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Robert B. Powers  
May 1967



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## PREFACE

The Earl Warren Oral History Project, a project of the Regional Oral History Office, was inaugurated to produce tape-recorded interviews with persons instrumental in the political and judicial scene during the Warren Era in California. Focusing on the years 1925 to 1953, the interviews are designed not only to document the life of Chief Justice Warren but to gain new information on the social and political changes of a state in the throes of a depression, then a war, then a postwar boom.

Because of the age of many of the memoirists, efforts in the first phase of the project have been centered on capturing as many accounts on tape as possible. The interviews that were transcribed in this phase, including those in the present volume, have been checked, emended by the memoirist, final typed, indexed, and bound with pictures and other supporting information.

The interviews have stimulated the deposit of Warreniana source material in the form of papers from friends and aides, old movie newsreels, video tapes, and photographs. This rapidly expanding Earl Warren Collection, added to the Bancroft Library's already extensive holdings on 20th Century California politics and history, provides a rich center for research.

The first phase of the Project has been financed by an outright grant from the National Endowment for the Humanities, by gifts from local donors interested in preserving data on Warren and his California era, and by additional funds offered by National Endowment for the Humanities on a matching basis. Contributors to the Project include the former law clerks of Chief Justice Earl Warren, the Cortez Society, and many longtime supporters of "The Chief." The Friends of the Bancroft Library were instrumental in the fund raising and supplemented all local contributions from their own treasury.

Amelia R. Fry, Director  
Earl Warren Oral History Project

1 July 1970  
Regional Oral History Office  
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Earl Warren Oral History Project

Interviews Completed by September 1971

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Ralph Kreiser, A Reporter Recollects the Warren Case.  
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Byrl R. Salsman, Shepherding Health Insurance Bills Through the California Legislature.  
Gordon Claycombe, The Making of a Legislative Committee Study.  
John W. Cline, MD, California Medical Association Crusade Against Compulsory State Health Insurance.



## INTRODUCTION

Robert Powers was recruited to California state service by Governor Earl Warren in 1944. It was a singularly fortunate piece of personnel selection.

Difficult times were immediately ahead. The working population of California had been doubled during war years. Nisei families were about to return to their homes after the tragic removals of 1942.

Law enforcement would be soon called on to create the climate for an orderly readjustment of these new people to a peace-time economy. It was a task that called for delicacy and understanding.

Bob Powers had been the Chief of Police of Bakersfield when Warren's father was murdered there. The valley city had been immediately inundated by peace officers from all over the state, all seeking to help apprehend the murderer of the Alameda District Attorney's father.

The crime was never solved but Warren was able to see Bob Powers in action in a time of crisis. The volunteers were graciously received, their suggestions thoughtfully considered, but at no time did Powers lose control of the investigation.

Thus when, as Governor, Warren was called upon to appoint a State Co-ordinator of Law Enforcement, he chose the astute and diplomatic Chief of Police of Bakersfield.

Powers could talk policeman's language to the police and social workers' language to the social workers. He arranged seminars for peace officers on race relation techniques. He held zone meetings for sheriffs and chiefs of police where problems of the returning Nisei were thrashed out. Always, his practicality and sensitivity contributed to day to day solutions for law enforcement.

Powers went out of office when my term as Attorney General expired. California remains much in his debt for his post-war services.

Robert W. Kenny, Judge

1 June 1971  
The Superior Court  
111 North Hill Street  
Los Angeles, California



## INTERVIEW HISTORY

Robert Powers was interviewed to document (1) the murder investigation of Earl Warren's father when Powers was police chief of Bakersfield, (2) law enforcement in California under Attorney General Kenny and Governor Earl Warren, (3) race relations, in general, and particularly regarding law enforcement.

Interviewer: Amelia R. Fry, director, Earl Warren Oral History Office.

Time and Place of Interview: June 10 and June 12, 1969  
Bakersfield, California  
Those present: Robert Powers and Amelia Fry

The Interview: It was May, 1969. The book, Warren, the Man, the Court, the Era, had been in print sufficiently long for the Earl Warren Oral History staff to have noted it, digested it and after some pursuit, persuaded its author, John Weaver, to advise us on matters of prospective interviewees and topics related thereto. It was also the month that, after a volatile year, Berkeley finally erupted into its longest, most long-lasting riot, complete with tear gas, CS gas, bayonets, and bullets, and focused on the occupation of People's Park. Each event -- Weaver's book and the three-week occupation and riots -- became an equal factor in weighing whether to interview Robert Powers, ex-Police Chief of Bakersfield, ex-coordinator of law enforcement in California.

Weaver was enthusiastic. In his own unrecorded interviews, he had found Powers a rich source of information on Bakersfield, on the murder of Methias Warren (the Chief Justice's father), on the return of the Japanese after World War II.



On the other hand, I reminded Weaver that this month of this year was not the best time for anyone in Berkeley to attempt constructive contact with a member of the law enforcement community.

Even after Weaver's assurances that Powers is a "thinking cop," delightful to know, a dark reservation in my mind persisted: if an interviewer managed to ignore and even successfully cover her own hostility, the interview would be a different quality -- sketchy and superficial. If her professionalism crumbled, a verbal free-for-all could ensue over the current Berkeley action, and the transcript would die aborning for lack of a release.

However, the fact that I was scheduled to conduct interviews with Earl Warren's former classmates in Bakersfield led me also to write Mr. Powers for an appointment. He answered he would be available anytime in June. His letter did not reveal any enthusiasm for the interview, but it did not throw out the idea. In the meantime my hostility toward anyone who was now or had ever been a member of a police force was deepened by the onset of acute respiratory difficulties directly attributable, I was sure, to the endless days of breathing tear gas in our office.

Powers and I met at the coffee shop in my Bakersfield hotel June 10. There he stood, matching my mental prototype of the policeman-in-charge-of-it-all. About 5'8", erect, slightly round, with a ruddy face. He spoke, and his lack of a Jersey accent startled me. I also knew that ten years before he had suffered a stroke, but any effects of it were not apparent.

He wanted to know more about the Earl Warren Oral History Project and the ultimate deposit of the interview. I assured him his commentary was needed, that it would be properly handled, and evoked the names of the Regents, the Bancroft Library, and





John Weaver. He disclosed great respect and admiration for Earl Warren, and perhaps even more for Robert Kenny. What portions of his career, as memoirs, would contribute to the fund of information we were trying to preserve?

The conversation, after a few jerks and stops, smoothed to an easier pace and we agreed on major topics. But the negotiations faltered on the question of whether to record those experiences of Powers that were unrelated to either Warren or Kenny.

We retired to a quiet room and began recording immediately. His forthrightness often caught me off-guard and disarmed me. ("I was a bigoted racist in Bakersfield.") Expressing his own perplexity at his restraint in never accepting graft money, he mused, "I don't know why. Maybe I was afraid." And again, "I had no morals."

The session moved swiftly through a boyhood of precious few years in an elementary school in New Mexico, many odd jobs, a stint in the Washington office of Chief of Cavalry during World War I, and a career in law enforcement begun with the New Jersey State Police in 1921. He then came West as a train guard, a deputy sheriff, and finally a rookie policeman in Bakersfield. At the point in his story when in 1933 he attained the rank of Chief, the interview slowed down, with Powers willing to expand on the kalaidoscope of crime, corruption, and police work. A keen intellect was emerging, too, as he told of his approach to law enforcement problems on essentially an analytical-innovative base. Not only had he gone against local mores by refusing to accept graft, he instituted a training program, insisted his men learn to speak and write English well, gave them typing lessons. He suppressed gambling and prostitution to a level that he could control. When Earl Warren's father was



murdered in Bakersfield, Chief Powers was in charge of the investigation, and although he was inundated with volunteer help from professional investigators who flocked in from all over the state, sufficient evidence was never found to charge a suspect. However, this was the beginning of professional ties between the stubborn, anti-graft police chief of Bakersfield and the man who was about to become the new Attorney General because he, too, had found corruption, as District Attorney of Alameda County.

Both had prevailed in their resistance to corruption that was supported and indulged in by the very government of which each was a part. Powers tells of his trips to see Attorney General Warren for advice -- or solace -- whenever his own strategies had failed to fend off a survival crisis in his job. After Warren became governor, he appointed Powers to the Law Enforcement Advisory Committee, in which he very shortly got the job of committee coordinator. The first big task to hit the group was that of gaining the cooperation of the law enforcement people in assuring a non-violent acceptance of the Japanese American citizens, who were being returned from War Relocation camps. Power's comments on the resettlement are centered primarily on the American Heritage article which had just appeared.\*

Perhaps Power's most far-reaching accomplishments began in August of 1945 when Attorney General Robert Kenny, by legislative action, created the position of Coordinator of Law Enforcement Agencies for California and put Powers in the slot. He had, and still holds tremendous regard for Kenny's fearlessness, mental acuity, and administration ability. The two must have performed

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\*Janet Stevenson, "The Return of the Exiles," American Heritage 20, No. 4 (June, 1969): 22--\_.



in tandem extremely well. This was when the zone meetings of police chiefs were instituted at regular intervals around the state, when the problem of race relations in law enforcement was confronted in pilot meetings between black citizens and white prejudiced police in Richmond, when the zoot suit riots were cooled in Los Angeles. It was also when relations between J. Edgar Hoover and the Attorney General's office -- probably never destined to be warm and empathetic -- became tangled in Hoover's hostility toward the police zone meetings. All of these experiences Powers related over the tape recorder with the verbal economy of a capable free-lance writer, which he is, and the care of one for whom truth is a serious responsibility.

But there was more to tell: about the period after when Fred N. Howser became Attorney General and Powers resigned. Deeply committed to his mission of training police for more tolerance of racial minorities -- he had written a training manual -- Powers now obtained money to put his ideas into cinematic form; he took on the job of chief prosecutor in a legislative investigation of racial bias and violence in the Oakland Police Department; he helped integrate a white school in Arizona with young lawyer Stewart Udall. But the Oakland incident had left him smeared with "Communist" labels -- Oakland's contribution to what became known as the McCarthy Era. The Arizona experience was far more rewarding, ending not only with an integrated school but with a story which Powers himself had taped with the heroine, Betty Toomes.

Powers was reluctant to rehash these latter experiences. He was not convinced, at the end of our first session, that they possessed the significance required for such ego-centric treatment, the "I did" characteristic of an interview. Nor had he decided that he could give up his collection including articles, manuals, and the movie script; and he did not know the





whereabouts of the Toomes transcript in Arizona.

However, he showed up for a second interview two days later, lugging a large brief case. He had been thinking, he said, and here were all the requested papers, including also his manuscript of the history of the Bakersfield Police Department. (Later he located the Toomes transcript, which is appended in this volume.) At the end of the recorded session, he even consented to talk about his childhood.

Weaver's "thinking cop" assessment of Powers had proved correct. Powers had always been a compulsive reader. He and the editor of the Bakersfield Californian had read and discussed books together, devastating books like Lincoln Steffin's The Shame of the Cities.

Having become intrigued with weightier questions of ethics and morality, Powers had also devoured the world's basic religious documents: the Koran, the Pend-Avesta, the Bible, the Bhagavad Gita, and eventually had allied himself with the world faith, Baha'i.

Because of the natural pattern of developing rapport in the interviews, the transcript has been left in its original order with the childhood section appearing last. In our post-interview correspondence, we rehashed current as well as old questions of law enforcement, and in the process he added information to the transcript in two places: his reply to the Katcher\* version of the criminal investigation of the murder of Warren's father, and his elucidation of some specific assignments under Attorney General Kenny.

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\*Leo Katcher: Earl Warren, A Political Biography, McGraw-Hill, 1967. Passage quoted in the transcript.





As friends we shared his "Maxims of an Earlier Day Police Chief," distilled in 1966 out of his years of experience. It seems a succinct enough statement to be worthy of appending also.

Some months later the question arose with Negro journalist Almena Lomax as to whether any murder suspects in the Methias Warren case were black; a segment of the Negro community apparently had suspected that the black suspects might have been a reason for Governor Warren's not pushing Fair Employment Practices legislation strongly enough. In answer to our inquiry, Powers sent a statement that all of the "major" suspects were white, and this is appended along with Miss Lomax's memorandum.

Even as we were making these additions to the transcript, Powers added yet another chapter to his crusade. He had become involved in a racial clash in Bakersfield, via his son, Steve, who was a policeman. Steve had starred as chief witness against his own fellow police in a hearing on police brutality against black youths at a community dance. The ensuing police harrassment of both the elder Powers and his son failed to intimidate either and lead instead to wide press coverage and the formation of a branch of American Civil Liberties Union in Bakersfield. In letters and clipping, this episode is documented as the final appendix. All of his larger manuscripts are filed with the interview in The Bancroft Library.

Amelia R. Fry, Director  
Earl Warren Oral History  
Project

1 June, 1971  
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Interview 1 -- June 10, 1969

BAKERSFIELD POLICE CHIEF

Fry: Let me start out, Mr. Powers, by getting where you were born.

Powers: Las Vegas, New Mexico. I was a grammar school dropout, which is way ahead of what they do today. And then World War I.

Fry: You did go into World War I?

Powers: I was in World War I.

Fry: When were you born?

Powers: In 1900. It was October 3, if you believe in astrology. And World War I -- after that I did another enlistment in the regular army and then went on the New Jersey State Police, where I was for a couple of years.

Fry: I see. In the army were you also in police work?

Powers: No. I had no thought of police work then -- just the normal fear of police that everyone has, that I have now again of course, because I'm not too closely connected with them. Then I came west and worked as a deputy sheriff in New Mexico and Arizona and did some work as a train rider on the railroads. Those were the days that they had had to have marines on the trains to keep people from robbing the mail. When they took them off they hired one man to take the place of a squad of marines, and so I did that for a while. And then I came to Bakersfield in '27.

Fry: That intrigues me about the trains. What was your route?

Powers: From Albuquerque to Los Angeles.

Fry: Did you ever have any train robberies?

Powers: No. It was my job to keep them from doing it, and it was a matter of searching trains and getting rid of people on the trains who might rob them. Oh, freight trains that I've been involved in -- they were robbed -- but never a mail train robbery. I guess I was too vicious-looking and they didn't do it.



- Fry: That sounds like a rapidly fading era of American history.
- Powers: Oh, this is all gone. Everything about railroads is dying out fast. It's something that will be interesting a hundred years from now, like oxcarts.
- Fry: That's right. Could you give me an example of how you figured out who you were supposed to throw off the train? Who was a suspicious character?
- Powers: No. The thing was, in order to rob a train you have to get on it. A train would start pulling out of, oh, say Barstow, and I'd happen to be in Barstow. There'd be a gold shipment or something very valuable on the train. A train that had a highly valuable cargo was called a silk train. But as a train pulled out of Barstow, say, going east, I would wait until they tested the air brakes on the engine about half a mile out of town, and then I'd climb aboard behind the engine, you see. If anybody was on I would probably get rid of them fast there, and then go over the top of the train and see what was doing and be prepared at the next station if the train had to stop. And if an unusual stop came up, somebody manipulated the signals to stop the train, then I would be very much on the alert -- thinking that if there was an unusual stop that probably somebody had manipulated the signals and was intending to rob the train. All these things get to be routine after you do them.
- Fry: Then in 1927 you came to Bakersfield.
- Powers: Bakersfield. I was still working for the railroad.
- Fry: So you came to Bakersfield, then, after Earl Warren had already left?
- Powers: Oh, yes. I didn't know anything about him. And I went to work on the police department as a patrolman in January, 1928.
- Fry: Well, how did Warren get to know you?
- Powers: Oh, you're way ahead.
- Fry: Oh, I'm ahead of the story. All right. So you started out as a patrolman.





Powers: Yes. Then in 1933 I was made chief.\* Now are we heading fast for Warren, or do you want me to tell you stories?

Fry: Why don't you tell me stories?

Powers: Okay. Before I was chief I was mostly concerned with traffic, although there wasn't the sharp division between traffic work and criminal work that there is now. They overlapped a great deal. And I became concerned with safety of school children and helped develop these techniques that are in general use today of safety instruction in the schools and adequate signals to warn of schools, and so forth, and did a spectacular job of traffic control insofar as the protection of school children is concerned. The methods still go on. I guess that was probably one of the most significant of my accomplishments.

The other thing was, between Albuquerque and Los Angeles I had worked alone and had nobody to depend on. The job was either done by me or not at all. So, coming to Bakersfield to go to work on a police department, I didn't know that you were supposed to wait until eight men came to help catch a burglar or stick-up man. I would always do it myself. I was impatient and in a hurry. So I made a reputation, not as a result of my courage but of my conditioning, and of the fact that I didn't like to work with anybody unless I knew him very well. Those things helped to make it possible for me at age 33 to be the chief of police.\*\*

The police all over the state with the exception of Berkeley were a run-down-at-the-heel bunch of social misfits; lots, lots of the police had political connections, and couldn't make a living any place else, and many of them were barely literate. Many of them had no idea about police work -- not all of them -- but generally the whole law enforcement structure in

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\*Powers, Robert, Bakersfield Police Department, 1898-1946, typewritten manuscript, Bancroft Library, University of California, Berkeley.

\*\*Powers, Robert, Maxims of an Earlier Day Police Chief, a xeroxed copy in The Bancroft Library, University of California, Berkeley.



Powers: California was corrupt. Exceptions, certainly always exceptions, but this is a generality.

And something, I don't know where it happened, but some peculiar aspect of my personality kept me from taking money -- graft -- being opposed to the general idea. I should be able to isolate that restraint; it's not logical, but there was something there. I would steal whiskey and things like that, but money I didn't. And so my effect on this local police department was in the direction of bringing about a relatively honest law enforcement among people who were then appointed politically and were not good material as law enforcement officers. I began, with the good things I had learned up to the fifth grade in Las Vegas, New Mexico, to develop some testing procedures for police, and became concerned that getting people there to work who were -- well, certainly not morons, certainly not geniuses, though some of them were above average in intelligence and capable of learning.

Fry: How did you do this if the other aspects of the community weren't with you on it? Because, for instance, in some communities it's been very difficult to reform a police department because perhaps the courts were also corrupt, and you can't have honest police and corrupt courts very easily.

Powers: This is true. But I lived by my wits; I was an extremely devious person, and I and others had taken the trouble to get a civil service law passed which put the chief under civil service, and I was legally responsible to no one but the city manager. The council was naturally corrupt because being in control of the police department they also could control vice to their own interests. When I became police chief we had 65 gambling joints and 38 whorehouses in Bakersfield, besides slot machines, punchboards, and things like that -- a lot of money for somebody. So over a period of a few years I managed to gain control, not eliminate vice, but control it to the extent that I cut off the income of the politicians. In other words, if I would find or suspect a place of paying off, I would wreck it and close it. So this developed . . .

Fry: So in other words, they could exist, but without payoffs?



Powers: They could exist without much paying off. I couldn't even begin to wipe it out entirely. You see, the churches wanted vice because they collected from the racketeers. If they had a mortgage to pay off they could go around and say, "I will put the heat on the police department to get you closed up unless you make a substantial contribution."

Fry: Oh, did they?

Powers: This was going on, yes. The Chamber of Commerce loved vice because their members owned the buildings and they could charge exorbitant rents for everything. The politicians didn't want the town closed. Nobody wanted the town closed but me, and the only reason I wanted it -- I didn't really want it closed. I wanted to be the controlling factor in it. And my strength was this accident of personality that I happened not to take money. I don't know why. Maybe I was afraid.

Fry: You don't remember any strict moral upbringing or anything like this?

Powers: Oh no. I had no morals. I merely regarded my conduct as based on my safety and convenience.

Fry: So in other words, the reason you were against graft was that you saw that you could never be secure as police chief -- be "your own man" while the corruption continued to exist?

Powers: I couldn't have a police department which I thought possible of coming into being (and I had to move towards suppressing vice surreptitiously). Many sly steps you see, because as soon as, for instance, the city council began to suspect -- they attempted to repeal the Civil Service Act. They finally tried to three times. Had they succeeded, they would have had me by the throat, and out I would have gone.

Fry: Well, who were your constituents in all of this?

Powers: I didn't have any. I didn't have anyone who was active or interested. They weren't even aware of the fact that I was trying to recreate -- there was only one man in the whole state who knew what I was doing or even suspected, and that was August Vollmer in Berkeley, who created the Berkeley Police Department.





Fry: Were you in contact with Vollmer?

Powers: Not intimately, but enough so that he knew what I was doing. And once in a while he'd send a captain or somebody down to look over what I was doing, out of curiosity and because he was interested in the same thing. But I don't remember anybody else who was interested in this course of progress. You see, there was no demand for improvement in law enforcement at that time. Nobody wanted it improved.

Fry: Well, how did you get these ideas? I was told by John Weaver that you were a "thinking cop." And then in the article that's out this month, that's June 1969 in American Heritage, it describes you as an un-formally educated cop.\*

Powers: No, an un-formally educated "intellectual." This is something! Because I'm so prejudiced against intellectuals. But that has been thrown at me, together with "a white blackbird," as the French say, and that delights me.

Fry: That's right. You never passed grade school, but you're obviously an educated person. How did you get this way?

Powers: I'm a well-educated person; I'm a highly educated person. But I don't know how it came about. Now this is a question I can't answer, unless reading books did it, but that's the only thing I know of. And plus the fact that I had a few principles, like, "He that only rules by terror doeth grievous wrong. Deep as hell I count his error; let him hear my song," for instance, by Tennyson, from "The Captive." And "Rules are made to use when brains run out," was another. The point was that I knew the social system insofar as police was concerned was rotten, and I suppose I have a streak of perfectionist in me some place as to certain things (but not as to everything), and I thought, "I can make a good police department. It's fun to do; I will do it." I hate pretentious people. I hate people who push other people around, as Bob Kenny says, and I tend

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\*Janet Stevenson, "The Return of the Exiles," American Heritage 20, no. 4 (June 1969):22+.





Powers: to go for the underdog. But you see, I had to learn it. As I was going along I didn't know any of it. So, how this came about -- no interviewer could ever dig it out.

But I did accomplish things with the police department. I'm leading up to Earl Warren. I did accomplish things with the police department. As I began to replace the old misfits with a few younger men, I made them all go to school. And this was very hard, because nobody thought about schooling cops in those days. So I had about a two-day conference talking about this until they finally agreed that if it could be practical they'd like it. And then from that we came to a point where --

Fry: What kind of schooling was this?

Powers: At the police department in the classroom.

Fry: It was sort of on-the-job schooling?

Powers: On-the-job training. And I made them all take a course in oral and written English -- everybody -- because for every time a cop uses a club or a gun he uses a million words, you see. If you can't talk, if you don't have a vocabulary, you can't transmit ideas, you can't make yourself effective. They came around to this all right. And I made them all learn touch system typing. I made them all learn to classify fingerprints and do some technical work. And of course I made them memorize the laws of arrest so they could recite them like general orders in the army, so they'd know what they were doing. This took a long time; this didn't happen overnight.

Fry: You hear a great deal these days about recognizing the rights of the individual during an arrest. Did you bring some of this into it then?

Powers: Yes, I brought some of this into it, but mostly with a view to protecting the officer and myself.

Fry: The right to make the phone call?

Powers: Oh no, not that. We wouldn't even let them get near an attorney. We'd hide them out. In those days you had no deep concern for the individual right as has come to be the proper attitude now.



Powers: But my aim in teaching them the law was to keep them from getting in trouble. We didn't teach them to follow the law, just to know what it was so that if they deviated from it and got in trouble or were threatened with a false arrest suit, they could protect themselves. No high moral standard about it -- it was a matter of self-protection.

Fry: And legal protection for themselves.

Powers: For themselves. It was the cops against the world and society. You see, during this time I was chief, there was the California Peace Officers Association, made up and run by police chiefs and sheriffs, generally. And they meet once a year and are concerned with legislation and various self-serving activities, and Warren was always a member of that.



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Page 10.

### T O U G H C O P

BOB POWERS, the former police chief who starts the story of his career in this issue (CRIME WAS MY BUSINESS, Page 22), seems to be the kind of a copper you would be glad to see if you <sup>have a</sup> maniac loose in the neighborhood, and would be equally glad not to see if you had broken the law yourself, in which case you'd call him a hard-boiled heel. When Pete Martin went out to Bakersfield, California, to work with Powers on the story, Pete wanted to know for sure what kind of a man Powers was. "Give me a list of six people who like you," he said, "and six who hate your guts." Powers wrote out the list without a minute's hesitation. Pete began his rounds. He found that Powers was dead right on both lists.

The first man Pete interviewed snarled at the mention of Powers' name. "That - - - - -" he said. "I won't even talk about him." It was the same when Pete checked the list of pro-Powers people. They were as loud in their praise as the others were in their denunciations. It appears that the chief, being a man of strong opinions, created strong opinions about himself.

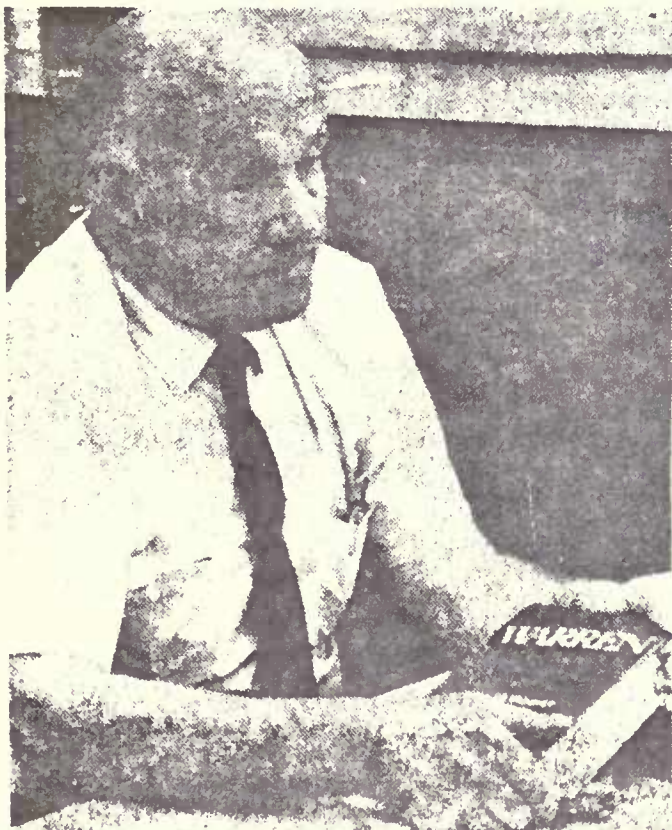
Powers is a man in his late forties, probably a good deal restless in retirement. Eddie Albert of the movies is one of Powers' pals, and employed the chief to write movie shorts intended to combat juvenile delinquency. Powers would make a perfect house guest these overcrowded days. As a result of his early days in the Southwest, when he slept when and if he got a chance, Powers can't sleep in a bed. At bedtime he hauls out a sleeping bag he bought at an Army surplus store and sleeps peacefully on the good hard floor.







It was in the rear of this residence at 707 Niles Street that Methias H. Warren was bludgeoned to death 30 years ago in a mystery killing that remains unsolved today. The wealthy recluse was the father of Earl Warren, retiring U.S. Supreme Court chief justice.



Former Bakerfield police chief Robert B. Powers, who headed the investigation of the bludgeon slaying of Methias H. Warren 30 years ago, lives quietly in retirement in Bakerfield.

## Unsolved Murder of Earl Warren's Father Still Kern Mystery

By BILL BLOECHER

In the records of California crime—noted for macabre unsolved murders—the slaying of Methias H. Warren just 30 years ago still remains shrouded in deep mystery.

Long dormant in the files of Bakerfield police department, the Warren murder suddenly has come alive as the controversy surrounding Earl Warren continues, heightened by his resignation from the office of Chief Justice of the U.S. Supreme Court.

Methias was the father of Earl Warren, the onetime Bakerfield newsboy who three times was governor of the state of California, aspired to the U.S. presidency and then was appointed to the high post of Chief Justice.

As a storm center—both bitterly denounced and loyally defended—Warren, in the latter position, increasingly has become the subject of biographers and essayists. The

Warren murder mystery has not eluded these would be historians and a number of books on the career of the Chief Justice appeared.

It was on the Sunday morning of May 15, 1938, that Bakerfield awakened to the disturbing news the aging recluse Methias H. Warren, by report wealthy from shrewd real estate ventures, had been bludgeoned to death.

He had died at the hands of an unidentified killer in the modest home which he occupied alone at 707 Niles Street.





## "Unsolved Murder of Earl Warren's Father Still Kern Mystery" (con't)

Until his death Methias had been relatively obscure. A native of Norway, he worked as a car inspector for Southern Pacific Railroad after coming to Bakersfield. Methodically, and apparently successfully, he invested his savings in real estate, some of it in rental properties.

But it was to his son Earl, later to become the only Californian to win election three times as governor, that he was to owe the measure of importance later to be attached to his demise.

Earl, after a modest beginning during which as a lad he delivered papers after bicycling to and from Kern County Union High School (now Bakersfield High School), had gone on to higher education at University of California and unusual success as a prosecuting attorney. He also entered national politics and became a Republican national committeeman.

The man who was later to head the highest court in the land was Alameda County prosecutor and a likely candidate for the office of attorney general of California in the upcoming elections the following fall when the elder Warren met his tragic death that May weekend.

The shock waves of the elder Warren's beating death were still rocking Bakersfield when young Warren himself arrived on the scene. Both the circumstances of the crime and the importance of young Warren's already soaring political star quickly brought law enforcement officers and investigators from the Bay area and Southern California to Bakersfield, together with an inevitable escort of newsmen.

Not even the news of a calamitous wrecking of an airliner with all its human cargo 50 miles away could budge the Warren murder story from its domination of front page headlines.

Ralph Kreiser, veteran newsman who, with Jim Day, then sports editor and chief photographer, "covered" the Warren day-by-day story for The Bakersfield Californian,

Robert B. Powers, long since retired but still a Bakersfield resident, was chief of police at the time and was in charge of the investigation.

Charles Dodge, Kern County sheriff, recalls that he was then a young Bakersfield police sergeant and on desk duty that morning when the report of the murder came to headquarters.

Law enforcement personnel here was reinforced. Powers recalls, by Alameda County officers, including Warren's own chief investigator, Oscar Jahnssen, Oakland, officers and police from Southern California. A dozen visiting experts on crime volunteered assistance.

"The pressure for the killing was terrific," Powers recalls. "It must be understood that Warren at that time had already gained considerable popularity among organized peace officers in the state and they were quick to rally and volunteer assistance."

