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JAMES D. DRINKARD, M.D.

4509 Prospect Circle
Baltimore, Maryland 21216
PHONE: FO 7-1597

The Sheppard and Enoch Pratt Hospital
P. O. Box 6815
Towson, Maryland 21204
PHONE: VA 3-8200

April 24, 1968

Mr. Richard G. Sullivan
Executive Director
Criminal Justice Commission, Inc.
22 Light Street
Baltimore, Maryland 21202

Dear Mr. Sullivan:

I will be at the Commission meeting next Monday afternoon where the various "sides" of the apparent controversy over police and judicial response to recent civil disorder in our city will be discussed, and presumably the Commission will issue some statement for public release. It may be presumptuous but both from personal and professional experience, I think that my previously unstated opinion must have some pertinence to the issues involved.

I was raised in Virginia and in this area where Negro people were denied even the most basic rights that I, as a white, middle class Protestant could enjoy. I won't elaborate on this point, state sociological principles, nor impune motivation, since I think that none of this serves to clarify the issues that have been thrust on our community.

My personal experience with Negro people has been broadened by military service, deliberately buying and moving into an integrated neighborhood, and serving as the chief psychiatric consultant to the Maryland Training School for Boys for the past few years. I have been in their homes, schools, and churches, not as a condescending advisor, but as a confident in their most intimate feelings. It may be redundant, but, even in the toughest kids and seemingly callous parents, these people share the same set of feelings and aspirations as we do. They are not constitutionally different or unable to mold their individual or collective body into our system of values providing we make available the tools, set the example, and properly recognize their growth. That is the credo of the parent of a growing child, and for this race evolution it may be so stated without contempt or pity.

The analogy of the parent goes further. Irrespective of the justification for disobedience, in order to first instill fear and later to instill respect in the maverick, a spanking is needed. This need not physically injure the child, but it must demonstrate decisively the superior strength of one to the other.

That is precisely my point as I relate it to the development of the youngsters who were both involved and watching the recent riots. Even after recognizing

the profound sociological factors in such criminal activity, how can I differentiate for a ten year old at the Training School the difference in a looter and a scavenger?

Sincerely,

J. D. Drinkard, M.D.
James D. Drinkard, M.D.

cc: Herbert Myerberg, Esquire
Fidelity Building

152-110
EXPRESS BOND
POSTPAID U.S.A.

April 25, 1968

Mr. Stanley D. Abrams
Assistant County Attorney
County Office Building
Rockville, Montgomery County
Maryland 20850

Dear Mr. Abrams:

Your letter of April 23, 1968, addressed to James F. Fansen, inquiring as to procedures utilized to insure adequate counsel for individuals arrested in recent civil disorders at Baltimore, has been referred to me.

Your letter raises certain questions which I am not presently in a position to answer, and I am therefore taking the liberty of referring it to the Honorable I. Sewell Lamdin, Chief Judge of the Municipal Court of Baltimore. The Municipal Court handled the majority of these cases and, in addition, special sessions of the Supreme Bench of Baltimore were held to accelerate the trials of more than 500 individuals arrested in connection with the civil disorders.

Legal counsel was provided by the Bar Associations and the Legal Aid Bureau of Baltimore. These attorneys together with their clients, the State's Attorney's Office, and the judges mutually evolved a system which permitted policemen to return to the streets where they were needed, yet did not delay the trial of defendants charged with relatively minor offenses. Speedy trials were held and substantial justice was done.

During the time of the trials, I observed the Municipal Court in action, talked with policemen, defendants' attorneys and newspaper reporters covering these trials and it appeared to me that the police, the Baltimore Bar, and the judiciary performed in an outstanding manner under conditions of great stress and strain.

5.8-2

Mr. Stanley D. Abrams

April 25, 1968
Page 2

I trust that my comments together with the more specific observations of Judge Lamdin will be of assistance.

Very truly yours,

RICHARD G. SULLIVAN
Managing Director

cc: Honorable I. Sewell Lamdin

April 25, 1968

Honorable I. Sewell Lamdin
Chief Judge
Municipal Court of Baltimore
Fallsway and Fayette Street
Baltimore, Maryland 21202

Dear Judge Lamdin:

Enclosed please find letter dated April 23, 1968 from Stanley D. Abrams, Assistant County Attorney, Montgomery County, together with my answer.

It would be appreciated and of great service if you could find the time to answer the specific questions concerning the procedure utilized at Baltimore in handling the riot trials.

Again my sincere congratulations to you and your colleagues for what I believe to be outstanding public service in a time of need.

Best regards.

