence during their eras. One must look rather to their individual personalities to fully understand the substance and meaning of the term "chief for life." To a significant extent, the power came from inside them and, to a lesser degree, from legal mandate. Had someone other than Harold Breier served as Milwaukee Chief of Police under identical tenure arrangements during the turbulent 1960s and beyond, for example, Milwaukee might have been a much different place.

Anthony Bouza, former Minneapolis Chief of Police, developed a useful profile of the "traditional" Twentieth Century urban police chief. He argued that most traditional chiefs were life-long residents of the communities they served; had little or no formal education beyond high school; had attained the age of fifty at the time of their

¹⁶Wis. Stats. 62.50, secs. 1-29, Laws of 1911.

¹⁷Milwaukee Police Chiefs serving between Janssen and Breier were Jacob Laubenheimer (1921-1936), Joseph T. Kluchesky (1936-1945), John W. Polcyn (1945-1957), and Howard O. Johnson (1957-1964).

appointment; and had successfully "climbed the corporate ladder" within their departments.¹⁸

In many ways, Harold Arthur Breier, who served as Milwaukee's thirteenth Chief of Police between 1964 and 1984, seemed to be a model of the traditional urban police chief.¹⁹ He lived in the same neighborhood for his entire life, had no formal education beyond high school, and worked his way through the ranks of the home town department for a lengthy period of time (twenty-five years) prior to becoming chief at age fifty-two.

Harold Breier was "a total Milwaukee product."²⁰ He was born on the city's South Side on August 29, 1911, the first of three children, and the only son of Mr. and Mrs. John Breier. The Breiers had migrated to Milwaukee from Germany around the turn of the century. Breier's father, John, was a laborer for the Milwaukee County Parks Department and spent most of his time working at Mitchell Park on the South Side. Breier recalled that his father "was a strict disciplinarian . . . whenever I did something wrong, I had to stay in the yard and cut a certain amount of wood." His mother was a homemaker.

His family was of the Lutheran faith and attended church regularly. However, as an adult, neither Breier nor his wife belonged to a church. He explained that when he was dating his future wife, a Roman Catholic, she confessed to a priest that she was interested in a Lutheran young man. According to Breier, the priest admonished her to break off the

¹⁸Anthony V. Bouza, The Police Mystique: An Insider's Look at Cops, Crime, and the Criminal Justice System (New York: Plenum Press, 1990), 78. The qualifications of modern urban chiefs have undergone dramatic changes in recent years. See Daniel B. Wood, "Many Hats of the Modern Police Chief," Christian Science Monitor, 10 March 1997.

¹⁹In at least one important way, Breier's career was anything but traditional. He served as chief for twenty-one years in an era when the average term for urban police chiefs was 2.8 years. See Andrews, Police Leadership, 13.

²⁰Alex P. Dobish, "The Chief: Breier Demands and Gets What He Wants," The Milwaukee Journal 29 August 1978.

relationship and warned that she would not be happy in those circumstances. Breier recalled that "neither one of us went to church after that."²¹

Breier attended Albert E. Kagel Elementary School and graduated from South Division High School. He demonstrated talent in mechanical drawing in high school and hoped to pursue a career in engineering. He arranged for an apprenticeship at a local engineering firm following graduation and hoped to enroll in the Milwaukee School of Engineering. But, Breier earned his high school diploma in 1929, and the apprenticeship, and the dreams of higher education, evaporated with the nation's economy.

For the next ten years, Breier joined millions of Americans in moving from job to job. He worked as a timekeeper in a factory, an electrician's helper, and a paint factory inspector.

In his free time, he played tackle football for the Braumeister Bears in an amateur football league called the West Allis Majors. Breier recalled that the league "was made up of young men who knocked each other down on a gravel field for the fun of it. Everybody played sixty minutes, and it was rugged."²²

While working at the paint factory, Breier met Eleanore Klancnik, whose parents owned a tavern, The Sunnyside Tap, on the South Side. They dated for seven years and planned to marry when they could scrape some money together.²³

Breier's uncle was a park policeman, who joined the city police force when the departments were consolidated. A close friend, George Beutler, had recently taken a job as a city motorcycle patrolman. Now, anxious to marry and especially motivated to find

²¹Harold A. Breier, 12 August 1998, Audiotape. Milwaukee Public Library Special Collections, Milwaukee.

²²Harold A. Breier, quoted in Robert W. Wells, "Breier's Human Side: Given The Chance He'd Do It All Again," The Milwaukee Journal, 9 February 1975.

²³Ibid.

stable work, Breier began to think of a career in law enforcement. He took the entrance examinations for both the Milwaukee County Sheriff's Department and the Milwaukee Police Department. In December, 1939, he was offered a job as a temporary Deputy Sheriff and was assigned to the Home for Dependent Children, a shelter for orphans and troubled youth, then located on the grounds of the Milwaukee County Institutions in suburban Wauwatosa.

Three months later, in February, 1940, he was offered a permanent job with the Milwaukee Police Department and accepted it. Following a successful one year probation period, he borrowed \$500 and married Eleanore on February 22, 1941. The marriage lasted fifty-seven years. They lived most of those years in what a journalist characterized as "a small, squeaky clean, white-carpeted Milwaukeeized home on the South Side" where "a speck of dust was probably dispatched with a .38 caliber vacuum cleaner."²⁴ It was in that house that they raised two children, Suzanne and Thomas, and it was there that Breier indulged a life-long passion for growing roses. They resided in that house until shortly before their deaths in 1998.

The marriage environment appeared to be traditional. Eleanore raised the children, and, according to a press report, "ruled the house with warmth and elbow grease."²⁵ Breier recalled that he was "away from home an awful lot" and that his frequent absence "was difficult for my wife." Eleanore admitted that, at times, she "was very lonesome."²⁶

²⁴William Janz, "Chief Arrested by Prospect of Working in Home, Yard," Milwaukee Sentinel, 6 July 1984.

²⁵Ibid.

²⁶Alex P. Dobish, "Breier Doesn't Expect To Fade Away," The Milwaukee Journal, 22 June 1984.

But, she seemed to accept their life-style. "I was going with him when he joined the police force in 1940, and I've just gotten used to it, that's all."²⁷

Nonetheless, theirs appeared to be a strong marriage. Alex Dobish, a journalist who frequently covered Breier, wrote that "when Breier spoke of his wife, his voice softened."²⁸ The chief explained to Dobish that "you have to have a good wife to go along with you and to stand all the trials and tribulations. I was very fortunate."²⁹ On several public occasions, the man often characterized as a piece of granite and an immovable force "lost his composure and tears of emotion coursed down his face" when he spoke of his wife and children.³⁰

Asked to describe their marriage, Eleanore responded with a single word, "wonderful."³¹ She spoke of how her husband regularly sent her cards; "two or three on Valentine's Day," and frequently brought her gifts. "He spoils me," she said. But, she made it clear that the man who supervised thousands of employees did not give orders to her.³²

Eleanore Breier developed chronic emphysema and suffered a series of strokes, which left her frail and bed ridden. In retirement, Harold assumed the duties of cooking,

²⁷Eleanore Breier, quoted in Marian McBride, "Breier Called To Reassure Family He Was Not Harmed," Milwaukee Sentinel, 24 December 1965.

²⁸Dobish, "Breier Doesn't Expect To Fade Away," The Milwaukee Journal, 22 June 1984.

²⁹Harold Breier, quoted in Wells, "Breier's Human Side," Milwaukee Sentinel, 9 February 1975.

³⁰"Breier Says He Feels Rosy," The Milwaukee Journal, 21 January 1985.

³¹Eleanore Breier, quoted in Janz, "Chief Arrested by Prospect of Working" Milwaukee Sentinel, 6 July 1984.

³²Laurie Van Dyke, "Breier Easy Going Head of Household," Milwaukee Sentinel, 17 February 1964.

grocery shopping, and house cleaning. According to their daughter, City of Milwaukee Alderwoman Suzanne Breier, he developed a keen interest in cooking during those years. He subscribed to several cooking magazines, always in his wife's name, purchased numerous cook books, and approached the task with the same determination and zeal that characterized his professional career. When not occupied with chores, he sat at her bedside.³³

Harold Breier was appointed a beat patrolman in the Milwaukee Police Department on February 1, 1940 and assigned to the Northwest district station at 47th and Vliet Streets. He was a physically imposing man. He stood 5 feet 11 inches and weighed approximately 230 pounds. He acquired a reputation as an active and aggressive officer. He shot and wounded a would-be thief at a laundromat and tracked down two burglars responsible for a rash of crimes.

In 1943, he was assigned to the vice squad as an acting detective. He received a permanent appointment as a detective in 1946 and rose steadily through the ranks. He became a detective sergeant in 1951; a detective lieutenant in 1954; a detective captain in 1958; and deputy inspector of detectives in 1960. In 1962, the department's top detective, Inspector Rudolph Glaser, retired, and Breier was named to the position by Police Chief Howard O. Johnson.³⁴

As Inspector of Detectives, Breier developed the reputation of "a fire horse;" an administrator who refused to be desk-bound. He issued a standing order to his men to call him to the scene of any major crime at any time of the day or night. "I like to get there

³³Alderwoman Suzanne M. Breier, interview by author, 19 March 2002, Milwaukee; "Uncompromising Chief Led Police For Twenty Years: Harold A. Breier, 1911-1998," Milwaukee Journal Sentinel, 10 September 1998.

³⁴"Breier Starts Job Today," Milwaukee Sentinel, 17 February 1964.

right at the beginning," he explained. "Those are the most important moments."³⁵ In July, 1963, he engaged in a gun battle with a murder suspect and arrested him. It earned him the department's Class B Citation, the highest honor for a living police officer.

Inspector Breier was a favorite contact of the working press. His office door remained literally and figuratively open to them at all times. Frank Aukofer reported in The Milwaukee Journal that "among newsmen covering murders, bank robberies or other important police stories, he is regarded as the best man to talk to."³⁶

In May, 1962, the Milwaukee Police Department was rocked by scandal. A John Doe judicial investigation revealed wide-spread corruption in the department's vice squad and traffic division. Thirty-five police officers retired or resigned. Criminal charges were brought against six officers for taking bribes, fixing speeding tickets, and/or evading State income taxes.³⁷ In September, 1963 Johnson, who had served as chief for only six years, announced his intention to retire after the first of the following year.

Of sixty-three applicants to succeed Johnson, five finalists, two from the New York City Police Department and three local candidates, were selected by the Fire and Police Commission. They were Henry M. Piggot, Jr., an Assistant Chief Inspector for the New York City Police Department, William McCarthy, Deputy Inspector of the Traffic Division of the New York City Police Department, Milwaukee Inspector of Police Raymond A. Dahl,³⁸ Milwaukee Deputy Inspector of Police George Fuhr, and Inspector of Detectives Harold A. Breier.

³⁵Harold Breier, quoted in Frank A. Aukofer, "Chief Is a Soft Spoken Man but Tolerates No Nonsense," The Milwaukee Journal, 16 February 1964.

³⁶Ibid.

³⁷"How One City Keeps Its Streets Safe," U.S. News and World Report, 28 September 1964, 68.

³⁸Dahl, a nationally-recognized expert on police-community relations, whose handbook on the subject was widely-used by departments across the country, resigned

Commission Chairman Francis X. Swetlik favored the selection of Piggot. He explained that "because of the present situation, I felt that it would be better to have brought in a qualified man from outside the department."³⁹ However, it was rumored that Breier was the favorite of Milwaukee Mayor Henry W. Maier and Milwaukee County District Attorney William J. McCauley.

On Saturday February 16, 1964, after a four hour closed-door meeting , punctuated by unintelligible shouting that could be heard by reporters gathered in the hall, the commissioners voted 4-1 to name Breier as the new chief. Chairman Swetlik informed the assembled press that he voted for Piggot but urged the citizens of Milwaukee and the members of the police department to support the new chief of police.

Breier and County Judge Christ T. Seraphim were summoned to the Commission's offices. There, Seraphim administered the oath of office to Breier shortly after 9:00 p.m. As he left the Safety Building following the swearing-in ceremony, Breier told a reporter that he felt like "a million bucks."⁴⁰

from MPD in July, 1965 to become Director of the Southern Police Institute at the University of Louisville.

³⁹Francis X. Swetlik, quoted in "Breier Starts Job Today," Milwaukee Sentinel, 17 February 1964.

⁴⁰Harold Breier, quoted in Aukofer, "Chief Is a Soft Spoken Man," The Milwaukee Journal, 16 February 1964.

II. The Warrior-Leader

Harold Breier's administrative style mirrored his personality, values, and assumptions about life.

He grew up in an era of seemingly eternal truths. Authority figures were to be respected and obeyed. Rules were established in the best interest of the community and were not subject to individual question, interpretation, or exception. Loyalty to family, friends, colleagues, and community was the norm. Men, women, and racial minorities each had well-defined roles and were expected to follow them.

Perhaps it was Breier's misfortune to come to power at the precise moment when the beliefs that guided him were being seriously challenged, especially by young people, women, and racial minorities. The stronger the currents of change swirled about him, the more resolute he was to stave off their force. Beyond all else, he was determined that *his* department and *his "men"* would be what Los Angeles Police Chief William Parker called the "thin blue line protecting society from barbarism."¹

Breier sought to institutionalize his values in the structure and operation of the Milwaukee Police Department. "The way I ran the department," he said, "was good for the department. I promoted just what I wanted to promote."² If he were to be held accountable for the organization's successes and failures, Breier would demand the right to chart the course by which it would be judged.

On March 23, 1964, the new Chief of Police addressed the 1,800 members of the department at three separate sessions held at the Cooley Auditorium of the Milwaukee Vocational School (now the Milwaukee Area Technical College). He told them that he

¹William Parker, quoted in James F. Richardson, Urban Police in the United States (Port Washington, NY: National University Publications, 1974), 139.

²Harold Breier, quoted in Alex Dobish, "A Farewell to the 'Good People,'" The Milwaukee Journal, 2 May 1984.

intended "to set policy for the department and make policy statements to the press. "I do not want anyone to speak for me," he said. "I will speak for myself."³

With that statement, Breier established several important principles of his administration. He would be the sole authority on departmental rules and regulations. Police officers would not be permitted to speak to the press without the chief's permission and those who did were subject to disciplinary action.⁴

It also became immediately clear that Breier would attempt to protect his men from adverse publicity and would not cooperate with any outside efforts that might reflect negatively on the department. Two weeks after taking office, he announced that an internal investigation of the traffic ticket-fixing scandal, launched by his immediate predecessor, had been halted and that the officers conducting the investigation had returned to their regular duties. The chief said that he would neither reveal disciplinary actions taken against police officers nor cooperate with an Assistant State Attorney General who was investigating police corruption.⁵ In an editorial welcoming the new chief, The Milwaukee Journal called Breier's actions "far from reassuring" and termed his "very first move as chief. . . disturbing."⁶

³"Gradual, Continual Changes Coming, Chief Tells Officers in First Speech," The Milwaukee Journal, 24 March 1964.

⁴In May, 1974, an officer was suspended for eight days without pay for talking to a reporter without the chief's permission. See "The Lightning Rod Is Harold Breier," The Milwaukee Journal, 23 February 1975. At times, the policy resulted in nearly absurd situations. For example, a reporter could not find out the number of traffic tickets issued in a year, because Breier was on vacation. Michael Zahn, "The Missing Piece in Police News," The Milwaukee Journal, 30 August 1978.

⁵"Eight Aldermen Against Police Secrecy Plan," Milwaukee Sentinel, 17 April 1964; "Ticket Probe Halted For Survey--Breier," Milwaukee Sentinel, 20 February 1964.

⁶"The New Chief of Police," The Milwaukee Journal, 20 February 1964.

Milwaukee had historically maintained a relatively large police force. Even before Breier became chief, U. S. News and World Report pointed to the city's higher than average ratio of police to citizens (2.40 per 1,000; as compared to an average of 2.24 per 1,000 in the sixteen largest cities in the United States) as one possible reason for its relatively low crime rate.⁷

However, that was only one possible reason why Harold Breier insisted on continual growth for the department. While other urban departments assigned civilians to clerical and maintenance tasks in order to free police for duty on the streets, Breier insisted that police work be done only by sworn police officers and, when additional forces were needed, he sought increases in the department's authorized strength and higher budgets. He also created several new units in the department over time, including the highly controversial Tactical Squad and the Special Assignments Squad, which reflected his concerns about radical political activity in the city and the Bureau of Internal Affairs, which would become the main vehicle for enforcement of his rules and regulations. These new units required additional funds for the department. He proposed a budget for 1965, for example, which included an increase of \$2,847,735 over the previous year. He asked for the addition of 423 positions in the department. While the Milwaukee Common Council pared that request down to 140 new officers at a cost of an additional million dollars, the 1964 budget featured the "largest single addition of men in the history of the force."⁸

This was but a sign of things to come. The departmental budget increased dramatically during the Breier era. In the ten year period 1968-1978, for example, the budget went from \$21.7 million to \$62.2 million and accounted for 28 percent of the

⁷**U. S. News and World Report, "How One City Keeps Its Streets Safe," 28 September 1964, 68.**

⁸**"Breier's First Budget Request Is an Earth-Shaking One," The Milwaukee Journal, 20 September 1964.**

general purpose budget of the city. The population of the City of Milwaukee decreased during that decade by 16.1 percent but the authorized strength of the department increased by 8.4 percent.⁹ Despite continuing difficulty in recruitment during Breier's tenure,¹⁰ the department grew from approximately 1,800 sworn officers to 2,150. It became the tenth largest police force in the United States.¹¹

From his earliest days as chief, Breier's relationship with his officers was complex. On the one hand, he insisted that they conform to his code of behavior. Not only did the rules reflect his value system, he viewed them as a way of standardizing and professionalizing police behavior, much as O. W. Wilson had done in Chicago.¹² On the other hand, he offered an incentive to those officers who played by his rules. He would support their behavior on the streets at all costs.

He suspended them for such infractions as being untruthful to a superior, having long hair or sideburns, or failing to wear a proper uniform.¹³ He ordered officers from the

⁹Luther C. Alexander, Jr., "A Respected Force at High Cost to City," The Milwaukee Journal, 27 August 1978.

¹⁰A survey undertaken by the National League of Cities in 1966 showed that 186 of 254 departments were operating below strength. Breier blamed Milwaukee recruitment problems on competition from private business, the frequency of lawsuits "against policemen, which our investigations disclosed have done nothing wrong," and unrest in the community "fomented by a very small group in the city." See "Police Ninety-Two Short of Authorized Strength," The Milwaukee Journal, 18 October 1966.

¹¹Samuel Walker, The Police in America: an Introduction (New York: McGraw-Hill, 1992), 43.

¹²See William J. Bopp, "O.W." O. W. Wilson and the Search for a Police Profession (Port Washington, NY: Kennikat Press, 1977).

¹³"The Lightning Rod is Harold Breier," The Milwaukee Journal, 23 February 1975; The rule regarding hair length was denounced by Edward McManus, Executive Director of the Wisconsin Chapter of the American Civil Liberties Union, as "a clear violation of constitutional rights and an invasion of the officer's right to privacy as well as First Amendment rights to free expression." See "Breier's Grooming Rules Rapped as Denial of Rights," The Milwaukee Journal, 17 June 1971.

department's Bureau of Internal Affairs and Vice Squad to watch the apartments of unmarried officers suspected of cohabiting with other police officers. As a result of the surveillance, two couples were dismissed from the force. In one case, detectives reported that a male officer had been seen leaving a female officer's apartment after 2:30 a.m. on eighteen occasions. In the second case, a female officer refused to allow investigators to enter her apartment at 5:00 a.m. to determine if she was alone.¹⁴ He suspended a detective lieutenant for three days and reprimanded another for failing to report that a third police officer traveled to a conference with a woman who was not his wife. He fired a male officer for having an extra-marital affair and dismissed a female officer for entering a contest to wrestle comedian Andy Kaufman on the television program *Saturday Night Live*. He suspended a twenty year veteran detective, because the detective's son wrote an article in a local newspaper based on confidential information about a case that the detective was investigating. He routinely suspended officers for engaging in political activity, for not carrying their weapons while off duty, for declaring bankruptcy, and for feigning illness.¹⁵

Alderman John Kalwitz estimated that the amount of money spent by the city to defend Breier's disciplinary actions was in the range of one to two million dollars per year. He said that as many as twenty municipal employees were required to deal with various

¹⁴Fire and Police Commission member Franklyn Gimbel called the surveillance "excessive use of police supervisors for a matter that really didn't have much impact on the community." See "High Price of Snooping," The Milwaukee Journal, 28 June 1981.

¹⁵Katherine" Skiba, "Two Engaged Officers Spied Upon, Fired," The Milwaukee Journal, 14 September 1978; Doreen Weisenhaus, "Dismissed Officers Rehired By Board," The Milwaukee Journal, 20 September 1978; "Two Officers Fight Breier Order," The Milwaukee Journal, 24 October 1979; James Romensko, "Police Cohabitation Probe Draws Criticism," The Milwaukee Journal, 19 June 1981; Mary Zahn, "Suspension for Silence on Trip by Officer," Milwaukee Sentinel, 11 April 1979; "Breier Fires Officer," The Milwaukee Journal, 11 December 1981; "Article Leads to Suspension of Detective," Milwaukee Sentinel, 14 November 1976; "Breier Won't Change Disciplinary Orders," The Milwaukee Journal, 13 December 1971.

aspects of cases involving the violation of department rules. "It's like a CIA within a CIA," Kalwitz said. "When you think about all the sergeants peeking in windows and knocking down doors to check on sick officers . . . I don't know of any system that operates that way."¹⁶

Breier made the rules and served as judge and jury in their application. He considered the rules to be confidential and refused to share them with the general public. He argued that the law prohibited him from discussing the contents of the rule book with anyone outside of the department. It was not until 1977, in response to a lawsuit by the Bugle American, an alternative newspaper published in Madison and Milwaukee, that Circuit Judge Eliot N. Walstead ordered that the rule book be made available to the general public.¹⁷

Several rules were especially odious to the families of police officers. One required officers to carry their service revolvers while off duty. Another concerned the verification of illness, which Breier had resurrected from the Janssen years. Barbara Sullivan, vice president of the Milwaukee Police Wives, a voluntary organization composed of the spouses of male police officers, complained to a reporter in 1978 about the weapons rule. She argued that "when you go to your mother's house, and you have to watch your husband constantly putting his gun on top of the refrigerator--it's ridiculous."¹⁸ The Police Wives organization also challenged the right of police sergeants to enter their

¹⁶John Kalwitz, quoted in John Fauber, "Police Rules Seen Costly to Enforce," Milwaukee Sentinel, 26 June 1978.

¹⁷"Bare Rules For Police, Judge Says," Milwaukee Sentinel, 9 September 1977.

¹⁸Barbara Sullivan, quoted in Michael Bauman, "Police Wives Shoot Down Stereotypes," The Milwaukee Journal, 1 September 1978. The Fire and Police Commission amended the rule in 1980, over Breier's objection, to read "while off duty, officers have the option to carry weapons as approved by law." "Minutes of the City of Milwaukee Board of Fire and Police Commissioners," 25 September 1980, p. 30.

homes to verify the illnesses of their husbands. The wives complained that investigators had come to their homes "as late as one o'clock in the morning" and "have been known to force their way into our homes over our objections." In a statement issued to the press, the wives' group declared that "our homes are off limits to all who are not invited."¹⁹

Breier did not take kindly to such criticism. When the wives' organization sent him a coffee mug engraved with his badge number to commemorate his anniversary as chief, in February, 1978, he sent it back to them. He refused to participate in the wives' annual ceremony honoring slain police officers and issued an order prohibiting the police band and honor guard from taking part in the event. He canceled a breakfast that the organization had planned in honor of the graduates of the Police Training Academy, and he refused to allow the wives to staff a baby sitting service at the graduation ceremony. Membership in the organization declined by fifty percent in 1978, and Mrs. Sullivan accused the chief of attempting to destroy the group.²⁰

It seemed as if many officers chafed under Breier's severe internal code of conduct. In a survey of Milwaukee police officers conducted by the Police Foundation of Washington, D.C. in 1979, 84 percent of those responding said they were dissatisfied with

¹⁹Milwaukee Police Wives Press Release, 1978. "Records of the Henry W. Maier Administration," Milwaukee Series 44, Box 140, Folder 8, Milwaukee Urban Archives, Golda Meir Library, The University of Wisconsin-Milwaukee, Milwaukee. In December, 1979, Circuit Judge Terence T. Evans ruled that police officers could not force their way into the homes of officers to verify the physical condition of those who called in sick. Assistant City Attorney John F. Kitzke clarified the judge's decision by saying that an officer who calls in sick and refuses to let another officer into his home to verify the illness "must either send or submit a doctors report . . . or be considered absent without pay." "Breier Told Doctor's Note OK for Police," Milwaukee Sentinel, 20 December 1979.

²⁰"Police Wives Hit Breier's Attitude," The Milwaukee Journal, 13 April 1979; "Breier Keeps Vow, Snubs Ceremony," The Milwaukee Journal, 17 May 1979.

the department's disciplinary system. Thirteen percent said they were satisfied, and the remainder expressed no opinion.²¹

The same survey, however, indicated support (65 percent) by rank and file officers for the department's top administration. This response reflected a national trend in which urban police generally demonstrated a strong tendency toward group solidarity.²²

Scholars have argued that urban police often felt embattled and besieged by outside forces and tended to place a premium on group unity and mutual support.²³ Historian Robert Fogelson explained that they felt "attacked on the one side by well-to-do-whites who expected them to compensate for the breakdown of the . . . sources of social control and on the other hand by impoverished blacks who viewed them as the symbol of oppression."²⁴

Breier's public behavior responded almost perfectly to those needs and won him the appreciation of his officers. He consistently protected them from outside criticism, provided unconditional support for their behavior on the streets, touted their professional expertise, and refused to tolerate interference from non-professionals. The police "are interested in only one thing," the chief told a panel of reporters "and that is justice. Even

²¹According to the survey director, George Kelling, the research was scientifically valid even though only 642 responses (37 percent) were received. See Joel McNally, "Police Show Dissatisfaction With Leaders," The Milwaukee Journal, 25 May 1979.

²²Milwaukee Journal reporter Alan J. Borsuk recalled that Robert Kleismet, long-time President of the Professional Policeman's Protective Association told him that he and Breier fought constantly, but "it was like a fight in the family." Alan J. Borsuk, interview by author, 13 March 2002, Milwaukee.

²³James P. Levine, "Access to Urban Police Departments," Urban Affairs Quarterly 8, no. 4 (June, 1973): 155; Hunt and Magenau, Power and the Police Chief, 73.

²⁴Robert M. Fogelson, Big City Police (Cambridge, MA: Harvard University Press, 1977), 240.

though the men are strict, they use good judgment and good common sense in dealing with the public."²⁵

Although the rank and file may have cursed Breier's stern discipline and his intrusion into their private lives, they seemed to appreciate his unconditional support. A 1982 survey, conducted by The Milwaukee Journal, indicated that three-fourths of those officers responding rated the chief's performance as good (37%) or very good (41%). Sixty-two percent agreed that the chief should have unrestricted control over the department, and nearly ninety percent rejected the idea that Breier should be removed from office. Minority officers (only 48 responded) were split in their feelings toward the chief's performance. As a group, they narrowly opposed removing Breier, but they favored his retirement by a ratio of 2 to 1.²⁶

This level of support for a chief was not unusual among urban police of that era. University of Wisconsin-Oshkosh political scientist Martin Gruberg pointed out the similarities between Breier's relationship with his officers and that enjoyed by former Philadelphia Chief of Police Frank Rizzo and his men. James Richardson's profile of former Los Angeles Chief of Police William Parker demonstrated a similar situation.²⁷

²⁵Harold Breier, quoted in "Breier Defends Police Judgment," The Milwaukee Journal, 10 November 1977.

²⁶The survey itself was controversial. The Milwaukee Journal secured a confidential list of police personnel in order to conduct the survey. Although the results were interesting, they did not yield scientifically valid data, because only 27% of those questioned responded. When Breier learned of the survey, he urged his officers to "throw it in the garbage." He argued that the purpose of the survey was to "divide and conquer" the department by highlighting areas of potential disagreement. See Ron Elving, "Most Hail the Chief, Journal Police Poll Finds," The Milwaukee Journal, 29 August 1982; "Almost 500 Hundred Completed Journal Poll of Attitudes," The Milwaukee Journal, 29 August 1982.

²⁷Martin Gruberg, A Case Study in U.S. Urban Leadership: The Incumbency of Milwaukee Mayor Henry Maier (Brookfield, VT: Avebury Press, 1996), 205; Richardson, Urban Police in the United States 139.

Harold Breier was what sociologists Raymond Hunt and John Magenau termed the "warrior leader;" the man who was always out in front, who led by example, whose function was "to preserve and advance customary concepts and instruments of the police role in society," and whose loyalty and devotion to his men was unquestioned and absolute.²⁸ "He gave you the confidence to do your job and know that you would never be hung out to dry," recalled John Tries, a sergeant in the department's Tactical Squad from 1972 until 1986. "You had the satisfaction of knowing that your chief was going to back you up."²⁹

As he moved through the ranks of the department, Breier developed a reputation as an aggressive and brave officer. As a young patrolman, he surprised two men who were robbing a laundry. He pinned one of them against a wall, but the burglar struck him in the jaw and fled. Breier chased the assailant and shot him three times with his .38 caliber police special. The thief survived and went to prison. On another occasion, Breier fired an errant shot at an armed burglar, chased him down, and took him into custody. As a detective sergeant, Breier engaged in a high speed automobile chase of a prison escapee, shot out a tire on the fugitive's car, and apprehended him. While Inspector of Detectives, he responded to a call that an escaped prisoner was seen in a local tavern.. The fugitive pointed his gun at Breier and Captain Edwin Shaffer and both officers fired simultaneously. The gunman survived and was returned to prison.³⁰

²⁸Raymond G. Hunt and John M. Magenau, Power and the Police Chief (Newbury Park, CA: Sage Publications, 1993), 94.

²⁹John Tries, interview by author, 16 April 2002, Milwaukee.

³⁰According to Breier's daughter, Alderwoman Suzanne Breier, the gunman, Michael G. Weston, wrote the chief years later to thank him for capturing him. Weston claimed that he was rehabilitated during his years in prison and went on to live a productive life following his release. Alderwoman Suzanne Breier, interview by author, March 2002, Milwaukee.

Shortly after being named chief, in the spring of 1964, Breier was on his way to lunch when he heard a radio call of a holdup in progress at a nearby tavern. He ordered his driver to rush to the scene and was the first to arrive. The robber struck Breier with a knife. The chief shot and wounded the assailant and held him until other officers arrived. When asked why he personally responded to the call, Breier said " I'm still a policeman."³¹

Sometimes, Breier's aggressive behavior sparked controversy. When hundreds of angry demonstrators marched through downtown Milwaukee to protest the death of Ernest Lacy and chanted "Fire Breier, He's A Liar," the Chief defiantly waded into the middle of the crowd and scowled. Time magazine reported that "Breier's confrontational tactics caused some local authorities to wince," but won nearly universal praise from the men under his command.³²

Despite the mutual respect that existed between Chief Breier and most of his officers, their relationship was significantly strained by a series of struggles between the chief and the uniformed officer's union, the Professional Policemen's Protective Association of Milwaukee (PPPA). Since its organization in 1901, the PPPA operated more like a fraternal organization than a labor union. Despite a 1966 judicial ruling that police could be represented by unions, few displayed confidence in the PPPA's ability to act as an effective bargaining agent for the city's uniformed officers.³³

Breier did not seem to take the PPPA seriously and moved quickly to establish his control over even the most minute issues of concern to the union. For example, in 1965, the PPPA requested that neckties be excluded from the patrolmen's summer uniforms.

³¹Harold Breier, quoted in Robert W. Wells, "Breier's Human Side," The Milwaukee Journal, 9 February 1975.

³²"Accidents or Police Brutality?" Time, 26 October 1981, 70.

³³Circuit Judge Elmer W. Roller ruled in June, 1966 that members of the suburban Greenfield Police Department could be represented by an AFL-CIO union. See "Police Can Join Union, Judges Rules," Milwaukee Sentinel, 15 June 1966.

Breier summarily dismissed the request and responded that he had "made a determination as to the use of ties with short sleeve shirts and have so indicated in Order #5758 . . . Only one person handles such matters," he said, "and that is the chief of police."³⁴ When the PPPA sought additional salary benefits for officers completing academic programs, Breier dismissed the idea as bad for department morale. The issue of advanced education for police officers was raised on numerous occasions. In 1970, a special police education study committee recommended that a requirement for a Bachelor's Degree for officers seeking promotions be phased in over a ten year period. Breier and Deputy Inspector George H. Fuhr, director of the police training academy, wrote to Milwaukee Mayor Henry W. Maier and the chair of the special committee, Circuit Judge William R. Moser, and told them that their response to the recommendation was "a resounding no." Breier and Fuhr wrote that the educational requirement would interfere with an officer's social and recreational life, disturb his home life, and cause tension at work. They said that "education is no performance guarantee or measure. There can be no rebuttal to the fact that there are educated fools among us with idealistic, unworkable, and impractical ideas."³⁵ Breier refused to meet with union representatives to discuss a counseling and treatment program for officers with drinking, drug, or emotional problems. Years later, PPPA Executive Secretary Robert Kleismet charged that a federally-funded survey of alcohol and family problems among police, conducted by the International Union of Police Associations, did not include Milwaukee, because "Breier appealed to Representative Clement Zablocki and had Milwaukee removed from the list." According to Kleismet,

³⁴"Professional Policemen's Protective Association of Milwaukee, Records, 1901-1971," Milwaukee Microfilm Collection 11. Milwaukee Area Research Center, Golda Meir Library, The University of Wisconsin-Milwaukee, Minutes, 23 June 1965, p. 3.

³⁵Breier Cool to Study Plan for Policemen," The Milwaukee Journal, 22 May 1968; "Police Reject College Plan," Milwaukee Sentinel, 7 January 1970.

Breier did not want any negative headlines in Milwaukee about the personal lives of his officers.³⁶

On those few occasions when the PPPA sought support outside the department, Breier stepped in immediately. He informed the City Attorney that legal opinions requested by individual officers (meaning union members) were not official department business and should not be treated as such.³⁷ When the union asked the Milwaukee Common Council to repeal an 1885 ban against police participation in political activity during off-duty hours, Breier went to a meeting of the Council's Finance Committee to oppose the idea. The committee agreed with the chief and voted 13-6 to place the matter on file.³⁸

Breier's iron-clad control over departmental rules rendered the PPPA virtually powerless at every turn. The rule forbidding discussion of confidential police business with outsiders effectively prevented collective bargaining. PPPA Executive Secretary Robert Kleismet explained that "the guy makes the rules and one of the rules says you can't talk about the rules. . . People don't know, and we've got to obey a rule that says we can't tell them."³⁹

In January, 1971, the PPPA decided to confront the issue of collective bargaining head on. They asked the city for the right to negotiate department rules, to expand the grievance procedure, to increase salaries for patrolmen, and to recognize the union "as a

³⁶"Chief Says No Again," The Milwaukee Journal, 1 May 1976; Kleismet, quoted in Paul Bargaen, "Kleismet Looks Back in Anger and in Hope," The Milwaukee Journal, 10 January 1984.

³⁷"Professional Policemen's Protective Association, Records," 1 May 1967.

³⁸Kenneth R. Lamke, "Politics Ban for Police Reaffirmed," Milwaukee Sentinel, 1 October 1970.

³⁹Robert Kleismet, quoted in Thomas G. Lubenow, "Policemen Battling Breier for Power," The Milwaukee Journal, 10 January 1971.

first class bargaining unit." The requests were contained in a letter to City Labor Negotiator James Mortier and Mayor Maier and signed by all nine members of the PPPA Executive Board. Breier issued a written reprimand for eight of the nine officers for discussing departmental rules with non-department personnel.⁴⁰

The reprimands galvanized the PPPA into action. On January 19, 1971, off-duty police officers picketed Milwaukee City Hall for over two hours in sub-zero cold. It was the first time in city history that public employees had engaged in such activity.⁴¹ On Friday evening, January 22, 1971, more than ninety percent of the department's midnight shift called in sick. The mysterious "blue flu" spread quickly. By Saturday afternoon, January 23, it had infected an estimated 95 percent of the patrol force.⁴²

The city's labor negotiator moved quickly. He invited PPPA trustees and members of the Common Council to his office for discussions. Fearful that the strike might endanger public safety in Wisconsin's largest city, Morris Slavney, Chair of the Wisconsin Employment Relations Commission (WERC), and Zel S. Rice II, a commission member, hurried to Milwaukee from Madison to meet with the interested parties.⁴³

Breier remained publicly aloof from the negotiations. Behind the scenes, however, he headed off a threat by more than 150 detectives to join the job action. According to

⁴⁰Ibid.; Kleismet, on leave from the department, was "out of Breier's reach" and not suspended; The reprimands were overturned in 1973 by Federal Judge John W. Reynolds. Judge Reynolds ordered that the letters of reprimand be removed from the officer's personnel files in the department. That ruling was upheld the U.S. District Court of Appeals for the Seventh Circuit. The U.S. Supreme Court refused to hear the case in 1975. "U. S. Justices Refuse to Hear Breier," The Milwaukee Journal, 20 January 1975.

⁴¹"Policemen Picket City Hall," The Milwaukee Journal, 20 January 1971.

⁴²"Police Pact Closes Books on Two Years of Dispute," Milwaukee Sentinel, 22 December 1971.

⁴³"Policemen and City Push For Strike Settlement," The Milwaukee Journal, 26 January 1971.

press reports, the detectives initially voted 86-64 to join the strike. When Breier learned of the vote, he met with the detectives behind closed doors for more than an hour on January 25. A reporter heard "shouting, some cursing, and at the end, laughter." After Breier left the meeting, the detectives took a second vote and decided to remain on the job. PPPA President Jerome Dudzik said that he was not surprised by the detective's decision, because the feeling that Breier favored the Detective Bureau was one of the unspoken grievances of unformed officers.⁴⁴

Next, the chief canceled all vacation and leaves and placed supervisory personnel on twelve hour shifts. At an emergency meeting of the Board of Fire and Police Commissioners on January 24, he was authorized "to appoint special policemen for a particular emergency for a limited time not exceeding thirty days." The special police were hired, with emergency funds appropriated by the Common Council, to staff internal communications operations and were not placed on the street.⁴⁵

During the walkout, city law enforcement was handled by supervisory personnel and Milwaukee County Deputy Sheriffs. The Wisconsin State Highway Patrol, which normally does not maintain a presence in Milwaukee County, patrolled the county expressways. At the end of the first full day of the walk-out, Breier advised Mayor Maier that everything was "under control."⁴⁶

However, there was no shortage of vocal support for the PPPA. Three hundred police wives picketed City Hall on the third day of the strike. The Metropolitan Milwaukee Police Brotherhood, a group of local police associations in Milwaukee County, issued a statement supporting the job action. "While every officer respects and admires

⁴⁴Gordon Gottleib, "Injunction Orders Police To Halt Walkout; Union To Defy Ruling," Milwaukee Sentinel, 26 January 1971.

