

REPORT OF THE COMMISSION  
APPOINTED BY THE GOVERNOR TO  
INVESTIGATE CHARGES OF EXCESSIVE USE OF  
FORCE BY POLICE IN CHESTER, PENNSYLVANIA

**GOVERNOR'S OFFICE**  
**COMMONWEALTH OF PENNSYLVANIA**  
**HARRISBURG**

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To

STRICTLY EMBARGOED  
UNTIL AFTER 10:00 A.M.  
THURSDAY, NOVEMBER 19, 1964

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GOVERNOR'S COMMISSION INVESTIGATING RECENT EVENTS  
IN CHESTER, PENNSYLVANIA

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## INTRODUCTION

On July 13, 1964, the Honorable William W. Scranton, Governor of the Commonwealth of Pennsylvania, established a Commission to investigate the problems involved in the recent civil rights demonstrations in Chester, Pennsylvania. The appointment of the Commission followed the serious charges of excessive use of force by State and local police during the civil rights demonstrations on March 28, April 22, and April 24 of this year and the demands of a number of groups and persons for an independent investigation.

Appointed to the Commission by the Governor were William W. Bodine, Jr., James E. Gallagher, Jr., Thomas W. Pomeroy, Jr., Ira De A. Reid, Ernest Scott, and David Stahl. The Commission held an organizational meeting on July 17, 1964, and selected Mr. Pomeroy as chairman and Mr. Bodine as vice-chairman.

In order to provide administrative assistance to the Commission, Terry Dellmuth was appointed to serve as executive secretary. Thereafter, two additional staff members, Jon V. Heider, and Levan Gordon, were appointed counsel and associate counsel to the Commission, respectively.\*

Early in the Commission's deliberations it seemed desirable

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\*The members of the Commission and its staff are identified more fully on a preceding page.

to have the scope of its investigation more closely defined than it was in the original letter of appointment. With the approval of the Governor, the Commission has considered its assignment to be addressed specifically to the charges of excessive use of force by police and, to the extent that time would permit, to related charges of excessive bail, inadequate detention facilities and denial of due process of law.

Beginning on July 17 and continuing to the date of this report, the Commission has held 16 weekly sessions. The meetings have generally been held on Fridays, frequently continuing into the late evening and on occasion carrying over to the following day. Two of the meetings were held in Chester and the remainder in Philadelphia. The Commission's staff was located in the State Office Building in Philadelphia and also spent a considerable time in Chester.

Sixty-seven persons appeared from time to time before the Commission, about fifty additional persons were interviewed by its staff, and many others were talked to informally. The names of the persons who appeared before the Commission or who were interviewed by the staff appear in Appendix A. Each of those persons had either direct or indirect information about the March and April demonstrations in Chester, including the background leading up to those events and the developments in the community since that time.

Community leaders, civil rights leaders, demonstrators, eyewitnesses, State and local police officers, other governmental officials and newspaper reporters and photographers were among those interviewed. Only a few persons who were invited to appear before the Commission declined to do so because of involvement in pending or prospective litigation or for other reasons.

Those who appeared before the Commission or who talked to the staff did so voluntarily. The cooperation of these persons and their willingness to discuss the Chester situation made this report possible. Special mention should be made of the cooperation of the Commissioner of the State Police of the Commonwealth of Pennsylvania, members of his staff and other State Police personnel and of the cooperation of the Mayor of Chester, the Assistant to the Mayor, the Chief of Police and other police officers and officials of the city.

The Commission has deemed it necessary and desirable to consider the charges of excessive use of force by the police in the framework of the community climate in Chester and has spent a good deal of time in endeavoring to ascertain this background.

A number of reports on the alleged charges were reviewed by the Commission, including those prepared by the State Police, officials of the City of Chester, the Greater Philadelphia Branch of the American Civil Liberties Union and a committee of the

former Chester Human Relations Commission. In addition, police and civil rights groups furnished written statements made by more than fifty of the persons who participated in or witnessed the demonstrations.

The Commission also received many letters from private citizens and organizations about the investigation and examined the hundreds of letters about the Chester situation sent to the Governor and other State officials. The Commission and its staff also viewed television films of the demonstrations as well as many photographs taken by the press and by State and local police.

Certain limitations in the powers of the Commission should be noted. Although appointed by the Governor, the Commission, as a body comprised of private citizens, lacked the power to compel the attendance of witnesses, to subpoena documents, to administer oaths or to subject witnesses to probing examination. For these reasons, it should be made clear that the Commission could not undertake the kind of investigation which could be made by a body endowed with the power of subpoena and the power to administer oaths. As previously indicated, the persons who appeared before the Commission or who talked to the staff did so voluntarily. Generally, those persons were cooperative in giving factual information and in stating their views. In many instances, however, contradictory statements were made which were not reconcilable.

Nevertheless, the Commission believes it has been able to develop a fairly accurate picture of the events which were the subject of its investigation.

In the course of its work the Commission has found that public and private attempts are now being made to deal more directly and more constructively with the problems which may have generated the recent demonstrations in Chester. It is the hope of the members of this Commission that this report may make some contribution toward these efforts.

## CHAPTER I

### THE CHESTER COMMUNITY

Before discussing in detail the demonstrations on March 28, April 22 and April 24, it is appropriate to describe the City of Chester and to trace the events which led to the crisis in the spring of this year.

Chester is the oldest city in the Commonwealth of Pennsylvania and is located on the Delaware River in Delaware County, halfway between Philadelphia and Wilmington, Delaware. It typifies most of the problems associated with an older city in a rapidly suburbanizing area. Many of Chester's 63,000 inhabitants are experiencing the hardships of the economically underprivileged. Poor housing, a declining industrial and tax base, a growing and relatively unskilled Negro population, overcrowded and obsolescent schools and a high unemployment rate are all integral elements of the city. It is in the light of these characteristics that this Commission believes the recent civil rights protests in Chester and the charges which arose from them must be viewed.

#### CHESTER'S NON-WHITE POPULATION

About 40% of Chester's population today is estimated to be Negro. In 1940, this percentage was 17%. The increase in the non-white population since that time has been coupled with a 14% decrease in the white population. A substantial segment of the

white population has moved to suburban areas in Delaware County. The trend of emigration of whites and immigration of largely poorly-educated Negroes appears to be continuing.

Most of the incoming Negroes have settled in the "west end" of Chester. The 1960 census indicates that over four-fifths of Chester's non-white population lives in five contiguous west end census tracts (of 18 census tracts in the city).

In 1960, 37% of Chester's Negroes (and 17% of the white population) lived in "blighted" areas marked for clearance by the municipal authorities. An additional 25% of the city's Negroes lived in "rehabilitation" areas. Most of the houses in these areas are renter-occupied and are in many instances overcrowded and structurally unsound.

In addition, the 1960 census indicated that only 40% of Chester's non-white population age 25 and over had attended school beyond the eighth grade and only 4.3% had some college experience. Half of the non-white families had an income of less than \$4,000 per year, the amount stated by the Philadelphia Regional Health and Welfare Council to be the generally accepted poverty income level in the United States. The unemployment rate was twice as great for non-white males (16%) as for whites in 1960.

This is not to conclude that it is only the non-whites in Chester who live in hardship. The 1960 census indicated that the



median education level for Chester's total adult population was only 8.9 years of school (the whole of Delaware County was 12.0), and that about 30% of the white families in Chester earned under \$4,000 per year.

#### INDUSTRIAL AND TAX BASE

Chester's industrial base has been weakening over the years. Several industries, such as the manufacture of steam locomotives, are now non-existent, and other large employers, such as the Ford Motor Company, have recently closed their Chester plants. Much of the city's retail business has also been lost to shopping centers in the surrounding suburbs. As a result of these developments, unemployment has been high and the tax base has deteriorated. The declining tax base severely limits the public funds available for coping with Chester's problems.

#### LOCAL GOVERNMENT AND POLITICS

When a large segment of a city's population lives under conditions of this nature, there is often a lack of involvement by the rank and file of the citizens in their government. Chester is no exception. The feeling of apathy and alienation from the "establishment", that mythical part of society that many economically deprived persons believe has control over them, is heightened by additional factors in Chester. The first is the existence of the political organization - the so-called "McClure Machine"

(the reference being to John J. McClure, Republican leader in Delaware County for the past 40 years) - which has long dominated the political scene in the county. Regardless of the actual extent of its power over the life of Chester, the "machine" is perceived, especially by the Negro, as having complete control over the business community and government. It is this belief that has at least until recently contributed to the lack of interest and participation in community affairs. The causes of discontent and resentment are invariably blamed on the "machine".

Another factor is absentee leadership. Fifty per cent of Chester's working people are employed outside Chester. At the same time, 50% of the persons working in the city live outside Chester. It is the latter group that occupies most of the positions of business and civic leadership in Chester.

Many of Chester's leaders assert that there were no problems with the Negro community before the civil rights demonstrations began. As other cities have recently learned, however, there exists a great lack of communication between the leadership of the community and that segment of society which considers itself cut off from the opportunity for progress. This communication gap often leads to resentment and misunderstanding. This appears to have been the situation in Chester.

## EDUCATIONAL SYSTEM

The Chester public school system presently has an enrollment of about 11,000 pupils, or approximately three-fourths of the city's school population. Sixty per cent of the public school pupils are Negro. The single high school in Chester is fully integrated. In 1963, three of the eleven elementary schools had 100% Negro pupils and two others were almost all Negro. This racial composition of the schools has led to the charges of de facto segregation. The Chester School Board supports the "neighborhood school" principle, although commencing in September 1964, a number of pupils are being transported from overcrowded schools in the Negro section of the city to schools in other areas.

Many of the schools, especially in the Negro section, are old and in poor repair. Only one predominantly Negro school has a kindergarten. In addition, it is not disputed that many of the Negro elementary schools have been overcrowded.

These conditions are presently under consideration by the Pennsylvania Human Relations Commission as a result of charges by civil rights organizations. This agency has held extensive hearings beginning in May of this year shortly after the civil rights demonstrations took place. The Chester School Board also requested that the Pennsylvania Department of Public Instruction

make an investigation of the school system, which investigation began in early June 1964. Recommendations emanating from this investigation have recently been made by the Department of Public Instruction. This Commission has not considered the school problems as being within the purview of its investigation but recognizes them as contributing causes to the events under review.

## CHAPTER II

### THE CIVIL RIGHTS MOVEMENT IN CHESTER

Civil rights activities as an organized movement began in Chester approximately twenty-five years ago with the formation of the Chester branch of the National Association for the Advancement of Colored People (NAACP). George Raymond has been the president of the Chester NAACP since its inception. In 1962, Stanley Branche became its executive secretary. Branche held this position until September 1963, when he and others formed a new civil rights organization called the Committee For Freedom Now (CFFN).

During 1963, Branche, as executive secretary of the Chester NAACP, George Raymond, as its president, and Phillip Savage, tri-state secretary of the NAACP, comprised the leadership of the civil rights movement in Chester. In February 1963, they tried unsuccessfully to prevent the eviction of four families from a public housing project. Later that year they carried out a series of picketings and boycotts to draw attention to alleged discriminatory employment practices of Chester business establishments. These protests, the first of the organized demonstrations in Chester, resulted in an agreement on equal employment practices with the president of the Chester Business Men's Association and in the hiring of a number of Negroes by Chester businesses.

In July 1963, Joseph L. Eyre, then Mayor of Chester,

established a Human Relations Commission. The NAACP, which had urged the creation of the local Commission, protested that the persons appointed by the Mayor to serve on the Commission could not adequately represent the Negro population of Chester. These protests continued throughout the Commission's brief history. Due to lack of support from some segments of the community, many members resigned and the Commission eventually became inoperative.

Recently, the City of Chester engaged a former staff member of the Pennsylvania Human Relations Commission to serve as a Human Renewal Director for the city. One of his tasks is to take over the functions of the now defunct Chester Human Relations Commission.

In September 1963, Stanley Branche and the NAACP terminated their relationship. Branche became the chairman of the CFFN and Dr. Felder Rouse, Jr., a Negro physician practicing in Chester, became the vice-chairman of the new organization. It has been reported that Branche formed the CFFN because he felt that the Chester NAACP was not sufficiently militant.

This split between the NAACP and the CFFN initiated a division of loyalties in the Chester civil rights movement which has, with a few exceptions, lasted to the date of this report. Representatives of other groups participating in the demonstrations, such as students from nearby colleges, members of the Philadelphia

chapter of the Congress of Racial Equality (CORE), and clergymen from Chester and nearby towns have compounded the problem of disunity in the movement. The difficulty in coordinating these diverse interests may explain in part the sometimes poor organization of the Chester civil rights movement.

#### THE SCHOOL SITUATION

In the fall of 1963, the civil rights groups began to protest the conditions in the elementary schools in Chester. In November 1963, Stanley Branche charged that the Franklin Elementary School, a predominantly Negro school, was seriously overcrowded and had insufficient classrooms and inadequate toilet facilities, libraries and maintenance. A pupil boycott was organized and carried out on November 9, 1963, and picketing continued for about a week. During this period, on November 12, the entrance to the school was blocked by members of CFFN and other demonstrators, and the School Board ordered the school temporarily closed.

On the same day, Branche, Mayor Eyre and Chester councilmen met in an unsuccessful attempt to reach a solution to the problem. Branche was accompanied to the meeting by approximately 200 demonstrators. There were some disturbances at the Municipal Building and about 150 people were arrested. This was the first of the mass arrests of demonstrators in Chester.

The next day pickets again appeared at the Franklin School

and eighty persons were arrested. Later in the day, an agreement was reached among Branche, Phillip Savage, Chester City officials and the School Board to make improvements at the Franklin School and to transfer some of the pupils to relieve overcrowding. Part of the compromise appears to have been the dropping of charges against demonstrators in consideration of a promise to halt picketing and to try to resolve differences at the conference table.

After the November "truce" there were no further demonstrations until early 1964, when the CFFN began to protest alleged de facto segregation in the Chester public schools. The charges of de facto segregation\* refer to maintenance of Negro and white schools by gerrymandering school boundary lines, inferior educational standards, textbooks and physical conditions in Negro schools, exclusive use of Negro teachers in Negro schools and lack of equal advancement opportunities for Negro teachers and administrators. In February 1964, a boycott of the Chester schools was called and picketing of the schools began anew.

In March, the Chester Human Relations Commission issued a statement recommending integration of the faculties of the

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\*These charges of de facto segregation are alleged in the complaint of the Pennsylvania Human Relations Commission filed against the Chester School Board in May of 1964.



elementary schools by the next school term and development of a plan for integration of the student bodies. The School Board took the position that since the racial imbalance in the schools was caused solely by the residential pattern of the neighborhoods there was nothing it could or should do in the matter.

#### HOLY WEEK DEMONSTRATIONS

In March of 1964, the Chester NAACP and the CFFN, joined by the Philadelphia Chapter of the Congress of Racial Equality (CORE), united their forces to make an all out attack on the school issue. A rally to protest alleged de facto segregation was held on the evening of Good Friday, March 27, 1964, after which a large group of demonstrators marched to the downtown Chester area, sang and paraded. Three demonstrators were arrested and charged with blocking traffic. After a brief sitdown at 5th and Market Streets, Stanley Branche called off the demonstration. On the next day, three groups of demonstrators marched into the center of the business district and staged sitdowns at several busy intersections. The handling of the March 28 demonstrations led to the first serious charges of police brutality.

Up to this point, the Chester School Board had refused to meet with the civil rights groups. The Board took the position that all negotiations must be handled through the Chester Human Relations Commission. However, on April 4, 1964, the School

Board agreed to meet with the civil rights groups. This meeting, also attended by Chester city officials, was unproductive as Stanley Branche walked out, claiming that the School Board was not in fact interested in ending the alleged segregation. The next day the School District brought a declaratory judgment suit in the Court of Common Pleas of Delaware County to determine whether the School District had any affirmative duty to correct the alleged de facto segregation resulting from neighborhood housing patterns. The suit is still pending.

At one point, Stanley Branche refused to deal through the Human Relations Commission due to his desire to meet directly with the School Board itself. Subsequently, a meeting with the School Board and the civil rights leaders was arranged for April 17, 1964, by Mayor James Gorbey who had taken office in January. A group of white citizens who had organized to oppose any change in the Chester school pattern, called the Chester Parents Association (CPA), also attended this meeting. Upon learning of CPA's presence at the meeting, Branche refused to attend.

#### STATE INTERVENTION IN SCHOOL SITUATION

At the behest of the Governor, the Pennsylvania Human Relations Commission directed its attention toward Chester on April 20, 1964, and was instrumental in setting up a meeting with the Chester School Board and the civil rights groups that

night. Anticipating that this meeting would be fruitful, a 24 hour moratorium was declared on demonstrations. Negotiations collapsed, however, with each side levelling charges against the other that neither wanted to solve the problem. The civil rights groups were adamant in their position that they wanted to meet with a committee from the School Board rather than to negotiate through the solicitor for the School District, who seemed to be the spokesman for the Board. Also, the civil rights groups wanted the suit brought by the School District for the declaratory judgment to be held in abeyance pending the outcome of these negotiations. The School District refused to ask the Court for a postponement of the suit. It also took the position, through its solicitor, that a special committee of the School Board could not make decisions for the School District itself.

On April 21, the demonstrations were resumed. No arrests were made on that evening. On April 22, there were demonstrations at a number of schools during the day, followed by the one in front of the home of John J. McClure, and the one at the Chester Police Station later that night. These demonstrations resulted in mass arrests, injuries and charges of police brutality against State and Chester police.

During the course of the afternoon demonstrations on April 22, the Chester School Board closed all the public schools.

On April 23, the School District again sought the aid of the courts and asked for an injunction against demonstrations and boycotts of the schools.

On April 24, two demonstrations took place in the Negro section of Chester, the second of which resulted in a number of arrests, a number of persons injured and further charges of police brutality.

It has been reported that emotions were running high in the Negro community on April 25, and that many persons there were prepared for all-out violence. However, the civil rights leaders, after much deliberation and fearing the possibility of violence, called off any demonstrations, despite considerable pressure to the contrary.

On April 26, a meeting to consider the Chester situation was held in Philadelphia attended by Governor Scranton, Attorney General Alessandroni, the Mayor of Chester, the Chester City Solicitor and representatives of the Pennsylvania Human Relations Commission. It was decided at the meeting that the Pennsylvania Human Relations Commission should conduct hearings in Chester on the school situation.

The next day, April 27, Governor Scranton made public his request to the Pennsylvania Human Relations Commission to hold public hearings on the charges of de facto segregation in the

Chester schools. On the same day, the schools reopened. Subsequently, the School District obtained a court injunction against further demonstrations at school sites.

#### THE GREATER CHESTER MOVEMENT

In addition to the public hearings conducted by the Pennsylvania Human Relations Commission on the charges against the Chester school system, another significant effort to meet some of the city's problems has taken place. After many weeks of preparation by State and local officials, the Greater Chester Movement (GCM) was organized, and on June 19, 1964, the first public meeting of the GCM took place.

The GCM is an outgrowth of all that has occurred in Chester in recent years. This organization's primary purpose is to involve local citizens, with the aid of State and local government, in an effort to bring about a general improvement in the economic and social conditions of Chester. The responsibilities of GCM's four major citizen committees - human, educational, physical and economic renewal - emphasize its proposed scope. On August 6, 1964, Governor Scranton and members of his cabinet attended GCM's second public meeting and emphasized the State's support of this effort.

We have been informed that the civil rights demonstrations helped to bring about a greater awareness of the city's problems

to the citizens of Chester and to officials of the State and city government. From this awareness, GCM hopes to develop programs which will revitalize the City's social and economic base and to provide direct help to those citizens who are most in need. GCM is also attempting to secure funds from the federal government's new anti-poverty program. A full time executive director and two full time professional aides now comprise GCM's staff.

GCM has gained the cooperation of a large segment of the community. There has, however, been some initial skepticism on the part of some civil rights leaders as to whether GCM will actually help the low income Negro and concern itself with the general problems of human relations in Chester. The chairman of GCM has advised the Commission that these are among the principal problems with which the new organization will deal.