Sincerely,

RICHARD G. SULLIVAN
Managing Director

Encls. (2)

5.8-2

Bd meeting 4/29/68 re. Riots in Ba 4/68

O'Dunne

Questions as to adequacy of Jail Facilities and other arrangements for arrested persons - what plans were ~~previously made~~ made by courts for insuring due process.

CJC should interest ourselves in investigation now being conducted and if mechanism of justice has broken down - we can make proper recommendations.

NABCP
ACLU
Reported

Dorsey

Study results of investigations being made & make recommendations

thorough statement of our own or companion meetings after our thoughts in jobs with other end of note

Camper & Hecht

Excessive liquor outlets

Johannson & Camper

Need more foot patrolmen

Ogburn

Need more police

Bussac

Need more severe sentences

Several Bills failed

Follow investigation + make appropriate recommendations

Prof. Tynan

Determine what being done by investigation committee - what jail facilities - possible locked detention facilities in event of future disturbances. Standard operating procedure for disturbances, communication center

Exec. Com

- To explore possible avenues of C 20 activity

MINUTES OF SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF THE CRIMINAL JUSTICE COMMISSION

At the suggestion of board members a special closed meeting of the Board of Directors of the Criminal Justice Commission was held at 3:30 P.M. on Monday, April 29, 1968, in the Conference Room at 22 Light Street, Baltimore.

The following members were present:

John L. Berry	Ernest Johannesen
Philander B. Briscoe	C. Philip Manger
Jonas Brodie	Herbert Myerberg
Miss Jean Brooks	Hamilton O'Dunne
John E. T. Camper, M.D.	J. Fred Ogburn
James T. Crawford	Leon H. A. Pierson
Clarence D. Dawson	Charles T. Pridgeon, D.D.S.
Frank F. Dorsey	R. Wayne Scheufele
James D. Drinkard, M.D.	Louis Singer
Leo H. Fait	Mrs. Harry A. Teitelbaum
Erwin B. Frenkil	Mrs. Carl W. Wheelock
Harry W. Fuchs	Mrs. Roger S. Whiteford
Edgar A. Fulton	Henry L. Wollenweber, M.D.
Joseph F. Hecht	C. M. Zacharski, Jr.
T. Russell Hicks	Richard G. Sullivan
	Miss Christine Purnell

The President announced that Mr. Leon H. A. Pierson, former U. S. District Attorney for Baltimore, prominent attorney and civic leader, had been recommended by the Executive Committee for membership at large on the Board of the Criminal Justice Commission. Commission action on this would have been taken at the regular board meeting on April 8 which had to be cancelled due to the riots. A motion was then made and seconded and Mr. Pierson was unanimously elected as a member at large of the Criminal Justice Commission.

Mr. Myerberg stated the business of the meeting would be to obtain an expression from the members in reference to the recent civil disorders. A summary of events during this period prepared by the Managing Director was distributed and is made a part of these minutes.

It was suggested that a summary of the ideas from the members requesting the meeting might be helpful and the President stated that the opinions expressed had contained no specific concrete suggestions.

Mr. Hamilton O'Dunne suggested that the Criminal Justice Commission might want to investigate certain areas such as jail facilities or other arrangements made for taking care of arrested persons; pre-conceived plans of the local judges not previously made known, so that the Criminal Justice Commission might have some knowledge in the event of future trouble, uniformity of punishment; due process and other legal aspects of the trials.

Mr. Louis Singer stated that protection of people and property was the main concern and that a middle ground was needed, suggesting that mace gas and other such means could be used. He felt there were many conditions needing correction and that platitudes and promises of relief should be avoided since the corrective process will take some time.

Dr. J.E.T. Camper stated that he had lived and practiced medicine in a ghetto for many years. He stated the liquor stores were the first targets of the looters and he believed that the excessive liquor outlets in these areas should be eliminated. He stated he had appeared many times before the Liquor Board but had been unsuccessful in his attempts to lessen the number of licenses granted in these areas. He also felt the poor schools added to the ghetto troubles and that promises of new schools made many years ago had not been fulfilled.

Mr. J. Fred Ogburn stated he had been concerned over lack of decisive communications in the matter of obtaining information with regard to the effect of the curfew on employees working the night shifts and suggested that the Criminal Justice Commission try to get an adequate, coordinated communications system established. He further expressed great concern over the growing disrespect for law and order in all walks of life.

Mr. John L. Berry in relating his personal experiences during the civil disorders was also greatly concerned over the contempt for law and order and believed that a stand must be taken before either anarchy or a police state occurred. He believed that the restraint used by law enforcement officers and the military in the Baltimore disorders was justified since this recommendation had been based on painstaking studies done -- that it was much better to preserve life than property. However, he did not think that restraint was to be a permanent policy on the part of law and order and he did not believe looters should be allowed to operate with immunity.