One of the unusual aspects of the case, Kreiser recalls, is that no suspect ever was formally charged with the murder although more than a dozen were jailed during the course of the investigation.

Kreiser wrote for The Californian that at one time 22 investigators were engaged on the case, together with five stenographers. Warren left after five days, after arranging his father's funeral and handling estate matters.

The scene of the murder was graphically described on Monday, May 16 by Kreiser, writing under black headlines reading "Mystery Killer Hunted in Warren Pipe Murder."

There was a picture of the "death chair" with a line drawing of the probable position of the victim when attacked. The Californian story related how "the body was found at 9:10 a.m. by a Warren employee, William Reed, who came to discuss business" that Sunday morning.

"A trail of blood," Kreiser's story read, "led from the chair in Warren's kitchen to the bed. Blood stains

surrounding the chair and on letters scattered near it were found, and the man-shattered glasses were lying on the floor near his bedroom slippers. Both were near the chair in which Warren was sitting when the attack occurred."

It then related how Warren was beaten over the head with a piece of pipe later found in a neighboring yard where it was presumed thrown by the "shadow killer," as he was labeled. The pipe, it was stated, had been picked up by the killer in the yard at the rear of Warren's home.

A large part of a page the day following was devoted to a series of Kreiser's and Day's photographs showing where the pipe was picked up, and later thrown, the blood-stained scene in Warren's home, a picture of Powers and of the corps of visiting investigators.

Ensnung stories were highlighted by pictures of Warren, such typical headlines as "Killer Probe Jails Two" and other elaborations as the murder continued top news here.

There were the familiar "mystery witnesses" and other stereotypes of unsolved murder cases, including the disclosure of a purported violent argument late on the night of the murder at the Warren home.

Powers today, in retirement from police work since 1946, says he is convinced the guilty man never was in custody or known. The murder could have been committed by one of Warren's tenants. He had several rental houses of nondescript type.

These, their acquaintances and people generally were aware of the belief that Warren had money. Robbery might easily have been the motive. Powers says he believes it was.

"Warren was killed with a pipe which was picked up in his back yard by the murderer before entering," Powers says in reconstructing the slaying. "A man intent on killing would have gone there prepared.



## "Unsolved Murder of Earl Warren's Father Still Kern Mystery" (con't)

"I think it is reasonable that the killer went to the Warren premises, peered through the window, saw him going over accounts, handling money, and decided to rob him.

"For a weapon, he looked about, and plucked up the rusty pipe, part of the litter in the yard."

**The attacker might have surprised Warren. He might have been known to Warren and thus might not have aroused the latter's suspicions. The attacker might have panicked in the act of robbing and fearing that Warren either knew him or could identify him, may have killed to prevent it.**

Powers advances these as hypotheses based on his knowledge of crime and the evidence. The idea that Warren, after being struck, was carried to his bed and dumped thereon by the murderer, is not credible to Powers.

"I believe Warren had sufficient strength to himself find his way to the bed," says the former police chief. "An attacker would not reasonably stop to do it.

"I believe that robbery, clearly, was the motive," said Powers. **One act of the guilty person which has never been explained adequately, he said, was the manner of the murdered's scattering rent receipts — and a \$5 bill —**

after leaving the house, marking a trail toward Baker Street.

**Neither the rusty pipe, the death weapon, nor any of the other possible leads rewarded investigators with identifiable fingerprints or other ties to the crime.**

Powers is confident the investigation was thorough in every respect. However, he conjectures that science has since added techniques to the investigative processes which, if available then, might have led to the crime's solution.

At the time, however, Powers was considered an unusually able officer. He had joined the Bakersfield police force in 1927 and had risen to the post of chief in 1933. Prior to coming to Bakersfield he had served with the New Jersey state police beginning in 1922, had come west and had served in New Mexico and Arizona as sheriff's deputies. He retired as Bakersfield chief in 1946.

It is a matter of fact that Powers was so highly regarded by Earl Warren that, as governor, he appointed Powers coordinator of law enforcement agencies of the state of California after first making him a committee member.

Bob Powers as Lieutenant in Bakerfield Police Department





FIRST CONTACTS WITH EARL WARRENCalifornia Peace Officers Association

- Powers: He was the only district attorney I can remember who cultivated the cops. I thought it was a marvelous political move on his part, because when you have all the police and sheriffs and deputy sheriffs for you, you've got a big, strong thing, almost like Mayor Daley.
- Fry: You have your field organization.
- Powers: Right. That's something special. And I would say (and I'm sure wrong, this is an exaggeration, but I always exaggerate) that every law enforcement officer in this state was for Warren, had a personal concern for him, liked him. The average attorney, district attorney, city attorney, and others, stood aloof and looked down their noses at these cops and deputy sheriffs and so on. Warren was right in the middle of them all the time. Every meeting he was always there. When they were all getting drunk he would stand there with a glass in his hand -- I don't think he ever drank over one or two glasses a night in his life, I never saw him even excited -- but he was there with the people and cultivating them, and just being with them. And of course he wasn't talking about civil rights; he wasn't talking about integration; he wasn't talking about any such things then. They wouldn't have understood him, and he wouldn't have accomplished his purpose, which was political, yes. But also to help.
- Fry: Why did you think he was mingling with the officers?
- Powers: I attributed it as purely political.
- Fry: Civil rights issues weren't even in the air then?
- Powers: Those issues weren't in the air; no one was concerned about them. The newspaper would report that we had





Powers: a suspect and he had been grilled for 48 hours and still hadn't broken, you know. This was normal for reporting because the people accepted that; they expected that sort of police behavior.

Fry: What did Earl Warren talk to them about when you would see him at those meetings? What was on his mind?

Powers: I don't remember him ever having given a speech, but I remember mostly that around between dull speeches and so forth he'd be around the officers and talk to them. He'd give them legal advice to the extent that they could absorb it, and he was one of them. So I certainly never thought of him as being interested in any rights of a criminal, because we weren't in those days.

Fry: But did he seem interested in the problems of the policemen?

Powers: Yes. He was interested in the problems of the police insofar as they were in conflict with local politicians and especially with regard to vice. Here is the story of the ordinary police chief of 40 or 50 years ago. The vice interests ran the city council and the police department, in those days, or in a great many cities, and in some yet. And the police have no way of improving the conditions or getting control or closing up places or keeping pimps from pushing the cops off the sidewalk. It was this condition. And Warren would discuss means and so forth or what police could do, because Warren had already made his reputation, you see, when he had attacked corruption in Alameda County.

And he was an enigma in a sense because he was honest, and the honest cops were suspect among all their contemporaries, because it wasn't normal. Policemen got impossibly low salaries, and some of them got rich on the side. I don't remember Warren ever trying to do a crusade to make the cops more honest; he may have spoken of it. There must be all of his talks that he gave at Peace Officers Association on file someplace.

Earl Warren presented an image in no way superior to the police officer -- it wasn't a false



Powers: thing, he's incapable of falsehood; he's incapable of deviousness and so forth; one merely knows that in association with him. He's unquestionably the most honest man I ever knew in public life. And this would have been offensive in most people, because a human being, when he comes in contact with someone who presumes to be perfect, hates him. This is our nature. But Warren's virtue was tempered by this, well, compassion's a lousy word to use here, but empathy with the policeman. He understood their problem; deep down in his guts he understood the problems and realized that they couldn't be any better than they were under the circumstances. Now during all this time I had no association with him directly. He was around. I would know him when I saw him: he was district attorney of Alameda County.

#### The Murder of Warren's Father

Powers: And the first contact that I recall having with him that amounted to anything was when his father was murdered here in Bakersfield. He flew down that night with his own investigators, his own reporters, and various others that Sunday night. I believe it was a Sunday night, although it was over thirty years ago, and if you've dealt with a hundred murders you don't isolate one and remember details much. But he came in that night with his people and Oscar Jahnsen, who was his chief of detectives in the district attorney's office, the chief investigator, and we had a conference. And the result of the conference was -- I don't know whether it was arrived at through consultation or through my hardheadedness -- that I was to be in charge of the investigation and run it myself, and nobody else. I don't know how that came about, but there were some strange things happening there. One was that with the law enforcement officers throughout the state, having a feeling for Warren, all wanted to come help. They came from Los Angeles and other places, the Los Angeles sheriff's office and other places; they wanted to come help on the investigation.

Well, this can make one hell of a mess -- people that you don't have control over. So I



Powers: couldn't sit still and let anyone else take charge of the investigation, because there were all the elements of great conflict, and they developed the first night -- indications, or seeds of conflict -- and I had to put them down instantly and make the point clear that I was in charge. And while I was in charge it was done my way.

The other point was, here was Earl Warren, who was getting ready to run for attorney general or had already declared himself, and everybody wanted him to be attorney general. And supposedly he was living affluently in Alameda County, and here was this poor old shack of a house that his father lived in, and the backyard was practically a junkyard, and it looked as if he were in poverty. Now this is what we get at first glance. I hadn't even known that Matt Warren lived; I wasn't interested in him. But this is the first picture. Now, this is going to hurt Earl Warren, you see, letting his poor old father live like that. Then, as it developed, it turned out the old father had a lot of property, about \$175,000 worth it turned out, and was living as he did through choice.

Fry: My figures on his property, according to John Weaver, are that he left an estate of \$177,653.

Powers: I missed it a little over \$2,000.

Fry: Pretty good, after all these years.

Powers: Here then -- can you picture that? Some people regarded Earl Warren's father as an old hermit miser type while owning a lot of cheap property and preying on poor tenants, a landlord type. All of these factors became involved, and we were concerned with catching the murderer, yes, but we were also concerned with Warren's political career.

Fry: I want to back up and ask you about the officers who volunteered from other areas. Did they actually stay and work, or did you manage to encourage them to go back home?

Powers: No. They stayed and worked for a few days, until they saw that it was going to be a long, continuing investigation and a lot of damned hard work. And then they decided they were too busy elsewhere.





Fry: Well, they had their own jobs to return to, didn't they?

Powers: They had their own jobs too, but if they could have come in quick and been in on the kill, it'd have helped them. It'd have helped everybody; it'd have made them special friends with Earl Warren.

The investigation, I think I had about 25 men working on it exclusive of anything else. I had about six stenographers working on the record. So I had everything that anybody could ever hope for in the way of an investigation. Oftentimes you have a good excuse for not solving a crime. Hell, you haven't got time. You have a murder, and then there are two more murders and a stick-up and so forth, and you just have to hit it here and there. But here I turned the police department over to an assistant chief, Grayson, who is dead now, and I devoted my entire time to this investigation. And the result was that we didn't catch anybody, and if we'd caught anybody I should have gotten the credit for it. If there's any blame for failure, I'm the only one responsible. And I was concerned about the responsibility because I knew it might destroy a man lower than me in the police department, a chief of detectives or somebody, if he headed it and didn't make it. You see, then there'd be the criticism and so forth that might be difficult.

In any event, what happened -- nobody else knows -- the investigation -- and so forth like I do, because each investigator dealt with one aspect of it, and he interviewed one person. I had to coordinate the whole thing, send them back to do certain things, recheck and so forth. It was a robbery. A man came to his house, a prowler I believe, looking for what, I don't know. Anyway, he picked up a piece of pipe in the backyard, hadn't brought a weapon with him, went in through the back door. Matt Warren was counting his money and checking his receipts; he'd been out collecting rents. The man hit him over the head with the pipe, grabbed the papers and the money, and left, walked up the street separating papers and money. He did make a mistake and dropped one five dollar bill, which we picked up the next morning or during the course of the investigation.





Powers: Since then a number of people have tried to make it some kind of a mysterious conspiracy, like Garrison in New Orleans trying to make something out of the Kennedy thing. The Europeans especially are never satisfied with less than a conspiracy; the Americans aren't much better. A clear-cut simple case of robbery and murder we have here.

Fry: You said "since then" this has come up. Did this not come up as a possibility at the time? I was wondering if a conspiracy theory was something that you had to deal with, since Earl Warren was a political candidate.

Powers: Well, there may have been some such talk, but it wasn't very strong. But there have been a few books written about this in the realm of fantasy. But robbery resulting in murder was it.

Fry: But at that time you didn't have any pressure to investigate the political aspects of this?

Powers: No. I was pretty free from pressure by that time. I had developed my own position. I did what I wanted to.

Fry: I mean were you aware of others, particularly pro-Warren people wanting an investigation into whether this was a conspiracy to discourage Warren from running, or something like that?

Powers: I'm sure there was some such talk; there are always crackpots. There were people who didn't want us to investigate too deeply. There was one leading citizen, a friend of Warren's, who didn't want us to investigate too deeply certain aspects of Matt Warren's relationship to his tenants because he thought it might develop something that would be adverse to Warren. I am sure even in those days there were those who thought it a conspiracy to injure Warren, or something like that, but pretty far-fetched, pretty ridiculous.

The thing about the investigation was that Warren did not in any way -- now he was in a strong position, he had status in law enforcement -- criticize or do anything except turn the thing completely over to me, and seemingly was completely satisfied. Whereas, since his father was concerned,



Powers: since he had his own men, he could have come to me and said, "I would like Oscar Jahnsen or Jim Ritchie or one of the other men to sit in with you and you do this jointly," or, "I'd like you to subordinate yourself to them," and I probably would have done it. But he didn't; it was within my jurisdiction. Although it was his father, that made no difference.

The newspapermen throughout the state, of course, flocked in from all over the place, and here was a small town cop involved in press conferences about twice a day, trying to decide what to tell them and what not to tell them. But they were generally very favorable to -- now this is a strange thing to say in a murder case, but there were the political implications whether you accept them or not -- and the reporters were favorable; they liked Earl Warren. People like Earl Warren.

Fry: They were favorable to whom?

Powers: To him, to Earl Warren. The press seemed to want to do everything they could do for him.

Fry: So you mean they didn't press for embarrassing details?

Powers: They didn't press for embarrassing detail in relationship to Matt Warren. An example of that was the district attorney and I and Earl Warren were up in a room in a hotel one morning, and the place was crowded with reporters. I don't know what all they wanted to ask. But while I think three of us -- the district attorney and Warren and Tom Scott and I were sitting on a bed and the reporters were all around, some question came up which I can't recall, and Earl Warren broke down and started crying. And of course instantly and without premeditation or anything like that, a cameraman snapped a picture. Instantly all of the reporters turned on this man and took the camera away from him and took the film out and exposed it to the light.

Fry: They did?

Powers: The reporters themselves. Nobody actually said anything. They knew that this lacked delicacy, catching a person in grief. This was to me a very interesting fact.



Fry: Their group action was not typical reporter behavior for that period, would you say?

Powers: No. It was anything else but! The cameraman taking the picture explained, "He said to take any picture of anything that happened naturally." But instantly they didn't want anything that was indelicate insofar as Earl was concerned. It's a very strange thing that a man like him, as good a man as he was, could get so much genuine affection from a bunch of bastards who weren't good.

Fry: [Laughter] That's a marvelous quotation.

I wanted to ask you about a point on this investigation. In one of the books I've read, they talk about the suspect which Oscar Jahnsen was and still is convinced of as the guilty person. But they said that the whole thing was called off when they found out that he had been questioned for several hours at a stretch in this process that you mentioned earlier that was so typical in those days. And Warren or Jahnsen then called off further investigation of this man. Do I have that story right?

Powers: I haven't read the book. People have told me about it a number of times, but I'm not interested in this. But apparently, you see we were arresting suspects all over the place -- everybody, anybody -- maybe there were twenty, thirty, forty, I don't know, and different teams, usually a local police officer and an out of town police officer would question these people. But they were brought in. A number of arrests were made on suspicion at that time, which is a fantastic thing in these days but wasn't then. And apparently Oscar's team had questioned this man. Then they'd gone out to check his story, and before they got back to him two other officers had taken the suspect on. I was satisfied at the time there was not enough evidence to charge him. Oscar may have thought differently. I don't have a clear and independent recollection of it.

Well, Oscar had, and no doubt still has, his opinion as to who committed the murder. And no doubt he would have handled the investigation in a different manner from what I did. But then some one of the many officers who worked on the case has a varying opinion. As to Warren or Jahnsen having





Robert Powers as Police Chief, Bakersfield,  
California. 1935.



Las Vegas, New Mexico, April, 1919.





*(The following question and quotation were submitted to Mr. Powers after the interview, and he returned the answer in writing.)*

*Question: What about Oscar Jahnsen's statement in Leo Katcher's book, EARL WARREN, A POLITICAL BIOGRAPHY, page 102?*

102

## EARL WARREN: A POLITICAL BIOGRAPHY

sented someone being killed unreasonably. But you didn't have to bear the pain and hurt as something personal. This time, of course, it was different. But the boss told us all that we were investigating a murder and to act as we always did. There were rules to follow, rules he'd laid down a long time before. We were to go by those rules."

The investigation resulted in the bringing in of a number of suspects: A ne'er-do-well who had some bloodstains on his shoes; a suspect who had given a bartender a bill with what seemed to be blood splattered on it; a bank depositor who gave some torn bills to a teller for deposit; a homeless vagrant who was reported to have been seen near the Warren home on Niles Street.

Jahnsen said:

We just kept on working, and then we picked up a man who seemed to fit. There were a dozen little things—things that meant something special. I was sure that we had our man. I questioned him and grew even more certain. I made notes on his story and then left him to check out facts which he had given me. Before I left, I told the others to let him alone.

Well, it took me a lot longer to look into the facts than I'd expected. What I came up with wasn't conclusive, but I felt that, with what I now knew, I might get a confession. I went back to where I'd left the suspect. When I got there, I found that they'd decided to question him themselves.

They had been working on him for hours. No food. A light working on him. They hadn't touched him, of course. They knew better than that. But they'd been breaking him down, one after the other. By the time I got there, he was on the verge of collapse. I blew my top. I said to them that they'd blown the case. I told them that Earl Warren would never stand for a confession that was extorted from a suspect.

That was it. I was morally certain then—and I'm just as certain now—that we had the right man, but I couldn't put together enough evidence to make an ironclad case against him. I knew that Earl Warren would never let them try a man on evidence that wasn't riveted. He loved his father and he wanted his murderer found, but he wouldn't break any of his rules or take advantage of his position even to convict the guilty man if he couldn't do it with solid evidence that was legally obtained.

The investigation finally ended. After the confession fiasco, Jahnsen devoted his time to the one suspect. He told Warren what he felt and what he had done. "The boss said I'd done the right thing," Jahnsen said.

The case is still marked "Open" in the books of Kern County.



Answer: There were possibly 20 officers working on the case. They represented 6 agencies beside our own Bakersfield police inspectors (detectives). I, and I alone was in charge. Routine department operations were turned over to assistant chief Grayson. Oscar Jahnsen was one of the officers and he worked on a variety of assignments.

Now it is obvious that integrating these officers (of various abilities) into an investigative team required my using a heavy hand to establish my authority. I may say that neither the local D.A., the sheriff, nor Earl Warren indicated any desire to assume that responsibility.

Oscar's statement that we worked under "rules . . . [Warren] had laid down a long time before" must mean that my own policies and "rules" must have been identical with those of Warren. Because I was totally unaware that any such rules existed.

An important aspect of the conduct of this investigation was to protect an officer working on some detail of the case from interference by other officers. There is an unwritten law among police that when a suspect is being questioned, no one else interferes without being asked to do so.

Oscar and some other officer was questioning and checking the story of a suspect who was in custody. Other officers -- I think two and Oscar thinks four, but none from the Bakersfield police -- did take over the questioning without being assigned to do so, and improperly. Oscar regards their methods as "third degree." I don't recall that I was aware of this at the time. Nevertheless, I was displeased at their interference in questioning Oscar's suspect and I made my displeasure known. They decided to "go home."

Oscar's opinion that the suspect was guilty and that he, Oscar, could have gotten a confession had there been no interference is, in my mind, a matter of speculation. This is something which can never be determined so it's not worth my questioning.

There is implied criticism of me and the Bakersfield police. This I regard as that of the book's author, not Jahnsen. I have Oscar's word that no criticism was intended, and that he had high regard for me and the department of those days. My relationship with both Oscar and Earl Warren over the ensuing years was warm and mutually respectful.

To my knowledge and recollection none of us ever developed enough evidence (1) to file a complaint,



(2) to bring anyone to a preliminary hearing, (3) get a grand jury indictment, and let alone (4) bring anyone to trial.

The investigation failed. If anyone chooses to assess blame it is, or should be, mine alone.

From the total evidence it is my opinion that the motive was robbery and that murder was not deliberately intended. Either we never had the robber-murderer in custody, or if we did, we simply were unable to develop evidence against him.

One final point of interest is that Katcher never interviewed me and that his account of the Matt Warren murder investigation and that of John Weaver, who did so, are very different.



Powers: called off further investigation of any man, neither was in a position to do so. And had either done so over a concern for the suspect's civil rights, it would seem to me that he would have been out of character. And any such action would have raised a conflict with me which it is hard to believe that I should have completely forgotten. Warren's attitude over civil rights is hardly the same as Chief Justice of the United States as it was when he was a district attorney. Whatever had been learned from the first and subsequent questioning of this suspect, it certainly did not produce enough evidence to result in a complaint being filed.

To speculate on what would have happened if -- and if -- may be amusing, but it produces nothing worth-while. Also, memory plays tricks on us. There's the fact of rationalizing and of forgetting one's own errors. Nevertheless, this case was far from being prominent in my life. In my articles for the Saturday Evening Post and in my brief history of the Bakersfield Police Department, I didn't think it worthy of being mentioned. After all, what makes this case of interest now has to do with extraordinary development and attainments of Earl Warren. At the time of the murder he was but a lawyer who happened to be a district attorney. The case holds no interest for me. If it did I should have, long ago, reviewed the file on it, which I never intend to do.

Hatred, envy, jealousy or any of a number of motives may have been behind the killing. But Matt Warren was not killed instantly, neither does a single blow over the head normally cause death. Those who are raised on detective stories can have a good time with this murder. In the fictional accounts the one least likely is always the killer; but in real life, obvious motive and guilt count for more.

Fry: Not everybody has a loyal butler. [Laughter] It must make it tough on the police force.

Powers: Anyway, we continued the investigation for a long time and went into a wealth of detail and, as I say, we didn't get anybody. It's an unsolved case. My thought, which has no basis in evidence whatever, was that there were a lot of people who rented cheap





- Powers: old houses from Warren. We had a lot of bad people coming into this country from Oklahoma and Texas and so on, so some of those people generally were the kind who rented the houses.
- Fry: These were the Okies escaping from the Dust Bowl?
- Powers: Okies-escaping-from-the-Dust-Bowl type people. Now as I say, there's no evidence to prove this, but I always felt it very possible that some fellow from Texas stopped in to see a relative, and they might have talked about this old landlord who was so rich, as a starter, and he thought, "Well, I'll go collect a little money before I go on my way."
- Fry: Oh. Just a transient who was here and then gone.
- Powers: Just a transient. Yet I could have been the one that did it; anybody could have been, as long as you don't catch him. So this Jahnsen suspect is just something that has just about as much value.\*
- Fry: Did Bakersfield have a lot of Okies in it then?
- Powers: John Steinbeck got rich with The Grapes of Wrath writing about Bakersfield.
- Fry: Oh, I'd forgotten that was really Bakersfield.
- Powers: That was Bakersfield.
- Fry: They did present a law enforcement problem, then, for the police?
- Powers: No. They didn't present any law enforcement problem. The goddam politicians and the Chamber of Commerce presented the problem, because they wanted them driven out and oppressed and pushed around. You see what I mean? These were not evil people in any sense of the word. They were desperately poor, starving people. But, shortly before then and during this time there was an exodus of people like Pretty Boy Floyd and Dillinger and so forth who came out of there, but that wasn't the typical person at all.

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\*For later Fry/Powers/Lomax correspondence regarding the question of black suspects, see Appendix.



Powers: So this thought wasn't even worth bringing up about the possibility of what could have happened. You could go on into that realm forever, especially if you want to deal in fiction.

One interesting thing happened afterwards that I think is worth mentioning because it's indicative of what Warren came to be after he got on the Supreme Court -- he wasn't in 1938 but he came to be. Among our suspects was a man who had been in Bakersfield or could have been here at this time but had since been convicted of another crime and was in San Quentin. And I wanted to put a stool pigeon in the cell with him and wire the cell for sound with a dictaphone. But I thought to do so would have required Warren's help to get it put over with the warden and so forth. I might have done it without Warren's help, but I didn't think so at the time; I thought it'd be easier, and I thought it was a perfectly logical thing to do and I saw no objection to it at all because my morals are very shaky anyway; they always have been. Anyway, with reference to the idea of, "bugging," I think we call it now, the cell and putting a stool pigeon or an informer in with this prisoner, I brought the subject up to Oscar. But this was after everybody had left, and our police department was still running down the last leads, and I guess Oscar came down. He was in and out. And he said, "I don't think it would work. I don't think Earl Warren would go for that."

And I said, "Well, why the hell not? What's wrong with that?"

And he said, "No, I don't think so. He doesn't like dictaphones."

And I said, "Well, check with him. It's a possibility. It's his father."

And so Oscar apparently checked with Warren, and Warren's answer was, "I don't believe in dictaphones." Period. And he wouldn't permit it or assist us in doing this. Even though his father was killed, this was something he didn't do. This is an indication of an idea of rights showing up from the depths of his being. And I thought this was a very interesting thing, because most people when families, close ones, are involved, their ethics or principles tend to shade in various directions.



Fry: Yes. That's interesting. That was about the time of one of the first Supreme Court decisions, as I remember, on the admissibility of secretly recorded evidence in the courtrooms.

Powers: Well, that incident I'm telling you is while Warren was still district attorney.

Fry: Yes, 1938, before he became attorney general.

Powers: Yes. But this Supreme Court decision, or the matter of illegally developed evidence hadn't, as I recall, come up any place then. It was the first time I'd ever heard anybody object to underhanded methods that we generally and proudly used to catch criminals.

Fry: You mean this was a new experience to you?

Powers: It was a new idea to find this quality of integrity, which was unusual for me, because mine didn't embrace that type of thinking at that time.

Fry: In this investigation did you see any other aspects of the future Earl Warren? Did you have any cause to notice racial attitudes?

Powers: I never saw that, and I never saw an indication that he was interested in minority groups or their problems. I never saw an indication except this one: that he was interested in, shall I say, oppressed people. I just never had occasion to see it. It certainly was latent, but it wasn't overt. Because he was primarily -- and this is the peculiar thing about the man -- he was honest, so honest it's unbelievable. I suppose all honesty is relative and integrity is a relative thing, but here it's hard to deal in relativity because I never saw any shade of dishonesty in the man in an atmosphere, in a milieu where dishonesty, you see, subterfuge and compromise are the tools of the politician. This is what makes them successful, and this wasn't a quality in him.

And yet we see him go to the Supreme Court later where politics is removed, this fine politician but tremendously honest, and as soon as you remove the pressure of politics then you see the real reality of the psyche showing through. It's fantastic. Who would have known? No one would have. Because, you



Powers: see, he was primarily a prosecutor; he was primarily law enforcement, and this was the picture he painted all the time. You had to just look real hard to see the other side.

Fry: Was this how Earl Warren met you and got to know you?

Powers: I think this was the touch.

Before him there was an attorney general named U. S. Webb, who for some reason or other thought it would be a good idea to crack down on gambling, slot machines and so forth. And so he had a meeting in San Francisco of all police chiefs and sheriffs and told them they had to drive all slot machines and gambling devices of that kind out of their communities. It was an utterly ridiculous thing to say. They couldn't possibly do it and survive. As Kenny said one time or a number of times, "The first job of a police chief is to keep his job." And Webb had no sense about it.

Yet when Warren came in as attorney general he was concerned with cleaning up the state as much as he could, but doing it in a timely manner in full consideration of the police chiefs' and the sheriffs' problems incident to it and fully aware that a great many of them were crooks. So when he became attorney general, you began to see this different attitude. Instead of saying, "You must do this," his attitude was one of helpfulness, to assist us in doing things. And as he developed the office of attorney general to include a state Department of Justice, this became an agency to assist people. Warren had this idea and attitude.





ATTORNEY GENERAL WARREN AND BAKERSFIELD

Powers: I think it was at this time that I had a problem here -- a prominent politician I caught taking graft from a gambler. Very stupidly, overestimating my strength and ability, I tried to prosecute him. The district attorney didn't want to prosecute him. He was a prominent politician.

Fry: But local?

Powers: Local. He was on the city council too, and I believe chairman of the Democratic Central Committee or something like that. It was a fat position. So I went to Warren in Sacramento and said, "Here's my evidence. I can't get any action out of the district attorney. You have the authority as attorney general to supersede the district attorney in cases such as this. Will you put the heat on him to make him prosecute?"

And he said, "I certainly will." And he did. And we had a prosecution, and the case ended with a hung jury, ten not guilty and 2 guilty, and with me facing a suit of \$156,500 for false arrest. People weren't about to convict anybody for taking graft. (This was after Earl Warren's father's murder.) Well anyway, I don't know why, but once in a while I would revert to being an idealist, though I didn't like the idea. And I was disappointed with the outcome of the whole thing, although the district attorney who prosecuted it did a reasonably good job of prosecution. But there were some mistakes in the case that I had built too. It was partly my fault that the case ended the way it did. But anyway, I went to San Francisco to see Earl Warren, and I sat down and talked to him, and I said, "Boy, I sure bobbled that one. That was about the most stupid thing I ever did."

And he said, "No, you're wrong."

I said, "How could I be wrong?"



Powers: And he said, "You declared your position to the whole world. The fact that you would prosecute a grafting politician makes everybody who is reasonable know that you're not involved in corruption yourself. Otherwise you wouldn't have done it." He said, "It was a declaration of principle. It was worth what you did and what you got."

I don't agree with him yet, but this was his idea. It wasn't a question of whether you won or lost. The man needed prosecution; we prosecuted him.

Of course that and other things had their benefits, because no one had ever believed in Kern County that you could be prosecuted for taking graft. It was just an impossibility. It wasn't done. And after that there was a lessening.

Fry: How did the suit against you come out for false arrest?