The city officials of Chester are playing a major role in this new approach to the city's problems. In addition to cooperating fully with the Greater Chester Movement (Mayor Gorbey is a member of its steering committee), the city has hired a professional urban renewal director. Recently, the city created the new position of Human Renewal Director to focus on the human problems involved in urban renewal and race relations and to assist GCM on its programs. To fill this position, the city appointed Norman Watts, former Philadelphia regional director of

the Pennsylvania Human Relations Commission.

While the problems that gave rise to the demonstrations have not as yet been resolved, steps toward their solution seem to be under way.

## CHAPTER III

### CHARGES OF EXCESSIVE USE OF FORCE

Serious charges of police brutality followed the civil rights demonstrations of March 28, April 22 and April 24 of this year. Claims of excessive use of force and counterclaims of unlawfulness and violence are associated with some of the other days on which civil rights sit-ins and marches took place, but these claims were not of the same significance as those which arose from the three dates mentioned.

The news media were the first to report the events of those three days, and newspaper, radio and television news accounts undoubtedly stimulated the adverse criticism concerning police action in Chester. For example, the Delaware County Daily Times in describing the disturbance at the intersection of 7th Street and Edgmont Avenue on March 28 said that "club swinging city police halted a racial sitdown at the busiest intersection in the city this afternoon". On March 30 the same newspaper said that on the 28th police "moved in, swinging riot sticks". A story in that newspaper also described "...two guys with bleeding heads sitting on the ground outside the wagon. The police were making them sit on the ground after they hauled them over".

The Philadelphia Tribune, a newspaper primarily addressed to the Philadelphia Negro community, stated on March 31, in an



article which refers to the March 28 demonstration, that:

Without making any announcement to the group (of demonstrators), they (the police) began to pull several toward the wagon. The demonstrators went limp. This infuriated the police who then began dashing around in groups of 3 or 4 and surrounding the prone demonstrators. They would bend over the individual to be arrested and moments later, when they began dragging him away, blood would be seen on the person's face or head. When they grabbed Bryant, they pulled down his pants, pulled his jacket over his arms, and beat him openly as they dragged him to the wagon.

On April 22, 1964, Timothy Tyler, a reporter for The Philadelphia Evening Bulletin, suffered a broken nose and lacerations, as a result of a scuffle with Chester police, and was arrested during the course of the breaking up of the demonstration in front of the residence of former State Senator John J. McClure.\* On the following day a second Bulletin reporter was arrested in the police station after an argument with a Chester police officer. On April 23 there was printed on the front page of The Evening Bulletin the text of a telegram sent by Robert McLean, Chairman of the Board of the Bulletin Company, to Mayor James H. Gorbey protesting these incidents. This telegram said:

I want to protest with all of the energy at my command the brutal and unnecessary beating administered to Timothy Tyler, a reporter for The Bulletin, present in the City of Chester on official assignment to report events transpiring there.

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\*This incident is described in detail in the Supplement to this report.

After Mr. Tyler had identified himself to police, he was attacked with blackjacks and nightsticks by five or more police officers without provocation. His only actions were taken in self-defense to protect himself from brutal manhandling. Only upon the intervention of outsiders was he given the minimum medical attention required by his injuries.

I also protest, in addition, the illegal and improper arrest of William W. Lawrence, also a reporter of The Bulletin, upon his arrival at the police station to inquire about the condition and whereabouts of Mr. Tyler and to drive him to a hospital upon his release.

This kind of police brutality belongs in the dark ages, not in modern society. I hope you will make a complete and thorough investigation and take steps necessary to protect reporters in the pursuit of their duties.

I am sending copies of this telegram to the Governor and the Attorney-General of Pennsylvania, and also to Drew J. T. O'Keefe, U.S. Attorney.

The last of the three most serious demonstrations, that which occurred on April 24, was described by William Wingell in an article which appeared in The Charleston (W. Va.) Gazette on May 21, 1964:

At Chester, on the night of April 24, I watched in horror as an estimated 150 state police,\* with a yell of "go get 'em" ran wildly through a street in the city's Negro section and beat with their nightsticks Negro demonstrators and onlookers who were standing on the sidewalks after a civil rights protest

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\*There were in fact 88 State police officers involved, and, of course, several Chester police officers.

had been broken up. I saw several persons attacked in this manner while they were in flight. I watched state police - so many that they crushed one another at the doors - surge into a tavern and toss its occupants out onto the sidewalk, where they were struck by more troopers brandishing nightsticks.

The tenor of these comments was also carried on the air in radio and TV reports. The role of the news media in reporting the Chester situation is discussed in Chapter IX.

The demonstrators and civil rights leaders have charged the police with brutality in breaking up civil rights demonstrations on March 28, April 22 and April 24. The CFFN collected about fifty written statements from persons who claim to have suffered or witnessed excessive use of force by police on April 22 and April 24. Copies of these statements were circulated among organizations interested in civil rights and complaints of police brutality were thereby disseminated. To the Commission's knowledge, written statements concerning the events of March 28 were not similarly collected.

In addition to the reports of news media and the written statements from demonstrators and other witnesses, several organizations, to wit: the Greater Philadelphia Branch of the American Civil Liberties Union, a committee of the Chester Human Relations Commission, the Fair Housing Council of Delaware Valley, the Catholic Intergroup Relations Council and the Inter-Faith

Committee for Reconciliation, made reports and statements based largely on newspaper accounts, photographs, interviews with witnesses, the above mentioned statements and, to a limited degree, eyewitness observations. These reports generally concluded that an excessive amount of force was used by State and local police in quelling the demonstrations on March 28, April 22 and April 24. There may also be in existence similar reports by other organizations which were not brought to the attention of the Commission.

The comprehensive report of June 30, 1964, prepared for the Greater Philadelphia Branch of the American Civil Liberties Union (ACLU) by Professor Paul Bender of the University of Pennsylvania School of Law, was intended to determine whether or not there existed a prima facie case which would support charges of police brutality in Chester. Professor Bender concluded that the allegations of excessive use of force were supportable in a number of instances. He stated in his report and he emphasized to the Commission that he made no attempt to interview State or local police officers or municipal officials in Chester. Therefore, in accordance with Professor Bender's remarks, his report was considered by the Commission as if it were a complaint or a bill of indictment. It was not taken by the Commission to be the final conclusions of the Philadelphia Branch of the American

Civil Liberties Union regarding police brutality in Chester.

The report prepared by a Committee of the Chester Human Relations Commission is concerned only with the events of March 28. It emphasized the severity of the physical injuries which some of the demonstrators and others who became involved in the disturbance received on that day and concluded that the Chester police used excessive force in breaking up the sit-in demonstrations. Two of the four members of this committee who investigated the events of March 28 for the Chester Human Relations Commission did not sign this report and apparently it was never formally considered by the whole membership of the Chester Commission.

The "Report on Chester" by the Fair Housing Council of Delaware was written for presentation to this Commission by the Council's executive director, Richard Taylor, who was an eye witness to the demonstration at 3rd and Pennell Streets on April 24. This report, together with the statement prepared by three observers representing the Catholic Intergroup Relations Council, contain further allegations of police brutality.

Representatives of the Inter-Faith Committee for Reconciliation made a personal visit to Governor Scranton on the early morning of April 26, 1964. They reported charges that police, both State and local, had used excessive force in Chester and they requested an official inquiry into these charges as well as

into the Chester public school situation.

Col. E. Wilson Purdy, Commissioner of the Pennsylvania State Police, ordered an investigation to be made by State Police officers into the charges of State Police brutality in Chester and a detailed report, dated June 5, 1964, was prepared by Detective Sgts. R. O. Wellendorf and Lewis R. Kishbaugh. Col. Purdy shortly thereafter forwarded a copy of this report to Governor Scranton with a covering letter, dated June 10, 1964, summarizing its contents.

The investigation and report of the State Police were concerned solely with the allegations that State Police officers used an excessive amount of force in Chester on April 22 and April 24. Furthermore, the report is generally limited to an investigation of the charges of brutality against State Police which were made to the State Police investigators by Stanley Branche, the Reverend D. Evor Roberts and other sources in the form of written statements, or "depositions" as they are termed in that report. The State Police report does not dispute that force was used by State troopers on April 22 and again on April 24. It concludes, however, that the allegations against the State Police contained in those written statements are either not credible, that the amount of force used by State Police officers in each instance was completely justified or that the incident

did not involve State Police.

It should also be noted that State Police investigators submitted to Col. Purdy an analysis commenting on and refuting the ACLU Report. This might appropriately be characterized as an answer to the complaint represented by the ACLU Report insofar as it dealt with the State Police, and was considered by the Commission as such.

At the request of the Commission, the Mayor's office in Chester also prepared an answer to the ACLU Report. In addition, the Chester Police Department made available to the Commission a large number of summary reports by Chester police officers for the period from March 27 through April 24, 1964. These reports were prepared by the then Acting Chief of Police and other members of the police force, and summarized the activities and the amount of overtime of the reporting police officers for that period.

All the written materials mentioned above were fully considered by the Commission and were of assistance to it in its investigation.

In addition, the Commission examined the more than 1,500 letters received by the Governor and other state officials in reaction to the Chester situation. Many of these letters protested the excessive use of force by either the State Police, the Chester police, or both. A large bloc of the letters supported

the actions of the police as well as of the Chester School Board. A large portion of the letters protesting police brutality were mailed from addresses other than Chester.

As a result of the wide reaction of citizens and civil rights groups which followed these demonstrations and the reporting thereof, this Commission was appointed by the Governor to make this investigation.



## CHAPTER IV

### THE EVENTS OF MARCH 27-28

The demonstrations of March 27 and 28 were intended to protest de facto segregation in the Chester public schools. The civil rights organizations believed that no meaningful action had been taken to improve the school situation despite their repeated demands.

On March 25, 1964, three days before the first demonstration at which violence is alleged, the Chester NAACP and the CFFN decided to resolve the differences between the two organizations and to cooperate on future protests relating to the Chester school question. Although prior to this date the NAACP had not cooperated with CFFN demonstrations, these two groups planned and staged a mass meeting on the evening of March 27 as the beginning of continuous demonstrations against de facto segregation.

Chester police report that on March 27 approximately 300 persons attended the mass meeting or rally (such meetings are referred to in Chester as "rallies") at St. Luke's Church beginning at 8:00 P.M. Following the meeting, a group of demonstrators estimated to number from 150 to 300 marched through the Chester business district carrying torches and singing "freedom" songs.

Chester police report that they directed the demonstrators who were marching on March 27 to extinguish their torches and to remain on the sidewalks or face arrest. The demonstrators complied with this order, except for three persons who were arrested for blocking traffic. These arrests provoked a protest among the demonstrators who then staged a "sit-in" at the intersection of 5th and Market Streets. According to Chester police, this sit-in, which lasted from about 11 P.M. until about 12:30 A.M., blocked the intersection and police were required to divert traffic. At approximately midnight a group of State Police officers, variously estimated between 20 and 60, arrived near the intersection wearing helmets and carrying riot sticks. The State Police were not called into action but they marched by in full view of the demonstrators. Shortly thereafter Stanley Branche called off the demonstration. No mass arrests of the sit-in demonstrators were made.

The demonstrations which had been announced for the following day, Saturday, March 28, began about noon time when approximately 30 to 35 persons, mostly in their early twenties, 'teens or younger, marched across town and staged a sit-in at the intersection of 7th Street and Edgmont Avenue. Two subsequent sit-in demonstrations were held on the same afternoon: one at the intersection of 5th and Market Streets, beginning

at approximately 1:30 P.M. and the other at the intersection of 6th Street and Edgmont Avenue, beginning late in the afternoon. The sites of these demonstrations are all near the center of the Chester business district; each demonstration blocked traffic on a busy pre-Easter holiday afternoon.

The demonstrations were organized by Stanley Branche, who told the Commission that he planned to use 30 "hand picked" students from Pennsylvania Military College, Swarthmore College and Cheyney State College. These young demonstrators were directed to sit or lie down in the street at a busy intersection and to remain there until arrested and carried off. In the event of arrest, the demonstrators were to adopt the technique of passive resistance, that is "to go limp" and thereby force the Chester police to carry them away.

The demonstration at the intersection of 7th and Edgmont had been under way for about 15 minutes when Chester police arrived at the intersection and Sgt. James F. Thomas (now Captain Thomas) announced to the demonstrators over an electric, portable amplifier, commonly referred to as a "bull horn", that the demonstrators must clear the intersection or they would be arrested. Several of the demonstrators deny having heard this order. On the basis of the statements made to the Commission both by demonstrators and impartial observers, the Commission concludes that

notice was given to the demonstrators to quit the intersection and that such notice either was heard or could have been heard by all present. Only a few of the demonstrators voluntarily left the intersection after Chester police arrived and ordered them to disperse. Acting Chief of Police Joseph Bail (now Chief of Police Bail) ordered the arrest of demonstrators who refused to comply with the police order and the police then moved in to make the arrests.

It is possible to glean from the several divergent statements concerning the manner in which the Chester police effected these arrests that most of the demonstrators remained passive and limp in the streets. However, instead of being carried away, as they anticipated, the demonstrators were generally grabbed by the arms or under the arms near the shoulder by two or more Chester police officers and dragged to a waiting police van or to the police station. Several of the demonstrators and civil rights leaders have characterized this dragging away as in itself an excessive use of force, although there are more serious charges of police excesses on that day of a different nature. In addition, some of the demonstrators -- how many is not known -- swung their arms and struggled with the police in order to make more difficult their removal from the street. Although these demonstrators departed from the technique of passive resistance, there is no

indication that, with one exception, they intended to strike or otherwise harm Chester police or escape from arrest. Chester police in some instances used their night sticks to subdue the struggling demonstrators. In the course of carrying out their duties two Chester police officers were injured.

At least two demonstrators, Richard James and Walter Bryant, were seriously injured during encounters with Chester police at this demonstration. James and Bryant contend that, while they did engage in "passive resistance", they offered no active resistance or provocation for the use of force against them. Chester police officers, on the other hand, assert that Bryant assaulted officers Walter Hoyle and Walter Gibbons, injuring both, and had to be subdued by police. Chester police also stated that James resisted arrest and force had to be used to subdue him. Summaries of the James and Bryant incidents appear in the Supplement to this report.

In addition to the demonstrators, at least three newspaper photographers, Bert Hodge, Stanley Daniels and Lawrence Henry, were arrested by Chester police at the 7th and Edgmont demonstration. Hodge, a photographer for the Delaware County Daily Times, told the Commission that he was struck from behind by the shoulder of a Chester policeman, knocking his camera out of his hands onto the pavement. He was then placed under arrest.

Hodge said that it seemed as if the police were determined to remove all photographers from the scene even before they had removed all the demonstrators. He added, however, that he was in the street taking pictures and that he did not realize that the order to clear the intersection included members of the press. Stanley Daniels, a free lance photographer, is shown in a photograph which is part of the ACLU Report as he is being arrested by three Chester policemen, one policeman holding each of Daniels' arms and a third holding a night stick across his throat. The Commission has had no statements or other reports concerning the arrest of Lawrence Henry, a free lance photographer, other than that he was arrested at this intersection by Chester police. Edward Gill, a Chester magistrate, who was a witness to this demonstration, said that he heard a photographer swear loudly at police during the arrests and saw him lunge at an officer with his fists and that he also saw another photographer swing a light meter at a policeman. Gill further said that Bert Hodge got in the way of a policeman. Henry and Daniels may be the other photographers referred to by Gill.

The second demonstration on March 28 began at about 1:30 P.M. when approximately 16 young demonstrators sat in the intersection of 5th and Market Streets singing freedom songs, blocking traffic and inviting arrest. In the ACLU Report, Professor

Bender states that there are no charges of excessive use of force by the Chester police at this intersection and that those who were arrested apparently were carried off in a less forceful manner. However, one demonstrator, Ulysses Grant, told the staff of the Commission that he was struck without provocation while being placed on the bus after his arrest and that he saw other demonstrators hit also.

In addition to Grant, at least three persons, Milton Reaves, Lewis Watts and Arnold Church, claim to have been beaten by Chester police either on the way to the police station or inside the police station. These charges are denied by the police. Watts and Church claim that they were spectators to the demonstration and each stated that he was arrested when he protested the manner in which a Chester policeman arrested a woman, whom the Commission has been unable to locate. Watts said that the woman was not a demonstrator but merely a shopper who wanted to cross the street. Church engaged in a fight with Detective Joseph Talarico inside the police station and knocked two teeth from Talarico's dental plate and lacerated his gum and mouth. A summary of the conflicting statements concerning the arrest and injuries of Reaves and Watts and the arrest of Church appears in the Supplement.

Ulysses Grant claims that he was hit once with a fist when

he gave his name to police at the station. He had initially refused to tell the police his name and had been argumentative with them.

The third demonstration on March 28 was held in late afternoon at the intersection of 6th Street and Edgmont Avenue. There are no claims of violence by either the demonstrators or the police and the demonstration seems to have been entirely peaceful. It is interesting to note in this connection that this is the only demonstration on March 28 at which Stanley Branche and Dr. Felder Rouse, Jr. are reported to have been present. These civil rights leaders, however, did not take part in the demonstration but watched it from the sidewalk.



## CHAPTER V

### THE EVENTS BETWEEN MARCH 28 AND APRIL 22

The events during this period provide a background for a better understanding of the demonstrations of April 22 and April 24. Throughout this period rallies and demonstrations in the form of marches to protest the school situation and police conduct continued on an almost daily basis.

These civil rights marches may be described generally as a long column of persons of all ages, the most animated of which were the younger people, walking generally two by two, clapping and singing freedom songs. The singing was performed on an individual basis with apparently little concern for harmony or vocal unity. The column of marchers was led by civil rights leaders and was ushered by marshals whose duty it was to keep the demonstrators orderly, in line and on the sidewalk or street, according to plan. Civil rights leaders describe these marches as being peaceful and orderly. Chester police characterize them as generally loud, noisy and disorderly. Police further state that during the course of these marches they were cursed and spat at by demonstrators, a claim that civil rights leaders deny.

Chester police report that on Sunday, March 29, about 20-40 demonstrators\* marched into the center of the city, carrying

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\*There is little agreement in the estimates of the number of

placards and singing freedom songs. The demonstrators marched around the police station, probably more than once, and disbanded on the Post Office steps. There were no arrests.

On March 30, about 150 to 200 demonstrators attended a rally at 8:00 A.M. and then marched around the police station for about an hour. The group disbanded at 11:00 P.M. There were no incidents or arrests. This was repeated the next night, March 31.

On March 31, the Chester School Board announced that it would make a feasibility study of the Chester Human Relations Commission proposal for consolidating school facilities to avoid de facto segregation. Stanley Branche, however, continued his demands to meet with the School Board to discuss ending de facto segregation.

On April 1, after a rally beginning at 8:00 P.M., two groups of demonstrators marched 10 abreast down Market Street, from 6th to 4th Street, singing freedom songs. Chester police report that they ordered the demonstrators to get out of the street or face arrest. Sgt. Thomas then asked Branche to tell

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\*persons who took part in the rallies and demonstrations on the various days. Persons involved in the demonstrations have told the staff of the Commission that they believe that the police consistently underestimated the number of persons present.

the demonstrators to leave the street and Branche reportedly replied that Phillip Savage was the leader of that demonstration. Sgt. Thomas gave Savage the bull horn and Savage told the people in the street to sit down and not resist police officers if placed under arrest. A large number of demonstrators sat down and Chester police arrested a total of 107 persons, consisting of 60 adults, 14 older juveniles and 33 juveniles age 15 and under.

On April 2 an estimated 350 persons marched into the center of the city and around the police station. The group dispersed shortly after 11:00 P.M. and there were no arrests.

It was on this date that Mayor James Gorbey, who had assumed office in January 1964, issued a 10-point statement of policy on the preservation of the public peace by the police (See Appendix B). This statement, which received wide publicity, was construed by the civil rights organizations to mean that the new Mayor would react more strongly to the demonstrations than had been the case previously.