Mr. Ernest Johannesen in relating some of his personal experiences stated that on an eight block walk on Monument Street on Saturday night, April 6, while vandalism and looting were occurring he saw no police or military and he believed the merchants on Monument Street had absolutely no protection. He stated that even after the city had calmed down his store again had a window smashed on a Friday night and German razors and butcher knives had been stolen. Police knew nothing about this until the next morning. A shop next to his home had been broken into,, boarded up, and broken into again the next night. He felt very strongly that law enforcement had failed and that the Criminal Justice Commission should analyze and come up with a solution for better protection. He believed that with adequate foot patrolmen checking on stores, etc. more protection would be afforded.

Mr. C. M. Zacharski stated the difficulty was the broad concept of the problem and suggested that the Criminal Justice Commission might draft a resolution on basic philosophy and the difficulty of solving these problems.

Mr. Joseph F. Hecht concurred with Mr. Zacharski's suggestion that the Criminal Justice Commission prepare a resolution on general policy and specifically the Criminal Justice Commission could contact the Liquor Board and insist that within a certain period of time that some liquor outlets be eliminated and the number of licenses be decreased in the ghetto areas.

Mr. Frank F. Dorsey stated that the Criminal Justice Commission dealt in facts and that no public announcement concerning the riots should be made until we have more facts. He further stated that a number of committees and official bodies were investigating and the Commission should review these and then decide what could be done. He suggested all members should put in writing what the Commission can do to prevent these things. He believed the crux of the matter was prevention and we have not yet learned how to reduce run-of-the-mine crime. He believed riots are the culmination of our failure to control the rise in crime.

Mrs. Roger S. Whiteford regretted that publicity is not given to the outstanding jobs done by the vast majority of the young people of both races.

Mr. C. Philip Manger stated he understood the breaking had been done by older persons and the youngsters had then looted. He suggested that these persons should be identified and properly punished. If it is not possible to do this in the recent disorder he suggested that plans be made to do this in the event of any future difficulties.

Mr. James Crawford agreed with the suggestions made by Messrs. Berry and Dorsey and stated he believed the Criminal Justice Commission should examine what it means to have two standards of justice -- one at the time of rioting and the other afterwards. The Managing Director stated he did not believe there were two standards of justice and that the vast majority arrested during the crucial period were curfew violators and had been charged with this offense in Municipal Court. Those charged with looting and arson, both of which are felonies, will be tried in Criminal Court.

Mr. R. Wayne Scheufele stated having been a ghetto resident earlier in life he felt people living outside of these areas could not possibly understand conditions prevailing in the slums. It was his opinion that there was a total lack of communication between Negroes and whites and old and young age groups. He suggested that the different organizations making up the Criminal Justice Commission hold conferences so that the groups could communicate with one another.

Mr. Philander B. Briscoe expressed concern over the increased crime rate and suggested increased prosecution and more severe penalties for offenses feeling these would act as deterrents. In the matter of riots he was interested in knowing if buildings later damaged had been previously marked in any way. He also commented that apparently persons who were employed had been involved in the rioting. He stated he had seen no children when he had occasion to be in court.

Mrs. Carl W. Wheelock wanted to know if the businesses burned and looted had been guilty of overcharging, etc.

Mr. Scheufele in reply to Mrs. Wheelock's question as to whether the shop owners whose stores had been looted, etc. had been overcharging ghetto residents stated he had no specific information but said he believed that overcharging occurred in both white and Negro ghettos. He did not believe any thought was given to deterrents or penalties by persons planning to commit crimes.

Mrs. Teitelbaum stated she had been reading the Kerner Report and wondered if a summary of its recommendations would be helpful.

Mr. Ogburn felt we had a moral obligation and there had been enough talk. He recommended a larger police force now to give greater and better protection to all areas.

Dr. Camper agreed that we needed foot patrolmen and stated that the Negro was the biggest sufferer in crime, not only in riots. He stated that since the War years Negro leadership has moved out of the areas leaving neighborhoods which have become occupied by persons from rural areas who were not accustomed to even normal living. He did not believe places had been marked and that the riot had not been a part of any known organization though possibly it could be some new organization. He noted that he had seen two adults in cars with New Jersey and Virginia licenses.

Mr. Myerberg stated he believed it was time to direct our thoughts into channels. It had been a very difficult time and many suggestions had been made regarding what the Criminal Justice Commission might be able to do. However, the Criminal Justice Commission was not a large organization with an investigative

staff and was not constituted to undertake the duties of a regular type "crime commission" but it should stand for rule of the law. If a policy statement should be made, he would entertain a motion to do so.