⁴⁵Lubenow, "Why Did City Stay Healthy?" The Milwaukee Journal, 31 January 1971.

⁴⁶Thomas G. Lubenow, "Interpreting the News: Why Did City Stay Healthy Amid All That Blue Flu?" The Milwaukee Journal, 31 January 1971.

Chief Breier," the statement read, "we ask him to reevaluate his stand on department rules. He should update his antiquated thinking."⁴⁷ Even the local underground newspaper, Kaleidoscope, a consistent critic of police behavior, had a good word to say about the strikers. The paper reminded its readers that "for those who believe that all cops are pigs, it might do good to remember that the average cop is not the one who usually pulls off the brutal raids, beats up kids, and does all the other things they often do. It is Breier's boys - (non-striking members) the vice squad, the detective bureau, and the subversive squad."⁴⁸

The police union failed to capture the prize that it most sought: the endorsement of traditional labor union leadership. Despite the fact that PPPA was not part of the conventional labor movement, its leaders hoped that a favorable statement from a major union leader might win the support of thousands of Milwaukee union families. That hope failed to materialize. John Schmitt, State President of the AFL-CIO, met with PPPA leaders but told them that their salary demands were too high. He also reminded them that their conservative positions on social issues and support for political candidates opposed by organized labor had long since alienated them from the mainstream union movement.⁴⁹

On Tuesday, January 26th, the City of Milwaukee secured a court injunction against the striking police from Circuit Judge Ernst John Watts of Elkhorn. Judge Watts, who also ordered the PPPA and city negotiators to continue their discussions, made it

⁴⁷"Council Backs Injunction To End Policemen's Strike," The Milwaukee Journal 25 January 1971.

⁴⁸"Internal Breieritis," Kaleidoscope, 29 January - 4 February 1971.

⁴⁹The PPPA asked for a top patrolman's pay of \$11,165 from the current \$9,700. The city offered a top pay of \$10,540 plus \$182 more in November and a 6.18 percent increase in January, 1972. Leon Hughes, "Interpreting the News: Police Overestimated Weapon," The Milwaukee Journal, 28 January 1971.

clear that he expected the city to bargain in good faith lest he withdraw his back to work order.⁵⁰

The strike lasted for four days. The PPPA's assumption that a strike would bring Milwaukee to its knees turned out to be a misconception. Crime rates and traffic accidents remained at their usual levels. Perhaps the frigid January weather played a part in keeping criminals off the streets. Perhaps the news had not sufficiently passed among the potentially lawless element. Perhaps Milwaukee's legendary reputation as a conservative community, where neighbors looked out for each other, worked its magic. "There is a saying here," commented U.S. News and World Report, "that every Milwaukee policeman has a thousand pair of eyes."⁵¹

Breier maintained his public image as "warrior-leader" throughout. Although his interpretation of the rules was a major cause of the strike, he declined to criticize his officers. "I have no feelings," he said when asked to comment on the injunction.⁵² Privately, however, he changed the sick leave rule to require any officer who claimed illness during the strike to secure a physician's certificate and sign an affidavit attesting to his/her illness.⁵³

⁵⁰"Policemen and City Push for Strike Settlement," The Milwaukee Journal, 26 January 1971.

⁵¹"How One City Keeps Its Streets Safe, U.S. News, 28 September 1964, 69.

⁵²Harold Breier, quoted in Thomas G. Lubenow, "Policemen Return To Work," The Milwaukee Journal, 27 January 1971.

⁵³The requirement for a physician's certificate turned out to be a fiasco. The press reported that doctors were signing certificates for officers who had not been ill. Dr. Henry F. Twelmeyer, President of the Medical Society of Milwaukee County, called for an investigation and claimed that the reports were damaging the reputation of the medical profession. Several months later, Breier announced that he would not release any information concerning the health status of officers who did not work during the "blue flu" period. Twelmeyer hailed Breier's decision "as a refutation of allegations of unethical practices" by physicians. "He can think what he wants," The Milwaukee Journal editorialized. "But the fact remains that about two thousand policemen said they got sick one day and simultaneously got well four days later and all but a tiny percentage had

The uniformed officers returned to work virtually empty handed. Several weeks later, the city appealed to the WERC and claimed that the rules and regulations governing the department were the sole prerogative of the chief of police and not subject to bargaining. The WERC denied the appeal and ruled that the city must negotiate with the PPPA on the rules and regulations of the department. The ruling was upheld on February 15, 1971 by Dane County Circuit Judge William C. Sachtjen. The judge said that failure to discuss departmental rules and regulations "would deny the rights of police officers to negotiate changes affecting their wages, hours, and working conditions, which the Legislature gave them (in a public employee bargaining law)." While acknowledging that the chief controlled the rules and regulations, Sachtjen ruled that "the city is obliged to confer with the union regarding them."⁵⁴

Buoyed by this turn of events, the PPPA petitioned the WERC for the appointment of an independent fact-finder. The city agreed to the appointment of Marquette University Emeritus Professor of Law Thomas P. Whelan. Professor Whelan issued a report in November, 1971. He recommended compromise salary increases,⁵⁵ called for the establishment of an internal grievance procedure with binding arbitration, and argued that rules and regulations relating to wages, hours, and working conditions should be bargainable.⁵⁶

documentation from physicians to back up this amazing coincidence of sickness and recovery." See "Breier Talks With Doctor's President," The Milwaukee Journal, 6 February 1971; "Vindication? Hardly," The Milwaukee Journal, 1 May 1971.

⁵⁴State law requires that all appeals of state agency decisions must be heard in the Circuit Court of Dane County. "Court Backs Police in Dispute on Rules," The Milwaukee Journal, 16 February 1971.

⁵⁵Whelan recommended that the top patrolman's salary be raised to \$10,800 retroactive to January 3, 1971 and that top patrolmen receive an additional \$182 per year effective November 7, 1971 and an additional 6.2% wage increase on January 2, 1972.

⁵⁶"Police Pact Closes Books," Milwaukee Sentinel, 22 December 1971.

The PPPA hailed the Whelan report and announced that it would accept either the revised grievance procedures or the right to negotiate rules and regulations. Chief Breier broke his public silence and indicated that he would accept neither. This posed a significant dilemma for the members of the Milwaukee Common Council, who would be ultimately responsible for approving a settlement. Most members of the council seemed willing to consider the Whelan recommendations, but Breier had boxed them in. The aldermen's frustration was expressed by Fred F. Schallert, chair of the council's Labor Policy Committee. "We are willing," he said, "to do everything we can to implement the report. But there is a third party involved here that we have been having trouble with and that we are still having trouble with. Meanwhile, we are taking the brunt of the criticism."⁵⁷

In December, 1971, Circuit Judge Watts brought an end to the impasse. He ordered Breier to personally enter the negotiations. Breier's conduct exemplified the high-level of intelligence and skills that he employed time and again to confuse all but the most careful observers and outmaneuver his opponents.⁵⁸ He appeared to make significant concessions while, in fact, retaining nearly all of his power.

The chief offered the union a procedure for bargaining rules and regulations. Under the proposal, he would be required to notify the police union of any proposed rule changes. If the union objected, negotiations would be held. If agreement was not reached within thirty days, the rule would automatically take effect. If, however, the union initiated a proposed rule change, the chief or his designated representative would enter

⁵⁷Fred F. Schallert, quoted in Joel McNally, "Comment on the News: Aldermen Squirm as Breier Calls Shots in Police Battle," The Milwaukee Journal, 28 November 1971.

⁵⁸For example, Judge Watts praised both sides for developing proposals "which made settlement more realistic." See "Police Pact Closes Books," Milwaukee Sentinel, 22 December 1971.

into negotiations. If agreement was not reached within thirty days, the union's proposed rule change would be dropped.

Breier also proposed that the grievance process be expanded to include wages, hours, and working conditions only if the PPPA agreed to forgo the option of binding arbitration. The chief would continue to retain final authority over the disposition of grievance issues. Both the rules bargaining and grievance procedures would become part of the department's rule book, over which he retained control, rather than part of a collective bargaining agreement.⁵⁹ In short, Breier proposed that he retain ultimate control of all rule changes and grievance procedures and agreed only to consult the union.⁶⁰

Within ten days, both sides had signed off on the agreement, and the Milwaukee Common Council approved a new two year contract with the PPPA.⁶¹

However, the PPPA soon outmaneuvered the chief and, in the process, struck the first blow against his unchallenged authority. They successfully lobbied the Wisconsin State Legislature for a law mandating arbitration as a final step in resolving municipal labor disputes. The new law made it possible for the next contract dispute, in 1973, to be settled by an arbitrator, Professor Martin Wagner, Director of the Institute of Labor and Industrial Relations at the University of Illinois.

In addition to awarding raises to experienced police officers of between \$1,406 and \$1,906 over a two year period, Wagner ruled that all department rules could be

⁵⁹Gordon Gottlieb, "Breier, Union Shift Stand on Rules," Milwaukee Sentinel, 17 December 1971.

⁶⁰Gordon Gottlieb, "Breier's Power Survives Intact," Milwaukee Sentinel, 27 December 1971.

⁶¹Leon Hughes, "It's All Over but the Voting," The Milwaukee Journal, 22 December 1971; "Aldermen OK Police Contract," The Milwaukee Journal, 28 December 1971.

appealed beyond the chief. In so doing, Wagner noted that the reluctance of local politicians to challenge Breier's authority made the development of meaningful negotiations, difficult, if not impossible. He found nothing in the 1911 law to prevent the establishment of a grievance procedure through which all departmental rules could be appealed to a neutral party or to suggest that such a procedure would "impair the chief of police's responsibility for the operation of the department."⁶²

For the first time since becoming chief, Breier was stripped of a small portion of his absolute authority. Unable to secure local political support, the PPPA had successfully taken their case to the state legislature, and through it, to an outside arbitrator. Robert Kleismet may have exaggerated when he called Wagner's decision "a good erosion of the power of the chief," but it was definitely a step in that direction.⁶³ Although Breier did not comment directly on the arbitrator's ruling, he later criticized the State Legislature for approving measures like the arbitration bill.⁶⁴

There was at least one additional issue within the department for which Breier would eventually be held accountable; the racial composition of its force. The precise number of African Americans and other minorities serving in the department during most of Breier's incumbency is unknown. According to the Wisconsin State Advisory Committee to the U. S. Civil Rights Commission, Breier claimed "not to know the actual number of minority policemen." A black police officer told the advisory panel that "he had been explicitly forbidden by Chief Breier from responding to questions regarding minority membership in the department."⁶⁵

⁶²Martin Wagner, quoted in Joel McNally, "Police Pay Raised, Chief's Power Cut," The Milwaukee Journal, 19 August 1973.

⁶³Robert Kliesmet, quoted Ibid.

⁶⁴Charles J. Sykes, "Opposition United on Police Bill," The Milwaukee Journal, 13 May 1980.

⁶⁵Wisconsin State Committee of the United States Commission on Civil Rights,

Estimates ranged from thirty-three to seventy minority officers in the department during Breier's tenure. In a study of the 1967 civil disturbance in Milwaukee, Karl Flamming reported that there were fifty black officers (3 percent of the force) serving in 1967. He claimed that the number of blacks on the force actually decreased in 1968 to thirty-five (2 percent of the force), and went up slightly to forty-two (still 2 percent of the force) in 1969.⁶⁶ An unnamed representative of the Fire and Police Commission told the Wisconsin Advisory Committee to the U. S. Commission on Civil Rights in 1972 that 60 officers were either African American, Hispanic, or American Indian; just under 3 percent of the force in a city with a minority population at that time of approximately seventeen percent.⁶⁷ In an internal study conducted by the Office of the Mayor in 1979, and since supplemented by the Fire and Police Commission, an approximation of the minority presence on the Milwaukee Police Department during the Breier years can be determined.⁶⁸

Police Isolation and Community Needs (Washington, D.C.: U. S. Commission on Civil Rights, 1972), 29.

⁶⁶Karl H. Flamming, "The 1967 Milwaukee Riot: A Historical and Comparative Analysis" Ph.D. diss., Syracuse University, 1970, 173. Flamming wrote that his data were supplied by the Rev. Kenneth Bowen, then Police-Community Specialist for the Fire and Police Commission.

⁶⁷Wisconsin State Committee, **Police Isolation**, 29.

⁶⁸Internal Memorandum to Executive Assistant to the Mayor Leila Fraiser, 9 October 1979, "Records of the Henry W. Maier Administration," Box 140, Folder 9; Data for 1980-1984 supplied by the City of Milwaukee Fire and Police Commission.

POLICE OFFICER APPOINTMENTS

City of Milwaukee, 1964-1983

<u>Year</u>	<u>Total</u>	<u>Male</u>	<u>Female</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Indian</u>
1964	91	91	0	87	3	1	0
1965	175	175	0	171	3	1	0
1966	86	86	0	81	5	0	0
1967	82	82	0	76	6	0	0
1968	120	120	0	118	2	0	0
1969	189	189	0	184	4	1	0
1970	82	82	0	74	8	0	0
1971	18	18	0	17	1	0	0
1972	68	68	0	66	2	0	0
1973	53	53	0	43	10	0	0
1974	14	14	0	14	0	0	0
1975*+50		38	12	33	11	4	2
1976#	65	51	14	38	17	7	3
1977	66	52	14	39	17	8	2
1978	91	72	19	56	19	14	2
1979	59	46	13	35	12	11	1
1980	166	134	32	94	54	16	2
1981	89	69	20	53	29	5	2
1982	84	66	18	49	24	10	1
1983	63	52	11	38	17	6	2

*Fire and Police Commission developed a new eligibility list with the goal of hiring two minority group members or women applicants for every three Caucasian males hired

+Federal Judge ordered Commission to hire two black, Hispanic, and American Indian applicants for every three white applicants hired

#Federal Judge ordered that 20 percent of all new hires to sworn positions must be women

When Breier assumed his position as chief, the paucity of minority police officers in Milwaukee was not unusual in urban America. In the middle to late 1960s, blacks made up only eleven percent of the police force in St. Louis, ten percent in Newark, five percent in New York City, four percent in Oakland and Buffalo, and less than one percent in Birmingham. According to Stanford University Professor of Law Lawrence Friedman, "even in Washington, D. C, . . . a city with a black majority, only about 1/5 of the force was black."⁶⁹

The possibility of systematic discrimination against the hiring of minority officers by the Milwaukee Police Department was not unique to the Breier era. In 1963, when Howard Johnson was Chief of Police, Milwaukee Alderwoman Vel R. Phillips, the first female and the first African American to serve on the Milwaukee Common Council, charged that the police department engaged in a "calculated pattern of discrimination." Her allegation brought an angry retort from the management of Milwaukee television station WITI-TV6. In an editorial telecast on January 7, 1963, the station called the issue "phony," said that Phillips was "way out of line," and suggested that she could "serve the Negro community best by putting her efforts to more fruitful use."⁷⁰

The absence of a significant minority presence on the Milwaukee Police Department was a point of contention between Breier and the minority communities that spanned the entire length of his tenure. In 1966 and again in 1967, Chief Breier asked several groups with ties to minority communities, including a black minister's organization and the Milwaukee Human Relations Coordinating Council, to assist in the recruitment of

⁶⁹Lawrence M. Friedman, Crime and Punishment in American History (New York: Praeger Publishers, 1985), 377.

⁷⁰WITI-TV 6 News Editorial #242, 7 January 1963. "Records of the Henry W. Maier Administration," Box 138, Folder 7.

officers.⁷¹ Rev. Walter Beach formed a local organization in 1972 called "The New Image Concept, Inc., "to aid the Milwaukee Police Department in their efforts to recruit minorities into the department." The New Image Concept organized a police recruiting and training school and claimed to be responsible for the "successful recruitment of ten blacks into the ranks of Milwaukee patrolmen." It is difficult to judge the success of the New Image effort, because 32 black and 10 Hispanic applicants were considered during 1972. It is not possible to determine which 10 applicants were recruited by New Image. In any event, only 2 black candidates qualified for the police aide program, which often served as a training ground for future police officers.⁷²

At approximately the same time, the Hispanic community expressed its dissatisfaction with the total number of Hispanics on the force. In a letter to the chief on September 19, 1973, Manuel Garcia Nunez, director of the Milwaukee County Work Incentive Program and chair of the Latin Council of Wisconsin, claimed that there were only 13 Hispanic officers on a force of approximately 2,200. Nunez said that the Hispanic presence in the department represented 6/10 of 1 percent of the total force.⁷³

Breier opposed any changes in the admission requirements, service qualifications, or examination process that might help widen the pool of applicants. He strongly opposed modification of the entrance examination in order to root out cultural or language bias. He told the Fire and Police Commission in March, 1967 that "there is no evidence to show

⁷¹"Minutes of the City of Milwaukee Board of Fire and Police Commissioners," 2 March 1967, p. 2.

⁷²"The New Image Concept, Inc. Minority Recruitment Program," "Lloyd A. Barbee, Papers, 1933-1982." Milwaukee Manuscript Collection 171. State Historical Society of Wisconsin, Milwaukee Area Research Center, The Golda Meir Library, The University of Wisconsin-Milwaukee, Box 56, Folder 40; Kathleen Matichek, "Police Minority Drive Proves Disappointing," The Milwaukee Journal, 11 August 1972.

⁷³"Latins Complain to Breier," The Milwaukee Journal, 20 September 1973.

that the examining process rejects qualified applicants."⁷⁴ He opposed changing the height requirement, (5' 8") which, some argued, militated against Hispanic applicants. He opposed changes in educational requirements, modification of the rules concerning prior arrest records, or lowering of the minimum applicant age. "We want qualified people," he said, "and it isn't limited to any race, color, or creed. The only thing we demand is that they meet the standards and qualifications set by the Fire and Police Commission." However, he readily admitted that he would not endorse any adjustments in hiring criteria designed to bring more minority group individuals into the department. He explained that "we recruit policemen, not minority groups."⁷⁵

The chief argued that the absence of significant numbers of minority officers resulted from neither departmental culture nor from his own attitudes but because harassment from a small group of clergy and some organizations besmirched the department's reputation in the minority communities. He charged that allegations of racism within the department "make it virtually impossible to recruit minorities."⁷⁶

It is difficult to determine the extent to which Breier's intransigence toward affirmative action resulted from his personal inflexibility, resistance to outside interference, or simple racism. Only conflicting anecdotal evidence survives. Jonathan Coleman, author of a book-length study on race relations in Milwaukee, alleged that Breier's antipathy toward African Americans was so strong that he could not bring himself to speak to black officers.⁷⁷ That does not sound like the same man who worked with black

⁷⁴"Minutes of the City of Milwaukee Board of Fire and Police Commissioners," 2 March 1967, 3.

⁷⁵Harold Breier, quoted in William B. Hale, "Breier Tries to Improve Relations with Public," The Milwaukee Journal, 20 October 1966; Harold Breier, quoted in "Youth Need Help," The Milwaukee Journal, 13 March 1968.

⁷⁶Harold Breier, quoted in Flammig, "The 1967 Milwaukee Riot," 173; "Not Enough Blacks to Fill Police Jobs, Breier Says," The Milwaukee Journal, 24 May 1972.

⁷⁷Jonathan Coleman, Long Way To Go: Black and White in America

and interracial organizations in an effort to recruit blacks for to the force. But Breier insisted on selecting the time, place, and venue for everything that happened in the department. He may have been willing to recruit blacks but only on his terms and through individuals and organizations that he selected. When "outsiders" began to press, he did what he typically did on every other issue; hardened his position beyond reason and drew a line which no one would be permitted to cross. In the process, Harold Breier marginalized himself. He fought battles that need not be fought and which he was destined to lose.

Breier's refusal to cooperate with powerful individuals or agencies occasionally forced the mayor, the Fire and Police Commission, or the courts to step in and make commitments that were unacceptable to him. However, he was never willing to loosen his iron grip on the decision making process or accept such intrusions into his authority. Publicly, he might seem to comply reluctantly, but, in fact, he continued to conduct business as usual.

For example, in December, 1972, Breier refused a request from the Wisconsin Council on Criminal Justice, the state granting agency for federal law enforcement funds, to provide details on the number of individuals from minority backgrounds on the police force. After a three month standoff, the Council threatened to recommend that the city be denied \$400,000 in Safe Streets Act funds. Fearful of jeopardizing federal grants to the city, Mayor Maier notified the Council in April, 1973 that the department would comply, but that Breier would send the data directly to the Law Enforcement Assistance Administration (LEAA) in Washington.⁷⁸ When Breier's report reached the LEAA, it was

(New York: Atlantic Monthly Press, 1997), 12.

⁷⁸Although Maier had apparently convinced Breier to accede to the request, the chief insisted on having the last word; he would provide the required data but not to the people at the state level who had made trouble for him. See "Breier Refuses Request of State Crime Council," The Milwaukee Journal, 3 December 1972; "Civil Rights Compliance by Police to be Aired," Milwaukee Sentinel, 9 March 1973; "Police Data to be Given to Council," The Milwaukee Journal, 6 April 1973.

so surprising to LEAA officials that they forwarded it to the Department of Justice for investigation. The report said that there were fifty-eight black men, one black woman, six American Indians, and ten Hispanics employed by a department with more than 1,900 officers. According to press reports from Washington, Milwaukee was in jeopardy of losing not just LEAA grants, but all of its general revenue sharing funds for fiscal 1974, amounting to \$16,374,629.⁷⁹

The threat of serious economic reprisals by the Federal government roused the members of the Fire and Police Commission. They began to quickly reexamine their recruitment and hiring practices and, in so doing, established a degree of independence from the chief. They developed a dual eligibility list with the goal of hiring two minority group or female applicants for every three Caucasian males hired. They contracted with the Marquette University Center for Minority Employment to develop a new entrance examination and with the Urban League and the Spanish Center to develop test-taking classes. The Commission applied to the LEAA for funds for minority recruitment and to the Concentrated Employment and Training Act for funding for a professional recruitment specialist. They removed the height requirement from the employment standards.⁸⁰

The Civil Rights Division of the Justice Department sent a team of investigators to Milwaukee in the Fall of 1973. They met with members of the Fire and Police Commission, representatives of the mayor's office, and Chief Breier. When asked if officers responding to investigators would face internal sanctions, Breier said that he wanted officers to cooperate, but any officer so doing would still be subject to

⁷⁹John W. Kole, "Rights Case May Affect City Police," The Milwaukee Journal, 14 September 1973.

⁸⁰"Annual Report of the Milwaukee Board of Fire and Police Commissioners, 1974," p. 43.

"investigation and proper action" if found to have discussed official business in violation of departmental rules.⁸¹

The Justice Department filed two separate lawsuits against the Milwaukee Police Department and the Fire and Police Commission alleging racial and gender discrimination in hiring. On August 20, 1975, Federal District Judge John W. Reynolds mandated increases in minority hiring. Specifically, he ordered that "in the filling of current and future vacancies in the positions of . . . patrol officers, the Milwaukee Fire and Police Commission shall appoint two black, Latin, and American Indian applicants for every three white applicants appointed." On March 10, 1976, Reynolds ordered that 20 percent of those persons hired as police officers in the City of Milwaukee must be women.⁸²

Mayor Maier denounced the court's decision. He said that the Milwaukee Police Department was the victim of a double standard, because the court order did not apply to suburban police departments. He pointed out that in the seven suburbs surrounding the City of Milwaukee, less than one percent of their combined police personnel were members of racial minorities. Chief Breier blamed an excessive number of vacancies in the department on the court order, because the openings could not be filled with whites and the department could not recruit enough minorities to fill them. He urged the Fire and

⁸¹Of twenty-nine officers contacted by the Justice Department, only three consented to interviews. The Justice Department went to Federal court and secured an order from Judge John W. Reynolds that the so-called gag rule of the department "improperly and illegally" interfered with the government's discovery of facts. See Alida Johns, "Judge Lifts Police Gag in Discrimination Lawsuit," Milwaukee Sentinel, 11 April 1975.

⁸²United States of America v. City of Milwaukee, Harold A. Breier, et. al. CA74-C-480, consent decree as amended; Christine Ward v. Richard Block, John Giacomo, William I. Gore, Marjorie Marshall, and Charles Mentkowski, individually and collectively in their capacities as members of the Fire and Police Commission of the City of Milwaukee. CA-74-C-333, consent decree. "Annual Report of the Milwaukee Board of Fire and Police Commissioners, 1978," 55-65.

Police Commission to have the orders overturned.⁸³ Despite the court orders, meaningful change in the department's hiring practices did not occur. The police department returned to court yearly between 1976 and 1989 and obtained exemptions from the orders because of the low number of minority and women applicants.⁸⁴

But the struggle over the race issue within the department and the war of wills between Breier and his critics was far from over. Blacks, Hispanics, and others pointed out that, not only was the number of minority officers on the force extremely low, but their rate of attrition, types of assignments, and frequency of promotions also smacked of racial discrimination. A study by the Fire and Police Commission showed that minority group officers resigned or were fired from the Milwaukee Police Department at a significantly higher rate than white officers. The study indicated that 68.3 percent of the 126 minority officers hired between 1973 and 1978 remained on the force for five years. In contrast, 80.5 percent of white officers hired during the same period were still employed five years later.⁸⁵

High attrition rates for minority officers were common among urban police departments during that era. Ebony magazine indicated in 1974 that hostility among white officers toward their minority colleagues drove many blacks and Hispanics out of the safety services. In Milwaukee, Alderman Orville Pitts charged that fights had broken out between black and white police officers when black officers saw incidents of racial

⁸³"Bias Ruling Unfair to City, Maier Alleges," The Milwaukee Journal, 22 August 1978; "Records of the Henry W. Maier Administration," unsigned memorandum to Leila Fraiser, assistant to the mayor, 9 October 1979, Box 140, Folder 9; "Breier Asks End to Quota List," The Milwaukee Journal, 3 November 1977.

⁸⁴Wisconsin Advisory Committee to the United States Commission on Civil Rights, Police Protection of the African American Community in Milwaukee (Washington, D. C.: United States Commission on Civil Rights, 1994), 49.

⁸⁵"Job Loss For Minority Police Noted," Milwaukee Sentinel, 26 September 1978.

mistreatment of suspects. There were also charges that a few Milwaukee police officers belonged to the Ku Klux Klan; an allegation vociferously denied by Breier.⁸⁶

In Milwaukee, no minority officers served on the special units selected directly by the chief; the Special Assignments Squad, the Tactical Squad, the Elderly Detail, or the Sexual Assault Unit. No minority officers served as instructors at the Police Academy. No blacks or other minorities were assigned to the two police districts on the city's South Side, a community of largely ethnic working class whites.⁸⁷ When asked to explain the absence of minority officers from those assignments, the chief responded "I don't think I'm going to discuss that, No . . . Anyone that's considered for any kind of position in the department is evaluated with one thing in mind and that is to come up with the most qualified candidate for any particular position."⁸⁸

Such an attitude brought frequent outcries from the black community. In a bitter exchange between Breier and Reverend Lucius Walker, Director of Northcott Neighborhood House, Walker argued that "much could be done to enhance the dignity and community respect of the police department if there was visible evidence within the department that there was no racial discrimination.." Breier dismissed Walker's suggestion as a proposal for giving preferential treatment to blacks. Walker retorted "it's about time."⁸⁹

⁸⁶Alex Poinsett, "The Dilemma of the Black Policeman," *Ebony*, 26, no. 27, May 1974, 123; "Pitts Decries Shortage of Black Police," *Milwaukee Sentinel*, 20 February 1973; "Breier: No Klan Ties Among Police," *Milwaukee Sentinel*, 3 January 1968.

⁸⁷WTMJ-TV Editorial, 1 August 1981, "Records of the Henry W. Maier Administration," Box 102, Folder 23.

⁸⁸"Transcript of Harold A. Breier Remarks to Mayor's Special Advisory/Monitoring Committee," 17 August 1981, "Records of the Henry W. Maier Administration," Box 102, Folder 24.

⁸⁹ "Breier, Minister Exchange Charges," *The Milwaukee Journal*, 11 August 1965.

The criticism of Breier's failure to appoint non-whites to special units was not restricted to the minority community. No less of an establishment figure than Milwaukee County District Attorney E. Michael McCann called the absence of blacks from the elite Tactical Squad "indefensible; it's inexcusable." He said that because there were no persons from minority groups with high rank or serving on special units in the department, the confidence of minority peoples in MPD "has vastly eroded."⁹⁰

Only one non-white officer, Captain Dewey B. Russ, an African American, held a rank above sergeant.⁹¹ There were charges that black patrolmen who had been promoted to the rank of "acting detective" (working exclusively in the black community) were returned to their regular duties before they could accumulate the necessary service for permanent promotion.⁹²

⁹⁰E. Michael McCann, quoted in Robert Anthony, "Police Breed Mistrust, McCann Says," Milwaukee Sentinel, 12 November 1981; "All-White Tactical Squad Indefensible, McCann," Milwaukee Courier, 21 November 1981.

⁹¹Breier recommended the promotion of Dewey B. Russ to the rank of Detective Sergeant in 1965 and to the rank of Captain in 1966; making him the highest ranking minority officer in the history of the Milwaukee Police Department. Russ had served on the force since 1951 and won a departmental citation in 1962 when he rescued eight children and three adults from a burning home. In requesting that the Fire and Police Commission promote Russ, Breier called him "a leader of men, (who) has their respect and is loyal and courageous." Russ retired with the rank of captain in 1979. See "Breier Names Negro for Captain's Position," The Milwaukee Journal, 4 November 1966. Breier's daughter, Alderwoman Suzanne Breier, called Captain Russ "like a member of our family." Breier interview.

⁹²A report issued in 1970 by the Council on Urban Life of the Roman Catholic Archdiocese of Milwaukee charged that "recently two black patrolmen were detailed as acting detectives for eleven months and twenty six days, then returned to ordinary duty before completing their year terms. Technically, it is possible for a detailed acting detective to serve his lifetime in the Bureau (with short-term assignments elsewhere) and never qualify for a promotional exam. The chief has unilateral authority to decide this." See "Reports Says Cops Are Out of Control," Kaleidoscope, 7-20 August 1970.

Russ and Sergeant Felmers Chaney charged that promotions were awarded in part by an officer's "departmental rating," determined by a Police Ratings Board appointed by Breier. Both officers claimed that the Ratings Board was part of an informal insider network and that their judgments did not seem to conform to any particular criteria. "I don't promote because of skin color," Breier responded. "I promote, because the officer is qualified." When Breier was asked by a member of the Fire and Police Commission, the public agency mandated by law to authorize police promotions, to explain the criteria he used in recommending promotions, the chief responded that his recommendations "are made on the basis of the best interest of the service."⁹³

Breier repeatedly stated that he had no intention of permitting minority officers to skip ranks for promotions. However, during his tenure as chief, he twice promoted individuals who skipped one or more ranks. In 1972, Jerome Jagmine was promoted from captain to inspector of police, the number two spot in the entire department. He was promoted over thirty senior officers after having been a captain for only fifteen months. In 1976, James Parnau was promoted to deputy inspector in charge of the administrative bureau from the rank of administrative sergeant, skipping the ranks of lieutenant and captain. In both cases, Breier argued that special circumstances were involved.⁹⁴

In August, 1979, the Office of Revenue Sharing of the U. S. Department of the Treasury informed Maier that it had evidence that the city was in violation of the civil rights section of the 1972 Revenue Sharing Act in its police operations. They said that 20, or 31 percent, of the blacks hired since the court order had resigned from the department,

⁹³Jess Kleinert, "Veteran Black Officers Describe Police Racism," Milwaukee Courier, 10 September 1981; Harold Breier, quoted in Kenneth Stoffels, "Breier Claims Allegations of Racism Polarize Police, Imperil Recruiting," Milwaukee Sentinel, 19 October 1979; Minutes of the City of Milwaukee Board of Fire and Police Commissioners, 20 July 1972, 3.

⁹⁴John Fauber, "Breier Twice Promoted Officers and Allowed Them to Skip Ranks," Milwaukee Sentinel, 17 June 1982.

while only 15 percent of the whites hired during the same period had resigned; that black resignations accounted for 16.8 percent of all resignations, although blacks comprised only 4.2 percent of the force; and that the assignment of minority personnel had shown evidence of discrimination. The letter indicated that the city was in danger of losing its revenue sharing funds, which totaled \$12.9 million for 1979 and \$13.9 million for 1980.⁹⁵

On September 25, the mayor announced at a press conference that the city would satisfy the requirements of the Revenue Sharing Act and modify some of its police procedures. Maier read a long list of changes that the city would make in police practices to include a promise that Chief Breier would "take steps to assure that black officers who meet the requirements" would be "considered" for assignment to the Tactical and Special Assignment squads. He also indicated that all officers who felt victimized by discrimination could appeal directly to the Deputy Inspector of Police Personnel and Labor Relations and bypass the usual chain of command.⁹⁶

Without directly commenting on the mayor's actions, Breier advised the Fire and Police Commission that he was establishing a new rule to deal with officer complaints of discrimination. It included the development of a chain of command procedure to review complaints which went from the district captains to the Deputy Inspector of Police Personnel and Labor Relations and ultimately to the chief. He said that the rule would probably take effect early in the coming year after he discussed it with members of the police union.⁹⁷ Yet, like the earlier consent degree on hiring practices, things did not change in the assignment and promotion of officers. Four years later, in March, 1983, the

⁹⁵Gregory D. Stanford, "US Sees Bias by Police, May Block Aid for City," The Milwaukee Journal, 17 September 1979.

⁹⁶Henry W. Maier, quoted in Avi Lank, "City in Compliance, Will Get Funds," Milwaukee Sentinel, 26 September 1979.

⁹⁷Harold Breier, quoted in Marie Rhode, "Breier Drafts Rule on Bias," Milwaukee Sentinel, 19 October 1979.

Office of Revenue Sharing was still threatening the city with a loss of Federal funds. They alleged again that the city had not kept its agreement to eliminate racial discrimination within the police department.⁹⁸

After years of what appear to be delaying techniques on the part of the administration, a number of black police officers took action on several fronts. In September, 1981, fifty of them signed a letter to the police union, now known as the Milwaukee Police Association (MPA), asking for its intervention "to abolish the discriminatory actions and policies that are currently in practice within the department." The signatories claimed that "the present departmental structure is fraught with loopholes and cleverly concealed methods that promote and encourage discrimination." The group charged that the departmental Ratings Board was "putting minority officers on the trailing end of all promotion lists." They claimed that "time and again, qualified, experienced minority officers, who have done well on the examinations, find themselves at the bottom of the promotional lists, the determining factor being the departmental rating." The letter also pointed to the continued absence of any minority officers from the special units.⁹⁹

In October of 1981, five black officers filed complaints of racial discrimination with the U.S. Equal Employment Opportunity Commission (EEOC) and two other officers filed internal complaints alleging racial discrimination in promotions. On November 6, 1981, all seven were transferred out of the Fifth Police District on the predominantly black North Side, where thirty-four of the city's 129 black officers worked, according to the Fire and Police Commission. The officers appealed those transfers to Federal Judge John W. Reynolds. Judge Reynolds ordered their reinstatement to the Fifth

⁹⁸Gregory D. Stanford, "US Warns City on Police Bias," The Milwaukee Journal, 17 March 1983.

⁹⁹"Black Officers Say: Discrimination Not New but Potentially Explosive," Milwaukee Courier, 10 October 1981.

District. He called the transfers "retaliatory and discriminatory and represented an unjustified response" to the officer's exercise of First Amendment rights.¹⁰⁰

On December 27, 1981, a class action law suit was filed in Federal court alleging racial discrimination in promotions, assignments, and transfers within the Milwaukee Police Department. Heading the list of plaintiffs was Detective Arthur Jones, a fourteen year veteran of the department and the first president of the League of Martin, an association of eighty two Milwaukee African American police officers incorporated in 1974.¹⁰¹ Jones said that through the years minority officers had been told they needed seniority and certain activities to qualify for promotions and special assignments. "Now, we have seniority," he said, "but our opportunities are limited. There are certain areas we cannot go into. It is wrong and unlawful to limit the activities of some officers." He claimed that senior black officers had been passed up for assignment to the Tactical Squad and that there were still no minority officers working in the South Side districts. Jones said that Breier's feelings about assigning and promoting blacks had to be judged by his actions. "All I know is the result of his assignments," he argued. "The obvious result of his assignments appears to be discriminatory." Jones said that Breier "perpetuated discrimination in the department until it is systematic."¹⁰²

The suit caused bitter feelings in the department. The union denounced it. Robert Kleismet said "I think they have gone berserk. I've had it now. They have gone way

¹⁰⁰Gregory D. Stanford, "Reassignments Anger Black Officers," The Milwaukee Journal, 8 November 1981; John W. Reynolds, quoted in Lee Aschoff, "Judge Reverses Police Transfers," Milwaukee Sentinel, 15 May 1982.

¹⁰¹Arthur Jones, now Chief of Police of the City of Milwaukee, declined to be interviewed for this project.

¹⁰²Arthur Jones, quoted in Karen Rothe, "Black Police Officer's Suit Airs Longtime Complaints," Milwaukee Sentinel, 28 December 1981; David Doege and John Higgins, "Breier's Decision Leaves Shock Waves in Department," Milwaukee Sentinel, 2 May 1984.

overboard. . . I think what is happening is our black brothers are looking for a bigger share of the cake."¹⁰³

While the lawsuit was pending, Breier appointed two African American officers, Earl Ridgeway and Leslie Barber, to the Tactical Squad in August, 1982. Fire and Police Commission Chair William I. Gore commented that pressure from the lawsuit, the media, and the commission forced Breier to make the appointment ". . . everything but the press of his own conscience." Gore argued that the unit should be 25 percent black, and he called upon his fellow African Americans to support Ridgeway and Barber and not criticize them for being members of an elite police squad generally held in low-esteem in the black community.¹⁰⁴

The League of Martin lawsuit took three years to settle. In February, 1984, with the case two weeks away from trial, the City of Milwaukee and the League of Martin reached an out of court settlement. The city was especially anxious to avoid a trial at which the department and the city might have been found guilty of a systematic pattern of discrimination. The agreement, on the other hand, was framed as a "no fault" settlement. Approved by the Milwaukee Common Council and by Judge Reynolds, it called for the immediate promotion of twelve black officers; assignment of blacks and other minorities to districts throughout the city; preferential right of promotion in exempt positions, those filled directly by appointment of the chief, until the number of promotions reflected the racial composition of the department; and publication of the criteria used by the chief for appointments to all special units. In a companion agreement, the Fire and Police

¹⁰³Robert Kleismet, quoted in Jess Kleinert, "Black Milwaukee Officers Identify Racism, Retaliation: Kleismet, 'Black Cops Have Gone Berserk'." Milwaukee Courier, 18 December 1981; "Union Protests Settlement," The Milwaukee Journal, 6 February 1984.