On April 3 an estimated 400 persons attended a rally and then started their march at about 10:00 P.M. There were no arrests, although police and newspapers reported that rocks were thrown at and struck Officers Platt, Steppke and Voshelle of the Chester police. These officers were not injured. The

demonstrators reportedly dispersed at about 11:30 P.M. that night after Cecil Moore, President of the Philadelphia Branch of the NAACP, had spoken from the steps of the Chester Post Office and had called for a boycott of all goods manufactured in Delaware County.

On April 4, a meeting between the NAACP, the CFFN, Chester municipal officials and the School Board broke down when civil rights leaders walked out. The next day, the School District instituted the declaratory judgment action, previously described, to determine its responsibility in correcting racial imbalance in the schools.

There were no demonstrations on April 4 and 5, although there was a rally on April 4 at which time civil rights leaders protested the imprisonment of some sixty persons who had been arrested on April 1. Branche threatened to continue the demonstrations if all the persons who had been arrested were not promptly released from jail.

On the evening of April 6, Chester police report, 600 persons attended a rally and marched around the police station several times singing, yelling and chanting. This demonstration protested, in addition to the school situation, the continued detention in Broadmeadows Prison of some 40 persons who were arrested on April 1. Cecil Moore was reported in the press to

have wired United States Attorney General Robert Kennedy that Chester Magistrate Phil C. Puzzenchera was holding prisoners as "ransom to stop demonstrations". The police complain that some of the teenagers in this demonstration cursed police officers with vile and insulting remarks and spat on them and that this was the most disorderly demonstration up to that time. Mayor Gorbey met with Stanley Branche, and reportedly advised him to tell the demonstrators to go home or they would be arrested. Branche did so and the demonstration ended around 1:00 A.M., with no arrests.

There was a rally but no demonstration on the evening of April 7. On the evening of April 8 an estimated 600 persons attended a rally and then split into several groups, some of them marching in different directions. There were no arrests.

On the evening of April 9 a rally was held at the Temple Baptist Church at which Branche reportedly called on Negroes to boycott white merchants and to draw their money from local banks. The purpose of the boycott was to put pressure on the School Board to end de facto segregation in the schools.

On the evening of April 10 demonstrators marched into the center of the city. On Saturday, April 11, demonstrators marched into the center of the city where they remained from about noon until 5 P.M. A newspaper account reports that

merchants complained about sidewalks being blocked and that some stores closed early. There were no arrests on either day.

The Delaware County Daily Times reported that on April 13 about 500 persons attended a prayer meeting and fund raising rally at the Cavalry Baptist Church, during which \$825 was collected towards a \$20,000 legal defense fund. Chester police report that on that night about 300 persons conducted an orderly demonstration around the police station and dispersed at about 12:30 A.M. There were no arrests.

On April 14 an estimated 40 to 55 demonstrators picketed the Municipal Building while a city council meeting was being held inside and dispersed at noon. That evening an estimated 200 demonstrators marched around the police station after a rally at which Savage reportedly announced that there would be nightly rallies until civil rights groups decided that the School Board was acting in good faith. There were no arrests that night. On April 15 there was a similar demonstration and there were no arrests.

On the evening of April 16 there was a rally followed by a march around the police station several times. The demonstrators then assembled on the Post Office steps where Branche announced that he would not attend a meeting with the School Board, Chester Human Relations Commission and others which had been scheduled

for the next day. Branche also called for a school boycott beginning on Monday, April 20. On April 17, the demonstrators picketed the School Board meeting in the Municipal Building.

There were no demonstrations on April 18, 19 or 20.

On April 21 an estimated 400 persons attended a rally and at about 11:00 P.M. went to the center of the city where they began a march at about 11:40 P.M. Chester police described the demonstrators as being loud, noisy and insulting. They report that the demonstrators cursed the police, spat in their faces and attempted to push through a police barricade into City Hall Plaza. The demonstrators dispersed at about 1:15 A.M. and there were no arrests.

Throughout this period of almost daily demonstrations beginning on March 27 the entire Chester police force was on duty nearly every night. Several police officers accumulated over 100 hours of overtime during that four week period for which they have received no pay or compensatory leave. It was not unusual for a police officer to spend up to 18 hours a day on duty. One officer reported to the Commission that at one point he did not get home for three days.

It should be noted also that many of the demonstrators worked or attended schools or colleges during the day and then regularly attended the rallies and marches in the evening, often

getting home late at night.

These demonstrations were generally led by Stanley Branche, Dr. Felder Rouse, Jr., and Phillip Savage. Dick Gregory, an entertainer who has been identified with civil rights activities across the country, Mrs. Gloria Richardson, a civil rights leader from Cambridge, Maryland, and Lawrence Landry, a civil rights leader from Chicago, Illinois, appeared at one time or another at a rally and in the march which followed. In addition, although the demonstrators were predominantly Negroes from Chester, they were often joined by Negro and white representatives from civil rights organizations located outside of Chester, clergymen, students from nearby colleges and other sympathizers from Delaware County and nearby areas.



## CHAPTER VI

### THE EVENTS OF APRIL 22

#### THE AFTERNOON OF APRIL 22

All Chester police officers who were on duty at 8:00 A.M. on Wednesday, April 22, were held over for continued duty on that day. By 12 noon nearly the entire Chester police department was on duty in anticipation of the further demonstrations which had been announced.

The demonstrations began with a sit-down at the doors of the Chester School District Administration Building. Twenty-two persons were arrested by Chester police at about 1:30 P.M. and two more persons were arrested at 2:15 P.M. while engaged in a sit-in at the Chester Municipal Building. Shortly before 3:00 P.M. demonstrators were inside the Douglas Junior High School, the Dewey Mann Elementary School and the Watts Elementary School. Demonstrators had also entered the Booker T. Washington Elementary School. During the course of that afternoon 15 demonstrators were arrested for sit-ins at these schools. Another demonstrator was arrested early in the evening for a sit-in at the School Administration Building.

These demonstrations resulted in a decision by the School Board during the afternoon of April 22 to close all of Chester's 18 public schools.

The demonstrations continued through the evening and ended shortly after midnight when State and Chester police dispersed the crowd which was marching around the police station.

#### THE McCLURE DEMONSTRATION

Three demonstrations were planned for the evening: one in front of the residence of John J. McClure at 20th Street and Providence Avenue; the second in front of the home of Clarence Roberts, the only Negro member of the Chester School Board; and the third in front of the home of Mrs. Frances P. Donahoo, president of the School Board. Charges of police brutality are associated only with the demonstration in front of the McClure residence and the one that followed thereafter in front of the police station.

A group estimated by police to have numbered 100 and estimated by Professor Bender at 30, marched and sang freedom songs in front of the Roberts' residence. Roberts stated to the Commission that these demonstrators were unruly, loud and damaged his house and automobile. No arrests were made at the Roberts' demonstration, however. The third demonstration planned to be held at the home of Mrs. Donahoo was not carried out.

A rally which began about 8:00 P.M. and which was attended by approximately 500 persons was held that night at Temple Baptist Church. The group left the Church at 9:00 P.M. and went

to McClure's home, most of the group by automobiles and others on foot. Police reports indicate that about 60 car loads of demonstrators were driven to the scene. When the demonstrators reached McClure's home they stood on the sidewalk singing freedom songs, chanting slogans and clapping, and formed a line which eventually reached from 20th Street to 21st Street. Chester police report that the number of demonstrators built up to over 300 shortly before 10:00 P.M. Professor Bender places the number between 400 and 500. Some demonstrators claim that there were 1,000 persons in their group.

The demonstration in front of the McClure residence proceeded for about thirty minutes without interference from the police. A large number of policemen, however, had followed the demonstrators from the Church to the McClure residence. Sgt. Thomas told the Commission that he arrived at 20th and Providence approximately 30 minutes before the first arrests were made and during this period of time repeatedly told demonstrators to disperse or face arrest. Several demonstrators have told the Commission that no warning was given prior to their arrests. The Commission has no reason to doubt that Sgt. Thomas repeatedly ordered the demonstrators to disperse, but due to the fact that the line of demonstrators was a block long and the crowd was singing and shouting, it is reasonable to suppose that some of

the demonstrators did not hear Sgt. Thomas' orders.

Public transportation buses which had been secured by the Chester police arrived after the demonstration had been carried on for about thirty minutes. Demonstrators claim that they were engaged at this time in a peaceful demonstration on the sidewalk. Chester police claim that the demonstrators were loud and disorderly and that they were in the streets and on the property of homeowners in this residential neighborhood. The police began to make arrests immediately upon the arrival of the buses.

Several allegations of unnecessary use of force by police stem from the arrest of demonstrators at the McClure residence. For the most part such statements concern unidentified police officers who unnecessarily hit or prodded unidentified demonstrators with their nightsticks. The Commission was not able to investigate those allegations due to their vagueness.

Only two persons were identified to the Commission as having been injured by the police at the McClure demonstration. One of them is The Philadelphia Evening Bulletin reporter, Timothy Tyler, who has been referred to earlier. A summary of the conflicting statements surrounding his injuries and arrest appears in the Supplement. The other injured person is Charles Anderson who told the staff of the Commission that he was unnecessarily

beaten by the three police officers identified in one of the photographs made available to the Commission. The three police officers shown in the photograph to be closest to Anderson stated to the Commission that they have no recollection of the incident. A summary of this incident also appears in the Supplement.

It was reported by the press, and stated to the Commission by Chester Police Officer Salvatore Laganelli, that on that night two white youths returning from the YMCA were attacked by several Negroes at about the time the demonstrators dispersed in an area which was on the route of departing demonstrators. A newspaper account carries the names of the victims as James McClain, age 17, and Harold Merritt, age 16. In addition, Officer Laganelli told the Commission, and the press reported, that John Carr, age 26, was beaten by a group of Negro youths who attacked Carr in his automobile. Officer Laganelli investigated these assaults and suggested but could not conclusively establish that they were associated with the McClure demonstration.

Chester police report that 120 persons were arrested at the McClure demonstration, including Stanley Branche, who was one of the first arrested and placed on a bus. At McClure's the police seem to have arrested as many demonstrators as could be accommodated in the buses available. To accomplish this, they

were forced to act with speed because the demonstrators began to disperse when the first arrests were made. Later in the evening, although additional arrests were made, the intent of the police seems to have been to clear the streets rather than to effect the arrest of demonstrators who refused to obey police orders. Chester police may have decided that this change in approach was made necessary by the already crowded condition in the jails.

#### DEMONSTRATION AT CHESTER POLICE STATION

After the demonstrations at the homes of McClure and Roberts, a number of demonstrators went, more or less spontaneously, to the vicinity of the Chester Police Station which is located on 4th Street between Market Street and Edgmont Avenue. This group was not organized but its purpose seems to have been a voluntary demonstration to protest the police action in front of McClure's home. It is not known whether this group stayed at the police station or left. They were asked to disperse and no arrests were made.

Meanwhile, a much larger group of demonstrators, estimated to number between 300 and 400, reassembled at the Temple Baptist Church. At the same time, the civil rights leaders who had not been arrested met in a separate "strategy" meeting at the Calvary Baptist Church. Also, during this period 82 helmeted

State troopers carrying riot sticks marched into the Chester police station. State police, commanded by Captain Albert Henry, had been summoned by Mayor Gorbey to help Chester police deal with any further demonstrations that night.

At about midnight the 300 to 400 demonstrators who had met at the Temple Baptist Church walked to the police station without their usual leaders.

The Commission has had to piece together what happened thereafter at the police station from the statements, often contradictory, of the several witnesses who came before it. It appears to the Commission that the demonstrators marched West on 4th Street past the police station and as they passed by, Sgt. Thomas or Acting Police Chief Joseph Bail repeatedly announced to the group over the bull horn to stop singing. Others said the order was to go home. The testimony is conflicting on what the announcement actually was. It is not unreasonable to conclude that both orders were given. Some of the demonstrators stopped singing but continued to march around the block. Others walked past the police station only once and stopped on the steps of the Post Office to consider what to do next. This was probably the second part of the line of demonstrators.

As the group of demonstrators that had continued marching began to turn the corner at 4th and Market Streets to pass the

4th Street entrance of the police station a second time, the officer with the bull horn ordered them to disperse at the corner or they would be arrested. The demonstrators ignored this warning, turned the corner and began marching down 4th Street again, this time being forced to march in a channel that had been formed on one side by two or three buses that had been parked bumper to bumper at the curb and on the other side by the wall of a building.

In the front part of this group of demonstrators were some young people who, at the order to disperse or be arrested, voluntarily walked into the Chester police station to be arrested.

Confusion broke out at approximately this point and it is impossible to state in what sequence certain events occurred. Sgt. Thomas told the Commission that he was standing in the middle of 4th Street holding the bull horn and that the demonstrators charged down the street toward him. Demonstrators on the sidewalks state that they were continuing their peaceful march and were caught between the wall and the buses by the police who swung nightsticks at them and ordered them to disperse.

It seems certain that at some point in this confusion an order was given to "go get 'em", whereupon the State Police who were inside the police station ran out, joined by Chester police, and the two forces began to clear the streets and sidewalks.



The order to "get 'em" has been variously attributed to the Mayor, Chief of Police and a police officer with the bull horn. It seems clear that the intent of the police at this point was to clear the streets and disperse the crowd. Various witnesses stated that in so doing, the police came running out of the police station among the demonstrators swinging their nightsticks indiscriminately without regard as to whether they were hitting demonstrators, onlookers, passersby or rock throwers and that they chased people down the street, in several instances yelling "run, run" or "run, nigger, run". This is denied by the State Police who said that they marched out of the police station in formation and did not find it necessary to use force except in one or two instances hereinafter mentioned. It is also denied by the Chester police.

The Commission heard several statements that the street lights in front of the police station went out at the time the State Police came out. These street lights are operated automatically by a sensitive device that turns the lights on as evening begins and turns them off with the arrival of daylight. On the basis of statements made by the Chester police and by demonstrators, the Commission is satisfied that the street lights were automatically extinguished by the brilliant artificial lighting of news photographers who took pictures during the

demonstration. There is no evidence that the police were responsible for any lights going out that night. The Chester police had mounted temporary flood lights on the police station which remained lit when the street lights went out. The fact, however, that the street lights did go out and a large area was put in darkness undoubtedly added to the confusion.

It is impossible to state whether the involvement of State Police or violence on the part of some of the demonstrators or onlookers took place first. There was considerable testimony by the police that on that night they were spit at and cursed and that during the dispersal of the demonstrators, if not before, they were pelted with stones, bricks and bottles. Again, as on previous occasions, this conduct seems to have come from the irresponsible elements among the demonstrators and onlookers. Several police officers and other witnesses told the Commission that, in their opinion, the demonstration had reached riotous proportions and, therefore, the assistance of the State Police was required. Captain Henry stated to the Commission that he believed that it was the intention of the demonstrators to invade the police station and free those who had been arrested at the McClure demonstration. Demonstrators counter with the claim that club-swinging police precipitated the violence.

State Police were committed to action for twenty minutes,

from 12:27 to 12:47 A.M., during which time the streets in front of the police station and for several blocks adjacent thereto were cleared. Eighty-two State troopers participated in the dispersal. Casualties in the melee include four demonstrators and onlookers and three police officers who were treated at the accident room of the Chester Hospital.

Two persons who reportedly were not demonstrators were seriously injured on April 22 and were hospitalized as a result. In one case, that of Herman Dawson, a mass of conflicting statements makes exceedingly difficult the task of establishing how the injuries occurred and whether Dawson resisted arrest. In the case of Bing Williams, however, no witnesses other than Williams himself are known to the Commission. A full discussion of these incidents appears in the Supplement to this report.

A third case, that of Eugene Thomas, also appears in the Supplement. Thomas, who is a Chester magistrate, was a spectator to the demonstration and allegedly was hit by police when he refused to leave the area of the police station. The Commission has no information on the circumstances surrounding one other injured demonstrator who reportedly was treated for a superficial laceration at the Chester Hospital.

Chester Police Officer Anthony Lastowka was struck by a stone while dispersing a group of persons in the area of 4th

and Market Streets on that night. He was treated in the accident room of the Crozer Chester Medical Center for contusion and abrasion of the left shin. Stanley Szymanski, who was specially deputized by Chester police to assist in the disturbance, is reported to have been hit by a fist on his glasses and kicked behind his right ear and left spine after being knocked down by a group of persons. Szymanski was treated at the hospital for a superficial abrasion and contusion of his scalp. State trooper Marcel Olevnick is reported to have been struck by a hard object on the left side of his face. He was treated at the hospital, where a small laceration near his eye was sutured.

Several other persons, including police, demonstrators and spectators undoubtedly received injuries which did not require medical attention.

## CHAPTER VII

### THE EVENTS OF APRIL 24

On the previous evening, April 23, approximately 500 persons attended a civil rights rally at the Temple Baptist Church, and, thereafter, Chester police report, at about 9:40 P.M. a large group of these persons conducted a march around the police station. The demonstrators marched around the block several times and although their conduct is described as loud and noisy, there was no mass arrest or forceful dispersal. Louis Smith, president of the Philadelphia branch of CORE, William C. Moore, president of the Upper Darby branch and Willie Jones, of the Burlington County, N. J., branch of the NAACP, participated in the march. Chester police state that there were numerous cases of malicious mischief, property damage and bricks thrown at passing cars on this night. Chester Police Officers Richard Jones and Nathaniel Covert were treated for minor injuries received by flying glass when a brick was thrown through the side window of their patrol car. Another Chester patrolman reportedly was attacked by a demonstrator with a pair of scissors, and police arrested a youth who called vile names to officers in a patrol car. These were the major incidents of this evening.

The demonstration on the evening of April 24 was the first one conducted in a section of Chester largely inhabited by

Negroes. It was also the last of the long series of demonstrations which began on March 27.

A rally at the Providence Baptist Church at 2nd and Pennell Streets preceded the demonstration of April 24. The rally apparently had no clear leadership because of the arrests two days earlier of Stanley Branche, Felder Rouse and other CFFN leaders. The task of leadership, therefore, was assumed first by a white minister, The Reverend Mr. Clayton Hewett, Rector of the Church of Atonement in Morton, Pennsylvania, and then by Phillip Savage, tri-state secretary of the NAACP. Both Hewett and Savage had been associated with prior demonstrations. Father Hewett told the Commission that he was not regarded as a leader of the civil rights movement in Chester; Savage, however, had been one of the leaders of prior demonstrations.

The rally began at about 8:00 P.M. The demonstrators were addressed by several speakers, including Frank Brooks, CFFN treasurer, who asked them to stay in line and Father Hewett who admonished the demonstrators not to be violent. Between 100 and 200 demonstrators left the Church and marched East on Third Street towards the center of Chester. Hewett stated that there was no clear plan of how to conduct the demonstration other than to demonstrate in the Negro section of Chester rather than downtown. Chester police reported that the

demonstrators marched and went by automobile directly to the intersection of 3rd and Pusey Streets and there blocked traffic. Several police cars went to the intersection but no arrests were made.

The demonstration had continued for about 30 minutes when Hewett directed the demonstrators to go back to the Church because he was disturbed by the number of persons among them who obviously had been drinking and who were showing the effects of alcohol. He feared that the inebriates might cause the demonstration to become unruly.

The demonstrators returned to 2nd and Pennell Streets where a second rally was held in front of the Providence Baptist Church (which was locked). Phillip Savage assumed leadership at this point and directed the demonstrators to return to the intersection of 3rd and Pennell Streets and carry out an orderly demonstration. The purpose of selecting this location for this demonstration appears to have been in part to arouse the Negro community to the problems which their cause was facing. On the other hand, the police believe that this was an effort to draw them into a confrontation in an area where they would be subject to increased pressures. Both Savage and Hewett told the Commission that the inebriates were removed from the group prior to the return to 3rd Street. Father Hewett further told the

Commission that the demonstrators returned to 3rd Street with the intent and expectation of being arrested. He advised the demonstrators to note the badge numbers of policemen because he believed that the police would use force.

At about 11:00 P.M. an estimated 50 to 100 demonstrators, including Hewett, entered the intersection of 3rd and Pennell Streets and there formed a large circle which touched each of the four street corners. Third Street is a major East-West artery and traffic was severely blocked in both directions. There the demonstrators sang freedom songs and clapped, and in the opinion of Chester police, were loud and disorderly.