Mr. O'Dunne stated he believed the Commission should know and investigate what was going on -- we should understand the new concept of the administration of justice -- we should know what the plans have been and if they had worked properly; if not, determine what should be done.

It was felt we should interest ourselves into the investigations now being conducted and then the Criminal Justice Commission can take a position. If some machinery has broken down then we can make proper recommendations.

The President stated he would instruct the Managing Director to see what is being done in the matter of the various committee investigations; what the jail facilities are and possible lack of proper detention facilities in event of future disturbances; standard operational procedures for such occurrences; and communication centers.

Mr. Johannesen stated he felt the meeting had been helpful and Mr. Dorsey wondered if the Commission's Study on Vandalism could be accelerated. The Managing Director stated the staff was now at work on the Annual Report and the vandalism study would have to await the completion of that.

Mr. Hecht stated he still believed the Commission could interest itself and take action on the matter of excessive liquor outlets and in the discussion that followed Mr. Brodie stated he understood there was a moratorium on new licenses until a decrease was effected. Mr. Johannesen suggested this be referred to the Executive Committee. Mr. Myerberg requested Dr. Camper to forward to the Managing Director any information he might have bearing on this matter. Dr. Camper stated that the Liquor Board had said they would gradually phase out excessive outlets but he had no confidence that this would be done because time after time new licenses have been issued in saturated areas. However, he agreed to forward such information as he might obtain to the Managing Director. Upon a motion duly made and seconded the Executive Committee will determine the facts in the liquor license situation.

Mrs. Wheelock recommended that the Executive Committee of the Commission also see if it could come up with some specific areas of action and upon a motion duly made and seconded the Executive Committee was instructed to explore possible areas of Commission activity.

Mr. Scheufele suggested that the Executive Committee should look into the possibility of realignment of police so as to enlarge the scope of the narcotic squad since he believed the necessity of supporting a drug habit caused much of the crime. It was his belief that the Commission could support the police to place even more emphasis on this phase of crime.

There being no further business the meeting adjourned.

Richard G. Sullivan
RICHARD G. SULLIVAN
Managing Director

CRIMINAL JUSTICE COMMISSION

MEMO TO BOARD OF DIRECTORS

FROM: Richard G. Sullivan

Date: April 29, 1968

RE: Civil Disorders at Baltimore - April, 1968

The recent riots at Baltimore were a frightening and traumatic experience for all of us and this special closed meeting was requested and called to obtain any expression of the membership's views.

Summary of Events

Following the assassination on Thursday, April 4, 1968, of Dr. Martin Luther King, a leading advocate of non-violence, the burning and looting which earlier took place at Washington, D.C., had spread to Baltimore by the late afternoon of Saturday, April 6, 1968. Vandalism and looting first broke out in the eastern section of Baltimore in the Gay Street area and by that evening had spread to other areas of the city. At about 7:30 P.M. that night the Baltimore City Police requested and obtained assistance of the Maryland State Police and at 8:00 P.M. Governor Agnew proclaimed a state of emergency in Baltimore. The Maryland National Guard was brought into the city at approximately 10:00 P.M. The looting and burning continued to expand and Federal troops were ordered into Baltimore on Sunday, April 7. The civil disorders dropped sharply by Tuesday night, April 9th, and by midnight Thursday, April 11, the Baltimore police who had been working 12 hour shifts resumed their normal 8 hour shifts. At midnight Friday, April 12th, Lt. General Robert H. York returned responsibility for the control of Baltimore to Governor Agnew.

Extent of Damage

Most of the damage was caused in Negro residential and business areas and it appears that only a small percentage of the city's 400,000 Negroes were involved in the vandalism, looting and burning. It is reported that teenagers started the action and by the second day men in their 20's started looting.

Six persons died and about 700 were injured. Approximately 700 business establishments were looted or burned and damage estimates range from \$8 to \$10 million. Approximately 5,800 arrests were made and 70 policemen were injured.

3,466 individuals were tried in Municipal Court and 2,193 were convicted mostly of curfew violations. Statistics nationally are as follows: "The 46 deaths occurred in 12 cities with 12 deaths in Chicago; 11 in Washington, D.C.; six each in Baltimore and Kansas City, Mo.; two each in Cincinnati and Detroit; and one each in Highland Park, Mich.; Trenton, N.J.; Jacksonville and Tallahassee, Fla.; St. Louis, Mo.; and Minneapolis. These figures compare with a total of 43 deaths in the Detroit riots last July, 23 deaths in the Newark, N.J. riots also last July and 34 persons killed in the Watts riots of August 1965."