¹⁰⁴William I. Gore, quoted in Scott Anderson, "Racism Said Alive and Well Despite Blacks on Red Squad," Milwaukee Courier, 7 August 1982.

Commission pledged that all minorities, not just blacks, would be covered by the terms of the settlement.¹⁰⁵

This time Breier had little room for maneuver. The Fire and Police Commission had played a key role in crafting the settlement. Mayor Maier signed off on it following approval by the Common Council. At one point, Judge Reynolds threatened to take control of the police department, through the appointment of a special master, if an acceptable agreement was not reached and implemented.¹⁰⁶

But, Breier's core behavior would not change. Even in the face of powerful forces and overwhelming odds, no one would tell him how to run his department. He would implement no orders imposed from the outside. Two months after the settlement was reached, the warrior-leader was gone. The integration of the Milwaukee Police Department would be someone else's issue.

¹⁰⁵**"Police Panel OKs Pact in Bias Suit," The Milwaukee Journal, 3 February 1984; Paul Bergen "Police Settlement Okd," The Milwaukee Journal, 14 February 1984.**

¹⁰⁶**Paul Bergen, "Agreement May End Police Union Gripe," The Milwaukee Journal, 13 February 1984.**

III. Who Governs?

Chief Breier's insistence on maintaining control over the operation of the Milwaukee Police Department extended far beyond its internal affairs. He consistently resisted outside pressure, and for many years successfully prevented, most efforts to eclipse his decision-making authority. It mattered not if a suggestion concerned a significant issue or a minor detail, Breier was likely to dismiss it out of hand.¹ "It is as predictable as dawn," The Milwaukee Journal editorialized, "suggest something that has to do with police and Chief Harold Breier is against it."²

Breier's resistance to "outsiders" was particularly evident in his relations with other governmental authorities; especially the mayor, the Common Council, and the Fire and Police Commission. His suspicions about them resulted from a complex series of factors. First, he shared the general 1960s law enforcement suspicion of civilians. Many police officers of that era felt misunderstood, unappreciated, and under siege. They gravitated toward one another and rejected "strangers" and their ideas.³ Second, Breier showed contempt for non-professionals. He believed that only trained law enforcement officials understood the complexities of the job and that it was presumptuous for laymen to offer

¹Former Alderman Warren Braun recalled Breier's opposition to a Common Council suggestion that he consider replacing the red lights atop squad cars with a combination of red and blue lights. The chief rejected suggestions such as using computers for departmental record keeping, turning over ambulance duties to the Fire Department, employing meter maids, hiring civilian clerks to free officers from clerical duties, and a variety of what seemed to be "non-controversial" issues. Hon. Warren D. Braun, interview by author, 22 March 2002, Milwaukee.

²"Fastest Gun In Town," The Milwaukee Journal, 1 July 1969.

³See James P. Levine, "Access to Urban Police Departments," Urban Affairs Quarterly 8, no. 4 (June, 1973): 515-520.

advice or to question the expertise of seasoned professionals. "In order to know what it is all about," Breier said, "you have to be a member of the department."⁴

Although he was often accused of bias on matters of race, gender, social liberalism, and modernization, Breier's negative reactions to outside pressures for change reflected his contempt for the interference of the messenger as much as for the content of the message. Thus, he once sought help in the recruitment of blacks for the force but steadfastly refused to hire or promote minorities or women when pressured from the outside. When pushed, he pushed back.

A third reason why Breier resisted outside pressure was because he jealously guarded his authority over the department. He told the Fire and Police Commission that "you are invading my authority . . . I won't share responsibility with anyone."⁵ Fourth, Breier was fundamentally suspicious of and confused by change in general. "My question to my detractors," he said, "is what the hell do they want? They don't know. They want change, but they don't know what kind of change."⁶

Breier was able to maintain tight control of the Milwaukee Police Department for a lengthy period of time and to defy the wishes of many powerful political forces. Among the important factors accounting for his independence was the 1911 state statute, as detailed in Chapter I. He had studied it well. He knew that no one could legally dismiss him from his position absent a conviction of malfeasance in office.⁷

⁴Harold Breier, quoted in Mary Zahn and Ron Marose, "Police Power Slowly Being Wrested From Breier," Milwaukee Sentinel, 13 December 1978.

⁵Harold Breier, quoted in Zahn and Marose, "Police Power," Milwaukee Sentinel, 13 December 1978; "Suspension Rule OK'd For Police," The Milwaukee Journal, 18 September 1981.

⁶Harold Breier, quoted in Alex Dobish, "A Farewell to the 'Good People'," The Milwaukee Journal, 2 May 1984.

⁷Wis. Stats. 62.50, secs. 1-29, Laws of 1911.

More importantly, there was a political mystique surrounding Harold Breier. It rested on a common assumption that he was popular and politically powerful with voters, especially the large block of white ethnic electors living on his native South Side, and that a challenge to his authority would result in political death for anyone who attempted it. "It has become one of those unquestioned truths," journalist Joel McNally explained in 1978, "that Breier enjoys great popular support. Politicians believe it and shy away from reforms that Breier opposes. The media believe it. Even Breier's critics believe it."⁸ There was even speculation that Breier might someday emulate his contemporary Frank Rizzo of Philadelphia and move from the chief's office to the mayor's chair.⁹

Among those most affected by the perception of Breier's political strength was Milwaukee Mayor Henry W. Maier. Yet, in the clash of those two enormous egos, Maier nearly always prevailed.

Henry Maier was Mayor of the City of Milwaukee from 1960 until 1988. He was often called the "Dean of American Mayors," because his tenure in office was the longest of any big city mayor of the Twentieth Century. A local joke circulated that many Milwaukeeans assumed that the phrase "Mayor Maier" was a single word.¹⁰ Despite

⁸Joel McNally, "Public Verdict on Breier Isn't Unanimous," The Milwaukee Journal, 17 September 1978.

⁹Eugene Kane, "Sadly, Breier Never Saw Blacks as 'Good People'," The Milwaukee Journal, 15 September 1998; In separate interviews, journalist Alan Borsuk and Alderwoman Suzanne Breier argued that there was absolutely no substance to those rumors. Alderwoman Breier said that her father had a negative view of electoral politics and even expressed strong reservations about her decision to seek public office. Alan J. Borsuk, interview by author, 13 March 2002, Milwaukee; Hon. Suzanne Breier, interview by author, 19 March 2002, Milwaukee.

¹⁰Twentieth Century Milwaukee voters displayed a habit of reelecting mayors for long periods of time. In addition to Maier's record-breaking twenty-eight years as chief executive, Daniel W. Hoan served for twenty-four years, from 1916 until 1940. Frank P. Zeidler was in office for twelve years, from 1948 until 1960, and the current incumbent, John O. Norquist, will have completed sixteen years in office when his current term is over in 2004. (Norquist announced in April, 2002 that he would not seek reelection.) See

continuing, and sometimes unseemly battles with the press and suburban officials, Maier's career was marked by personal accomplishment and national prominence. He held a Master's Degree in Urban Affairs and authored two books. He served as President of the National League of Cities (1964-65), the U.S. Conference of Mayors (1971-72), and the National Conference of Democratic Mayors (1976). He appeared on network television as a spokesman for urban concerns and as an advocate of Lyndon Johnson's "Great Society" programs.¹¹

Yet, even a politician of Maier's prominence appeared to treat Chief Breier with deference and caution. Journalist Frank Aukofer argued that Maier felt that he had "to be a Breier supporter in order to keep winning the South Side wards . . . Maier would not or could not take on Breier. He saw it as a no win situation."¹²

Chief Breier boasted that Maier would neither interfere with his authority nor criticize his behavior. In a 1998 television interview, recorded shortly before Breier's death, the chief characterized their relationship as one in which he held the upper hand.

John Gurda, The Making of Milwaukee (Milwaukee: Milwaukee County Historical Society, 1999).

¹¹Martin Gruberg, "Henry Maier and the Milwaukee Political Tradition," The University of Wisconsin-Oshkosh Faculty Development Program, 1988-1989; Maier authored Challenge to the Cities: An Approach to a Theory of Urban Leadership (New York: Random House, 1966) and The Mayor Who Made Milwaukee Famous: An Autobiography (Lanham, MD: Madison Books, 1993).

¹²Frank A. Aukofer, City With A Chance: A Case History of Civil Rights Revolution (Milwaukee: The Bruce Publishing Company, 1968), 20. The underground newspaper Kaleidoscope offered a different perspective on Maier's behavior toward Breier. The paper published an interview with a Jesuit seminarian and researcher, Kenneth Feit, who claimed that "Maier is said to be definitely in terror of what Breier may know about his activities." Although Breier often emulated the behavior of his controversial predecessor, John Janssen, who allegedly kept a "black book" on local politicians, there is no credible evidence to substantiate Feit's allegation. See Kenneth Feit, quoted in Mike Zettler, "Report Says Cops Are Out of Control," Kaleidoscope, 7-20 August 1970

Breier:

I had a mayor who supported me. He was the best. He used to make suggestions to me from time to time, and I'd tell him 'Mr. Mayor, I'm going to think about it'.

Reporter:

In any other city, if the mayor would have made a suggestion, it would have been, that's what you're going to do. In Milwaukee, Chief Breier said 'I'll think about that. I'll take it under advisement.' And he went along with that?

Breier:

Yes, he did. He didn't mind that. I think that he was happy the way I was running the department.¹³

Yet, Breier's characterization of his relationship with Maier was not completely accurate. It was what the chief wanted the public to think, because it bolstered his reputation and power. In most instances, it was what Maier wanted the public to think, because he was not anxious to test the chief's political strength. In fact, it is true that Maier usually steered clear of the controversial chief. Maier did not interfere with, or perhaps even care about, Breier's internal control of the police department. Maier was careful to avoid direct confrontation with the chief and distanced himself from those who criticized the chief's actions. For example, In March, 1971, Louis L. Miller, Jr., an African American appointed to the Fire and Police Commission by Maier, was quoted as saying that there would be little improvement between police and the black community as long as Breier was chief. The next day, Maier called a news conference and said that the commissioner had been misquoted. Maier said that he had asked Miller to prepare a statement explaining what he meant to say. Others present at the time said that Miller had been quoted correctly. University of Wisconsin-Milwaukee political scientists, Henry Schmandt, John Goldbach, and Donald Vogel concluded that "the incident further underscores the invulnerable position of the chief and his virtual immunity to criticism

¹³Harold Breier interview, "I Remember Milwaukee," 11 June 1998, videocassette.

from city officials."¹⁴ At other times, Maier sought to deflect criticism of Breier and turn anger and hostility toward "safer" targets. In December, 1974, for example, the mayor addressed a rally of approximately 500 African Americans protesting the fatal shooting of sixteen year old Jerry Brookshire by Milwaukee police. "I am here," he said, amid a chorus of boos and catcalls, "Because I'm hurt like you are . . . We've got to take \$14.9 billion from the Pentagon and put it in the inner core of our cities. I'm going to keep fighting for every damn soul in the central city like I have been doing." When someone shouted from the audience about the guilt of the police, Maier responded "I think the condition of our society is guilty."¹⁵

However, when Maier felt that his political interests were threatened by Breier's behavior, he found a way to marginalize the chief and to move forward. That common wisdom still suggests that Maier was rendered impotent by Breier's reservoir of electoral support is a testament to Henry Maier's political skills. When the mayor found it necessary to challenge Breier, he did so in a low-key manner and made great effort not to publicly embarrass the chief. When questioned about his actions on issues of interest to the chief, Maier often changed the subject. He deflected the spotlight onto another issue. He fed the chief's ego with praise, but he quietly prevailed. "I've never known where Henry has stood on Chief Breier," said Alderwoman Marlene Johnson, one of Maier's closest political allies. "Normally we have the same concerns, but he never says anything. There are certain things he never discusses with anyone."¹⁶

¹⁴Miller claimed that he was simply trying to explain that good police-community relations required cooperation from all concerned. See "Was Miller Quoted Accurately?," The Milwaukee Journal, 12 March 1971; Henry J. Schmandt, John C. Goldbach, Donald B. Vogel, Milwaukee: A Contemporary Urban Profile (New York: Praeger Publishers, 1971, 65.

¹⁵Henry Maier, quoted in Kenneth R. Lamke, "Rally Breaks Up After Maier Talk," Milwaukee Sentinel, 27 December 1974.

¹⁶Marlene Johnson, quoted in Paul Bargren, "Interpreting the News: Council Shies from Breier," The Milwaukee Journal, 15 February 1984.

It is also important to understand that the Maier-Breier relationship proceeded through several stages of development. Maier was more careful not to offend Breier or his supporters in the early years of their joint tenure. As time passed, and Breier's luster began to tarnish, Maier was emboldened to chart a more openly independent course. Indeed, in the years of Breier's decline, Maier was willing to politely suggest that it was time for the chief to consider retirement. In 1980, the mayor asked the Fire and Police Commission to develop a job description for the next chief of police. "Inevitably," Maier said in a letter to the commission chair, "one of these days, Chief Breier will be considering retirement."¹⁷ When asked in December, 1980 about the desirability of a change in police chiefs, Maier said that he believed that "a man ought to be willing to retire in an office with heavy responsibility when he's 70."¹⁸ Breier was 69 at the time. It may not have been coincidental that the Maier appointees on the Fire and Police Commission spearheaded the changes in state law that convinced Breier that it was time to relinquish his position.

One cannot ignore the ultimate implications of this relationship. If Maier was able to exercise some degree of control over Breier's behavior, when it was critically important to the mayor's political agenda, then Maier must bear at least indirect responsibility for some of Breier's actions that he chose to ignore.

Criminologist Cyril D. Richardson argued that mayors often send conflicting signals concerning their relationships with police chiefs. They can easily associate or disassociate from the chief depending upon the issue at hand much like "a mask that may

¹⁷Henry W. Maier to Arlene Kennedy, 25 March 1980, Transcript in "Records of the Henry W. Maier Administration, 1960-1988," Milwaukee Series 44. State Historical Society of Wisconsin. Milwaukee Area Research Center. Golda Meir Library. The University of Wisconsin-Milwaukee, Box 140, Folder 11.

¹⁸Henry Maier, quoted in Avi Lank and Karen Rothe, "Lacy Case Draws Maier Into Delicate Area," Milwaukee Sentinel, 24 July 1981.

be slipped on and off as needed."¹⁹ Most of the time, Maier conveyed the impression that he did not have control over the chief. When the Wisconsin State Advisory Committee to the United States Commission on Civil Rights criticized Breier for the department's poor relationship with the black community, Maier responded that he was not responsible. He wrote Madison Attorney Percy L. Julian, Jr., chair of the advisory committee, that "any objective appraisal of my administration would demonstrate that I will not be held accountable when I do not have commensurate authority."²⁰ When Alderman Orville E. Pitts complained to Maier that Breier refused to investigate allegations of police misconduct, Maier said that he did not have the authority to issue orders to the chief.²¹ At other times, however, Maier hinted that he was not quite devoid of power over the chief's behavior. A reporter asked at a new conference in 1979 if Maier really felt that "there's no role that you can play as mayor or as a moral leader or as chief executive of this city to deal with the community's concerns about possible racism in the police department." Maier responded cryptically that the reporter should "go look at the record, bub, on where Henry Maier has stood."²² On later occasions, the mayor was more direct. "I know the chief very well," the mayor said in 1981, "and I know what you have to do when working with him."²³

¹⁹Cyril D. Richardson, "The Mayor and the Police-The Political Role of Police in Society," in Police Forces in History ed. George L. Mosse (Beverly Hills, CA: Sage Publications, 1975), 285.

²⁰Henry W. Maier letter to Percy L. Julian, Jr, 22 February 1972, quoted in Wisconsin State Committee of the United States Commission on Civil Rights, Police Isolation and Community Needs (Washington, D. C.: U. S. Commission on Civil Rights, 1972, 139.

²¹"FBI Contact on Police Set," Milwaukee Sentinel, 7 February 1973.

²²"Records of the Henry W. Maier Administration, 1960-1988," Box 140, Folder 9.

²³Henry W. Maier, quoted in Ron Elving, "Panel Named To Study Lacy Case, Ease Tensions," The Milwaukee Journal, 24 July 1981.

Ironically, the mayor and the chief developed much of their political strength from the same event; the civil disturbance of 1967. When Milwaukee's inner city erupted in violence and looting on July 31, 1967, Maier moved swiftly to contain the disturbance. He ordered a three day dusk to dawn curfew for the city, issued an emergency proclamation closing liquor stores, taverns, gasoline stations, and petroleum supply points, requested that Wisconsin Governor Warren P. Knowles order units of the National Guard to the troubled area, and maintained a tough and reassuring profile throughout the ordeal. The local media led an almost unanimous chorus of praise for Maier's decisive action, which seemed to contain the violence and save lives. Still, three people were killed, 1,700 were arrested, 129 buildings were set on fire, and \$200,000 worth of windows were broken.²⁴

Few situations could be more critical to an urban chief executive than one in which life and property hang in the balance. It was important for Maier to accurately assess the situation and make decisions that would contain the violence and prevent it from spinning out of control. When the disorder began at approximately 10:00 pm on Sunday July 31,

²⁴Some national correspondents covering the event considered Maier's behavior an overreaction to a relatively minor incident. See, for example, Harold Wilde, "Milwaukee's National Media Riot," in Cities Under Siege: An Anatomy of the Ghetto Riots, 1964-1968, eds. David Boesel and Peter H. Rossi (New York: Basic Books, 1971), 104. However, in Milwaukee, the mayor was widely praised. In an editorial broadcast on August 1, 1967, Ed Hinshaw of WTMJ-TV said that "Mayor Maier's imposition of a strict curfew might have surprised the nation. But while the curfew regulating our normal living was a drastic and costly action, the situation certainly called for it." On August 3, 1967, the management of WVTM-TV commented that "it might have prevented a holocaust such as those that enveloped other American cities." "Records of the Henry W. Maier Administration, 1960-1988," Box 43, Folders 6, 7; Martin Gruberg, A Case Study in U.S. Urban Leadership: the Incumbency of Milwaukee Mayor Henry Maier (Brookfield, VT: Avebury Books, 1996), 170; data on civil disturbance from Alan Borsuk, "Uncompromising Chief Led Police For Twenty Years: Harold A. Breier, 1911-1998," Milwaukee Journal Sentinel, 10 September 1998; and Wilde, "Milwaukee's National Media Riot," p. 104.

Breier assured Maier that his officers would bring the situation under control and that outside law enforcement assistance was not necessary. Several hours later, with the disturbance continuing and the glare of the national spotlight beginning to focus on Milwaukee, Maier was not about to take chances that could result in political disaster. Breier's ego would have to give way to larger considerations. Maier phoned the chief and told him that he had ten minutes to guarantee that the situation was being brought under control. Breier was forced to admit that he could not make such a promise. Maier immediately requested that the National Guard be ordered into the city.²⁵

Breier's opposition to calling in the Guard was not reported in the local media. Instead, the public saw a high-profile, no-nonsense chief who was credited with containing the disturbance to a small area, preventing large-scale loss of life or property, and protecting the law abiding citizens of the community. The chief set up a command post in a parking garage in the disturbance area and directed the police for four days without rest. However, praise for his behavior was not universal. A 1968 survey of black inner-city residents found that blacks cited police brutality and anger with police behavior among the major causes of the civil disturbance. Well over half of the blacks sampled believed that police frequently insulted blacks, unnecessarily frisked and searched them, and used excessive force in arrests. In addition, more than one-third of the blacks surveyed believed that the police unnecessarily stopped and searched cars and frequently assaulted inner city residents. The National Advisory Commission on Civil Disorders attributed much of the frustration in the black community leading to the outburst to "a deterioration in the relationship between police and ghetto residents." None the less, the reputations of Maier and Breier as strong and decisive defenders of law and order in Milwaukee were firmly established.²⁶

²⁵Gruberg, Case Study in U. S. Urban Leadership, 170, 195.

²⁶For an examination of white and black attitudes toward police behavior during the civil disturbance of 1967, see Karl H. Flamming, "The 1967 Milwaukee Riot: A

Maier preferred not to confront Breier as directly as he had been forced to do during the civil disturbance. Instead, when their conflicting perspectives clashed, the mayor preferred to work around the chief. For example, in the Fall of 1966, several Milwaukee civil rights organizations sought to convince Breier to employ a community relations specialist in the department. Breier rejected the idea. He argued that every police officer was a community relations specialist. He said that it was "hogwash" to suggest that police "go and meet these people (blacks) and explain our position, so they can understand us." Maier sensed the political importance of making a gesture to the minority community. He proposed in his 1967 budget that a community relations specialist be hired, not in the police department, but as a staff member of the Fire and Police Commission. The Common Council approved the position and The Milwaukee Journal commended Maier editorially for providing "some direction." The incident illustrated Maier's political skill. He did not disturb the chief's prerogatives or impose his will on the department's internal organization. Instead, the mayor found a way to maneuver around the chief and satisfy a potentially significant segment of the electorate.²⁷

Historical and Comparative Analysis," Ph.D. diss., Syracuse University, 1970; National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (New York: Bantam Books, 1968), p. 310

²⁷The Fire and Police Commission hired FBI agent Richard Artison to staff the position. Artison resigned after five months claiming that his job was meaningless, because the police department refused to cooperate with him. The duties of the position were redefined by the Commission following Artison's resignation and limited to the recruitment of potential minority applicants. See "Minutes of the Fire and Police Commission of the City of Milwaukee," 18 March 1965," pp. 5-8; Harold Breier, quoted in "Milwaukee's Chief Finds Own Planning Best Way," The Milwaukee Journal, 28 June 1967; "Breier's Core Stand Assailed, Defended," Milwaukee Sentinel, 1 February 1968; "Annual Report of the Milwaukee Board of Fire and Police Commissioners of the City of Milwaukee," 1972, p 28; "Annual Report," 1975, pp. 25-26; "Community Relations Expert to Assist Police Department," The Milwaukee Journal, 13 September 1966.

The path of another Maier "end run" around the chief proved to be slightly more complicated. In 1972, the Milwaukee Common Council, impatient with Breier's incessant demands for larger budgets and his refusal to reduce costs, appropriated \$75,000 for a "management" study of the police department.²⁸ Breier vigorously opposed the idea. "I don't know who would know the police problems better than the head of the department," he argued. "What happens if you take suggestions and all hell breaks loose?"²⁹

Faced with an insistent Council³⁰ on one hand and an adamant chief on the other, Maier crafted a compromise, which adroitly took the focus off of Breier and softened the tone of the inquiry. On November 10, 1972, the mayor asked the Council to withdraw the resolution calling for a management study and to substitute "a cost-benefit evaluation of city expenditures in all areas of law enforcement."³¹ Sensing that he could force his way into a controlling position, Breier announced that he would accept the modified study proposal only if he was given control of it. He argued that "no one is qualified or has the

²⁸In 1971, Breier asked for 234 new positions and rejected a suggestion from Budget Director Edwin C. Whitney that he stop using sworn officers to perform clerical work. Breier argued that policemen were needed in clerical jobs for security reasons. "A man came in to a police station in San Francisco," he told Whitney, and killed an officer and shot up the place." See Kenneth R. Lamke, "Breier and Maier Clash on Hiring," Milwaukee Sentinel, 16 September 1971.

²⁹Harold Breier, quoted in Lawrence L. Lohmann, "Maier Pleads With Breier to OK Independent Study," The Milwaukee Journal, 5 October 1972; "Good Try to Get Breier Unstuck," The Milwaukee Journal, 6 October 1972.

³⁰Not all members of the Council were convinced that the study was worth the time or money. Alderman Mark Ryan predicted that "we'll hire some people from New York, and they'll wind up standing around on State Street looking up at the windows, because the chief will not let them in the front door." See "Outsider's Study Rejected by Breier," The Milwaukee Journal, 27 July 1972.

³¹Henry W. Maier to Members, Milwaukee Common Council, 10 November 1972, Transcript in "Records of the Henry W. Maier Administration, 1960-1988." Box 139, Folder 19; "Police Study Support By Council Seen," Milwaukee Sentinel, 14 November 1972.

expertise to make a study of our department but me. I believe that I should have control as far as any study that is to be made." He said that the study would have to be restricted to only a portion of the department's budget and that certain items would be off limits, including "departmental discipline, criminal areas and other matters regarded as strictly confidential."³²

The City Budget Director, Edwin C. Whitney, warned Maier that "the city never has had a study of a department conducted under the control of a department head." However, the mayor faced a dilemma. He would appear weak if he did not go forward with the study, but the issue really belonged to the Common Council, and he was not anxious to expend a significant amount of political clout to push Breier any farther. He decided to proceed but to insure that Breier would be pacified. The mayor arranged for the contract with the independent consultant to stipulate that "all papers, books, and records in the possession of the Milwaukee Police Department are in the official custody of the chief of police (and) the consultants shall seek and obtain the permission and cooperation of the chief of police prior to obtaining, analyzing, evaluating, or publishing any information contained therein." The contract also stated that the consultant would not be allowed to evaluate "the policies, practices, and procedures reserved to the chief of police in the performance of his duties." The Milwaukee Journal editorialized that the contract "was so hedged with limitations that many wonder if the study is even worth doing." One of Breier's allies on the Common Council, Alderman Robert O. Ertl, chair of the Council's Public Safety Committee, assured Breier that his committee would not support any recommendations that the chief opposed.³³

³²Harold Breier, quoted in Joel McNally, "Breier OKs Study But Wants Control," The Milwaukee Journal, 10 January 1973.

³³Edwin C. Whitney to Henry W. Maier, 12 March 1973, Transcript in "Records of the Henry W. Maier Administration," Box 139, Folder 121; "Police Study OK'd, Critics Blast Breier," The Milwaukee Journal, 16 January 1973; "Into the Breier Patch," The Milwaukee Journal, 16 March 1973; B. L. Parnham to Harold Breier, 29 May 1973,

The study was completed on December 18, 1973. It praised the department for morale, dedication, and competence. It recommended that the department be reorganized into six bureaus, that it increase its use of computers, that it replace sworn officers assigned to clerical duties with civilians. It suggested that the size of the force be reduced through attrition from 2,150 to 1,996 sworn officers. It recommended that the department use one man patrols in low crime areas, increase its community relations efforts, and divest itself of ambulance services.³⁴ Despite the safeguards limiting the scope of the study, and the largely benign nature of its recommendations, Breier reacted with skepticism. "I am wondering," he said, "why these drastic changes are proposed when we have an organization that is functioning properly."³⁵ A few of those "drastic" changes were eventually put in place, some under subsequent Milwaukee chiefs of police, but Maier had achieved his major political objectives. He had neither backed down nor directly confronted the chief. Now, for the mayor's part, the report could draw dust on the shelves.

As an added bonus, Maier bolstered his credentials with Breier's supporters by claiming that the chief had cooperated with him. At a City Hall news conference on April 26, 1974, Maier recalled that when the contract was signed "I said I expected the chief to cooperate fully with the consultant. The press said the chief would not cooperate. . . I

Transcript in "Records of the Henry W. Maier Administration," Box 139, Folder 122; William R. Drew to Lloyd (last name unknown), 4 February 1974, Transcript in "Records of the Henry W. Maier Administration," Box 140, Folder 3.

³⁴Alan J. Borsuk, "Interpreting the News: Changes Won't Be Speedy," The Milwaukee Journal, 24 December 1973.

³⁵Harold Breier, quoted in "Chief Says Little," The Milwaukee Journal, 21 February 1974.

emphasized that the chief would cooperate fully. When the report was completed, the consultant underscored the fact that he had the full cooperation of the chief."³⁶

Yet, Maier's ability to maneuver around the chief would continually be tested, and the task seemed to grow increasingly more difficult. In 1979, a retired Milwaukee police officer, Louis Krause, revealed that his former partner, Thomas Grady, shot and killed a black youth named Daniel Bell in 1958. Krause said that he helped Grady plant a knife in Bell's hand to justify the shooting.³⁷ Krause's confession created a fire-storm of controversy in the community, and the Milwaukee Common Council voted 9-7 on October 2, 1979 to ask the mayor to request an investigation by the U. S. Department of Justice of shooting deaths by Milwaukee police.

The Council's resolution could not have come at a more difficult time for Mayor Maier, who was facing a reelection campaign. If he complied with the request, he might alienate voters on the South and Northwest sides of the city where Breier seemed to command a strong following. If he failed to comply, he would alienate a large part of

³⁶"Statement of Mayor Henry Maier At News Conference, April 26, 1974."
"Records of the Henry W. Maier Administration, 1960-1988," Box 140, Folder 1.

³⁷Thomas Grady pleaded guilty in 1978 to perjury and reckless use of a weapon. He was sentenced to seven years in prison and served 2 1/2 years. The Bell family filed a Federal lawsuit against the parties involved (Patrick Bell, Sr., et. al. v. City of Milwaukee, et. al. Case #79-C-927). A Federal grand jury concluded on Dec. 16, 1981 that Bell's civil rights had been violated and awarded the family \$1.79 million. In March, 1982, Federal Judge John W. Reynolds reduced the original verdict to \$1.59 million. The City of Milwaukee reached a settlement with the Bell family in October, 1984 and awarded them \$1.6 million after the family agreed to pay Milwaukee County \$71,473 in partial repayment for welfare benefits received. See E. Michael McCann to The Milwaukee Journal, 5 September 1979, Transcript in "Records of the Henry W. Maier Administration, 1960-1988," Box 140, Folder 8; "Ex-Officer Testifies in Bell Damage Suit," The Milwaukee Journal, 17 October 1981; "Testifies Against Police Partner, The New York Times, 18 October 1981; Bill Rogers, "Bell Case Settlement Urged by Nabors," Milwaukee Courier, 11 September 1982; Linda Lenz Ossomik, "Daniel Bell's Sister Talks About Settlement," Milwaukee Courier, 1 December 1984; "Maier Fails to Endorse Bell Accord," Milwaukee Sentinel, 10 October 1984.

Milwaukee's growing minority communities. Although the press speculated that Maier was trapped, he found a way to respond ³⁸

On October 10, 1979, Maier was granted fifteen minutes of free television time by the local commercial television stations. He announced that he would comply with the Council's request and seek the investigation. He said that Chief Breier supported his decision and was confident that the department would be exonerated of any wrong doing. Then he shifted the focus of his address to other issues. He devoted nine pages of text to criticism of the Journal Company, owner of both local newspapers and several major radio and television stations; five pages to proposals he suggested to President Jimmy Carter concerning unemployment in the central city; and three pages to the future of industrial development in Milwaukee. The television station executives were furious that Maier had used free air time to discuss issues other than the Council resolution, but Maier had succeeded in diverting attention from Breier. For his part, Breier remained silent. However, when U. S. Attorney Joan Kessler wrote the chief to request data for the investigation, Breier ignored her inquiry.³⁹

On June 6, 1980, officials of the Department of Justice informed Maier that there was "not sufficient basis upon which to start a large scale investigation of the Milwaukee Police Department." Justice Department attorneys said that of 16 deaths at the hands of

³⁸Avi Lank, "Interpretation of the News: Kondziella Vote May Force Maier's Hand on Police-Black Issue," Milwaukee Sentinel, 3 October 1979.

³⁹Wayne Godsey, News Director of The Journal Company's WTMJ, Inc., wrote to Maier that "less than one-third of the time was directed toward the Daniel Bell case . . . Neither your feud with The Milwaukee Journal nor your proposals for a new urban program relate directly to the Bell case . . . I will never again recommend that we comply with future requests for broadcast time from your office unless we are given an adequate opportunity to review your prepared remarks." Henry Davis, Executive Vice President of WITI-TV, said in a broadcast editorial that "Mayor Maier abused his privilege of using television in the public interest." "Records of the Henry W. Maier Administration, 1960-1988," Box 140, Folders 10, 11.

police between 1975 and 1979 only one appeared to suggest criminal misconduct, but, even in that case, a previous grand jury investigation failed to turn up solid evidence. Maier responded with unrestrained glee. He told a news conference that the Justice Department had given MPD "a clean bill of health."⁴⁰

The relationship between the mayor and the chief took on a new dimension beginning in the summer of 1981. On July 9, a 22 year old black man named Ernest Lacy was seized by police as a rape suspect. Lacy died while being transported to the police station. A Coroner's Inquest concluded that a police officer, Thomas Eliopul, had applied pressure to Lacy's chest and neck and interrupted the flow of oxygen to Lacy's brain.⁴¹ Lacy was posthumously exonerated of the crime,⁴² but his death caused turmoil in the city for over a year. An ad hoc organization, the Coalition for Justice for Ernest Lacy, sponsored marches and demonstrations, organized picketing and boycotts of retail stores, and staged a four day sit-in at the District Attorney's office demanding that the officers involved be charged with murder.⁴³ Although no police officer was convicted of the crime

⁴⁰Henry Maier, quoted in Charles J. Sykes and Gregory D. Stanford, "Major Police Probe Called Unnecessary," The Milwaukee Journal, 7 June 1980.

⁴¹The Milwaukee County Medical Examiner, Dr. Chesley P. Erwin, appointed former Circuit Judge Robert C. Cannon to preside over the inquest. Ironically, it was Judge Cannon's membership in the all-white Milwaukee Eagles Club that resulted in picketing of his suburban home by the NAACP Youth Council in 1966. The resultant turmoil prompted Wisconsin Governor Warren P. Knowles to dispatch units of the National Guard to keep peace between the Youth Council demonstrators, irate neighborhood residents, and local Klansmen. See "Retired Judge to Conduct Lacy Inquest," Milwaukee Courier, 5 September 1981. See also "Milwaukee Policemen's Trial May Be Delayed," The New York Times, 18 October 1981; WTMJ-TV, Transcript of Newscast, 4 August 1981, "Records of the Henry W. Maier Administration, 1960-1988," Box 102, Folder 23.

⁴²"Man Arrested in Lacy-Related Rape Case Claims Innocence," Milwaukee Courier, 15 August 1981.

⁴³See "Saturday Boycott of Downtown Business Called," Milwaukee Courier, 18 August 1981; "Boycott--A Black Show of Strength," Milwaukee Courier 3 April 1982; Homicide charges were issued against Eliopul and Officer George Kalt but dropped

in a court of law, the Fire and Police Commission found Eliopul guilty of the use of excessive force and removed him from the police department. They found officers George Kalt, James Dekker, Kenneth Kmichik, and Robert Enders guilty of failure to render first aid and suspended them without pay.⁴⁴

Breier responded to the turmoil with defiance. Accompanied by a contingent of riot-equipped police, he drove alongside a crowd estimated at 3,500 as they marched to a rally at the Civic Center Plaza in late July, 1981. The local African American weekly newspaper, the Milwaukee Courier, editorialized that "Breier was looking for trouble," but the chief told a television reporter that he "had a perfect right to be there." He said that the lesson of the Lacy incident was that suspects should not resist arrest. He argued that "there was absolutely no violation of the rules and regulations by the officers involved in this matter. After full and complete investigation, a report was given to me, and a determination was made that the officers were guilty of no wrongdoing." He termed the firing of Eliopul by the Fire and Police Commission "a terrible miscarriage of justice" and claimed that "this is going to handcuff the police even more." He argued that the entire controversy had been promoted by the news media.⁴⁵

by Milwaukee County District Attorney E. Michael McCann on January 29, 1982. Misconduct in public office charges against Kalt and Officer James Dekker were dismissed on May 1, 1982 by Circuit Judge Janine Geske. See "Eliopul Walks Free," Milwaukee Courier, 13 February 1982.

⁴⁴City of Milwaukee Fire and Police Commission, "Summary of Trial Proceedings, Complaint #418 of Myrtle Lacy," 16 June 1983; Mar-Cole Media, "Police Found Guilty in Lacy Death," Milwaukee Courier, 25 June 1983; Mar-Cole Media, "One Officer Fired, Four Suspended in Lacy Hearings," Milwaukee Courier, 25 June 1983. On October 1, 1985, the Milwaukee Common Council awarded \$600,000 to Lacy's mother just hours before a Federal jury was to be impaneled to hear a suit brought against the city. See Mark Ward and Walter Fee, "Council OK's Lacy Settlement," The Milwaukee Journal, 1 October 1985; "Records of the Henry W. Maier Administration, 1960-1988," Common Council File Number 85-638, Box 103, Folder 2.

⁴⁵"Let's Go, Harold Breier," Milwaukee Courier, 25 June 1981; Harold Breier, quoted in Gregory D. Stanford, "Officials Prepare to Arrest Three Officers," The

The pressure on Maier was intense. A survey of public opinion conducted by WTMJ-TV revealed that 47.1 percent of the respondents felt that the police had not acted properly in the case. (Only 24.3 percent felt that the police had acted properly and 28.6 percent were unsure.) Nearly three-fourths, or 71.3 percent, of those interviewed felt that there should be an independent investigation of the incident and 68.6 percent felt that the Lacy case increased the chances of a civil disturbance in the city. Even more revealing, from Maier's political perspective, was the respondents' characterization of Breier's overall performance as chief. While 49.2 percent characterized the chief's performance as "very good" or "good," a notable 43.4 percent of those responding felt that Breier's general performance was either "poor" or "very poor." The results of that survey were particularly significant because 81.5 percent of those responding were white and only 14.9 percent of those participating in the survey were non-white.⁴⁶

The Milwaukee Chapter of the National Association for the Advancement of Colored People (NAACP) demanded that the mayor take action to halt a troubling pattern of police behavior resulting in the deaths of several African Americans in Milwaukee.⁴⁷ In

Milwaukee Journal, 15 October 1981; Harold Breier, quoted in Mar-Cole Media, "Lacy Hearing: Breier Sees No Wrongdoing," Milwaukee Courier, 30 April 1983; See also Scott Anderson, "Breier Fails to Provoke Disturbance," Milwaukee Courier, 25 July 1981; "Breier Takes Journal, TV Stations To Task," The Milwaukee Journal, 25 October 1981; Martin Gruberg, "Henry Maier and the Milwaukee Political Tradition," The University of Wisconsin-Oshkosh Faculty Development Program, 1988-1989, p. 13.

⁴⁶WTMJ-TV, "Ernest Lacy Case Survey, July 27-28, 1981," "Records of the Henry W. Maier Administration, 1960-1988," Box 102, Folder 23.