After the demonstration had lasted for about 20 minutes, a number of Chester police arrived. Sgt. Thomas repeatedly announced over the bull horn to the demonstrators to clear the street or face arrest. Some demonstrators did leave the street but approximately 35 demonstrators remained there, locking arms and standing fast. Acting Chief of Police Bail ordered their arrest.

Chester police arrested 28 or 29 persons and placed them in a waiting public transportation bus. There is no doubt that Chester police effected these arrests with an expeditious use of force. A number of witnesses have stated to the Commission that these arrests were made rapidly by police with swinging



clubs and several of the demonstrators were hit in the process. Other witnesses have stated that persons arrested were quickly pushed into the bus but that they did not see anyone hit.

Confusion developed during the course of these arrests and the proper sequence of events is difficult to reconstruct. At some point during the arresting process, the police were assaulted with what they describe as a barrage of rocks, bricks and bottles. It is not known whether these missiles came from demonstrators or onlookers or both. There is some evidence that missiles were also thrown from windows and rooftops.

After the Chester police had loaded the bus with the demonstrators they had arrested, Captain Albert Henry, with 88 Pennsylvania State Troopers wearing helmets and carrying nightsticks, marched from 2nd Street to the intersection of 3rd and Pennell. At 10:15 P.M., Mayor Gorbey had requested that State Police be sent into the city as a precautionary measure. These troopers were stationed at 2nd and Welsh Streets and moved closer to 3rd and Pennell as, in their opinion, the situation became progressively worse.

The State Police marched in ranks and halted as they entered the intersection of 3rd and Pennell Streets. Some of the ranks happened to stop immediately next to the bus containing the arrested demonstrators just as the last of the persons

arrested was placed on the bus. It was reported to the Commission that at this point one of the demonstrators reached out the window of the bus and struck a State trooper a glancing blow with his fist. This triggered what has become known as the "bus incident".

There were four Chester policemen and 28 or 29 demonstrators on the bus when the incident occurred. State troopers claim that there was a riot on the bus and that the demonstrators were attacking the Chester policemen who were inside. Father Hewett, who was on the bus, stated that Michael Hobbs, a 17 year old boy who had been struck by Chester police when he was arrested, was in the rear of the bus screaming wildly. Father Hewett tried to comfort him. Wilbur Johnson, another arrested demonstrator, stated that he saw a Chester police officer, whom he identified, strike his mother, who had also been arrested, and Johnson thereupon hit the policeman. Howard Gessner, a witness to the incident, said he saw two demonstrators on the bus beating a Chester policeman who was cornered.

The Commission believes that someone did reach out of the bus and strike a State trooper at about the time Johnson hit the police officer. These circumstances, along with Michael Hobbs screaming, led State Police to consider the conditions on the bus as riotous.

The State troopers broke ranks and a number of them entered the bus and with physical force restored order. Motion pictures viewed by the Commission show several State troopers forcing their way into the crowded bus. The Commission, however, has no satisfactory evidence that anyone was hit by police inside the bus except Anna Johnson and Wilbur Johnson. Mrs. Johnson was reportedly struck prior to the time State troopers entered the bus. Wilbur Johnson stated that he was beaten by a Chester police officer. A summary of this incident so far as it concerns the Johnsons is contained in the Supplement.

There is a conflict in the statements made to the Commission as to when the missile throwing began. It is not clear, therefore, whether the missiles hurled at the police precipitated the dispersal of the crowd or whether the forced dispersal triggered the missile throwing. The Commission believes that rocks and other objects were thrown at Chester police as they effected the arrests of the demonstrators in the intersection and that such objects were still being thrown when State troopers arrived on the scene.

The State troopers, with the help of Chester police, began to disperse the crowd. According to the testimony of troopers who participated in this action, dispersal was accomplished by a "wedge" of State troopers moving rapidly along the streets and

sidewalks, ordering persons ahead of them and in the doorways to go home. There is some evidence that although the troopers intended to use a wedge, their formation was not maintained. Thus, what the troopers state was a wedge has been characterized by others as groups of policemen chasing demonstrators through the streets. Some demonstrators and onlookers who witnessed this event allege that State troopers hurried through the streets, indiscriminately swinging their riot sticks and ordering persons to run. Persons caught up in the melee expressed to the Commission the fear and uncertainty which they felt at the time, believing that if they ran they would be inviting attention to themselves and police assault.

As a force of troopers reached the intersection of 3rd and Lamokin Streets, Trooper John Schneider was struck on the chest by a brick and collapsed in the street, partially unconscious. Several troopers stated that the person who threw the brick ran into a corner tavern known as the Bull Moose and a large number of troopers and a few Chester police followed into the tavern in pursuit of Schneider's assailant.

It is impossible to resolve with any exactness the number of persons who were in the Bull Moose at this time. Estimates vary from 20 to 70. It seems agreed by all parties, however, that the Bull Moose was crowded and that the entry of the police

resulted in confusion and a scramble to leave the tavern.

According to Detective Sgt. John Hoffman of the State Police, the crowded conditions in the Bull Moose made it impossible for the troopers to identify the person who threw the brick at Trooper Schneider. Upon entering the Bull Moose, therefore, the State Police officers ordered the bar closed and told the patrons to go home. State Police officers told the Commission that a few persons may have been hurt by tripping over fallen bar stools and some may have been pushed and manhandled by the patrons of the Bull Moose hurrying to get out. They deny that they struck anyone inside or outside the Bull Moose.

Several persons who were in the Bull Moose told the Commission that the State Police officers inside the bar hit them with nightsticks and that as they ran out of the Bull Moose they were hit again. Several members of the press who witnessed the Bull Moose incident similarly stated that when patrons came out the door of the bar, some were beaten on the head or back by State troopers. A summary of the statements of several persons who were either involved in the Bull Moose incident or who witnessed it is contained in the Supplement.

The Commission has heard several allegations that one or more pregnant women were struck by police during the dispersal of the April 24 demonstration. One such woman, Ethel Johnson,

who is also sometimes mistakenly referred to as Ethel Stanford, was photographed and her picture was published over a caption stating that she was struck in the stomach with the riot stick of a police officer and miscarried as a result of her injuries. The Commission determined that the two women, Johnson and Stanford, are one and the same person and that Ethel Johnson did not suffer a miscarriage. Mrs. Johnson told the staff of the Commission that the child she was carrying on April 24 was born in August after normal term.

There still remains, however, the allegation that Mrs. Johnson was struck in the stomach by a police officer. The Commission is unable to determine the accuracy of this allegation. The police officer who allegedly struck Mrs. Johnson has not been identified and other police officers in the area state that they saw Mrs. Johnson trip and fall backwards in a doorway. Mrs. Johnson declined to give the Commission a full statement, but one witness told the Commission that she saw Mrs. Johnson struck by a State trooper.

## CHAPTER VIII

### PREMISES OF THE COMMISSION

Respect for law and order is the cornerstone of every free society. This is particularly true of the United States, where the rule of law was the guiding principle in the establishment of our form of government.

The rule of law is predicated upon the consent of the governed. The people do not consent unless the laws are administered fairly and firmly and thereby command respect and confidence. Respect and confidence for the law are necessary to its effective operation and to insure observance of the law by the overwhelming majority of our citizenry. Unjust or discriminatory administration of law by excessive force or otherwise tends to create hate, distrust and the threat of anarchy.

The right to full citizenship, including reasonable and equal opportunity for gainful employment, adequate housing and sound education, increases understanding and appreciation of the necessity for law and order. The lack of such full rights inevitably leads to discontent and motivates acts for the redress of real or imagined grievances.

Police agencies exist at every level of government for the purpose of preserving law and order, and every police officer stands in the vanguard of the protection of the public peace and

the public safety.

The role of the police is difficult, dangerous and demanding and often misunderstood. Urbanization intensifies police problems, thus requiring strong community support and understanding if police forces are to be maintained at sufficient size, with adequate training and equipment, and with high morale. In lower income areas of urban centers, the position of the police officer is especially difficult because he is the symbol of what are conceived to be the oppressive forces of the community, forces over which the police in fact have little if any control. The police officer is thus placed in a buffer position between the disadvantaged groups with their resentments and the community "establishment". One of the social problems arising in this situation is the tension created when the police are compelled to use force in controlling manifestations of social protest.

Without undertaking to make a full statement of the law relative to the amount of force that may be used by a peace officer in terminating or preventing breaches of the peace or preventing or suppressing affray and riot, we note that the use of force by a police officer is proper only to the extent he reasonably believes it to be necessary to preserve law and order. When force greater than this is applied to accomplish this purpose, such force is excessive. Excessive force is improper



and unlawful.

Almost a century ago a Pennsylvania court stated the governing principle of law which still pertains today:

"As a general rule, it may be safely affirmed, that an officer of the law whose authority to arrest or imprison is resisted, will be justified in opposing force to force, no matter what may be the consequence; but in any case, he ought to act with extreme caution, and should not resort to excessive violence (i.e. force) until it is impossible to avoid it."

The necessity for the use of force often requires an immediate decision by a police officer in the face of physical danger to himself or to others. The privilege of hindsight and leisurely contemplation is not afforded a policeman faced with a split-second decision. For this reason, the law gives him an area of discretion within which his judgment may be exercised. In exercising this discretion, a police officer may in good faith err in evaluating the threatened danger, but if under the circumstances there was reasonable justification for his apprehension of harm he does not abuse his prerogative.

On the other hand, while a police officer has considerable latitude, his decision as to the amount of force required in a particular situation is not conclusive of the propriety of his conduct. Thus, it is not enough that the officer believe the force he is using be necessary; his belief must be reasonable.

Reasonable belief is generally considered to be that which an ordinarily prudent and intelligent person would have had under the circumstances. The determination of reasonableness is subject to review by higher authority. Where the conduct of a police officer is unreasonable or improper, he is subject to censure, and where appropriate, to disciplinary or other action as provided by law.

It should be emphasized that police officers have no authority to punish persons for crimes or offenses for which they have not been convicted in court. Their function is rather to maintain peace and order in the community, and to this end to apprehend those who violate or are reasonably believed to violate the law.

With respect to the treatment of bystanders, a Pennsylvania court has spoken of the hazards of the innocent in situations involving the suppression of disorder:

It is not safe even for persons conscious of innocence to resist him (the peace officer).

In disturbed conditions of society it is not always possible to perfectly protect innocent rights and the maintenance of public order is paramount and must be attained even if innocent individuals occasionally suffer.

The right of peaceful protest is constitutionally guaranteed. Law enforcement officers must protect citizens in the lawful

exercise of the right of protest. When protests take the form of illegal acts, as in the case of street sit-ins and other types of civil disobedience, orders to cease such conduct are appropriate and arrests must be expected where there is non-compliance. Even here, however, the carrying out of an order for the dispersal of demonstrators or the making of arrests should be accomplished with the minimum amount of force possible and in strict observance of individual rights.

Arrest, fines and incarceration are the penalties for violations of the law. Civil rights demonstrators, in many instances, are willing to undergo these consequences in order to dramatize conditions which they sincerely believe to be unjust to them or their cause. We should never forget that this nation was founded in protest, often strongly expressed, against injustice and oppression.

A statement of policy as to "The Police Position to Preserve the Public Peace," issued by Mayor James H. Gorbey of Chester, on April 2, 1964, is attached to this report as Appendix B. Attached as Appendix C are excerpts from an address, entitled "Developing Guidelines for Police Practices", by Nelson A. Watson, Project Supervisor, Research and Development Section of the International Association of Chiefs of Police, published in "The Police Chief", the official publication of the Association, in the September,

1964 issue, p. 32 ff. The Commission considers the statements set forth in these Appendices as complementary to the premises contained in this Chapter.

These premises of law and order, individual and collective rights, the principles and limits on the use of force, and the right of protest, provide the backdrop against which the Chester civil rights demonstrations are viewed by this Commission.

## CHAPTER IX

### DISCUSSION OF MAJOR EVENTS

The general and major conclusions of the Commission are contained in Chapter XI of this report. A review of specific incidents in which individuals received injuries is to be found in the Supplement at the end of the report. This chapter discusses some of the principal events related in Chapters IV to VII, inclusive, in the light of the premises contained in Chapter VIII, and attempts to identify some of the factors which aggravated the situation.

The March 28 demonstrations were the first planned attempts at street sit-ins. The demonstrators no doubt were instructed to offer only passive resistance but, perhaps because of their age, immaturity or lack of training, they were not fully disciplined in this technique. Some of the demonstrators left the intersection voluntarily when confronted by the police, apparently preferring to avoid arrest. Some of the participants in the first demonstration who did not leave the street when ordered to do so swung their arms and feet in an attempt to make the policemen's task of arrest more difficult. At least one demonstrator injured two policemen.

The Commission is critical of the judgment of those persons who planned and who led the demonstration of March 28. A street sit-in, a clearly illegal act because it interferes with the

normal flow of traffic, is quite dissimilar to the earlier protests carried on at the schools. In addition, the civil rights leaders and those who led the demonstrations erred, in our opinion, in using minors, some only 12 or 13 years old, to perform an unlawful act designed to provoke arrest. Such young people lack the maturity and discipline that is necessary in carrying out this hazardous form of protest in a peaceful fashion.

The nature of the demonstrations on March 28 took the police by surprise. Although it had been announced that demonstrations would be held on that day, the police did not expect a sit-in at a busy intersection; several policemen were at lunch when the disturbance began. The police responded to the demonstration with determination and dispatch. The manner in which they removed the demonstrators from the intersection was for the most part within the proper limits of the authority of the police to maintain law and order.

The Commission nevertheless questions the conduct of some of the Chester police on March 28. Although it was within the discretion of the police to resort to that force which they used, this was not a wise exercise of that power. The demonstrators in the streets were violating the law and, though the evidence is conflicting, the Commission is satisfied that several were resisting arrest. The demonstrators, however, were not

threatening to escape nor, with the exception of one person, did they threaten the safety of the police. The harsh dispatch with which the police effected the arrest of the demonstrators appears to have provoked additional resistance and also to have generated a reaction from sympathizers in the crowd.

The Commission believes there is a substantial difference between the treatment which is properly accorded a resisting felon and that which should be given to a demonstrator protesting, albeit in an illegal manner, what he considers to be a legitimate grievance. In testimony before the Commission the Chester police did not appear to recognize this distinction. Violations of law, of course, cannot be tolerated. But where the illegal conduct is performed by persons who are not engaged in the commission of serious criminal acts, and who are in the course of expressing their dissatisfaction with existing social conditions, the suppression of the violations should be done with minimal force.

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The demonstration on April 22 followed nearly four weeks of almost daily demonstrations. The patience of the Chester police and of the civil rights demonstrators was nearly at an end due to the irritations each group suffered at the hands of the other.

The demonstrations planned for the evening of April 22 were directed at the symbols of power in Chester. There is every reason to believe that these demonstrations, as many others conducted in Chester, were not well organized. The demonstration which was to be held at Mrs. Donahoo's home did not materialize. Only a small portion of those who demonstrated that evening registered their protests in front of Clarence Roberts' home. Discipline among the demonstrators broke down. Roberts' car and house were damaged by them and a police car was struck by a brick.

The vast majority of the demonstrators went to the residence of John J. McClure, who has long been recognized as the Republican leader of Delaware County. They registered their protests in a noisy fashion for approximately thirty minutes before arrests were made. It is not unreasonable to believe that arrests at the McClure demonstration might have been avoided had the civil rights leaders exercised greater control over the crowd.

Because a large and growing number of persons that evening had blocked the sidewalk and were trespassing on private property in a residential neighborhood, the Chester police were justified in making mass arrests at the McClure demonstration. They could perhaps have displayed more patience but it was within their discretion to act when they did. They acted with dispatch and arrested over 120 persons. Many demonstrators undoubtedly fled



when arrests commenced. Despite these mass arrests and accompanying allegations of police brutality, only two cases of injury resulting from the McClure demonstration, or any demonstrations thus far conducted on that day, were brought to the attention of the Commission. There is no compelling evidence that the action of the Chester police was unwarranted.

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The demonstration at the police station later on the night of April 22 might be described as "the straw that broke the camel's back". The demonstrators had been further aggrieved by the mass arrests at McClure's; the Chester police were, as previously stated, weary from long hours of duty.

Chester police reports show that 57 persons were arrested at the police station on this occasion. The Commission has been told that a number of persons voluntarily marched into the police station in order to be arrested. Some others entered the police station voluntarily because it appeared to be safer there than on the streets. Notwithstanding the arrests, the Chester police used mass dispersal rather than mass arrest as the technique for handling the demonstrators. The most serious charges of excessive force are associated with the dispersal of the crowd on April 22 and again on April 24.

Captain Albert Henry told the Commission that the State

troopers were ordered to move in ranks and hold their night sticks in both hands as they moved the crowd back. There are statements indicating, however, that the State Police ran among the demonstrators, swinging their clubs and creating terror. There are indications, too, that State and local police indiscriminately hit persons and otherwise abused them in the course of the dispersal.

The police used force in dispersing the demonstrators and spectators. The amount of force used was warranted in so far as it was directed at the rock throwers and other violent members of the crowd. It does not appear to have been warranted, however, in so far as the dispersal of the other demonstrators and spectators are concerned.

The Commission is not unmindful of the fact that one of those present at the police station was Dr. Rouse, vice chairman of the CFFN, and that he appears to have had sufficient time to attempt to persuade the demonstrators to disperse. Dr. Rouse and Herman Dawson said that they went to the police station intending to avert violence, but they seem to have attempted nothing in this direction. The Commission believes that if the second march around the police station had been prevented, the violence on April 22 and thereafter might not have occurred.

\* \* \* \* \*

The demonstration on April 24 was an event which, in view of the tension and violence that had preceded it among both demonstrators and police, would reasonably be expected to provoke further violence. This demonstration followed the confrontation between police and demonstrators at the police station on April 22 and, like the demonstration of March 28, took the form of civil disobedience, expected to end in arrest. The Reverend Mr. Layton Zimmer told the Commission that at the rally preceding the demonstration there was fear of violence at the demonstration. Persons among the demonstrators who showed the effect of alcohol caused Father Hewett to lead the people out of the street and back to the Church. Hewett also advised the demonstrators to note police badge numbers in the event of violence.

Phillip Savage, despite his awareness of this atmosphere and of the "fringe element" that follows a demonstration, directed the demonstrators to continue their blocking of a busy intersection. He, however, did not take part in the demonstration but, as he told the Commission, observed it from the steps of a house on Pennell Street, between 2nd and 3rd Streets about one half a block away, thus leaving the demonstration without top leadership.

The civil rights leaders who directed or encouraged this demonstration set in motion a chain of events which were

started by an illegal act and which could reasonably be expected to result in arrest and violence. Although the errors in judgment made that night were not exclusively those of the leaders, it must be said that they share responsibility for the violence of that evening.

Errors in judgment were also made by the police, both State and local. When the demonstrators marched back to 3rd and Pennell, they in effect invited the police to come and arrest them. The police might simply have diverted traffic on 3rd Street and let the demonstration die out. Acting within the proper limits of their discretion, however, Chester police demanded that the demonstrators leave the intersection and upon their refusal to do so, the police had no reasonable alternative but to begin to arrest them. A melee ensued and the Chester police, augmented by the State police, dispersed all persons in the streets and on the sidewalks.

No arrests were made during the dispersal of the crowd; the only persons arrested that night were the 28 or 29 persons placed in a waiting bus which had been obtained by the police. There was testimony that some persons who were arrested by Chester police were struck with nightsticks during the course of their arrest. The evidence is insufficient, however, to enable the Commission to determine whether the amount of force

used by the police in arresting such persons was excessive or reasonable under the circumstances.