Powers: Oh, it was finally dismissed long, long after. It hung on a long time. They would never have gotten that kind of money from me, but I felt honored that anyone would bring that big a suit against me -- I mean that much money -- because I was never very wealthy. [Laughter]

Then, the other thing while I was police chief: Warren decided that -- he was working on the gambling ship at South Shore -- he'd hit the bookmakers hard in California. And he decided that he was not going to get convictions in courts, which he wouldn't have, because nobody's going to convict on morals charges. I mean, you can't get a jury of twelve people to convict on that. So, he decided to do it through civil law -- to get restraining orders against the gamblers. And then if they kept on they would be hit with contempt of court.

So he decided to make the big jump-off here in Bakersfield. We had maybe eight or ten bookmakers at that time. But he sent in Oscar and said would I raid them all and get the evidence to start out this crusade? And I said, "Well sure, I'd love to." So I ordered enough officers, maybe twenty, into the police station and gave them each an assignment of a



Powers: place to raid one afternoon while the races were in full bloom and ordered them not to separate -- I sent out teams of two -- and not to telephone anybody, which would be a tip-off, you see, and to hit every place that was to be hit at the same time, to synchronize watches. There were about ten places. And we made successful raids at every place.

Fry: What is a "successful" raid?

Powers: To get them in the act at operating a bookie with money, evidence and all, teletype machines or whatever they had, telephone batteries and telephones, to get the evidence. But this kind of astonished Oscar, and I think it astonished him because they figured I must have some friend among bookies that would be tipped off, or some officer would tip off.

It's extremely difficult to do anything like that. But I was pleased by the idea that out of all the numerous cities in California -- bookies were going on everywhere -- that he chose to jump it off here. It showed a reasonable amount of confidence in my integrity.

Fry: You said earlier that you wouldn't allow them to pay off the police. So therefore they might not have been able, either, to get the tip-offs before the raid.

Powers: Although they may not be paying off -- much -- they probably had enough friends in the police department that unless I arranged this perfectly, one of them would have gotten a tip-off. And he would have gotten the word to the others instantly, and it would have been a big flop.

Fry: So you had to choose your men, then, with extreme caution.

Powers: I had to choose one that I was doubtful about and one that I was sure about and pair them together.

Fry: Oh, I see. You didn't have twenty that you were sure of.

Powers: No.

Fry: That was before the gambling ship case?



Powers: It was along about the same time -- the gambling ship and "Oscar's navy."

Fry: Do you know anything about that?

Powers: Not much. I went out on a boat one night with Oscar, and he always had a good time. He played he was the sea captain or a pirate or something like that. He was a very delightful guy to be around and to work with.

Fry: You mean you went out on a boat with him during a raid?

Powers: Well, we didn't have a raid that night. I think we just rode around and looked at things. Tony Cornero had the gambling boats out. I don't really know anything about it; it was all taken care of elsewhere.

Fry: After this work then in Bakersfield, what was your next step?

Powers: I had more trouble. You see, I was trying to crush them, put more and more heat on vice. You see, my problem was an unenthusiastic district attorney. All they had to do was plead not guilty and get a jury trial, and no jury was going to convict them. No bridge-playing woman is going to convict somebody that is just playing poker. And I was also against prostitution. You see, the money was in prostitution and gambling, and nobody's very much interested in suppressing prostitution. And the only reason I was interested in suppressing it was because of the insidious influence they had on the whole government. You see, they had too much money to spend; that was all.

Fry: It did lead to graft and corruption.

Powers: Yes. So, I was always delighted when there was pressure or encouragement for me to make raids, to arrest, and so forth. You see, with all the things you have to do, you can't spend all your time in court or you can't have your men spending all their time in court doing this. I had reduced whorehouses and card rooms to where I was pretty much in control.

Fry: I haven't read anything about the connections with





- Fry: the Cosa Nostra along at that time. Was that an issue?
- Powers: No, and I still think that this is exaggerated about the Cosa Nostra. I think this is something like the stuff about marijuana -- I think it's something to build up the FBI and J. Edgar.
- Fry: To give people jobs? [Laughter]
- Powers: To give people jobs and get their appropriations and a lot of publicity. I never saw anything like Cosa Nostra, or even smelled it. There would be one or two or three or four or maybe a dozen people interested in a couple of gambling joints and maybe some influence from outside -- always an effort from the outside to come in.
- Fry: The money, you mean, came from the outside?
- Powers: No, I mean somebody in San Francisco would decide that it would be nice if he opened up a couple of whorehouses and a gambling joint in Bakersfield. And it would be nice; it looked like a nice territory. [Laughter] And of course, you see, people in vice can't comprehend this idea of running into somebody that doesn't take graft. They can't understand it. And this was where I kept the politicians off balance all the time, because oh, they hired investigators and various things trying to get me. But they concentrated all their efforts on finding out the graft I was taking. Well, I wasn't taking any. Of course if they'd looked in other directions they would have probably found something.
- Fry: That was nice, that you always led them to your clean side. [Laughter]
- Powers: I didn't lead them.
- Fry: Let's see now, we're still three or four years, aren't we, from when you really went to Sacramento?
- Powers: Yes. Along about 1944. Do you like all this talk?
- Fry: Yes, I do.
- Powers: Maybe you get paid by the length of the reel or something. [Laughter]



Fry: No, I don't. But it is much easier later to take something out than to try to put something in.

Powers: I was approaching this the long way. It's not an important detail, but along about 1944, Earl Warren created -- oh, he'd become governor by that time, and I'd had some more dealings with him. I must tell you another thing. I had an officer that I had told to go talk to a couple of racketeers who were staying in a motel south of town. I said, "just go and talk to them. We want to find out what they're up to here. (They were involved in vice.) And you can play along as if you might want to encourage them a little bit." So he went out there, and I went with him and stayed outside in the car out of sight. And he went into the motel and talked to these men, and he came out all flustered and excited.

He said, "They shoved this at me." And he pulled out five one hundred dollar bills. And he said, "Playing the game as I was, I guess I overplayed it." And he said, "What am I going to do with it?" Well, at the time I was at war with the city council, and I suspected that it was a frame-up we'd walked into. So, in any event, we went down to the Civil Service commissioner and told two of them roughly what had happened and said, "Here's the five hundred dollars. Keep it, and get it out of the way." But I was still scared, because I can get awful scared. So I went up to talk to Earl Warren, and he was in San Francisco.

And he said, "Well, let's go have lunch at some club." And we went out and sat down having lunch at some club, and I told him what had happened.

And I said, "God damn it, that was a stupid thing for that officer to do, to take that money."

And then he said, "Yeah, it's nice -- us sitting here with a white tablecloth, perfectly safe atmosphere, and saying what somebody should do under pressure." He said, "No, we don't have any right to criticize him. It'll work out all right, I guess, but it may cause trouble." "But," he said, "not the officer. He was trying to do the best he could, and he was under pressure and he did the best he could. But you can't estimate the behavior or criticize the behavior of an officer when you're sitting in perfect security, when he is under pressure in an environment which is extremely difficult."



Powers: This was another thing I always remembered about Warren. He wasn't about to shift blame to this officer. This episode worked out all right, by the way.

There was one other thing which I wanted to put in which, I think, is indicative of what I would consider -- your final tapes are a picture of Earl Warren from many aspects, aren't they?

Fry: Yes.

Powers: Are you going to get the Birchers, too?

Fry: All the people around him. I hope so.

Powers: Oh, you should.

Fry: Yes, we're trying to get some good ideas of who to interview.

Powers: Yes, and some real reactionary law enforcement officers.

Fry: Maybe you can tell me some.

Powers: Well, I don't know. Anyway, it can be done -- maybe not here. You see, everybody that I worked with is practically gone now, except the chief of police, whom I raised, and the sheriff, whom I raised as a police officer. They're still around.



By nightfall of December 7, 1941—the day Pearl Harbor was attacked—F.B.I. agents on the West Coast had arrested 1,300 “potentially dangerous” enemy aliens. During the next few weeks the western edge of the country underwent a panic that is hard to understand even in retrospect. Sporadic acts of violence against Japanese, alien and native-born, began to occur. A California state legislator demanded the mass evacuation of “all persons of Japanese ancestry,” and the cry reverberated in the press. By mid-February of 1942 the California attorney general, Earl Warren, was calling for military action to “protect this state from the Japanese situation.” On February 19, President Roosevelt signed the executive order that made such action possible. Many Japanese-Americans who could afford the price of a ticket accepted “voluntary deportation” to other areas of the country. On April 30, the long-expected final order of exclusion came through.

All persons of Japanese descent in the three coastal states were required to report to so-called assembly centers; they were to bring bedding and linen, toilet articles and clothing, knives, forks, spoons, plates, bowls, and cups. Nothing else.

In the end, the evacuee figure came close to 110,000. There were old and young, sick and well, mothers, grandmothers, infants, aging veterans of other U.S. wars. Half of them were under twenty years old; many neither spoke nor read Japanese. All were forced to leave their homes, lands, and businesses. They were herded into hastily built barracks, surrounded by barbed wire, in remote, often isolated areas of California, Arizona, Utah, Wyoming, Idaho, Colorado, and Arkansas.

In 1945, when the Japanese were permitted to return, Earl Warren was governor of California and Robert Walker Kenny was attorney general. Kenny and Warren were political rivals. Both were frequently mentioned as possible presidential nominees for, respectively, the Democratic and Republican parties. It was the attorney general, not the governor, who had to handle the politically sensitive task of the peaceful return of the Japanese to California. In a recent interview with his biographer, Janet Stevenson, Kenny recalled that process and the events leading up to it.

## BEFORE THE COLORS FAD

COURTESY JANET STEVENSON



In 1945 Robert W. Kenny fought for the rights of Japanese-Americans re-entering California.

One of the strange things about the whole episode of the so-called relocation was that there really wasn't much anti-Japanese sentiment in California at the time of Pearl Harbor. Nor even afterward. It had to be whipped up. It took a number of weeks to do it.

I was in the state senate in December, 1941, and I remember we had a resolution offered to the effect that all Japanese-Americans should be barred from civil service employment. Well, it just didn't get any takers. The thing was referred to committee—which is to say, it got lost.

And Governor Culbert L. Olson (who changed his mind a few weeks later) was making statements about how we should not regard the Japanese in California as responsible for what had happened in Hawaii; they were just as much victims as we Caucasians. . . . I remember going up in an elevator in the State Building





## The Return of the Exiles



Today the former state attorney general is a judge of the superior court in Los Angeles.

in Los Angeles. There were two Nisei [native-born Japanese-Americans] aboard, and everybody took the occasion to wish them well. Everybody was sorry for them. That was no more than two weeks after Pearl Harbor.

But then the newspapers got going, especially the Hearst papers. People began reading those crazy headlines about sabotage—arrow-shaped forest fires pointing at our cities—and spies standing on the beach signalling to submarines. By February they had us so jumpy we couldn't read our own radar. Somebody in Los Angeles picked up a false signal from a weather balloon, and we had a whole night of ack-ack. The point is that all this had to be fomented.

*Didn't California have a long history of anti-Japanese prejudice?*

Back in the twenties, in Hiram Johnson's time. From

1914 on, a California politician who wanted to get elected had to be just as racist on the Japanese as a Democratic politician in the South had to be on the Negro.

But by 1940 that was gone. Well, maybe not in some of those rural communities where there was real jealousy of the Japanese farmers. But for the most part the Japanese had become settled, respectable, useful citizens. The people we were down on by 1940 were the Filipinos, who were the latest immigrants to arrive and to start competing for jobs. Of course, during the war we couldn't express that feeling because here were the Filipinos fighting along with MacArthur at Bataan. And since we apparently have to hate somebody, we reverted to our old, bad habits about the Japanese. But it took an effort. It could only have been done in an atmosphere of war nerves.

*Once the Japanese had been evacuated, did the feeling against them die down?*

Not everywhere. Not in those rural communities—Placer County, Nevada County, Fresno, Orange. You see, there were all these organizations dedicated to keeping it up. Like the California Joint Immigration Committee. That's "joint" because it was composed of the American Legion, the Native Sons of the Golden West, the state Grange, and—for a while, at least—the state Federation of Labor. Their program had always been "Get the Japanese out of California." Now they had what they wanted, and they were working overtime to make sure it stuck.

Even a liberal newspaper like the Sacramento *Bee* was involved. All during the war I remember really shocking advertisements appearing in the *Bee*. Some outfit that called itself the Home Front Commandoes was offering to pay "volunteers" to work on their "Deport the Jap" campaigns.

It wasn't just the lunatic fringe, either. I was no longer in the senate by this time, but I remember being told that a Presbyterian minister had testified that after prayer and fasting he'd concluded it was our Christian duty to keep the Japanese out of the Western world. He was for deporting them right off the continent!

Of course, we were at war with Japan all this time. People were losing sons and husbands in those battles in the Pacific. That tended to delay our sobering up from this racist binge.

*Were we still at war with Japan when the Exclusion Order was revoked?*



Yes indeed. Recall the order of events here. Pearl Harbor was December 7, 1941. The evacuation began in April, 1942. By the time I became attorney general in 1943, the Japanese were gone. Ex parte *Endo*—the U.S. Supreme Court decision that opened up the concentration camp gates—was December 18, 1944. The first returnees must have hit California in late January, 1945. We were still fighting for Iwo Jima and Okinawa in February and March. Roosevelt died in April. V-E Day was May 7, 1945. We dropped the bomb on Hiroshima on August 6, and Japan surrendered on the fourteenth. By that time we only had a few thousands of our returnees. They were still coming in as late as December.

*When did you first hear about the return?*

Just a few days before *Endo* was handed down. I was in Washington, and a high official in the Department of the Interior called to tip me off. The War Relocation Authority, which had the unpleasant job of running the camps in which the Japanese were held, was part of Interior. So I got a little advance warning—about a week as I recall—to begin making preparations for the orderly reception of these people. Warren, as governor, was tipped off too. But as the chief law enforcement officer of the state, it was mainly my concern.

*Was there an obvious possibility of trouble?*

I think so. Not all the people we'd sent out of California would be coming back. Some had left the camps and settled in less hostile parts of the country. The Midwest, the East. Particularly the professionals—doctors, lawyers. Some had gone into the armed services. Some had decided to renounce their citizenship and go to Japan, when that became possible.

But the chances were that something close to 50,000 people who had been stripped of virtually all their possessions and locked up for two years were going to be turning up before long. Sure there were going to be problems.

*Were you expecting them all to turn up at once?*

No. There were complicated procedures involved—processing, transportation. Of course, they were all free to return from the day of *Endo*, or whenever it was the Army revoked its Exclusion Order. But I think if we had expected them all back at once—the way they were sent away—we would have been even more alarmed.

*How did you go about making preparations for their "peaceful and orderly return"?*

Well, I came back to Sacramento and talked it over with Governor Warren. The one experience we had

CONTINUED ON PAGE 96



### WAR-TIME RELOCATION

The "relocation" of Japanese-Americans during World War II was a shocking misapplication of the civil rights guaranteed by the Fourteenth Amendment. They were deprived of liberty and property without the legal process and were denied the "equal protection of the laws" afforded other citizens. The photographs on these pages can only hint to suggest what the Japanese-Americans had to endure. Below, a group of Angelinos goes up to register for vaccination. The storefront above was in the Little Tokyo section of Los Angeles.

### NOTICE JAPANESE







# Return of the Exiles

CONTINUED FROM PAGE 24

already had with race riots during my regime as attorney general had been in Los Angeles—what we euphemistically called a “civil disturbance”—in the late summer of 1943. Mexican-American young men, called variously “pachucos” or “zoot-suiters,” were picked on by mobs led primarily by servicemen from the Navy or Fort MacArthur. I think the original fight was over the available young ladies of the neighborhood, but “zoot-suiters” were something like the hippies of today. They wore strangely cut clothes and they had kind of duck-tailed hair-dos, and this, as you know, seems to enrage some people. At any rate, it enraged the young servicemen and some local patriots. It was really terrible. The kids were chased—I remember one Mexican boy was chased right onto the stage of the Orpheum Theater in downtown Los Angeles, and his clothes were ripped from him. There were thirty-five people killed in those riots! At the time, I was in San Francisco; I went immediately to Sacramento and talked with Governor Warren. He shared my alarm. I came down to Los Angeles and talked to the newspapers. We were able to persuade them to stop printing provocative stories about the riots, and the Army and Navy co-operated by declaring Los Angeles off-limits for servicemen. Within two or three days the trouble was over.

But we'd had a good scare, and I was able to get the state to subsidize a report on the nature of race riots and how to avoid having them. That report was very useful to us when we had the problem of the returning Japanese because the basic assumptions in it were the foundation of what I used to call our prophylactic approach to law enforcement.

Actually we had first used this approach in another connection. When we passed a law outlawing slot machines, there were a number of sheriffs who just couldn't seem to address themselves to it. So we'd call and say, “We hear you're having trouble. If you would like us to come down and help you get rid of the

gamblers and the slot machines, we'll be glad to. Just let us know.” This “we-boys” technique put me on the side of the sheriff instead of against him, and it worked very well.

Basically, the assumption now—in 1943—was that the police could prevent a race riot, and that it was to their advantage to do so. The most important means for doing this was taking an unequivocal stand against this sort of lawlessness when it began. We had a long check list of steps that could be taken in any local police department—ways to pick up warning signals well ahead of time, ways to build better relationships between minority groups and the police, how to stop the circulation of rumors, reduce other kinds of tension. But the big push, of course, was for education—a training course for peace officers in the problems of minority group relations. It was part of the final report—the little blue book, as we called it.

We got copies of the blue book into the hands of every peace officer in the state. Actually it was circulated all over the country. They were having race riots in Harlem and Detroit and many other places in 1943, and there was lots of interest in our material.

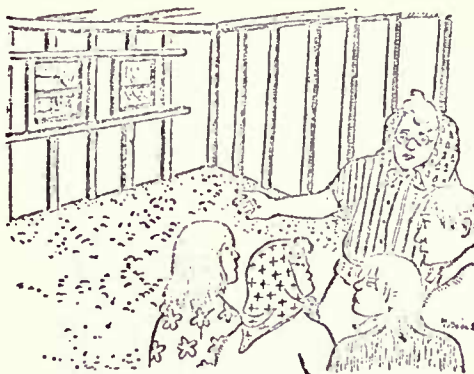
One of the first things we did, now that we knew the Japanese were coming back, was to get out an updated edition of the blue book and see that it got around, to ease the path of the returning Japanese and to curb the professional patriots.

*What were the professional patriots doing?*

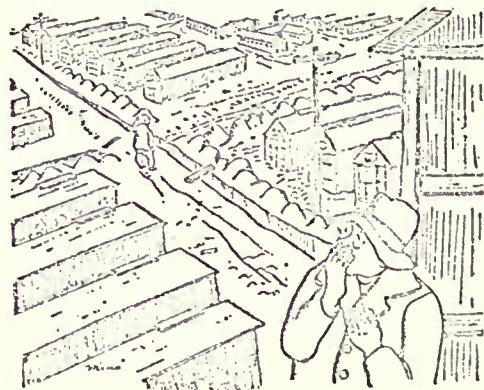
All sorts of weird and shocking things. You may recall that up in Hood River, Oregon, the American Legion post had voted to remove the names of Nisei servicemen from its honor roll. Well, the city fathers in Gardena, California, did the same thing.

And there were more serious things—vandalism, dynamitings, fires. Oil lanterns were thrown at the windows of an old Buddhist temple in San Francisco where a group of returning Japanese were being sheltered. There was vandalism in a Japanese cemetery in Salinas. They were announcing up in Placer County that there would be no relief for indigent Japanese.

The illustrations on these pages are from *Citizen 13660*, a book by Miné Okubo, a young woman who was among the thousands of Japanese-Americans interned early in World War II. Surprisingly detached in its pictures and their captions, the book is a pictorial record of Miss Okubo's life at the Tanforan Racetrack assembly center in San Bruno, California, and later at the camp at Topaz, Utah. Miss Okubo is now an artist in New York City.



Barrack rooms at Topaz were bare rectangles whose masonite floors were hard to keep clean.



Miss Okubo wrote that the blocks of barracks all looked alike; “people were lost all the time.”



and there were scare shootings. I remember seeing Nisei homes where bullets had gone right through the thin walls and passed within inches of sleeping children. One of the worst was an incident in Placer County, where it was perfectly well known who had shot up the house of a recently returned couple, but the local jury simply tapped them on the wrist and the judge suspended sentence.

Then there was that really dreadful incident in a little town called Loomis. A family of Japanese returned, mother, father, and three daughters, and found their home burned to the ground. That time the vigilantes overreached themselves. The War Relocation Authority let it be known that this family had four sons in the armed services, one of them already dead overseas, and three of the four decorated for bravery. The town conscience was touched. Money was collected, and I believe one of the churches undertook to see to it that a new house was built.

But there's no question that there was a real attempt, with organizational backing, to drive these people out of California. The motives were interesting. We conducted quite an investigation around Fresno, where there was a great deal of anti-Japanese sentiment, and we found that much of it was generated by a village banker who had been a great friend of the Japanese when they were being evacuated—when there had been no time to make arrangements. What happened in this little town must have been fairly typical. Our friendly banker said, "I'll take care of your property for you while you're gone." But now the Japanese, whom he had probably never expected to see again, were returning, and they would be asking for an accounting. We had pretty good evidence against him as "worthy steward"; unfortunately, before we could proceed he had a heart attack and died. If we had been able to develop it, it might have gone a long way to explain the economic motives of patriotism in that corner of California.

Did your "we-boys" approach get co-operation from most of the sheriffs?

There were only two instances of outright defiance. One was the sheriff in Nevada County. He said, "The Japanese shouldn't have come back and they're not entitled to any protection and they aren't going to get any from me." He actually tried to stop the Southern Pacific from using Japanese section hands on the right of way!

I'd sent one of my prophylaxis task forces up there to see if they couldn't cool him off, but I finally had to call Governor Warren. I asked him if he didn't think we ought to call out the state Guard. Warren, who wasn't as impetuous as I, said, "Let me call the sheriff." I don't know what he said to him. I know what I would have said in his place. "Look here, this crazy Kenny is on my neck, and I'm going to have to call out the Guard. . . ." At any rate, whatever he said worked.

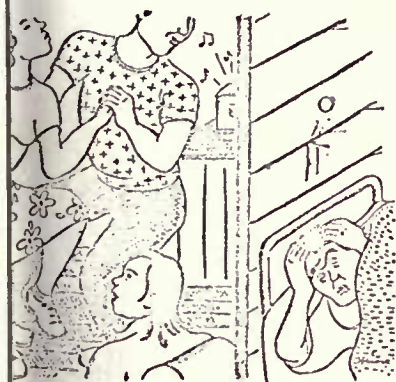
Then there was the sheriff of Orange County. He took the position that it was just unreasonable of me to ask him to get in wrong politically by defending the Constitution in the matter of these returning citizens. I believe Warren talked to him on the phone, too. Warren really knew how to handle these law enforcement people because he'd been one of them. But he was ready to back me up, and they knew it.

The following year there were only two sheriffs defeated for re-election in California. One was the sheriff of Nevada County, and the other was the sheriff of Orange County.

*You mentioned a prophylaxis task force.*

The man who headed up that aspect of the work was Charles Johnson. He'd been an appointee of Warren's; I found him there when I took office in 1943.

Well, he was very interested in this prophylactic technique method, and he got in touch with the War Relocation Authority people, and they would let him know when a group of Nisei were about to return to a given area. Charley and another agent would go down to wherever it was and drop in on a whole roster of citizens: the sheriff, the police chief, the mayor, the board of supervisors or the city council, the editors of the newspapers, and the commanders of the American Legion and the



The lack of privacy and faulty partitioning made "a single symptom of loves, hates, and joys."



Solitude came only to those who, in Miss Okubo's words, ventured "out into the wide open spaces."



The clothing issued to internees came from Sears, Roebuck, and the fit was often approximate.



1880

1881

1882

1883

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1886

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1896

V.F.W. Charley would say, "Now you're going to get these Japanese-American citizens back, and of course we expect their return to be peaceful and orderly, and what can we do to help you?" Just that "Big Brother is watching you" hint was usually enough.

One of the greatest weapons we had, though, was the 442nd Regimental Combat Team—the magnificent all-Nisei regiment that made such a heroic showing on the Italian front and later in the Battle of the Bulge. The 442nd was based in Hawaii, but it included a number of California Nisei. And the War Relocation people had some forty or fifty of these decorated heroes—we used to call them rag-rug boys because of all their ribbons—and they were taken around the state as missionaries of good will. It was a brilliant public relations campaign, and it probably did more good than any other single action.

Another prophylactic technique we used was the posting of a reward. I got some wealthy private citizen in San Francisco to put up \$5,000 for information leading to the arrest, and so on, of anyone causing—or even making threats about causing—physical harm to a returning Japanese. I've always believed that since the people you're after are rats, the best way to proceed against them is to offer an inducement to their fellow rats to turn them in. I believe we only had to pay the reward once, but that's not the point. The object of prophylaxis is to prevent. The knowledge that the reward is there for whoever can claim it deters a certain percentage of incipient criminal behavior.

*Did the sentiment against the returnees slack off after V-J Day?*

No. We still had a problem. At the time only about 12,000 had come back to California. We were expecting another 35,000 or 40,000, and in increasingly large groups. There was no reason to assume the hatemongers would give up just because the Emperor had.

*All in all—when they all had returned—how many incidents of violence were there? Serious incidents?*

Perhaps a hundred in all. Serious ones? Well, there

weren't any killings. Not even any serious injuries. That was to a certain extent luck. Also, now, in the post-V-J Day stages, we finally got something going in the way of prophylactic education for police officers.

You recall we had made a plea for that sort of thing back in 1943, with our little blue book, but we hadn't got many takers. Individuals may have read the material—I'm sure they did—but there were no formal programs, classes, or anything of that nature.

At this time—1945—there was another remarkable man on my staff, another Warren discovery. Bob Powers had been police chief of Bakersfield for a number of years. He was a sort of white blackbird, as the French put it. An informally educated intellectual. Powers could talk cop talk with cops and sociology with sociologists. When we got our chance to set up the first program of special education in race relations for policemen, Powers bridged the gap. He was what was called in those days a "discussion leader," a natural.

In September of 1945 the city manager of Richmond felt there was a real threat of "civil disturbance" in his area and called our office for help. Maybe he'd been reading his copy of our little blue pamphlet.

It was decided to run a sort of pilot project in training police officers in race relations. You must keep in mind that nothing like this had yet taken place in California—probably not anywhere in the country at this time. There was no precedent to follow. At my suggestion Powers got hold of the regional representative of the American Council on Race Relations, Davis McIntire. He had the kind of expertise we needed.

Powers and McIntire were delegated by the city manager to plan and carry out a course for a selected group of about fifteen policemen. What they finally decided to do was to go to the root of the problem, try to change the basic attitudes of these policemen, attack their prejudices head-on, and let the problem of tactics take care of itself. What they were after was an encounter group. Open-end, round-table, no holds barred.

They made a few phone calls and turned up some consultants, representatives of various minorities. One was Walter Gordon, who was later a federal judge in



*Some Japanese-Americans preferred tub baths to showers—and tub could mean anything.*



*Gardens sprang up haphazardly in the camp; precious cardboard was used to deflect dust storms.*



*Mosquitoes were a constant bane at Topaz; the hard, alkaline soil made a perfect breeding ground.*

1875  
The first of the year  
was a very dry one  
and the crops were  
very poor. The  
winter was also  
very dry and the  
crops were very  
poor. The spring  
was also very dry  
and the crops were  
very poor. The  
summer was also  
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the Virgin Islands. He was, in those days, a rarity—a Negro policeman. And there was Joe Grant Masaoka, one of that set of Nisei brothers who collected an average of over five medals per man for bravery. There was another Nisei who'd served with the Marines on Guadalcanal. And there was E. W. Lester, who was former deputy police chief of Los Angeles.

*What minority did he represent?*

The policeman! That was the genius of Powers' approach. He made the parallel between stereotyped thinking about Negroes and Jews and Japanese—and the stereotyping of cops. He talked about the popular image of the policeman as an ignorant, brutal, flat-footed fellow who could be outwitted by any private detective or layman. And they got it! These Richmond policemen got the parallel between terms like "nigger" and "Jap" and "kike" and "flatfoot."

There were some ten of these sessions. The general subject would be stated—something like "The Nature of Prejudice" or "Facts About Minority Groups"—and then anything could happen. There were some pretty frank questions asked. One of the policemen wanted to know why so many of the internees up at Tule Lake had elected to renounce their American citizenship and accept deportation to Japan.

Well, that gave Joe Grant Masaoka a chance to tell the story of the evacuation from a viewpoint none of these policemen had ever considered. The loss of everything a whole generation of hard-working men and women had managed to acquire. The loss of dignity in being herded into camps. The separation of families, like the one that had to move on while the mother was on her deathbed. The fact was, Joe Grant Masaoka's mother was confined to that hell-hole up in the Owens Valley while her sons were fighting and dying for the country that had put her there.

*Was there any way to evaluate the effect of the Richmond seminars?*

I suppose the real test of it is what happened next. Or rather, what didn't. It looked as if things were ripe

for just the sort of outbreak the city manager had been afraid of. But it didn't come. Apparently we had produced, with our encounter group, enough enlightened peace officers to step in and cool it.

*Was the course given again?*

No, and that was a great disappointment to me. Oh, I'm sure there have been courses in race relations for police officers—many of them. But I've never heard of one that used this approach—the encounter. We were ahead of our time, I guess.

*Do you think the approach would be useful if applied to today's ghetto hot spots?*

Our police today are a good deal more sophisticated than they were twenty years ago. They know more. Or ought to. But sometimes you wonder. . . .

One thing I'm convinced of is that you don't change people much by lecturing them on abstractions. I can't make myself read that stuff any more. Puts me to sleep. It's when you get down to specifics—that's what Powers was able to do: to start people on opposite sides talking to each other about concrete, practical problems; asking embarrassing questions and getting frank answers. Maybe if this sort of program were an on-going thing between police departments and minority communities, there might not be so many hot spots in need of cooling.