⁴⁷In addition to the Daniel Bell shooting in 1959, Johnny Starks and Mary Pendleton, died on December 4, 1974 in a fire after police threw tear gas into their apartment. Starks died of gunshot wounds and Pendleton of smoke inhalation. An inquest ruled Starks' death as lawful homicide and Pendleton's death as accidental. On August 2, 1967, Clifford McKissick was killed during the civil disturbance by MPD officers after he was seen fleeing a fire-bombing incident. The death was held to be justifiable homicide. On December 24, 1974, Jerry Brookshire, age 16, was shot and killed by a MPD officer as he was taken into custody on suspicion of auto theft. An inquest found Brookshire's death to have been accidental. On August 23, 1975, Steve

Washington, Wisconsin Congressman Henry S. Reuss, who represented Lacy's district and was a long-time political opponent of Maier, asked the House Subcommittee on Criminal Justice to investigate the Lacy matter. Marches and picketing were disrupting business and bringing unflattering publicity to the city. Literally hundreds of letters were pouring in to the mayor's office from citizens supporting and condemning police behavior in the Lacy affair.⁴⁸

The pressure on Maier did not only come from those critical of police behavior. On October 22, 1981, a crowd estimated at 3,500 packed Serb Memorial Hall on Milwaukee's South Side for a rally sponsored by the police union. Contributions for a legal defense fund for the officers involved in the Lacy case were collected. The five officers were introduced to sustained standing ovations. But, according to newspaper reports, "the undisputed star of the evening was Breier. Working the crowd like a seasoned politician, signing autographs for children, a beaming presence over a sea of enthusiastic supporters, Breier reveled in the moment." The chief told the audience that "certain special interest groups, along with the some of the extremists, are trying to destroy the department's credibility." He assured his listeners that "we've known all along

Gaston was shot and killed by MPD officers as he attempted to escape a roadblock. The killing was held to be justifiable homicide. On August 26, 1975, Charles Daley was shot and killed by an MPD officer while stopped for questioning regarding a burglary. An inquest ruled the shooting to be justifiable homicide.

⁴⁸"No Let-Up of Community Pressure Until Officers Prosecuted: Fuller," Milwaukee Courier, 8 August 1981; Mark Starr and Sylvester Monroe, "Milwaukee Cops Under Fire," Newsweek, 15 February 1982, 31; "Accidents or Police Brutality," Time, 26 October 1981, 70. Among the many letters received by Maier on the Lacy case were communications from across Wisconsin, from Chicago, Minneapolis, Los Angeles, Indianapolis, a petition from teachers in the Milwaukee Public Schools, and communications from the Support Your Local Police Committee (an affiliate of the John Birch Society), and the Wisconsin Communist Party. See "Records of the Administration of Henry W. Maier, 1960-1988," Box 102 Folders 22, 23, 24, and Box 103, Folder 3.

we had the support of the good people in the city," and he urged them to speak out, because "a small minority has been getting all the publicity and the attention."⁴⁹

For several weeks following Lacy's death, Maier maintained a low profile. He asked his personal staff to monitor every local television newscast and prepare daily summaries on Lacy-related stories. He wrote letters to thirty big city mayors. The letters recounted the Lacy incident and asked the mayors to respond to a series of questions. The questions focused on law enforcement, rather than on racial issues, and revealed that Maier was contemplating some undefined action regarding the Milwaukee Police Department. He asked about civilian governance of police departments and the level of minority representation on local police forces.⁵⁰

The first public indication that Maier's public behavior toward Breier was about to change came on July 23, 1981 when Christine Belnavis, President of the Milwaukee Chapter of the NAACP, announced that her group had met privately with the mayor, and he agreed that the officers involved in the Lacy episode should be suspended from duty pending a formal investigation. The mayor's office was not quite ready to jump directly into the dialogue but issued a brief statement confirming Ms. Belnavis' remarks. On July 27, the mayor announced the appointment of a ten person citizen's Special Advisory Monitoring Committee. In his charge to the committee he asked them "to directly monitor, test, and evaluate the operation of all phases of the process involved in the investigation into the Lacy incident and to report to the mayor any recommendations that may be developed for making improvements in the system." He explained that their job was not to investigate the Lacy incident, per se, but to look at the ways in which the investigation had been handled and determine how the process might be improved in the

⁴⁹Harold Breier, quoted in Charles J. Sykes and Ralph D. Olive, "We're Behind you, Crowd Tells Police," The Milwaukee Journal, 23 October 1981.

⁵⁰"Records of the Henry W. Maier Administration, 1960-1988," Box 102, Folder 23.

future. Certainly, the mayor was attempting to make some very subtle distinctions. He was responding to the wide-scale community outrage surrounding the Lacy death and hoped to calm a potentially explosive situation and, perhaps, win some political points along the way. He was careful to point out, however, that the committee had no legal power, was not a civilian review board, would not investigate police conduct in the Lacy case, and would report directly to him. In their first statement to the community, co-chairs Rev. W. J. Calvin and Alex LeGrand emphasized those subtleties. They said that they were "not going to investigate the facts of the Lacy case, nor do we have statutory authority to do so. However, while we are monitoring the way in which the processes are working, there may be facts and evidence which will give insight into whether the system is functioning properly."⁵¹

Maier was still trying to be careful when stepping into police territory, but it was obvious that this bold move was made without great concern for Breier's reaction. Some veteran observers at city hall were surprised that Maier was willing to involve his office in the controversy given his hands-off approach to allegations of police brutality in the past. Yet, Maier concluded that his political future could depend on how the Lacy affair was resolved. The normal flow of business and commerce had been disrupted by demonstrations. Tourism for events such as Summerfest and major league baseball were

⁵¹ "Records of the Henry W. Maier Administration, 1960-1988," Box 102, Folder 23. The committee was co-chaired by former FBI agent and city building inspector Alex LeGrand and Rev. W. J. Calvin. Other members were Brother Booker T. Ashe, Director of the House of Peace; Ms. Alva Brown, a member of the board of the Milwaukee Public Library; Ms. Agnes Cobb, development specialist for the University of Wisconsin-Extension; Jerome Dudzik, former chair of the Professional Policemen's Protective Association; Gregorio Montoto, South Side businessman and former academic specialist for the University of Wisconsin-Milwaukee's Spanish Speaking Outreach Institute; Ms. Jackie Shropshire, Executive Assistant at the Milwaukee Urban League; Rabbi Francis Barry Silberg; Wayne Youngquist of the Department of Sociology at Marquette University; and Steven Ziamnik, Director of the Metropolitan Milwaukee Criminal Justice Council.

threatened and the possibility of violence loomed. A confrontation with Breier was a price he might have to pay. When asked if he thought that he could persuade Breier to institute changes that the special committee might suggest, Maier said "we'll cross that bridge when we come to it."⁵²

As expected, the chief's response was negative. He said that he would not even consider any recommendations that the group might make. When called to testify before the committee on August 17, 1981, he complied but remained defiant. He told the committee that he was "not going to discuss police techniques and procedures with this panel or with anyone else." He accused a panel member of prejudging the Lacy case. He asked the members of the committee to examine "who is promoting the tensions" in the Lacy case. When asked to be more specific, he named the Revolutionary Communist Party, the Communist Party, and the Socialist Workers Party.⁵³

In March, 1982, the Special Advisory Monitoring Committee issued its report. It contained twenty-six recommendations. Among the most significant proposals were the creation of a public safety director to whom the fire and police chiefs would report, integration of the police Tactical Squad and promotion of minority officers to command positions, institution of human relations seminars in local police districts, and development of a departmental master plan for crime prevention.⁵⁴ Several recommendations concerning equal opportunity within the department were eventually implemented. Others, like the public safety director proposal, never came to be.

⁵²Henry Maier, quoted in Ron Elving, "Panel To Study Lacy Case, Ease Tensions," The Milwaukee Journal, 24 July 1981.

⁵³Harold Breier, quoted in "Police Alone Are Qualified to Investigate Police Death, Says Breier," Milwaukee Courier, 22 August 1981.

⁵⁴"Records of the Henry W. Maier Administration, 1960-1988," Box 140, Folder 17.

Yet, the substance of the recommendations was less important than the fact that the commission existed at all. It marked a turning point in Breier's undisputed domain over the police department. Alderman Orville Pitts may have said more than he realized when he predicted that "the birth of Ernie Lacy's legacy is the death of Harold Breier's legacy."⁵⁵

Although Pitts, an African American, was a consistent critic of the chief, it is more difficult to characterize the relationship between Breier and most of the other members of the Common Council. There were, to be certain, some celebrated confrontations and power struggles between Breier and members of the Council during the chief's twenty year tenure. There were other times when the aldermen and women collectively rolled over and played dead in his wake. The difficulty in characterizing the relationship between the chief and the city's aldermen illustrates the fact that the members of the Common Council were an extraordinarily diverse group and reflected the varied interests of their constituencies. It did not take much political courage for an aldermen representing a predominantly African American ward to speak out against police excesses; nor was it surprising when a South Side alderman sang the chief's praises and ran interference for his every desire. Yet, politics is about power and prerogatives, and there was enough individual egotism and ambition among the city's mothers and fathers between the years of 1964 and 1984 to keep their periodic encounters with the chief interesting and unpredictable. In addition, a democratic legislative body is often characterized by shifting alliances which place its participants on various sides of a given issue for complex and not always apparent reasons. Thus, while generalizations about legislative behavior often are imprecise, the historical record demonstrates that most members of the Milwaukee Common Council eventually joined the parade leading Breier into retirement.

⁵⁵Orville Pitts, quoted in Kevin Merida, "Decision Pleases Black Leaders," The Milwaukee Journal, 15 October 1981.

Writing in 1971, journalist Joel McNally said that the chances of the Common Council taking action against Chief Breier were "about as likely as Walt Disney beating a kid. When he is called before a committee to answer a complaint, he usually reminds the aldermen that Milwaukee is the safest city of its size . . . and the elected city officials note again for the record that Breier is the 'finest police chief in the nation' and any difference of opinion is dismissed."⁵⁶ A significant number of aldermen accepted the commonly-held notions about Breier's political strength and were reluctant to challenge him. The Milwaukee Journal speculated editorially that "aldermen apparently feel that a test of their individual popularity against that of Chief Breier could occur at the polls, and the chief stands a far better chance of surviving."⁵⁷ Others feared that if they irritated the chief, police protection in their wards might diminish. Alderman Robert Weber said "I would hate to think that's being held over anyone's head. But, sure, I would be afraid to test it." An unidentified Council member told the Wisconsin State Committee of the United States Commission on Civil Rights that aldermen were simply afraid of the chief, because he was capable of "raising havoc in the city."⁵⁸

The African Americans who served on the Council during Breier's tenure did not share those concerns, because they generally felt that police behavior in their wards could only improve. Over the years, Ben Johnson, Marlene Johnson, Roy Nabors, Vel Phillips, and Orville Pitts formed the core of dissent on police matters before the Common Council. Other members joined them from time to time.

⁵⁶Joel McNally, "Panel Asks Breier to Tell his Side," The Milwaukee Journal, 9 October 1971.

⁵⁷"New Interpretation of Police Chief Powers," The Milwaukee Journal, 13 May 1975.

⁵⁸Robert Weber, quoted in Bargren, "Council Shies From Breier," The Milwaukee Journal, 15 February 1984. Wisconsin State Committee of the United States Commission on Civil Rights, Police Isolation and Community Needs (Washington, D. C.: U. S. Commission on Civil Rights, 1972), 110.

The Common Council potentially held the ultimate weapon; the power of the purse. They attempted on occasion to use that power to direct Breier's behavior through their control of the police budget. For a variety of reasons, they often failed. Sometimes, Breier warned that if the aldermen did not meet his budgetary requests, they would bear ultimate responsibility for failing to protect lives and property. Sometimes, the Council withheld funds to try and persuade the chief to behave in a certain way. In December, 1975, for example, they held back \$6.5 million for criminal investigation and patrol to try and force the chief to overhaul the department's Youth Aid Bureau. Alderwoman Cynthia Kukor informed Breier that she would support the release of the money if the chief used it to train police to deal more effectively with juveniles. He responded that juvenile offenders "do not need social workers but should be strictly prosecuted." He warned the Council members that their action was hampering crime investigation and squad patrols. They decided to release the money. Sometimes, the Council members threatened to reduce the department's budget as a way of forcing the chief to provide information about departmental operations. In 1976, they asked for information about the activities of the Special Assignments Squad (the so-called "Red Squad"). Breier told them that the work of the squad was confidential and that he would not discuss its operation "even if we go into executive session." The Council did not have the power to tell Breier how to deploy his officers, and he could continue the Special Assignments Squad by transferring funds from one part of his budget to another. The funds were eventually allocated. Alderwoman Kukor explained that the Council members "went belly up on the issue. They didn't follow through with it. They bent under pressure."⁵⁹

⁵⁹"Breier Gets Funds and a Warning," The Milwaukee Journal, 21 April 1970; Kenneth R. Lamke, "Breier Gets 'No' Then 'Maybe' on 200 Jobs," Milwaukee Sentinel, 24 September 1970; "Release of Police Funds Backed," The Milwaukee Journal, 26 March 1976; "Red Squad Role Rapped," The Milwaukee Journal, 15 November 1976; Cynthia Kukor, quoted in Luther C. Alexander, Jr., "A Respected Force at High Cost to City," The Milwaukee Journal, 27 August 1978.

When the Common Council did impose its will on the chief, he did not accept their decisions easily. Among the Council's actions that drew his strongest objection was an ordinance requiring police to wear cloth tags on their uniforms embroidered with their badge numbers. The ordinance was introduced by Alderman Pitts in 1970. It responded to complaints that police often removed their badges during crowd control situations. Pitts argued that "any man who walks the streets with a gun—the public has a right to know who he is." Breier defended the practice and explained that a demonstrator or fugitive might grab the badge and pull the officer off his feet or even stab him with his own badge. When that argument failed to sway the Council's Finance Committee the chief argued that the cloth tags would "destroy the aesthetic value of the uniform and create suspicion among the police and citizens." He also claimed that the production of cloth tags would cost over \$13,000 per year and that there was no money in his budget to cover the expense. Finally, Breier claimed that "the welfare of the public would be best served by a police department that would not wear name tags." In two appearances before the Finance Committee, Breier engaged in shouting matches with other witnesses but failed to convince the aldermen. After six weeks of debate, the aldermen passed the ordinance on May 24, 1971 and allocated \$9,000 toward its implementation. Three years later, they appropriated \$13,000 for the project. James C. Wood, an attorney who alleged that he had been assaulted by police without identification, brought suit against the chief in 1974 in an attempt to force him to comply with the ordinance. Oshkosh Circuit Judge Edmund P. Arpin, who was assigned to the case because it was brought by a practicing attorney in Milwaukee County, ruled that the chief was trying to comply with the ordinance but had been hampered by a lack of funds. Judge Arpin said that the chief was "not a mere hireling of the Common Council. His actions, as such, are not subject to court interference, supervision, or control." Five years after passage of the ordinance, and

armed with an additional \$19,000 from the Council to cover costs, Breier ordered his uniformed officers to attach cloth identification badges to their uniforms.⁶⁰

The chief engaged in frequent disputes with Council members over a variety of issues. Some questioned the expenditure of funds for overtime pay for all officers participating in change of shift roll calls. Breier insisted on it. They questioned the assignment of sworn police officers to guard station houses. Breier explained that "from time to time, we get information that our stations are going to be bombed." Several wondered about the policy of arresting citizens for overdue parking tickets. The chief argued that violators were showing "disrespect for the law" and needed to be challenged. In a rare demonstration of independence the Council voted to adopt state minimum standards for police training. Speaking on behalf of the department, Deputy Inspector George Fuhr, Director of the Milwaukee Police Training Academy, objected to the required human relations component in the state standards. He said that "if men want to study the history of minority groups and other topics of general education, they can do it at night on their own time." The aldermen also elected to change the law which stipulated that only property holders could file complaints with the Fire and Police Commission. "This is going to be quite an expense to the city," Breier warned, "if every scurrilous complaint is going to be accepted." There were even a few occasions when disputes between the chief and a particular alderman, the mercurial Robert Anderson, provided a little comic relief. On one such occasion, the press reported that "the city's most colorful

⁶⁰Harold Breier, quoted in Joel McNally, "Breier Fights Against Name Tags for Police," The Milwaukee Journal, 25 February 1971; "Panel OK's Plan on Police Badges," Milwaukee Sentinel, 8 April 1971; "Marked Uniforms Urged, Despite Breier," The Milwaukee Journal, 8 April 1971; "Police ID Plan Gets Council OK," Milwaukee Sentinel, 25 May 1971; "Czar Breier vs. Almost Everyone Again: This Time Badge Numbers," Kaleidoscope, 3-9 May 1971; "Breier Gets Warning on ID Ordinance," Milwaukee Sentinel, 13 December 1971; Edmund P. Arpin, quoted in "Breier Wins Bout on Police ID Tags," The Milwaukee Journal, 1 October 1974; "Breier Orders Cloth ID's," The Milwaukee Journal, 26 June 1976.

alderman and the city's least colorful cop matched each other decibel for decibel." Anderson charged that police deployment to Summerfest and other entertainment venues shortchanged neighborhood protection. He accused Breier of hanging up during a telephone conversation "then he tells people he is a friend of mine." Breier retorted that Anderson had set up a "three way conversation with a constituent hanging on the line. I don't have to take certain things," the chief argued. On another occasion, Anderson accused Breier of lying during an exchange over Breier's refusal to use police dogs.⁶¹

There was one additional exchange between Breier and a member of the council that was anything but humorous. On December 23, 1981, police officers John Mahajewski and Charles Mehlberg were shot to death during a tavern robbery. Alderman Roy B. Nabors told a television reporter that, while he condemned the murders, he imagined that the suspect, a 19 year old African American named Robert Lee Collins, might have feared that the officers "were simply going to kill him." Nabors' remark resulted in a one-day strike by Milwaukee police. While he did not defend the strike action, Breier responded angrily to Nabors' comments. "In all my 42 years on the force," the chief said, "I can't ever remember an alderman that would issue that kind of statement . . . The alderman defended a criminal's action. It's unbelievable." The strike ended when Circuit Judge Patrick Sheedy issued a preliminary injunction on December 24. Nabors released a statement saying that he had been quoted out of context, and the Common Council voted not to seek reprisals against the striking officers. But, the incident left a reservoir of bitterness. Most black police officers refused to take part in the strike. Black

⁶¹Charles J. Sykes, "Breier Seals Off Roll Calls," The Milwaukee Journal, 21 August 1977; Harold Breier, quoted in "Station Guards May Be Trimmed," The Milwaukee Journal, 14 November 1978; "Breier Defends Parking Warrants," The Milwaukee Journal, 20 January 1976; George Fuhr, quoted in "Training Guide OK'd Despite Breier Doubts," The Milwaukee Journal, 20 December 1971; "Right of Voters to Complain of Police Backed," The Milwaukee Journal, 17 June 1968; Robert Anderson and Harold Breier, quoted in Charles J. Sykes, "Alderman, Chief Trade Jabs," The Milwaukee Journal, 17 July 1979.

officers across the nation regularly expressed concerns about the fate of black suspects at the hands of white police.⁶² While the Milwaukee African American officers certainly did not condone the murder of two law enforcement colleagues, it is likely that Nabors' comments struck a responsive chord with many of them. In addition, the League of Martin and the police union were embroiled in controversy regarding the League's efforts to increase opportunities for minorities in the department. The African American police were in no mood to make common cause with the white-dominated union. However, Arthur Jones, President of the League of Martin, explained the refusal of most black officers to participate in the strike in different terms. He said that "no one man's comments should cause us to abandon the citizens of Milwaukee."⁶³

The interaction between Chief Breier and the Common Council generally followed the pattern of the relationship between Breier and Mayor Maier. As a group, the aldermen were solicitous of the chief at the beginning of his tenure. As time progressed, they began to tire of his intransigence and challenged him more frequently. By 1977, they were collectively willing to assert their political power by setting term limits for future chiefs. Still wary of Breier's potential electoral strength, however, the Council specifically exempted him and the fire chief from coverage.⁶⁴ However, the message that they hoped

⁶²Alex Poinsett, "The Dilemma of the Black Policeman," Ebony 26, no. 7 (May, 1974): 123.

⁶³Roy Nabors, quoted in "Strike Startles City Hall," The Milwaukee Journal, 24 December 1981; Harold Breier, quoted in Karen Rothe, "Police Strike After Shootings," The Milwaukee Journal, 24 December 1981; Alan Borsuk, Ron Elving, and Walter Fee, "Police Focus on Two Key Demands," The Milwaukee Journal, 24 December 1981; Joe Manning and Duane Dudek, "Officers Return to Work," Milwaukee Sentinel, 25 December 1981; Arthur Jones, quoted in "Black Officers Report Against Strike," Milwaukee Sentinel, 25 December 1981.

⁶⁴"Council Votes to Limit Chief's Term to Seven Years," The Milwaukee Journal, 22 December 1977.

to send to the chief by passing the term limit law seemed to have little effect on his behavior. During Breier's final years in office the press of events contributed to a deteriorated relationship with the Council, and most aldermen eventually joined the effort to diminish the scope of his power and hasten his retirement.

While the mayor and council were continually balancing police-related issues against broader agendas, there was at least one governmental unit whose sole purpose was to aid and support the police department. Created by State Statute in 1885 "to provide citizen oversight of the police and to protect the department from undue outside influence," the five members of the Milwaukee Board of Fire and Police Commissioners (more commonly known as the Fire and Police Commission) were potentially the chief's strongest allies.⁶⁵ In the early days of the Breier era, the Fire and Police Commission acted primarily as a personnel board, screening and testing candidates for entry and promotion recommended by the chief and appeared to be what an unnamed attorney called "a rubber stamp for the chief's wishes." However, as the Commission's membership turned over and communal events demanded more of their attention, some of the Commissioners sought a wider role in the governance process. Breier failed to understand that it was in his best interest to cooperate and allow them to make the case for the police in the larger political arena. Instead, he began to treat them as he did all civilian authority; as outsiders, as potentially meddlesome, as threats to his supremacy. At the time when he needed them most, he bullied them until they rebelled and fought them until they charted an independent course and left him behind.

In 1911, the State Legislature increased the responsibilities the Fire and Police Commission to include the adjudication of citizen complaints. For many years that function was probably the best kept secret in town.⁶⁶ According to urban scholars

⁶⁵Wis. Stats. 62.13, Sec. 29.02, Laws of 1885.

⁶⁶In 1967, the Milwaukee Commission on Community Relations conducted four hearings on citizen complaints about police behavior. Thirty-five citizens testified. Not

Schmandt, Goldbach, and Vogel, the Commission was "apprehensive about entering this field, just as it has been hesitant to assert itself in matters of departmental policy." Arlene Kennedy, Executive Secretary of the Commission, said that the members did not publicize the process, because they did not want to appear to be soliciting complaints.

Commissioner Marjorie Marshall said that the complaint process was "imposed on top of the commission's primary function, personnel, and is full of flaws." It was not until fifty-six years after the commission was given investigative authority that the first formal complaint was filed. Of the 128 petitions initiated between 1968 and 1974, 70 percent were dismissed. Ernesto Chacon, Director of the Latin American Union for Civil Rights, explained that "the community learned what happened when they filed a complaint with the commission -- nothing! They figured, why would they waste their time for nothing? They don't feel that the Fire and Police Commission is there to listen to their complaints." When Alderman Orville Pitts charged in 1970 that the Commission's record on processing citizen complaints against police was "atrocious," the Commission's Vice Chair, Charles Mentkowski, responded that "the atrocities that are alleged to have occurred fall right back in the lap of the Common Council."⁶⁷

In addition, the commission mirrored the chief's disdain for outside advice. For example, on January 21, 1965, Rev. B. S. Gregg, chair of an ad hoc organization called the Citizens Anti-Police Brutality Committee, recommended to the commission that officers assigned to the inner city be given human relations training, that applicants be

one of the 35 complainants knew that the Fire and Police Commission was authorized to hear complaints. See Mike Zettler, "Police Abuse Documented," Kaleidoscope, 17-23 August 1970.

⁶⁷Schmandt, Goldbach, and Vogel, Milwaukee, 38; Arlene Kennedy, Marjorie Marshall, and Ernesto Chacon, quoted in Barbara Dembski and Monroe Walker, "Value of Police Commission Questioned," The Milwaukee Journal, 25 February 1975; Charles Mentkowski, quoted in Joel McNally, "Police Study Vote Delayed by Panel," The Milwaukee Journal, 27 January 1970.

required to undergo psychological testing, and that the commission engage in more extensive recruitment of black police. The Commission issued a formal response to Gregg on March 18. In language remarkably similar to statements previously made by the chief, the Commission said that "all citizens must be treated equally. None are to receive special privileges and none are to be mistreated." It termed the proposal for human relations training "a request that a double standard be set up . . . Training is designed to afford equal protection to the public, giving no special privilege nor any special immunity to any person or group." It rejected the notion of special recruitment efforts for minority officers, because "the rules provide that no recognition may given to any entrance or promotional applicant because of race, creed, or color." It said that there was no reason to administer psychological tests to officers, because there was no evidence of racial bias on the force. "If there are officers on the department who demonstrate by performance that they are intolerant in their opinions, the commission is not aware of it."⁶⁸

The Commission's unconditional support for Breier's agenda extended beyond issues of race and equal opportunity. In 1965, the Milwaukee County Labor Council complained about the police practice of taking pictures of spectators at public meetings. Breier told the Commission that the photos were "necessary police business," and the Commission endorsed the practice providing that the photos were not "taken indiscriminately."⁶⁹

The Commission's failure to exercise meaningful oversight was not lost on the enlightened general community. On December 15, 1968, a Special Commission on Government Reorganization, appointed by the mayor and generally referred to as the Martin-Weber Commission, argued that "the Fire and Police Commission has no control

⁶⁸"Minutes of the City of Milwaukee Board of Fire and Police Commissioners," 18 March 1965, 2-8.

⁶⁹"Commission Backs Police Photo Policy," Milwaukee Sentinel, 9 September 1965.

over operations of the police department . . . The Commission has limited authority . . . and the chief of police is the policy maker. We regard this as a serious organizational flaw." The Martin-Weber Commission recommended the creation of a board of public safety "with broad policy making authority." It suggested that the police chief be "fully accountable to this board" and that it be responsible for "budgeting, community relations, physical facilities, organization, rules of conduct, and the research and evaluation of performance within all public safety functions of the city."⁷⁰ Their recommendations on law enforcement were never implemented.

In the middle 1970s, when the city was threatened with a Justice Department investigation of discrimination in the MPD, which could have resulted in the loss of Federal funds, and the Federal Courts ordered the police department to modify its racial composition, Mayor Maier moved on many fronts. Among his actions was the appointment of less compliant commissioners. They included William I. Gore, an African American and Director of Psychiatric Services at the Milwaukee County Mental Health Center, Franklyn M. Gimbel, a former United States Attorney in private law practice, Gilbert Jewell, retired International President of the Allied Industrial Workers of America, and John D. Giacomo, retired Executive Vice President of the Wisconsin AFL-CIO. Not

⁷⁰The Commission was co-chaired by J. Robert Martin, Dean of the Marquette University College of Business Administration and C. Edward Weber, Dean of the University of Wisconsin-Milwaukee School of Business Administration. Other members were Norman Gill, Executive Director of the Citizens Governmental Research Bureau, John Giacomo, Vice President of the Wisconsin AFL-CIO, Robert Starms, Instructor of Political Science at the Milwaukee Area Technical College, George Kaiser, former Commissioner of the Wisconsin Department of Administration, James Kelly, Director of Continuing Education at Marquette and former Deputy Administrator of the City of New York, Arthur Marlow, Chair of the Political Science Department at Marquette, and Kenneth Henning, Director of Advanced Study in Organization Science at the UWM School of Business Administration. See "Martin-Weber Committee Papers, 1968-1973," UWM Archival Collection 15. School of Business Administration, Office of the Dean, Records 1947- (on-going). Golda Maier Library, The University of Wisconsin-Milwaukee

all of the new commissioners were willing to challenge Breier's dominance. An additional Maier appointee, Arlene Kennedy, formerly the Commission's full-time Executive Secretary and a practicing attorney, was a staunch Breier ally, who seemed comfortable with the Commission's old style of operation. Armed with court orders and Federal mandates, however, the new members began to assert their authority and institute meaningful change.

Among the most important steps that the Commissioners took was the election of Gore as chair. "I don't think," he said "that the major decisions of the two chiefs . . . should go unchecked." Yet, even Gore was careful to pay homage to the Breier mystique. "Heaven forbid Chief Breier ever wants out," he said, "I want him to be the chief of police as long as he is able." The Milwaukee Journal editorially applauded Gore's election as chair and said that he "obviously recognizes the shortcomings of a system that permits such thorough insulation of an administrator from useful review. "⁷¹

The changes in Commission attitude and activity resembled a whirlwind. Some of the revisions in policy and behavior had been proposed or haltingly initiated under previous commissioners but now events began to move at a dizzying pace. The commission revised the requirements for entry into the department including vision and height requirements ("to increase the possibility of recruiting more Spanish surname applicants," according to a Commission report); awarded extra credit for college work on the entrance and promotional exams; reduced the chief's authority to determine eligibility for promotion; maintained and strengthened the community relations program; reversed their position on the recruitment of minority and female applicants and ordered the community relations specialist to make that his number one priority.⁷²

⁷¹William I. Gore, quoted in "City Safety Director Sought," Milwaukee Sentinel, 5 January 1976; "Chiefs Need Overseeing," The Milwaukee Journal, 15 January 1976.

⁷²"Annual Report of the Milwaukee Board of Fire and Police Commissioners, 1975", 26.

The commissioners sought dramatic structural change in the balance of authority between themselves and the chief. In 1976, they unanimously agreed that fire and police chiefs should have limited terms of office. The change responded to a state law which modified the life-time appointment statute. Gore said that "this action goes to the heart of the accountability question."⁷³ In 1977, the commissioners supported passage of a state law that gave them the right to review and suspend internal rules of the police department. The new statute allowed the commissioners to suspend any rule prescribed by the chief of police, replace any rule thus suspended, and prescribe a procedure for the making of rules by the chief or by the Commission. It struck at the very heart of Breier's power and autonomy.⁷⁴ Although the commissioners refused to point fingers at the chief, clearly his intransigence was the motivating force behind many of those changes. "When Breier became too obviously out of tune with prevailing political sentiment," police union Secretary-Treasurer Robert Kleismet observed, "something had to be done."⁷⁵

The chief responded to those changes with unbridled rage. He accused the Commission of wrecking the department by limiting his power to choose personnel for promotion. He said that the Commission was attempting "to make me bend." He charged that their efforts were motivated by the desire of "ultra liberals to gain control of the police department." He said that "the majority of the Fire and Police Commission has caved in, has kowtowed to the special interest groups. It makes me want to puke."⁷⁶ Commissioner Gilbert Jewell explained that the commissioners believed the chief to be a

⁷³Gore, quoted in "Limited Terms for Chief Endorsed," The Milwaukee Journal, 6 February 1967.

⁷⁴Wis. Stats. 959.46d, Chapt 53, Laws of 1977.

⁷⁵Robert Kleismet, quoted in Michael Zahn, "Police Commission Beginning to Make its Voice Heard," The Milwaukee Journal, 16 September 1978.

⁷⁶Harold Breier, quoted in "Suspension Rule OK'd for Police," The Milwaukee Journal, 18 September 1981.

fine policeman and administrator, but, at times, obstinate. Jewell pointed out that Breier often failed to agree with the commission, and the commission sometimes failed to agree with him. In those cases, Jewell explained, the members had an obligation to stand by their convictions and correct what they saw as wrong.⁷⁷

For several months, Breier sought to hamper the Commission's new power to overturn and revise departmental rules. He created a quasi rule book called the "Standard Operating Procedures Manual," in the hope that he could keep that document away from the Commission. When advised by Milwaukee City Attorney James B. Brennan that he must comply with the new law, Breier decided to take the matter to court. He hired a private attorney at his own expense and challenged the authority of the Commission to change his rules. On July 26, 1982, Circuit Judge Ted E. Wedemeyer, Jr. ruled that "in the rule-making domain, the commission cannot initiate; it can only react or work in consort with the chief's rule-making authority. In the absence of new rule-making on the part of the chief, the commission has little legislative room to move." Judge Wedemeyer did not overturn the Commission's authority to modify the chief's rules. He did, however, narrowly define that authority and place strict limitations on its application.⁷⁸ It was now likely that the chief would use the Wedemeyer decision to complicate the Commission's work. Thus, the Commission would have to seek clarification of their role in relation to the chief. That clarification would eventually come from the State Legislature.

The mayor, the Common Council and the Fire and Police Commission had taken great risks in challenging Breier. Conventional wisdom suggested that large numbers of

⁷⁷"Minutes of the Meeting of the Milwaukee Board of Fire and Police Commissioners," 18 December 1980, 5.

⁷⁸James B. Brennan to Harold A. Breier, 12 August 1981, Transcript in "Records of the Henry W. Maier Administration, 1960-1988," Box 102, Folder 23; "Brennan Tells Breier to Heed FPC-Made Rules," Milwaukee Courier, 22 August 1981; Walter Fee, "Breier's Authority Upheld: Judge Bars Police Commission Rule Change," The Milwaukee Journal, 27 July 1982.

voters would punish those who interfered with the chief's authority. While there was an avalanche of letter writing and public posturing along the way, the oft-expected revenge of Breier's "good people" never occurred. In fact, a review of the political fortunes of several major Breier critics raise at least some doubts about Breier's political potency.

A case in point concerned the political career of Joseph J. Czarnezki, who served in the Wisconsin State Assembly from 1981-1983 and in the Wisconsin State Senate from 1983-1993. During his service in the legislature, Czarnezki represented a South Side district. One of his constituents was Harold Breier. Czarnezki's opponent for the Democratic nomination for the assembly in both 1980 and 1982 was Margaret Krusick, the daughter of a Milwaukee police officer. According to Czarnezki, it was well known in the district that Breier supported Krusick. "She's a special lady," Breier said, "and deserves all the help that she can get." Czarnezki defeated Krusick in both primaries.⁷⁹ After his election to the State Senate, Czarnezki became a sponsor of the 1984 legislation which removed much of Breier's autonomy.⁸⁰ Despite his bold act, Czarnezki was reelected to the Senate without opposition in 1984 and 1988. He retired from the Senate in 1993. His opposition to Breier's unregulated authority did not hurt him politically even in the heart of the chief's native community.⁸¹

At a time when many public officials were painstakingly careful around Breier, Milwaukee County District Attorney E. Michael McCann was one of the chief's most

⁷⁹Hon. Joseph J. Czarnezki, interview by author, 17 April 2002, Milwaukee; Czarnezki defeated Krusick in 1980 by approximately 500 votes and in 1982 by approximately 1,300 votes. Harold Breier, quoted in Alex P. Dobish, "Breier Doesn't Expect to Fade Away," The Milwaukee Journal, 22 June 1984; "Primary Pares Fields for Assembly," The Milwaukee Journal, 10 September 1980; "Assembly Races," The Milwaukee Journal, 14 September 1982.

⁸⁰Senate Bill #56; Wis Stats. 62.50, Sec. 23, Laws of 1984.

⁸¹Paul Bergren, "Johnson Falls Victim to Irony," The Milwaukee Journal, 7 November 1984; Charles E. Friedrich, "Five New Faces Join Area's Legislative Corps," 9 November 1988.

vocal and consistent critics. The underground newspaper the Bugle American speculated that "McCann was launching a formal assault on the power and authority of Chief Breier."⁸² As early as 1971, McCann attacked Breier's professionalism in connection with expense accounts filed by MPD officers for out of state trips. He alleged that Breier refused to allow police officers to be questioned about their expenses, and the District Attorney called upon the Milwaukee County Board to force the chief to testify.⁸³ In 1981, McCann called upon the mayor and Common Council to order Breier to make changes in the racial composition of MPD and pledged to file an amicus curiae brief on behalf of either should Breier refuse such an order. He said that the confidence of blacks in the department had been "vastly eroded" by its virtually all-white composition and called the absence of blacks on the Tactical Squad "indefensible" and "inexcusable." The following year, McCann was reelected to his position without opposition with a vote total of 235,844. McCann refused to prosecute minor gambling complaints filed by police against inner city residents.⁸⁴ Breier, in turn, criticized McCann and his staff for their handling of the Lacy and Schoemperlen cases. In McCann's campaign for reelection in 1984, he was reelected over token opposition by a vote of 334,592 to 18,548.⁸⁵

⁸²Steve Uwing, "The Battle Over Police Trips: Breier vs. McCann," Madison-Milwaukee Bugle American, 16-22 September 1971.

⁸³"All-White Tactical Squad Indefensible: McCann," Milwaukee Courier, 21 November 1981; E. Michael McCann, quoted in Robert Anthony, "Police Breed Mistrust, McCann Says," Milwaukee Sentinel, 12 November 1981; "Breier Blocked Probe of Trips, DA Says," The Milwaukee Journal, 11 September 1971.

⁸⁴Thomas J. Hagerty, "Police, DAs Toil as a Team," The Milwaukee Journal, 5 September 1978.

⁸⁵See Carolina Garcia, "Artison's Victory Marks a First," The Milwaukee Journal, 7 November 1984. McCann was defeated in a bid to win the Democratic nomination for Congress in 1984. He finished second in a field of six candidates.

The importance of perception in politics cannot be underestimated. Breier was politically powerful, because other public officials assumed that he was powerful. It was a legend that the chief nurtured at every opportunity, and it translated into one of the most significant public careers in Milwaukee history. Indeed, there was a large reservoir of support for Breier and his policies. Yet, his popularity could not be easily converted or transferred. Matthew J. Flynn, former chair of the Wisconsin Democratic Party, may have put it best. He said that "many elected officials are worried that if they criticize the chief, there will be a backlash, and they'll be voted out of office. I think the opposite is true. Many people admire things about the chief, but I think people are smarter than the politicians give them credit for."⁸⁶

⁸⁶Matthew J. Flynn, quoted in Bargren, "Council Shies From Breier," The Milwaukee Journal, 15 February 1984.

IV. A Time of Special Significance

Through an accident of history, Harold Breier became Chief of Police as Milwaukee was beginning to experience the pain and bewilderment often associated with the emergence of a bi-racial community. It was, said criminologists David Barlow and Melissa Hickman Barlow, a time when "the police came into direct conflict with numerous and often overlapping social rebellions that challenged the social order." Historian George Mosse called it "a time of special significance in police history."¹ It was a period when African Americans were becoming a distinct presence in Milwaukee, and Chief Breier's interaction with them formed an important part of their experiences and his.

As the following table illustrates, the number of African Americans in Milwaukee was exceedingly small prior to the 1960s. In 1940, blacks comprised only 1.5 percent (8,812) of the city's population. By 1950, they accounted for 3.40 percent (21,772) of the city's residents. In the late 1950s and 1960s, their numbers began to increase significantly. Blacks made up 8.42 percent of the population (62,458) in 1960, and by 1970, accounted for 14.7% (105,413) of Milwaukee's total population.²

¹David E. Barlow and Melissa Hickman Barlow, Police in a Multicultural Society: An American Story (Prospect Heights, IL: Waveland Press, 2000), 40; George L. Mosse, Police Forces in History (Beverly Hills, CA: Sage Publications, 1975), 1.

²Paul Geib, "The Late Great Migration: A Case Study of Southern Black Migration to Milwaukee, 1940-1970," MA Thesis, The University of Wisconsin-Milwaukee, 1993. For data concerning earlier African American migration to Milwaukee, See Joe William Trotter, Jr. Black Milwaukee: The Making of an Industrial Proletariat, 1915-45 (Urbana, IL: University of Illinois Press, 1985).