It is impossible for the Commission to reconstruct the scene at 3rd and Pennell Streets with precision. It is clear that the police were the targets of bricks, stones and bottles and that near riotous conditions existed. As a result of these conditions, it was within the discretion of the police to use force to clear the streets and sidewalks of all persons. In so doing, apparently no attempt was made to distinguish among demonstrators, onlookers and brick throwers. It is likely that there was then no time or opportunity to make such a distinction. As on April 22, the State Police were not asked to intervene until the local authorities required assistance in the light of conditions that were believed to be riotous or about to become so. The tactics used, therefore, were standard procedure for the quelling of riots. The Commission believes, nevertheless, again from its vantage point of hindsight, that to the extent there was indiscriminate use of nightsticks among the crowd in effecting dispersal, this was excessive force.

The Bull Moose incident, in the Commission's opinion, clearly involved an excessive use of force. The Commission has interviewed witnesses whose testimony it considers credible and reviewed statements given by other witnesses to the State Police,

who voluntarily made such statements available to the Commission. The Commission concludes that patrons in the Bull Moose were needlessly struck by police both inside and outside the Bull Moose, causing in some cases, serious injury.

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It is significant to note the difference between civil rights demonstrations held during March and April of 1964 in Chester and the riots of the summer of 1964 in some Northern cities. Organized civil rights marches, boycotts and other forms of protest to draw attention to certain social conditions are totally different from the activities of unorganized individuals running wild with no other purpose than to give vent to their frustrations and to engage in looting and other criminal acts. The fusing of these two types of conduct in the mind of the public or government officials is a grave mistake.

The Commission also notes that the attitude of some civil rights leaders towards the Chester police and police officers in general contributed in some measure to a breakdown of law and order in Chester during the period of time under review. One CFFN leader when speaking to the Commission reflected what the Commission believes to be a widespread attitude when he referred to the Chester police as the "enemy". This attitude was manifest at rallies where, although the speakers admonished

the marchers to remain peaceful and orderly throughout the demonstrations, the effect of many speeches may have been to incite the marchers against the police by constant reference to the violence experienced in previous demonstrations. The police were not unaware of this attitude. One of the weaknesses of the situation was the inadequate communication between civil rights leaders and the police so that meaningful protests could be carried out peacefully.

Newspapers, radio and television magnified Chester's problems by providing a public stage upon which the civil rights demonstrators could perform at the same time that they publicly tested the reaction of the police to their protest demonstrations.

In this setting it was vitally important that the news media should faithfully fulfill their proper role of reporting the facts fairly and accurately without fear or favor. From an examination of press reports, it appears to the Commission that in some instances, news media failed to meet their responsibilities by inserting in their reports an undue amount of color which tended to be inflammatory. In some instances also, news reports were inaccurate.

In Chapter III the Commission has set forth the text of a telegram which appeared on the front page of The Philadelphia Evening Bulletin relating to the injuries to Timothy Tyler, one

of its reporters. The Commission notes that in July of this year criminal charges against Tyler were withdrawn with the agreement of all parties concerned, and that the whole incident was characterized by the Mayor of Chester as no more than an "unfortunate incident (which) was the result of mutual misunderstanding".

The rumors and half truths that have spread through Chester, even though not intentionally false, have also contributed to breakdown of respect for law and order. It was rumored, and newsmen have reported, that Ethel Stanford was hit by police in the abdomen on April 24 and miscarried. It was also rumored that a person named Ethel Johnson suffered the same fate. The fact is, however, that Ethel Stanford and Ethel Johnson are the same person and that, although pregnant on April 24, she did not miscarry. The rumor that has spread concerning her, however, has been accepted as true.

In another instance of faulty reporting, Richard Taylor wrote in the Report on Chester of the Fair Housing Council of Delaware Valley this eyewitness account:

As we backed down Pennell Street away from this we saw a lady grabbed by two policemen, pushed up against a wall, and gone over with their clubs, with one hitting high, the other low; then they took her off to the bus where others were being put. (I have since seen two photos of this police action.)



Miles Mahoney, who appeared before the Commission with Taylor, read from the report of the Catholic Intergroup Relations Council, which he, with the help of others, prepared and which purports to be an eyewitness account. This report states that:

One woman was knocked down against the wall beside us. She raised her arms to cover her head while two policemen stood above clubbing her.

Taylor and Mahoney identified the woman in two photographs which are part of the ACLU Report. They were, in fact, able to identify themselves in one photograph observing the incident they reported above. The woman shown in the photographs and about whom they wrote is Mrs. Anna Johnson.

Mrs. Johnson told the Commission that when she was arrested she was not struck by police, although she stated that she was hit once on her head after she had been placed on the bus by Chester police. There is no reason to doubt the credibility of Mrs. Johnson or that the story she gave the Commission was complete and accurate.

## CHAPTER X

### RELATED CHARGES

The Commission has heard charges by various witnesses who appeared before it that the detention facilities used to house persons arrested in the demonstrations were inadequate, that some persons were refused the opportunity to consult counsel, that the amount of their bail was excessive, and that, in some instances, bail was not promptly accepted when tendered to the committing magistrate.

The Commission considered these allegations to be subordinate to its primary task of investigating and reporting on charges of excessive use of force by police. Within the period permitted to it, the Commission was not able, nor did it have sufficient resources, to make a full scale investigation of these charges. Moreover, some of these charges are now before the courts as a result of litigation that followed the civil rights demonstrations, and the Commission is of the opinion that for this reason also it should not attempt to pass upon them. The Commission believes, however, that some comment is warranted in reference to the bail situation.

A review of the records of the committing magistrate by the staff of this Commission indicates that the demonstrators, for the most part, were charged with four offenses: unlawful

assembly and affray, conspiracy to do an unlawful act, (both indictable offenses under the State Penal Code) violation of Chester City Ordinance Number 16-13 (failure to obey a police officer) and violation of Chester City Ordinance Number 61 (disorderly conduct).

In accordance with the Third Class City Code, the Mayor, after assuming office, had appointed one of the City's aldermen or magistrates, Phillip C. Puzzenchera, to sit in the police court as the city-wide committing magistrate. Magistrate Puzzenchera, therefore, handled all of the hearings charging those arrested in the demonstrations with violations of State and local laws.

The committing magistrate set bail at \$500 on each charge of unlawful assembly and affray and on each charge of conspiracy to do an unlawful act. He levied a fine of \$300 for violations of Chester City Ordinance Number 61 and a fine of \$50 for violations of Ordinance Number 16-13. On the basis of the staff examination of the records, the demonstrators who were arrested on March 28, at the police station, on April 22, and at 3rd and Pennell Streets on April 24, were for the most part each assessed \$1,000 in bail money and \$350 in fines, or a total of \$1,350 plus costs, for each of those occasions. Some persons were held on additional charges for which additional bail was set. The

bail amounts and fines set in these cases, appear to be within permissible limits.

Some persons who were arrested during the demonstrations told the Commission that the committing magistrate set bail at higher amounts than that just mentioned. Some of these witnesses were arrested more than once and each time that they were arrested, they were held under additional bail and additional fines were levied. Also, persons appealing the penalties for violations of the Chester Ordinances were required to post bond in double the amount of the fine. It is quite understandable, therefore, that persons arrested more than once and charged with multiple offenses under State and local laws would have regarded the total bail and fines assessed against them as excessive. It may be added that in some cases, the original amount of bail as set by the committing magistrate was reduced.

A striking example of excessive bail followed the arrest of The Reverend Mr. Clayton K. Hewett in the demonstrations on Friday evening, April 24th. Father Hewett was described by Sergeant James Thomas as a leader of the demonstrations who directed the demonstrators "to lock arms and stand fast" while police were attempting to arrest them. Hewett's bail was set at \$26,500, including \$25,000 on a charge of inciting to riot and \$1,500 on charges of unlawful assembly and affray, public nuisance and

conspiracy. In addition, Hewett was fined \$300 on a charge of disorderly conduct, \$50 on a charge of failure to obey a police officer. He also was assessed costs on each charge. In subsequent legal proceedings the Court of Common Pleas of Delaware County substantially reduced the amount of Hewett's bail.

It would appear to the Commission that bail was not accepted as expeditiously as it should have been. A number of persons who had been arrested told the Commission that their families and friends were not permitted to post bail with the magistrate immediately after it had been set. One witness told the staff of the Commission that the magistrate said he would accept only deeds to real property rather than cash or bail bonds as security. When deeds were tendered, this witness said the magistrate then insisted on cash bail. Other witnesses told the Commission or its staff that they or their families experienced other difficulties with the magistrate while attempting to post bail.

Magistrate Puzzenchera advised the Commission that he processed bail applications as rapidly as he could, but that some delay necessarily resulted because of the large number of persons arrested and also because deeds posted as security had to be checked in the Office of the Recorder of Deeds of Delaware County in Media, Pennsylvania, the county seat.

The Commission believes that the processing of arrested persons and the fixing and acceptance of bail should have been accomplished more expeditiously and that other Chester magistrates should have been called upon by the Mayor to render assistance and to handle some of the cases. The committing magistrate, who was appointed by the Mayor from among the elected magistrates, was the only one engaged in holding hearings, setting bail and accepting bail in the cases of the demonstrators, although Chester has eleven magistrates and there appears to be no bar under the Third Class City Code to the appointment of other magistrates during this emergency. Also, sufficient additional clerical help should have been made available to the committing magistrate and those employed to help him, so that the posting of bail could have been completed as rapidly as possible and arrested persons promptly allowed to secure their release.

There is no doubt that the existing and temporary detention facilities were inadequate to handle the large number of persons arrested during some of the demonstrations, and were therefore overcrowded and uncomfortable. Although the local authorities cannot reasonably be expected to provide normal detention facilities when scores of persons are arrested at the same time, the overcrowded jail conditions provide an additional reason why the persons arrested and held for Court should have been

processed and released on bail as quickly as possible.

In the course of the Commission's hearings, various references were made to an alleged difference in State Police handling of the racial protests in Folcroft, Pennsylvania, in the summer of 1963 when white residents protested a Negro family moving into the neighborhood and the handling of the Chester demonstrations in the spring of 1964. A review of the occurrences in Folcroft is not included within the scope of the Commission's assignment and it, therefore, did not inquire into the subject. Without passing judgment upon the validity of the comparison, the Commission calls attention to the indignant reaction of those citizens who made it.

## CHAPTER XI

### GENERAL CONCLUSIONS

1. As in many other cities, the civil rights demonstrators in Chester had and still have grievances to protest on behalf of the Negro community. These grievances stem from real or assumed denials of equal opportunities in education, employment, housing and fundamental human liberties which have existed without significant change for many years.

2. The crushing burden of these denials is difficult to comprehend by persons who have not been subjected to them. So, also, is the patience of the sufferers. Yet, the Chester demonstrations aimed at these grievances were originally intended to be peaceful protests. These demonstrations are not to be confused with the riots that other Northern cities have recently experienced.

3. In the overriding interest of all citizens, protests by some regarding their grievances, however real, must be carried out in a manner calculated not to interfere with the maintenance of law and order which the police are sworn to uphold.

4. Mass protests concerning such grievances necessarily evoke emotions and attitudes so deep and so sensitive that effective control of participants within the accepted bounds of law and order is difficult to maintain, even under the most



favorable conditions, conditions not present in the City of Chester.

5. The demonstrations were on the whole poorly organized despite the good-faith efforts of well-intentioned leaders. On occasion many young children and irresponsible persons were involved. In addition, few demonstrators were thoroughly disciplined in passive resistance techniques, although most of them claimed to have offered no resistance to arrest. When the Chairman of the CFFN, Stanley Branche, was in jail (during the April 22 police station demonstration and on April 24) the demonstrations were neither well organized nor well controlled. Poor judgment was sometimes used by the second echelon of demonstration leaders.

6. The failure of the local officials to pursue timely negotiations with those protesting the inadequacy of educational facilities was partially responsible for the resentments and reactions which developed in the community. As time passed without producing what the leaders of the demonstrations deemed sufficient results, they turned toward more drastic and sometimes illegal means quite unrelated to their grievances in order to dramatize the seriousness of their wrongs and the believed absence of sufficient movement toward their redress. While this is understandable, the Commission cannot condone the shift to

such tactics. This means of courting arrest led to the first reported acts of violence on the part of police and demonstrators.

7. The persistence of the demonstrations seems in part to have been designed to harass the police and to exploit a heightening emotional tension. While the leaders appealed to the demonstrators for restraint, they did not discourage the development of the image of the police as hostile to their efforts to obtain redress for their grievances. As a result, the demonstrators vocally and physically abused the police on some occasions. In the three critical demonstrations, violence against the police occurred. Whether such violence originated with the demonstrators or bystanders is for the purposes of this report immaterial, since it was precipitated by the demonstrations and required responsive police action.

8. The Commission recognizes the important but hazardous role of the police as an agency of State and City in maintaining law and order. In the tense situations of racial disturbance, where police sometimes must make arrests, charges of "police brutality" are not uncommon. In Chester, when the purpose of the participants was to be arrested, and when some demonstrators did not cooperate in being arrested, it should come as no surprise that force was required in effecting some arrests.

9. The heavy burden placed on the Chester police by weeks

of almost daily demonstrations had exhausted their patience. In like manner, the rigors of manning the demonstrations, added to the humiliations and frustrations of the long-term grievances, had exhausted the patience of the civil rights protestants. The hundreds of hours of overtime which the Chester police were compelled to serve without compensation resulted in serious fatigue and emotional tension. Like conditions of tension and fatigue existed among the civil rights demonstrators who, after work, school or college hours, spent innumerable hours in rallies, marches and picketing. When the three critical demonstrations occurred, the police and many civil rights participants were so overwrought that they were unable objectively to evaluate the dangers. As a result, a sense of hysteria developed among both police and demonstrators.

10. There is reason to believe that the political "power structure" was unsympathetic with the immediacy of demands of the Negro community and that this attitude was to some extent reflected in the methods adopted by the police to repress the demonstrations. An overworked police force, with no real training in dealing with civil rights demonstrations or crowd control, was instructed to enforce the law strictly in order to show that the acts of civil disobedience were not an acceptable way to gain the desired results.

11. The rough police action on March 28, April 22 and April 24 seems to have been used to inculcate fear and confusion in the demonstrators and their sympathizers. It also added to resentments and helped to turn the image of the police into enemies or punishers of the protestants rather than to emphasize their role as defenders of law and order. The Commission believes that such treatment, even though largely within permissible limits, was unwise.

12. Resentments breed hatred, and something approaching open warfare occurred on two of the three occasions above mentioned. On these occasions the State Police were called in when matters were out of hand or so nearly so that the local authorities believed that riotous conditions either existed or were in immediate prospect. Substantial force was required to restore order. Order was restored, but a number of demonstrators, some innocent people and some police, were injured. Some property damage also occurred.

13. The Commission finds that the Chester police, in good faith, believed that they were using the proper means and no more force than necessary to maintain law and order.

14. The Commission finds that the State Police, in good faith, believed that they were using the proper means necessary to back up the local authorities faced with a critical breakdown

of law and order.

15. The Commission finds that for the most part, the Chester Police and State Police exercised force within the permitted limits of discretion allowed to them by law for the purpose of preserving law and order. Nevertheless, the Commission finds that some police tactics and actions were unwise and unwarranted. The Commission further finds that in a few instances some members of both police forces exercised poor judgment in determining the amount of force required to restore order. As a consequence, excessive use of force did occur in at least 7 particular instances treated in detail in the Supplement to this report. In some instances, there was provocation for such conduct and those who imprudently gave rise to it cannot escape some part of the responsibility.

16. On the nights of April 22 and April 24, when the State Police were called into action, the force used by the State and local police was applied without much distinction as to whether a particular person had or had not given provocation to warrant its use. This seems to have been especially true of the State Police, who used riot-quelling tactics of a military nature. These are established procedures where riotous or near riotous conditions are believed to exist, as was the case here.

17. The timing of the commitment to action of the State Police at the peak of the crises of April 22 and April 24, heightened the tension. It would seem that an earlier, less dramatic and more gradual introduction of the State Police into the situation would have produced more effective coordination of effort, greater protection of the rights of all concerned and less of a feeling of military invasion among the citizens. The State troopers would not then have been intervening as a military group using riot-quelling tactics, and the use of force noted above might have been avoided.

18. The procedure by which persons arrested were brought before a single committing magistrate disregarded sound principles of judicial administration in an emergency situation of this nature. A magistrate invested with sole authority to act as committing magistrate for police arrests had the responsibility for handling hundreds of charges against the demonstrators. There is credible evidence that persons were held incommunicado for periods of 36 hours or longer and that the magistrate was either unable because of the volume of work, or unwilling, to give information concerning the charges and to admit to bail with reasonable promptness. Chester was not prepared for and did not develop or adopt procedures adequate for handling mass arrests.

19. There was credible evidence that representatives of the press were unwelcome to the police as witnesses of the events of the three critical days referred to. Cameras were destroyed or damaged and newsmen physically abused. It is possible that they were in the way of the police. Grave suspicions are created, however, when authorities appear to fear the eyes of the press.

20. The events under review in Chester received extensive news coverage from the mass communications media. The Commission recognizes the importance of such coverage. Because of the nature of the events, involving as they did the concurrent movements and activities of many persons and groups, and the confusion attendant upon the three critical demonstrations above referred to, especially those of April 22 and April 24 which occurred after dark, some distortions occurred. The Commission believes that the treatment accorded the events of March 28, April 22 and April 24 in the press and on the air was in some instances inaccurate and in other instances colored and inflammatory. Some examples of this kind of treatment are given in Chapters III and IX of this report. The Commission believes that these distortions aggravated the problems of all concerned in Chester.

The foregoing observations are made without impugning in any way the information given to the Commission by representatives of the press during the course of its hearings, upon

whose statements we have placed considerable reliance.

21. Having discussed the specific and unfortunate consequences of the demonstrations in terms of the use of force by both demonstrators and police, we mention in closing the ingredients which we believe necessary in any solution of the long-range problems facing Chester. Responsible Negro leadership, in Chester as elsewhere, desperately needs the cooperation and collaboration of responsive white leadership in the effort to effect substantial changes in the economic, educational, civic and social conditions. We believe that a sense of urgency must accompany this response. We accept as applicable to Chester the view expressed editorially by The New York Times on August 2, 1964 that --

...what is needed is a sense of emergency by all citizens and all public officials on the imperativeness of community action to begin the long task of eradicating the slums, improving the schools and providing genuine equality of opportunity.

22. The formation of the Greater Chester Movement designed to deal with many of the problems which the demonstrators were protesting is a hopeful sign. The Commission is impressed with the calibre and representative nature of its membership and with the scope of the goals of GCM's officials. Attacks on the basic problems of Chester have also begun through actions of the Mayor and other City officials, the Director of Urban Renewal, the Board of Education, the Pennsylvania Human Relations



Commission, the State Departments of Public Welfare and Public Instruction, as well as GCM. Implementation and utilization of the benefits of the Federal Economic Opportunity Act of 1964 should prove helpful. Even as this report is being written, it is noted that a new group has been organized in Chester called the Committee of Economic Opportunity which has expressed discontent with the progress of the Greater Chester Movement and is seeking city, state and federal support for its own plan of urban redevelopment. The chairman of the new committee is also the chairman of the Committee For Freedom Now. Thus, it is evident that unity and agreement has not yet been reached as to the most effective means of bringing about needed improvements in the total community. It is to be hoped that cooperation and coordination in these programs can be speedily realized and that further splintering of efforts and organizations will be avoided.

23. While it is too soon for fruitful results to be evidenced by the recent constructive developments in Chester, the Commission dares to hope that with unity, mutual respect, cooperation and patience, progress will be made in Chester in the foreseeable future toward realizing its potential not only as a revitalized industrial center but also as a viable residential community.

## CHAPTER XII

### RECOMMENDATIONS

The Commission respectfully makes the following recommendations on the basis of its investigation and report.

#### A. Recommendations to Local Authorities

1. That there be instituted a program of police training in the handling of civil rights demonstrations, in crowd control and in community relations. This program should include instruction in the causes of social unrest and in the nature of civil rights activities and public demonstrations. The training should also stress the desirability for understanding treatment of those arrested in the process of dramatizing what they believe to be unjust conditions, unless the conduct of those being arrested clearly calls for different and more drastic police action.
2. That continuous communication be established and maintained between police and other local officials and civil rights organizations and their leaders.
3. That proper compensation be paid to police for overtime work.
4. That the "deputizing" as special police of

municipal employees not trained in police work for duty in connection with civil rights demonstrations be discontinued.