Evaluation of Administration of Justice During Riots

The Managing Director visited the police department and the courts during the course of the riots. The police had set up a command post adjacent to the communications center and it is obvious that without the improved communications system the department could not have handled the continuing flow of emergency messages. The courts held marathon sessions to handle the large number of individuals arrested. I talked with several policemen, Judge Lamdin, a number of defense attorneys and newspaper reporters covering the trials, and in my opinion, the police, defense counsel, and the courts did a remarkably fine job under very difficult conditions.

Responsibility to Control Disorders

Commissioner Pomerleau was the police authority to handle law enforcement until it reached the proportions of a public crisis. With the entrance into Baltimore of the Maryland National Guard this authority passed to General George Gelston. General Gelston's authority was in turn superseded by Lt. General Robert H. York. However, policy was controlled by President Johnson's personal representative, Assistant U. S. Attorney General Fred M. Vinson who was present at the Central Army Control Post in Baltimore.

Operations

It appears that the use of minimal necessary force was exercised by police, National Guard and the U. S. Army in accordance with recommendations of the

President's Advisory Commission on Civil Disorders and the recommendation of the International Association of Chiefs of Police. U. S. Attorney General Clark has stated that the use of force by law enforcement officers is not permissible except in self defense or when it is necessary to protect the lives of others and that fewer deaths and less destruction has resulted from this policy.

The Baltimore Police officers were commended for their dedication, restraint and professional work by Commissioner Pomerleau, Mayor D'Alesandro, Governor Agnew and U. S. Army Lt. General Robert York. On April 25, 1968, I discussed with Commissioner Pomerleau the handling of the recent riots and he stated that overall he was pleased with the performance of the police. He advised, however, that each police problem must be handled as it develops in view of the current need, and that his department is well aware of its responsibility to maintain the public peace. He has detailed men to other cities to study the methods used in the handling of their riots.

Inquiries as to Origins, Causes, and Handling of the Baltimore Riots

Inquiries are presently underway by the following:

Baltimore Police Department

Maryland State Police

Legislative Council

Mayor D'Alesandro's Committee to Study the Riots

The FBI reportedly is looking into aspects of possible out of state angles.

Comments critical and complimentary relative to the restraint exercised in the recent riots have been made. The attached editorial from the Christian Science Monitor is worthy of consideration.

POLICE RESTRAINT ON RIOTS

It is still too early to know whether the new policy of police restraint during riots will quell or foster violence and destruction. The first such test, following the upheaval which came with Dr. Martin Luther King Jr's assassination, was encouraging. It is generally felt that the rioting and the loss from fire and looting were less than would otherwise have been the case. Yet, obviously, it would be premature to say that, over the long run, the new policy will work.

There is, however, one thing which can be said. This is that it is welcome news that public authorities are ready to try new methods and are open to new suggestions. The National Advisory Commission on Civil Disorders is to be congratulated on having come up with an alternative proposal to the former not very successful policy of meeting violence with violence. Municipal, state, and federal authorities in various areas are to be congratulated on their willingness to give this alternative a fair trial.

On the other hand, certain conditions must be met. In the first place, the new method must prove that it is successful. This not only because the demands of public tranquillity require that rioting, firing, and looting be ended, but because the general public will be in no mood to put up with methods which do not bring about order in the streets.

In the second place, where the police are ordered not to move in immediately and with all the force that is necessary to stop arson and looting, the city, state, and federal government must be ready to accept -- and without quibble of any kind -- the total cost to private citizens of such arson and looting. When a citizen pays taxes for police protection, and when protection is wittingly withheld on official orders, then he has the right to immediate and full compensation. To withhold such compensation would be not only immoral but would constitute having taken the citizen's tax money fraudulently,

A third condition to be met is to make sure that a separate and distinct policy toward lawbreaking when done during rioting does not encourage a like attitude toward arson and theft when done by the professional criminal.

A final danger is that, if there is dissatisfaction with police restraint during rioting, those most directly harmed or threatened by such restraint may seek to take the law into their own hands. Shopkeepers armed with shotguns would be no gain over police armed with riotguns.

A new policy has been established. We hope that it will prove effective. It has its best chance to do so if the inhabitants of riot-prone areas and neighborhoods will themselves organize to prevent riots or, if the latter break out, to cool them as quickly as possible.

Meyerberg

4/30/68

He has had number of calls from board members who could not speak yesterday raising questions about legality of release of Danny Sant & Walter Lively.

Also comments of Judge Landin (?) also ^{looted hundreds of stores} stolen merchandise being sold openly & police not taking action. (Where - where - who etc.)

CSC should define areas of intervention where something can be accomplished

Should CSC be on the Mayor's new committee to study red causes & handling
Suggest call Pat Rifman & see what is going on.