Table 2
Black Population Growth in the City of Milwaukee, 1940-1970

Year	Total Population	Black Population	% Black Population	% Increase in Black Population
1940	587,472	8,821	1.50	18
1950	637,392	21,772	3.40	147
1960	741,324	62,458	8.42	187
1970	717,372	105,088	14.65	68

The newcomers were often viewed as different and suspicious. Mayor Henry Maier expressed the general feeling of anxiety in the community when he commented to a national magazine reporter that "these people are not accustomed to doing things our way. They have to be taught the Milwaukee tradition."³

Conflict and tension associated with black migration was a familiar way of life in other Midwestern cities. In their path-breaking works on Chicago and Detroit respectively, Arnold R. Hirsch and Thomas J. Sugrue demonstrated that white working-class and lower-middle class resistance to black competition for jobs and housing dated back to the 1940s. While Hirsch and Sugrue effectively shattered long-held assumptions that white racism was a reactive phenomenon associated with the civil rights movement, their analysis of deteriorating race relations in Chicago and Detroit is not as easily transferable to Milwaukee.⁴ Large-scale African American migration to Milwaukee,

³Henry W. Maier, quoted in "How One City Keeps Its Streets Safe," U.S. News and World Report, 28 September 1964, 69.

⁴Arnold R. Hirsch, "Massive Resistance in the Urban North: Trumbull Park, Chicago, 1953-1966," Journal of American History 82, no. 2 (September, 1995), 522-550;

primarily from the rural South, came much later than in other Midwest urban centers. It coincided with the high tide of the civil rights movement and ran head-long into the Breier era.⁵

White working-class and lower-middle class Milwaukeeans reacted to the emergence of an aggrieved and militant black community in the 1960s much as their counterparts in Chicago and Detroit had done years before. They actively resisted African American efforts to integrate public schools and neighborhoods and to secure equal employment opportunities.⁶ Many supported Alabama's segregationist governor, George

Thomas J. Sugrue, "Crabgrass-Roots Politics: Race, Rights, and the Reaction Against Liberalism in the Urban North, 1940-1960," *Ibid.*, 551-578; See also an analysis of Hirsch's and Sugrue's arguments in Gary Gerstle, "Race and the Myth of the Liberal Consensus," *Ibid.*, 579-586. Sugrue's thesis, that white resistance to black aspirations did not develop as a reaction to the civil rights movement but was in place decades earlier, is discussed in his book, The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit (Princeton, NJ: Princeton University Press, 1996). See especially the conclusion, "Crisis: Detroit and the Fate of Postindustrial America," pp. 259-272.

⁵Rumors circulated in the city that former Mayor Frank P. Zeidler financed the placement of billboards along Southern highways in the late 1950s promising blacks employment and equality if they would move to Milwaukee. It was said that Zeidler, a leading figure in the Socialist Party USA, sought to attract blacks as a means of adding voters to the local Socialist rolls. See Richard M. Bernard, "Milwaukee: The Death and Life of a Midwestern Metropolis," in Snowbelt Cities: Metropolitan Politics in the Northeast and Midwest Since World War II, ed. Richard M. Bernard (Bloomington, IN: Indiana University Press, 1990), 173-174.

⁶For a comprehensive review of the first major civil rights issue of the 1960s in Milwaukee, the "intact busing" of black public school students to all-white schools, See Michael R. Grover, "All Things to Black Folks: A History of the Milwaukee Urban League, 1919 to 1980," MA Thesis, The University of Wisconsin-Milwaukee, 1994; See also "Lloyd A. Barbee, Papers 1933-1982," Milwaukee Manuscript Collection 16, State Historical Society of Wisconsin, Milwaukee Area Research Center, Golda Meir Library, The University of Wisconsin-Milwaukee; Equal employment and educational opportunities in Milwaukee in the 1960s and 1970s are documented in "Milwaukee Urban League Records, 1919-1979," Milwaukee Manuscript Collection EZ, State Historical Society of Wisconsin, Milwaukee Area Research Center, Golda Meir Library, The University of Wisconsin-Milwaukee.

C. Wallace, when he brought his presidential campaign to Milwaukee in 1964.⁷ But there were other elements of the ensuing racial turmoil that were unique to Milwaukee.

Passions were especially inflamed, because the most visible symbol of black militancy and aspiration was Rev. James E. Groppi, a white Roman Catholic priest and native of the ethnic, working class South Side,⁸ and, unlike other Midwestern urban centers, the living symbol of resistance to change in general seemed to be the chief of police; another South Side native, Harold Breier.⁹

When Breier became chief of police in 1964 there were some residual grievances concerning law enforcement in the black community. Most dealt with alleged incidents of brutality directed against young African Americans. Indeed, several families had brought Federal lawsuits, the city's Commission on Community Relations was preparing to hold open hearings, and an ad hoc organization, the Citizens Anti-Police Brutality Committee, was organized. The Milwaukee Journal expressed hope about the new chief's attitude and his openness to dialogue. The newspaper said editorially that "Chief Breier, who seems to be making every effort to assure that there is no police brutality, should welcome a

⁷Jonathan Rieder, "The Rise of the Silent Majority," in The Rise and Fall of the New Deal Order, 1930-1980, ed. Steve Fraser and Gary Gerstle (Princeton, NJ: Princeton University Press, 1989), 254. Rieder specifically mentioned Wallace's appeal in Milwaukee. For another analysis of the Wallace phenomenon in the Midwest, see Sugrue, Origins of the Urban Crisis, 255-256.

⁸Bernard, "Milwaukee," 178-181.

⁹ For example, in a poll of 336 randomly-selected heads of households conducted jointly by The Milwaukee Journal and the University of Wisconsin-Milwaukee Social Science Research Facility in March, 1984, 74 percent of those opposed to busing children for the purpose of achieving racial balance in the public schools gave Breier's performance a high rating. Of those approving of busing, only 40 percent gave Breier a high rating. Of those who said that integration was not a desirable concept, 55 percent said that Breier should remain as chief for the foreseeable future, and only 33 percent of the respondents who said that integration was a desirable concept thought that Breier should remain on the job. Gary C. Rummler, "Residents Keep Allegiance to Breier, Survey Finds," The Milwaukee Journal, 5 April 1984.

responsible look at the matter." The chief's immediate response was mixed. He told a meeting of the Milwaukee Commission on Community Relations that he "wouldn't care to have any one second guessing my officers."¹⁰ At the same time, he called upon the public to make suggestions on how the department could be improved.¹¹

He was willing to engage in conversation with middle class, established African Americans residents of Milwaukee. In most cases, those conversations appeared to be one-way monologues in which Breier indicated that there would be no special consideration from the police for the unique circumstances of blacks and, if they obeyed the laws, they had nothing to fear from the law enforcement community. He requested a private meeting with Edith Finlayson, the wife of a prominent African American physician in September, 1965. He met with the Human Relations Coordinating Council, a federation of sixteen local organizations, in January, 1966. He asked a group of thirteen black ministers to help recruit applicants for the department in May, 1967.¹²

But Milwaukee was undergoing a dramatic change in its African American leadership in the 1960s. Newer migrants from the rural South, especially some of the young and vocal among them, were challenging and replacing the more established old-line black leaders.¹³ When Breier encountered those more raucous and belligerent

¹⁰"A Look at the Police," The Milwaukee Journal, 14 September 1964; Harold Breier, quoted in "Breier Differs With Group Over Police," The Milwaukee Journal, 15 October 1964.

¹¹"Breier Still Learning His Duties as Chief," The Milwaukee Journal, 16 March 1964.

¹²"Breier Issues Warning on Arrests," Milwaukee Sentinel, 16 September 1965; "Breier Says He'll Meet Human Relations Unit," The Milwaukee Journal, 21 January 1966.

¹³Grover, "All Things to Black Folks," 116; For an examination of the displacement of established black leadership by Southern migrants to the urban North, see Kimberley L. Phillips, Alabama North: African-American Migrants, Community, and

individuals, he virtually cut off dialogue with the black community.¹⁴ His reaction to the new-style of black behavior was not unique. Former Detroit Police Commissioner Patrick Murphy explained that "where people had been subservient, now they were standing up to police officers, asserting their rights, talking back. For many older police officers, this was a new problem. Why didn't they behave the way they always did? The police officer says don't do that. Now they were calling the police officers 'whitey'."¹⁵ Breier refused to meet with Rev. B. S. Gregg, Chair of the Citizens Anti-Police Brutality Committee in 1965. Gregg's organization alienated the chief by taking depositions from individuals alleging police brutality and released those statements to the press. Gregg also testified before the Fire and Police Commission and leveled serious charges against the Milwaukee police and called for a comprehensive police-community relations program, increased hiring of African Americans by the police department, and psychological testing for all MPD applicants. The chief shut Gregg out completely.¹⁶ Chief Breier provoked a major incident by announcing that MPD would withdraw as a co-sponsor of a youth-law enforcement conference at Marquette University in October, 1966 if Father Groppi, Rev. Lucius Walker, Executive Director of Northcott Neighborhood House, Father William J.

Working-Class Activism in Cleveland, 1915-45 (Urbana, IL.: University of Illinois Press, 1999), 161-189.

¹⁴One of his few encounters with this new-style black leadership came in August, 1965 when the chief met with Rev. Lucius Walker, Director of the Northcott Neighborhood House. The two men shouted and accused each other of bigotry. Not only did they never confer again, but Breier attempted to prevent Walker from participating in programs with which the department was associated. See Milwaukee Sentinel, 11 August 1965.

¹⁵Patrick Murphy, "Making Sense of the Sixties," produced by Ricki Green and David Hoffman, directed by David Hoffman, 60 min., WETA and Varied Directions International, 1991, videocassette.

¹⁶See "Statement of the Citizens Anti-Police Brutality Committee to the Milwaukee Fire and Police Commission," 21 January 1965, "Lloyd A. Barbee, Papers 1933-1982," Box 57, Folder 1; "Minutes of the Milwaukee Board of Fire and Police Commissioners," 18 March 1965, 5-8.

Miles, an Episcopal priest, or Rev. Robert S. Hoyt, a Lutheran pastor, were invited to attend. He provided a list of other community leaders that could be substituted for those four. The Milwaukee Journal expressed amazement that Breier would not "want to talk most of all with men closest to them [black youth] and most deeply involved with them. Because he dislikes some of the ways in which those men have pursued their calling would be all the more reason to consider them key men in a conference such as this."¹⁷

Breier seemed particularly irritated by the Milwaukee NAACP Youth Council and its adult advisor, Father James E. Groppi, and the chief behaved aggressively toward them. The Youth Council was composed of several hundred African American youngsters between the ages of approximately fifteen and twenty-five. For several years, the Youth Council cut a high profile in the community by participating in civil rights protests and demonstrations. Its members reflected a sense of discipline and purpose. They wore red tee shirts emblazoned with the name of their organization and marched in drill-like fashion. Some of the senior and most physically fit leaders wore black berets and military-like insignias. Those individuals were called "commandos." They provided protection and security for the group and shielded Father Groppi from harm during public demonstrations. Groppi explained that the organization was important for the young

¹⁷"Breier Issues Warning on Arrests," Milwaukee Sentinel, 16 September 1965; "Unit To Ask Breier For Meeting," Milwaukee Sentinel, 1 January 1966; "Breier Says He'll Meet Human Relations Unit," The Milwaukee Journal, 21 January 1966; "Chief Rejects Plea to Meet on Minorities," The Milwaukee Journal, 10 September 1966; "Breier Wants Forum to Bar Rights Leaders," The Milwaukee Journal, 16 September 1966; "Breier's Boycott Threat," The Milwaukee Journal, 19 September 1966; The individuals that Breier recommended for invitations to the conference were African Americans Thomas M. Cheeks, Coordinator of School-Community Programs for the Milwaukee Public Schools; Wesley Scott, Executive Director of the Milwaukee Urban League; physicians Dr. William E. Finlayson and Dr. George W. Hilliard; and Baptist Minister Rev. E. B. Phillips. In addition, he recommended that invitations be extended to Robert E. Dineen, President of the Northwestern Mutual Life Insurance Co; Howard J. Tobin, President of Wisconsin Gas Co; Harold S. Vincent, Superintendent of the Milwaukee Public Schools; and Irwin Maier, President of The Journal Company.

people, not only because of its contributions to civil rights activities, but because it instilled a sense of pride, responsibility, and solidarity in young people who had known little other than failure and defeat. In targeting Groppi and the Youth Council for special police attention, Breier was providing a reassuring sense of security for those whites who were apprehensive about the Youth Council. Some South Side residents were particularly frightened by Youth Council marches in their all-white neighborhoods in support of a fair housing ordinance. Breier also was responding to the passionate contempt that many white working-class Roman Catholics had for Father Groppi, who was viewed by some as a "traitor" to his ethnic South Side roots.

In September, 1966, Breier ordered twenty-four hour surveillance of the NAACP Youth Council's headquarters, "Freedom House," after it sustained minor damage from a firebomb. The surveillance, or "protection," as Breier called it, gave police the opportunity to photograph persons entering and leaving the house, record license numbers of cars parked in front of the house, and arrest Youth Council members for jaywalking and flipping cigarettes into the street. Groppi asked the chief to stop "protecting" Freedom House "because your protection has brought about police harassment." Breier responded that "you need protection and protection you're going to get, whether you like it or not. . . . we want to make sure that everything at Freedom House is on a legal basis. It's not rare. It's not unusual. It's police work." Groppi and the Youth Council responded by conducting all night vigils to "protect" Breier at his home. About a dozen uniformed police "protected the protectors."¹⁸

¹⁸In one such incident, a woman was arrested as she left the Freedom House for throwing a cigarette into the street. She was detained in jail over night. The next morning the City Attorney's office refused to prosecute her. See "NAACP Youth Council Plans to 'Protect' Chief Breier's Home," Milwaukee Sentinel, 30 September 1966. The local press editorially called the arrest "deliberate harassment, a shocking misapplication of police power." See "Harassment," The Milwaukee Journal, 30 September 1966; "Breier Gets 'Protection' of NAACP," Milwaukee Sentinel, 1 October 1966; Robert A. Witas, "Vigil Resumed at Breier's Home," Milwaukee Sentinel, 2 October 1966.

The chief also admitted to ordering full-time surveillance of Groppi. Breier felt that Groppi was provoking the Youth Council members to create tension and unrest in the community. He believed that Groppi was fomenting disrespect for law and traditional authority among young African Americans. The chief said that he ordered a watch on Groppi in order to learn why "the youngsters in the neighborhood create the attitude they have toward the police." Groppi said that the police subversive squad followed him at such close range that they "appeared to be playing bumper tag." He said that they followed him when he went to visit his mother, when he went to church, to a movie and to a restaurant where they sat at the bar and watched him eat dinner. "If they are following me because there's a danger to my life, I have a right to know that," the priest said, "but why are they following my friends and taking down their names and addresses? That's not living in a free land, that's living under Communism." In 1967, Groppi protested directly to Mayor Maier. "You cannot tell me," the priest wrote, "that those men are following me for protection." There is no record of a response.¹⁹

Breier's reputation in the area of race relations was solidified by the civil disturbance of July, 1967 which occurred in Milwaukee's predominantly poor African American ghetto. Many members of the white community drew their attitudes about Breier's personal performance during the disturbance from the local press, which portrayed his human side, as well as his tough, no-nonsense approach to ending the violence. The Milwaukee Journal called him "the busiest and weariest man in Milwaukee" and charted his moods as a barometer of the event. It wrote about the physical set-up of his command post and told that he did not sleep for days. When calm was restored, the

¹⁹Harold Breier, quoted in "Surveillance of Groppi Continues," Milwaukee Sentinel, 12 May 1967; James Groppi, quoted in "Groppi Assails Police State," The Milwaukee Journal, 8 May 1967; "Records of the Henry W. Maier Administration, 1960-1988," Milwaukee Series 44, State Historical Society of Wisconsin, Milwaukee Area Research Center, Golda Meir Library, The University of Wisconsin-Milwaukee, Box 43, Folder 6.

newspaper portrayed him "as more relaxed than on previous nights" and described him with "his tie pulled loose, in short sleeves and smoking a cigar." They recounted his good humor even under stress. "The chief greeted a patrolman," the Milwaukee Sentinel reported, "and said merely, 'you're getting fat.'" In the aftermath of the disturbance, literally hundreds of average citizens wrote to him and to the mayor expressing praise and appreciation. The chief was feted at testimonial dinners, showered with awards, and invited to other cities to recount the Milwaukee experience. He turned down all of the out of town invitations but was not reluctant to tell audiences at home about his views of the lessons learned. He told a gathering in his honor at the Alonzo Cudworth American Legion Hall that certain persons were teaching and preaching disrespect for law and order. He said that "all people, not just a chosen few, have rights and those rights must be protected . . . no one must recommend civil disturbance or violence to gain an objective." In the next several months he expanded on those ideas. He blamed the disturbance on "extreme left wing and subversive organizations" and specifically cited Youth Against War and Fascism and the Workers World Party for passing out leaflets at local high schools allegedly encouraging young people to engage in violent behavior.²⁰

The disturbance itself was a minor event compared to the unrest that plagued other urban centers in the Summer of 1967. In Detroit, 43 persons were killed, nearly 2,000 were injured, and more than 7,000 individuals were arrested. In Newark, 23 died, more than 1,000 were injured, and approximately 1,400 were arrested. Milwaukee's disturbance left three persons dead of gun shot wounds, about 100 injured, including 44 policemen,

²⁰Charles A. Buelow, "Chief Breier: The Busiest and Weariest Man in Town," The Milwaukee Journal, 1 August 1967; Richard S. Vonier, "Police, Guard Throw Off Their Blanket of Tension," The Milwaukee Journal, 4 August 1967; Kenneth R. Lamke, "Police Available in Tense Situations," Milwaukee Sentinel 1 August 1967; "Records of the Administration of Henry W. Maier, 1960-1986," Box 139, Folder 5; Harold Breier, quoted in "Breier Vows to Keep Order in Milwaukee," The Milwaukee Journal, 8 December 1967; "Make Probe of Radicals, Breier Says," The Milwaukee Journal, 1 October 1968; "Chief Breier Charges," The Milwaukee Journal, 3 October 1968.

and 1,740 persons arrested, most for violation of the curfew.²¹ The disturbance appeared to be triggered by an incident on Saturday evening July 30 in which police, responding to an altercation between two African American women outside a night club, were pelted by debris from a crowd of onlookers. It was not until the next evening, however, that large-scale looting and vandalism began. Over 1,000 Milwaukee police officers, supported by the Wisconsin National Guard, brought the situation under control within hours, although a modified curfew remained in place for ten days.

In addition to long-standing grievances against the police by inner-city residents,²² one incident occurring during the disturbance was particularly disturbing to many African Americans. On Wednesday evening August 2, Clifford McKissick, an 18 year old black college student, died of a police bullet through the neck. The police said that McKissick and three other youths had attempted to set fire to a paint store. He was shot while fleeing from police. McKissick's family and several neighbors said that the young man had been sitting on the front porch of the family home when shots rang out. Everyone ran in

²¹Among those arrested for curfew violations were Father Groppi and members of the NAACP Youth Council. They had been given a letter of exemption by Joseph C. Fagan, Chair of the Wisconsin Department of Industry, Labor, and Human Relations. The letter had no official standing, but Fagan hoped it would help Groppi and the Youth Council members move about to help calm the situation. Fagan, a Republican appointee of Governor Warren P. Knowles, was associated with efforts to increase equal opportunity in the Milwaukee area. His work brought him into continuing conflict with Maier. Groppi and the Youth Council members were quickly released from custody. Maier called Fagan a "curbstone commissar" and threatened legal action against Fagan for encouraging violation of the curfew, but the incident rapidly faded away. See Frank A. Aukofer, City With A Chance: A Case History of Civil Rights Revolution (Milwaukee: Bruce Publishing Company, 1968), 16.

²²At a public meeting held after the disturbance, the main point of contention among those speaking was not police brutality but the general attitude of the police. One speaker explained that police were always "watching" the people, while in the white areas of the city, police "protected" people. *Ibid.*, 13.

different directions, and a few minutes later, McKissick stumbled into the back door of his home with a bullet through his throat. His death was ruled justifiable homicide.²³

The Milwaukee African American community came away from the civil disturbance with a dramatically different impression of Harold Breier and the police department than the one held by the majority of the white community. According to a 1967 study of the civil disorder directed by Jonathan Slessinger and George Keilling as a joint project of the University of Wisconsin-Milwaukee School of Social Welfare and the UWM Institute on Human Relations, 41 percent of those blacks responding felt that there was great anger toward the police and 28 percent felt that there was some anger toward the police in the inner city at the time of the disturbance; 83 percent of inner city blacks felt there was a great deal or some police brutality in their neighborhoods; 74 percent felt that the police frequently insulted African Americans; 68 percent believed that unnecessary frisking occurred; and 67 percent felt that police used unnecessary force against blacks. In contrast, only 18 percent of inner city whites, 16 percent of outer city whites and 15 percent of suburban whites felt there was great anger in the inner city toward the police. Only 20 percent of inner city whites, 26 percent of outer city whites and 35 percent of suburban whites felt that police brutality was a problem. Chief Breier discounted the survey and denied that there were differences of opinion between whites and minorities on police issues. He said that the majority of people in the inner city "did not feel any differently than those throughout the rest of the city." He insisted that the

²³Ibid; In addition to McKissick, the others killed during the disturbance were Mrs. Anne Mosley, 77, who was shot in the head inside a home from which gun fire had been reported, and Police officer Bryan Moschea, 24, who was killed by a blast from a shotgun in the same residence. John Ora Tucker, a 55 year old African American who lived in the home, was convicted of Moschea's murder and of the attempted murder of nine other policemen who sought entrance into the dwelling. Six police officers were seriously wounded during the disturbance including officer John Carter, 25, who was permanently blinded, and Detective Captain Kenneth J. Hagopian, 41, who had part of his face shot away.

department had "no double standard in the treatment of offenders." He said that he was tired of hearing otherwise and wondered "why don't these do-gooders tell the people to obey the law?"²⁴ Assemblyman Lloyd A. Barbee (D-Milwaukee), an African American, commented that any change in the police department would have to be initiated by the black and Hispanic communities, because "you can't expect whites to change things. They are happy with things the way they are."²⁵

The Milwaukee civil disturbance was a watershed experience. It ushered in a period of significant change in the city. In addition to accelerating and exacerbating tensions between the police and the African American community, it energized civil rights proponents to move forward with a broad agenda of concerns. In the short term, it meant demonstrations, political and social tension, community polarization, and frequent encounters between civil rights activists and police. In the long-term, it meant the weakening, although not the destruction, of some of the old institutional barriers to equal opportunity.

On the other hand, the civil disturbance became part of the mix of profound social and economic changes that swept the urban landscape during the late 1960s and 1970s. Although it is not possible to separate its impact from other critical variables, it is obvious that after the civil disturbance, the city's demographics changed dramatically. The population of the City of Milwaukee, steadily on the rise during the first seven decades of the Twentieth Century, began to decline in 1970 and continued to do so for the remainder

²⁴"Study of Riot Used to Refute Breier Claim," Milwaukee Sentinel, 29 October 1968; Harold Breier, quoted in "UWM Study Used in Answering Breier," The Milwaukee Journal, 29 October 1968; Harold Breier quoted in Alex P. Dobish, "Milwaukee Riot Plans Center on 'Enforcing the Law'," The Milwaukee Journal, 7 March 1968.

²⁵Assembly Bill 1089, 8 October 1969; "Lloyd A. Barbee Papers, 1933-1982," Box 56, Folder 36; Lloyd A. Barbee, quoted in Kenneth R. Lamke, "Rally Breaks Up After Maier Talk," Milwaukee Sentinel, 27 December 1974.

of the century and beyond. Especially noteworthy was the significant change in the racial composition of the city's population; fewer whites, more racial minorities.²⁶

Nowhere was that change more profoundly reflected than in the decline of the downtown business and entertainment district. In Milwaukee, indications that fearful whites were avoiding the central city were apparent following the civil disturbance. Chief Breier issued a statement during the holiday shopping season of 1967 assuring consumers that it was safe to patronize downtown stores and entertainment venues. The chief's assurance was prompted by reports that downtown business had fallen dramatically since the civil disturbance. Elmer Conforti, Executive Director of the Wisconsin Restaurant and Motel Association, said that "night business has not made a comeback. I would say that it was running about 25 percent under what it was before the disturbances." A spokesman for Milwaukee's leading department store, Gimbels-Schusters, said that sales volume in the downtown store was "off a shade." Vern Read, president of T. A. Chapman Company, another major downtown department store, said that the downtown economy was still strong but would have been stronger under normal circumstances. Fred S. Daiger, Executive Director of the Milwaukee Convention and Visitors Bureau, denied published reports that there had been a 40 percent decline in the number of convention inquires since July but acknowledged that several conventions scheduled for the Fall of 1967 were canceled because of concerns about civil unrest.²⁷

The Milwaukee Police Department experienced some internal changes after the civil disturbance as well. The department instituted special riot training classes, and in

²⁶In 1970, the total population of the city was 717,372 including 580,115 whites and 105,088 blacks. In 1980, the total population of the city was 636,297 including 466,620 whites and 146,940 blacks. In 1990, the total population of the city was 628,088 including 398,033 whites and 191,255 blacks. Data provided by the Milwaukee Public Library Business, Technical, and Science Department.

²⁷"Breier Assures Safety for Downtown Shoppers," The Milwaukee Journal, 9 November 1967.

early 1968, Breier created an elite, rapid response team, called the Tactical Squad. He termed them "a squad of crime fighters" that operated "according to the law" but would say no more about its personnel or mission.²⁸ The absence of minority officers on the Tactical Squad was a source of controversy in the community for years. Individual police officers were making some behavioral changes as well. An unnamed source within the department reported that a significant number of officers boycotted the 1967 United Fund campaign. Departmental participation in the charity fell by \$6,558 from the 1966 level. The department reached only 78.5 percent of its goal, because, according to the source, "a share of contributions went to agencies that are causing the police so much trouble." In addition, a survey of Milwaukee gun shops in early 1968 revealed that Milwaukee police officers purchased nearly every available semiautomatic army carbine to supplement their standard issue .38 caliber revolvers.²⁹

In the years immediately following the civil disturbance, incident after incident of alleged confrontation between police and minority persons occupied the headlines and the local dialogue. The deaths of African Americans Jacqueline Ford, Jerry Brookshire, Johnnie Starks, Mary Pendelton, Charles Dailey, Stephen Gaston, and Lee Wilson during encounters with police and the revelations concerning the 1959 death of Daniel Bell stirred anger and frustration in Milwaukee's African American community. In each case, Breier unconditionally defended police behavior, attempted to thwart outside investigations, and urged potential suspects to submit to arrests in order to avoid similar incidents.

On January 31, 1973, two Milwaukee police officers, Charles Smith and Gerald Hempe, were murdered by a motorist following a routine traffic stop. Their deaths set off a major police manhunt and numerous complaints of police brutality.

²⁸Harold Breier, quoted in "Rights Group, Breier Clash Over Police Tactical Squad," The Milwaukee Journal, 8 March 1968.

²⁹Dobish, "Milwaukee Riot Plans," The Milwaukee Journal, 7 March 1968; The Milwaukee Journal, 29 October 1967.

There were reports of innocent blacks being assaulted on the streets by police; of homes being ransacked by officers; of African Americans being arrested and detained without charge. Each of those episodes resulted in marches, meetings, rallies, formal complaints, inquests, lawsuits, special studies and the generation of much heat and little light. In the final analysis, much remained the same in the day to day relationships between blacks and Milwaukee police officers.³⁰

Yet, there was one incident involving the police and an African American that did have an impact on change; the death of 22 year old Ernest Lacy on July 9, 1981. Lacy was arrested on suspicion of rape. Officer Thomas Eliopul subdued Lacy inside a police van by placing his knee on the back of Lacy's neck and cutting off oxygen to his brain. Lacy was dead when the van arrived at the police district station. Eliopul was not tried criminally but was dismissed from the force by the Fire and Police Commission. Four other officers, including Eliopul's Tactical Squad partners and the police van driver and attendant were suspended without pay by the Commission for failing to render first aid to Lacy. The death of an innocent young man set off an unprecedented amount of protest in the black community, which endured for over a year. It led to a \$600,000 cash settlement by the city with Lacy's family in 1985.³¹

More importantly, the case began to turn public attention to a serious examination of police practices in Milwaukee. On July 27 and 28, 1981, WTMJ-TV surveyed 559 citizens about the case and related matters. It is important to note that 85.1 percent of the respondents were identified as "white," only 12.7 percent were black, and 2.2 percent

³⁰See William Janz, "Police Get Criticism in Manhunt," Milwaukee Sentinel, 2 February 1973; "Probe Acts of Police, Pitts Asks," Milwaukee Sentinel, 2 February 1973; "Get Truth About Rumors," The Milwaukee Journal, 6 February 1973; also see Chapter III for details concerning the deaths of African Americans at the hands of law enforcement in Milwaukee.

³¹See Chapter III, "Who Governs," for details and documentation concerning the Lacy case.

were "other." Over 92 percent of those questioned said that they were familiar with the Lacy incident. The results of the survey indicated that a significant number of white citizens were beginning to have some second thoughts about the leadership of Harold Breier. Responding to the question of how to rate Breier's performance in general, only 13.6 percent said that his performance was very good and 35.6 percent characterized it as good. Another 26.9 percent felt that his performance was poor, and 16.5 percent described his performance as very poor. The respondents were split almost evenly on the question of administrative oversight of the police department. Slightly more than half of the respondents, 50.4 percent, said that the mayor and the Common Council should have more control over Breier; 15.1 percent said they should have less control, and 23.1 percent said that things should remain about the same. A plurality of respondents, 47.1 percent, felt that the police did not act properly in the Lacy arrest and 24.3 percent believed that they did act properly. A significant number of the respondents, 28.6 percent, were unsure about police behavior at the time of Lacy's arrest. Reporter Alan Borsuk concluded that the Lacy case "spoke to a level of unaccountability." He said that it demonstrated that the notion of a "chief for life had been carried to an extreme, just as the situation before the 1911 legislation had been the opposite kind of extreme."³²

³²Ernest Lacy Survey, WTMJ-Channel 4, 27-28 July 1981, "Records of the Henry W. Maier Administration, 1960-1988," Box 102, Folder 23; Alan J. Borsuk, interview by author, 13 March 2002, Milwaukee; In a poll of 1,109 Milwaukee County residents taken by The Milwaukee Journal between January 29 and February 10, 1982, 55 percent of the respondents say that the police acted improperly in the Lacy case, 32 percent felt they had acted properly and 13 percent did not know. Among whites, 48 percent said that police action was improper and 83 percent of the black respondents said police acted improperly. The poll asked the same questions about police conduct in the cases of James Schoemperlen, Daniel Bell, and white exotic dancer Sugar Dee Tates. The majority felt police had acted improperly in each of those cases. The poll did not ask specific questions about Breier. See "Majorities Critical of Police in Three Cases," The Milwaukee Journal, 21 February 1982.

As might have been expected of the "warrior-leader," Breier vehemently defended the officers involved in Lacy's apprehension. He called the firing of Eliopul "a terrible miscarriage of justice." He argued that the Fire and Police Commission had caved into pressure; that the Lacy case was a "death not a killing;" and that the lesson to be learned from the affair was that people taken into custody should not resist. But, Breier seemed to lose some of his self-control. He appeared at marches and rallies sponsored by the Ad Hoc Coalition for Justice for Ernest Lacy. His presence at the Lacy rallies was provocative. Instead of calming a potentially volatile situation, he escalated it. Journalist Eugene Kane felt as if Breier was saying to the crowds "Go ahead. I dare you to do something."³³

The Lacy case marked not only the beginning of dramatic change for the city, it also ushered in a change in Breier's behavior. Following the trauma of that long-running episode, Breier's rhetoric took a turn. For years, he had been unfailingly careful to separate people into "good" and "bad" and not to categorize them by race. Unlike some of his contemporaries across the country, who were caught making blatantly racist remarks, Chief Breier avoided that pitfall --almost until the end of his tenure.³⁴ Yet, the Lacy event was one of a series of issues that turned up the heat on the department.³⁵ Breier began to feel increasingly embattled and, perhaps, resentful of the incessant complaints and criticism coming largely from the minority community.

³³Eugene Kane, "Sadly, Breier Never Saw Blacks As 'Good People'," Milwaukee Journal Sentinel, 15 September 1998.

³⁴William Parker, who served as Los Angeles Chief of Police from 1950-1966, referred to blacks as "monkeys" and the "criminal element" and said that force is "the only language that Negroes understand." See Terry H. Anderson, The Movement and the Sixties: Protest in America from Greensboro to Wounded Knee (New York: Oxford University Press, 1993), 134.

³⁵See "Introduction: It Was a Very Bad Year"

It began with a fairly minor incident in September, 1983. The chief defended an internal police department memo written by Detective Lieutenant Andrew F. Anewenter. The memo, which was leaked to the press, ostensibly discussed police security for an upcoming "Afrofest" celebration. It referred to "catfish and watermelon stands" and warned of possible gang activity and drug use at the festival. The Fire and Police Commission asked Breier for an explanation. The chief appeared shocked that anyone would be offended by Anewenter's choice of language. "I don't know what's racist about it," he said. "It's like a police report referring to Italian people eating spaghetti or German people eating sauerbraten or sauerkraut. I like catfish and watermelon." However, the chief told the Commission that if he found out who released the memo to the public, he would fire that person.³⁶

On November 7, 1983, the Milwaukee Common Council held a public hearing on the proposed 1984 city budget. The largest single item in that proposal was at \$97 million appropriation for the police department, which represented 28 percent of all general purpose spending. The hearing lasted for over three hours and 48 people testified. Most of the testimony came from individuals and organizations with grievances against the police. Among those who testified against the police budget was Michael McGee, a black community worker at Project Respect and a candidate for the Common Council. Breier, who was also present at the hearing, could not contain himself. He shouted that McGee "was and is very anti-police. He headed the old Black Panther group." The crowd booed the chief so loudly that he could barely be heard. Then, Breier, obviously agitated and upset, said "of all the burglaries so far this year, 84 percent were committed by blacks, and most of them are black on black." Alderwoman Marlene Johnson, one of the city's two black Council members, said "those remarks were uncalled for and require an apology."

³⁶"Minutes of the Milwaukee Board of Fire and Police Commissioners," 19 September 1983, 2-4.

After the meeting, Breier denied that his comments were racist. He told a reporter that he "was simply stating facts."³⁷

Having caused a stir over his remarks, Breier sought to justify them. Instead, he got himself deeper into a morass that did no one any good. On February 11, 1984, he told a luncheon gathering at the offices of the Milwaukee Sentinel that of 2,006 robberies in 1983, 1,724 or 85.94 percent were committed by blacks; 172 or 8.57 percent were committed by whites; 80 or 3.9 percent were committed by Hispanics; 4 or .20 percent were committed by American Indians; and 26 or 1.3 percent were committed by persons whose race was unknown. He said that the victims were black in 565 reported robberies, and the assailants were black in 549 of those occurrences. Then he went a step farther. Referring to the practice of busing African American children to schools outside of their neighborhoods to achieve racial balance, he said that "we have bused crime all over the city. The South Side now has black crime." He said that data, later released by his office, showed that a total of 1,046 school-related offenses (crimes on the way to and from school, in school, and while waiting or riding buses) involved blacks attending schools outside of their neighborhoods in the 1983 calendar year.³⁸ He said that he did not have similar statistics for white youth, because, to the best of his knowledge, "the whites who

³⁷Michael McGee, Harold Breier, and Marlene Johnson, quoted in Paul Bargren, "Citizens Boo Breier, Seek Police Foot Patrols," The Milwaukee Journal, 8 November 1983.

³⁸ Breier said that of the 1,046 school-related crimes by blacks attending schools outside their neighborhoods in 1983, there were 80 sexual assaults (31-South Side, 49-North Side). He said that arrests were made for 28 additional assaults, but the complainants refused to prosecute. He said that there were 8 school-related burglaries. Arrests were not made in three of those cases, but they were counted in his statistics because black students were "seen in the area" at the time. He claimed that 32 blacks were arrested for school-related robberies (10-South Side, 22-North Side) and that arrests had been made in 21 additional robberies committed by blacks in their neighborhood schools. See Alex P. Dobish, "League to Check Claims by Breier," The Milwaukee Journal, 25 February 1984.

are being bused have not caused us any problems." He denied that his remarks disparaged black people. He said that he was not "saying this as a reference to all black people. There are good black people. I am referring to those blacks who are committing crimes. There's nothing divisive about it. I'm just stating facts. Busing black kids across town is causing problems. . . . Prior to busing, we had virtually no black crime on the South Side." He rejected the notion that poverty and unemployment caused crime. He argued that "there was less crime during the Depression than there was during the good times . . . poverty is no excuse to commit crimes. The only thing we can do is enforce the laws. Social problems are not our area."³⁹

Breier's remarks plunged the community into yet another debate about police and race. Expressing their appreciation for the chief's concern about the quality of life on the South Side, fifty delegates to a meeting of the Inter-Organization Council of Bay View, a board of twelve affiliated civic groups, voted unanimously on February 20, 1984 to send letters to Mayor Maier and the members of the Common Council, which said, in part, that "we have one of the finest police departments in the country and one of the finest chiefs in the country . . . Let the record show that the Inter-Organization Council of Bay View is in full support of Chief Harold Breier. . . Keep hands off our chief and keep politics out of our police department."⁴⁰

Others did not share the Bay View group's enthusiasm. Wisconsin Democratic Party Chair and Milwaukee resident, Matthew J. Flynn, wrote to the Fire and Police Commission on February 23, 1984 and said that the chief's remarks "were racially divisive

³⁹Harold Breier, quoted in Amy Diamond, "Breier's Data Backs Remark on Robberies," Milwaukee Sentinel, 11 February 1984; Mary Zahn, "Breier Releases Data He Claims Show Blacks Spreading Crime," Milwaukee Sentinel, 25 February 1984.