5. That no member of the local police force should hold any official position or office in a political party.
6. That consideration be given to the re-establishment of a Chester human relations commission fully representative of the community, either under the aegis of the Greater Chester Movement or as an advisory group to the new City Human Renewal Director or as an advisory agency working directly with the Mayor. One of the first concerns of a local human relations commission should be the improvement of relations between the police and other city officials and civil rights organizations.
7. That local public officials continue their cooperation with the Greater Chester Movement, and with state and federal agencies, in order to improve the social and economic conditions of the disadvantaged groups in Chester, both white and Negro, and in order to bring these groups more directly into the life of the community in business,

industry, housing and education.

8. That provision be made for adequate assistance to the committing magistrate in emergency situations, such as those resulting from mass arrests, in order to expedite the processing and disposition of cases.

B. Recommendations to State Authorities

1. That the traditional role of the State Police in supplementing local police forces only when it is believed that the situation has gone beyond the control of local authorities be reviewed and reassessed to find a workable means, acceptable to local authorities, to make the State Police available for a more constructive role before riotous or other unmanageable conditions develop. The State Police with its high standards of training and discipline, if brought in at an earlier stage of mass demonstrations, would better serve to maintain law and order, to protect the public interest and to protect the demonstrators in the exercise of their constitutional right of protest.
2. That the efforts of the Commissioner of the State Police to provide training for State Police officers in the background and nature of the civil rights

movement and in the understanding control of civil rights demonstrations be encouraged and accelerated, and that the State Police continue to conduct training programs for the same purposes for municipal police officers.

3. That the Commissioner of the Bureau of Correction of the Pennsylvania Department of Justice study the problem of adequate detention facilities in situations where there are mass arrests, as in the Chester demonstrations.
4. That legislation be considered to broaden the power of the Pennsylvania Human Relations Commission so as to enable it to deal generally with problems of racial discrimination and racial tensions throughout the Commonwealth. It may be appropriate to include in these enlarged power the authority, when requested by the Governor, to investigate claims of excessive use of force by police in civil rights protest activities.

C. Recommendations to Civil Rights Organizations

1. That young children not be used in civil rights demonstrations where arrests are anticipated.
2. That civil rights leaders stress to participants

in demonstrations the rights and duties of the police and their necessary and important role in the maintenance of law and order; also that they emphasize the impropriety and futility of focusing on the police general resentment concerning allegedly unjust conditions.

3. That if non-violent tactics are to be employed, more effective training in the techniques of non-violence be undertaken.
4. That civil rights leaders warn the members of their organizations of the dangers and penalties of civil disobedience tactics, particularly those not related to the grievances being protested, and that such tactics be avoided when they interfere with the security, safety and normal functioning of the community at large.
5. That open and continuous communication be maintained with police and municipal authorities with respect to all public meetings and demonstrations.
6. That civil rights leaders participate constructively in community efforts in which problems of concern to the Negroes in Chester are being considered, such participation to include, for example,

membership in a local human relations commission, if created, in the Greater Chester Movement, and in similar activities; and that, to this end, any splintering of efforts and organizations be avoided.

Respectfully submitted,

/s/ William W. Bodine, Jr.  
William W. Bodine, Jr.

/s/ James E. Gallagher, Jr.  
James E. Gallagher, Jr.

/s/ Ira De A. Reid  
Ira De A. Reid

/s/ Ernest Scott  
Ernest Scott

/s/ David Stahl  
David Stahl

/s/ Thomas W. Pomeroy, Jr.  
Thomas W. Pomeroy, Jr.,  
Chairman

November 1964

## SUPPLEMENT TO REPORT

### REVIEW OF INCIDENTS INVOLVING INJURY TO DEMONSTRATORS AND OTHER PERSONS

The Commission has set forth in this Supplement a more detailed description of the claims and counterclaims of excessive use of force in respect to demonstrators and other persons who received the most serious injuries during the demonstrations discussed in the report.\* For several reasons the Commission has in some instances found it neither fair nor feasible to fix direct responsibility on the police or on the victim. In a number of cases conflicting statements surround the incident. In other cases there are no corroborating witnesses and there are no police officers or others who profess to have any knowledge about the events giving rise to injuries. Moreover, as previously indicated, the Commission did not have subpoena power or the power to compel testimony under oath. In addition, the Commission notes that in some of these cases the injured person is contemplating legal action and has placed the matter in the hands of an attorney. In view of the foregoing, and because a court of law

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\*The number of police officers, demonstrators and other citizens identified as having been hurt in the demonstrations includes 16 who received hospital treatment, 5 of whom were retained as patients, and at least 9 Chester police and 3 State Police who received hospital treatment. One Chester policeman was later operated upon for a herniated intervertebral disc.



is the proper and established forum to adjudicate the claims of injured persons, the Commission believes it would be unfair and unwise in seriously controverted or doubtful situations to try to assess direct responsibility for the injuries. On the other hand, because of the charge to this Commission and the public interest in this investigation, we have sought to reach definite conclusions wherever possible.

The Commission has placed the following material in this position not because it believes it less important, but because it is a lengthy and detailed treatment of individual incidents involving demonstrators and others who were injured and is, therefore, more appropriate as a Supplement to this report. The incidents discussed in this Supplement are in the order in which the names mentioned herein appear in the text of the report.

MARCH 28

RICHARD JAMES

James is 22 years old, a student at Cheyney State College and an officer of the CFFN. He stated to the Commission that he, along with Wilbur Johnson, was a leader of the demonstration at the intersection of 7th Street and Edgmont Avenue. James alleges that he saw Chester police officers hitting fellow demonstrators and that when 4 or 5 policemen, including Detective Charles D. Emanuel, approached him, he told the officers that he would go with them voluntarily. James said that when he started to get up from a sitting position the police hit him on the head, knee and legs, and then carried him to the police wagon. James reported to Professor Bender that his head was bleeding profusely and that his knee was dislocated.

The records of the Chester Hospital indicate that James was brought there by police on March 28 and examined and treated for a lacerated wound and contusion at the vertex of his scalp. The laceration was sutured with six stitches and an x-ray of the skull was taken. There is no hospital record of a complaint about or an examination for a dislocated knee.

Detective Emanuel told the Commission that he arrested James on March 28. He said that James was standing in the intersection among the demonstrators and when Emanuel told James to

leave he refused. Emanuel said that he then told James that he was under arrest and when he reached out to escort him to the police wagon, James dropped to the ground. According to Emanuel, James grabbed him around the knees and tried to bring him down to the ground. Emanuel said that in order to protect himself, he struck James once with a nightstick on the head. The blow caused blood to appear at the wound. Emanuel said that James thereupon offered no further resistance but still refused to walk to the wagon and had to be carried there by policemen.

James committed a violation of the law by participating in the sit-in demonstration. Also, he refused to obey the lawful order of the police to leave the intersection at once and he appears to have interfered with the attempt to carry out his arrest. The Commission believes that some force was justified in order to effect his arrest and that the force used was not excessive.

#### WALTER BRYANT

It has been alleged by several persons that Bryant was beaten without cause by Chester police at the intersection of 7th and Edgmont. Bryant refused to meet with the staff of the Commission and the Commission, therefore, does not have the benefit of his statement. Bryant was, however, interviewed by Professor Bender, and for the purposes of this comment we accept

his report as to the substance of Bryant's allegations.

Bryant is 21 years old and recently graduated from Pennsylvania Military College. While Bryant was participating in the demonstration at 7th and Edgmont, he got up from his place in the street when he saw police hitting demonstrators in order to be a witness to the beatings. At some point after this, he said that Chester police beat him on the head and leg, dragged him to the wagon and threw him on the pile of demonstrators. Bryant further stated that he was beaten by police as he was placed in the bus and that at no time did he resist or fight back. On the other hand, Bryant is accused of kicking Chester Police Officer Walter Hoyle and running into Detective Thomas Gibbons. Bryant denies this.

Anna Strand and Richard James both stated to the Commission that they witnessed the Bryant incident, that Bryant offered no resistance and was needlessly hit by Chester police. Strand said that Bryant did not leave the center of the intersection. James said that he saw Bryant receive a severe blow on the head as he was placed on the bus.

The records of the Chester Hospital indicate that Bryant was treated for a lacerated wound of his scalp and of his right lower leg, contusion of the scalp and possible cerebral concussion. His wounds were sutured and an x-ray of his skull was apparently

negative. Bryant was admitted to the hospital and remained there for four days.

The report of a committee of the Chester Human Relations Commission stated that Bryant suffered asphasia (loss of speech) as a result of the beating by Chester police. The hospital records show the possibility of asphasia and there are indications that Bryant would not or could not speak while in the accident room. A nurse at the hospital said in a written statement that Bryant only laughed and made noises in response to questions. The nurse also stated that Bryant's mother told her that Bryant had suffered brain damage in a prior accident and was unable to talk then.

The Commission interviewed Chester Police Officers Walter Hoyle, John Bradley, Walter Voshelle and Detectives Thomas E. Gibbons and Charles D. Emanuel. In summary, these officers testified that Bryant kicked Officer Hoyle in the back of the knee and then ran into Detective Gibbons knocking Gibbons down. These officers said that force was used to subdue Bryant as he was struggling with them. Both Hoyle and Gibbons stated that they knew Bryant from previous demonstrations as a non-violent person and neither of them believed that he intended to cause them any injury. However, both were in fact injured. The Commission saw a photograph of Hoyle's injury showing a dark

discoloration on the rear of his right leg measuring approximately 8 inches by 5 inches. Gibbons told the Commission that as a result of the blow he received from Bryant, he developed severe pain in his lower back and was operated on for a herniated disc.

The use of force was justified in order to subdue and arrest Bryant. His injuries are serious and not controverted. Judging from the extent of his injuries, however, it appears to the Commission that the amount of force that was used was out of proportion to that reasonably required.

#### MILTON REAVES

Reaves alleges that he was beaten about the head by Chester police after he was taken into custody for participating in the demonstration at the intersection of 5th and Market Streets. He told the Commission that he took part in the earlier demonstration at 7th and Edgmont but was not arrested because he voluntarily got up from the street and moved to the sidewalk. At the second demonstration, he did not leave the street and was arrested. Reaves said that he had been reluctant to take part in these demonstrations because he was concerned by the youthfulness of the demonstrators. He characterized most of them as being "kids".

When Reaves was arrested he remained passive, refusing to walk. Police officers, therefore, had to drag him by the collar

and arm to the police station which was about a block away. As they approached the police station, Reaves said he wanted to get up and the police allowed him to stand and walk the rest of the way. From this point on, Reaves' statement and those of the Chester police are in serious conflict.

Reaves alleges that as he was about to enter the door of the police station an unidentified young policeman "poked" him hard with a nightstick, causing Reaves to jump aside. Two other officers thereupon brought their sticks down on Reaves. Reaves then ran down the hall of the police station, in order, he said, to escape the police nightsticks. In doing so, he knocked a fire extinguisher from the wall. He was caught by police at the booking desk in the station and struck again.

Chester Police Captain Clarence Todd and Officers Edward Mea and Charles R. Davis told the Commission that they dragged Reaves to the police station after his arrest at 5th and Market. When they approached the station door, Reaves wanted to walk and they allowed him to do so. At the door, they said, Reaves pushed Davis away, kicked at Mea and broke away from the three of them. Reaves ran down the hall of the police station with Mea, Davis and Todd in pursuit. In the course of his flight, Reaves took a fire extinguisher from its mounting on the wall and threw it at Mea. Reaves was caught at the booking desk where the policemen

grappled with him in order to subdue him. An officer said that in the struggle, he struck Reaves once with a nightstick. He believes that the blow might have landed on Reaves' head. The other officers deny that they struck Reaves.

The records of the Chester Hospital indicate that Reaves was examined and treated at about 3:00 P.M. for a contusion and hemotoma of the right upper eyelid area. Reaves returned at approximately 9:00 P.M. complaining of headaches. X-rays were taken which proved to be negative.

The statements made to the Commission regarding Reaves' injury are conflicting. The Commission has no reason to doubt Reaves' credibility. He is 37 years old, the father of four children and has been steadily employed for eleven years. On the other hand, the Commission has no reason to doubt the testimony of the police officers who were involved in this incident. For the reasons set forth at the outset of this Chapter, the Commission reaches no conclusion concerning the use of force in this case.

#### LEWIS WATTS

Lewis Watts alleges that he was a spectator to the demonstration at the intersection of 5th and Market. He told the staff of the Commission that when he and a friend arrived there, police had nearly completed clearing the intersection of



demonstrators. Watts said that a woman, who appeared to be a shopper and not a demonstrator, started to cross the street and was grabbed by a police officer who began to treat her roughly. Watts said that he stepped into the street and protested the treatment of the woman; that he merely spoke to the policeman and did not touch or threaten him; that this policeman, along with several others, then struck him with their nightsticks; and that the police continued to beat him as they led him to the police station. Watts was then taken to the hospital where, he said, three wounds in his head were closed with 18 stitches. Hospital records show that he was treated for lacerations of the scalp on that day.

Chester Police Officers Walter Voshelle and John Owens (now Sgt. Owens) arrested Watts on March 28. Owens told the staff of the Commission that at the time Chester Police Officer Lawrence Platt was placing a woman under arrest, Watts stepped off the curb from among the spectators and, using foul language, made a lunge towards Platt. Owens and Voshelle grabbed Watts and Watts struggled, resisting arrest. Owens said force was necessary to subdue Watts but Owens denies that he struck him.

Voshelle corroborates Owens statement. Voshelle said that he noticed a Chester police officer having difficulty with a woman when a man in a red jacket (Watts) lunged off the sidewalk,

cursing and swinging his arms. Voshelle said he thought the man had something in his hand which he was using as a weapon. Voshelle, Owens and one other officer, who Voshelle believes was Walter Hoyle, grabbed Watts and subdued him. Both Voshelle and Owens said that they escorted Watts to the police station and there noticed for the first time that he was bleeding from his head. Neither officer could explain how Watts received head injuries.

There is no dispute that Watts left the sidewalk to interfere with the arrest of a woman by Chester police and, in the process of doing so, was himself arrested. The Commission finds it impossible to conclude whether or not Watts resisted arrest and, if he did, whether the amount of force exercised upon him was under the circumstances reasonable or excessive.

#### EDWARD ARNOLD CHURCH

Although Church described himself to the Commission as being a "regular demonstrator", he said that on March 28 he was only a spectator at the 5th and Market Streets sit-in. At that intersection, Church, like Lewis Watts, stated that he stepped off the curb into the street to protest the manner in which a police officer was arresting a woman. This may have been the same incident about which Watts also protested. Detective Joseph Talarico arrested Church for interfering with a police officer

and escorted him to the police station. Church alleges that on the way to the police station, Talarico manhandled him and that inside the police station Talarico began to beat him with a blackjack. Church claims that he thereupon hit Talarico in the mouth, knocking out a tooth. A scuffle ensued and Chester police subdued Church, who received a few minor bruises in the scuffle but was not otherwise injured.

Talarico told the Commission that he arrested Church for interfering with the arrest of a woman by Officer Platt and that while taking him to the police station, Church cursed and struggled with Talarico. Inside the police station, Church broke away from Talarico and turned as if to strike him. Talarico hit Church with his blackjack and Church then struck Talarico several times with his fists, knocking two teeth out of Talarico's dental plate. Hospital records indicate that Talarico was treated on March 28 for an abrasion and contusions of his left upper lip and gums. Other Chester police officers subdued Church and booked him.

The Commission does not believe that an excessive amount of force was used in the arrest of Church. There is no dispute that Church attempted to interfere with the arrest of a woman and was himself arrested. There is also no dispute that Church, after he had been placed under arrest, struck Talarico. The

Commission is of the opinion that Church gave Talarico and other Chester police sufficient provocation for the use of that force exercised.

APRIL 22

TIMOTHY TYLER

Timothy Tyler is a reporter for The Philadelphia Evening Bulletin who was assigned to cover the demonstration at the McClure residence on April 22. He told the Commission that as he stood under a street light at the intersection of 21st and Providence Streets he was challenged by a group of Chester police officers who grabbed him. Tyler said that he told them that he was a reporter, although he did not show them his identification and the policemen released him and told him to leave. As he started to move away, a policeman yelled "He's no reporter, get him". Tyler said that he took a few running steps and then was tackled by a person he believes was a deputized policeman. Other policemen grabbed Tyler and, he said, the one who tackled him hit him across the nose with a nightstick. Tyler's nose was broken.

Tyler was arrested and taken to one of the public transportation buses that the police were using. Shortly thereafter police took him to the hospital where, hospital records indicate, he was treated for lacerations in or about his nose and referred to his own physician.

Howard Gessner, a local radio announcer who was at the scene, told the staff of the Commission that he heard Sgt.

Thomas tell Tyler over the bull horn two or three times to leave. Tyler did not move and Thomas ordered him arrested. Gessner said that Tyler then ran and was caught after a chase. When Tyler was caught a scuffle ensued and Tyler emerged holding his face in his hands. Gessner said he heard Tyler say "Why did I run?" He said that Tyler did not show any identification although he did say that he was a reporter.

Special officers Rudolph Feliziani, James P. Long, John Sabatino and James Shockley reported the Tyler incident in written statements to the Chester Police Department, copies of which were furnished to the Commission. Their statements are substantially similar to that of Howard Gessner. In addition, they report that Tyler hit an officer in the scuffle.

The Commission believes that because of his youthful appearance, Tyler was mistaken by police to be a demonstrator and not a newspaperman. There is no doubt that he did not show his press credentials although he stated once that he was a reporter. Instead of satisfying the police of this fact, Tyler refused to comply with the orders to move and in the face of arrest began to run. He was caught and there is a conflict of testimony about how he received a broken nose in the ensuing scuffle.

The Commission believes that if Tyler had displayed more tact and had properly identified himself, he would not have been

molested by the police. On the other hand, those involved in the Tyler incident were not trained in police work but were municipal employees deputized to provide assistance at the demonstration. Properly trained officers might have insisted upon seeing Tyler's press credentials and thereby confirmed that he was not a demonstrator.

Although Tyler's injury was serious, there is insufficient evidence before the Commission to enable it to characterize the quantum of force used as excessive. Considering that Tyler was stopped while in flight and considerably outnumbered by the police, a blow of such severity as to break his nose does, however, suggest a reckless use of force.

#### CHARLES ANDERSON

Anderson, age 17, is identified in the ACLU Report as an example of excessive force by police at the demonstration in front of the McClure residence. Anderson is shown in one of the photographs, which is part of the ACLU Report, with his hand on his head. Two policemen, one on each side of him, are either holding nightsticks in threatening positions or are actually swinging them at Anderson.

Anderson told the staff of the Commission that he drove to the demonstration with 4 or 5 friends but did not take part in it. He said that he was talking to a female acquaintance when he

was pulled off the sidewalk by a police officer, shown in the right of the photograph, and hit by him and other Chester policemen. Anderson said that he did not resist arrest or offer any provocation for the police action.

Anderson was arrested and taken by the police to the accident room of the Chester Hospital where, hospital records show, he was treated for a superficial laceration of the scalp. Two stitches were required.

Officer Walter Voshelle and Detectives Charles D. Emanuel and Joseph Talarico freely identified themselves to the Commission as being the persons closest to Anderson in the above mentioned photograph. None of them, however, professed any recollection of Anderson or the incident shown in the photograph.

Notwithstanding what might appear from the photograph to be an impending use of unwarranted force on Anderson at the instant the photograph was taken, there is insufficient evidence before the Commission to enable it to determine the circumstances under which the injury to Anderson took place. For the reasons set forth at the outset of this Supplement, the Commission reaches no conclusion concerning the use of force in this case.

HERMAN DAWSON

Dawson told the Commission that he and Dr. Felder Rouse, Jr., drove to the police station on the night of April 22 in Rouse's



car in order to send the young people home. He said that he and Dr. Rouse were concerned for the safety of the young demonstrators because they had learned that a contingent of State Police was in the Chester police station.