*Robert Kenny is presently a superior court judge in Los Angeles. He still actively champions civil rights. It was his opinion, upheld by the California State Supreme Court, that recently overthrew the loyalty oath for county employees—calling forth a storm of criticism from the political right that matched the vehemence of the anti-Japanese sentiments of 1945.*

*Janet Stevenson is writing a biography of Judge Kenny, tentatively titled Show Me One Man. Her biography of Archibald Grimké, a fin-de-siècle Negro leader, will appear later this year. Woman Abroad, her account of a South Pacific sailing trip, has just been published by Crown. Miss Stevenson lives in Oregon.*

Citizen 13660, BY MINE OKUBO, COLUMBIA UNIVERSITY PRESS, 1946



*Entertainment was presented periodically on makeshift stages in the mess halls or in the open air.*



*Americanization classes were held nightly for the Issei, the first-generation Japanese-Americans.*



*Miss Okubo's farewell to Topaz was dry-eyed; her mind "shifted from the past to the future."*



THE LAW ENFORCEMENT ADVISORY COMMITTEE

Powers: Anyway, Warren created, after he got to be governor, a Law Enforcement Advisory Committee consisting of about two or three sheriffs, two or three district attorneys, and two or three police chiefs, and he appointed me to that. Our concern as a committee was to advise him on things that had to do with law enforcement in California. You see, there'd always been an effort by the police, more than the sheriffs or the district attorneys, to improve the conditions of police as to standards of education and so forth. There was never any public demand for improvement, but they themselves wanted to lift themselves by their bootstraps, and they talked about it a great deal, and the men were concerned about it. So, in any event, Warren, following that thought out (and this was during the war, when he was concerned with aspects of the effects of the war on law enforcement and what might happen after the war was over), had appointed this committee.

Well, this committee had a coordinator, actually an executive secretary, named Toland McGeddigan. He had been district attorney from Sonoma County, but from my standpoint he just didn't know how to do the job, because his relationship with law enforcement officers wasn't what it should have been. He wasn't involved enough to know how they thought. So, I think Warren promoted him to some nice commission job in Sacramento, and the coordinator's job was open. Warren appointed me to this position, which was Chief Law Enforcement Officer for the State War Council. That was the title. But I was actually coordinator of this advisory committee. And so I took a leave of absence, for very definite reasons, from the police department and went to Sacramento.

Return of the Japanese

Powers: Well, on that job, we had frequent meetings, and I was full-time. The position I held was nominally



Powers: under the office of the governor. One of the first things that hit us was the return of the Japanese-Americans, which is related to this.

Fry: In that American Heritage story by Janet Stevenson\*?

Powers: Yes, it's pretty well handled in that.

We had a big meeting in the governor's office with the governor, attorney general, and everybody and his dog there, but primarily of the Law Enforcement Advisory Committee, to discuss the problems incident to the return of the Japanese-Americans from the concentration camps. And a lot of talk and talk and talk went on -- the problems, and so forth and so on. And unless I'm talking about myself or unless I'm talking, I get bored very easily, so I finally got bored and I realized the only thing we could do was to make a resolution and publish it to all the police officers in the state.

So I got up (and nobody minded my leaving), and went in the other room and got a typewriter and wrote a resolution, a statement of how the Law Enforcement Committee felt about the return of the Japanese-Americans, and they must be protected, and so forth and so on. And in it I stated that, in effect, their exclusion from the West Coast was a grossly improper thing to do in the first place. I came back and finally got a hearing, and I said I wanted to get out because I had been there since morning without a drink and I couldn't wait much longer. And I got them to read that. They read it, and Warren said, "No. This won't do, Bob: this sentence that you've got in here, that this was an "improper thing" to do in the first place. We agree on that now, but none of us raised a voice against it when it happened." None of us had raised a voice against what happened to the Japanese-Americans. Again, this idealism. You see, he wasn't going to second-guess and say this was a bad thing to do when he had a chance. The Jews, the rabbis, have a very condemnatory saying, "It was within his power to protest, and he protested not." Here was a situation

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\*Janet Stevenson, Ibid.





Powers: where he hadn't protested, and he wasn't going to say it later. This impressed me about Warren.

Fry: That was his main defense, wasn't it, of that action -- that it wasn't just he himself who felt this way at the time, right after Pearl Harbor, but it was a generally accepted attitude?

Powers: Yes, and he himself, Earl Warren, hadn't protested it, nor had any of the rest of us protested it. We went along with the hysteria.

Fry: But at the time of this meeting, Warren did feel that it appeared to him then that it had been improper?

Powers: Well, the reason for the return was, I think, the Supreme Court had declared it an unlawful act in secluding them and depriving them of their rights. So it became evident to all of us that it had been improper, and it was so declared by the Supreme Court, which became the law of the land.

Fry: I just wondered if before the Supreme Court acted if Warren had any thoughts about this.

Powers: If he did, he didn't express them, to my knowledge. There were very few people who did have the integrity and the guts and so forth to do it.

Fry: There were so many unknowns in the situation, I guess, at the time.

Powers: Well, it's just a matter of when people of integrity go under pressure, often their standards of conduct don't stand up. You believe in democracy until it becomes profitable to support Franco, for instance.

We had a problem. Involved in all of this that we were doing was a problem, because the Japanese were floating fire balloons across the Pacific, and they were beginning to land on the west coast. And that required a lot of running around and I don't know what all.

Fry: Oh, were you involved in that investigation?

Powers: I was involved in trying to war the police what to do and what not to do, and not to go play with these incendiary devices, and so forth. This is just one



Powers: of the things I was doing, nothing significant until Bob Kenny during a long evening of drinking with him decided that he wanted me -- wanted to get Warren to give me to him.

From a letter to Fry, June 28, 1969.  
"I went in the Coast Guard but managed to get out early. I couldn't stand the waste of manpower and the ineptitude of command. I suffered."  
Robert Powers as Chief Gunner's Mate, Coast Guard, 1943





COORDINATOR OF LAW ENFORCEMENT AGENCIES AND RACE RELATIONS

Fry: Kenny's office at this time was --

Powers: He was attorney general, head of the state Department of Justice, and for some reason or other he wanted me. I didn't know what he wanted me for at that moment. So at the next meeting of the governor's council Kenny spoke up before all the heads of department and said, "Can I have Bob Powers if I can get the legislature to approve it?" I was under a political appointment of Warren's, and Kenny's office was under the merit system, under civil services. So Warren, either because he was tired of me or because he thought it was impossible for Kenny to do anything like that, said, "Yes."

Fry: He may have seen that in that situation your talents could have been used more thoroughly.

Powers: I don't know, but that's second-guessing him. So anyway, Kenny got me a very high priced and very special administrative assistant out of Washington, somebody for this job -- Vivian Boke was her name -- and installed me in his office. He didn't wait for any transfer, just fixed this up, you see.

He told me what he was going to do. He was going to get the legislature to do this thing, and it looked highly complicated to me, and I wasn't convinced that what Kenny had decided to do was serious with him -- bringing me over to his office. You see, I'm a small town cop that's got along pretty fair all my life, and I was moving into a new realm, you see, national politics and everything slopping all around me, and state politics. I was a little bit out of my depth, and I didn't know how to evaluate things. But anyway, Kenny sent his deputy attorney general before a legislative committee and made it a party deal that he wanted them to transfer me from a political appointment into a civil service appointment, name me or designate me in the act, and put me under civil service in his office. Well, that's what happened.





- Fry: I see. And this was a legislative action?
- Powers: Yes. So I came under the merit system of the state and won a top job by designation in a transfer from a political to a merit system job.
- Fry: And what was your title?
- Powers: Coordinator of Law Enforcement Agencies for the State of California. What a title!
- Fry: Do you know the date when this happened?
- Powers: Oh, let's guess at August of '45.
- Fry: And this was a new position then, also. So how much leeway were you given to create your own job description?
- Powers: Kenny turned all law enforcement in California that he was authorized to handle over to me.
- Fry: County, city --
- Powers: Every darn thing. He would give me a completely free reign.
- Fry: Highway patrol?
- Powers: Well, Kenny exercised authority as attorney general over sheriffs and district attorneys, and it was an authority that couldn't be overused, because he didn't have the personnel, that's all. But here was a new thing we began to do: we developed mutual aid pacts so officers could go from one community to another.
- Fry: Before this happened, weren't the different agencies pretty much going their own way without knowing what the others were doing?
- Powers: Pretty much. This was an effort to coordinate them. We did a lot of interesting things. So many of them are still part of the legal process.
- Fry: Like what?



### Zone Meetings

Powers: We set up police chief zone meetings every week. They were consultative things where we shared the experience of everybody and ended up with a report on what the conclusions had been. To try, in other words, to share tactical things and to bring people together. So this was one thing.

Well, there had been zone meetings for district attorneys and sheriffs for some time. But nothing for police chiefs. So we decided to start such meetings for police chiefs. Each week arrangements would be made for a meeting in some area of the state. Because I thought they'd be interested, I went over to the F.B.I. office in Sacramento and told them of what we were going to do. I heard no more from that, and so the preliminary arrangements got under way.

Then I was in Miami at a convention of the International Association of Chiefs of Police when I got a phone call from one of Hoover's assistant directors (I think he was) and he wanted to talk with me. I went over to his hotel and we talked about the zone meetings. Of course, as is their custom, he had his witness present, which I thought nothing of. In my enthusiasm for our project, I suppose I erroneously thought he, too, was happy about it all. Later, as I recall, he was to say that I had promised not to start the zone meetings without first informing the bureau. Maybe so, maybe no. The conversation didn't make enough impression on me to remember.

Still later (I'd been to Mexico City with Kenny and had arrived back in Los Angeles) I got a call from some F.B.I. man asking to see me at the hotel. Such a meeting was inconvenient, but I told the caller that he could see me in Sacramento later on. No doubt this, although unintentional as such was regarded as lese majesty (Gee! I've never used that word before -- not even certain what it means.).

Well, again, sometime later three people from the F.B.I., one in a high position, called on me in my office in Sacramento. I realized that two of the men were witnesses and I thought for a minute



Powers: "Bob, you ought to have one." But, you see, I knew Kenny and that he would believe me, whatever anyone else said. So the conversation began and continued for some time. I don't recall a word that was said, but I did unquestionably understand that J. Edgar disapproved of our project (which I think had already started at that time) and I so informed the California attorney general.

I think he wrote U. S. Attorney General Tom Clark, and there was some further correspondence with Hoover. He was unhappy, and Kenny just didn't give a damn. To me the essential point is this: the F.B.I. men felt it necessary to have witnesses to their conversation with me. And in the end they told one story and I another. As far as I was concerned, it was important only that Kenny believed me. And I felt that the only way he could reasonably have doubted me was if he thought I was losing my mind. I believe the correspondence and reports are still with me. And if it's OK with Bob Kenny, I'll give 'em to you.

But enough of that stuff! The zone meetings. As we planned them and as they were eventually carried out. They involved the assembling of police chiefs from an area of the state. Beginning, we'd explain the position and functions of the Department of Justice under the California attorney general and operations of the mutual aid pacts. These latter provided for transfer of officers from one jurisdiction into another when there was an emergency. Following, we'd bring up problems facing any and all police chiefs and discuss methods which individual chiefs had employed in handling them. Mass picketing was a problem at the time, and always there was the problem of getting sufficient appropriations to run a department. Many other things came up which I can't remember, but one of them involved the best way of handling sex crimes against children.

The meetings would last all day with a break for lunch. Kenny attended some of them and his sensitivity and advice helped me much in conducting them. I'd have my secretary present to record the meetings and later I'd write minutes or a report, covering significant suggestions or opinions and have this report mimeographed. And these reports would be sent -- I believe -- to all 286 police



Powers: chiefs in the state. Sometimes I did a good job as discussion leader. Sometimes it was a lousy job. I was really just learning, and the deputy director, Charles Johnson, cautioned me more than once that I did too much talking myself -- that I had too big a mouth!

### Police Training in Race Relations

Powers: And, of course, we also developed this technique of training police officers in race relations, which was twenty years ahead of its time.

Fry: How did you approach it?

Powers: I have to go back to tell you where this whole thing started with me. Kenny called me one day from his office in San Francisco -- my office was in Sacramento -- and said, "I've got to go to a meeting that's about race relations in Chicago." And he mentioned the date. This was '45 or '46. And he said, "You meet me at the Blackstone Hotel. I have to go to Washington and then I'll come back, and I'll meet you there in the morning of that day." So I went there, and he didn't show up. It wasn't unusual, but he didn't show up at all. And his reservations were cancelled, and he didn't contact me, and I didn't even know where in the hell the meeting was or anything about it. But after a great deal of exploration and inquiry, I found that the American Council on Race Relations, which was a product of a number of foundations that had a lot of money and were trying to do something, were holding a meeting which involved some police officers and sociologists and economists and educators. Gordon Allport was there, and Robert Weaver presided, and a professor from Wayne, and me.

I walked into this cold, didn't know anything. And so, after a three-day conference on the problem, I had a fast education. I began to know something about it. The sociologists and the others were prejudiced against cops. I was prejudiced against social workers, violently prejudiced against them, so we had some hot and heavy going over that. I remember my referring to Weaver as a social worker





Powers: one time, and he said, "I am not a sociologist; I am an economist." Anyway, what they were trying and what they had been trying to do for a long time, was to develop a police training manual in race relations -- something to give them an idea of this problem.

You see, their concern went back to the First World War, after which there were all the race riots, in Chicago and Detroit and places like that, and the rise of the Ku Klux Klan. And the people behind this move, the American Council on Race Relations, thought that there would probably be a repetition of that after the end of the Second World War. And they wanted to do things to forestall it. This was part of it. Wayne State University had tried to produce a booklet, and it was no good. But in those three or four days, I learned; I had an education. I became an expert in three days. (Actually, I came to be regarded in the country as an expert in the field of race relations. The American Council on Race Relations later appointed me as their law enforcement advisor. So you see, you don't have to go to college for four years; you can actually do a lot of things in three days.) I came back furious at Kenny, and I said, "Why did you do this to me?"

"Oh," he said, "you get along. You would take care of it." He was supposed to represent the west coast. Here I go do it, and this was old stuff to him. And then shortly thereafter the fear of a race riot developed in Richmond, and they started screaming for help, and I moved in with Davis McEntire, who was working for the American Council on Race Relations. And working by guess and by God, we did this job and produced A Guide to Race Relations for Police Officers.\* It was printed by the California State Printing Office. And the American Council on Race Relations paid, I think, to have an additional ten thousand more printed by the state for distribution.

Fry: This might also be found, if someone's hunting for it,

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\*Davis McEntire and Robert Powers, Police Training Bulletin: A Guide to Race Relations for Police Officers (California State Printing Office, 1946). Foreword by Robert W. Kenny. With Powers papers in The Bancroft Library, University of California, Berkeley.



Fry: in collections of state documents?

Powers: I'm sure. They're pretty scarce; they're pretty hard to get anymore.

I think I've pretty well covered that incident in my life, which led to the writing of the Guide to Race Relations for Police Officers. We were twenty years ahead of our time. The only thing that was wrong was that nobody was scared enough to use it. Now they're scared, and they're beginning to use these methods, but they're all laid out on paper.

Fry: Oh, this was a handbook, then, that was sent out?

Powers: And we developed the method of it.

Fry: Do you have a copy of that?

Powers: I have a copy. I could give you an article I wrote on that, and I could give you a copy of the handbook, but I would be very reluctant to do so. You'd have to beg more than you have so far to get that.  
[Chuckle]

Fry: It sounds like corruption to me. [Laughter]

Powers: Yep. The thing that I'm trying to say is that the things we were doing then were -- I don't want to get into this subject, because this subject would take weeks -- the whole idea was that the only concern police officers had ever had with civil disorders involving Negroes was how to suppress them violently. This was the only type of training that anybody had ever even thought of. We said -- when Kenny talks about it he takes credit; when I tell about it I take credit; we understand each other on that point. If you read this [American Heritage article], you'll see it's all Kenny.\* If you read things I have written, it's all me. We had decided that there is no possibility of racial peace unless you change attitudes of police officers. And so we developed a week-long conference of policemen. The pilot place was in Richmond, California. There was an

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\*Janet Stevenson, Ibid.



Powers: article about it in the Saturday Evening Post. There was a lot of publicity about it.

Fry: At that time there was this article in the Saturday Evening Post?

Powers: Yes. It was in December, 1946 issue, entitled "Cops Don't Have to be Brutal," written by Warner Olivier.\* The New York Times did a couple of columns on it. But the idea was, very roughly, that by putting police officers together, command officers out of a department, and beginning an "encounter" group (although the word hadn't been invented yet), putting them together and start talking about the "niggers" and how to keep them in their place -- this was what I always started it with -- and then going on to, "Well, what is their place?" and "What is the Indian's place?" and "What is the Jew's place?" and so forth and so on and leading them.

Just cops talking, venting their bigotry and prejudice and so forth throughout one session and getting them all disturbed and all mixed up just with questions. Then the next day introducing a couple of Negroes into the meeting, and then the next day a Japanese American, and the next day a Mexican. Many times this would be the first time the cops had ever sat down at a table to a free discussion with a Negro. You see, most people in this racist society don't really have any social contact with people who are Negro, and cops are worse than other people. And here they had this week of sitting around a table for about six or eight hours a day talking to a "nigger." And as far as they were concerned the conference was conducted by a nigger-lover; that's me. And of course I didn't know anything about race relations. I was just learning. I was just thrown in; I had to find out as I went along.

Fry: Had you had any experience with this in Bakersfield?

Powers: No, I was a bigoted racist in Bakersfield.

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\*Warner Olivier, "Cops Don't Have to be Brutal," Saturday Evening Post 219 (December 28, 1946):204.



Fry: How were you a bigoted racist? Did you have a Negro population there?

Powers: Yes, there was a big Negro population there. We kept them in their place.

Fry: Well, what brought this up as a problem?

Powers: Statewide, Kenny did.

Fry: You are serious about this change in your attitude?

Powers: Oh, sure. I'm very serious -- with my southern parental background and so forth, I had just accepted the conditions as they were. I knew it was an unhealthy condition. I knew it was bad and so forth, but a lot of things are bad.

And so, following this weekly conference, we called all the officers in the police department and invited the Berkeley police in and others. And some of us who had been on the week-long discussion did a panel discussion for the benefit of all the officers. And then later we published a Guide to Race Relations for Police Officers and sent a copy to every police chief and every sheriff.

#### J. Edgar Hoover Reaction

Fry: Well, what was the attitude of other elements in the country who were concerned with police activities at that time, such as J. Edgar Hoover?

Powers: J. Edgar Hoover didn't have his men participate at all in the Richmond experiment. He, I'm sure, was actually opposed to what Kenny and I were doing with the zone meetings for police chiefs. I think that Kenny was regarded, looked upon askance from his associates by all the reactionary people in the country. I remember going into his office one day and saying, "I'm tired of hearing people say you're a Communist. What's your attitude towards the Communists? Are you a Communist?"

And he said, "No, I'm not a Communist. I





Powers: don't trust them. But I'm not afraid of them." That was his statement: "I don't trust them, but I'm not afraid of them." But the fact that he would defend anybody whose civil rights were being infringed upon or who needed an attorney, and he's utterly fearless. I've told you Warren's trademark is his great honesty; well, the most fearless man in America today is Bob Kenny, because he sacrificed everything in the way of political office and money just simply to do what he knows is right.

Fry: How do you know when J. Edgar Hoover disapproves of something?

Powers: He gets so unhappy you couldn't mistake it.

Fry: Unhappy with the zone meetings and the Richmond experiment?

Powers: Both. The zone meetings were started before Richmond, but this helped to tinge me, I'm quite sure, as a person of questionable motives.

Fry: The Richmond affair?

Powers: Richmond. The only people that really pitched in on this and were interested were the Berkeley Police Department. They were interested. They were interested in everything always.

Fry: And the police chief in Richmond had already requested that something like this be done?

Powers: No.

Fry: What was his attitude?

Powers: The head of the city was a young city manager, and he was scared. It looked as if a race riot was threatening, and so he started hollering for help. So we said (I don't know who did the talking) we would help them, but we would have to have a series of five all-day conferences with the command officers of the police department. And he ordered it done. And, as I remember and I may be wrong, I think the chief of police took a leave of absence so he wouldn't be involved.

Fry: Oh, he did?



- Powers: But I had the assistant chief and the other command officers on the police department. But it was fear that caused it, just as today all this concern with improving black-white relationships is a result of the riots, which produced fear. It's not altruism, not kindness, not compassion.
- Fry: Did you say that there had been pressure on Kenny from Hoover not to do the Richmond experiment? Is that what you meant?
- Powers: No. This is wrong. The pressure was not to carry on zone training of police chiefs, especially in California. Kenny wasn't afraid of Hoover, and he made himself very obnoxious to Hoover about it. I said I'd try to give you the Hoover correspondence.\*
- Fry: It ought to be locked up in a safe place like the Bancroft Library.
- Powers: Maybe that would be the thing that ought to be hid out!
- Fry: You're waiting until Hoover really leaves office?
- Powers: No, not that. But this would be a question: a lot of people now would deny the Federal Bureau's opposition to what we were doing, because now it's become a successful thing that's still carried on -- police chief zone meetings.
- Fry: You knew Kenny would back you up if the pressure got too great?
- Powers: Always. I don't know that the F.B.I. efforts to influence, to block are too important. They could be very important; it would make a nice article for Ramparts.
- Fry: OK, I'll leave you to write the article. But the reason I'm intrigued is that this is a concrete example of the relationship between local law enforcement and J. Edgar Hoover at the time. The violence commission report, which just came out yesterday, says that the F.B.I. and J. Edgar Hoover apparently have had a great deal of influence on local police

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\*J. Edgar Hoover correspondence (See Appendix).



Fry: departments and their attitudes and policies.\*

Powers: Tremendous influence.

Fry: These F.B.I. men came in to talk to you, but I still don't see what leverage they had on you, because they were federal and you were state.

Powers: They didn't have any leverage on me, but they thought they did. They were trying to exert it. You see, we went on despite J. Edgar's unhappiness and set up the zone meetings and ran them, and as far as I know they are still running, these zone meetings.

Fry: Well, what could attorney generals in the states and local police chiefs lose by not following Hoover's wishes? Would you lose cooperation from the F.B.I. in the future, or would it be something else?

Powers: No, we wouldn't lose cooperation from the F.B.I. However, cooperation was usually on their terms. We got from them identification information, some training by their agents, and the opportunity to send some of our officers to the National Police Academy. Hoover never had any police experience. He was a lawyer and a superb politician and appropriations getter. But he had been built up into a demi-god in America, and it was my feeling that he had come to a point where he was unhappy, and he showed it if he were not so regarded. But, Bob Kenny, with me lending meager help, was beginning to do something about race relations -- especially black and white. And Hoover's influence and strength was in his pursuing a course favored by the chairmen of the Senate and House committees -- Southerners, mostly, and prejudiced men.

Fry: J. Edgar Hoover has survived in office a long time. I guess that's how.

Powers: Yes, he did -- 1924 until now. But the men who survived with him had to conform to his idea of what

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\*Hugh Davis Graham and Ted Robert Gurr, The History of Violence in America (New York; Bantam Books, 1969).



Powers: an investigative officer should be. And F.B.I. men are primarily not peace officers, but investigators. They are not dependent on public support -- good community relations, but on the good pleasure of their director. They must accept the idea of his infallibility, but neither Kenny nor I did.

Fry: You sent some officers to the National Police Academy, didn't you?

Powers: Yes, and they did learn much in the way of scientific crime detection and identification methods. What happened to their attitudes was another thing -- not entirely pleasing to me. Hoover was annoyed at me a time or two -- once when he heard that I spoke facetiously about some aspects of his training. I felt that he was lacking in a sense of humor, and I felt bad because I thought I'd hurt his feelings.

Fry: But your relationship with the special agents?

Powers: Good, friendly. But in nowise compared with our respect and friendship with men of the Secret Service.

Fry: What was the difference?

Powers: F.B.I. men could hardly call their souls their own. The Secret Service men were more like us -- good, good men, who had a great deal of latitude in how they worked, what they were free to say, and how much they drank.





## BOXCAR IN THE SAND

by Laurence Hewes.

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## THE COLOR LINE

....And in the new surroundings, under the stress of wartime pressures, this admixture of new attitudes and beliefs made violence a very real possibility. Thus police departments, particularly, bore the burden of keeping in hand an implicit threat of disorder.

For this reason we concentrated on providing guidance to the police. Our advice was based on experience collected from a number of law-enforcement agencies all over the country. One of our best allies was Bob Powers, a former police chief, who headed the police end of law enforcement for the State of California. Powers was basically a cop. He looked and talked like a cop and he had the confidence of other cops. But he also had rare insight into social relations and a well-earned reputation for skill in handling racial problems. With Powers's guidance we persuaded the police department of the war-swollen city of Richmond, California to hold a training school in race relations for police officers.



Interview 2 -- June 12, 1969

ABORTIVE FILM ON RACE RELATIONS

Fry: We'll be able to put this in the appendix and refer to it in the interview.

Powers: You better mention what you're talking about.

Fry: This is "An Experiment in Race Relations," an article by Bob Powers.\* What did this come out in?

Powers: It came out in the Bahá'í World Book. I don't remember the year, but I think it was the '46-'50 yearbook of the Bahá'í Faith. But this was first given as a speech by Kenny at San Jose, along about '46 sometime.

Fry: But you had written it?

Powers: I wrote it. It tells the story pretty well.

Now, Kenny ran for governor - he was attorney general -- against Earl Warren in 1946. An utterly silly thing to do, I thought, and a lot of people thought. Anyway, he got soundly defeated. Another man was elected attorney general with whom I couldn't possibly work.

Fry: That was Fred N. Howser?

Powers: Freddie Howser. To show the impossibility of my working for him: the man he appointed to succeed me went to the penitentiary for something like thirteen years for collecting money for somebody. And in any event, I was steamed up about the possibility of doing something in the area of race relations.

Fry: I read in this manuscript by Robert Kenny called

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\*Robert Powers, "An Experiment in Race Relations," Bahá'í Faith World Book (1946-1950), in The Bancroft Library, University of California, Berkeley.



Fry: My First Forty Years in California Politics, 1922 to 1962, which is a xeroxed manuscript, I think, that when Howser came in he fired you.\* Is that right?

Powers: No. That was wrong and I told Kenny, and some of the copies were corrected. He didn't fire me. It would have been very nearly impossible for him to do so. I was a merit employee under civil service. The point was that for a number of reasons (every reason you do anything is complex) but one of the main reasons I left was that I wanted to go ahead and see if I could expand and make this race relations effort of value nationally. The Columbia Foundation in San Francisco, and the Rosenwald Fund, which has since gone out of business -- spent all its money -- both were interested. And Edwin Embree, who was head of the Rosenwald Fund, was a good friend of mine. He's written a number of books on the subject of race relations, and he was with the Rockefeller Foundation before he went to the Rosenwald Fund. But anyway, I had an avenue to some money, and I thought -- and I wasn't alone, Kenny thought so too -- that we could develop some training films to put these points across to police if we had the money. Police particularly we were interested in. So I made a contact in Los Angeles with Eddie Albert, who had a little documentary film company on the side.

Fry: Who was Eddie Albert?

Powers: He's an actor, a movie actor. He's on television now, I think, a lot. And I got in touch with Margerie Elkus of the Columbia Foundation and Embree, and they came to Los Angeles and we had a meeting, and they said they'd give me \$5,000 to see if I could produce a script that would be a starter on the production of films. However, they also said that they had to set up a board to handle the money; they couldn't give it to me, which I thought was perfectly logical at the time. So they set up a board consisting of Arthur Coombs, head of Occidental

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\*Robert Kenny, My First Forty Years in California Politics, 1922 to 1962. With Kenny papers in The Bancroft Library, University of California, Berkeley.



Powers: College, and Eddie Albert, and the head of Theater Arts, Kenneth MacGowan, at UCLA, and a woman that was head of I think the Haynes Foundation in Los Angeles, as a board to handle this.

And so I met with them on numerous occasions. Now understand that my heart was completely in this. I was willing to do most anything in this effort. And my enthusiasm bounced off them, and I erroneously thought that all these people were as enthusiastic as I was. This happens very often when you're lit up about something. You're in love, and another gets the reflection of it, and you think she's in love with you too, and actually she's just reacting to your feeling. So, that was all right; I had to carry the load and carry it through alone.

I had resigned from my job in Sacramento when I found that I couldn't work for Freddie Howser. I was in Los Angeles, and so we started out. The committee's idea was to start (and we were really making a lot of mistakes) with my developing material as a basis for the film. And they would get a professional screen-writer to write the documentary. I had contacted a number of producers, and they were scared to death of the subject matter, because nothing pertaining to race relations or anti-Semitism or anything like that could be produced at that time. I thought maybe we could develop it closely with an entertainment film of some kind.

Fry: You mean for mass consumption?

Powers: For mass viewing, yes. We thought maybe this would tie together or we could get some help from some of the producers, the producer using our material. Actually, they were scared to touch anything like this, because the times were approaching the McCarthy era, and everybody was getting a little bit scared because anyone who delved into these subjects was suspect. I remember walking down the street in Sacramento with Dr. Embree one day, and we met a general whom I had been talking to the night before. And I said to Dr. Embree, "The general thinks you're a Communist."

And he said, "In the things we are trying to do, it's a mark of distinction to be called a Communist."





Fry: I remember those days. That was true.

Powers: In any event, there was a waning of enthusiasm, not necessarily on the part of this board -- they were just handling the money -- but among other people I had to work with. So anyway, I went ahead and produced the basis for these films. Here is a copy.\*

Fry: This is a large manuscript!

Powers: That's a large manuscript dealing with lots of aspects of police, and it was produced by me. I mean I put it together with an idea, a stupid idea as it turned out, that somebody else using this and understanding it could produce some scripts for documentary films, and also provide a basis for training of police officers. When I got through, the board said, "Well, you've done a lot of work." And they wanted to give me \$2500 for this, which I took. This wasn't something I was trying to make money out of, but they said, "There is the money; this is what it's for; take it."

Fry: Well, you were without a job, weren't you?

Powers: I was without a job too, although I was selling some things that I could write at the time. So, in any event, I was paid for this. And they turned it over to a writer that I didn't know, and he fell with a great big flop. He didn't even know the subject matter. And that was the end of this.

Fry: Now wait. "He fell with a flop." How far did he get?

Powers: He wrote the scripts for a couple of documentaries, but they were impossible.

Fry: The films that were not produced?

Powers: They were not filmed. The State Department at that time wanted to make a documentary also.

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\*Robert Powers, "Race Relations," 1946-1950, a carbon, typewritten copy of a movie script, in The Bancroft Library, University of California, Berkeley.



Fry: On this?