Dietrich Brothers, Inc.

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May 1, 1968

Mr. Herbert Myerberg
Criminal Justice Commission
Fidelity Building
Charles and Lexington Streets
Baltimore, Maryland 21201

Dear Mr. Myerberg:

I regret that time evaded me Wednesday and I did not use the opportunity to tell you the things that were on my mind.

I too hate the riots and their results and I too feel a repetition should be avoided, but I wonder if it can or has this situation gone too far to recall.

First off, I have heard the underlying cause of this trouble is communism. This same source claims, the take over of our government is their ultimate aim. I believe they have boasted they would overcome this country from within. They have been known to operate through minority groups. Do we believe that Carmichael and Rap Brown are 100% Americans. Did not Carmichael go to Russia and Cuba? For indoctrination? So we have, if we will, a communistic background and a communistic inspired force.

There have been remarks this riot was aimed at the Jewish Race and yet whose places of business were closest to the Negro and these he could ravage first. Yet there have been many instances where the Jew was first to help the Negro. One example I found is Max Fish whose place they fired. A finer man I have never met, and ever since he has been on Pennsylvania Avenue his work force has been predominately colored and yet they fired his building.

So it seems that maybe "hate" was the governing force. Hate against the White people. Once again we must point the finger of suspicion at the "Reds". They advocate the overthrow of the Government by force. They spread hate against those in the Government and to our colored Brethern all Whites represent the power in force.

I do not blame the colored people. I think they have been duped to rebel. I believe there have been instances of abuse, many of them, against them, but were there not abuses the other way. Were not charge accounts left unpaid? Were there not property destroyed by



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Page No. 2

neglect and carelessness? Let us take a theoretical case. A house is vacant. A speculator buys it and tries to rent it. No takers, price too high. So then he cuts it up into apartments. These are small, improperly heated, community bathrooms, etc. Is this good? No! But did anyone say to the Negro you must live there? Again no! But he did as it was the only place welfare payments could afford. Again no responsibility, no care, no upkeep. Now a "Getto".

May I just degress once? How many Negroes have come into Baltimore since 1950? Let us say just one. Did he have any money? No! Did he have a job? No! What did he do then? Most likely he moved with his family in with a relative and then because he was sick (sick of hunting work) he applied for Welfare assistance.

Once this was secured, there was no effort to obtain employment. He had a place to sleep, he had food to eat and once a month he could go on a "binge". Why work?

Multiply this many times and we find the field the communist had to work with. No civic pride, no love of country, no patriotism.

So what to do! I think we should treat this riot and any subsequent action as a rebellion and steps should be taken to make this effective.

Maybe we could build an armed awaiting camp and the arrested offenders could be put in it until such time as they could be legally tried. There should be provisions for food and water, but not the luxuries of a jail.

Any leader should, if possible, be apprehended and treated as a traitor and suitable punishment be given.

I believe if this were prescribed, there would not be a second riot or any future bloodshed.

Very truly yours,

Leo H. Fait.

Cy: Mr. Richard G. Sullivan
Baltimore Criminal Justice
22 Light Street
Baltimore, Maryland 21202



memo for file (5.8-2)
from RJA

Riot Control and Mass Arrests

On 5/3/68 at a meeting of the State Judges
of the Superior Courts in Md the topic discussed
was ^{Riot Control and mass arrests.} ~~the handling of the April 1968 civil disorders,~~

Colonel Robert S. Tally congratulated all
police agencies and the courts for their actions
during the civil disturbances. He said the police
in the Baltimore area had been having about
bi-weekly meetings for the past 1 1/2 years in
planning action which would be necessary if
riots broke out. Colonel Tally stated that he
thought the courts also should have been
involved in this planning. Tally discussed the
police problem ^{in mass arrests} of devising a system to
record the identity of the ^{subject} so that the
police officer could later identify the
subject. At Annapolis in connection with
the "sit in" at Bowie State College 225
were arrested. They were divided into groups
of 30 and then into groups of 4. Polaroid
photos were taken of each group and thumb
print of each subject ^{on} ^{was placed} back of film. A
processing team was used in booking and
charging the offenders. Colonel Tally ^{stated} suggested
that in mass arrests the less serious
cases should be handled rapidly and he
suggested that a committee of judges be set up

To work out the problems connected with orderly handling of these cases, he stated there must be advance planning for ~~sufficient~~ ^{to} have available sufficient prosecution and defence counsel. Further that an information officer be appointed to handle the news media. Problems connected with availability of proper detention facilities were being worked on. Tally advocated early release by judges of lesser offenders and short cuts to processing of offenders. He mentioned that where offender was charged with breaking and entering and there was no proof of breaking it was necessary to reduce the charge to curfew violation unless the offender was carrying looted property. He advocated arrangements to obtain additional prosecutors and judges from adjacent areas.