⁴⁰Paul Bargren, "Hands Off Breier, Coalition Declares," The Milwaukee Journal, 21 February 1984.

and constitute just cause for dismissal."⁴¹ Flynn also criticized Mayor Maier for not responding to what Flynn termed "a moral and social issue." (Maier replied that he was disappointed that Flynn had yet to take a stand on a list of issues important to the city including additional state aid for Milwaukee.) Alderman Roy Nabors asked the Common Council to condemn Breier for "racist remarks." Nabors said that it was difficult to counter Breier's arguments, because the chief did not allow access to police records. Some aldermen objected to Nabors' proposal and others suggested that they would prefer to hold the issue over until after the upcoming primary elections. Only five of the sixteen members of the Council voted to put the issue on the agenda immediately. After the primary, the chair of the Council's Judicial and Legislation Committee, Alderman Gregory Gorak, announced that he was deferring the matter until after the general election. Gorak explained that "Breier's a good copy, and I don't think I should subject him to that kind of harassment." Milwaukee School Board President Doris Stacy termed Breier's remarks "racist." She said "that kind of talk creates attitudes in people about things that just aren't there." She pointed out that the school board had not received any complaints from South Side residents concerning busing and increased crime. Her comments were echoed by Bay View High School Principal Walter J. Klaeser who said that "I don't feel that we have any more problems with black students than with whites." Breier's statements were challenged by one of his own, albeit, not one of his favorite, officers Detective Arthur L. Jones, president of the League of Martin. Jones said that "white students commit crimes during the school day. I have arrested them for it. I don't know what Breier is saying--that students commit crimes?"⁴² The Milwaukee Journal attempted to place Breier's statistics

⁴¹The Commission declined to act on Flynn's letter, because it determined that it was not a formal complaint. Commissioner Gilbert Jewell, said that Flynn's letter "reeks of politics." See John Higgins, "Panel Declines To Act on Letter From Flynn," Milwaukee Sentinel, 24 February 1984;

⁴²Paul Bargren, "Flynn Seeks Breier's Ouster," The Milwaukee Journal, 13 February 1984; Paul Bargren, "Council Avoids Action on Move Against Breier," The

in perspective. The newspaper calculated the number of "student days" (number of black students bused outside of their neighborhoods times the number of school days minus averaged figures for absences and trancies) at approximately 3.5 million. Of the 3.5 million opportunities to commit crimes, the newspaper explained, Breier reported 1,046 offenses. Their conclusion was that Breier's data hardly represented a crime wave.⁴³ The debate eventually subsided without definitive resolution.

Although the African American community was by far the largest and most visible minority community in the city, a small but growing group of Hispanics, primarily Mexicans and Puerto Ricans, felt that the police often treated them unfairly, as well.⁴⁴ According to Reymondo Morales of Espiranza Unida, the problem between the police and Hispanics was uniquely cultural. He said that "the cops feel very intimidated or insulted when they can't understand what the person they are questioning is saying. It seems to be a sin not to be able to defend yourself in English." Ernesto Chacon, Executive Director of the Latin American Union for Civil Rights, told a reporter that "the police to me are an

Milwaukee Journal 14 February 1984; Gregory G. Gorak, quoted in Bruce Gill, "Hearing on Censuring Breier Delayed," Milwaukee Sentinel, 28 February 1984; Doris Stacy and Walter Klaeser, quoted in "Breier's Remarks Called 'Unfortunate'," Milwaukee Sentinel, 25 February 1984; Arthur L. Jones, quoted in Alex P. Dobish, "League to Check Claims by Breier," The Milwaukee Journal, 25 February 1984.

⁴³Officials with the Wisconsin Department of Public Instruction said that in 1981-82, 50.4 percent of all black school children, 11,963 out of 23,717 attended schools outside their neighborhoods. Of that number, 7,357 blacks attended schools in predominantly white neighborhoods, and 212 white children attended schools in predominantly black neighborhoods. See Zahn, "Breier Releases Data," Milwaukee Sentinel, 25 February 1984; "Hardly A Crime Wave, Chief," The Milwaukee Journal, 29 February 1984.

⁴⁴The Hispanic community of Milwaukee was geographically divided between a small Puerto Rican community on the North side adjacent to the black ghetto and a small but growing Mexican community largely concentrated on the near South Side. In 1970, there were 22,139 Hispanics in Milwaukee. Their numbers grew slightly to 26,111 in 1980.

occupying army. They are a repressive force that was organized by local and federal governments to control and not to protect." Anthony Baez, an organizer of welfare protests and later a leader of the Ad Hoc Committee for Justice for Ernest Lacy, told a rally that "the police think we're savages and that's how they treat us. At the last march they were calling us names and shouting 'we shall overcome.' This type of harassment is indicative of the racist attitude of the police community." In 1974, forty members of the Hispanic community met with representatives of the U. S. Department of Justice to air complaints about alleged police brutality.⁴⁵

Many people suggested that the hostility and mistrust between the minority and law enforcement communities could be ameliorated by a systematic program of police-community relations; an effort by police to establish dialogue and understanding with the citizens that they served. In some cities, departments opened satellite offices in store fronts or community centers to increase access to the public. Others met regularly with neighborhood groups, civic organizations, or church groups to discuss mutual concerns. For example, St. Louis, San Francisco, Atlanta, and Baltimore set up centers for receiving complaints and sensitizing area police to local concerns. Those centers involved the community in analyzing and correcting problems and emphasized communication of grievances, civilian crime prevention programs, and training programs for police recruits.⁴⁶ The Milwaukee Police Department had some valuable experience in the area of police-community relations. Indeed, a former high-ranking Milwaukee officer, Inspector Raymond A. Dahl, "wrote the book" on effective police-community programs. Over

⁴⁵Anthony Baez, quoted in Mike Neville, "Latins March," Madison-Milwaukee Bugle American, 11-17 March 1971; Reymondo Morales and Ernesto Chacon, quoted in Barbara Dembski, Gregory D. Stanford, and James Romenesko, "Minorities See Police As Brutal," The Milwaukee Journal, 30 July 1981; Kathleen Matichek, "U.S. Officials Hear Latins' Complaints," The Milwaukee Journal, 12 July 1974.

⁴⁶Mike Zettler, "Police Abuse Documented," Kaleidoscope, 17-23 August 1970.

30,000 copies of Dahl's book, A Guide to Understanding Race and Human Relations, was distributed to police departments across the country in the 1950s. But, Dahl, a finalist for the chief's position when Breier was selected, was gone, and Breier was not as favorably inclined.

Breier argued that he was promoting good community relations by demanding that his men give fair and courteous treatment to all citizens, by giving speeches to civic, fraternal, and educational groups, and by providing recognition for citizens who aided police efforts. He cited the police band, informational brochures, and a bicycle safety program as examples of good community relations. He said that during crime prevention week in February, 1982, for example, 68,450 persons heard speeches from police officers at schools and churches. He said that 56 tours of the Safety Building and outlying district offices were given during the same week.⁴⁷ He argued that "we cannot set up a police program that is a cure-all for urban tensions. Community relations will never replace strict enforcement of and compliance with the law." He recalled that "someone said police-community relations is the way to prevent riots. That is a fallacy as proven by the cities of Baltimore, Washington, Chicago and others who have been praised for highly efficient community relations programs and who have some of the biggest riots in the country and crime rates to match." He said that MPD's community relations were effective, because they were based "on tried and tested procedures of day to day, person to person community relations" between officers and citizens. As for organized programs designed to promote dialogue, Breier dismissed them as "hogwash."⁴⁸

⁴⁷The chief attempted to take the initiative away from his critics and institutionalize his own version of police-community relations. In July, 1981, he sought to convince the Common Council to apply for \$212,000 in Law Enforcement Assistance Administration funds to pay for school visits and lectures on police procedures. The council's Finance Committee refused to seek funding for that kind of program. See "Breier's Police-Community Relations Plan Shot Down," Milwaukee Courier, 22 July 1981.

⁴⁸Harold Breier, quoted in "Police Relations With City Can't Halt Riots--Breier," Milwaukee Sentinel, 12 May 1968; "Our Defensive Police Chief," The Milwaukee

Beyond the rhetoric, Breier's greatest fear was that police-community dialogue would lead to demands for civilian input into the operation of the police department and might cause pressure for the establishment of a civilian review board in Milwaukee. Civilian review boards were demonized by political conservatives as part of an effort to undermine traditional law enforcement. Among radical right extremists of that era, including members of the John Birch Society and its affiliated "Support Your Local Police" organization, civilian review boards were characterized as part of an anarchistic or Marxist conspiracy to overthrow the American political system.⁴⁹ Chief Breier's concerns were probably not as ideologically based; a civilian review board would threaten his control over the department. Despite the fact that no one in a position of authority in the city advocated creation of a civilian review board, he felt it essential to prevent the idea from getting a foothold in the city. He said that "citizen's committees at the district station level smack of left handed citizen review boards to me, where the citizens tell the police how to operate. It seems to me that we have to operate according to the law. Be it a left handed review board or a citizens committee, it is superfluous; it is unnecessary."⁵⁰

Ironically, a major assault on the chief's attitude toward systematized community relations efforts came, not from the Milwaukee minority community or a "do-gooder" organization, but from Republican State Senator Walter Chilsen of Wausau. Senator Chilsen was appointed by the Wisconsin Legislative Council to chair an ad hoc

Journal. 18 February 1966; Wisconsin Advisory Committee to the United States Commission on Civil Rights, Police Protection of the African American Community in Milwaukee (Washington, D.C.: United States Commission on Civil Rights, 1994), 5.

⁴⁹See Benjamin R. Epstein and Arnold Forster, The Radical Right: Report on the John Birch Society and its Allies (New York: Random House, 1967), 181; See Mary Jill Johnson, chair, Support Your Local Police Committee, to Henry W. Maier, 27 October 1981, Transcript in "Records of the Henry W. Maier Administration, 1960-1988," Box 102, Folder 23.

⁵⁰Harold Breier, quoted in "Other Cities Ideas Ridiculed by Breier," The Milwaukee Journal, 20 November 1968.

commission on the local implications of the Report of the National Advisory Commission on Civil Disorders. The Commission, informally known as the Kerner Commission, was created by President Lyndon B. Johnson. It issued a report in 1968, examining the details of the tragic cycle of urban racial violence in 1967-68, and offering a series of recommendations for easing racial tensions in the cities.⁵¹ Chilsen chaired 15 public hearings across the state during 1968 and 1969 in an effort to determine if and how the recommendations of the Kerner Commission could be applied to Wisconsin. He invited Chief Breier to attend his Commission's public meeting in Milwaukee. Neither Breier nor any representative of MPD attended the session. Refusing to let the matter rest, Chilsen and a staff member met privately with the chief in October, 1968. Chilsen sought Breier's cooperation for a statewide study of police-community relations but said that he received "no satisfaction" from his visit with the chief. Chilsen later reported that he received "dozens of angry notes" from citizens after he charged publicly that Breier had failed to cooperate. He said that he had "nothing but the greatest respect for Chief Breier" but that an organized police-community relations program was badly needed in Milwaukee. In his final report, Chilsen wrote that "in Milwaukee, no person or agency in a position of authority over law enforcement has demonstrated a willingness to discuss police policy with citizens. The consequence is a sense of frustration in the black community, a loss of confidence in the police, an increase in tensions, and, in general a deterioration in the relationships between police and ghetto residents."⁵²

Breier responded to Chilsen in a speech to the Women's Court and Civic Conference at the downtown YWCA on November 20, 1968. He said that "police work

⁵¹National Advisory Commission on Civil Disorders, Report of the National Advisory Commission on Civil Disorders (New York: Bantam Books, 1968).

⁵²Walter Chilsen, quoted in "Breier Critic Gets 'Poison Pen' Notes," Milwaukee Sentinel, 12 November 1968; Chilsen, quoted in Wisconsin Advisory Committee, Police Protection, 11.

should be done in police stations by police officers with strict supervision, not from a civilian community relations specialist but from a desk sergeant, a lieutenant, or a captain. To remove a certain portion of our operation to a store front location could certainly add nothing to the efficiency of our operation." He cited a program established in Houston in which 12 to 15 police officers met with an equal number of citizens and allegedly insulted each other using vicious language. He said that, no matter what the police did to improve communication, they would "not reach the militants, certain clergy, certain bleeding hearts, certain do-gooders, and other dissidents. . . hit and run artists who blast you and then run and always refuse to listen."⁵³

If the minority communities were disappointed about the state of police-community relations in Milwaukee, the public in general was divided concerning the effectiveness of these relations. In a poll taken of 502 scientifically selected respondents from February 19-21, 1982 by the Milwaukee Sentinel, 46 percent of those surveyed said that the police department did a good community relations job, 44 percent that they did not, and 10 percent were undecided. Further analysis showed that blacks had a much more negative view of police affairs than whites, and that older people had a much more positive view than younger people. For example, 68 percent of blacks said Milwaukee did not have good police-community relations; 21 percent of blacks said that the police did have a good community relations program, and 11 percent said they did not know. Among age groups, only those over age 55 had a majority with a favorable view of Milwaukee police-community relations. The survey also showed that the higher the educational level of the respondent, the less likely the respondent was to have a favorable view of police-community relations in the city.⁵⁴

⁵³Harold Breier, quoted in "Other Cities Ideas" The Milwaukee Journal, 20 November 1968.

⁵⁴Kenneth R. Lamke, "Police Relations Get Split Reviews," Milwaukee Sentinel, 26 February 1982.

In the absence of departmental efforts in the area of police-community relations, others attempted to take up the task. As previously indicated, Mayor Maier arranged for the creation of a community relations position within the offices of the Fire and Police Commission. The first specialist, Richard Artison, resigned in frustration citing a lack of cooperation from the police department. His successor, Kenneth A. Bowen, charged in 1969 that neither the police department nor the members of the Fire and Police Commission were willing to cooperate. Eventually, the position description was modified by the Commission, and the specialist concentrated his efforts on recruiting minority applicants for the police department.⁵⁵

In January, 1970, the Milwaukee Professional Policemen's Protective Association, the union of uniformed officers, announced its intention to apply for \$40,000 in Omnibus Crime Control and Safe Streets Act funds to establish a program involving police and community members. In so doing, the PPPA became the first police union in the United States to plan such an effort, but the distinction was soon nullified. The "Support Your Local Police Committee" launched a mass mailing to all PPPA members warning of "Federal control" of local law enforcement if grant money was accepted. On March 9, 1970, the general membership of the PPPA voted to withdraw the funding request.⁵⁶

The organized religious community also was concerned about the divide between police and the minority communities. Fearing the possibility of what Milwaukee Roman Catholic Archbishop Rembert Weakland called "a long hot summer without some positive measures to support," a group of five religious leaders met with Mayor Maier on February 17, 1982. The group included Weakland, Bishop Robert S. Wilch of the Wisconsin Upper

⁵⁵"Breier Gets Blame for 'Lack of Dialogue'," Milwaukee Sentinel, 17 February 1969.

⁵⁶"Dancing to Birch Tune," The Milwaukee Journal, 11 February 1980; Zettler, "Police Abuse Documented," Kaleidoscope, 17-23 August 1970.

Midwest Synod of the Lutheran Church of America, Rev. Carl R. Simon, Executive Presbyterian of the Presbytery of Milwaukee of the United Presbyterian Church, Father Patrick S. Flood, Executive Director of the Milwaukee Conference on Religion and Race, and Saul Sorrin, Executive Director of the Milwaukee Jewish Council. There were no African Americans in the delegation. Following a ninety minute closed door session, Maier telephoned Chief Breier and asked him to meet with the group. That led to a meeting later that afternoon at which Breier told his visitors that "I don't tell you how to run your churches. Don't tell me how to run my department." He charged that "special interest groups and the media are creating racial tension with the police. They're hell bent to destroy the department. If you want to do something for us, that's the place to start." Asked specifically about police-community relations, Breier pointed to lectures at public schools and before civic groups, the police band, and tours of station houses. "We're the safest city of our size in the nation," he reminded them. "We must be doing something right." Sorrin said that he "was shocked at his (Breier's) lack of respect for religious leaders who had come to reach out with concern to the police but who were greeted with bluster and arrogance."⁵⁷

Following the meeting, Archbishop Weakland told assembled reporters that the goal of the religious delegation was "to recapture the Milwaukee that the mayor is so proud of."⁵⁸ Few would argue that Breier's behavior on that occasion contributed to recapturing that image. However, Breier did not share that agenda. He was interested in doing things his way, and, in that sense, he emerged the victor. There were no police-community relations programs or special human relation training for police during his

⁵⁷Archbishop Rembert Weakland, Harold Breier, Saul Sorrin, quoted in Amy Robideau Silvers, "Breier's Tough Stance Stuns Religious Leaders," The Milwaukee Journal, 18 February 1982.

⁵⁸Archbishop Rembert Weakland, quoted in *Ibid.*

watch. Changes in the relationship between the law enforcement and minority communities awaited another time and another chief.

V. To Straighten Out Their Thinking

Christopher P. Wilson, an English and American Studies scholar, pointed out that a major shift occurred in the focus of police priorities during the mid-Twentieth Century. Prior to that time, local police were primarily interested in "crime busting" and role modeled the "bureaucratic proceduralism" of the FBI. However, with the coming of the cold war era, many local law enforcement agencies shifted their emphasis from the old "cops and robbers" model to one that evoked the national security apparatus and emphasized intelligence gathering, paramilitary style, and "proactive law and order maintenance." According to historian George Mosse, the adoption of this new behavior was inevitable in the cold war climate, because police functions are always determined "by the values and the social structures of a particular society."¹

Harold Breier believed that "extreme left wing and subversive organizations" posed a threat to the order and well-being of the community. Despite his intuitive opposition to change, he was willing, even eager, to lead the department into a new mode of operation.² It became clear by 1965, for example, that the Milwaukee Police Department was moving into the realm of political surveillance. Plain clothes detectives infiltrated meetings of liberal-left organizations and photographed participants at various public demonstrations, especially those associated with civil rights and the peace movement. A compliant Fire and Police Commission heard Chief Breier explain in September, 1965 that such efforts were "necessary police business." The Commission

¹Christopher P. Wilson, Cop Knowledge: Police Power and Cultural Narrative in Twentieth Century America (Chicago: University of Chicago Press, 2000), 10, 96; George L. Mosse, Police Forces in History (Newbury Park, CA: Sage Publications, 1975), 1.

²Harold Breier, quoted in "Make Probe of Radicals, Breier Says," The Milwaukee Journal, 1 October 1968.

endorsed the practice of photographing spectators at public meetings, providing that the photos were not "taken indiscriminately." In July, 1966, MPD surveillance reached what The Milwaukee Journal called "shocking proportions" when seven plain-clothes detectives and three uniformed and helmeted officers attended a Common Council public hearing on a proposed open housing ordinance and took pictures of members of the audience. Among those photographed were twelve sociology students from the University of Wisconsin-Milwaukee, who were attending the hearing as part of a class project.³

Individual citizens who were not engaged in political or illegal activity also were photographed without apparent reason. In 1971, Robert E. Lewis, an African American accounting student at the University of Wisconsin-Milwaukee, claimed that two undercover police officers approached him at a bus stop. According to Lewis, the officers informed him that they were investigating a robbery and asked him to step into the entryway of a store. Lewis said that the officers took his picture, told him to "have a nice day," and disappeared. Lewis complained to the Fire and Police Commission that "someday the police will arrest me, because someone picked out my picture as a robbery suspect." The Commission dismissed Lewis' complaint, because he could not provide the names of the officers who confronted him. In June, 1978, Milwaukee County Judge Terrence T. Evans ordered Chief Breier to destroy the photograph and to allow Lewis to examine any files concerning his activities maintained by the department. Eventually, Lewis was allowed to see seven pages, most of which had been blacked out. One notation indicated that Lewis had been "voluntarily photographed and released." Lewis did not have a criminal record.⁴

³"Minutes of the Milwaukee Board of Fire and Police Commissioners," 8 September 1965, 5; Harold Breier, quoted in "Commission Backs Police Photo Policy," Milwaukee Sentinel, 9 September 1965;" A Disturbing Matter of Police Photography," The Milwaukee Journal, 14 July 1966.

⁴Robert E. Lewis, quoted in Marie Rhode, "Suspect Cleared But Can't Get Police File," Milwaukee Sentinel, 18 September 1978.

The photographs were part of a larger process undertaken by the department's Special Assignments Squad to develop files on local political activists. The chief admitted that "we have sources for intelligence. We have a squad that digs for information, and it is important for the security of the city."⁵ The Special Assignment Squad files were confidential and not open to public inspection. Breier considered them so secret that Milwaukee County District Attorney E. Michael McCann was forced to go to court in January, 1975 to secure access to the file of a person charged with resisting arrest, who argued that police files on his political activity were material to his case. Breier refused to release the file to the District Attorney's office, because he claimed that it contained the names of confidential informants. In October, Judge Evans ordered the chief to turn over the file to the District Attorney.

In May, 1976, University of Wisconsin-Milwaukee Professor David Luce, businessman Nicholas Topping, attorney E. E. Iushevitz, and Milwaukee Courier journalist David Novick brought suit against Breier alleging that the chief violated their constitutional rights by maintaining files on their political activities. Milwaukee County Judge Elliot N. Walsted upheld the right of the police to create and maintain files on political activists. Walsted said that he did not find "one single thing that would indicate improper police activity." However, the judge ordered Breier to allow the plaintiffs to review their own files. He said that the police could remove any information from the files that identified informants before turning them over to the plaintiffs. In September, 1976, the plaintiffs went back to court and asked Judge Walsted to find the chief in contempt for not complying with his order. Breier responded that the plaintiffs, and others making similar requests, were trying to harass the department. He said that all lawful requests

⁵Harold Breier, quoted in "Breier Cites Training for Sieges," Milwaukee Sentinel, 17 November 1977.

would be honored but that it took a great deal of time to prepare the files for review in conformity with the court order.⁶

In July, 1979, Sarah Ettenheim, an Associate Professor of Governmental Affairs at the University of Wisconsin-Extension, asked the Fire and Police Commission to establish guidelines concerning the maintenance of police files on the legal activities of private citizens. She said that she learned that the department maintained a file on her through a newspaper story and that it took thirteen months to secure access to it. She said that her file included several newspaper clippings and notations that she arranged a lecture by U. S. Supreme Court Justice William O. Douglas at the University of Wisconsin-Milwaukee and that she received an interfaith award from the National Conference of Christians and Jews. Ettenheim said that the file did not note her service on the Milwaukee Plan Commission, the Governor's Task Force on Mass Transit, the Milwaukee County Commission on Aging, or the Wisconsin Council on Criminal Justice. The members of the Fire and Police Commission asked Chief Breier to explain why such files were maintained. He responded by letter that "this is an essential function of law enforcement agencies and certain records are kept according to state statutes." Commissioner Franklyn Gimbel commented that "this is the kind of stuff that Fascism and dictatorships are made of." The files were maintained throughout Chief Breier's tenure. In March, 1985, Breier's successor as chief, Robert J. Ziarnik, ordered an end to political surveillance and the destruction of all files on individuals created by the Special Assignments Squad.⁷

⁶"Police File Push," The Milwaukee Journal, 28 January 1975; Thomas J. Hagerty, "Breier Told to Surrender Secret File," The Milwaukee Journal, 5 October 1976; "Judge Eases Stand in Breier File Case," The Milwaukee Journal, 12 September 1976; "Judge Backs Police Secrecy on Informants," Milwaukee Sentinel, 29 September 1976; "Lawsuits Harassing Him, Breier Protests to Judge," The Milwaukee Journal, 23 April 1977; "Release of Reports Termed Too Slow," The Milwaukee Journal, 18 May 1977.

⁷"Minutes of the Milwaukee Board of Fire and Police Commissioners," 20 July 1979, 2; "Civic Leader Seeks Police File Reform," The Milwaukee Journal, 21 July 1979; Harold Breier and Franklyn Gimbel, quoted in "Breier Stonewalling, Police

In 1979, former detective William D. Neuske claimed that it was "departmental policy" "to go out and get the 'troublemakers';" anyone who had "broken the barriers of what we considered to be proper." He said that the "troublemakers . . . were harassed to the point where they lost their driver's licenses. They were intimidated at their place of work, and on some occasions, they lost their jobs." He alleged that other forms of common harassment included following targets in squad cars, ticketing them for minor infractions, phoning their employers, and physically intimidating them. He said that two attorneys known for their defense of unpopular causes and clients, James Wood and Alan Eisenberg, were special targets. Neuske said that Wood "was known as a friend of the so-called hippie community . . . Anybody that gets him, it would be a feather in his cap." He claimed that an officer told him that he had ticketed Eisenberg for speeding when the attorney was driving within the legal speed limit. "It was just common talk," Neuske charged "that whatever you can get Alan Eisenberg for anything, get him, because he is a troublemaker. He is anti-police. Arrest him and make sure you put him in the wagon . . . make it miserable for him."⁸ In an interview with the author, former Tactical Squad Sergeant John Tries, a nineteen year veteran of the department who spent "90 percent" of his time as a member of the Tactical Squad, emphatically denied Neuske's charges. He characterized Neuske as a disgruntled employee. Tries said that, to the best of his knowledge, neither Breier nor anyone associated with the department ever instructed him or any of his colleagues to harass or intimidate anyone. He admitted that the police "paid a lot of attention" to individuals associated with "civil unrest." He said that it was well-

Monitors Charge," The Milwaukee Journal, 2 December 1979; "Secret Files to be Studied," Milwaukee Sentinel, 22 March 1985.

⁸William D. Neuske, quoted in Jeff Aikin, "Policemen Harassed Foes, Former Detective Charges," Milwaukee Sentinel, 6 February 1979.

known on the force and in the general community that Chief Breier believed in strict enforcement of the law, which may have been interpreted by some as harassment.⁹

Chief Breier began to behave more aggressively toward his critics near the conclusion of his tenure. Beginning in the summer of 1982, the chief decided to directly confront citizens who criticized him, and he dispatched police officers to some of their homes to "straighten out their thinking." None of the individuals receiving visits from law enforcement personnel were community notables. They were average citizens who made the "mistake" of writing letters critical of the department. For example, Robert Lemke, a teacher at the Multi-Cultural Community High School, wrote a letter to Mayor Maier and to the members of the Common Council criticizing Breier for his behavior during the Ernest Lacy case. Several weeks later, Deputy Inspector of Police John Davis and Sergeant Gary Cox paid an unannounced visit to Lemke's home. Lemke alleged that Inspector Davis pointed to the letter and said "the chief wants to know where you get off representing these things as facts." When questioned by the press, Breier readily admitted sending the officers to Lemke's home. The chief said that Lemke was "misinformed and needed to be straightened out." He called Lemke "anti-police" and said "I wonder what he is teaching in school?"¹⁰ Furthermore, the chief reported, he had ordered at least 40 similar visits in the past and would continue to do so in the future. He said that sending police officers to the homes of disgruntled citizens had been a success in "converting

⁹John R. Tries, interview by author, 17 April 2002, Milwaukee.

¹⁰Harold Breier, quoted in Thomas Heimen, "Police Visits Bring Few Complaints," The Milwaukee Journal, 14 November 1983; John Roundy, "Officials' Remarks Sting Police Critic," The Milwaukee Journal, 20 November 1983. Lemke filed a formal complaint with the Fire and Police Commission, which eventually adopted a policy prohibiting such home visitations. The Lemke complaint is discussed in Gilbert Jewell to Harold Breier, 3 August 1982, Transcript in the "Records of the Henry W. Maier Administration, 1960-1988," Milwaukee Series 44, State Historical Society of Wisconsin, Milwaukee Area Research Center, Golda Meir Library, The University of Wisconsin-Milwaukee, Box 103, Folder 2.

them." Unlike Lemke, several others who were visited by police reported that the visits, while surprising, had been pleasant and satisfactory.¹¹

On November 16, 1983 the Milwaukee Police Supervisors' Organization issued an "open letter to the public" expressing support for the home visitations. The organization claimed that their "members have never been ordered by the Chief of Police to use hard tactics, threats, or intimidation. We attempt to inform the citizen of the reason for the action taken or not taken by the department. The citizen is not compelled to admit the officers into their home, to listen to their explanation, or to accept the explanation given." They likened the effort to a common practice used by private business "to resolve a complaint about their product or service."¹²

Some of the members of The Fire and Police Commission, who were often critical of the Breier Administration, did not share the police supervisors' point of view. Chairman William I. Gore announced on November 17, 1983 that the commission would adopt a written policy barring unannounced visits by police to the homes of critics. He said that

¹¹Harold Breier, quoted in "Breier Defends Visits to Citizens," Milwaukee Sentinel, 23 March 1984. Kathleen Hanold wrote to the Fire and Police Commission on August 17, 1982 to question why there were long delays on two occasions when she called police to report a robbery and for medical assistance. The executive secretary of the commission wrote her that the letter had been turned over to Chief Breier for reply. Within three days, Hanold received a call from a high-ranking officer, who asked to meet with her at her office. Darrell Lewis, a church trustee, wrote to Alderwoman Betty Voss complaining that police officers who came to his church on May 23, 1982 when a boiler exploded "had a bad attitude." A police sergeant called him and arranged to visit his home. Lewis said that the officer "was very professional. He came to get the facts." A Northwest Side woman wrote to Breier on 14 November 1981 listing several complaints that she and her son had concerning the police. She said that "a sergeant called and said he'd like to come over and talk to me. It was a very pleasant meeting. I didn't feel threatened by it. I didn't think it was worth anything, either." See Heinen, "Police Visit," The Milwaukee Journal, 14 November 1983.

¹²Milwaukee Police Supervisors' Organization, "Open Letter to the Public," 16 November 1983, Transcript in the files of the Milwaukee Board of Fire and Police Commissioners.

the issue was "whether people have First Amendment rights." Gore said that he was most concerned about the potential for intimidation of those whom he termed "the faceless people of the world." Gore said that he thought that the commission had the authority to prohibit such police behavior. The Commission's Executive Secretary, James Blumberg, said that he did not think that the commission could do so. The Commission's authority would soon be clarified by the Wisconsin State Legislature.¹³

The letter writers were not the only group whose thinking alarmed Breier. He was especially concerned about the unrest developing among some middle class, young people; the so-called baby boomers, who reached college age in the 1960s and 1970s. They seemed to pose a threat to the values which Breier held dear and a practical challenge for law enforcement. They rejected the prevalent values of the community. They argued that American society was hypocritical, shallow, and overly materialistic. They alleged that large corporations controlled the national agenda. They charged that their parent's generation had degraded the environment, suppressed women and minorities, and unleashed the nation's military and technological might against a peasant society in Vietnam. They often acted out their concerns through street demonstrations and public protests. Some flaunted the conventions and laws of organized society by experimenting with illegal drugs and indulging in casual, and sometimes public, displays of sexuality.

Chief Breier feared that those youngsters were naive and being manipulated by subversive and sinister forces seeking to destroy the police and the American political and social systems. He seemed to view the revolution in morals and manners much as he viewed other social changes, as a direct threat to himself and to the institution with which he was so intimately vested. He called for an investigation of the "extreme left wing organizations and subversive organizations who are getting to the youngsters and causing

¹³William I. Gore, quoted in "Unannounced Police Calls on Critics May Be Barred," Milwaukee Sentinel, 18 November 1983; Ch. 6250, Secs. 1M and 23 (1984), Wis. Law 1590.

the disturbances." It was clear to every officer who worked for him that he wanted them to stop the onslaught against traditional order. "The nonsense of harassing and trying to ridicule the police must stop," he said, "for without proper police protection conditions of chaos and anarchy would exist."¹⁴

The emergence of a militant alternative view of American society had profound effects on law enforcement. Clearly, violations of law sparked numerous, and often ugly, confrontations. But the divide between the police and the sixties generation was far more complex. Many of the young political and social rebels grew up in middle class families. Many were college educated and had many material advantages. Many police officers, on the other hand, grew up in blue collar families. Most did not have the opportunity to attend college or enjoy other material advantages. Some police officers seemed to resent those privileged young people and could not understand why they rejected a material culture and a political system that had showered them with advantage. On the other hand, many youth saw the police as living symbols of the mindless and repressive nature of American society.¹⁵

In assessing the behavior of the Milwaukee Police Department toward young political and social radicals, it is often difficult to make a definitive distinction between instances of harassment and strict law enforcement. There is ample evidence to support both points of view. Clearly, the police paid "a lot of attention" to certain groups of young people, especially those residing on the city's lower East Side, and made many arrests for the possession of illegal drugs, curfew and traffic violations, disorderly conduct, and other unlawful behavior. Chief Breier was particularly insistent on the arrest of young

¹⁴Harold Breier, quoted in "Make Probe of Radicals," The Milwaukee Journal, 1 October 1968; Harold Breier, quoted in Marian McBride, "Chief Talks Basics," Milwaukee Sentinel, 21 March 1970; Tries interview.

¹⁵Anthony V. Bouza, The Police Mystique: An Insider's Look at Cops, Crime, and the Criminal Justice System (New York: Plenum Press, 1990). 252.

people using illegal drugs. He said that "there shouldn't be pot smoking. I wouldn't want my youngsters to use it. Marijuana users travel in the same circles as hard drug users, and I don't have to tell how bad that is. It's as bad as bad can be." At the same time, he opposed drug education in the schools and spoke against city cooperation with the Milwaukee County Drug Commission. He said that he did not think "anything should be done to educate youngsters about the use or abuse of drugs. We should not bring it to their attention."¹⁶

The police's ability to keep close watch on the cultural rebels was aided by a 1969 state law permitting police to stop persons and request identification "if the officer reasonably suspects a person is in the act of committing a crime, has committed a crime, or will commit a crime." Milwaukee's alternative press asserted that the law gave police the license to harass, intimidate, and, in some cases, brutalize and jail innocent people because of their appearance, their political or life-style choices, or their exercise of free speech rights. "The thing that seems to be getting most people angry on the street," reported Bugle American writer Dave Schreiner, "is the fact that many people are being stopped for apparently no reason at all and are being asked to identify themselves and to explain what they're doing in the area." Schreiner told of one young man who was stopped by police while putting up posters featuring a quote from Mao Tse Tung. They warned him to stop or face arrest. Others claimed that police performed illegal searches of cars, apartments, and even grocery bags. Historian Terry Anderson detailed accounts of alleged police harassment of underground newspapers by the Milwaukee police. One of those papers, The Bugle American, reported that a vendor was told by a city police officer on the campus of Marquette University in the Fall of 1970 that he did not "want to see you selling this garbage on campus." The Milwaukee Chapter of the American Civil

¹⁶ Harold Breier, quoted in "Drug Case Dismissals Criticized," Milwaukee Sentinel, 8 September 1975; Harold Breier, quoted in "Don't Teach Youth About Drugs: Breier," The Milwaukee Journal, 14 May 1969.

Liberties Union felt the situation to be so serious that it hired a half-time staff member in April, 1969 to maintain a log of alleged police violations of civil liberties and to counsel persons wishing to make formal complaints.¹⁷

Serious allegations of physical brutality and destruction of private property were leveled against the police after melees at a benefit dance for the underground newspaper Kaleidoscope in October, 1968 and at the Uptown Theater in November, 1978. The most serious violence occurred during several weeks in the Summer of 1970 when police sought to remove groups of young people gathered at Water Tower Park, on the shores of Lake Michigan, in violation of a 10:00 p.m. curfew. In an effort to calm the park conflicts, the Milwaukee County Park Commission considered designating a special park location for increased hours of operation and live rock band performances. Chief Breier opposed the idea. "Parks are for everyone and not for any select group," he argued. He said that "from past experience, it is quite apparent that difficulties would be encountered. As to amplified music, it could lead to a nightly miniature rockfest type of gathering with all the attendant evils."¹⁸ Nevertheless, the Commission approved the experiment, and it lasted for several years without major incident. The Bugle American reported in November, 1970 that members of the Tactical Squad entered the headquarters of the

¹⁷Dave Schreiner, "Brady Street Beat Cops: Harassment or Protection?" Madison-Milwaukee Bugle American, 27 September-3 October 1972; "Police Accused of Illegal Search," The Milwaukee Journal, 18 July 1970; Terry Anderson, The Movement and the Sixties: Protest in America from Greensboro to Wounded Knee (New York: Oxford University Press, 1992), 283; "Bugle American Distributor Approached on MU Campus," Madison-Milwaukee Bugle American, 8-12 October 1970; "Milwaukee Urban League, Records, 1919-1979," Milwaukee Manuscript Collection EZ, State Historical Society of Wisconsin, Milwaukee Area Research Center, Golda Meir Library, The University of Wisconsin-Milwaukee, Box 23, Folder 23.

¹⁸ Harold Breier, quoted in "Breier Raps Park Plan," Milwaukee Sentinel, 7 May 1971; Judy Jacobi, "Police vs. People on Alternate Site," Madison-Milwaukee Bugle American, 13-19 May 1971; Judy and Michael Jacobi, "Alternate Site Approved on Trial Basis," Madison-Milwaukee Bugle American, 27 May-2 June 1971.

Youth International Party on the city's East Side with a warrant alleging that drugs were in the building. According to the newspaper, "the police tore up and broke the bathroom fixtures, ripped apart ceilings and walls, tore apart the attic floor, unstuffed chairs, and dumped a hundred pound bag of rice all over the floor." ¹⁹

The commander of the Tactical Squad, Sergeant Frank Miller, became the focus of anger in the alternative community. Kaleidoscope accused Miller of "crimes against the people," including "suppression of freedom of speech, conspiracy to violate constitutionally guaranteed freedoms of the press, and general inability to function as a feeling member of the human race." The paper said that Miller was the target of criticism "because of the special delight he seems to take in not only quelling, but also creating, disturbances." In 1969, five thousand posters demanding Miller's removal from the police force were distributed on the East Side by the White Panther Party, a radical group supporting the Black Panthers and advocating rock and roll, drugs, and free sex. Sergeant Miller entered a book store and ripped down a poster. He told a clerk in the store that "my name is Frank Miller and that's my kisser you've got in the front window." Miller and several officers armed with shotguns allegedly confronted a Kaleidoscope photographer and demanded to know who was responsible for the posters. "It's nothing to get excited about," reporter Dennis Gall wrote in Kaleidoscope, "but this type of harassment . . . is never ending."²⁰

In April, 1970, the apparent frustration of the alternative community led to the decision by Kaleidoscope to publish the names, home addresses, and telephone numbers of

¹⁹ "Up Against the Wall, Mother Miller," Kaleidoscope, 11-24 October 1968; "Raid Brings Charges of Harassment," The Milwaukee Journal, 5 November 1978; "Devastation and Destruction Tac Squad Style," Madison-Milwaukee Bugle American, 19 November-2 December 1970.

²⁰John Kois, "Tacky Squad," Kaleidoscope, 17-23 August 1970; Frank Miller, quoted in Dennis Gall, "Sgt. Miller's Lonely Tac Squad Band," Kaleidoscope, 14-27 February 1969.

every Milwaukee police officer. The paper included a special section listing the names and addresses of twelve Milwaukee police officers who lived outside of the City of Milwaukee in violation of the residence requirement for city employees. The paper said that it published the roster because of the "tendency of police administrators toward secrecy and the complicity of the power structure and the media barons, who realize the secret police primarily oppress the socially and economically underprivileged." John Kois, Editor of Kaleidoscope, reported that the initial press run of 10,000 copies sold out quickly and that a second printing of 5,000 soon followed. The Professional Policemen's Protective Association claimed that harassing telephone calls were made to officer's homes following publication of the list and demanded an investigation to determine if confidential payroll or personnel files had been compromised. The Milwaukee Sentinel editorially termed publication of the police roster a "vicious stunt" and said that "if he were of a mind to retaliate in kind, Chief Harold Breier might make known a list . . . of new lefties, hippies, or whatever they call themselves." However, the paper assured its readers "that the chief will not stoop to such a measure." Two weeks later, Kaleidoscope published the names and descriptions of undercover police officers and informants allegedly working in the youth community. In a third special report, the paper listed the license plate numbers of unmarked squad cars. The source or sources of the information was never identified.²¹

It would be expected that a man with Brier's penchant for strict law and order would have been especially interested in any efforts by organized criminal elements to ply their trade in Milwaukee. Yet, from his first day in office to his last, the chief insisted that

²¹"Ripping Off the Breier Patch: Secret Police Exposed," Kaleidoscope, 20 March-2 April 1970; "Cops Beyond City and Law," Kaleidoscope, 20 March-2 April 1970; "City Goes Way Out for Police Roster," The Milwaukee Journal 25 March 1970; "Vicious Stunt," Milwaukee Sentinel, 26 March 1970; Art Heitzer, "K'scope Cop List Exposes Agents," Kaleidoscope, 17-30 April 1970; "How To Spot the Kop Kars," Kaleidoscope, 12-25 June 1970.