Powers: On our race relations experiment here to show around the world what we were doing about this black-white problem although then you didn't refer to black, you said Negro. Well, we had conferences with somebody from the Information Service and others, but it never did get off the ground. And Eddie Albert lost interest in it, and things began to get very rough for me, and it fell flat. Embree said to me afterwards, "The whole trouble with what we did -- nobody begrudged the money we spent -- was that you should have written the script." He said, "You didn't do it because you didn't know the format or how to do it or the medium, but you could have learned to do it in twenty minutes, or a short time, and done it. And then we might have had something." But anyway, the whole thing fell flat.

Fry: Who was going to film it?

Powers: Well, Eddie Albert was in it mostly, it turned out, because he thought that he could. We figured we could get \$100,000 out of some fund if we produced it. Eddie Albert was hoping to use his little documentary film company to do it. And it turned out that it wasn't much of a company; it was just more a name than anything else. And I was messing around in a medium I didn't know anything about and plunging in. Anyway, this was the end.

This was one great big failure on my part, but it wasn't exactly a failure because I came later to know that this sort of thing we had done could not be transmitted visually. It couldn't be done visually. If we had distributed films, however good we could have made them, all over the United States and they had been shown all over the United States, this wouldn't have alleviated prejudice -- visually. Otherwise, we wouldn't have any problem today in the United States. It was just an idea, an erroneous idea, that we could do it. It was an effort.

Fry: This was to be used, then, in conjunction with similar police encounter and training groups like you had?

Powers: I wrote the basic material so that it provided a



- Powers: great deal of information, specific information, that would help, I thought, however it might be used, in dealing with the problem of prejudice among police. Cary McWilliams wanted me to publish it. I was sick and disgusted and tired of the whole thing then, and so I didn't ever do it. But you've got it. I'm giving you that copy, and you'll find part of it interesting reading.
- Fry: This is interesting, too, as one of the beginnings of what might later be looked upon as the awakening of the black-white problem in the United States that is happening right now.
- Powers: The awakening of police to the problem. It was a little baby kitten, I'd say, opening its eyes after six days (or whatever they do). Anyway, your husband will like it. He'll enjoy reading it.
- Fry: Yes. Can you give me the date when this finally fell through?
- Powers: It was along in '48. Now you see, I'd abandoned my occupation. I had been at the top. There was no place else to go. And one of the reasons was, I knew that I couldn't go on doing the same thing over and over again. But they're always complex; there's a syndrome of reasons why you do anything. And I don't think it's important, but in that area was the fact that I knew something had to be done about this problem of prejudice, focused, as far as I was concerned, on black-white. But I didn't know much else then. You see, my education and reading at that time was very limited. I didn't know very much. I was learning as I went along. I think that pretty well concluded that effort.
- Fry: Your pre-scenario design has never been used?
- Powers: The only ones who really appreciated it and expressed it were Kenny and Cary McWilliams. Cary was excited about it. So if you run into anybody who says a kind word about it, that will be my compensation, because that \$2500 is long gone.



POLICE AS STATE COLLEGE TRAINEES

- Powers: The idea of training peace officers in state colleges started at San Jose State College, the first one in the state. Now this was looked upon as a silly thing by most police chiefs. The strength of this effort came from Berkeley to San Jose. Now the president of the college turned out to be a very good friend of mine.
- Fry: Oh, who was that?
- Powers: His name was Thomas McQuarry, a tremendously exciting human being. And so he always wanted me to come up and talk to his classes and in the police school, which I did frequently. I went up one summer and lectured every day, or talked -- whatever you want to call it. But here I was probably, outside of some Berkeley people and a few from San Jose, the only police chief outstandingly supporting this whole idea of police training in junior colleges or giving it active support and working for it. McQuarry finally offered me, if I would take over the school, a full professorship at one time. And I knew he didn't know what he was talking about, but I said, "If there will be no discussion of my qualifications, I'll accept." Well, the next thing he had to do was to get my college credits, you see. And I said, "You see, this is the end of it." And he was very unhappy. But shortly thereafter, Kenny put me in charge of all law enforcement training in California on the state level, and the State Peace Officers Association made me chairman of their training committee. So I had more prestige than if I had been a professor in that area.
- Fry: You think you had more influence in that position too, I guess?
- Powers: Yes. I probably couldn't have lived in the college atmosphere anyway. It would stifle me.
- Fry: Of course you could have -- at least you would have been good for the college atmosphere. [Laughter]





Powers: Well, I had a happy time with McQuarry, because he was proud of his college, and he was doing marvelous things and he would take me around and we'd spend the whole day together just going around and showing off his big baby. Then he'd come down and hang around my police department and I'd do the showing off! That was a nice incidental relationship.

Fry: This was when?

Powers: This was while I was police chief at Bakersfield. He and I went and did a brother act of speaking to the American Bar Association in San Francisco when they had a national convention there, McQuarry and I.

Fry: When was that?

Powers: Oh, I don't know. It would have been before '38. Thirty-six, '37, '38. It was kind of fun.

Fry: And you spoke on law enforcement officer training?

Powers: He spoke on training, and I spoke on selection of men. It wasn't before the whole convention; it was before a section. Anyway, that isn't important now.

Fry: Sure it is. I think it's important to know that somebody in the American Bar Association asked you two to speak.

Powers: Well, I realized when I got up to speak that I was way over my head. There was Curtis Bock, a judge from Philadelphia that owned half the Saturday Evening Post, and Dean Roscoe Pound, and people like that in the thing. So I just started talking tough cop talk, and I said I didn't want any educated people; I wanted cowpunchers and ex-enlisted men from the army and navy, and people who knew how to deal with people, and so on. This was the tenor of my talk. I wasn't interested in intellect; I was interested in people who knew how to live with and work with and deal with other human beings. And it went over big. It was very good. If I had tried to talk to them about intelligence testing and so forth, I'd have fallen flat on my face.

Fry: Oh you would have?



- Powers: I didn't doubt it. I was dealing with people over my head. I'm always getting into things over my head, you know. But McQuarry and I had a good time.
- Fry: But at that point you were using intelligence tests, weren't you?
- Powers: Yes, I was using intelligence tests for my police department, but I didn't know much about it.
- Fry: A little note on that: How did you get them administered?
- Powers: I administered them. We created a Civil Service Commission while I was -- look, I had my eye on being police chief, but I was still a lieutenant. Nobody knew what it was all about, and so I moved, squirmed my way into the job as secretary of the Civil Service Commission, and so I gave the tests. And then after I became chief I still gave or supervised the tests.
- Fry: Were these the standardized tests, like the Stanford-Binet?
- Powers: Yes, like the Stanford-Binet test. I got them from the University of Kansas. I put too much value on intelligence. I know better now. I mean, abstract intelligence is a very minor thing in personnel selection, where the qualities needed involve dealing in human relations, with a billion people.
- Fry: The ability to relate to another person.
- Powers: Yes. We're way off the track.
- Fry: Oh, are we?
- Powers: You bring out the worst in me. [Laughter]
- Fry: Thank you very much. What did you have in mind to talk about?



Oakland Police Inquiry, 1950\*

Powers: Along about 1950, there was a human relations committee in Oakland, the Oakland Committee for Civic Unity, and they became aware of extreme police brutality -- and I don't use the word lightly: I mean murderers, beating a man until he had ruptured kidneys because he was Negro, locking people up who were never heard from again (to the last of my knowledge -- maybe they showed up someplace else). Well, this human relations committee made a report in June, 1949, so the reaction of the Oakland City Council was to discharge and terminate their committee.

Fry: I would think so.

Powers: The papers wouldn't publish much, if anything -- that paper in Oakland, what's the name of it?

Fry: The Tribune?

Powers: The Tribune especially wouldn't publish anything about what was going on. It was for some reason or other censored or suppressed, and it was a very evil thing involving many -- a big pattern of this sort of thing. Well, the Civil Rights Congress, which was a Communist-front organization, had contact with, or she was a member, Decca Treuhaft. Her pen name is Jessica Mitford. She wrote The American Way of Death. She lives in Berkeley now. And she was an utterly courageous and a smart girl, and she manipulated this whole Civil Rights Congress there. Well, we were approaching or were in the McCarthy days, and all you needed to do was relate somebody to a Communist-front organization and anything he said was "Red-inspired" and so forth.

Fry: And discredited completely.

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\*For newspaper clippings on Oakland police inquiry, see Appendix.



Powers: Yes. Well, Decca wasn't afraid, and I wasn't afraid. She had been in the Spanish Civil War as a correspondent, and well, she's a tremendous girl. And her husband is an attorney, Bob Treuhft. So, in any event, they got a legislative committee, the Assembly Interim Committee on Crime and Corrections, headed by a man named Vernon Kilpatrick to inquire into this sadistic (Boy, am I using words! -- Sound like a Black Panther!) into this condition that existed. I'll give you the dates and some clippings on that later.

Fry: Good. Now just a minute, I'm lost. Where does the Civil Rights Congress fit into this?

Powers: They were the ones that carried the ball after the Oakland race relations committee was discharged and abandoned and abolished. They picked up a copy of the report, and they carried the ball. And they got through to Sacramento.

Fry: I see. And they're the ones then who got the legislative committee to pick it up.

Powers: Yes. Well, the legislative committee didn't know what to do, naturally. Kilpatrick was fairly fearless but not too smart. He was smart enough to ask Kenny what to do, and Kenny said, "If you get Bob Powers, he can go up and do something for you," because I had done some difficult jobs for Kenny besides anything I've told you about. So I had to talk with Kilpatrick. They didn't have much money but enough practically to pay my expenses -- a little better than the fifteen dollars I'd get if I came up and spoke at the college.

Fry: You just mentioned you had done some jobs for Kenny that you haven't told me about. Like what?

Powers: Oh, let's see. Difficult to remember. First had to do with writing an article for a state governments magazine. Man assigned to ghost the article couldn't come up with anything at last dead-line day. So, although I'd never done any writing to amount to anything, I produced the article in time. Little thing, but it seemed important.

Then, a district attorney and a police chief, down around Santa Barbara someplace, got into an





Powers: argument, and there was contention and figuratively a war going on, and they wanted the attorney general to settle it. So I went down and simply asked a lot of questions without giving any advice. And when the two apparently got to thinking over what I'd asked and what they had replied, they decided to calm down and get along.

Many seemingly little things, but which gave Kenny concern. Like the State Division of Narcotics -- impossible morale and contention among the officers. There were accusations and recriminations. It went on for, as I remember, six months. Others tried to straighten out the mess. Finally Kenny called me in and asked if I could solve the problems and quiet things down. "Sure," I replied, "if you'll give me the authority I need." Kenny agreed, so I went out and wrote a "To Whom It May Concern." And in the letter which Kenny immediately signed, he delegated all his administrative powers to me. These included authority to suspend and to file charges. With that I went to San Francisco and had a meeting of the narcotics officers. I could see that the problem was focused on one man. So, it was a simple matter to come into the narcotics chief's office, show him my letter, and tell him what to do "or else." And that "or else" was his own suspension and the appointment of a temporary chief in his place. Not a big deal -- not at all when one knows how to find the source of discord and when he has the authority to remedy. These are somewhat typical of the things I was able to do for Kenny. But, I could do them only because he trusted me and gave me plenty of authority.

But so anyway, I went up to Oakland to look the situation over, and I realized very soon that everybody who had raised his voice before was called a Communist and he was scared and ran. Well, I wasn't afraid of being called a Communist at that stage. In fact, anyone that was afraid of being called a Communist can't do anything meaningful, just like no one who is afraid of being called a nigger-lover can do anything in the field of race relations. But I knew that I had no official position here except as investigator for this committee. So I had to work undercover, keep out of sight. I did make contact with the police chief to find out his attitude, and then I started an



Powers: investigation, and I found out that all of these allegations were true.

Fry: How did you find out? Did you go to police records?

Powers: I couldn't have gotten near a police record. No. Decca Treuhart and another man whose name I can't remember produced witnesses that I could question myself and see. And there were enough records. But I became convinced that all of the charges were true.

What to do then? What could a legislative committee do? I was working on a shoestring; I had to do everything myself. So when I got everything together, I said, "Let's hold a public hearing and expose this whole thing." Kilpatrick said, "Okay." But he didn't talk to all the rest of his committee.

In the meantime, I had gone to the city manager and the mayor and said, "This is the condition that exists here, and I think something is going to be done about it." And I found the mayor particularly to be the most bigoted racist that I'd ever seen. The city manager wasn't going to drop out from behind his police chief. The police chief was beginning to hate my guts.

Fry: You just said the city officials then offered you a lot of money to put in a police training school?

Powers: We never got around to talking about money. I had first suggested that they institute a police training school on race relations. That was turned down. But after it became evident that I wasn't about to quit and that I was digging a lot deeper than anybody wanted, then they came to me and said, "We'll hire you to run a police training program." And I probably could have written my own ticket on that. But that was no good. It was too obvious a buy-off. And so the thing to do was to have a public hearing on this.

Well, this didn't scare them very much, because they had control of the newspaper, and there wouldn't be any publicity on it. So I set the stage for a public hearing. I got a woman psychiatrist (I don't remember her name) that I'd met who knew a lot. She'd been born in China, and she knew a lot about



Powers: prejudice and so forth. I got Walter Gordon (a Negro) who was on the Adult Authority. He had been a policeman in Berkeley, then on the California Adult Authority, and now he's a federal judge in the Virgin Islands. So, I put on a show -- I did an Un-American Activities Committee in the reverse. I hit people with everything I had, but there were a lot of things that I didn't do right.

Fry: What was your role in the hearing?

Powers: I tried to get an attorney in the Bay Area to handle the questioning for the committee, because the committee members didn't know what the problem was. It had to be someone who knew what it was to do that. I had written voluminous reports, and an attorney could have picked it up and handled it. Well, I had never been before a legislative committee. I didn't know the functioning, I didn't know the limitations; I didn't know anything about it. But it finally turned out that we couldn't get a lawyer; they were all scared. Of course Truehaft was out of the question because he was tarred with Red smear, and his partner, whose name I can't remember, was out of the question. Even they thought it wouldn't be wise, because the whole thing would be turned into Red bait. So I had to handle it as an attorney without knowing anything about the procedure, methods, or anything like that.

The committee came in, and the hearing lasted two or three days. And they thought that I would hit a couple of policemen hard over the head and let it go at that. Well, I exposed a lot, through witnesses; I had a parade of witnesses and they were awful hard to get too, because they were scared of what might happen to them afterwards. But I managed to induce them pretty much, and I had a lot of help from Decca and the Civil Rights Congress. Thank God for the Communists when you're in a pinch. They sure don't scare easy -- though I don't say that she is a Communist; she isn't afraid of them. She's like Kenny; she isn't afraid of them either.

But I attacked the city manager and the mayor and the chief of police and the council.

Fry: By attack, you mean by questioning them directly or by questioning witnesses?



Powers: I believe I questioned the chief of police directly. The mayor left town and couldn't be found. But I brought out the fact that this wasn't a single policeman that was bad or was losing his head, but, you see, it was the important people who were at fault. Well, they started hollering for help from their legislators, because during these hearings some committee members had turned against me.

Fry: Oh, why?

Powers: Because they didn't want any esposé. They didn't want any exposé that would touch important political figures and alienate themselves from other legislators. If I pushed around a patrolman or two, that would have been fine. They would have fired them and gone their way.

Fry: The Tribune was always very important in Republican campaigns.

Powers: Yes. And the Tribune didn't print anything the first two days, but I think the second day of the hearing the Chronicle did. I called the city editor, and he sent a man named Robert deRoos, who's turned out to be quite a writer, over to cover it, and he did a magnificent job. There was nothing left for the other newspapers to do except be scooped or publish.

Well, it had become clear that some of the committee members were doing what they could to sabotage my efforts -- wasting time and so forth, inviting unfriendly legislators to sit with them. Kilpatrick stayed pretty still, but he was just chairman of the committee. The other members permitted an unheard-of-thing -- they let the police and the city put on a defense against the accusations. I was doing an exposé; they were trying to turn it into a trial and confuse the issues.

Of course my investigation had taken about a month, and I was just utterly weary. I couldn't hardly keep my eyes open. I didn't have any dexedrine, I don't know why, but I didn't. So anyway, the final evening of the hearings, the police chief, who was permitted to testify or have somebody testify for him, recounted the questioning of one of the people that I had talked to. And the whole tenor of this --





Powers: it sounds silly -- was that I had said, "Bob Treuhaft is a good attorney," implying that I was trying to drum up business for Bob Treuhaft.

Fry: Oh. They didn't discredit you because Bob Treuhaft looked pink?

Powers: This was their effort, you see. They had tried to discredit me for associating with the Civil Rights Congress, and so forth and so on, but then they moved in to try to discredit me by a simple statement repeated over and over again about twenty times by a man under intense questioning that I had said to him, "Bob Treuhaft is a good attorney." This was the simple statement. I got sick and tired of the thing. And so I interrupted. And I said, "Instead of going on and on into the night, I would like to speak to the whole world now so you don't have to pursue this game. I think Bob Truehaft is an excellent attorney." And the place exploded. I mean that was the end. Here I had declared myself allied with a Communist.

But of course then this was over. The thing had been exposed. The papers had done everything, and it could never be quite so bad again because they had never thought that their murders and so forth could ever out. And of course I was not only a traitor, a nigger-lover, and a Communist, but I was a traitor to the police because I knew. I had questioned the chief about why he didn't have any Negro officers, or very few, and he had said, "None of them can pass the examination." Of course I tore that to shreds, because I knew how a chief or a commission can manipulate examinations for anyone he really wants or doesn't want.

Anyway, I was dead and sick at my stomach, because of the committee's turning against me. The bright spot, and the only one was, this magnificent woman Decca, and one man, a Communist I'm sure, who hadn't run out.

So this was a big thing in the papers that the committee had turned on its own investigator.

Fry: Who were the committee made up of?



Powers: The only one I know who seemed to be most venomous toward me was Harlan Hagen, who was later a Congressman from this area. But that was a long time ago, and I think he's probably learned some lessons since then. But, you see, it was very hard in those days to find anybody, to find a handful of people, who would come out for this thing which I would just call simple justice and decency.

Fry: Well, you had a very difficult area there in Oakland.

Powers: I've got the dates here on clippings that I'll give you.

Fry: Do we have time to go into what happened on the committee? Or specifically the route of the pressures that were brought to bear on them?

Powers: Well, the main thing was, a committee arranges its hearings and its witnesses and so forth for the purpose of exposing certain conditions so that they can be remedied by legislation. They got some Alameda County, at least one Alameda County legislator, to come up and sit with the committee and help. Then they permitted the police chief to put on testimony tending to disprove the other witnesses. Well, if I'd known that was to take place at first, this was a reversal. We called our own witnesses and so forth. I was trying to do an exposé. And it became very evident to me, and I can't tell you how because it was a long time ago, that my attacks in questions and through witnesses on the mayor, city manager, and police chief was something that the committee members wanted no part of. Of course the big problem in things like this -- many people go in to make an investigation, but they're either bought off or scared off, and my problem was to convince my witnesses that I wouldn't be bought off or scared off.

Now, I don't think I was scared, but oh I was sick spiritually on leaving that place because I had plumbed the depths of degradation, not only in the police department, but in the political atmosphere. Well, that was Oakland, and I regarded it as one of the most difficult, torturous things in my life, because, you see, having to do the whole thing almost



Powers: alone and stand alone in the hearings, and then having people that I assumed might be for decency flip against me at the last minute.

Fry: Who was the Alameda County legislator?

Powers: I don't remember. December 29th to February 7, 1950, "Civil Rights in Oakland," the Chronicle. This isn't complete; somebody's borrowed it. "Report Claims Oakland Cops Beat Negro." "Oakland Police Brutality Inquiries to Start Today." "Prober Nabs Hostile Cop" -- me, moving in on them. And then, "Investigator and Probers in a Row." And then the American Legion thing about it after I'd left.

Fry: The American Legion?

Powers: Painting me in their little magazine as a Communist. I didn't see it; I didn't read it. So, this is one of the things that I don't even like to talk about (except that you wormed it out of me) because it was so bad, such an evil. This was the most evil that I ever came in contact with. Plus these people that I would normally want to respect, and you suddenly see them as they really are.

Fry: Was Bill Knowland in Congress then?

Powers: I don't know whether he was in Congress or if he was running the paper. It seems to me that his father was running the paper.

Fry: He was in Congress then, because Warren appointed him before that.

Powers: I may be unfair in my idea about the Tribune, but of course I'm talking about something that happened twenty years ago and not working from notes. But I think the tendency was to conceal anything adverse to the Oakland city government. Censor it.



THE FIGHT FOR A NEGRO SCHOOL: STEWART UDALL, ATTORNEY

- Powers: But that was damn near enough, you know, to finish up my efforts on race relations. I did an investigation of the Los Angeles police department after that, but it was a very simple thing. I don't know who I did it for, but it was on some specific charges, and charges were nowhere nearly strong enough for action.
- Fry: Was this also on charges concerning race relations?
- Powers: Yes. But it was a very sketchy investigation.
- Fry: You mean it was more specific than in Oakland?
- Powers: Yes. Specific charges that I got. That was about my only thing except -- and I'm not going to go into this because it doesn't involve California -- over in Duncan, Arizona (that's the southeast corner of Arizona) in '50 they refused to educate Negro children because it would ruin them as cotton pickers. And one woman out of a large community didn't like it and started raising hell, and through somebody else she got in touch with the NAACP in Tucson, and Stewart Udall took it over. And I went down there and helped her.
- Fry: What was Udall then?
- Powers: He was just an attorney. And although a Mormon whose racial attitudes are officially pretty bad, he did a marvelous job there. It's a beautiful story.
- Fry: The Bancroft Library is interested in Arizona. You were the investigator then?
- Powers: I went over to support this marvelous woman Betty Toomes who was raising hell, and we ended up with Stewart Udall bringing suit against the school board to compel them to set up a school for the Randolph (black) kids.
- Fry: And you were gathering evidence for Udall? Was that your role?





Powers: I was advising Udall and advising this woman, giving them a little encouragement, telling them, "You're doing good; go on." I didn't help much really. They thought I had a part in it because they needed somebody who knew the ins and outs of these things. But it caused so goddamned much trouble that Arizona finally decided to desegregate their schools even before the Supreme Court decision. It was one of the elements of that. And so they felt pretty smart afterward. But this would be another long story, and I'm just saying that outside of that, I don't think, except in my ordinary day-to-day life, that I'm particularly interested in race relations or cops anymore.

Fry: Did you get to know Stewart Udall very well?

Powers: No. I didn't even meet him. Everything we did was by letter and telephone. But I did have a very high regard for him. I tied down the girl that refused to go along with this community. She was only one poor, cotton-picking woman who wouldn't sit still for this. But strangely enough, today, she's head of the Boston School of English in Columbia! The Randolph family's kids couldn't go to school because they were cotton-pickers and niggers. And two or three years later I tied her down and made her tell me everything from start to finish and put it on tape.\*

Fry: Oh, really?

Powers: And it was a seven-inch reel with both sides. It made a very interesting document. But I lent it to her daughter, the tape, and the daughter lives in Sacramento, and I don't think I'll ever get it back.

Fry: Oh. That would be really an interesting tape to have along with this one.

Powers: It would be, but it's pretty far afield.

Fry: Well, it's not far afield in subject content, because

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\*For the Betty Toomes interview, see Appendix.



Fry: it would go into an index in which we have all kinds of things collected, like race relations, Arizona, a number of things.

Powers: The thing about this Duncan affair was that here one insignificant woman, living in poverty, wouldn't sit still for an injustice.

Fry: Was she white?

Powers: She was white. And she underwent all the persecution they could easily think of, and she wouldn't stop. She wouldn't stop. She wouldn't leave it alone.

And throughout my life I see this thing where some one person's integrity is such that you can't stop him. It's like a martyrdom in a sense. It's all the difference in the world between somebody that's working at something casually and counting the cost at every step and somebody who doesn't give a damn and isn't going to be stopped, like a kamikaze pilot or something like that. And thus, when I talk to people (and I talk all the time one way or another), I say, "Do it. Express it. Do something. Move in and do something." Just one person.

Fry: What happened to her after this? Did she have to leave the community?

Powers: Oh, she did leave after. She went into chicken ranching in California, and the last time I heard of her she was in Columbia, South America.

Fry: My, she did go a long way. And what happened to those witnesses in Oakland afterwards? Weren't they in some kind of peril?

Powers: No, I don't think they were. You see, this was an awful blow to the Establishment. They hadn't thought that it was ever possible that their conditions, their acts, could be made public. They thought they were perfectly safe, and here came a peculiar "white blackbird." as Kenny called me, into town who wouldn't buy it. I was driven by something. I wouldn't stop and wouldn't let down. But it was a horrible experience. You know, when I flew back to Los Angeles, I just wished the plane would crash. I'd had it. So these things are not always fun.



WRITING: POVERTY BUT IT'S EDUCATIONAL

- Fry: Well, what did you do after this Oakland experience in 1950?
- Powers: Of course, playing around with all these things, I ended up broke.
- Fry: Yes. I imagine you never were terribly affluent if you wouldn't take bribes and support yourself in the way to which policemen were accustomed.
- Powers: No. I never had much money, but I had enough. You know, I have two sons, and they turned out OK, both of them, in the difficult times ahead.\* For a while I was writing and selling things, and then I couldn't sell any anymore.
- Fry: Why?
- Powers: I don't know. I don't know what happens to a writer. Maybe you lose your enthusiasm for a subject, you know, or something like that. So we lived in Los Angeles and we didn't have any more money. The kids had both dropped out of school, high school. One went in the navy, and the other came with us and we moved to Yuma. We didn't have anything, just a couple of suitcases, and we went to Yuma, and I took any kind of job I could get when we got there. I had fun writing letters to the editor of the newspaper. He was a liberal. And made some nice friends. Steve, the younger boy, wanted to go to college, and so he started to college with \$60 and a suitcase half full of clothes. He went to Flagstaff and lived out in the woods and got an old bicycle to ride back and forth. He lived in a tent out in the woods.
- Fry: Good for him!

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\*See Appendix for clippings on son Steve's testimony on behalf of Negroes in Bakersfield police inquiry, October, 1969.



Powers: Well, he finally graduated, and he's a good linguist and he teaches school. He's a school-teacher. [Note: He got his M.A. in Latin American history in May '70. -- Powers] The other boy came back from the navy and through some hook or crook, without having finished high school, he got in college and was graduated, and he's a school-teacher too, doing some interesting and exciting things.

But me -- first of all, the experience in Yuma gave us all something that we didn't know anything about before, and that was that poverty doesn't make any difference. I mean, when you don't even know when the next meal's coming, it doesn't make any difference. You see, that's really important, but you can't get the benefits vicariously.

Fry: What you're saying is that money doesn't make any difference.

Powers: Money doesn't make any difference. If you're going to starve, you're going to starve. My wife was completely unafraid, although she had been raised in a good middle-class family. Then I got a job in a cotton gin -- beautiful job, working as a bookkeeper. I didn't know anything about bookkeeping; I couldn't even add, but I'd learned long ago if you learn the terminology, the vocabulary of anything, you can bluff your way until you learn what to do. So I then had two kids in college. They gave me a house and a car and a newspaper and a telephone, all of this, to live way out sixty miles east of Yuma on the desert in a cotton gin. So I had enough money to get the kids through college.

Fry: As an accountant?

Powers: As a clerk.

Fry: A clerk?

Powers: That's the type that work fourteen hours a day, seven days a week when a lot of cotton was being picked.

Fry: Had you tried to get back into law enforcement at this point?





Powers: No. I'd had it. I know enough to know that you can't go back. You've had an experience. You can't go back and do it again. I mean, it doesn't work, as a general thing. I'd had some halfway offers, and I guess I did make a couple of little half-hearted efforts, but not serious efforts. I thought that I'd be able to write for a while, and then I found out I couldn't make a living writing.

Fry: In Arizona?

Powers: No. In California.

Fry: Oh. Before you went to Arizona.

Powers: So anyway, then in '62 I had a stroke, and everybody thought I was going to be dead. It didn't bother me any, but other people were concerned, especially the doctor was awfully upset, because I wasn't reacting scared like you're supposed to when you have a stroke. And so that was the end of my working. And so they said I was permanently and physically disabled, and so I decided I'd just do what I wanted to do and the hell with everybody. And at about that time Social Security came around, my Social Security, and a little retirement pay from California and a veteran's pension and so forth. I'm a rich man today because I live within my means, and I do some writing for my own amusement. And in the years I was over in Arizona, eleven years, it was good. I have friends here in Bakersfield, a selected bunch of friends mostly Negroes. My favorite is an ex-Black Panther woman: I spent an hour with her just before I came up here because she's full of talk. And then I write, and I've done a lot of deep reading on subjects that I've wanted to, but I have no knowledge of it all, because you see I hadn't had time, no educational time. I've made good use of this. So, that's the end of the story.



A BACKWARD GLANCE AT POWERS THE YOUTH

Fry: Well, there is one more thing. We really didn't talk very much about your childhood. I just gave you about five minutes on it.

Powers: Do you want to hear about it?

Fry: Yes. Whatever you can tell me.

Powers: Okay. I told you where I was born: Las Vegas, New Mexico. My parents were southerners, good substantial middle-class people, above average in intelligence. I had an IQ that crowded genius, maybe the upper one or two per cent of the population. I didn't know it, of course, and nobody else knew it either, because I was just an impossible bastard. And so I couldn't make it in school. I was too much of a problem. They'd give me an armful of books the first of the year and I'd read them all the first night, and then I'd just be bored and make trouble.

Fry: Do you remember when you learned to read?

Powers: No, but I must have been six or seven when I started reading books. So it was obvious that I didn't get any education beyond that. But I went to work for the railroad as a machinist helper, working on steam locomotives, when I was fifteen.

Fry: Is this when you dropped out of school?

Powers: No, I had had other scanty jobs, and so forth, but I went to work for the railroad then.

Fry: Whatever you could find. When did you leave home? Were you still living at home?

Powers: Yes. But I was just waiting until I could leave. I was fairly independent because I was working ten hours a night, seven days a week, on locomotives.

An then World War I came along.



Fry: Yes. You haven't mentioned what you did there either.

Powers: In World War I I enlisted in the cavalry. You see, Lawrence of Arabia was doing exciting things at that time, and the military hierarchy decided that we needed a lot of cavalry. And then they changed their minds after I got in, so I was in a troop of cavalry in the regular army on the Mexican border. I stayed until about 1920. I was first sergeant of a troop of cavalry in the regular army, and I was about eighteen, nineteen at the time. But, one time they decided they'd educate soldiers, and so they started typing classes. And it only lasted one day -- something happened to it, they changed their minds; but I had a book.