Judge I. Lowell Landin ^{Chief Justice of Bn.} advised that ~~the courts had~~ ^{no} no coordinated plan before the riot but that each group had ~~of~~ made plans among themselves as to what to do in an emergency of this type. Judges ~~and clerks~~ were in contact with their court clerks and clerks had legal forms and typewriters in their automobiles. Within ~~the~~ hour of a call from Commissioner Pomerleau, Landin had four of the Municipal Court judges in his office. Through talks with Sobel and others and knowledge of previous riots in V.S. the ~~difficulty~~ ^{problems} ~~problems~~

(3)

having a quick trial and
of getting police or owners to testify was
known. To expedite trials it was decided
that it would be necessary to downgrade
the charges to what could be proved,
60% of the cases were tried on stipulated
facts, all defendants had legal advisors with,
no question was raised as to whether the
defendant could afford personal counsel. TX
had been decided Bond of \$500 - would be
set and this was criticized as being too high,
\$1000 - was bond in a few ^{more serious} cases or where
weapons were involved, in one case \$5000 -
was the bond for Disorderly Conduct charge
since the State attorney stated other charges
would be filed

At 9^{pm} Sunday, the Municipal Court
adjourned to the Supreme Bench quarters
to insure security of police headquarters and
through the night trials were held. Substantial
justice was meted out, no one was accused
of unjudgely conduct. On Monday and
Tuesday, Four Supreme Bench judges
assisted in ^{handling} trials. Judge Jarden

Judge Jarden stated that at least
10 groups have said that Judge Jarden and
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riot but that this was not correct. Some
defendants were "misplaced" rather than lost
because they gave a false name and then
forgot what name they gave and inquiring
relatives had difficulty locating them. The

Legal aid Bureau gave out cards to dependants to be filled out and mailed to a relative and some of these cards stated relative should ask for defendant under several names. Judge Landis pointed out that any time during the 24 hours of a day a defendant can get be released by paying the fine.

Each defendant was arraigned individually with free counsel ^{representing him} ~~and~~

Future planning should govern ^{an} ~~and~~ an adequate Detention Center to which the Judges could ^{set up court} ~~go~~ but that the courts should ^{advise} ~~not~~ enter into planning with the police since the court operation must be ~~independent~~ ^{independent} of ~~from~~ the police.

Judge Landis stated that Saturday night he visited the police command post at police headquarters and it was obvious that tremendous planning had been done earlier. The top state ^{and} ~~and~~ police were all working and had an open telephone line to the Governor and the National Guard. Judge Landis said it was obvious that wonderful police planning had taken place and that operations were handled efficiently and he commended all involved ^{and} ~~but~~ stated he realized that it was easy to be "a Monday morning quarterback."

Judge David Golden of Municipal of

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at Highland Park adjacent to Detroit Michigan advised that in the 1943 riots in Detroit there had been no looting and burning but that the 1967 Detroit Riots was the worst riot in U. S. history ~~Profiting~~ ~~from the experience of the 1967 riots~~ when the 1967 riots broke out the National Guard was promptly called in and an early curfew hour set. Judge Golden's court operated night and day for three days & he had 3 hour sleep in 81 hours. Highland Park blocked entrances into city from Detroit and Negro leaders assisted in calming the people, curfew was strictly enforced. Confusion occurred ^{in 1967 riots} as to whether National Guard or Police made the arrests so in 1967 riots a Highland Park officer accompanied State Police & Tall Guard at Highland Park officer made the arrest. Police cameras were used.

Only 20% of the arrests were for offenses more serious than curfew violations, 20% of those arrested were under age 25, a carnival atmosphere prevailed and 50% of those arrested had previous records.

Except where a great amount of stolen goods were in possession of looter and could prove theft, he was charged with possession. High bail was set in ^{700 day curfew} Felony cases. ~~It is difficult~~ ran out of legal forms & used Zero machine. He recommended courts maintain list of employees and necessary supplies of home & office.

M E M O : From R.G. Sullivan

May 10, 1968

F I L E : 5.8-2

Re: Riot Control and Mass Arrests

On 5/3/68 at a meeting of the Judges of the Inferior Courts in Maryland the topic discussed was Riot Control and Mass Arrests.