"there is no prosecutable evidence of organized crime in the city."²² Some state and local officials disputed that claim.²³ From time to time dark rumors surfaced that the chief refused to cooperate with the FBI on an investigation of alleged mob activity, that he failed to answer questions about organized crime posed by the U. S. Crime Commission, that reputed Mafia boss Frank P. Balistreri did favors for local police officers, and that Milwaukee police often frequented a California hotel owned by a former Milwaukeean with mob ties.²⁴ When Balistreri and his sons, John and Joseph, were convicted in 1984 of criminal activity and sentenced to Federal prison terms, it became apparent that Breier had at least misjudged the level of organized criminal activity in Milwaukee. Journalist Kenneth Lamke called it "evidence that, at least in one area, the department has fallen short as a crime fighter," but Breier remained adamant. "Our city wouldn't stand for it," he said. "We're different. We're quite a community."²⁵

²²Harold Breier, quoted in "Breier Sees No Organized Crime in City," Milwaukee Sentinel, 13 October 1975. In his initial speech to department members in 1964, Breier said that he did not believe that organized crime existed in Milwaukee. See "Gradual, Continual Changes Coming Chief Tells Officers in First Speech," The Milwaukee Journal, 24 March 1964.

²³Wisconsin Attorney General Bronson LaFollette and Milwaukee County District Attorney E. Michael McCann both claimed that organized crime existed in Milwaukee. The Milwaukee Journal attributed the differences between Breier and other law enforcement officials to a matter of definition. See "Doesn't Look Like Us," The Milwaukee Journal, 6 October 1975.

²⁴Dennis J. Sieg, "Breier, FBI in Probe Conflict," Milwaukee Sentinel, 6 November 1978; "Breier Ignored Query of Crime Commission," The Milwaukee Journal, 21 February 1967; "Mob Links to Police? Probe Urged," The Milwaukee Journal, 19 May 1980; "Breier Blocked Probe of Trips, DA Says," The Milwaukee Journal, 11 September 1971; Larry Engel, "Panel Accepts Trip Report," Milwaukee Sentinel, 15 October 1971; "County Tightens Police Trip Rules," The Milwaukee Journal, 2 November 1971.

²⁵Kenneth R. Lamke, "Chief's Character Left Clear Imprint on Department," Milwaukee Sentinel, 2 May 1984; Harold Breier, quoted in "Breier Sees No Organized Crime," Milwaukee Sentinel, 13 October 1975.

The tumult of the civil rights revolution, the anti-war movement, and the youth rebellion produced a counter-reaction in Milwaukee that manifested itself in a significant amount of public support for Chief Breier. The breadth of that support was over-emphasized and exaggerated but its depth was real and passionate. Breier represented traditional values in a culture that seemed to be losing its moorings. He stood as a guardian of a familiar and comfortable life-style where the rules were understood and nearly everyone played by them. For political radicals like activist turned scholar Todd Gitlin it "defied common sense that people sided with the cops,"²⁶ but for the thousands of Milwaukeeans who wrote letters, attended rallies, and went to testimonial dinners in the chief's honor, it was perfectly understandable. Their thinking did not have to be straightened out. He needed their support, and they needed his protection. Author Jonathan Coleman described what it was like when the chief and his admirers came together at a 1991 rally after his retirement. Coleman reported that:

Right on cue, came an announcement. Harold Breier was in the audience. People cheered as if it were a presidential campaign stop. Chants of 'Bring Back Breier' and 'Give 'em hell Harold' ricocheted throughout as [Breier] . . . made his way to the stage. 'You know,' he said, moved by the reception, 'those are the words I used to close every command officers meeting on Wednesdays. 'Give 'em hell'. I always said the good citizens buy what we're selling, and the hell with the rest'.

Harold Breier's coming on that Sunday afternoon was more than the throng could have hoped for. It was one thing to read his comments in the paper . . . quite another for him to actually show up . . . defiant as ever.²⁷

Few public officials were feted at more testimonial dinners or given more awards or certificates of commendation from business organizations and civic groups. A

²⁶Todd Gitlin, The Sixties: Years of Hope, Days of Rage (New York: Bantam Books, 1987), 335.

²⁷Breier's appearance took place at a rally in 1991 in support of the police officers charged with negligence in the case of Jeffrey Dahmer. See Jonathan Coleman, Long Way To Go: Black and White in America (New York: Atlantic Monthly Press, 1997), 215.

preponderance of those groups were based on Breier's native South Side, but many city-wide civic and professional associations also honored the chief at events large and small.²⁸ Nearly 500 persons paid tribute to the chief at a testimonial dinner at American Serb Memorial Hall in 1967. An undetermined number jammed the Knights of Pythias Hall to recognize the chief as "man of the year" for 1968; 750 attended a "Law Enforcement Day" dinner in his honor at the Pfister Hotel on May 1, 1970; 500 turned out at the Eagles Club in 1984 and gave him eight standing ovations; 650 were present at an event in his honor at the Hyatt Regency Hotel also in 1984. Even after his retirement, 250 citizens attended a luncheon honoring him for "crime prevention activities" in 1988.

At each of these events, politicians and public personalities scrambled to pay tribute. The Milwaukee Sentinel reported in 1967 that "judges, county officials, and labor leaders turned out in force to see Harold Breier receive the annual civic service award from the Serbian community of Milwaukee." Masters of ceremonies included local television news anchor Carl Zimmerman and radio talk show host Larry "The Legend" Johnson. The speakers included United States Senator Gaylord Nelson (D-Wisconsin). All were generous in their praise of the chief. At one testimonial dinner, Milwaukee County Judge Hugh O'Connell termed Breier "the finest and best police chief in the country, if not the world." Wisconsin State Supreme Court Justice Robert W. Hansen

²⁸Among those South Side groups honoring Breier over the years were the Mitchell Park Advancement Association, the National Avenue Advancement Association, the Lincoln Avenue Advancement Association in 1966, Saint Sava Orthodox Congregation in 1967, South Side Civic Association and the South Side Knights of Pythias in 1968, the Senior Resident's Council of Project Involve-South and the Milwaukee Society of the Polish National Alliance in 1975, the South Side Businessmen's Club in 1976, and the Inter-Organization Council of Bay View in 1984. The city-wide groups and associations that held testimonial events for the chief included the Boys Clubs of Greater Milwaukee, the Eagles Club, the Wisconsin Labor Press, the Joseph Schlitz Brewing Company, the Wisconsin League of Senior Citizens, the Alonzo Cudworth Post of the American Legion, First Bank-Milwaukee, the Exchange Club of Milwaukee, and the Professional Policemen's Protective Association

referred to the chief as "a shield to protect those who cannot defend themselves" and a rugged man of oak" at the Law Enforcement Day event. Milwaukee County Executive William O'Donnell declared that "if this man (Breier) had not enforced the law fairly for all, we'd have had anarchy." Milwaukee County Judge Christ T. Seraphim, Breier's close professional friend, could usually be found at the head table on such occasions. Some politicians felt it important to their careers to be seen on the Breier banquet circuit. When Common Council President John R. Kalwitz was not given a special invitation to a Breier testimonial in 1984, he complained bitterly to the program organizers.²⁹

The Breier partisans also were prolific letter writers. When issues arose in the community relating to the conduct of the chief or the police department, the "Letters to the Editor" columns of local newspapers were filled with communications from Breier supporters. They flooded the offices of the mayor and other public officials with similar messages. For example, during the controversy concerning police-community relations efforts, "Mrs. J. C. C." of Milwaukee wrote The Milwaukee Journal in November, 1968 that she saw no problem in Breier's refusal "to let his officers be subjected unduly to the profane bickering, which is the specialty of certain unwashed publicity seekers." Mrs. Kathleen Frank of Milwaukee wrote an undated letter to Mayor Maier in which she said that "it is obvious that the blacks want Mr. Breier out of office, because he is not about to bow down and give in to their slightest whims as so many white men in office seem to be

²⁹"Harassment Hurts Recruiting-Breier," Milwaukee Sentinel, 19 January 1966; "Chief Breier Given Serb Service Award," Milwaukee Sentinel, 4 April 1967; "Breier Vows to Keep Order in Milwaukee," The Milwaukee Journal, 8 December 1967; "Nine Pickets Seized As Breier Is Feted," Milwaukee Sentinel, 24 October 1968; "Dinner Will Fete Breier on May 1," Milwaukee Sentinel, 28 January 1970; Bruce L. Yeo, "Breier Receives Three Plaques, Tribute of 750 at Dinner," Milwaukee Sentinel 2 May 1970; William B. Hale, Jr., "750 Salute Breier at Sellout Dinner at Pfister," The Milwaukee Journal, 2 May 1970; "Breier Greatest, Eagles Declare," The Milwaukee Journal, 18 June 1970; Michael O. Zahn, "Ovations Say It All At Breier Party," The Milwaukee Journal, 1 July 1984; Mark Ward, "Friends Give Breier, Wife a Sendoff," The Milwaukee Journal, 12 July 1984; "Kalwitz Rips Breier Tribute Organizer," Milwaukee Sentinel, 14 July 1984.

doing these days." On the subject of identification on police uniforms, "Citizens Who Pay Taxes" wrote the mayor on February 7, 1973 urging him not to "give into the demands of the black community on such stupid ideas as having police wear their numbers on their uniforms. . . Let's remove all those black cops on Wisconsin Avenue directing traffic and replace them with our own white police officers. Let the blacks rule their own hoodlums." Rachel E. Culver of Milwaukee wrote Maier on January 28, 1973 that she also opposed "the idea of our policemen having to wear cloth patches with the badge numbers embroidered on them. This seems to be just another humiliation of our fine police force. I strongly support Chief Breier and our local police." The controversy concerning Breier's remarks about the busing of black crime to the South Side inspired Dana Schultz of Milwaukee to write on February 18, 1984 that she "applaud(ed) Chief Breier's remarks . . . He's right on the mark." Wayne Frank of Port Washington wondered "why Chief Breier is being criticized for telling the truth. The chief tells it like it is."

When the question of alleged civil liberties violations by Milwaukee Police was being discussed in the city, Helen Williams of Milwaukee wrote to Wisconsin State Representative Dennis J. Conta on February 23, 1973 that "I welcome more police surveillance and supervision, because it means good protection for me. Anyone who is obeying the law and has nothing to hide should welcome the sight of a squad car or men on the beat. . . We need adequate, inflexible police and a strong, uncompromising administrator; men who cannot be cowed by minority pressure." H. E. Conallie of Milwaukee wrote to The Milwaukee Journal on January 8, 1969 that "90 percent of our citizens are thankful that we have a chief who has resisted all efforts to place our police department under the influence of politicians . . . If Chief Breier is the 'fastest gun in town,' as The Milwaukee Journal describes him, let him continue to aim higher and hit the mark, as always."

Some blamed the press directly for the controversies surrounding the chief. Isabel Johnson of Milwaukee wrote the editor on January 21, 1970 that she was "sick and tired

of your constant meddling and nit-picking of our good and great police chief. When your paper can prove that there is a safer city and that college educated policemen make better policemen, then you have a right to criticize. Until then, give Breier the credit that is due him." Josephine Schwartz of suburban Oak Creek wrote on October 29, 1981 that "The Journal is not only crucifying the police department and Chief Harold Breier, but it is also hampering these men from doing their jobs with pride." Mr. and Mrs. Harold Klein wrote from rural Land O Lakes, Wisconsin that "it is disheartening to keep reading in the Milwaukee papers about the pressures always being applied to your chief of police . . . Support your police chief in enforcement."³⁰

Some Breier supporters were so unhappy with mainstream press coverage of the chief that they attempted to publish their own newsletter. In June, 1982, five Roman Catholic nuns from the Christian Sister's Convent on the South Side went door to door in their neighborhood and collected \$2,000 to finance a publication called "COPS." According to Sister Mary Doris Kelly, the newsletter was intended to stimulate community support for Chief Breier and "to help balance the negative image that the police and Chief Breier get from the press, politicians, and other groups." She said that Breier approved the project but declined her invitation to censor the material. "He trusts us," she said. Three thousand copies of "COPS" were distributed to police stations and businesses across the city. The sisters also co-sponsored a large public meeting at Serb

³⁰"Breier Knows Best," The Milwaukee Journal, 26 November 1968; Mrs. Kathleen Frank to Henry W. Maier, Transcript in "Records of the Henry W. Maier Administration, 1960-1988," Box 139, Folder 20; "Citizens Who Pay Taxes," to Henry W. Maier, 7 February 1973, Ibid; Rachel E. Culver to Henry W. Maier, 28 January 1973, Ibid; "Readers Answer For Breier," The Milwaukee Journal, 18 February 1984; Helen Williams to Dennis J. Conta, 23 February 1973, "Records of the Henry W. Maier Administration, 1960-1988," Box 139 Folder 20; "Milwaukee Loves Breier," The Milwaukee Journal, 8 January 1969; "Good and Great Police Chief," The Milwaukee Journal, 21 January 1970; "Crucifying the Chief," The Milwaukee Journal, 29 October 1981; Mr. and Mrs. Harold Klein to Henry W. Maier, 15 June 1968, "Records of the Henry W. Maier Administration, 1960-1988," Box 139, Folder 5.

Memorial Hall in October, 1981 to rally support for the officers involved in the Lacy case. They planned to put on a skit at the rally but claimed to have received at least twenty threatening phone calls and canceled their performance.³¹

A survey conducted by The Milwaukee Journal in March, 1984 and published in early April was probably greeted with mixed feelings by the chief and his supporters. Although 56 percent of the respondents rated Breier's performance as positive, 57 percent said that they thought he should retire. The positive performance rating was likely a gesture of appreciation, but the Breier persona seemed to have produced a fatigue factor in the city. Despite the exuberant and steadfast behavior of the chief's supporters, Breier's lustre was beginning to fade, and he was about to face the most significant challenge of his professional life; an attempt by public officials to reduce his power. He would need all the support that he could muster.³²

³¹Sister Mary Doris Kelly, quoted in "A Friendly Voice Supports Police," Milwaukee Sentinel, 21 June 1982; Charles J. Sykes and Ralph D. Olive, "We're Behind You, Crowd Tells Police," The Milwaukee Journal, 23 October 1981.

³²The survey was completed before the Wisconsin State legislature approved SB 56, restricting the chief's authority, but the results were published several days after the legislation was approved. See Gary C. Rummeler, "Residents Keep Allegiance to Breier, Survey Finds," The Milwaukee Journal, 5 April 1984.

VI. Chief for Life No More

On February 23, 1968, the Mayor's Committee on City Government Reorganization, known as the Martin-Weber Committee, held the first of several open meetings at Milwaukee City Hall. The committee invited city residents to come forward with suggestions to improve municipal services. Several of the speakers that evening wanted to talk about the chief of police. Alderwoman Vel R. Phillips, the first woman and African American to serve on the Milwaukee Common Council, denounced the chief. Referring to Breier as "a power unto himself," Phillips urged committee members to examine the chief's role and review his accountability to the public. Milwaukee attorney Jack Eisendrath made the somewhat startling suggestion that the committee recommend repeal of the state law guaranteeing lifetime tenure to the chief of police and substitute a five year renewable term limit.

In some ways, Phillips' and Eisendrath's testimony seemed rather curious, because Harold Breier had been in office for only four years, and much of the tension surrounding his behavior was far in the future. However, issues concerning police conduct during the 1967 civil disturbance, allegations of "police brutality," and Breier's refusal to communicate had already driven a wedge between the chief and various segments of the community. Apparently, the members of the Martin-Weber Committee shared some of those concerns, because they selected police organization and administration as the topic for their first report.¹

¹"Martin-Weber Committee, Papers, 1968-1973." UWM Archival Collection 15. The University of Wisconsin-Milwaukee, School of Business Administration, Office of the Dean, Records 1947- (on-going), Golda Meir Library, The University of Wisconsin-Milwaukee; "Restrictions Asked on Chief of Police," The Milwaukee Journal, 24 February 1968. For a list of the committee's members and a review of their recommendations concerning the tenure and accountability of the chief of police, see Chapter III.

While the Martin-Weber committee was generally concerned with long-term municipal administrative organization, some members of the Milwaukee Common Council were interested in changing the police department immediately. Several resolutions were introduced in the Council in 1968 concerning repeal of the state law granting life-time tenure to the chief, improvement of police-community relations programs, and development of new procedures for citizen complaints regarding police conduct.²

It took many years for some of those ideas to reach maturity. Change would come slowly and incrementally. Breier remained chief of police for another sixteen years and generally ignored all entreaties for change. He maintained a militant and loyal following and used that support to discourage public officials from opposing him. However, as event piled upon event during the next sixteen years, his grip on absolute power over Milwaukee law enforcement would loosen.

As the decade of the 1970s blended into the 1980s, some significant changes occurred in local leadership. A new generation was coming of age. The members of the Fire and Police Commission were no longer Breier partisans. By 1975, most members were younger and more politically independent people and seemed to be willing to work within the parameters of an emerging multi-racial and multi-cultural community. There

²Alderman Orville Pitts introduced legislation calling for the city to support a change in state law to limit the chief of police to a renewable four year term (Common Council File #68-1882). He also proposed that the city hire an outside consultant to examine police-community relations in Milwaukee (Common Council File #68-674). Alderman Warren Braun joined with Pitts in co-sponsoring a proposal to require the establishment of a formal community relations program within the police department (Common Council File #68-2377), and Alderwoman Phillips introduced a proposal to hire an independent staff within the Fire and Police Commission to process citizen complaints (Common Council File #68-2378). See Ad Hoc Committee on Police Administration, "Memo to Persons, Groups, and Organizations Concerned with Improving Police-Community Relations in Milwaukee," 17 December 1968, "Records of the Henry W. Maier Administration, 1960-1988." Milwaukee Series 44, State Historical Society of Wisconsin, Milwaukee Area Research Center, Golda Meir Library, The University of Wisconsin-Milwaukee, Box 139, Folder 14.

were significant changes in the Wisconsin state legislature, as well. The census of 1980 resulted in a major redistricting of legislative boundaries. There was a large turnover in membership, especially in the Milwaukee delegation. Not only were the new legislators younger, but many grew up in the post-Watergate and Vietnam eras. They were of the same generation as the youth of the NAACP, who bedeviled Breier in the 1960s. They held more in common with the young people who were chased from Water Tower Park than they did with Sergeant Frank Miller and the Tactical Squad. Joseph Czarneski, who was one of that new breed of lawmakers, recalled that Breier seemed like someone from his parents' generation. "The times had changed," he said, "but Breier remained the same."³

As new voices and ideas emerged, Breier became more adamant and outspoken. Confrontations between the chief and blacks, Hispanics, young people, political liberals, and public officials became regular fare. Although Breier's support remained strong to the end,⁴ the unrelenting tension was beginning to have an effect on the community. For example, when Time magazine reported on the turmoil surrounding the Ernest Lacy case, the article referred to a general feeling of uneasiness in the city over Breier's behavior.⁵

By the mid 1970s, the complaints against Harold Brier had reached laundry list proportions. He insisted that police officers obey archaic rules, and he intruded into their personal lives. He resisted directives from the Common Council. He sought to intimidate

³Hon. Joseph J. Czarneski, interview by author, 17 April 2002, Milwaukee.

⁴The last poll taken on public support for Breier was conducted between March 19 and 24, 1984 under the auspices of Newspapers, Inc., formerly The Journal Company, by the Social Science Research Facility of the University of Wisconsin-Milwaukee. It was released on April 5, 1984 and showed that 56 percent of those surveyed rated Breier's performance as "excellent" or "good" and 43 percent rated his performance as "not so good or poor." However, 57 percent of those interviewed said that Breier should retire. Gary C. Rummel, "Residents Keep Allegiance to Breier, Survey Finds," The Milwaukee Journal, 5 April 1984.

⁵"Accidents or Police Brutality?" Time, 26 October 1981, 70.

law abiding citizens by monitoring their political activities. He refused to acknowledge the concerns of minority people or consider police-community relations efforts aimed at decreasing tension between them and the police. He was reluctant to increase minority and female representation in the department or integrate its special assignment ranks. He had become a polarizing force in the community; taunting his opponents and asserting links between race and crime.⁶

Ironically, the first blow to Breier's absolute control over the police department did not come at the hands of his traditional opponents but by the actions of his own police officers. On August 19, 1973, Martin Wagner, an outside arbitrator chosen to resolve a dispute between the Professional Policemen's Protective Association and the city, ruled that police department rules could be appealed beyond the chief. The decision effectively removed Breier's total control over police rules and went farther than any local officials had dared to curtail his absolute power. It initiated the long process of democratizing aspects of departmental operation by ending Breier's ability to legislate rules and serve as the ultimate judge of their applicability in individual cases. It was the first modification of the chief's absolute control over departmental behavior since 1911. Robert Kleismet, President of PPPA, called the decision "a good erosion of the power of the chief."⁷

During the next several years, various attempts were made in the Wisconsin State Legislature to modify the 1911 lifetime tenure law. This activity was generated, in part,

⁶In 1979, another topic was added to the list when Breier refused to acknowledge that some rapes went unreported to the police department. He called information to that effect, published by the Law Enforcement Assistance Administration (LEAA), "poppycock." and said that he would "ash can" the LEAA" See Records of the Henry W. Maier Administration, 1960-1988," Box 140, Folder 10 and Box 141, Folder 11; Harold Breier, quoted in "Breier Gets Heat on Rape Unit," The Milwaukee Journal, 6 October 1979.

⁷Robert Kleismet, quoted in Joel McNally, "Police Pay Raised, Chief's Power Cut," The Milwaukee Journal, 19 August 1973. The police strike and subsequent settlement is discussed in Chapter II.

by negative reaction in the African American community to the deaths of several blacks at the hands of local police, by allegations in the Hispanic community of police brutality and improper conduct during the search for James Raymond Mendoza, a suspect in the murder of two police officers, and by the chief's refusal to create an anti-rape unit in the department. It also reflected a feeling by some of the members of the Legislature that the Milwaukee Common Council was not going to initiate any meaningful reforms in the law enforcement area. The aldermen and alderwomen still felt themselves to be politically vulnerable to the Breier mystique. In fact, several unnamed aldermen were quoted in the press that they would seek the Legislature's help in reforming the chief's office, because they had failed to do so at the local level.⁸

The efforts to revise the 1911 law were undertaken in several steps. The first attempt, which was ultimately successful, set term limits for future chiefs of police. While not a direct assault on Breier's tenure, the effort was designed to make future chiefs more responsive and accountable to public opinion. If the proponents of term limits hoped that such legislation would cause the chief to reevaluate his behavior, they were sorely disappointed. Indeed, the level of controversy swirling around the department in the years after the term limit legislation was enacted, especially the events of 1981, actually caused Breier to become more combative and less responsive than before.⁹ He seemed to lose some of his self-control, turned up his rhetoric, and virtually paved the way for the second legislative effort, which radically reduced the police chief's independent authority.

The initial effort to insure that there would be no additional "chiefs for life" began in June, 1973 when State Assemblyman Harout Sanasarian (D-Milwaukee) introduced a bill in the Wisconsin State legislature to replace the 1911 law with one establishing four

⁸Linda Fibich, "Battle with Breier to Shift to Madison," The Milwaukee Journal, 13 June 1970.

⁹See "Introduction: It Was a Very Bad Year" for a detailed discussion of the events of 1981.

year renewable terms for the police chief. Sanasarian, who represented Milwaukee's East Side in the Assembly, said that lifetime tenure for public officials was "contrary to democratic arrangements." However, the City of Milwaukee's legislative liaison, Douglas Haselow, sounded a note of caution. He urged legislators not to jump to the conclusion that specific grievances against the current chief of police should be solved by changing the structure of the police department. The Sanasarian proposal died in committee.¹⁰

The idea was revived in the next legislative session by State Representative Lloyd A. Barbee (D-Milwaukee). Barbee's proposal established a four year term for the chief of police and allowed the Milwaukee Common Council to set the specific conditions of the chief's tenure by ordinance. The proposed legislation was designed to warn Breier that his conduct was being scrutinized by the state legislature, but even Barbee, an African American civil rights leader whose constituents were nearly all black and an outspoken critic of the police department, was careful to minimize the reaction of the Breier partisans. His bill exempted Breier from coverage. It included a provision establishing the effective date of the proposed law to coincide with the next vacancy in the office of chief of police. Assemblyman Dennis J. Conta also introduced legislation dealing with the Milwaukee police chief and the 1911 statute. Under Conta's proposal, the mayor of the City of Milwaukee would be designated as the chief executive officer for both the city's police and fire departments and the respective chiefs would report to him and the Common Council. In introducing the bill on behalf of himself and thirteen other Milwaukee Democrats, Conta said "one way or another, a serious effort will now be made to provide the necessary checks and restraints on the chief and the department, which now operates almost without any." Opposition to both proposals surfaced immediately. State Assemblyman F. James Sensenbrenner (R-Shorewood) said that the proposals would "turn Milwaukee into a little Chicago . . . the 1911 law has served the city well, and I don't see

¹⁰Hearing Critical of Breier," The Milwaukee Journal, 13 June 1973.

why we should change something that's successful," and the police union, which expressed satisfaction in diminishing the chief's authority over labor issues, opposed the reduction of his authority in other areas. Police union president Jerome Dudzik called for a public referendum in the City of Milwaukee before the Legislature changed the law. Dudzik predicted that, if such a referendum were held, "Harold Breier would come out ahead 10 to 1."¹¹

Support for a change in state law came from an important but unexpected source. The chair of the Fire and Police Commission, William Gore, said in a speech to police science students and faculty at the Milwaukee Area Technical College on January 4, 1976 that he favored a limitation on the terms of future chiefs. Gore was very careful to disassociate the idea from the incumbent. "Heaven forbid Chief Breier ever wants out," Gore told the audience, "I want him to be the chief of police for as long as he is able." In his remarks, Gore called for a more direct role for the Fire and Police Commission in the daily operation of the departments and for the creation of a full-time city director of public safety with ultimate authority over the fire and police chiefs. He explained that he did not believe "that the major decisions of the two chiefs, decisions that affect the daily lives of many people, should go unchecked."¹² In an effort to keep the momentum going, The Milwaukee Journal quickly endorsed Gore's proposals. In an editorial, the newspaper said that Gore's comments were "important and useful" in light of the commission's history of being "so conspicuously silent about this matter and so submissive to the chief."¹³

¹¹Dennis J. Conta, F. James Sensenbrenner, Jerome Dudzik, quoted in Daniel P. Hanley, Jr., "Efforts to Curb Police Chief Building Up in Legislature," The Milwaukee Journal, 20 January 1975.

¹²William I. Gore, quoted in "City Safety Director Sought," Milwaukee Sentinel, 5 January 1976.

¹³"Chiefs Need Overseeing," The Milwaukee Journal, 15 January 1976.

Less than a month later, on February 5, 1976, the Fire and Police Commission unanimously endorsed term limits for future fire and police chiefs. This was important, because the Commissioners represented a new breed of public servants, who were anxious to exert some influence over police policy. They would not accept the chief's explanation that "police business" was not their business, as had their predecessors. They were annoyed with Breier's reluctance to cooperate with them. They remained careful not to launch a direct assault on Breier for fear that his supporters might turn against Henry Maier, the man who appointed them to their positions. Gore reiterated, for example, that the problem was not the current chief of police but the issue of accountability. He said that "it's the system that's responsible." However, the message was clear. The commissioners were willing to support radical change to pave the way for a more balanced relationship with the next chief.¹⁴

It came as no surprise when Chief Breier announced that he opposed any modification of the 1911 statute. However, since the term limit provision likely would not apply to him, his opposition was fairly subdued. He said that the proposed changes would guarantee that his successor would have to be "a good time Charlie or a good-bye Charlie," who would have to be more interested in pleasing politicians than in fighting crime. He was asked by a television reporter if a change in the law might affect his tenure. He said that he planned to remain chief for "as long as I feel that I can do a job for the community. As to how long that might be, I'm not prepared to say." When asked if he felt that the proposed changes reflected on his performance, he said "I don't think I've had any particular failures."¹⁵

¹⁴William I. Gore, quoted in "Limited Terms for Chiefs Endorsed," The Milwaukee Journal, 6 February 1976; Michael Zahn, "Police Commission Beginning to Make Its Voice Heard," The Milwaukee Journal, 16 September 1978.

¹⁵Harold Breier, quoted in "Breier Blast Plan For Limited Term," Milwaukee Sentinel, 14 December 1977; "Breier Defends Police Judgment," The Milwaukee Journal, 10 November 1977.

The chief's loyal supporters were not as passive in their reaction to the proposed changes in state law. On February 28, 1977, 150 of them jammed the Milwaukee County Court House Annex to testify before a State Senate committee concerning a bill proposed by former Milwaukee Alderman and current State Senator Warren D. Braun. The Braun proposal would amend the 1911 law and give the Fire and Police Commission the power to establish a fixed term for the fire and police chiefs not to exceed ten years. Ronald Jaskolski, president of the Milwaukee Society of the Polish National Alliance, charged that Braun was leading a conspiracy against Chief Breier. George Wellauer, president of the Retired Police Association of Milwaukee, warned that the bill would turn the police chief into a tool of the politicians. George Sprague, a retired police officer, cautioned that the bill would undermine the current chief's prestige and authority. Thomas Bell, who represented the Bay View Businessmen's Association, cited Milwaukee's safety record as proof of the success of the current arrangement. Joseph Tondryk, representing the Inter Organizational Council of Bay View, turned his wrath on Senator Braun's clothing. "You should wear a nice shirt and tie, not come dressed like a bum," Tondryk told Braun, who wore an open necked shirt and sport coat. "You're representing the people. Come dressed like a man."¹⁶ Attorney Alan Eisenberg, Fire and Police Commission Chair Gore, and State Representative Mordecai Lee (D-Milwaukee) spoke in favor of Braun's proposal.

On June 7, 1977, the Wisconsin State Legislature approved a modified version of the Braun bill. It empowered the Milwaukee Common Council to establish renewable terms of office for future fire and police chiefs not to exceed ten years. The measure exempted the current chiefs. Wisconsin Governor Patrick J. Lucey signed the bill into law along with a companion piece of legislation repealing the requirement that only property

¹⁶Joseph Tondryk, quoted in Damien Jacques, "Tempers Flare at Hearing on Limiting Chiefs Term," The Milwaukee Journal, 1 March 1977.

owners could file formal complaints with the Fire and Police Commission concerning police conduct. Breier opposed that law as well. He argued that it would encourage frivolous complaints.

On December 21, 1977, the Milwaukee Common Council voted to establish seven year renewable terms for the chiefs, including an initial two year probationary period. Acting on the advice of City Attorney James B. Brennan, Mayor Maier vetoed the bill claiming that the two year probationary period was not permissible under the new law. In March, 1978, the Council voted 10-6 to remove the probationary phase and re-passed the law. Maier signed it without comment on March 30, 1978.¹⁷ The Milwaukee Sentinel said editorially that term limits likely would not have been enacted "except for the chief's intransigence . . . no clear thinking alderman wants this autocratic arrangement perpetuated when the next chief is appointed."¹⁸

Although the term limit law had taken years to accomplish and the opposition to it had proven long and loud, it was achieved with much less difficulty than some had anticipated. Certainly, the exemption of Chief Breier from its coverage had eased the path, but, within a year, Breier's opponents in the State Legislature were emboldened to move a step further.

In October, 1979, State Assemblyman William Broydrick and State Senator Modecai Lee, both Milwaukee Democrats, introduced a bill requiring the retirement of Milwaukee's fire and police chiefs at age 70. Breier was 68. The chief called the proposal

¹⁷Bill A-42 allowed the Common Council to set limits on the chief's terms. Bill A-44 repealed the requirement that complaints to the Fire and Police Commission were restricted to property owners. See "Limits Put on Terms of Chiefs," The Milwaukee Journal, 8 June 1977; "Council Votes to Limit Chief's Term to Seven Years," The Milwaukee Journal, 22 December 1977; Ron Marose, "Council's Limit on Chiefs Illegal," Milwaukee Sentinel, 5 January 1978; "Veto Kills Tenure Law for Chiefs," Milwaukee Sentinel, 10 January 1976; "Limit on Chiefs Becomes Law," The Milwaukee Journal, 31 March 1978.

¹⁸"Seven Year Terms Make Sense," Milwaukee Sentinel, 27 March 1978.

"a personal attack" and wondered sardonically how some state legislators could "ignore runaway inflation, high taxes, energy shortages, and the needs of the elderly" and occupy their time with "petty politics." Seizing upon the age issue, he warned the state's senior citizens to "beware, your fate lies in the same hands of the legislators who propose this kind of bill." Sounding a note of defiance, he pledged "not to change my operation to satisfy the politicians involved."¹⁹

Eight of Milwaukee's sixteen aldermen wrote to Wisconsin Governor Lee S. Dreyfus on October 28, 1979 protesting that the proposal constituted "an unwarranted invasion of home rule powers." They asked the governor to veto the legislation if approved by the Legislature.²⁰ Governor Dreyfus agreed. He said that the proposal "implied that the city government down there is not capable of doing that on its own." The proposal lost nearly all of its momentum when Wisconsin Attorney General Bronson LaFollette issued an opinion in November, 1979 that "the City of Milwaukee has the authority to set a mandatory retirement age for its police and fire chiefs by charter ordinance . . . such a mandatory retirement can apply to the incumbent chiefs." The Attorney General's opinion had the effect of removing the issue from the Legislature and putting the ball in the court of the Milwaukee Common Council. The aldermen were reluctant to take up the issue in any substantive way, and it quietly died.²¹ However, the

¹⁹Harold Breier, quoted in "Breier Calls Bill Forcing Retirement a Personal Attack," Milwaukee Sentinel, 9 October 1979.

²⁰The eight aldermen, all of whom were white, included all of the representatives of the South Side wards and several others. They were Gregory Gorak, who drafted the letter, James Kondziella, Richard Spaulding, Kevin O'Connor, Robert Weber, Betty Voss, Joan Soucie, and Wayne Frank. See Charles J. Sykes, "Bill To Oust Breier Assailed by Eight Aldermen," The Milwaukee Journal, 29 October 1979.

²¹ Lee S. Dreyfus, quoted in Eldon Knoche, "Don't Set Local Rules, Dreyfus Says of Proposal Aimed at Breier," Milwaukee Sentinel, 12 October 1979; "Dreyfus Questions Age Law for Chief," The Milwaukee Journal, 11 October 1979; "Aldermen Rapped on Breier Issue," The Milwaukee Journal, 1 November 1979; Bronson LaFollette to Edward Jackamonis, 14 November 1979, Transcript, "Henry S. Reuss

effort was significant for several reasons. It was the first direct legislative assault on Breier's life-time appointment, and it encouraged some of his opponents to believe that some kind of resolution of his tenure situation was possible.²²

It appeared as if a major role in the abortive mandatory retirement effort came, not from Milwaukee or Madison, but from the Washington D. C. office of U. S. Congressman Henry S. Reuss (D-Wisconsin). Reuss, a traditional political liberal, represented Wisconsin's 5th Congressional District, which included nearly all of Milwaukee's African American neighborhoods as well as the area surrounding the University of Wisconsin-Milwaukee. It is likely that some of Reuss' constituents sought his help in ousting Breier.

A significant amount of correspondence between Reuss' chief of staff, Mike Brady, and members of the State Legislature in Madison revealed that the Congressman had more than a casual interest in the Breier issue. For example, Brady informed Reuss in a memo dated March 23, 1982 that he was in contact with two Milwaukee Democrats serving in the State Legislature, Barbara Ulichny and Marcia Coggs, and was helping them draft a mandatory retirement bill. Ulichny's legislative aide wrote Brady on March 24, 1982, seeking his advice on language for a proposed retirement law. Brady provided Reuss with detailed information about that proposal and kept him informed of Milwaukee media reaction. Brady also passed several messages from legislators in Madison to Reuss about the bill's progress and problems.²³ When the mandatory retirement idea evaporated, Reuss

Papers, 1939-1982," Milwaukee Manuscript Collection 112, State Historical Society of Wisconsin, Milwaukee Area Research Center, Golda Meir Library, The University of Wisconsin-Milwaukee, Box 6, Folder 27.

²²The threat of a retirement law had at least one unexpected effect. Milwaukee Fire Chief William Stamm, the prototype of an innocent bystander, announced his intention to retire in 1980.

²³Janet K. Kolden to Mike Brady, 24 March 1982; Mike Brady to Henry S. Reuss, 23 March 1982, 14 January 1982, Transcripts in "Henry S. Reuss Papers, 1939-1982," Box 6, Folder 27.

issued a statement from Washington suggesting that efforts to encourage the chief's voluntary retirement were "not realistic, because many others have done that, and he apparently is intent on serving for life." Instead, Reuss called for "action by the Legislature so that the Fire and Police Commission can determine whether Breier should be retained for twenty years or whatever his life expectancy is."²⁴

In the same month that legislators were gearing up to debate the retirement bill, The Milwaukee Journal became the first mainstream community institution to call for Breier's voluntary retirement. In an editorial published on October 18, 1979, the newspaper declared its opposition to the mandatory retirement proposal because of the precedent that it might establish. The editors called Breier "a decent man too convinced of the righteousness of his own views, too unwilling to listen to or learn from others." They argued that "there is an increasing gap between the kind of leadership he has provided and what the times require." They concluded that "his best service now lies in a graceful exit."²⁵

On March 25, 1980, Mayor Maier gingerly placed himself into what appeared to be a politically ascending movement. He wrote to the Fire and Police Commission and said that "inevitably, one of these days, Chief Breier will be considering retirement." Maier asked the Commission to develop a job description for the next chief. In an obvious reference to some of Breier's shortcomings, Maier wrote that "the 1970s demonstrated that the incumbent fire and police chiefs have had to deal with more complex situations than their predecessors ever encountered; such things as federally mandated affirmative action programs." He said that future chiefs should have "the ability to work with more

²⁴Henry S. Reuss, quoted in "Reuss Urges State Action on Breier," The Milwaukee Journal, 8 March 1982.