Fry: You got your typing book.

Powers: I had my typing book and had a general idea of what it was all about, and they had a typewriter in the orderly room of the troop, so I learned to be a typist, a good typist.

Fry: You mean you would go in there in your off-hours then and progress through the book?

Powers: Yes, at night, you know. So I ended up -- my usual thing, I couldn't get along with the troop commander; I was obnoxious. So he disowned me, which is a peculiar thing to do in the army, but I went over to regimental headquarters, and they grabbed me quick as a regimental personnel sergeant because I could type. Not many people could type in those days. And then they organized an office of chief of cavalry in Washington, and they had to staff it with enlisted men. And I heard something about it, and I put in an application, and they must have been hard up because they transferred me to Washington, D.C., to the office of chief of cavalry. And then, when I had been pushed around by lieutenants and the captain, I became the friend and confidant of the brigadier generals, major generals, and colonels.

Fry: Do you remember the names of any of them?

Powers: Oh, George Vidmer was a colonel; Willard A. Holbrook



Powers: was the chief of cavalry; H. T. Bull was a colonel in my section, and Bruce Palmer was a colonel. Willard A. Holbrook was the major-general.

Fry: Do you want to make any comment on what some of these men were really like for the benefit of military history?

Powers: They'd all been overseas, and they were all cavalrymen, and their minds largely were concerned with perpetuating the cavalry in the face of the fact that motor vehicles were being used and that Patton, who was a major of cavalry, had done so much with tanks in the First World War. And so we'd get briefings from the military attachés in the morning and see what Budenny was doing, a Russian general, with cavalry, and everybody would sit around and say, "Motor vehicles will never take the place of a horse. Where would you get your gasoline?" But the army was cut back. And my experience was that they were good men of very high caliber. A colonel or a major-general would ask my opinion on how to handle something -- me, a private. (I had to take a reduction to private to go there.) And all the false front of the military autocracy was gone out there. We were all working together.

Fry: Oh, really?

Powers: And it was a very strange situation. And I began to learn, and it was a very important lesson, that when one gets at the top he doesn't have to use all of this status junk to maintain his position. I learned about leadership.

Fry: I thought that the cavalry in World War I already consisted of trucks and tanks and things.

Powers: No, there weren't too many tanks, or trucks in the cavalry. Some, no doubt, in Europe. But one mounted squadron, I think of the 2d Cavalry, saw some action.

Fry: The cavalry was mostly horses?

Powers: All horses. They were scattered along the Mexican border, some in the Phillipines.

Fry: Weren't there trucks in the Argonne action?





Powers: Could have been -- for transport. We used mules.

Fry: What did they call the part that had the trucks and tanks?

Powers: I don't know what they called them. I suppose the tank corps or something like that, but tanks were so new that nobody knew much about them except Patton, and he'd made a specialty out of them, although he was a fine horseman.

Fry: So they were really concerned then with a sort of a political situation which was a threat to their survival.

Powers: You see, we went into the First World War with all of our ideas of tactics and so forth left over from the Civil War. Everything, all tactical problems, maneuvers, and so forth, were based on what had been done in the Civil War.

Fry: Charging San Juan Hill?

Powers: The charge with a saber, and so forth. And so they were in for a big change, but it took them an awful long time, for they're very backward people that run the military.

Fry: Then you were discharged from Washington, D.C., is that right?

Powers: I heard about the New Jersey State Police organizing, and I made an application. And I got discharged from the army. I had reenlisted after the war. I got discharged from the army in April, April 1, 1922, and went on the New Jersey state police force April 2. I had gone up in the meantime and taken the examination and found out that out of about fifteen hundred people I was second or third high, which was primarily an intelligence test. A whole lot of my life was spent learning of my ability. "Know thyself." Is that it? I think one reason I'm such a braggart and namedropper is that I'm always so surprised when these things happen to me.

Fry: But knowing your own ability is an important thing. Was this the first time you had passed a test that high and that you began to suspect that you were



Fry: really an able person?

Powers: The first time that I'd ever taken a test.

Fry: Oh. And that was a surprise to you?

Powers: A big surprise. A big surprise.

Fry: When did you marry?

Powers: '28.

Fry: Where were you then?

Powers: Bakersfield. A motor cop.

Fry: And you married a Bakersfield girl?

Powers: Yes.

Fry: That's in the Saturday Evening Post article, I believe.\*

Powers: Yes. The ex-district attorney's daughter. And I married her in '28. I met her while I was riding the motorcycle on the street one day.

Fry: One other little question. In your home, were either of your parents a literary type who liked to bring in books and to read and things like that?

Powers: They were literary types, yes. They were, I guess you call them, highly literate people, well-read, and my father was an extreme liberal faced in the direction of socialism. And my mother had been a schoolteacher. And I was of a large family of five sisters and one brother.

Fry: Oh, your mother had been a schoolteacher?

Powers: Yes, just a short time. At that time it didn't amount to much, being a schoolteacher. Anybody could teach school that could read and write in those days. But they were literate. I always

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\*Robert Powers, "Crime Was My Business," Saturday Evening Post, 221 (July 31, 1948):22-3+; (Aug. 7, 1948):38+.



Powers: read a lot of poetry. I think I had a good taste for poetry. But it was long before I really started serious reading; I was probably over twenty. I was out of the army and so forth.

I wanted to tell you something, and it won't hurt anything on the tape. First, and I think it's affected my whole life, and I don't know if I can tell it very well, but I've thought about it a lot of times.

I can tell how old I was because of where we lived -- you know we moved all the time -- and when I was just about two years old, I was walking down the street and having a hell of a lot of trouble because my shoelaces were untied and had come out of the holes, and every time I'd take a step I would step on one of those strings and stumble. And, you know, it was a major problem. A flat tire's nothing compared to that. And everybody who would pass would laugh and think it was so funny you know, me stumbling along.

And I passed a house, and there was a woman, and I remember that she was a little tongue-tied, sitting on a step. And she saw what was happening, and she called me in. And she spent about twenty minutes treating me like an adult, teaching me how -- of course the ends were gone off the shoe-strings -- to twist the end and put it through the hole. Then we laced and unlaced my shoes three or four times until I knew how to do it, and then she taught me how to tie a knot. And we sat there for a while, and then I went along. And, as little as I was, I thought, "I'd like to be like that kind of person. I'd like to be like her." I think it influenced my entire life, a little thing.

And again I say, these little things that one does -- considerate, compassionate, courageous -- I guess it's pretty hard to be able to realize the impact they have.

You through? Are you through with me?

Fry: I guess so. This has been very educational for me, and I know it's going to be valuable for Bancroft Library.



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## APPENDIX I

Racial Issues From the Investigation of the Murder of  
Methias Warren

- (a) Clipping of Almena Lomax' Feature on Earl  
Warren
- (b) Lomax' Explanation of Background of Article
- (c) Robert Powers' Statement Regarding Negro  
Suspects



# Earl Warren and Racial Prejudice

By Almena Lomax

The controversy over the early racial views of Supreme Court nominee G. Harrold Carswell recalls the fact that the man whose name became synonymous with the Court for his liberal views was once looked upon with a jaundiced eye by the Negro community of his home state. — ?

That man is former Chief Justice Earl Warren who became so identified with the extension of Constitutional guarantees to minorities that the angry South threatened to impeach him and characterized the Supreme Court as "the Warren Court."

## Gordon Named

However, as Governor of California from 1940 to 1952, Earl Warren was a source of deep frustration to the state's Negroes.

They could not get a state Fair Employment Practices Commission during any of his three administrations. Nor could they get the appointments they thought they should have to the judiciary or to state posts.

As Governor, Warren named only three Negroes to state posts. One was his old classmate at the University of California, All-American football end Walter A. Gordon, whom he summoned from the relative obscurity of law practice in Berkeley's Negro community to sit on the State Board of Prison Terms and Paroles in 1943, following year appointing



**EARL WARREN**  
His image changed

him to a \$10,000-a-year post on the California Adult Authority.

## Judge Promoted

Warren also named Los Angeles architect Paul R. Williams to the State Urban Redevelopment Commission in 1947 and Norman O. Houston of Los Angeles, chairman of the board of Golden State Mutual Life Insurance Co., a Negro firm, to the State Athletic Commission in 1950.

He named no Negro judges, but in 1941 he elevated the first and only one in the state, Los Angeles Municipal Court Judge Edwin L. Jefferson, a brother-in-law of former Assemblyman (now Congressman) Augustus F. Hawkins, to the Superior Court.

Twenty years later, Jefferson was raised to the new division of the Second District Court of Appeals in Los Angeles by former Governor Edmund G. (Pat) Brown.

Negroes generally gave two reasons for Warren's lack of response to their demands. The first was a widespread belief that Warren's father had been murdered by a Negro, and that he bore Negroes a deep grudge.

## Belief Dispelled

This belief was only dispelled by the passage of time and Chief Justice Warren's dynamic blow to segregation when he wrote the majority opinion in *Brown vs. the Board of Education* (Topeka, Kan.) the NAACP suit to integrate the nation's schools and make integration "the law of the land."

Actually, the person who killed Justice Warren's father, Mathias Warren, 73, in 1938 in the tidy, modest cottage in Bakersfield in which he had reared his family, was never found. Whites as well as Negroes were among the dozen men questioned in the intensive investigation that followed.

The other reason given by Negroes for Warren's failure to appoint Negroes was that he didn't know any very well, aside from Gordon.

## Denial Made

Made to face the issue in the early 1950s at a meeting on Los Angeles' Central Avenue, set up by what Negroes jokingly referred to as Warren's "Black Cabinet" — Houston, Williams and now

Federal Court Judge David W. Williams (a Nixon appointee) — Warren denied he had snubbed Negroes, said that he often worshipped in Negro churches and had even attended a convention of the NAACP in "Long Beach or some place."

Warren spoke out in 1952 against the bombings of Negro homes in areas newly opened by the outlawing of restrictive covenants.

"Such hoodlumism must not be tolerated in California," he said.

He slapped at San Francis-

co residents for voting to keep a Chinese family out of a subdivision. He scored the revival either in fact or in spirit of such organizations as the Ku Klux Klan in California.

## Praise by Ebony

By 1956, Washington police were posting watches on the Chief Justice's residence because of fiery crosses planted there by bigots.

In 1964, he headed *Ebony* magazine's list of "the 10 most trusted whites in America."



## LOMAX' EXPLANATION OF BACKGROUND OF ARTICLE

With reference to the "Earl Warren and Racial Prejudice" story in the Examiner of Feb. 22, written by me, to begin with, I ~~reminded~~ it as an unfortunate head, which I thought would mislead many people.

People are apt to be un-thinking about their heroes, and without a doubt and with very good reason, Earl Warren is one of the heroes of this era.

The story was not intended to charge that Earl Warren had racial prejudices. He may have had; he may not have had before going onto the Supreme Court Bench.

If he had, I should imagine that the Bench would have been a great educator, even for a man of ~~Warren's~~ <sup>Warren's</sup> stature.

I should also imagine that getting out of the provincial atmosphere of California, for it was provincial, racially-speaking, when Warren was named to the Supreme Court, and into an atmosphere where the most profound questions of our democracy were discussed, enlarged even the horizons of Earl Warren.

However, having known Earl Warren, as Governor, at least having participated in a press-Negro community conference with him, ~~and~~ and having come away with the conclusion that he was very uncommitted about Negroes, "very Republican" in the Republican sense of that time (about 1948, I think), stand-offish and unresponsive to the ~~the~~ question of greater Negro involvement in affairs of the state and to the need for passage of FEPC, I just saw a story in his past attitudes and <sup>in</sup> the Carswell controversy. (more)





I don't know what happened in the 1945 legislature with reference to FEPC. I suppose I wasn't too aware politically.

But I do know that during that conference, called by Norman O. Houston, retired president of Golden State Mutual Life Insurance Co., David W. Williams, now a federal district court <sup>judge</sup> and John L. Hill, a wealthy Los Angeles mortician and member of the State Board of Funeral Home directors, Warren was evasive about FEPC,

~~\_\_\_\_\_~~

He would not commit himself to fight to get it. He would not say he would name a Negro judge, and he did not. He confined himself to protesting his goodwill toward Negroes, as indicated by once having attended a convention of the NAACP in <sup>Los Angeles,</sup> ~~\_\_\_\_\_~~ and by "frequently worshipping" in Negro churches.

The leaders of the Negro community attending the meeting were very disappointed in him. For they were Republicans and were working hard to win the Negro vote back to the GOP.

I wrote a story in my paper, the Los Angeles Tribune, ~~and~~ ~~was~~ ~~twitting~~ Warren for his 'credits' and for not even remembering where one of them had taken place - he had to be prompted by Houston that the NAACP convention had taken place in Los Angeles, not in ~~Los~~ Long Beach.

I summarized my story by observing that Warren, like so many whites in public life, really didn't know any Negroes, to speak of, that when he did know a few, Walter A. Gordon, of Berkeley, the All-America U. C. end, he named him to the Adult Authority, Houston to a most unlikely spot on the Athletic Commission - Banking and Currency would have been more fitting - and architect Paul R. Williams to the State Urban Redevelopment Commission.

(more)









He was an ex-convict who had served time for armed assault and was heard to say that he had to have some money, and "would pull a stick-up to get it."

He left Bakersfield hurriedly after the killing without stopping to ~~to~~ collect a pay check coming to him as ~~as~~ an employee of a drive-in cafe, and without getting his belongings from his hotel. He had mowed lawns for Mathias Warren and was known to know the slain man's ~~habits~~ habits, chief among which was keeping large sums of money (\$500) on his person from rents collected on weekends.

The clippings in the case indicate that other persons either arrested or questioned ~~in the case~~ about the murder were Negroes, among them Mathias Warren's handyman, William A. Reed, who discovered the body.

None of the dozens of men arrested or questioned about the murder was ever charged and it remains unsolved. But in Southern California, it was common talk that a Negro had killed Earl Warren's father and that he had prosecuted him for the crime. That, of course, is untrue. But it was a pervasive rumor which only died in my own mind when I read the truth about the slaying in the Examiner files last February.

Many Negroes, such as Houston, Hill, ~~Williams~~ both Williamses mentioned above could substantiate what I have said about Warren's general reserve about Negroes when he was Governor.

However, facts speak for themselves. When Goodwin T. Knight succeeded <sup>Warren</sup> ~~him~~ as Governor, a number of Negroes were appointed to judicial posts, including David Williams, the late Charles Bussoy, of San Francisco, Thomas L. Griffith, Jr., now a Los Angeles Superior Court judge, and Bernard Jefferson.

(more)



The first order of business, the very first piece of legislation, seen through the legislature by former Governor Brown was WPC, and Brown appointed many Negroes to the judiciary, including Alameda County Superior Court Judge ~~V~~ Lionel Wilson, <sup>S.F.</sup> Municipal Court Judge Joseph Kennedy, Los Angeles Judges Earl Broady, Vaino Spencer (a Negro woman), Sherman T. Smith, Xenophon C. Lang, the late Loren Miller.





FOR BANCROFT LIBRARY - ORAL HISTORY PROJECT, "EARL WARREN AND HIS TIMES".

This has to do with an article in the "Examiner" by Almema Lomax, and headlined "Earl Warren and Racial Prejudice."

I, Robert B. Powers, and I alone conducted the investigation of the murder of Matt Warren, father of Earl Warren. Never, at any time, did any person who was Negro come under suspicion of having been the perpetrator of this crime.

Those who were suspect by me and by others were relatively poor people who occupied houses owned and rented by Warren, Senior. These people were all white. None of these houses were known to be in ghettos or Negro neighborhoods. Matt Warren's home was far removed from areas frequented by Negroes. The people occupying Warren, Senior's houses would have been characterized at the time as mostly "Oakies" or relatively poor persons.

Certainly, it is untrue that there was any belief that the murderer was a Negro. And this is the first time that I have ever known of such an assertion having been put forth.

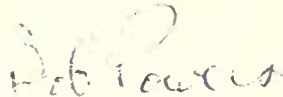
The man whom some regarded as a "prime suspect" (I did not), was definitely white.

Neither was this suspect a renter of Warren's property.

I had many occasions to discuss various aspects of law enforcement with the then Attorney (District) of Alameda County and later Attorney General and still later Governor. While he was Governor, I was nominally in his office for a while as "Coordinator of Law Enforcement Agencies" and as Chief Law Enforcement Officer of the State War Council.

I have no recollection of ever having discussed racial matters with him, and I definitely never heard him make any derogatory or prejudicial statements about Negroes.

If asked, I should offer the observation that Mr. Warren shared the general attitude of the white populace, at that time, that segregation was a social necessity; however, I am utterly convinced, that Mr. Earl Warren would have never countenanced any injustice perpetrated on anyone because of his race or color.



Robert B. Powers

BOB & MILDRED POWERS  
1841 1/2 Quincy Street  
Bakersfield, Calif. 93305

3-5-70





## APPENDIX II

Correspondence Regarding J. Edgar Hoover and the Federal  
Bureau of Investigation



10.6

# MEMORANDUM

86

OFFICE OF ATTORNEY GENERAL

To: Judge Kenny

PLACE Sacramento

FROM: Robert B. Powers

DATE December 10, 1945

SUBJECT:

*Handwritten notes:*  
helping  
during  
Dec 20  
J. L. ...  
Part

In San Francisco on the 7th, I talked with Mr. Stein, special agent in charge of the FBI in San Francisco. I told him that I should appreciate any help they could give me on preparing a training program, making use of all facilities in the State. It was his suggestion that they probably have some man in the FBI who is familiar with what has been done in other states and could give me assistance in preparing a long range program or prospectus to submit to you. He was very much interested in the police chiefs' zone meetings and stated that they would like to help in any way they could.

This was really a preliminary discussion and I hope to go into the matter more fully after the first of the year.

There are certainly some subjects such as those pertaining to scientific crime detection that they can teach better than we ever could. Whether we can arrive at a satisfactory agreement as to the conduct of specific schools will depend on future talks.

At his request, I am sending Mr. Stein our tentative schedule of meetings and the agenda. He was most cooperative and expressed the desire to meet you as soon as possible.

*Handwritten initials:* J B P



OFFICE OF  
RECEIVED  
DEC 19 1945  
*Earl Kenny*  
YOUR ACTION WANTED WITHIN \_\_\_\_\_ DAYS

10.6

# MEMORANDUM

88

OFFICE OF ATTORNEY GENERAL

To: Judge Kenny

PLACE Sacramento

FROM: Robert B. Powers

DATE December 17, 1945

SUBJECT: FBI INTEREST IN POLICE CHIEFS' ZONE MEETINGS

*I think we should frankly explain our position to the F.B.I. & make a memorandum after we get in touch with the Attorney General & the State Dept.*

This is in reference to my memorandum of December 10th concerning a talk I had with Mr. Stein of the Federal Bureau of Investigation regarding police training in California.

While in Miami Beach, Mr. Hugh Clegg of the F.B.I. in Washington asked me to come over and have a talk with him. He said that the Federal Bureau had been planning meetings for heads of law enforcement departments throughout the United States to begin during the first quarter of 1946. He was consequently much interested in our plans for police chiefs' zone meetings and hoped that there would be no conflicts between their meetings and ours. There appeared to be an unusual amount of concern in his attitude. He suggested that they would like to make the meetings joint between the Federal Bureau of Investigation and the State Department of Justice.

At the time, I thought that there was possibly some merit in his suggestion but I told him that I was not in a position to make any decision. That the matter would have to be referred to you. He was not at all clear as to their plans for meetings beyond saying that they had hoped to have about twenty persons present at each meeting. I suggested that, since our call for the meetings would not go out until after the first of the year, he arrange for someone who could speak with authority to meet with me during the week between Christmas and the New Year. He said that he would write to Dick Hood of Los Angeles, and Mr. Stein of San Francisco, to get in touch with me. He wanted to clear the matter with Mr. Hoover before any further discussion.

Since returning to Sacramento, I have called Mr. Stein's office and asked that arrangements be made for him to meet with you between December 26th and December 28th, and to notify me as to when he could be there.

I have considered the matter from all angles and have talked with Charles Johnson about it. We are of the opinion that there would be many difficulties incident to joint meetings:

1. There is still much resentment in some quarters against the Federal Bureau of Investigation, and some of that resentment might be turned toward us if we had joint meetings.



2 - Judge Kenny

2. I believe it is our desire to keep the meetings as much like a conference as possible, and to encourage police chiefs to come as near running the meetings themselves as is possible. Whereas I feel that the Federal Bureau of Investigation would want to handle the meetings more like lecture classes and in a less democratic manner
3. There would probably be constant confusion as to dates and agenda if these were joint meetings.

It is suggested that we should in no wise lose control of these meetings, but that possibly special agents in charge of the F.B.I. might be invited to the meetings as guests.

Because I was somewhat caught off guard by Mr. Clegg's extreme interest in these meetings, I fear that I may have left the impression that they would be more welcome than I feel, after due consideration, they will be.

RBF.





1016

91

Judge Kenny

Sacramento

Robert B. Powers

December 19, 1945

POLICE CHIEFS' ZONE MEETINGS - APPOINTMENT WITH MR. STEIN F.B.I.

I called Mr. Stein, Special Agent in Charge of the F.B.I. in San Francisco, and talked with him today. He asked me to say that he was looking forward with pleasure to meeting you but would like to have Dick Hood present at the discussion and would not be able to arrange it until after the first of the year.

Although he did not say so directly, I was under the impression that he wanted to communicate with Hugh Clegg before meeting with you. I asked him to call me again when he had heard from Mr. Clegg.

RBP/m

CC Janet Morony  
Charles Johnson



# MEMORANDUM

92

Department of Justice

*not sent*

To: Robert W. Kenny PLACE Sacramento

FROM: Robert B. Powers DATE January 23, 1946

SUBJECT: F. B. I.

Inspector Hince, Special Agent in Charge, C. W. Stein and Special Agent Sullivan of the Federal Bureau of Investigation called on me in Sacramento today. Mr. Hince did most of the talking. He inquired about the Zone meetings for police chiefs and specifically the meeting that was held in San Diego. He stated that he believed our meetings with the conferences of the Federal Bureau of Investigation would be too much of a burden on local police officers. He indicated to me that the conferences held semi-annually by the F. B. I. served the same purpose as our meetings. He stated that the Federal Bureau was not interested in zone meetings that we were holding for district attorneys or sheriffs but that they would prefer that we did not hold zone meetings for chiefs of police. I disagreed with him insofar as their meetings were filling the needs of police chiefs.

I also informed him that we were acting under statutory authority. He asked me to transmit to you the suggestion that we discontinue police chiefs' meetings and that if we have any subject matter we should like brought up in zone meetings we submit that information to the Federal Bureau of Investigation. Their meetings are presently being held in California semi-annually and are attended by anyone from law enforcement departments designated by chiefs of police or sheriffs.

Mr. Sam Fick, Chief of the Bureau of Trade and Industrial Education was called to come down to my office. He had requested authority from the Federal Department of Education to employ a full time man to be engaged in police training. In a reply to his letter, he was asked to get in touch with Mr. Stein at a conference to be attended also by representatives of the Attorney General's office. The matter of the employment of a man was discussed. I insisted that there was a need for police training in California and a demand for local offices for such service. Mr. Hince stated that the Federal Bureau of Investigation was willing to furnish all in-service training that was necessary. He indicated that he did not believe the work previously done by our Department of Education had had much value. He also stated that in general the Federal Bureau of Investigation is opposed to pre-employment training for police officers. (*San Jose specifically*)

I informed Mr. Hince that we had had many demands for in-service training of police officers. Specifically, that we had had recent requests from Marysville, Yuba City and Hanford. He stated that if



No. 2 - Memorandum to Robert W. Kenny

he were asked by the United States Department of Education whether he thought there was necessity for the employment of a man by the Department of Education in California, he would stated that in his opinion there was no need for the employment of such person.

The discussion was kept on a friendly basis although it lasted about an hour and a half.

From my discussion with Mr. Hince and my previous discussion with Mr. Clegg, I am of the opinion that it is the desire of the Federal Bureau of Investigation to take over all in-service police training in the United States except that conducted as a strictly departmental school.

The attitude of these men seems to be inflexible and while they indicate a willingness which I believe to be sincere to cooperate at the local level, I could detect no desire to cooperate at the State level.

Robert B. Powers





Federal Bureau of Investigation  
United States Department of Justice  
Washington 25, D. C.  
January 29, 1946

*Powers*  
94

AIRMAIL  
SPECIAL DELIVERY

Mr. Robert B. Powers  
State Department of Justice  
Sacramento 14, California

Dear Mr. Powers:

I am in receipt of a letter from the Honorable Robert W. Kenny, Attorney General of California with reference to a conference which you had on January 21, 1946 with Inspector L. A. Hince and Special Agent in Charge C. W. Stein of this Bureau.

There is enclosed for your information a copy of my reply to Mr. Kenny.

Sincerely yours,

*J. Edgar Hoover*

Enclosure (1)





January 29, 1946

Honorable Robert W. Kenny  
Attorney General  
State of California  
Sacramento 14, California

AIR MAIL  
SPECIAL DELIVERY

My dear Mr. Attorney General:

I have received your letter of January 21, 1946 in which you referred to the conference held on January 21 by Mr. Robert B. Powers of your Department with Inspector L. A. Hince and Special Agent in Charge C. W. Stein of our San Francisco Office. I am very much disappointed to observe your reaction to the attempts made by our representatives to harmonize your recently instituted police conference activities in California with the already established law enforcement conferences which have been held by the FBI with the law enforcement officers of California during the past several years.

I am sure that your conclusions with respect to the recommendations made by Inspector Hince are based on incomplete information as to the conference held with Mr. Powers of your office. Your first statement that Mr. Hince recommended that the same meetings of chiefs of police be discontinued is not at all in conformity with the statements actually made. On the other hand, Inspector Hince pointed out to Mr. Powers that the FBI has been holding regular conferences with the law enforcement officials and officers in the State of California since 1940; that if a completely new series of quarterly conferences with police executives is superimposed upon the already long established law enforcement conference program, there would be unavoidable duplication, unnecessary travel and perhaps an unreasonable demand upon the time of police executives. It was also pointed out to Mr. Powers that much more beneficial results might be expected if Mr. Powers and members of his staff would appear at the regular FBI Law Enforcement Conferences, taking whatever part in the program would be necessary in order to fully cover the problems of the California State Department of Justice. Such an arrangement would result in the elimination of duplication, in the avoidance of unnecessary travel by the officers and in a generally harmonious result. I do not think it is fair to say that such a recommendation on the part of Inspector Hince constituted a recommendation that same meetings of chiefs of police be discontinued inasmuch as at the time of the conference your program had just begun and only one conference had been held. Accordingly, Inspector Hince's recommendation was really a suggestion for the consolidation of



a projected program of your office with the already long established and operating conference program sponsored by this Bureau.

I was hopeful that mutually agreeable arrangements might be worked out and I was encouraged by the conference held between Mr. Powers, Mr. H. H. Clegg, Assistant Director of the FBI, and the Special Agent in Charge of our Miami Office on December 14, 1948 at Miami. At that time Mr. Clegg explained to Mr. Powers the FBI program of police conferences and police schools. It was indicated to Mr. Powers that, inasmuch as there were already long established conferences, the creation of a quarterly police executives' conference program by the office of the Attorney General of the State of California would not be as satisfactory as would be a consolidation of the objectives of both of our organizations. It was suggested to Mr. Powers that the FBI would be delighted to have him or other representatives of your office appear at the regular FBI Law Enforcement Conferences and devote as much of the program as necessary to a discussion with the police executives of California on problems of mutual interest. Mr. Powers at that time informed Mr. Clegg that such an arrangement was entirely agreeable to him. He indicated he did not desire to establish a program which might conflict in any way with existing programs and that he would be glad to confer with the Special Agents in Charge of our California offices to work out detailed plans. Contrary to this understanding, however, our California offices were informed that you were proceeding with the scheduling of quarterly police executives' conferences. Although I was very desirous of working out some mutually agreeable plan for combining your proposed conferences with our existing program, I do not feel that there is anything to be gained at this time by such a combination since you have already proceeded with separate conference programs.

With respect to your statement that Inspector Kince recommended that matters of in-service training, except Departmental schools, be left entirely to the Federal Bureau of Investigation, I want you to know that this statement is exactly contrary to the statements made by Inspector Kince in the presence of Special Agent in Charge Stein, Mr. Powers and Mr. Sam Fick of the State Board of Vocational Education. As a matter of fact, the conference with Mr. Powers did not deal at all with police schools. Mr. Powers, in fact, stated at the conference that the office of the State Department of Justice was not operating police training schools at this time; that no police instructors were employed by your department and that there was no law enforcement training program actively in operation. Accordingly the matter of police schools was not germane to the conference held. Quite incidental to the conference, and on an entirely separate issue, Mr. Powers informed Inspector Kince that Mr. Sam Fick of the State Board of Vocational Education desired to confer with him and with Special Agent in Charge Stein on a question involving the employment of a police instructor by his office.





Mr. Fick requested the recommendations of our representatives and was informed that the FBI would make absolutely no recommendation for or against the employment of any person by his organization. However, in view of the fact that the suggestion that an instructor be employed was based on an allegation that there was an existing need for police training which had not been met, Inspector Hince indicated to Mr. Fick that the FBI had cooperated on a broad scale with the police chiefs and sheriffs in California in an endeavor to meet training needs; that the FBI was not aware of any existing need for training which was not being met and that the FBI was ready to furnish all possible assistance to any police executive in the organization and operation of police training schools. The only interest which was indicated by our representatives in this entire matter was in the allegation that police training needs were not being fully met. In order to make the position of the FBI extremely clear, Inspector Hince stated to Mr. Fick, in the presence of Mr. Powers, that if there was any police training need in the State of California which the FBI could not meet or was not presently meeting, then the FBI most certainly was desirous of encouraging activity on the part of whatever organization was qualified to do the job.

I hope that this communication may serve to clarify the position which this Bureau has taken with respect to the operation of law enforcement conferences and police training schools. Our policies are not applicable to California alone but are the same in all states. It is my earnest hope that in the field of police training we can by a conference with and instruction of police officers return in some small measure payment to the law enforcement executives for the splendid cooperation they have given to us through the years. Every step in the conference and training activities which we take is directed toward the one objective of improving the standards of performance in the law enforcement field. I am sure that you will agree with the desirability of such an objective.

Sincerely yours,





Federal Bureau of Investigation  
United States Department of Justice  
Washington 25, D. C.