Shortly after they arrived at the police station, Dawson said, State troopers rushed out of the building and surrounded Rouse's car, beating on it with their nightsticks. Dawson said that the police swung at him through the open windows of the rear doors of the car and pulled him feet first out of the window in the left rear door.

As police continued hitting him at the side of the car, Dawson said, he broke away and ran up 4th Street in order to escape the blows. Dawson said that while running from the police, he tripped and fell and the pursuing police officers surrounded him and repeatedly hit him with their nightsticks.

Rouse stated to the Commission that State Police rushed out of the police station and surrounded his car, beating on it with their nightsticks. Rouse said that he was pulled out of the right front door of the car and struck on the shoulder. Dawson was in the back seat but Rouse did not see him pulled from the car.

A witness to the incident who was across the street from Rouse's car said that police had repeatedly warned over the bull

horn that all spectators and demonstrators would be arrested if they did not disperse. She said that State troopers ran up to Rouse's car and ordered Rouse out, telling him that he was under arrest; that Rouse refused to get out of the car; that a policeman opened the door and pulled Rouse out; that Rouse struggled a bit but did not swing or kick at police; and that Rouse was struck once on his shoulder with a nightstick. She did not see anyone else in the car at this point.

The Commission and its staff have interviewed five police officers, both State and local, concerning the Dawson incident and have reviewed statements made about Dawson by six other officers. It would serve no useful purpose to state in detail the reports of all the policemen. There are some conflicts among these statements but in general they allege that Dawson violently resisted arrest, kicked and swung at police officers and had to be forcefully subdued.

Five witnesses to the Dawson incident have told the Commission that they saw Dawson running up 4th Street and either trip or fall, whereupon a group of State and local police, estimated to number as many as 12, repeatedly struck at him with their nightsticks. One of these witnesses, a reporter for the local newspaper, said that the police were swinging their nightsticks at Dawson as if in a frenzy and, as a result, they were even

hitting each other. He said that he was compelled to shout to the police, "Stop it", whereupon he was arrested by an auxiliary policeman. The other four witnesses, three of them newsmen, corroborated the reporter's statement. Two of the newsmen showed the Commission photographs they had taken of the Dawson incident. The newsmen were able to relate these photographs to their statements to the Commission and, although the pictures do not show any blows landing on Dawson, they indicate to the Commission that at that time they were taken Dawson was not resisting the police. It appears in one of the photographs that nightsticks are about to land on Dawson, although this is inferential.

There are many and serious conflicts in the several statements heard by the Commission regarding almost every aspect of the Dawson incident except the extent of his injuries.

Dawson reportedly told the State Police that only he and Rouse were in Rouse's car. He told the Commission that he was alone in the back seat, and that Rouse and one Robert Shipley were in the front seat. Shipley told the staff of the Commission that he and Dawson were in the back seat and Rouse was alone in the front. Jack Franklin, a photographer for the Philadelphia Tribune, told the Commission that he, Rouse and Dawson were in the car. Rouse stated to the Commission that he, Dawson, Franklin

and Shipley were all in the automobile.

Dawson's statement that he was pulled feet first through the window of the left rear door of Rouse's automobile is difficult to believe. Dawson is a large man and this would seemingly have been an impossible task. Nevertheless, another witness to the incident told the Commission that it appeared to him that Dawson was pulled through the window.

Lamont Dawson, a cousin of Herman Dawson, told the staff of the Commission that he saw Herman Dawson standing in front of the police station that night and that he spoke to him there. Herman Dawson told the Commission that he got out of the car to speak to Captain Holt, but was told to get back in the car by a policeman. He said he did not speak to Lamont Dawson that night.

Chester Police Captain Theodore Laws told the Commission that he was watching a disturbance in a parking lot off of Market Street when he heard a noise behind him. Laws said that he turned around and saw a man whom he did not recognize trip or fall to the pavement near him. Four to six State troopers surrounded the man. Laws said that his attention immediately returned to another disturbance on Market Street. He does not know whether the fallen man was struck and did not know at the time that it was Dawson. Corporal William J. Parkinson, Pennsylvania State Police, told the Commission unequivocally

that he saw Dawson attacking Captain Laws. The Commission notes that Laws is shown in the photographs already mentioned as being directly involved in the Dawson incident. Dawson, however, stated that he tripped and fell near Chester Police Officer Sylvester Pompelli and he denied any contact or struggle with Laws.

There is also conflict about the length of time during which Dawson was struck by police officers. Dawson stated that the beating he received lasted for 10 to 15 minutes. One witness to the incident estimated 5 minutes and another witness 2 to 3 minutes.

There is no agreement about the proper sequence of the three photographs of the Dawson incident which are attached to the ACLU Report. The photographers who took the pictures stated that they were taken in the sequence reported by Professor Bender. One photographer corroborated this statement with contact prints made from portions of the strip of the negative of the film he used. After studying the three photographs in the ACLU Report, the Commission believes that Professor Bender has cited them in the proper sequence. Four State policemen and Dawson himself, however, have told the Commission that the proper sequence of the three photographs is the reverse of that indicated by the ACLU Report.

There is no doubt that Dawson was beaten by a group in which both State and Chester police were involved, and the extent of his injuries is uncontroverted. Dawson was treated in the accident room of the Chester Hospital at 2:45 A.M. on April 23 for multiple contusions of his scalp, right wrist and right thigh and was admitted to the hospital and treated for a concussion of the brain, fracture of his jaw, lacerations of his upper lip, malocclusion of his teeth and dizziness. He was discharged from the hospital on May 4, 1964.

Despite the conflicts and contradictions in the statements received by the Commission regarding the occurrence, the Commission is strongly influenced by the testimony of four newsmen and one other witness who stated that they saw the police striking Dawson. The Commission concludes from the extent of his injuries and the number of police directly involved that more force was used against Dawson than was necessary in order to take him into custody.

#### BING WILLIAMS

Williams, age 24, employed as a grinder by an industrial plant, told the Commission that he was a spectator to the demonstration at the police station on April 22 and did not take part in it, although he had attended a rally earlier that night at the Temple Baptist Church. He said that he heard Sgt. Thomas announce over the bull horn that everyone, including spectators,

should leave the area or else they would be arrested. Williams said that he obeyed this order and returned to a friend's car that was parked in a lot on Market Street between 3rd and 4th Streets.

Williams said that as he entered the lot, he noticed people running by him. He continued to the car and, as he reached out for the handle, he was hit on the head from behind. He said that he fell forward on to the car, turned around and saw a Chester policeman; that more than a dozen policemen, including one State trooper, then gathered around him and pummeled him with their nightsticks; that he was beaten to the ground and ordered to get up and run; and that he attempted to do so but was knocked down. Williams said that he lost consciousness and the next thing he remembers is being in the Chester Hospital where, he said, he received 20 stitches in his head and was told to come back the next day. Hospital records indicate that Williams was treated for three lacerations in his scalp and for contusions of his right wrist. His right wrist was x-rayed and there was no evidence of fracture. Williams was then taken to a garage in Media which was used to house persons arrested at the demonstrations. From there, at the behest of Dr. Rouse, he was transferred to Broadmeadows prison.

Williams told the Commission that he complained about

severe pain in his left arm while in the garage and while at Broadmeadows but that he did not receive any medical attention in either place. On April 25, he was transferred to the Chester Hospital where the records show that he was admitted and treated for scalp lacerations and an undisplaced fracture of his left wrist. He remained in the hospital until May 1, 1964.

No police officer known to the Commission professes to have any knowledge as to how Williams received his injuries.

Williams was not able to identify any of the police officers who were present in the parking lot and did not know of any other persons who saw the incident. The only statements the Commission received as to how Williams was hurt have come from Williams himself. There are reports that rocks were thrown at police from the same parking lot in which Williams was injured and that police went in search of the rock throwers. Williams has not been connected with the rock throwers.

The seriousness of Williams' injuries are not controverted. If in fact there was no provocation by him, there is no possible excuse for the beating he received. Thus, on the basis of the only evidence before the Commission, we must conclude that excessive force was used in this case.

EUGENE THOMAS

Thomas is employed in the personal property department of



Delaware County. He is also a magistrate from Chester's 8th Ward. Thomas told the Commission that on April 22 he and his wife went to the police station to witness the demonstration. There he heard Sgt. James Thomas tell the spectators 4 or 5 times to disperse. Magistrate Thomas, who was standing on Edgmont Street in front of the Post Office and who had become separated from his wife, was told by Officer Salvatore Laganelli to leave. Thomas refused to leave and was arrested.

Thomas stated to the Commission that he told Laganelli that he did not want to move because he was afraid of being hit by rocks which were being thrown in that area. Thomas said that Laganelli struck him with a nightstick on his right hand. Thomas' hand had been injured in 1960 at which time two fingers had been removed and a skin graft was performed. The blows on Thomas' hand caused it to swell and become painful. Other Chester officers then escorted Thomas to the police station and on the way, Thomas said, called him a "nigger magistrate", said "let's give it to him", and struck him several times.

Thomas said that at the police station, despite his inquiries, he was not told of the charges against him. He said that he was hit on the head when he was transferred to a bus and on the way to prison that he was not given medical attention for his swollen hand. He was released from jail on Friday, April 25,

when charges against him were dropped.

Laganelli told the Commission that he told a man standing on Edgmont Avenue between 4th and 5th Streets to move on. The man refused, saying that he did not have to move, and Laganelli told him that he was under arrest. The man then grabbed Laganelli's nightstick but Laganelli wrestled it away from him and escorted him towards the police station. Laganelli said that two State troopers took Thomas from him and escorted him the rest of the way to the station. Laganelli said that he did not recognize Thomas, that he did not strike Thomas and did not see him hit.

The staff of the Commission has talked to four witnesses who said that they saw Thomas hit, three of whom said that they saw him beaten to the ground. Thomas himself, however, does not allege this. The written statement of a fifth person asserts that Thomas was struck by a Chester policeman and pushed into a State trooper, who also hit him.

Both Thomas and Laganelli appeared before the Commission, and, despite the direct conflict in their testimony, both appeared to be frank and credible witnesses. The Commission believes, however, that neither used his best judgment in this affair. Nevertheless, the Commission is not satisfied that the force apparently used by unidentified officers to effect Thomas' arrest was warranted.

APRIL 24

WILBUR JOHNSON AND ANNA JOHNSON

Wilbur Johnson is 21 years old and is employed as a lineman for an electric company. His mother, Mrs. Anna Johnson, is on a leave of absence from her place of employment.

On April 24, Wilbur Johnson participated in the demonstration in the intersection of 3rd and Pennell Streets. Johnson told the Commission that the Chester police repeatedly told the demonstrators to leave the street or they would be arrested. When the police made what Johnson said was their final announcement, the demonstrators decided to get out of the street and on to the sidewalk. Johnson said that just as he was about to step out of the street a policeman grabbed him and told him that he was under arrest. Johnson said that without giving any provocation, he was then struck twice by Chester policemen and violently thrown onto a waiting public transportation bus.

Mrs. Anna Johnson told the Commission that she had never been to a demonstration before April 24, but on that night she intended to go to the rally at the Providence Baptist Church. The rally was over when she arrived so she parked her car and began to walk to 3rd and Pennell Streets where the demonstration was to be held. As she approached the intersection, one Anna Strand told her that the police were beating her son. Mrs.

Johnson said that on hearing this she began to run towards the intersection but stumbled and dropped her purse. At this point, two Chester policemen who had been running after her, grabbed her and arrested her. A third policeman was present also and, because of a threatening gesture, she pleaded with him not to hit her. Mrs. Johnson said, however, that she was not hit at the time she was arrested. She picked up her purse and was placed on the bus.

Mrs. Johnson stated that when she entered the bus she saw her son, Wilbur, seated in the center. There were policemen around him and he had a large "knot" on his forehead. The police would not let her go to him and she took a seat in the front of the bus.

Mrs. Johnson said that shortly after she was placed on the bus a large number of police rushed in, swinging their clubs, and she was struck on the left temple. She does not know who hit her. She said that she then covered her head with her purse and did not see anything further, although she heard clubs hitting the metal poles in the bus.

Wilbur Johnson said that he saw the police enter the bus and saw Chester Police Officer Bart Spedden hit Johnson's mother. In his rage at seeing his mother struck, Johnson hit Spedden and then he was grabbed and returned to his seat. According to Johnson, several policemen including Spedden then

beat him with their nightsticks.

The Reverend Clayton Hewett, who had been arrested and placed on the bus, told the Commission that from the rear of the bus he saw Johnson being beaten by police. Father Hewett was sheltering Michael Hobbs, a 16 or 17 year old boy, who was screaming wildly. Hobbs is accused of being the person who reached out the window of the bus and struck a State trooper, which is alleged to have set off the disturbance on the bus.

State Police forced their way on to the bus to quiet what they describe as a riot inside. Hewett stated that their number was large, and that they were using rough language and were "ready for action". However, he did not see anyone struck except Wilbur Johnson. In order to quiet the confusion on the bus, Father Hewett repeated the Lord's Prayer in a loud voice, with some of the people joining in. He felt that it had the desired effect.

Although he did not appear to speak to the Commission when invited to do so, Officer Spedden told the staff of the Commission that he was on the bus guarding the prisoners when someone opened a window, reached out and struck a State trooper. Spedden said that he and another officer grabbed the boy who struck the trooper, and that thereupon Wilbur Johnson struck Spedden. Spedden characterized the scene in the bus as confusion

when State Police entered and restored order.

The Commission is unable to determine the responsibility for the assault on Wilbur Johnson. There is a direct contradiction in the statements which the Commission is unable to reconcile. The Commission believes that Mrs. Johnson was struck on the head as police entered the bus but the evidence before the Commission is not sufficient to clearly identify her assailant.

The entry of State Police into the bus, while intended to restore order, either caused or added to the confusion inside. The Commission believes that more State troopers entered the bus than appear to have been necessary to restore order. On the basis of the evidence before it, however, the Commission concludes that the State Police did not use excessive force upon any person on the bus.

LEROY THOMAS, BENJAMIN HAWKINS AND JOHN SCOTT

While the State Police were dispersing demonstrators and bystanders west on Third Street on April 24, Trooper John Schneider was struck in the chest by a brick or half brick, thrown by an unidentified assailant. At least three or four State troopers, including Schneider, saw the person who threw the brick run into the Bull Moose, a tavern located at the Northwest corner of the intersection of 3rd and Lamokin Streets. Believing that Schneider's assailant was inside the Bull Moose, a large number

of State Police and some Chester police entered the tavern. Detective Sergeant John F. Hoffman told the Commission that the tavern was crowded, and realizing that it would be impossible to find the man who threw the brick, he ordered the bar closed. Hoffman and other State troopers testified that there was confusion in the bar and that some patrons in their hurry to get out of the building might have been injured. State Police, however, deny that they struck anyone either inside or outside of the Bull Moose.

Contrary to the testimony of the State Police, a significant number of persons have reported that they either were struck by police or that they saw someone struck by police at the Bull Moose. The Commission has interviewed some of these persons and their statements appear credible. The Commission has reviewed the written statements made by the others and such statements are corroborative of the information supplied by those persons who appeared before the Commission.

Leroy Thomas stated to the Commission that he was waiting in the Bull Moose for the disturbance in the street to end when approximately 20 State Police entered the tavern and ordered the "niggers" out. Thomas said he was struck 5 or 6 times on the head and over the eye while in the tavern and on the spine as he was leaving. He said that 7 stitches in his head and 4 over

his eye were required in order to close his wounds. Thomas was not arrested. Hospital records indicate that Thomas required 10 stitches in his head.

Benjamin Hawkins told the Commission that he was a patron in the Bull Moose and that he was knocked to the floor by State Police and kicked while he was down. He said that after he got out of the Bull Moose, he was struck again by a person he believes to have been a State policeman. The blow caused Hawkins to fall into the headlight of a parked car, whereby he was further injured. Hawkins' wife took him to the hospital where he was admitted with multiple lacerations and contusions and amputation of the tip of his right ring finger. Hawkins was in the hospital for 6 days and there received second degree plastic surgery on his left cheek and a skin graft to his right ring finger. Hawkins was not arrested.

John Scott told the staff of the Commission that a State police officer searched him inside the Bull Moose and struck him a severe blow on the side of his head while Scott had his hands in the air. Scott said that as he left the tavern, he was struck twice by State troopers, once on each shoulder. Scott was not arrested.

Several members of the press told the Commission that they saw Negroes struck by State Police as they left the Bull Moose.



Charles Woodbury, bartender in the Bull Moose, told the staff of the Commission that he saw State Police enter the tavern and beat patrons as they tried to get out of the bar.

The State Police have collected written statements from at least seven additional persons who allege that they were struck by Chester or State Police while inside the Bull Moose or as they left the building. Their files contain other statements from persons who stated they were in the Bull Moose, were not struck and did not see anyone else struck. All of these statements were reviewed by the staff of the Commission. Statements from persons who allege they were hit are generally discredited by the State Police.

The Commission believes that there was clear justification for the State Police to enter the Bull Moose in order to search for the person who threw the brick at Schneider. The number of troopers who, together with a smaller number of Chester policemen, entered the tavern was more than was seemingly necessary to accomplish their purpose, and undoubtedly resulted in confusion and even panic among the patrons. The preponderance of evidence supports the belief that after the State troopers had entered the bar they struck several patrons with their batons, and struck some of the patrons again as they left the building. In some cases serious injury resulted to persons who were not

arrested. Benjamin Hawkins was not arrested at the tavern but when he went to the hospital for medical treatment he was told that he was under arrest.

From the evidence before it, the Commission believes no justification was shown for hitting any person inside the Bull Moose. Schneider's assailant was not identified, the patrons in the Bull Moose were in a state of confusion, did not affront the police, and offered little, if any, resistance to them. The Commission is of the opinion that the force employed by the police at the Bull Moose which resulted in injury to Thomas, Hawkins and Scott was excessive.