²⁵"Chief Breier--A Tough Cop Who Should Step Down Gracefully," The Milwaukee Journal, 19 October 1979.

formalized neighborhood programs" and demonstrate "managerial capacity in new crime techniques and technology."²⁶

The early 1980s were particularly difficult for Breier. Controversy loomed on many fronts and several national media outlets featured stories about police issues in Milwaukee. Time reported that "political pressure on Breier has become overwhelming" and referred to him as "autocratic" and "confrontational." Newsweek said that Breier was "often called Milwaukee's Fuhrer" and erroneously claimed that Maier sought the chief's resignation. The New York Times reported that "since 1972, there have been 267 complaints of brutality filed against Milwaukee police officers."²⁷

By early 1984, shortly after Breier's remarks about black crime, the effort to curtail his power picked up steam. Earlier efforts had been frustrating and had underlined Breier's seeming invincibility. The term limit law had not fazed him. The mandatory retirement bill came to an unceremonious end. Now, Breier's opponents scrambled for new alternatives. The Milwaukee Journal published a front page editorial on February 15, 1984, entitled "Enough Is Enough," which termed the chief's remarks about black youth and crime "dangerous," and "inflammatory" and called for the term limit law to be made retroactive. "Breier has been prodded for years to retire, but he refuses," the editorial declared. "As a result of the 1977 revisions of the law, the next chief will have a seven year term. Let's make that apply on, say, May 1 to the present chief."²⁸

²⁶Henry W. Maier to Arlene Kennedy, 25 March 1980, Transcript in "Records of the Henry W. Maier Administration, 1960-1988," Box 140, Folder 11.

²⁷"Accidents or Police Brutality?" Time, 26 October 1981, 70; Mark Starr and Sylvester Monroe, "Milwaukee Cops Under Fire," Newsweek, 15 February 1982, 31; "Milwaukee Policeman's Trial May Be Delayed," The New York Times, 18 October 1981.

²⁸"On Wisconsin: Enough Is Enough - Breier Must Go," The Milwaukee Journal, 15 February 1984.

During 1983 and 1984, a series of bills were introduced in the State Legislature to curtail the chief's power. The effort began in February, 1983 when two Milwaukee Democrats, Senator Gary George, an African American, and Representative Thomas Crawford, proposed that the Fire and Police Commission be authorized to conduct a review of the efficiency and conduct of the department and have the power to inspect the books, records, and other property of the department at any time. The George-Crawford proposal also clarified the terms under which the Commission could suspend or remove the chief if sufficient cause were provided.²⁹ The chief legislative opponent of the bill was Democratic Assemblywoman Margaret D. Krusick, the daughter of a Milwaukee police officer and the representative from Breier's home district. Krusick unsuccessfully tried to amend the bill to require that city residents vote on it in a referendum.³⁰ Sister Mary D. Kelly, editor of the pro-police newsletter COPS, testified before the Senate Urban Affairs and Government Operations Committee and said that the Fire and Police Commission did not have the on-the-job experience to handle oversight authority. PPPA Executive Secretary Robert Kleismet told the committee that the proposal was "rather troublesome." He said that the bill amounted to the creation of "civilian review boards to manage the everyday affairs of the department." Kleismet argued that if such a new law were created, the chief of police would become little more than a figurehead. He said that if people were unhappy with Chief Breier, they should "bring the chief up on charges of incompetence or malfeasance," rather than create a new law, which would affect chiefs in the future.³¹

²⁹The bill was known as SB-56, its designated number in the State Senate.

³⁰Democratic Assemblywoman Annette Polly Williams, who represented one of Milwaukee's African American neighborhoods, argued successfully against the referendum. She said it would be grossly unfair, because the city's minority population would be powerless in total voting numbers.

³¹Sister Mary D. Kelly, Robert Kleismet, quoted in Steve Burkholder, "Police Proposals Stir Clash," The Milwaukee Journal, 25 February 1983.

On March 29, 1983, the Milwaukee Common Council voted 8-7 to support the measure and Mayor Maier signed the resolution without comment. In October, the State Senate approved the proposal by a vote of 26-7.

For the better part of a year, the focus of revision and debate was the State Assembly. On February 29, 1984, a modified version of what came to be known as the "Breier Bill" was approved by the Assembly by a vote of 55-43. Speaking in favor of the bill, Assemblyman Spencer Coggs (D-Milwaukee) called the Milwaukee police situation "unbearable." He said that the city had a chief "who does and says what he wants to do." Assemblyman David Prosser (R-Appleton) said that most people throughout the state knew that Breier held "sort of a constitutional monarchy in the police department." Assemblyman Thomas Hauke (D-West Allis) opposed the bill. He credited the chief with making Milwaukee one of the safest cities in the world. Assemblyman Sheehan Donoghue (R-Merrill) warned that the Legislature was "setting up a patronage system like they have in Chicago," and Krusick renewed her call for a referendum. "You won't take the gamble," she said, "because you know the majority of Milwaukee citizens support Chief Breier."³²

The Assembly version would have enabled the mayor and the Common Council to exert more budgetary control over MPD by setting spending priorities, rather than just approving an overall budget, which in 1984 amounted to \$94 Million for the police department. The Senate bill had not contained the budgetary provisions. According to the bill approved by the Assembly, the chiefs would be required to submit "an estimate in detail of the department's proposed use of funds." The Fire and Police Commission would be required to review the estimate and submit recommended changes to the Common Council and the mayor. The Common Council would then decide on the specific

³²Spencer Coggs, David Prosser, Thomas Hauke, Sheehan Donoghue, quoted in "Breier Charges Vendetta: Chief Berates Assembly Bill, Defends Records," The Milwaukee Journal, 1 March 1984.

allocations for the fire and police departments. Under the bill, the Fire and Police Commission would have the authority "to review the efficiency and good conduct of the departments," and the chiefs would serve as an "adviser" to the Commission when it reviewed his or her department. In addition, the Commission would be authorized to issue written directives to the chiefs based on their review and the chiefs would be required to "implement the directives unless vetoed by the mayor." For the remainder of the spring of 1984, members of the Assembly and Senate tried to craft an acceptable compromise.³³

In a telephone interview with members of the press, Breier called the Assembly action "a vendetta" by State Assemblyman Thomas Crawford. He said that "this is the safest city in the nation . . . to have it ruined by a vendetta by Crawford, I think the citizens of this city should know about it. It's a vendetta to get one man --that's Harold Breier." He said that the bill was "a mishmash that would be impossible to carry out" and would allow politicians to take over the department. The chief thanked his supporters in the Assembly and said that they "voiced the thoughts of the greater majority of the people in the city who support the way I'm running the department." Then, in a demonstration of the old bravado, he denied that he was considering retirement. "It's hard to say when I'll retire. I'll know when the time is right."

Yet, Breier must have realized that his autonomy, to say nothing of his career, was in some peril. In a most uncharacteristic move, he began to plead for his future. He sent a letter to Assemblyman Richard Shoemaker (D-Menomonie) on March 2. He told Shoemaker that "if this bill is enacted, it would destroy the department as we know it today. Please do not let the press or personalities cloud the issue before you." Then, in a

³³Susan Trebach, "Assembly OK's Reins on Breier: Mayor, Panel Would Gain Power," Milwaukee Sentinel, 1 March 1984.

rare and poignant revelation, Breier told Shoemaker that he was facing "the twilight of my career."³⁴

On March 13, 1984, the Wisconsin Forum for the Constitution, an organization sounding suspiciously like a "front" for the conservative John Birch Society, sponsored a dinner honoring Breier at the Performing Arts Center in downtown Milwaukee. The main speaker was W. Cleon Skousen, a lecturer and author, who served for sixteen years as an FBI agent and four years as police chief of Salt Lake City, Utah.³⁵ At a joint news conference featuring Breier and Skousen at the Wisconsin Club prior to the dinner, a confident and defiant Breier dominated the event. Journalist Alex Dobish, a long-time Breier-watcher, reported that "Breier was a superb showman. His chin jutted forward when he wanted to be combative. He wrinkled his forehead and, sometimes, his nose. He raised his eyebrows at opportune times. His eyes twinkled. He scowled. He demonstrated confidence. He shook his head in obvious dismay over those unenlightened folk who don't understand what he has done for the Milwaukee Police Department." He told reporters that the proposed revision of his duties would not be approved if members of the Legislature "listen to their constituents." He claimed that the bill had progressed "because of the efforts of certain people who have concentrated on the department." Skousen warned that the people of Milwaukee should "be careful about meddling with something that is functioning good."³⁶

³⁴Harold Breier, quoted in *Ibid*; Roger McBain and Fran Bauer, "Breier Calls Bill to Cut Power 'a Mishmash'," The Milwaukee Journal 7 March 1984.

³⁵Skousen was on a list of available speakers sponsored by the American Opinion Bookstores, an affiliated operation of the John Birch Society. See Benjamin R. Epstein and Arnold Forster, The Radical Right: Report on the John Birch Society and Its Allies (New York: Random House, 1966), 213.

³⁶"Author to Speak Here in Support of Breier," The Milwaukee Journal, 11 March 1984; Harold Breier, W. Cleon Skousen, quoted in Alex P. Dobish, "In Conflict, Breier Is a Smooth Salesman," The Milwaukee Journal 14 March 1984.

Assemblyman John Plewa (D-Milwaukee), a strong Breier supporter in the Legislature, said that the Breier debate resulted in the greatest outpouring of constituent letters opposing an action that he had seen on a single piece of legislation. Chief Breier urged citizens to write to their legislators. Television Station WITI-TV6 did the same. In an editorial delivered by news anchor Carl Zimmerman on March 4, 1984, the station said that "no one in their right mind would hand over the department to politicians. Those legislators are moving quickly to ramrod this legislation though, so you'll have to hurry if you want it stopped. Don't permit this to happen." Many responded including Lucille A. Moran of Milwaukee, who wrote to her alderman that "Milwaukee wants a man like Chief Breier and wants him in control of his own department. The pastor of our church had the right idea. He refused to retire until he had his own hand-picked replacement. I certainly hope that Chief Breier can do the same." William J. Grosse of Milwaukee wrote that "our police department has been free of political influence and interference resulting in the most efficient, effective, and honest crime control of any major city in the United States. Let's keep it that way!" In contrast, television station WTMJ, an affiliate of Newspapers, Inc., argued that "these are not moves against the chief of police. They are moves against Harold Breier and only Harold Breier. They are attempts to make him accountable. He, personally, is eroding the independence of his successors."³⁷

On March 9, 1984, in the third attempt to work out a compromise with the Senate, the Assembly voted 55-43 to approve a bill reducing the power of the Milwaukee police

³⁷**John Plewa, quoted in Ron Elvig and Roger McBain, "Few Representatives Switched Votes on Breier Bill," The Milwaukee Journal, 7 March 1984; "Breier Asks Citizens To Write Letters," Milwaukee Sentinel, 28 February 1983; WITI TV6 Editorial, 4 March 1984, files of the Milwaukee Board of Fire and Police Commissioners; Lucille A. Moran to Robert A. Anderson, 21 September 1982, files of the Milwaukee Board of Fire and Police Commissioners; William J. Grosse to James Kondziella, 29 September 1982, files of the Milwaukee Board of Fire and Police Commissioners; WTMJ Editorial 24 February 1983, files of the Milwaukee Board of Fire and Police Commissioners.**

chief. The Assembly members removed an apparently troublesome amendment that would have given the Common Council the right to determine how the police budget would be spent. The bill, stripped of its budgetary provisions, still enabled the Fire and Police Commission to write rules for the department and made the chief's rule making power subject to the Commission's approval. It also allowed the mayor to veto such rules and allowed the Common Council to suspend any rule.³⁸ On March 21, the Senate voted 19-13 to approve the bill, without changing the Assembly version.³⁹ It was forwarded to Governor Anthony S. Earl, who signed it into law.⁴⁰ Governor Earl said that the bill made Milwaukee police and fire chiefs accountable to elected officials in the same way as in other municipalities across the state. "There has not been undue political interference in those communities," the governor pointed out, "and there will not be in the Milwaukee area." In Milwaukee, Breier issued a statement calling the bill "dangerous" but said that

³⁸Ron Elving, "Battle Over Breier Bill Not Finished," The Milwaukee Journal, 9 March 1984.

³⁹Among those voting in the Senate were several law makers who would go on to distinguished political careers. Those voting in favor included Democrats Russell Feingold, currently a U. S. Senator from Wisconsin, Lynn Adelman, now a U.S. District Court Judge, John Norquist, currently mayor of Milwaukee, and Joseph Czarnecki, currently Executive Director of the Milwaukee Board of Fire and Police Commissioners. Among those voting against the bill were Democrat Gerald Kleczka, now a member of the U.S. House of Representatives, and Republican Scott McCallum, currently governor of Wisconsin. See, Susan Treibach and Scott Gillespie, "Breier Calls Bill on Control of Police Dangerous," Milwaukee Sentinel, 21 March 1984.

⁴⁰Ch. 62.50, Sec. 1 (1984), Wis Law 1590. "The board may prescribe general policies and standards for the departments. The board may inspect any property of the departments, including, but not limited to, books and records." Sec. 23, "Duties of the Chief: The board may review the efficiency and general good conduct of the departments. A chief shall act as an advisor to the board when the board reviews his or her department. The board may issue written directives to the chief based on a review of the chief's department. The chief receiving a directive shall implement the directive unless the directive is overruled in writing by the mayor or suspended in writing by the Common Council. The chief shall maintain custody and control of all books and records which shall be available and subject to inspection by the board."

he was "duty bound" to obey it. Nearly lost in the shuffle was Fire Chief William Stamm, who complained that "no one ever mentioned me. They even called it the Breier Bill."⁴¹

Reflecting a skepticism prevalent in the African American community born of good intentions often gone wrong, the Milwaukee Courier said editorially that it "did not expect to see any significant changes in the operation of the Milwaukee Police Department or in the personality of the chief."⁴² But, they, like nearly everyone else in Milwaukee, were in for a major surprise. On May 1, 1984, Chief Breier called a news conference, where it was expected that he would announce the annual kickoff of the department's popular baseball card distribution program. Instead, Breier said that "I'm sure you have heard me make the statement many times that I would retire when the time is right. In my opinion, the time is right. The department is on top. It has an excellent reputation throughout the world. It seems to me that it's the time to leave." He set his retirement date for June 30, 1984.

Asked if he was leaving because of the recently passed legislation, at first he said that "there wasn't any one thing that made me retire. After 44 years, I think I've earned the right to retire." But, later in the conference, he said that "there's going to be changes, changes which I will have no part of. . . In my opinion, it's a terrible mistake. We're going back to the days of 1911 . . . I think I have done an excellent job in keeping this city safe. I'm strictly law and order, and I think the people appreciated it." He refused to answer any questions about whether he was hurt by recent attacks on him or the new law that signaled the end of his era.⁴³

⁴¹Anthony S. Earl, Harold Breier, William Stamm, quoted in Trebach and Gillespie, "Breier Calls Bill," Milwaukee Sentinel, 21 March 1984.

⁴²"What Can We Expect From Passage of the Breier Bill?" Milwaukee Courier, 7 April 1984.

⁴³Harold Breier, quoted in Jo Hansen, "Breier to Retire June 30: Chief to End 44 Year Career," The Milwaukee Journal, 1 May 1984.

Breier said that he told his family of his decision two days before the announcement. He recounted that "on Sunday evening, my wife and I had a meeting with our youngsters. We were out to dinner, and we had a very nice evening. . . I told them my wife and I had discussed it, and we had decided May 1st was going to be the day . . . I can remember my son saying, 'Dad, if that's what you want do, why, we'll go fishing'." He advised his commanding officers immediately before the news conference. "Give 'em hell," the chief told his stunned captains and inspectors, and he walked out of the room. In his typical style, Breier had not yet informed the mayor or the Fire and Police Commission of his decision. ⁴⁴

The next day, in an exclusive interview with journalist Alex Dobish, the chief was once again his old combative self. He called the charge that he had been a dictator in the department "tough bull crap." On the issue of race, he argued that "I don't care where you go in the city, the good people buy what Breier is selling or has been selling these many years. I'm not referring to any particular segment, race, color, or creed. The people want law and order. They appreciate what the department has done for them. It's only the special interest groups and the extremist groups that are dissenting." As for his handling of the 1967 civil disturbance, he explained that "we dealt with criminals at that time, with those people who were fire bombing, those who were shooting weapons and injuring people. How should you deal with those people, other than the way they were dealt with." He blamed Governor Earl for the passage of the new legislation. He said that "my understanding is that we would have made it in the Assembly. The bill would not have passed. Then they adjourned for a few hours. I understand that the governor came down

⁴⁴Harold Breier, quoted in Mary Zahn, "Breier Still in Complete Control After Bombshell," Milwaukee Sentinel, 2 May 1984.

and twisted some arms, and the vote went the other way. So, you win some and you lose some."⁴⁵

The comments of those who dealt with the chief for many years were, for the most part, gentle and generous. Mayor Maier said that Breier "served Milwaukee these last 20 years in a dedicated, conscientious, and loyal fashion. The monument to his success and to the character of our people is the fact that Milwaukee maintains one of the lowest crime rates of any city of our class. The chief will be greatly missed." William Gore said "I've disagreed with him adamantly on any number of things, but I've always said that the chief is a very honest person. There was an aura of honesty about him. Regardless of what side of a question he was on, he represented a kind of stability." Governor Earl said that "obviously the chief has made a great contribution to this city over the years." One of the major architects of the new legislation, Assemblyman Thomas Crawford said that "he's left his mark. He can be proud," and newly elected Alderman Michael McGee credited his own efforts, as a leader of the Lacy coalition, in bringing about the chief's retirement. "It's a task that I've been at since 1974. It took 10 years, but time was on my side when I started this battle."

It remained for the Milwaukee Courier to put the chief's retirement in perspective. "Our real concern ought not to be limited to changing the personality of the chief," the newspaper said editorially. "Instead we must make sure that we change the direction of policing policies."

⁴⁵Harold Breier, quoted in Alex P. Dobish, "A Farewell to the 'Good People,'" The Milwaukee Journal, 2 May 1984.

After providing a brief history of the Breier years, The Milwaukee Journal closed its final editorial on Harold Breier as chief with a quotation from Fire and Police Commission chair Gore. "It will be as dull as hell around here without Breier."⁴⁶

⁴⁶Henry W. Maier, William I. Gore, Anthony S. Earl, Michael McGee, quoted in "Reaction Is Strong and Varied," The Milwaukee Journal, 1 May 1984; Anthony S. Earl, Thomas Crawford quoted in "Reaction Mixed on Decision," Milwaukee Sentinel 2 May 1984; "Good-Bye Breier, Glad to See You Go-Sorry You Stayed So Long," Milwaukee Courier, 5 May 1984; William I. Gore, quoted in "A 'Supercop' Steps Down," The Milwaukee Journal, 2 May 1984.

VII. Happy to Smell the Roses

Two farewell dinners were held to mark the retirement of Harold Breier. On June 30, 1984, 500 people jammed the ballroom of the Eagles Club. They treated the soon-to-be former chief to eight standing ovations and a rousing chorus of "For He's A Jolly Good Fellow." Judge Christ T. Seraphim, who swore Breier into office on a February evening twenty years earlier, introduced the chief to the crowd. He declared, "chief, you will not have the editorial writers of the Journal bothering you anymore --those self-appointed experts." Breier responded to hearty applause, "Chris, don't get me going on the editorial writers of the Journal." He admitted to the crowd that he was retiring, because "I just don't want to be part of the changes that I feel are going to be made."¹

Two weeks later, on July 12, 350 people paid \$30 a plate to attend a testimonial dinner amid the splendor of the new Hyatt Regency Hotel in downtown Milwaukee; heady surroundings for a man who adamantly insisted on calling the evening meal "supper, not dinner."² The featured speakers were State Supreme Court Justice Robert W. Hansen and Mayor Henry W. Maier. The mayor credited Breier with rebuilding the Milwaukee Police Department from scandal and being largely responsible for the city's reputation for "honesty in government and the police department." Maier said that "people who used to describe him [Breier] as Attila the Hun now picture him as Ferdinand the Bull, happy to smell the roses and lead a quiet life." Breier paid tribute to "the good, hard-working people" of the city. "They didn't get the attention in the media they deserved. They were too busy making a living, but they were out there. They helped tremendously." The

¹Christ T. Seraphim and Harold Breier, quoted in Michael O. Zahn, "Ovations Say It All at Breier Party," The Milwaukee Journal, 1 July 1984.

²William Janz, "Chief Arrested by Prospect of Working in Home, Yard," Milwaukee Sentinel, 6 July 1984.

dinner's chairman, Bernard Strachota, Vice President of First Bank-Milwaukee, announced that the Hyatt Corporation was donating a seven day stay for Chief and Mrs. Breier at their hotel on the Hawaiian Island of Maui and that proceeds from the dinner would be used to cover the Breier's air fare and other expenses in Hawaii. "Before we were married," Breier said, "I promised to take my wife to Hawaii. I didn't say when." It would be their second vacation outside Milwaukee in 42 years of marriage.³

An immediate effort was launched by Alderman Richard L. Spaulding to name the Police Administration Building in downtown Milwaukee after Breier. In introducing the proposal, Spaulding told the Council members that "the majority of the people in Milwaukee are for Breier. If Council members want to vote against Harold Breier, let them do it and then face the people." The proposal was unanimously endorsed by the Council's Public Improvements Committee. Asked about the proposal, Breier said that "it would be nice, but I don't think you could ever get it through the Common Council." He was correct. On September 28, 1984, Council President John R. Kalwitz announced that the majority sentiment on the council was opposed to renaming the administration building. Kalwitz said that he feared the issue would have a divisive impact when "there is renewed hope and optimism for improved police-community relations." The proposal was withdrawn.⁴

For a brief period of time following his retirement, Harold Breier was much in demand as a public speaker. He also got involved in politics. He did not run for public office but endorsed "some people who are running who were nice to me in my career."

³Harold Breier, quoted in *Ibid*; Henry W. Maier, quoted in Mark Ward, "Friends Give Breier, Wife a Sendoff," The Milwaukee Journal, 12 July 1984.

⁴Richard L. Spaulding, John R. Kalwitz, quoted in Mike Christopolous, "Lack of Support Seen on Naming of Building for Breier," Milwaukee Sentinel, 29 September 1984; Harold Breier, quoted in Mary Zahn, "Breier Still in Control After Bombshell," Milwaukee Sentinel, 2 May 1984.

He campaigned for Margaret Krusich's reelection to the State Assembly in 1985, because "she fought a very hard battle to defeat Senate Bill 56" and served as co-chair of the 1988 campaign committee for Judge Seraphim.⁵ He endorsed the reelection of President Ronald Reagan in the Fall of 1984 and spoke at a rally attended by the president in suburban Glendale. "He's my kind of president," the former chief said. He opposed State Senator John Norquist's election as mayor of the City of Milwaukee in 1986 and charged that Norquist was telling black groups that he was largely responsible for the law that established term limits for the chief of police.⁶ On a lighter note, Breier starred in two television commercials promoting the weather forecasts of a local meteorologist.⁷

At home, the ex-chief tended to his rose garden. He directed a visitor to a wooden post in the garden emblazoned with the phrase, "Give 'Em Hell, Chief" and explained "see

⁵In 1985, Seraphim was suspended from the bench by the Wisconsin Supreme Court for judicial misconduct. In 1986, he was defeated for reelection. In 1988, he ran for election to the newly-created circuit branch 39. Breier and former Judge John Fiorenza served as co-chairs of his 1988 campaign. One of four candidates in that race, Seraphim did not advance beyond the primary election. See Breier Gets Post to Aid Seraphim," Milwaukee Sentinel, 11 January 1988.

⁶Harold Breier, quoted in Alex P. Dobish, "Breier Doesn't Expect to Fade Away," The Milwaukee Journal, 22 June 1984; Harold Breier, quoted in "Breier Busy in Retirement," Milwaukee Sentinel, 27 September 1984; Gregory D. Stanford, "Old Rhetorical Form Returns to Breier on Radio Talk Show," The Milwaukee Journal, 16 March 1988.

⁷An employee of WISN-TV12 overheard Breier tell some friends at a restaurant that "I always depend on John Malan," the station's chief meteorologist. The staff member reported the conversation to WISN's promotion director, Peter Barnes. Barnes wrote Breier and asked if he would be interested in endorsing Malan on a television promotional spot. Breier replied that he "would be favorably disposed." Two commercials were filmed in Breier's rose garden. In one Breier said, "a rose is a rose, but a weather forecaster is something different." In the other, he declared "I always depend on John Malan." Malan responded that "anybody who endorses me, I'm going to love, but a man with that type of credibility in the community, such an authority figure . . . I'm speechless. I'm flattered." Breier did not receive compensation for the endorsements. See Duane Dudek, "TV Today: Malan Comes Up Smelling Like a Rose," Milwaukee Sentinel, 27 September 1984.

what the guys from Number 6 gave me. And that rose tree came from the men at Number 2." He spent a good deal of time with wife Eleanore. He recalled that he had been "away from home an awful lot. It made it difficult for my wife. My wife really has been a sweetheart. Anybody who can get along with me for 43 years has to be a real fine lady." The Breiers enjoyed a comfortable pension of \$4,043 per month or \$48,518 per year, which amounted to 72 percent of his annual salary of \$67,517. At the time it was the highest pension of any retired city employee, according to Robert G. Nehls, Executive Director of the Milwaukee Annuity and Pension Board, and reflected 44 years of service with the police department including 20 as chief. Journalist William Janz described Breier as "happy as a cop with the rest of his life off. Laughing. Relaxed. Retired." He even cut down his cigar smoking from approximately eleven per day to two.⁸

After a while, Breier's celebrity status began to fade. The natural passage of time removed him from the spotlight. In addition, a series of illnesses befell him shortly after his retirement at age 72. On the day that he and his wife returned from Hawaii, January 1, 1985, he experienced severe stomach pains. On January 14, he underwent surgery for colon cancer but made a quick and complete recovery. Follow-up treatment was not necessary. Among the get well cards that he received was one delivered to his home by a patrol officer and signed by "the gang at Number 6." He said that "it gives a fellow a good feeling." He also received a personal letter from President Reagan. He remarked that "my wife and I thought it was the most wonderful thing in the world." The surgery caused him to lose a good deal of weight; from 245 pounds on the day of surgery to 205 pounds a month later. By April, he was back up to his "fighting weight" of 220 pounds and said that he felt so good that "a second tour as chief of police might be suggested." He did not give in to the temptation but did become a spokesman for the 1985 fund-

⁸Harold Breier, quoted in Janz, "Chief Arrested by Prospect of Working in Home, Yard," Milwaukee Sentinel, 6 July 1984; Mike Christopulous, "Breier Pension Set at \$48,518," Milwaukee Sentinel, 18 September 1984.

raising drive of the Milwaukee Chapter of the American Cancer Society. On June 19, 1986, Breier underwent triple by-pass surgery and more abdominal surgery on August 28 in which 80 percent of his colon was removed. In 1993, he underwent additional surgery for an undisclosed condition.⁹

The last few years of Harold Breier's life were less than happy. Eleanore Breier became desperately ill. She suffered chronic emphysema, had several debilitating strokes, and became bed-ridden. Breier took over all the household chores and sat at her bedside constantly. She died in May, 1998, shortly after the couple sold their home and moved into a retirement apartment. Three months later, on August 19, Breier fell in the apartment and broke a hip. He was admitted to Elmbrook Memorial Hospital in suburban Brookfield, where he suffered congestive heart failure and died on September 9, 1998. He was 87 years old.

Again, the tributes poured forth, but, this time, some of his old antagonists attempted to put his life in perspective. William Gore called him "a pillar of strength, the Rock of Gibraltar. He had a view of the world which diverted from mine, but, within that framework, I saw him as a man of integrity." Gore recalled that "once, during a discussion on minority recruitment, I said to him 'must we always fight?' and he looked me right in the eye and asked 'is there any other way?' We both convulsed in laughter." District Attorney E. Michael McCann said that Breier was "intensely committed to the city . . . He was a tough guy, but at the same time, very sensitive to his family and especially to his wife." Breier's old nemesis, Arthur Jones, who, ironically was serving as a successor to him as chief of police, recalled that Breier "demanded excellence for the Milwaukee Police Department. Chief Breier, like everyone else, was a man of his time." Eugene

⁹Harold Breier, quoted in Dan Kadlec, "Breier Happy to be Home After Surgery," Milwaukee Sentinel, 21 January 1985; "Breier Crusader for American Cancer Society," The Milwaukee Journal, 4 April 1985; "Uncompromising Chief Led Police for Twenty Years: Harold A. Breier, 1911-1998," Milwaukee Journal Sentinel, 10 September 1998.

Kane, an African American columnist for the Milwaukee Journal Sentinel, who had been a consistent critic of Breier's behavior and attitudes, captured his essence and, perhaps his and the city's tragedy. He wrote that "Breier was a loving father, husband, colleague, and friend to a great many people in this town and nothing I write will ever change that. He never showed that side of himself to a lot of people when he was chief. It is not out of order to suggest that perhaps things would be better today if he had."¹⁰

About 150 people attended the funeral of Harold Breier on September 14, 1998. The chapel was half empty; not because many did not still revere the former chief, but, as journalist Alan Borsuk pointed out, because so many of the old gang were gone. Mayor Maier died in 1994. Judge Seraphim died earlier in 1998. Even Breier's old antagonist, Father Groppi, had been dead for nine years. Arthur Jones was there, resplendent in the chief's uniform that Breier refused to wear.¹¹ Milwaukee Mayor John Norquist was out of town. Wisconsin Governor Tommy G. Thompson attended the wake but not the funeral. The speakers included Milwaukee City Attorney Grant Langley and Circuit Judge John Coffey. Both contrasted Breier's integrity with that of President Bill Clinton. The main eulogy was delivered by Circuit Judge Rudolph Randa who said that Breier was not out of touch with the way things ought to be, but, rather, "it was the people who said that truth is relative."¹²

¹⁰William Gore, E. Michael McCann, Arthur Jones, quoted in *Ibid*; Eugene Kane, "Sadly, Breier Never Saw Blacks As 'Good People'," Milwaukee Journal Sentinel, 15 September 1998.

¹¹Breier's daughter, Alderwoman Suzanne Breier, said that he refused to wear the chief's uniform, because he felt it to be pretentious. Hon. Suzanne Breier, interview by author, 19 March 2002, Milwaukee. However, there may be another explanation. Breier spent nearly all of his employment years, prior to becoming chief, as a detective. Detectives wore civilian clothes. His choice of clothing may have reflected his identification with that branch of the department.

¹²Rudolph Randa, quoted in Alan Borsuk, "An Era Passes: Friends, Family Mourn a Man, a Chief, a Pillar," Milwaukee Journal Sentinel, 15 September 1998.

Reasonable people could agree or disagree with Judge Randa's epitaph for Breier, but it seems clear that the power of the office of chief of police was relative. Others had held the same position, under the same legal circumstances. With the possible exception of John Janssen, none shaped the department into a personal fiefdom. Buoyed by an important state law protecting police from the crosscurrents of urban politics, Breier was able to turn his tenure into much more than the members of the 1911 State Legislature ever intended. He created a myth, which many politicians were willing to perpetuate, that no one else could impact upon law enforcement, and, if any attempted to do so, they would be retired by the righteous wrath of the "good people." Although he had a determined, sincere, and faithful following, neither he nor they were as politically powerful as most assumed. In truth, they could not easily translate their rhetoric into political currency. Mayor Henry Maier, one of the most politically astute politician in Milwaukee's history, understood that.¹³ Maier acted on that knowledge when it suited his purposes; he disregarded Breier and did what he needed to do, regardless of the chief's opinion. When it did not suit his purposes to act, Maier used the myth of the chief's invincibility and autonomy to avoid issues that he preferred not to address. Others were courageous enough to take chances and learned through experience that Breier's political power was largely made of whole cloth. For example, Joseph Czarnecki and E. Micheal McCann found that it was possible to speak one's conscience concerning the police and survive in public life. Breier could not rescue the political career of former Judge Seraphim or prevent John Norquist from becoming mayor of Milwaukee.

Few would deny that life-time tenure for a policy-making public official is inconsistent with the traditions of American democracy. The 1911 law demanded change, regardless of who might have served as chief. However, the Breier era did not lend itself to dispassionate discussions of good government. The framers of the legislation, which

¹³Frederick I. Olson, interview by author, 26 April 2002, Milwaukee.

effectively repealed the 1911 statute, were frustrated and desperate. They were searching for any way to hasten a change in the office of chief. They achieved their short-term goal but may have weakened the institution in the process. The history of the chief's position post-Breier raises at least the possibility that there may have been a better way to accomplish the goal but protect the integrity of the office. One of the co-sponsors of the new legislation, Milwaukee Assemblywoman Annette Polly Williams, voiced her misgivings about the long-term effects of the new arrangements. She said that "now that Chief Breier has retired . . . the changes in the law still remain in effect. This causes me great concern . . . the new law could stymie all the good qualities of the next chief. SB 56 now empowers local authorities to take advantage of the new police chief in the way that Chief Breier abused his authority over our community."¹⁴

While the legacy of Breier's retirement continues to bedevil the community, few seem to recognize it. Milwaukee historian Frederick Olson expressed surprise at how quickly some very significant Milwaukee people, including Harold Breier, have faded from memory.¹⁵ Breier, who evoked such intense emotion and was such a major figure in the city less than twenty years ago, has been tucked away somewhere in the attics of memory with the likes of Victor Berger, Karl Zeidler, and the Incomparable Hildegard. In 1999, an accomplished and credible local historian, John Gurda, published a widely-acclaimed popular history of Milwaukee. In its 437 pages of text, Breier is mentioned in parts of two sentences about the 1967 civil disturbance.¹⁶ Perhaps Breier, and others like him, finally have been put in proper perspective. Maybe he was not really all that important in

¹⁴Annette Polly Williams, quoted in "Breier Era Ends," Milwaukee Courier, 5 May 1984.

¹⁵Olson interview.

¹⁶John Gurda, The Making of Milwaukee (Milwaukee: Milwaukee County Historical Society, 1999), 371, 372.

the larger mosaic of Milwaukee history. If that be the case, however, many people who lived through the career of the "chief for life" would be surprised.

Perhaps the key to the passion that Breier generated had more to do with when it happened rather than why it happened. He came to power during an era that most historians define as the high-tide of liberalism. Had he been chief during a different generation, few might have noticed his behavior or objected to it. A number of other urban police chiefs, schooled in the same era as Breier and confronted with similar issues, also generated controversy. However, they were subject to direct political control. For example, when Maynard Jackson assumed the office of mayor of Atlanta in 1974, he immediately dismissed the city's police chief, John Inman. Inman's tenure was plagued by the identical accusations that were leveled against Breier; tolerating police brutality, failing to develop a meaningful police-community relations program, and discriminating in the hiring and promotion of minority officers. In 1966, the newly-elected mayor of New York, John V. Lindsay, dismissed Police Commissioner Vincent L. Broderick because of Broderick's outspoken opposition to civilian review boards, which Lindsay supported during his campaign for mayor. Mayor Richard J. Daley of Chicago, who had the authority to dismiss police superintendents, became disenchanted with the independent behavior of the city's police commissioner, O. W. Wilson, and pressured him to retire in the aftermath of Martin Luther King's open housing campaign in 1967. Several of Breier's contemporaries escaped similar fates through other means. William H. Parker of Los Angeles, who came under fire from the black community for his handling of the racial violence in Watts, died in office in 1966. Frank Rizzo, whose political power far exceeded Breier's, resigned his position as chief of police in Philadelphia and was elected mayor in 1971.¹⁷

¹⁷William J. Bopp, Crises in Police Administration (Springfield, IL: Charles C. Thomas Publisher, 1984), 22, 120; William J. Bopp, "O.W.: O. W. Wilson and the Search for a Police Profession" (Port Washington, NY: Kennikat Press, 1977), 122; Bryan Vila and Cynthia Morris, eds., The Role of Police in American Society: A

Although Chief Breier's career was unique in many ways, it can help explain the dichotomy between urban police chiefs and significant elements of the communities that they served in the mid to late Twentieth Century. Breier was chosen to be Milwaukee's thirteenth police chief in 1964 by a group of middle-aged, middle class white men whose ideas and values were rooted in the Great Depression and World War II. Their industrialized city was composed largely of middle and working class whites of European heritage. The small group of African Americans living among them were subservient and mostly invisible. Suburbs were silk stocking enclaves far removed from the tastes and pocketbooks of most city dwellers. The central business district was the heart of commercial, social, and cultural life. The importance of authority and a stable social order were clear and timeless. Youth were "seen and not heard." Well-adjusted women hovered in the kitchen. Patriotism demanded sacrifice and devotion from all.

Harold Breier reflected the values and life experiences of those who appointed him. In other urban areas, similar men were chosen by their mayors to enforce nearly identical norms and conditions.¹⁸ Their ascendancy to the chief's position was neither surprising nor unusual. However, neither they nor the people who appointed them understood or recognized the monumental changes occurring, or about to occur, in urban life. The rapid and dramatic racial, cultural, and demographic upheavals that took place in

Documentary History (Westport, CT: Greenwood Press, 1999), 176; S. A. Paolantonio, Frank Rizzo: The Last Big Man in Big City America (Philadelphia: Camino Books, 1993), 125.

¹⁸Journalist Eugene Kane, who relocated from Frank Rizzo's Philadelphia to Breier's Milwaukee, termed the behavior of the two chiefs "strikingly similar." William Bopp described an intrusive relationship between O. W. Wilson and his officers reminiscent of Breier's administrative style. Bopp argued that rank and file Chicago police officers internalized Wilson's undemocratic style and applied it in their behavior toward citizens. The similarities between Los Angeles Police Chief William Parker and Breier are reviewed in Chapter II. See Kane, "Sadly, Breier Never Saw Blacks," Milwaukee Journal Sentinel, 15 September 1998; Bopp, "O.W.", 134; James F. Richardson, Urban Police in the United States (Port Washington, NY: National University Publications, 1974), 139.

their cities were shocking to them. Neither Breier nor his contemporaries were prepared by background or temperament to modify their thinking or behavior in order to deal effectively with those changes. They became travelers on a fast-moving train taking them to places that they did not want to go. They struggled inelegantly to reverse course in mid-journey, but they could not derail the engine of change. Breier and his traditionalist colleagues became marginal and transitional figures separating the old urban realities from the new. The result was tension, frustration, and disappointment all around.

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B.A., University of Louisville, June 1964

Major: Political Science

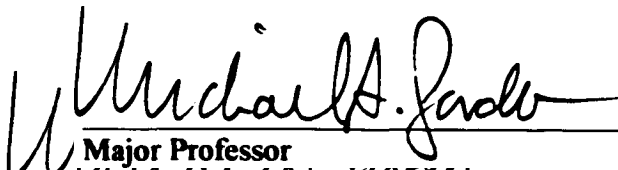
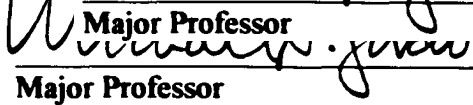
M.A., University of Wisconsin-Milwaukee, January 1969

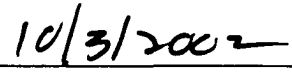
Major: Political Science

M.A., University of Wisconsin-Milwaukee, May 1998

Major: History

Dissertation Title: Chief for Life: Harold Breier and His Era


Major Professor

Major Professor


Date