January 29, 1946

AIR MAIL  
SPECIAL DELIVERY

*98  
CWS + Check Powers  
and this is complete document  
reference to all letters  
and think this is  
conference would not  
of the 4 documents  
Bill*

10.6

Honorable Robert W. Kenny  
Attorney General  
State of California  
Sacramento 14, California

My dear Mr. Attorney General:

I have received your letter of January 21, 1946 in which you referred to the conference held on January 21 by Mr. Robert B. Powers of your Department with Inspector L. A. Hince and Special Agent in Charge C. W. Stein of our San Francisco Office. I am very much disappointed to observe your reaction to the attempts made by our representatives to harmonize your recently instituted police conference activities in California with the already established law enforcement conferences which have been held by the FBI with the law enforcement officers of California during the past several years.

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*Merge or submerge!*





a projected program of your office with the already long established and operating conference program sponsored by this Bureau.

I was hopeful that mutually agreeable arrangements might be worked out and I was encouraged by the conference held between Mr. Powers, Mr. H. H. Clegg, Assistant Director of the FBI, and the Special Agent in Charge of our Miami Office on December 14, 1945 at Miami. At that time Mr. Clegg explained to Mr. Powers the FBI program of police conferences and police schools. It was indicated to Mr. Powers that, inasmuch as there were already long established conferences, the creation of a quarterly police executives' conference program by the office of the Attorney General of the State of California would not be as satisfactory as would be a consolidation of the objectives of both of our organizations. It was suggested to Mr. Powers that the FBI would be delighted to have him or other representatives of your office appear at the regular FBI Law Enforcement Conferences and devote as much of the program as necessary to a discussion with the police executives of California on problems of mutual interest. Mr. Powers at that time informed Mr. Clegg that such an arrangement was entirely agreeable to him. He indicated he did not desire to establish a program which might conflict in any way with existing programs and that he would be glad to confer with the Special Agents in Charge of our California offices to work out detailed plans. Contrary to this understanding, however, our California offices were informed that you were proceeding with the scheduling of quarterly police executives' conferences. Although I was very desirous of working out some mutually agreeable plan for combining your proposed conferences with our existing program, I do not feel that there is anything to be gained at this time by such a combination since you have already proceeded with separate conference programs.

With respect to your statement that Inspector Hince recommended that matters of in-service training, except Departmental schools, be left entirely to the Federal Bureau of Investigation, I want you to know that this statement is exactly contrary to the statements made by Inspector Hince in the presence of Special Agent in Charge Stein, Mr. Powers and Mr. Sam Fick of the State Board of Vocational Education. As a matter of fact, the conference with Mr. Powers did not deal at all with police schools. Mr. Powers, in fact, stated at the conference that the office of the State Department of Justice was not operating police training schools at this time; that no police instructors were employed by your department and that there was no law enforcement training program actively in operation. Accordingly the matter of police schools was not germane to the conference held. Quite incidental to the conference, and on an entirely separate issue, Mr. Powers informed Inspector Hince that Mr. Sam Fick of the State Board of Vocational Education desired to confer with him and with Special Agent in Charge Stein on a question involving the employment of a police instructor by his office.

*That  
I agree  
He does  
to further  
discussion*



Mr. Fick requested the recommendations of our representatives and was informed that the FBI would make absolutely no recommendation for or against the employment of any person by his organization. However, in view of the fact that the suggestion that an instructor be employed was based on an allegation that there was an existing need for police training which had not been met, Inspector Hince indicated to Mr. Fick that the FBI had cooperated on a broad scale with the police chiefs and sheriffs in California in an endeavor to meet training needs; that the FBI was not aware of any existing need for training which was not being met and that the FBI was ready to furnish all possible assistance to any police executive in the organization and operation of police training schools. The only interest which was indicated by our representatives in this entire matter was in the allegation that police training needs were not being fully met. In order to make the position of the FBI extremely clear, Inspector Hince stated to Mr. Fick, in the presence of Mr. Powers, that if there was any police training need in the State of California which the FBI could not meet or was not presently meeting, then the FBI most certainly was desirous of encouraging activity on the part of whatever organization was qualified to do the job.

I hope that this communication may serve to clarify the position which this Bureau has taken with respect to the operation of law enforcement conferences and police training schools. Our policies are not applicable to California alone but are the same in all States. It is my earnest hope that in the field of police training we can by a conference with and instruction of police officers return in some small measure payment to the law enforcement executives for the splendid cooperation they have given to us through the years. Every step in the conference and training activities which we take is directed toward the one objective of improving the standards of performance in the law enforcement field. I am sure that you will agree with the desirability of such an objective.

Sincerely yours,

J. Edgar Hoover

*John Miller Hoover  
and his wife  
are not here  
dependent  
of police  
in many*





# MEMORANDUM

101

Department of Justice

To: Robert W. Kenny PLACE Sacramento

FROM: Robert B. Powers DATE Feb. 4, 1946

SUBJECT: Letter from J. Edgar Hoover, dated January 29, 1946

While it would serve no purpose to argue what was said during my series of discussions with F.B.I. Agents, my conclusions and inferences are significant. They are therefore stated:

After my first talk with Mr. Stein I concluded that he was in no position to make decisions--also that he had heard for the first time, from me, of the Police Chiefs' Zone Meetings.

After my talk with Mr. Clegg in Miami Beach, I concluded that he was disturbed over the Zone Meetings; That he understood I had no authority under any circumstances to abandon the project; that he wanted to join with us in these meetings, understanding that I, personally, was agreeable; that he could make no decision without talking to Mr. Hoover; and that he would arrange for someone from the F.B.I. to meet with us during the week between Christmas and New Year's Day. I also inferred that he understood my delay in calling the first meeting was only temporary and contingent on his arranging for subsequent discussion.

I talked with Mr. Stein by telephone after returning to California at which time I attempted to arrange a meeting between him and you, telling him of my conversation with Mr. Clegg. I inferred that he had not heard from Mr. Clegg and consequently did not wish to meet with you.

After I talked with Mr. Hince I concluded that the F.B.I. was irrevocably opposed to our holding Police Chiefs' Zone Meetings; that they were willing for us to participate in their conferences; that they felt there was no need for the training of peace officers beyond their ability to supply; and that they opposed the types of training we had under consideration. I also inferred that they resented our participating in the field of peace officer training.

These discussions were initiated by me when I requested assistance from the F.B.I. in planning a coordinated program for the training of Peace Officers in California.

If Mr. Hince did not call on me for the purpose of inducing us to abandon the Zone Meetings for police chiefs, and to discourage any continued interest or activity in the field of training, I am at a loss to understand the reason for his apparent anxiety to see me, and his trip to Sacramento.

*Bob Powers*



C  
O  
P  
YTHE ATTORNEY GENERAL  
WASHINGTON

February 8, 1946

Dear Bob:

This will acknowledge your letter of January 21 with its enclosures indicating certain difficulties between the Federal Bureau of Investigation and the State Department of Justice of California.

I am, of course, distressed to hear of such differences and have talked it over at some length with the Director. His letter to you of January 29 explains the Department's position. I trust that we can all work together on it.

With kind regards,

Sincerely

/s/ TOM C. CLARK  
Attorney GeneralHonorable Robert W. Kenny  
Attorney General  
State of California  
San Francisco 2, California





Willard Hotel  
Washington, D. C.  
February 13, 1946

Honorable Tom C. Clark  
Attorney General of the United States  
Department of Justice  
Washington, D. C.

Dear Tom:

I have your letter of February 8th in which you express the hope that "we can all work together" along the lines of the letter which the Director of the Federal Bureau of Investigation addressed to me on January 29th.

I wish you would take the time to re-read that letter. As I read it, it completely closes the door to any cooperative arrangements and does not at all suggest that the Federal Government merge its interest with of the State in police training, but rather that the State submerge ~~completely~~ its present activity. Upon its receipt I considered the door closed to further discussions and frankly find no encouragement from your letter to reopen them.

The Director's attitude is that he must take the same position in all states regardless of whether or not some of those states may have embarked on a progressive job of their own. You will recall that I spoke to you of my happy anticipation of your incumbency as a way in which states that were trying to do a job would be helped by the Federal Government. Personally, I thought that your department would have an interest in trying to make me look good at least since California is the largest state in the Union which still can boast of a Democratic Attorney General. To say that I am disappointed in developments to date is putting it mildly.

With best regards, I am

Sincerely yours

ROBERT W. KENNY  
Attorney General  
of California



10.6

COPY

B

THE ATTORNEY GENERAL  
WASHINGTON

March 1, 1946

Dear Bob:

On receipt of your February 13th letter, I called the hotel in the hope that you and I could get together for a talk but found that you had gone back to California.

I was sorry about this because I was hopeful we would have the opportunity to discuss the situation thoroughly. Be sure to let me know when you next expect to be here as I am anxious to see you.

With kind personal regards,

Sincerely,

TOM CLARK  
Attorney General

Honorable Robert W. Kenny  
Attorney General of California  
San Francisco 2, California



APPENDIX III

Maxims for Police Chiefs



The Powers  
1841 1/2 Quincy Street  
Bakersfield, Calif. 93305

MAXIMS OF AN EARLIER DAY POLICE CHIEF

CHIEF'S PHILOSOPHY - GENERAL

A Chief's first consideration is to keep his job. His ability, capacity and integrity are of no value to the department or the community when he reverts to "pushing a plow."

Survival as a Chief depends largely in giving people not what they need, but what they want.

A Chief must see himself in proper relation to the banker and the gambler, the Sunday school teacher and the prostitute, the public spirited philanthropist who gives a park to the city and the second hand dealer who encroaches with his display of merchandise on the sidewalk. He is the Chief of Police to all of these people!

Physical laziness, coupled with an alert imagination, is your greatest asset as Chief.

As Chief, you are employed to put your feet on the desk and think. If the desk is so cluttered there's no room for your feet, then it's imperative that you stop doing some subordinate's work and start thinking.

As Chief, it is permissible for you to work on a case or perform a routine job only in a case of emergency; when it is necessary to develop new techniques; or when some innovation in methods is indicated.

A Chief must have ideals; but he better damn well not couple them with illusions.

A Chief must have clear objectives, although they may be as broad as "The greatest good for the greatest number," or "maximum protection with a minimum of interference."

To obtain many of his objectives, the Chief has to compromise and compromise, often traveling a path as the streets of Santa Fe, which are said to have been laid out by a drunk Mexican on a blind burro.

The Chief who is rigid and inflexible is "tied up." He's not elastic. It may be a good idea to run all the pinball tables out today, but tomorrow, with a new Councilman seated, it may play hell with appropriations for a new patrol wagon.

Inconsistency is often strength. If your decision of today must be consistent with that of yesterday, you may do a wrong or act stupidly. Be certain that you do not know exactly what you will do tomorrow.

The one thing of which I'm sure is "that I don't know what I shall do tomorrow." If my decision tomorrow must conform with that of today, I may do a great wrong or act stupidly.

Don't be annoyed with the numerous suggestions as to how your department should be run. The speaker is not deprecating your judgment or ability. Everyone thinks he can run a restaurant, a newspaper, or a police force better than it is being run.

"Foregoing special privilege is the price of good government." However, special privilege is good trading stock for the Chief. Obviously it should be traded not for personal gain, but for that which benefits the public. Any good cop will trade special privilege or immunity to the petty thief for turning in a bank robber. He'd let someone open a crap game and run it a month for stoolieing on a kidnaper. These "trades" are known as "exchanging a rabbit for a race horse."





ADMINISTRATION

To do even the simplest job, a policeman must have two things: (1) Authority, and (2) Latitude for his initiative. In dealing with unique human beings, it is impossible to foresee all contingencies!

As Chief, you must find work for all and keep everybody busy.

In any group of men there will be those who plod along never giving trouble. There will also be the non-conforming trouble makers who will in time become leaders.

Reasons for the issuance of an order and the results desired should be made known to everyone on the Force who is affected. Marshal Foch, when asked to what he attributed his success as a commander replied, "To command is nothing; the essential thing is to understand those whom you lead and to make them understand you." If an order can be misunderstood, it will be misunderstood. It is related that Napoleon always had a feeble-minded soldier close by or on his staff. Only when that man could understand an order was it issued!

Only when an order is so simple that it can be understood by the most backward man in the organization should it be issued.

An order may be good but not timely. When a general order is disturbing to the organization, proper ground-work has not been laid for its issuance.

When an order can be misunderstood, it will be misunderstood.

When an officer understands an order and knows the reason why it was issued, he seldom disobeys.

When an order is misunderstood, it or the man issuing it is defective; probably both.

There comes a time shortly after the issuance of an order when it is tested by its recipients to see whether obedience was intended or whether its purpose was to protect the Chief if anything goes wrong.

In an emergency, orders are "snapped out." Only to the officer you do not respect would you say, "Would you please" or "If you don't mind" in prefacing an order when lives are in danger.

As Chief, you must be alert for instances in which you can request extraordinary work and service from the men, thereby enhancing their feelings of personal worth and importance.

The demand for literal obedience of your orders provides an officer with a "knife with which he can sometime cut your throat."

DISCIPLINE

There is a motive in all complaints made, either against a citizen or against an officer. The ostensible may conceal an ulterior motive. Look for the latter, especially in complaints made against a policeman!

Some Chiefs say, "I will stand by a man as long as he is in the right." Others say, "I share the responsibility for the wrongdoing or bad judgment of every man on the force." There is a difference.



## Discipline (continued)

Punishment for a failure or misdeed is far less effective than the positive recognition of work well done. When misdeeds, however, must be dealt with, often the simple statement is enough that: "I am displeased."

A "bawling out" arising from loss of temper may clear the air. However, anger should never be deliberately employed.

When you would dismiss a man, remember that not only he, but also you, are at fault.

## DISTRIBUTION

Fingerprints are unique. Find a recorded print to match the latent. Human beings are also unique. Find or create a position to fit the man.

Any attempt to change a man's personality is futile and can lead only to frustration. However, it is possible to change your table of organization.

Promotions come from the ranks is a must. To introduce an "outsider" into any position other than the lowest is an insult to the men.

The old officers have wisdom which cannot be transmitted to another. It can be acquired only through personal experience. Do not underestimate their value. They give strength and stability to a force.

Distribute men not as a reward for bravery, hard work, or perseverance. The plodder is seldom a leader. The potential leader with imagination may prove troublesome on a beat. The misplaced officer is an unhappy man and may, in the end, make you unhappy.

## ENFORCEMENT POLICY

Theoretically, laws and regulations govern the conduct of police; in reality, policy is of equal importance.

Policy governs the enforcement or non-enforcement of specific laws and regulations; it governs when certain laws will be given emphasis, who will enforce them, and how they will be enforced.

On a force where policies and changes in policy are not published, then clairvoyance is one quality which must be looked for in recruits.

Five percent of the people want some regulatory law - especially if it pertains to morals - strictly enforced. Another five percent don't want any enforcement at all. The other ninety percent just don't give a damn as long as they're not inconvenienced or disturbed.

No law can be strictly enforced unless it is backed by overwhelming public support.

In the church-college town and in the oil-boom town, enforcement policies must differ.

Only the shiny new recruit thinks laws can be enforced as they are written. Laws are frequently too absurd for that. A Chief's objective may well be to enforce by compromise so as not to raise the wrath of the extremists, but to satisfy the majority of the populace.



So many laws are absurd that there must always be some criterion other than illegality to justify their enforcement.

The wisdom of laws prohibiting theft, burglary, robbery, rape, arson and murder is never argued. But laws which regulate traffic, and prohibit gambling and prostitution are always being argued. Strict enforcement of laws, the wisdom of which is subject to argument, cannot generally be enforced to the letter.

I have changed policies so often that I sometimes think that, like Witter Bynner, "My single constancy is love of life."

Chief Richardson's entire training and experience took place in a grocery store. He had ended much correspondence with: "Prices subject to change without notice." Carrying this practice over into police administration, his orders all ended "Subject to change without notice." And he thought it rude of me when I read the first one and laughed!

### LEADERSHIP

The hardest master of men is not the one followed through fear; he is the one who is followed because the men would be ashamed to do otherwise.

A Chief owes his men loyalty; he gets theirs only when he earns and deserves it.

Elaborate checking systems and time clocks to punch are indicative of weak leadership.

An officer may refer to "My Chief;" the Chief should not refer to "my man"; He belongs to the Patrolman; the Patrolman does not belong to him. There is an exception: The Chief may say "my man" when the man is in trouble and the Chief is standing shoulder to shoulder fighting with and for him.

Don't use the word "fellow" or "fellows" with reference to subordinates. Fellow means equal in rank. Use of the term does not improve a Patrolman's status; it merely lowers yours.

The Chief must not take credit to himself for catching the annoying residence burglar when the catch was made because of information from Officer Jones' stool pigeon. He must not forget that reduction in traffic deaths came about through Sergeant Lukins' innovations, and claim credit for himself. If he's a "glory grabber" there may soon be no glory to grab!

When asking unusual service from a man, do not remind him of what you've done for him. Speak of what he has done for you.

People tend to act or react the way you expect. By the tone of your voice, anticipate insubordination and your order may be disobeyed.

"Sympathy" means "feeling corresponding to what another feels." If the Chief finds it difficult to understand why a Patrolman's work is deteriorating, he'd better get out on the street!

The personality as well as the fingerprint is unique. Find a recorded print to match the latent: Find an assignment to fit the man.

A common quality of all good captains is that they love nothing better than to fight for their men.





## LEADERSHIP (continued)

As Chief, don't speak of "my man" unless you are in the process of getting him out of trouble. Of course, in affection, he may speak of "My Chief" - if you deserve it.

When something goes wrong the imitation Chief suspends or fires some officer.

It is far more important that an officer's good work be recognized and appreciated than it is that his errors and misdeeds be noted.

Leadership, not fear of punishment, will make men face death in performance of duty.

Each officer must be treated as an important individual and as a component part of the force - as if it would be less nearly perfect without him.

If you deserve to be called "A good Chief" your department will run for brief periods better in your absence than in your presence.

When you find it necessary to speak with some officer in confidence, avoid calling him aside in the squad room. It is human to suspect that the conversation involves others present. Rather, tell him to drop into your office or drive you somewhere in a car.

An officer's exceptional work must always be noted and recorded. It's too easy to forget outstanding performances when the "slip" is made.

In general, commendations should be in writing; reprimands should be oral, and given in privacy.

A policeman wants security, yes. But even more he wants to be noticed and to be praised.

Each officer is to himself the most important person in the world. Disregard him or treat his "idol" with contempt, and he'll hate your guts.

Anyone would rather be punished than ignored. The cop who disobeys orders may be doing so only to get your attention.

Officers do not perform irksome, difficult or even dangerous jobs with enthusiasm from patriotic motives. They may do so out of regard for the Chief, and for their feelings of self-respect, if the Chief respects them.

Unless an officer has confidence enough in himself and in the Chief to disobey an order when the exigency requires it, there is something wrong with the administration.

Officers want to please the chief provided that in doing so they can maintain their integrity.

There is no place for the discipline of close order drill in law enforcement. "Theirs not to reason why, theirs but to do or die," is a workable tenet only when the leader is perfect or when he is protected in his errors by the military hierarchy. Policemen are not serfs, but leaders. They must be discriminating. They must know the reason why.

The military caste system has no place in a police department. Patrolmen must not be regarded and treated as are enlisted men in the Army, but as junior equals.

Demand for absolute obedience is fatal to initiative.

If you would have an organization in which men are suspicious of each other, just require them to report on the misdeeds of their equals in rank. There are men who would serve on no force when the price is that of being a tale-bearer or a stoolie.





When you overhear a man say that his is a tough outfit to work for and his Chief is a sonofabitch -- that is evidence of esprit de corps.

### ORGANIZATION

Organization charts should be written in pencil - and with pencil and eraser attached by a string.

In an ideal organization each man can perform the duties of some particular position better than anyone else. He can also perform almost any assignment at least passably well.

It is practically impossible for one man to change the personality of another. However, it is possible, and easy, to change an organizational chart or an assignment.

The quality of an organization is determined not by isolated acts of high courage; no, quality is determined by how men perform dull, routine, irksome duties.

### PERSONNEL SELECTION

Standard and rigid entrance requirements would have kept Napoleon, too short, out of the French Army; Washington, no teeth, out of the Revolutionary Army; Homer Lee a hunchback, out of the Chinese Revolutionary Army; and, of course, Grant, a drunkard out of the Union Army.

Distrust arbitrary standards which an applicant for employment must meet. The genius or the world's champion fits no pattern.

Perfect men don't belong on a police department; their place is in the church. Those who are tarnished can be polished to shine brightly as policemen.

Don't look for perfect recruits. Be satisfied with the best who are available.

Experience fitting a man for police work may include: Enlistment in the Armed Service, lumberjack, cow puncher or seaman. There is seldom time enough to teach the man who has led a sheltered life how to get along with people.

If you are looking for men who are outstanding, search out the non-conformist.

In a policeman, a sense of humor is worth at least as much as any other two qualities.

It is good that a policeman be articulate. For every time he uses his club once, he will use 1,000,000 words in keeping the peace and preventing crime.

A good policeman must have some of the qualities of a leader. Alone on his beat he is "The Law."

In selecting new men, remember that a good policeman's qualities and the nature of his work are diversified.

Every group of men, selected at random, will average to be similar.

Trained men are fine, if they're trained properly. Some training and experience, however, may have produced a man who will not fit in your department.

When an outsider is brought in to be Chief, someone implies: "The men on this force are incompetent and dumb. No one is fit to lead."



VICE

Vice laws enforcement may become your headache. Actually the citizens are more concerned with liberty than with morality; they prefer the excitement of wrongdoing to the boredom of virtue.

Every citizen wants the laws enforced against others, never against himself.

Laws against gambling and prostitution will be obeyed only when the stock exchanges fold, and sexual intercourse becomes unpopular.

The F. B. I. men wouldn't be the heroes they have become if they had to enforce vice and traffic laws.

When the heat is put on the police to "crack down" on vice, some preacher may be looking forward to a time when he can pay off the church mortgage with money collected for "taking the heat off."

Suppression of vice is war. Battles are fought either on ground chosen by the vice lord or his agents, or on ground chosen by the police. When you, uninfluenced, choose your enemy, time of attack and scene of action, you have the advantage.

When one whorehouse or gambling joint is attacked, the owner starts a campaign for action against other places. He needs allies. If the police respond by over-extending themselves in a general attack, they may lose the war from bringing about consolidation of the enemies.

If one vice joint is closed, the proprietors of like establishments may give lip-service sympathy. Actually they're pleased: they'll get more business!

When asked why a gambler can't run a crap game while the P. T. A. is raffling off an afghan (whatever that is), either one of two answers will suffice: "Because I say so," or "None of your Goddamn business."

Conviction of a pimp, madam, or gambler will be impossible if there is a weak link in the prosecution chain. The links are 16, at least: 1 officer, 1 witness, 1 prosecuting attorney, 1 court and 12 jurors. One "link" will sympathize with the defendant. Consequently, it is well to interject some element offensive to all 16 "links": Baby shoes - starving family - juveniles present - drunks rolled - or V. D.

If common prostitutes are a social necessity, then they're entitled to a decent social position.

Protection cannot, in fact, be bought if every officer on the force is actually free to make vice arrests.

In matters involving control or suppression of vice, the Chief should bear in mind that his every decision and act is subject to airing before the Grand Jury.

Remember that every case can be referred back to the people - a jury. And like the king who "can do no wrong" the jury can do no wrong in acquitting. The law may have been passed in a heat of passion; the jury has had time to cool off.

Drives against vice are ordered either to "fool someone" or as a "cover-up" of previous inattention and inaction.



No law is strictly enforceable by the police, the wisdom of which is subject to argument.

Vice conditions simply do not remain static.

Some of my policies on the enforcement or regulation of vice, and its laws, were:

Don't arrest a girl if she keeps all that she earns: fur coat, diamonds, candy or money. We're mostly concerned when she has to split it with a pimp. If you start arresting all of the women who do it other than for fun, you'll never come to the end of the job.

If anyone reports being rolled in a whore house, that is the absolute last day it will operate.

Each girl can pick her own doctor, but she can't shop round for a negative Wasserman or smear test. One girl, one doctor. No change unless the doctor dies or retires.

#### THE POLICEMAN'S BILL OF RIGHTS

Each officer shall be secure in his job as long as his work averages to be satisfactory.

An officer guilty of an isolated breach of orders, or for a single instance of bad judgment, will not be punished until his entire record is taken into consideration.

No officer will be punished when his superior is angry; he may demand a delay until the superior has "cooled off."

Whenever he is charged with misbehavior, an officer may demand confrontation with his accuser.

Every officer has the right to be informed as to the policies and changes in policy of his department.

#### MISCELLANEOUS

"The king can do no wrong." And the sovereign people represented by a jury can do no wrong, that is when it acquits. A law may have been passed in the heat of passion, but the jury has had time to cool off.

Only time and place make any act a crime.

A policeman wants security, freedom to make necessary decisions, and recognition.

If the chief be a "glory grabber" the men see to it that there is no glory to grab.

There is survival of the fittest among your friends as well as among your enemies.

There is survival of the fittest among bail bondsmen, councilmen, gamblers, madams and Chiefs.

Entering an unfamiliar establishment, do not ask, "Where's the boss?" but inquire, "Are you the boss?"

It is not necessary to cultivate influential men or those who may help you. Cultivate their secretaries. And be sure that your secretary has money to take others with a like job out to lunch occasionally.



APPENDIX IV

"An Experiment in Race Relations" by Robert Powers





## 11.

## AN EXPERIMENT IN RACE RELATIONS

BY BOB POWERS<sup>1</sup>

THERE was fear of a race riot in Richmond, California, during the late summer of 1945. Ever since the Detroit riots of 1943, when 35 persons were killed and property damage amounted to more than \$2,000,000, there had been growing concern on the West coast that racial tension would explode into a riot.

In Richmond altercations between negroes and whites were on the increase. Fantastic rumors were to be heard in every barber shop, at every lodge meeting, and on many street corners. Alertness of the police amounted to tension.

One incident took place in a shipyard: A fight started between a white man and another worker who was negro, the latter having inadvertently kicked over a lunch pail. While only the two exchanged blows, many others came close to conflict. An alert officer noticed that during and immediately after the fight negroes and whites were gathering in separate groups, and that each man, as if by accident, had in his hand a wrench, a hammer, or a heavy drill. Guards were immediately summoned, and their timely arrival served to break the tension.

Another apparently trivial but significant incident was reported. Officer Oivera while patrolling came upon a negro and a white boy fighting. Ques-

tioned, the white boy replied: "Sure, I started it. He's got no business walking on this street. It's just for white people."

The boy's father came out of a nearby house. "I saw the fight from my window; and my kid was doin' all right, too! He'll teach that other kid his place."

Incidents of this kind, coupled with fast-spreading rumors, could not but disturb the city officials. Richmond, which had expanded to a city of 120,000 population during the war, found itself facing danger—almost one-tenth of its citizens were negroes. And now, with the war ended, cut-backs in production, lay-offs in the shipyards, uncertainty as to the future, and all the problems of readjustment facing the people of this community—trouble was brewing.

After many sleepless nights, the city manager decided to call for help from the American Council on Race Relations and the State Department of Justice. I was assigned by the Attorney General to work with Davis McEntire of the American Council and see what could be done.

McEntire and I met, for the first time, to discuss the problem and plan a course of action. We knew that a police department tends to reflect the prejudices of a community, that prejudiced officers do not inspire confidence in any group of the citizenry, and that people are more liable to riot when they hold their enforcement officers in contempt. Consequently we decided to give the police some training in human relations so that they could do a better job, allay fears, scotch rumors, afford all citizens a greater sense of security, and enhance their own prestige. As nothing like this had been attempted before in California, hardly in the Unit-

<sup>1</sup>Bob Powers is a free lance writer who is retained as Coordinator of Law Enforcement Agencies for the State of California. He also has served as Chief Law Enforcement Officer for the California State War Council and was a police chief for ten years prior to that. He has written narratives for race relations documentary films and was co-author of *A Guide to Race Relations for Police Officers*.

(no doubting is by Powers.)



ed States, we were free of any restriction by precedent.

One question which had to be answered was this: "How can good practical methods of handling minority group members be taught?" And the answer, of course, was that they can't be taught as skills or methods or techniques.

It proved fortunate that our final decision was to concentrate on eliminating prejudice and giving the officers a better understanding of the effects the environment of segregation and discrimination has on citizens in a democracy.

Eliminating prejudice and influencing social attitudes in the short time we had to devote to this project appeared to be a gigantic undertaking—almost impossible. We decided that more help was needed. After ~~making four telephone calls~~ we had promises of that help from Walter Gordon, a negro who is Chairman of the California Adult Authority of the Department of Corrections; Joseph James, another negro who was President of the San Francisco chapter of the National Association for the Advancement of Colored People; Joe Grant Masaoka of the Japanese American Citizens' League; and Ken Kato, a Nisei soldier just back from the Pacific. They were enthusiastic about helping.

Two weeks later, on a Monday morning, fourteen officers of the Richmond Police Department were assembled for a conference that was to last a week. Frankly they were skeptical that anything of value could come out of the course, yet it must be said to their credit that they were willing to "try anything once." On one point everyone was in agreement: something had to be done without delay.

McEntire was an economist who had for a number of years been devoting his full time to work in the field of race relations. His background made him an outsider to the police—a "do-gooder" or "social worker" they would have stereotyped him. However, I had had more than twenty years of experience in law enforcement and was known, at least by reputation, to all of the men present. They were willing to accept

me, but with some reservations because of the company I was keeping.

McEntire opened the discussion by reviewing the problem nationally and locally. He had hardly finished his summation when one inspector spoke up: "I don't think there'd be any problem," he said belligerently, "if those people would keep their place!"

It was a fortunate remark reflecting the attitude of the officers and many members of the white community. Another officer turned to the inspector, "You say they should keep their place; but what is their place?"

The question was unanswerable, but it served to bring to the surface all of the prejudices, doubts, fears, and questions of those present. When the class adjourned for the day it was difficult to clear the room. No one had finished talking. All through that first meeting derogatory terms and epithets had been bandied about quite freely; and it appeared that our pupils thought they had gained an upper hand over their instructors.