APPENDIX A

PERSONS INTERVIEWED BY THE COMMISSION AND/OR ITS STAFF

1. STATE POLICE

Trooper Paul Baruch  
Captain Albert Henry  
Sergeant Herbert L. Hoffman  
Trooper Martin Jeffers  
Sergeant Lewis Kishbaugh  
Colonel Frank McKetta  
Corporal William J. Parkinson  
Colonel E. Wilson Purdy, Commissioner  
Trooper Manley Stampler  
Trooper James L. Stone  
Trooper Leonard Wada  
Sergeant R. O. Wellendorf  
Sergeant John T. Ziegler

2. CHESTER POLICE

Captain Joseph Bail, Chief of Police  
Officer John Bradley  
Officer Charles R. Davis  
Detective Charles D. Emanuel  
Officer Thomas Gibbons  
Officer Walter Hoyle  
Officer Salvatore Laganelli  
Officer Anthony Lastowka  
Captain Theodore Laws  
Officer Edward Mea  
Sergeant John Owens  
Officer Sylvester Pompelli  
Officer Bart Spedden  
Detective Joseph Talarico  
Captain Leander Tassoni  
Captain James F. Thomas  
Captain Clarence Todd  
Officer Ronald Tussie  
Officer Walter Voshelle

3. NEWSMEN

Eric Blanchard, Formerly of The Philadelphia Inquirer  
Bruce Davis, Radio Station WIBG  
Phil Eliot, Photographer, United Press International  
Jack Franklin, Photographer, Philadelphia Tribune  
John Fry, News Editor, Presbyterian Life Magazine  
Howard Gessner, Radio Station WVCH  
Bert Hodge, Photographer, Delaware County Daily Times  
Joseph Jennings, News Editor, Delaware County Daily Times  
Donald McKenna, Reporter, The Philadelphia Evening  
Bulletin  
Bernard McCormack, Delaware County Daily Times  
Michael Micher, Reporter, The Philadelphia Evening  
Bulletin  
Don Murdaugh, Reporter, Delaware County Daily Times  
Robert O'Neill, Reporter, The Philadelphia Evening  
Bulletin  
Sue Reinert, New York Herald Tribune  
Timothy Tyler, Reporter, The Philadelphia Evening  
Bulletin  
William Wingell, Friends Peace Committee

4. CIVIL RIGHTS DEMONSTRATORS AND OTHER WITNESSES

Charles Anderson  
William Anderson  
Stanley Branche, Chairman, Committee for Freedom Now  
George Butler  
Dwight Eisenhower Campbell  
Mrs. James Carter  
Judith Charlton  
Mrs. Margaret Charlton  
Edward Arnold Church  
Mrs. Eloise Davis  
Herman Dawson  
Lamont Dawson  
John Dorsey  
John Douglas  
Mrs. Sadie Everett  
Angus Everett  
Mrs. Dorothy Ewing  
Magistrate Edward Gill  
Ulysses Grant  
Glint Green

CIVIL RIGHTS DEMONSTRATORS AND OTHER WITNESSES (con't)

Mrs. Helen Harris  
Benjamin Hawkins  
The Reverend Mr. Clayton Hewett, former Rector of the  
Church of Atonement, Morton, Penna.  
Mrs. Lois Hobbs  
Michael Hobbs  
Richard James  
Mrs. Idora Jennings  
Mrs. Anna Johnson  
Mrs. Ethel Johnson  
Wilbur Johnson  
Mrs. Robert K. Jones  
Mrs. Esther Laws  
Miles Mahoney, Catholic Intergroup Relations Council  
Mrs. Lois O'Neil  
Clarence Potts  
George Raymond, President, Chester Branch, NAACP  
Milton Reaves  
Dr. Felder Rouse, Jr., Vice-Chairman, Committee for  
Freedom Now  
Phillip Savage, Tri-state Secretary, NAACP  
Mrs. Blanche Savan  
John Scott  
Robert Shipley  
Dr. Kenneth Smith, Professor, Crozer Theological  
Seminary, Chester, Penna.  
Anna Strand  
Deborah Sudler  
Mrs. Mabel Sudler  
The Reverend Mr. Ralph Sundquist  
Magistrate Eugene Thomas  
Richard Taylor, Executive Director, Fair Housing  
Council of Delaware Valley  
Leroy Thomas  
Barry Walley  
Lewis Watts  
Bing Williams  
Charles Woodbury  
Wilmer Woodland  
Mrs. Phyllis Wootson  
The Reverend Mr. Layton Zimmer, Chairman, Inter-Faith  
Committee for Reconciliation

5. COMMUNITY LEADERS AND OTHER PROFESSIONALS

Nathan Agran, General Counsel, Pennsylvania Human Relations Commission  
Dr. Eric Axilrod, Professor, Pennsylvania Military College, and Member, Chester Human Relations Commission Subcommittee to Investigate Charges of Police Brutality on March 28  
James Catania, Administrator of Southern Division, Crozer Chester Medical Center  
Brant Coopersmith, Executive Vice-Chairman, Inter-Faith Committee for Reconciliation  
Walter Rosenbaum, Bail Bondsman  
The Right Reverend Robert L. DeWitt, Bishop of the Episcopal Diocese of Pennsylvania  
Jefferson Fordham, Dean, University of Pennsylvania Law School  
Honorable James H. Gorbey, Mayor of the City of Chester  
Dr. Clarence Moll, President, Pennsylvania Military College, and Chairman, Steering Committee, Greater Chester Movement  
Magistrate Phillip C. Puzzenchera  
Clarence Roberts, Member, Chester School Board  
George Schermer, Former Executive Director of Philadelphia Human Relations Commission  
John Tranen, Civil Rights Division, Department of Justice, Washington, D. C.  
The Reverend Mr. Lascelle Watts, Member, Chester Human Relations Commission  
Norman Watts, Human Renewal Director, City of Chester

6. AUTHORS OF REPORTS ON CHESTER DEMONSTRATIONS

The Reverend Mr. Lascelle Watts, Chairman, and Dr. Eric Axilrod, Member, Chester Human Relations Commission Subcommittee to Investigate Charges of Police Brutality on March 28  
Professor Paul E. Bender, Author of the Report of the Philadelphia Branch of the American Civil Liberties Union, entitled "Police Brutality in Chester"  
Sergeant R. O. Wellendorf, Pennsylvania State Police Report

## CITY OF CHESTER

THE POLICE POSITION TO PRESERVE THE PUBLIC PEACE

## STATEMENT OF POLICY

by

MAYOR JAMES H. GORBEBY

1. The police are the representatives of the government -- a government of laws, not men.
2. The police have a sworn duty to enforce the law -- impartially, objectively, and equally. This they have done and this they will continue to do; for without law and order there can be no peace, no freedom, no rights for anyone.
3. The police are aware of the significance of the surge for equal rights. They recognize and respect the right of the people to express their views on matters of public concern.
4. The police will protect the rights of all to assemble and petition peacefully. They will brook no interference with these rights by anyone. Their impartial role is clear and set by law.
5. The police will also protect the rights of the people to pursue their lives and lawful occupations free from illegal interference.
6. The police will take appropriate action under law when the rights of anyone are obstructed.
7. It must be clearly understood that sitdowns or other acts which prohibit the safe and peaceful movements of persons and vehicles in public streets, and prevent access to buildings, are violations of law and those who use these unlawful means to gain their ends are subject to arrest.
8. It must be clearly understood that police not only have the duty but the legal obligation to meet illegal action to the degree necessary to restore and maintain law and order.
9. It must be clearly understood that the police will not allow themselves to be placed in the false position of "aggressors".

The police are aware of -- and trained to assume -- their full responsibilities; they expect others to remember and recognize they also have responsibilities.

10. The police will preserve the public peace by every legal means. They expect cooperation, compliance, and understanding.



APPENDIX C

Excerpts From

"DEVELOPING GUIDELINES FOR POLICE PRACTICES"

by

NELSON A. WATSON

Project Supervisor, Research and Development Section  
International Association of Chiefs of Police  
(as printed in the September 1964 issue of "The  
Police Chief")

\* \* \* \* \*

BASIC CONCEPTS OF POLICE SERVICE

Our approach to police problems must be based upon a well-conceived set of beliefs and convictions. The intellectual embodiment of these concepts and principles constitutes a basic police philosophy. Let us recite a few of the philosophical concepts pertaining to the subject matter of this meeting:

1. In human society, the unrestrained expression of selfish impulses cannot be permitted and everyone must learn to accept restrictions for the good of all.
2. In all civilized societies, man has found it necessary to explicitly define certain of these restrictions in a formal code known as the law and to establish machinery for its implementation.
3. In our democratic society it is acknowledged that everyone is entitled to equal opportunity and to equal protection under the law.
4. National policy decrees that neither race, color, national origin, nor religion shall in any way modify or limit one's right to the enjoyment of these blessings.
5. No person and no group may be permitted to disregard

the law for to do so threatens the foundation of the freedoms of all.

6. The law specifies not only certain things that people may and may not do, but also specifies many requirements and restrictions relative to its enforcement -- requirements and restrictions which apply to the police.

7. The job of the police requires that action be taken within the limits imposed by the law when violations occur.

8. Under some circumstances, police power may be employed in the interest of preserving public order and safety and to prevent unwarranted interference with the liberties of others even though to do so results in curtailing the activities of some. For example, in a demonstration the number of pickets may have to be limited and the area within which they may picket may be specified. It would not be proper, however, for the police to ban posters or signs no matter how distasteful unless they are obscene.

9. We hold, as a matter of policy in relation to offenders that the police are not in the punishing business any more than they are in the rehabilitating business. The police job is to prevent crime and to detect and apprehend offenders. Treatment of the offenders is someone else's job. Similarly, it is not the police function either to promote integration or to maintain segregation. These are broad social problems, the resolution of which involves the populace in general.

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#### ELEMENTS OF THE POLICE ROLE

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It is generally conceded that among the common elements in the police role are such things as the following:

1. Police are sworn to enforce and uphold the law.
2. The law must be applied impartially to one and all.

3. Police must take appropriate action to prevent crime.
4. Police may not generally interfere with a citizen's pursuit of his goals unless the citizen's actions violate the law.
5. When a violator must be apprehended, police are required to effect an arrest and such physical force as is necessary to consummate the action must be employed.
6. Police, as enforcers of the law, must not themselves break the law.
7. Police must act within the restrictions placed on them by the law as interpreted by the courts.
8. Police have no choice as to which laws shall be enforced nor when except that discretion residing in the intelligent and trained judgment of the individual officer as he interprets the situation.

\* \* \* \* \*

#### SPECIFIC GUIDELINES FOR THE POLICE

Let us now take a few specifics relative to the police role in enforcing the law and preserving order. I feel confident there is not a man in this room who will disagree with the few points I am about to make.

1. With regard to the behavior of individual officers under our command, I hold the following would be essential. Every officer must put aside his personal feelings and prejudices when he puts on his uniform. He is a policeman for all of the people. He is a public servant who represents the impersonal majesty of the law. He must apply his police powers without regard to race, creed, religion, or situation in life. He must strive to be both impartial and impersonal. We cannot permit officers to render judgments and to discharge their duties on the basis of personal likes or dislikes.

2. As public officials acting within the law, we must

resist with all the logic and strength at our command pressures from partisans of any conviction. The law may not be perverted any more than it may be ignored. We must not be sandbagged or coerced by any pressure group.

3. We must refrain from all acts that are, in fact, brutal. I am sure everyone here will "buy" this statement: Any officer who would hit a man just because he is a Negro or who would use more force than necessary to effect an arrest just because the subject is colored is a disgrace to the uniform and should be dismissed.

4. Verbal abuse is no less reprehensible than physical abuse. The impartial and equal application of the law knows no color or race. Profanity directed against anyone by an officer on duty deserves disciplinary action. The derogatory term "nigger" has no place in the police vocabulary.

5. Every officer must be trained to keep his head. All must understand that an impulsive act, a thoughtless act can serve as the trigger for a riot in a tense situation.

6. In our advanced planning, we must establish and keep open channels of communication with the responsible leaders of all kinds of groups. It is only by knowing what is going on that we can intelligently plan. Planning without communicating with the interested elements in the community is like flying blind. We are liable to run smack into an unexpected crisis.

Now, you say that many of these leaders are not responsible individuals. Well, that may be, but we must still make the effort to communicate. We cannot expect them to know or to care about police problems unless we try to inform them. Nor can we accurately assess their potential and anticipate their actions if we remain aloof.

7. We must give increased attention to the police image. By word and deed we must convince the people that we are enforcing the law impartially for the benefit of all. At the same time, we must let it be known that officers will defend themselves when it is necessary. We must remain calm and controlled in the face of verbal abuse, but physical attack must be met with effective measures for the protection of the men.

8. In our training courses, officers should be educated

in the essentials of the social movements of our time so they will have a better understanding of the whys and wherefors of the current situation. Training in police tactics alone is not enough. We need men who can act intelligently and judiciously under a variety of circumstances.

9. As administrators, we must give other community officials the benefit of our professional appraisal of the situation from the police point of view. Their decisions should be made with full appreciation of the problems faced by the police -- the very men they are depending upon to do the job.

10. Even though enforcement of the Civil Rights Bill is not within the jurisdiction of local police, our officers must be acquainted with its provisions. They must understand its relationship to local law enforcement. They must be in a position to handle and refer correctly complaints arising under it. They must be kept abreast of developments as they arise, court decisions, threatened and actual disorders resulting from both compliance and defiance of the law.

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#### THE CONCEPT OF BRUTALITY

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What does it mean to be brutal? One who is brutal is savage, cruel, coarse, insensitive, vulgar, inhuman, ferocious, barbarous -- obviously, all qualities undesirable in the police service. Whether or not these adjectives can be correctly applied to a given act is a matter of interpretation. As I said in the beginning, whether or not an act is regarded as brutal depends upon the viewpoint.

I would propose as guidelines the following:

- I. No action taken by an officer in defending himself, up to and including the death of his assailant, is brutal provided
  - a. He is acting officially as a policeman within the

boundaries of his legal powers.

- b. He has sufficient cause, as would appear real and reasonable to a prudent man, to fear for his personal safety.
- c. The means and the force employed by him are not such as a prudent man would consider excessive, unreasonable, or unnecessary.
- d. There is no acceptable alternative available to him considering his obligation not to retreat from his official mission and his inherent right to protect himself.

II. When it comes to bringing a specific police mission to a successful conclusion -- getting the job done -- and there is no immediate or apparent danger calling for self-defense by the officer, his actions should be tempered by good judgment, common sense, restraint, and understanding. His actions would not fall within the definition of brutality provided

- a. He is acting officially as a policeman within the restrictions imposed on him by law.
- b. He conducts himself impartially and dispassionately.
- c. He is firm without being angrily unreasonable.
- d. He provides reasonable opportunity for compliance with the law.
- e. He uses force only after other means have failed.
- f. The force employed is not more than is required to produce compliance.
- g. The force is not of an uncivilized or cruel nature.

This proposed framework leaves no room for "bashing in heads without provocation" as has been charged by some. It rules out any application of force after a person has submitted to arrest or complied with legal police orders.

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APPENDIX D

RESOURCE MATERIAL

POLICE BRUTALITY IN CHESTER by Professor Paul E. Bender.  
Report prepared for Greater Philadelphia Branch of the American  
Civil Liberties Union

PENNSYLVANIA STATE POLICE REPORT on Charges of Alleged  
Pennsylvania State Police Brutality During the Racial  
Demonstrations at Chester, Pennsylvania

REPORT in response to Bender Report, July 21, 1964  
TO: E. Wilson Purdy, Colonel, Pennsylvania State Police  
FROM: Detective Sergeant R. O. Wellendorf and Detective  
Lewis R. Kishbaugh, Regimental Headquarters, Detective Bureau

DEVELOPING GUIDELINES FOR POLICE PRACTICES by Nelson A. Watson,  
The Police Chief, September 1964

THE CITY OF CHESTER - ITS POPULATION AND HOUSING  
Research Department - Health & Welfare Council, Inc.  
October 1963

REMEMBER CHESTER by John R. Fry  
Presbyterian Life, June 1, 1964

THE INSURRECTIONIST by Bernard McCormack  
Greater Philadelphia Magazine, June 1964

THE BACKGROUND OF RACIAL DISTURBANCES IN CHESTER, PA. by  
Kenneth L. Smith, Ph. D., Professor of Christian Ethics, Crozer  
Theological Seminary, Chester, Pa. - a paper prepared for the  
Chester Branch of the National Association for the Advancement  
of Colored People

PENNSYLVANIA HUMAN RELATIONS COMMISSION MEMORANDUM  
Highlights of Notes of Testimony at Chester Public Hearings,  
July 7, 1964, July 27, 1964, August 3, 1964, August 10, 1964  
by Nathan Agran, Esquire, General Counsel of the Commission

THREE PROPOSALS CONCERNING THE DEPARTMENT OF POLICE, CHESTER, PA.  
National Association for the Advancement of Colored People,  
Chester Branch, American Civil Liberties Union, Delaware  
County Chapter, 1962

STATEMENT submitted by Monroe C. Beardsley, Chairman of the Executive Committee, Delaware County Chapter of the American Civil Liberties Union, August 27, 1964

EXAMINATION OF THE CHESTER CITY SCHOOLS by the Department of Public Instruction, June 2-4, 1964, Commonwealth of Pennsylvania

PROPOSAL FOR THE STUDY OF CHESTER, The Greater Chester Movement, 6-19-64

CHESTER POLICE SUMMARY REPORTS, March 27 through April 24

SUB-COMMITTEE OF THE CHESTER HUMAN RELATIONS COMMISSION INVESTIGATING CHARGES OF POLICE BRUTALITY OF MARCH 28, 1964

FILMS

Television Station WRCV - National Broadcasting Company, Philadelphia, Pennsylvania

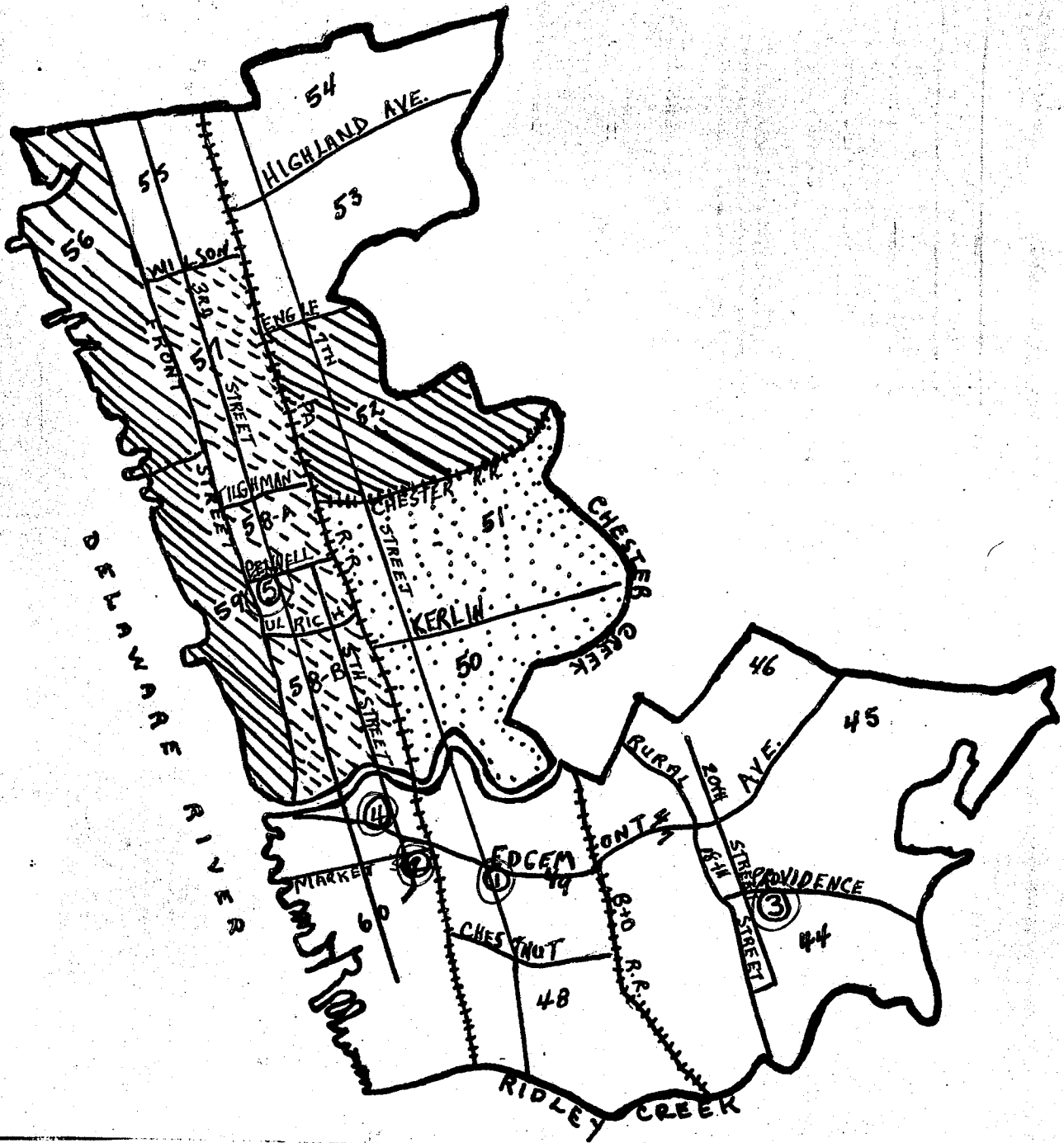
Television Station WCAU - Columbia Broadcasting Company, Philadelphia, Pennsylvania

American Broadcasting Company, New York, New York

Several miscellaneous films





**CITY OF CHESTER, PENNSYLVANIA**  
 Showing Census Tracts of 1960  
 and  
 Locations of Major Civil Rights Demonstrations




**Legend**

- |   |  |
|---|--|
| ① 7th & Edgemont Sts) Mar. 28, 1964     | ④ Chester Police Station ) Apr. 22, 1964 |
| ② 5th & Market Sts )                    |  |
| ③ 20th & Providence Sts.) Apr. 22, 1964 | ⑤ 3rd & Pennell Sts. ) April 24, 1964    |

 95%-100% non-white

 75%-94% non-white

 over 50% non-white