Colonel Robert J. Lally congratulated all police agencies and the courts for their action during the civil disturbances. He said the police in ^{the} Baltimore area had been having almost bi-weekly meetings for the past 1½ years in planning action which would be necessary if riots broke out. Col. Lally stated that he thought the courts also should have been involved in this planning. Lally discussed the police problem in mass arrests of devising a system to record the identity of the culprit so that the police officer could later identify the subject. At Annapolis, in connection with the "sit in" at Bowie State College, 225 were arrested. They were divided into groups of 30 and then into groups of 4, Polaroid photos were taken of each group and thumb print of each subject was placed on back of film. A processing team was used in booking and charging the offenders. Colonel Lally stated that in mass arrests the less serious cases should be handled rapidly and he suggested that a committee of judges be set up to work out the problems connected with orderly handling of these cases. He stated there must be advance planning to have available sufficient prosecutors and defense counsel. Further, that an information officer be appointed to handle the news media. Problems connected with availability of proper detention facilities were being worked on. Lally advocated early release by judges of lesser offenders and short cuts to processing of offenders. He mentioned that where offender was charged with Breaking and Entering and there was no proof of breaking, it was necessary to reduce the charge to curfew violation unless the offender was carrying looted property. He advocated arrangements to obtain additional prosecutors and judges from adjacent areas.

Judge I. Sewell Lamdin, Chief Judge of the Municipal Court of Baltimore City, advised that the courts had no coordinated plan before the riots but that each group had made plans among themselves as to what to do in an emergency of this type. Judges were in contact with their court clerks and clerks had legal forms and typewriters in their automobiles. Within the hour of a call from Commissioner Pomerleau, Lamdin had four of the Municipal Court Judges in his office. Through talks with police and others, and knowledge of previous riots in U.S. the problems of having a quick trial and of getting police or owners to testify was known. To expedite trials it was decided that it would be necessary to downgrade the charges to what could be proved. Sixty per cent of the cases were tried on stipulated facts, all defendants had legal advice available, no question was raised as to whether the defendant could afford personal counsel. It had been decided Bond of \$500 would be set and this was

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criticized as being too high. \$1000 was Bond in a few more serious cases or where weapons were involved. In one case, \$5000 was the Bond on Disorderly Conduct charge since the State's Attorney stated that other charges would be filed.

At 9:00 P.M. Sunday, the Municipal Court adjourned to the Supreme Bench quarters to insure security of police headquarters and through the night, trials were held. Substantial justice was meted out, no one was accused of unjudgely conduct. On Monday and Tuesday four Supreme Bench judges assisted in handling the trials.

Judge Lamdin stated that at least 10 groups have said that Judge Lamdin and the court had advance information on the riots but that this was not correct. Some defendants were "misplaced" rather than lost because they gave false name and then forgot what name they gave and inquiring relatives had difficulty locating them. The Legal Aid Bureau gave out cards to defendants to be filled out and mailed to a relative and some of these cards stated relatives should ask for defendant under several names. Judge Lamdin pointed out that anytime during the 24 hours of a day a defendant can be released by paying the fine. Each defendant was arraigned individually with free counsel representing him.

Future planning should cover arrests and an adequate Detention Center at which the judges could set up court, but that the courts should advise but not enter into planning with the police, since the court operation must be independent of the police.

Judge Lamdin/^{stated} that Saturday night he visited the police command post at police headquarters and it was obvious that tremendous planning had been done earlier. The top State and City officials and police were all working and had an open telephone line to the Governor and the National Guard. Judge Lamdin said it was obvious that wonderful police planning had taken place and that operations were handled efficiently and he commended all involved. He added that he realized it was easy to be "a Monday morning quarterback."

Judge Daniel Golden of Municipal Court at Highland Park adjacent to Detroit, Michigan advised that in the 1943 riots in Detroit there had been no looting and burning but that the 1967 Detroit Riot was the worst riot in U.S. history. When the 1968 riot broke out the National Guard was promptly called in and an early curfew hour set. Judge Golden's court operated night and day for three days and he had 7 hours sleep in 87 hours. Highland Park blocked entrance into its city from Detroit and Negro leaders assisted in calming the people, curfew was strictly enforced. Confusion occurred in 1967 riots as to whether National Guard or Police made the arrests. So, in 1968 riots a Highland Park officer accompanied State Police and

National Guard and Highland Park officer made the arrest. Polaroid cameras were used.

Only 20% of the arrests were for offenses more serious than curfew violations. 70% of those arrested were under age 25, a carnival atmosphere prevailed and 50% of those arrested had previous records. Except where a great amount of stolen goods were in possession of looter and could prove theft, he was charged with possession. High bail was set in felony cases and up to 60 days imprisonment in curfew violations. His court ran out of legal forms and used Xerox machine. He recommended courts maintain list of employees and necessary supplies at home and office.