Next day came the surprise. When the officers had been seated around the conference table, McEntire entered with Joseph James, introduced him and gave him a seat among the officers. On the following days there were other participants in the discussion, Walter Gordon, Joe Grant Masaoka, and Ken Kato. They answered many questions, making it clear that in so far as they and the people they represented were concerned, no public officer could advocate segregation or countenance discrimination and retain their respect or remain constant to his oath to "uphold the Constitution of the United States."

If nothing else had been accomplished, affording these policemen the opportunity to become friends with leading negroes and Japanese-Americans would have justified the whole undertaking. In miniature we had begun to solve the problem which is national and world-wide. Through bringing strangers together, we were breaking down the barriers of misunderstanding, fear, and distrust which separate people into potentially warring groups. Stagnant ponds of prejudice were beginning to evaporate



and the poisonous vapors to dispel.

Segregation came in for much discussion, and there developed an understanding of its effects on the Negro, the Jew, or anyone else who is so confined. One of the consultants explained: "Aside from the natural desire for decent homes, restricting a negro to some particular area is making him want to escape. And even when good housing is available, surrounding territory which cannot be entered because of restrictive covenants is a constant source of irritation. Segregation is a form of imprisonment, and since it is directly contrary to the principles of democracy and Christianity, it is fundamentally cruel and unjust."

Another consultant told the police officers: "When you, a white man, go into a restaurant only to find that the service is slow, the food is poor, and the prices are high, you cuss the service, the food, the prices, the management, or even the ration boards. But you do not identify these unsatisfactory conditions with the fact that you have skin of a particular color; there is no personal affront. Yet when I, as a negro, go into a restaurant I am inclined to feel that the slow service means—'Why did you come here in the first place?' The poor food—'You know we don't want you here' And the high prices—'Maybe you will stay out next time'."

During the course of the conferences, the President of the National Association for the Advancement of Colored People chapter spent two hours sitting down at a table discussing the problems of race relations with police inspectors, sergeants and patrolmen. He told of his own experiences and those of his friends; and he spoke of what the Negro eventually hopes to get from and contribute to life in America.

He told of an American boy who, having spent years in study and preparation to fit himself for a job, finds the doors of employment locked against him by bigotry—this because he happens to be one-sixteenth Negro. He discussed the irresponsible, rabble-rousing leaders among negroes who profit from stirring up hatred. He told the police officers that he, as a negro,

believed that they were doing him a service when they suppress the negro hoodlum, the rowdy, and the thug. He went on to tell them how concerned farsighted negroes are over any bad conduct by others. Within a half-hour questions were coming too fast for him to answer. He was no longer the representative of a minority group; he was a confrere—with special knowledge, yes; but with special interest, no. All differences had disappeared in the search for and contribution to better understanding.

The California Adult Authority fixes prison terms and serves as a parole board. Its Chairman, a lawyer and former police officer, was present during two of the sessions. He told of the problems faced by a negro peace officer; not only those encountered in dealing with the public, but also those of relationship with white members of a force. And he convinced some of the group that a negro can serve in law enforcement performing general duties—in contact with all kinds of people—that he need not be confined to the ghetto.

During one of the conferences a regional representative of the Japanese-American Citizens' League and a young Japanese-American who, as a staff sergeant in the United States Army, had served with the Marines from Guadalcanal to Leyte, told of tragic experiences of their people uprooted from the west coast during the war and confined in concentration camps. The young soldier related his story of service with the Marines, of the protection thrown around him to prevent his being shot through mistake; of the extreme consideration with which he was treated by his fellow fighting men; and of an experience which was significant because it was the only unpleasant one he encountered in more than two years of service. Even that consisted merely in one marine's referring to him as a "Jap."

No lectures, no prepared speeches were given. There were interruptions, questions, contrary stands taken on issues. Control was merely direction of conversation toward knowledge, sympathy, and solution of the problems of





## ARTICLES AND REVIEWS

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Japanese-Americans, Mexicans, Negroes—and policemen.

In no instance, during the series of conferences was any peace officer told how he should handle a case, or how he should conduct himself; but each was very definitely given the opportunity to understand the effect of his actions, good or bad, on the people with whom he was dealing, on his department, and on himself as an individual.

There were ten hours spent by fourteen police officers, a race relations expert, and various of the consultants, sitting around a table engaged in the common purpose of trying to gain a better understanding of their fellowmen.

And it is significant that whereas on the first day derogatory and contemptuous terms were carelessly and frequently used, on the last day of the discussions, anything other than "colored man" or "Negro" or "Japanese-American" caused group discomfort, the raising of eyebrows by those present.

Shortly after these original conferences were completed the entire police force was ordered into a meeting. A panel of officers and consultants told those assembled what had been learned. Questions were asked from the audience. They were answered with authority.

A test of the effectiveness of this experiment came early in October. The incident occurred which might have precipitated a riot. Trouble developed between negro and white children in the schools; there were fights; rumors spread like a grass-fire on a windy day; the white pupils went on strike demanding segregation.

But a small group of informed and assured policemen quickly averted the danger. They met with both negro and white groups; they insisted that the school authorities take a firm stand; they worked with radio stations and newspapers to dispel rumors; and they gave assurance of protection and fair treatment to the negroes in the community. Within a week all was quiet, the children back in school, the tension broken.

McEntire and I had separated, considering our job done. He went back to his work and I to mine. We didn't realize that we had set in motion forces that were greater than either of us.

Inquiries started coming in regarding our experiment. We found it necessary to write a booklet, "A Guide To Race Relations for Police Officers." It was published by the State of California and re-printed by the American Council on Race Relations. More than 15,000 copies went to police chiefs and other enforcement officers throughout the United States. The story was told in newspapers all over the country. *The New York Times* devoted two columns to it; Eleanor Roosevelt told of the experiment in her column, "My Day." *The Saturday Evening Post* published an account in its issue of December 28, 1946. The State Department, early in 1947, decided to tell the story in documentary film to the people of other countries; the script has been written.

The Rosenwald Fund and the Columbia Foundation are jointly exploring the possibility of using training films based on the Richmond Experiment to teach law enforcement officers something of





the evils of segregation and the nature of prejudice. Five-thousand dollars have been made available for research and the writing of scripts.

This is not an account of how the problems arising from racial tension were solved. It is the story of the instrumentality of two men who, fumbling and groping in an effort to improve the way men live together, attained results far beyond their expectations. The publicity and the effects of our effort were gratifying. However, my greatest satisfaction came from a letter written by one of the officers who

had participated in the conferences. He wrote:

"Being a policeman I naturally come into contact with the criminal element and I had been judging all negroes accordingly. After attending the classes on race relations I understand things a lot better. I know that these classes were a real step in the right direction. If it were only possible to teach every person what I know now, it would be a great thing for mankind. You can depend on me to do whatever I can to help you attain your goal."



## APPENDIX V

Clippings Regarding Assembly Committee Inquiry into Oakland  
Police Department, December 29, 1949 to January 7, 1950



San Francisco Chronicle, Wednesday, January 4, 1950

## OAKLAND POLICE BRUTALITY INQUIRY TO START TODAY

An Assembly committee will begin an investigation into charges of Oakland police brutality today at the Alameda County Court House.

The committee, headed by Vernon Kilpatrick of Los Angeles, is undertaking the inquiry after many Oakland residents complained that

police violate civil rights and discriminate against minority groups.

The committee will have a long file of cases to work on, including the fatal shooting of Andrew Lee Hines, a Negro, by an officer last April.

Latest case is that of Johnnie Ortega, held in jail for investiga-

tion. He accuses a policeman of hitting him in the face with the neck of a wine bottle.

Police investigators said that Ortega was not hit with a bottle. They say an officer did hit him with his hand when he became abusive.

Ortega was treated at a hospital

for a cut on his nose and returned to jail.

His companion, Joe Rodrigues, 17, has been subpoenaed by the Assembly committee. So has Inspector Art Simpson of the police. Simpson issued a permit for Robert P. Powers, committee investigator, to visit Ortega but later withdrew it.

Among the witnesses who will appear before the committee are Walter Gordon, attorney and member of the Adult Authority, Dr. Mary-Alice Sarvis of the Oakland School system, and Dr. Davis McEntire, lecturer in social welfare at the University of California.

The Oakland City Manager,

Mayor, Chief of Police and members of the force, members of the now-defunct Mayor's Committee for Civic Unity and members of the Negro community also will appear. The committee will meet beginning at 10 a. m. today for three days.



## Civil Rights In Oakland

### State Will Check on Charges of Police Discrimination

Charges of racial discrimination, widespread disregard of civil rights and other abuses of authority by Oakland's police department will be aired before a special legislative committee next week.

The Assembly Interim Committee on Crime and Correction will take testimony in a series of three hearings to be held in the Alameda County Courthouse in Oakland next Wednesday, Thursday and Friday. The hearings will be open for the first time since the scope of the committee was broadened by the last session of the Legislature.

In announcing the investigation yesterday, Assemblyman Vernon Kilpatrick, of Los Angeles, chairman of the committee, said it was called "because of numerous complaints by Oakland residents that civil rights have been violated and that racial discrimination has been evident in the operations of the Police Department."

For more than a month, it became known, the committee's investigator, Robert P. Powers, former police chief of Bakersfield and former co-ordinator of law enforcement agencies for the State, has been quietly looking into the charges against the department.

As a result of his findings, a score of witnesses will be subpoenaed, including police officials, public office holders, and asserted victims of police abuse, discrimination and brutality.

Also called to testify will be members of the Citizens' Committee for Civic Unity, which looked into similar charges early this year and submitted a detailed report to the Oakland City Council on June 30. The report, based on four months of investigation, was pigeonholed by the City Council without action.

Many of the incidents and protests compiled by the committee were utilized by Powers in his investigation. Among these was the fatal shooting of Andrew Lee Hines, a Negro, by Patrolman Spencer Amundsen last April. The committee called the shooting "premature" and asserted the officer used "poor judgment" in opening fire on an unarmed man.

Besides the chairman, members of the interim committee are Montivel A. Burke, vice-chairman; Kathryn T. Niehouse, secretary; Harlan Hagen and Charles W. Meyers.

## Report Claims Oakland Cops Beat Negro

The case of a Negro, allegedly beaten and insulted by an Oakland policeman because of his race, was disclosed yesterday in a report of the Oakland Committee for Civic Unity.

The report, issued last June, was pigeonholed by the Oakland City Council. The charges it contains will be aired before the Assembly Interim-Committee on Crime and Correction, in Oakland next Wednesday.

The beaten Negro is George B. McDaniel, 39, of 2047 Peralta street, Oakland.

### GUN STOLEN

On May 10, a man named "Wilson" robbed McDaniel's home of a gun and \$54 in cash, according to the report after the robbery, McDaniel went to the Police Station and identified the gun. There "Wilson" accused him of complicity, which McDaniel denied.

Inspector Charles Wood, stated the report, "then told McDaniel he was lying and used abusive language derogating his race."

"He beat McDaniel about the face, kicked him in the shins, punched him in the stomach, and hit him over the shoulders with a club," said the report.

Investigation later proved McDaniel had nothing to do with the robbery and he was released.

Inspector Wood denied the beating, as did other officers. However, McDaniel's employer saw him immediately afterward and noted that his face was puffed up and there were bruise marks on his left leg. Chief of Police Lester J. Divine also admitted seeing the marks.

### HINES CASE

After recounting the case of another Negro, Andrew Lee Hines, shot by a patrolman last April "where evidence of specific racial discrimination is lacking," the report recommends efforts to improve understanding between police and minority groups.

Policemen specifically should be forbidden to use "violence, abusive language, and other indications of improper respect, regardless of race, color, creed, and social or economic status.

"They should be given a course in group relations and taught how to work with minorities by competent teachers.

"Prejudice against the Police Department or prejudice by individual policemen against minority groups always results from fear, insecurity, or ignorance," the report concludes. It is signed by Howard H. Desky, chairman, and 12 members of the committee.





Daily People's World, Wednesday, January 4, 1950

# Prober nabs hostile cop

OAKLAND, Jan. 3—An Oakland police inspector who refused today to allow an investigator for the assembly interim committee on crime and correction to interview the latest victim of East Bay police brutality found himself summoned to appear at the committee's hearing here Wednesday.

When Police Inspector Arthur Simpson refused to allow Robert P. Powers,

chief investigator for the state committee, to interview Johnny Ortega, prominent young professional fighter, who was smashed in the face with a wine bottle by a cop New Year's Eve, Powers handed Simpson a subpoena.

The Ortega case was but one of several added to the agenda for the hearing as word of the probe spread throughout the East Bay area despite continued silence by the commercial press on the whole investigation of police brutality and anti-minority bias.

Simpson will be but one of about 30 subpoenaed witnesses including Police Chief Lester J. Divine, City Manager John F. Hassler, and Mayor Clifford E. Rishell, who have been ordered to be on hand in the board of supervisors' rooms of the county court house at 10 a. m., Wednesday, when the committee opens its three days of hearings on a series of complaints involving the Oakland department.

## ORTEGA HELD

Ortega, who lives at 265-B Mosley st., Alameda, was still in jail today pending "investigation of theft" despite the fact the woman from whom the police say he took a wine bottle refused steadfastly on New Year's Eve to make any complaint whatsoever against him.

The young prize fighter and a companion, Joe Rodriguez, 18, 4681 Bird rd., Oakland, were participating in the confetti throwing gaiety at 13th and Broadway here New Year's Eve when they became involved in a playful tussle over a wine bottle carried by Henrietta Williams, a Negro.

Two policemen descended on the scuffle and carted everyone off to the city jail. When one of the patrolmen treated Rodriguez roughly, Ortega protested.

## COP GETS ROUGH

Whereupon, says Attorney Robert Treuhart, who is representing Ortega, Officer Stanley d'Asquith hauled off with the wine bottle, which he was carrying as "evidence," and smashed Ortega in the face — cutting him so severely he subsequently had to be treated at Highland Hospital.

Rodriguez was released after the woman refused flatly to make any complaint, saying the whole scuffle was in fun and in keeping with New Year's revelry. The Civil Rights Congress, which is representing the two youths, was contacted by Rodriguez' sister, Ruth.

Meanwhile, Hursel Alexander, director of the East Bay Civil Rights Congress, whose original protests resulted in the probe, said more and more cases are coming to light as word of the investigation spreads.



San Francisco Examiner, Thursday, January 5, 1950

## Assemblymen Hear Oakland Police Brutality Charges

Allegations of mistreatment of Negroes by Oakland police were aired yesterday in a hearing of the assembly interim committee on crime and correction.

The hearing in the supervisors' chambers of the Alameda County courthouse got underway with some fanfare on the left.

A special edition of the Communist newspaper, "People's World," billing the hearing as an exposure of "police brutality," was distributed all morning around the courthouse.

**200 PRESENT.**

About 200 persons, 80 per cent of them Negroes, were present

when the committee chairman, Vernon Kilpatrick, Los Angeles Democrat, opened the session.

The first witness, C. L. Dellums, head of the Alameda branch of the National Association for the Advancement of Colored People, testified Oakland Negroes generally regard policemen as enemies. He blamed the police for this.

But the Rev. John Dillingham, Negro pastor, testified that tension was declining in the Negro section.

R. H. Desky, Oakland attorney who served as chairman of the

mayor's civic unity committee last year, said his group had uncovered much hearsay but little factual evidence of police abuses.

**VIEW UPHELD.**

"No State legislation is needed," he said. "The city council and the Oakland Police Department can correct any existing evils. What we need is training and education."

His contention was supported by the next witness, Walter Gordon, Negro attorney and chairman of the State adult authority.

Oakland Police Chief Lester J. Divine said he is continually at-

tempting to improve relations between officers and minority groups. He said the situation needed improvement but was "far from out of control."





Oakland Post-Enquirer  
Thursday, January 5, 1950

## Civil Rights Hearing Here Continues

The California Assembly Committee on Crime and Corrections today went into the second day of a three-day hearing on procedures of the Oakland Police Department, after hearing a succession of witnesses advocate a training school for policemen in inter-racial relations.

The committee, headed by Assemblyman Vernon Kilpatrick (Democrat), Los Angeles, opened its hearing yesterday in the Alameda County Courthouse.

It heard several witnesses agree on one point: The Oakland Police Department needs to train its personnel in inter-racial relations to eliminate individual prejudices of policemen.

That such a training program is being considered was confirmed by Police Chief Lester J. Divine, who appeared as a witness. He told the investigators he has discussed with Davis McEntire of the University of California Institute of Industrial Relations a program of just such training for members of the Oakland police force.

Other witnesses who appeared yesterday were John N. Ortega Sr. of Alameda, whose son, Johnny Ortega, flyweight boxer, was arrested Jan. 1 for investigation of theft; Joe Rodriguez, a friend of Ortega, and C. L. Dellums, chairman of the Alameda County Branch, National Association for Advancement of Colored People.

Doing most of the questioning of witnesses was Robert P. Powers, former Bakersfield police chief, who is investigator for the committee. Members of the committee attending, besides Chairman Kilpatrick, were Assemblymen Montivel A. Burke (Republican), Alhambra; Harlan Hagen (Democrat), Hanford, and Charles W. Meyers (Democrat), San Francisco.

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San Francisco Chronicle, Thursday, January 5, 1950

# Oakland Police Inquiry

Witnesses Charge  
Brutality, Racial  
Discrimination

By ROBERT de ROOS

Oakland's Negroes regard Oakland policemen as "natural enemies," and live in fear of the "lawlessness of the law," an Assembly committee was told yesterday.

The committee, headed by Vernon Kilpatrick of Los Angeles, is investigating charges the Oakland police disregard civil rights and discriminate against Negroes.

Police Chief Lester J. Devine, however, declared the accusations were somewhat exaggerated.

"Conditions are nowhere near out of control," he said, "but we can stand improvement."

He said that when he became chief last May he issued immediate orders that police should no longer refer to Negroes as "knotheads" and "Jigs."

## NO SPECIAL TREATMENT

He also ordered captains to be careful in the selection of men who came in contact with minority groups.

"Minority groups should not expect any special treatment," he said. "The emphasis in the police department is on developing a program of human relations to deal with all the people and increase understanding."

O. L. Dellums, chairman of the Alameda county chapter of the National Association for the Advancement of Colored People was the first witness.

"Over the years," he said, "we have had any number of complaints of what we refer to as police brutality. We have submitted them to the chiefs of police but we can not find out if anything is ever done about them."

He mentioned one case in which a

Continued on Page 16, Col. 1

# More About Oakland Police Inquiry

Continued from Page 1

14-year-old Negro was held by two policemen and pummeled by a third. Complaints to the chief brought no action, he said.

"I have had complaints of illegal search and seizure," he testified. "Generally Negroes regard the police as their natural enemies."

This was echoed by the Reverend Harold R. Geistweir, who said Negroes generally distrusted the police force.

He said Negroes "feel they can get no justice from the police."

Two steps were suggested by Geistweir:

1—A training course for policemen that would help them deal with minorities.

2—Some effective disciplinary action against officers who mistreat minorities.

The matter of discipline is a difficult one, however.

Chief Devine said his only power of discipline is to suspend an officer for one day. He can recommend a longer suspension but action must be taken by the City Manager. A suspended officer, he said, has the right to appeal his case to the Civil Service Board.

## OFFICERS FINED

Chief Devine could not recall suspension of any officer for using illegal force during his time in the department. He said, however, that officers had been fined.

"We find it is better sometimes to hit them in the pocketbook," he said.

Howard R. Desky, chairman of the Mayor's Committee for Civic Unity strongly urged a training program for the Oakland police. "No intelligent, informed man can be prejudiced," he said.

Walter Gordon, chairman of the California Adult Authority, read the committee a short lecture on proper police organization.

His main contention was that it is necessary for a Chief of Police to have sufficient authority to run his department and to have the necessary number of confidential aides to

Chief Devine in Oakland, he said, has neither.

Asked his background in race relations, he gave the precise answer: "Just being a Negro has given me experience in race relations."

## CAN'T JUSTIFY BRUTALITY

He was asked if a Police Department free of brutality would not be an exception.

"I have to say yes to that question," he said. "But you must remember that policemen are just like other people.

"They lose their tempers. But it is never necessary for a policeman to use brutality to obtain a confession. Brutality can never be justified."

A Police Department, he said, must constantly be on guard against brutality.

"Merely having a policy against discrimination or against brutality is not enough," Gordon said. "The top officers must see that the policy is followed and they must have the authority to make it work."

## LACK OF AUTHORITY

In this regard, he said, the Police Chief in Oakland, lacking authority, is in a "precarious position."

The Rev. John Dillingham of the Faith Presbyterian Church was hopeful that Chief Devine would improve matters.

"Certain promises have been made," he said, "and some of us are looking forward to a new climate in Oakland."

Chief Devine said conditions under the City Charter made it difficult to carry out a program to remedy certain situations in the Police Department. He was asked to outline his problems.

"This is only a three-day meeting," said the chief. "I'm afraid I wouldn't have time to go into much detail in that time."

The Charter limits the number of police officers to one for every 800 residents, he said, which gives the city a short working staff. The chief lacks an adequate staff of assistants, he said.

## INVESTIGATION CUSTOM

He acknowledged the police "custom" of booking suspects for investigation.

"This gives us time—usually 72 hours—to complete our investigation," he said. "Then if the person is not guilty, he is freed."

Such a practice is based on custom rather than on a legal basis, he said. All Police Departments do it, he said.

Under close questioning by Kilpatrick, Devine declared he had the highest respect for the Bill of Rights, for the United States Constitution, for all Acts of the Legislature.

He said he always had and always would insist that the legal rights of all citizens be preserved.

## In Closing, He Declared

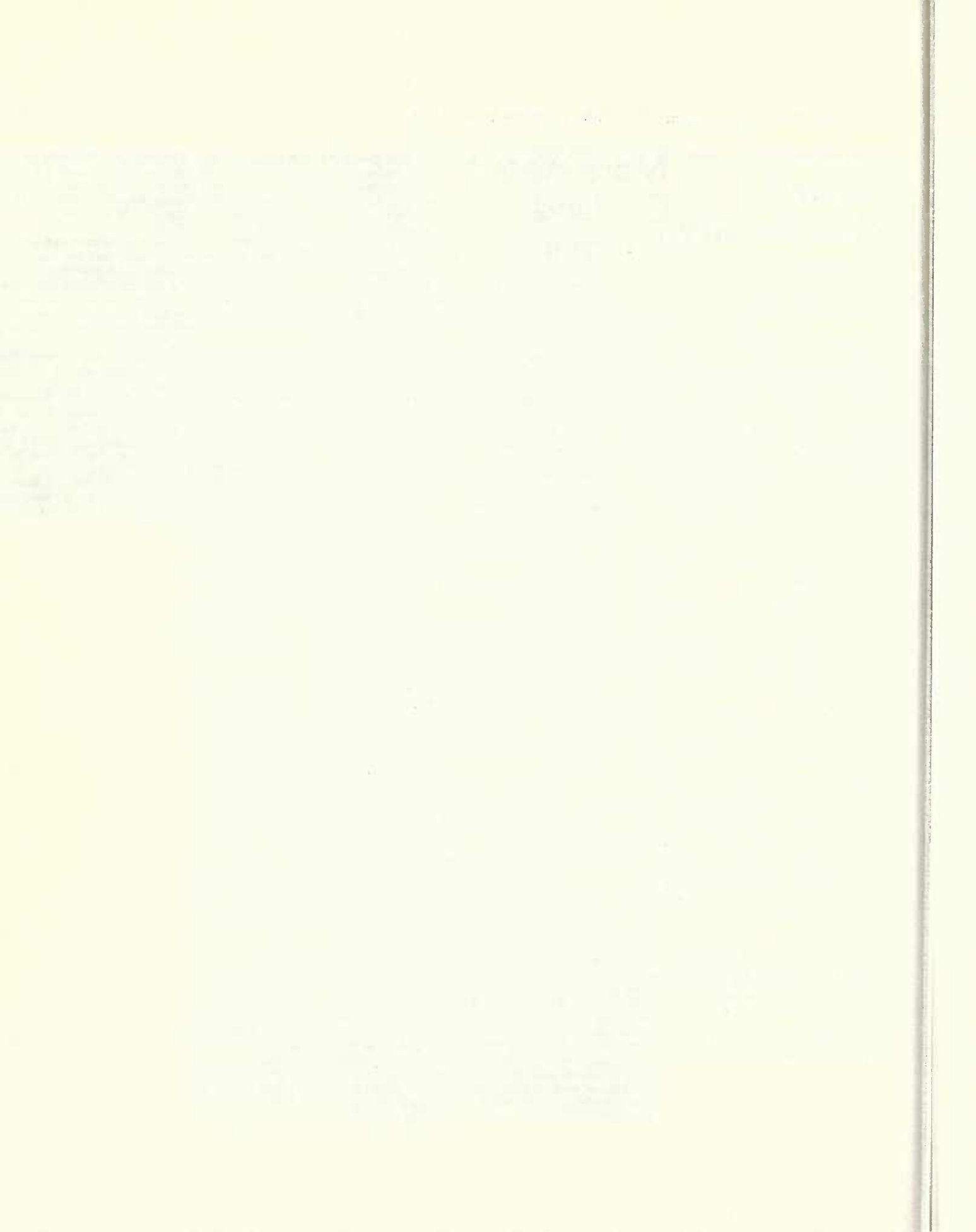
"I would say the character of the Oakland force compares favorably with that of any Police Department in the country."

Thereupon there was laughter from the audience of about 100 people, about half Negroes.

Besides Kilpatrick, Assemblymen Charles W. Meyers of San Francisco, Harlan Hagan of Hanford and Montivel A. Burke of Alhambra were at the hearing as committee members.

The hearing will continue today in the Supervisors' chambers in the Alameda County Courthouse.





Oakland Post-Enquirer  
Friday, January 6, 1950

## Civil Rights Hearing in Third Day

Oakland Police Chief Lester Divine today got a chance for his officers to answer charges of unfair treatment toward minority groups when a member of the State Assembly Committee on Crime and Corrections asked to hear both sides.

Chief Divine was granted permission to bring in several officers to testify in the public hearing on Oakland police procedure in its third day at the Alameda County Courthouse.

Assemblyman Harlan Hagen (Democrat) of Hanford, a member of the committee, asked Chairman Verne Kilpatrick (Democrat) of Los Angeles:

"When evidence is put in this hearing from one side and not from the other are we entitled to assume the evidence we hear is true?"

"Not necessarily," Kilpatrick answered, "there may be legal questions involved as a reason for not summoning witnesses for the other side."

"But, if witnesses volunteered to testify . . ." Hagen suggested as Kilpatrick answered quickly:

"We've received no such request."

Chief Divine, who had been listening to testimony, much of it from witnesses unfriendly to his department, arose to his feet and said:

### MAKES REQUEST

"I'll make such a request now. I'd like to bring several officers here to testify."

Kilpatrick replied:

"All right. But you understand if officers testify voluntarily they will waive criminal responsibility."

"They'll be glad to testify—responsibility or no responsibility," Divine replied.

Kilpatrick's answer, "all right, bring forth your officer," caused City Attorney John W. Collier to spring to his feet and ask:

"Am I to understand this is to be limited to one officer?"

Kilpatrick said "no" and instructed Divine to call in his officers right away.

Yesterday's hearing was marked by the paradox of the committee entering a defense of civil rights in the record and then refusing to allow the City of Oakland to take a shorthand transcript of testimony.

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# Oakland Police Inquiry Hears Brutality Charges

## By ROBERT de ROOS

The case of Melvin Cunningham and the question of who kicked him in the stomach (if he was kicked) engaged an Assembly committee investigating police brutality in Oakland yesterday.

The Cunningham case shared the billing with the case of Andrew L. Hines, a Negro who was killed by Officer Spencer O. Amundsen last April.

Cunningham, a Negro, says he was kicked in the stomach by Officer Robert E. Leen and later was struck in the abdomen by another officer. One thing is certain: Cunningham was treated for a ruptured bladder after being transferred from the jail to a hospital. Later he was acquitted of a drunk charge.

"I kept asking for a doctor," he told the committee, headed by Assemblyman Vernon Kilpatrick of Los Angeles, "but they kept saying, 'You're still drunk' but I told them I wasn't drunk in the first place. I lay on the concrete floor in the cell and I asked for help every time somebody came around."

### RUPTURE CAUSED BY BLOW

Finally, 14 hours after his arrest, he was taken to a hospital. The ruptured bladder, according to the attending doctor, was caused by a blow.

An investigation was made by Inspectors Joseph M. Bertoglio and Merle Longnecker, who both appeared before the committee.

None of the officers involved reported anything about a kick or a blow, Bertoglio said.

All of the officers declared Cunningham did not complain of pain or illness, he said.

to cripple him, when he feared he was reaching for a gun. Hines was unarmed, it was later discovered.

Robert F. Powers, former Bakersfield chief of police and committee investigator, produced a letter from Mrs. William MacFarland of 922 Florida street, Richmond.

It was addressed to Kilpatrick and asked:

"My reason for writing . . . is to find out if there is a permit that I can secure in order to go to Oakland with my white husband without one of your policemen stopping our car and asking all sorts of insulting questions."

The committee, having no ready answer, accepted the letter for the record.

Erma Brown, 20, a Negro student at the University of California, described how she and two

seen with a white man must be a

prostitute. One of her friends, Burton Wolfman, also appeared.

John F. Hassler, city manager of Oakland, was the first witness yesterday. He testified he backed up the disciplinary recommendations of the chief of police "a hundred per cent."

He was questioned about the legality of a booking "for investigation" and said he understood that most cities booked prisoners in that manner.

He could recall no instance of an Oakland policeman being suspended or dismissed for brutality.

Efforts of the Oakland Police Department to make a record of the hearings were thwarted by Kilpatrick.

A police stenographer was barred from the hearing by Kilpatrick who said the committee kept its own record and frowned on stenographers. He did not explain how anyone could be barred from a public hearing.

John Collier, city attorney of Oakland, however, was on hand casting a legal eye on the proceedings.

"There was some evidence, Betog- Ho said, that Cunningham had been in a fight the morning of his arrest but Cunningham had refused to talk about it.

## CIVIL RIGHTS CONGRESS

Bertram Edises, counsel for the East Bay Civil Rights Congress presented a statement which said, in part:

"Oakland has the second largest Negro population west of the Mississippi . . . Yet, as more than one witness before this committee has testified, the Negro citizens of Oakland live in daily and nightly terror of the Oakland Police Department."

He said the "old red herring" was dragged out to obscure issues whenever the Civil Rights Congress complained of conditions. Edises thought this unfair: "The important thing is to end police brutality in Oakland."

The Civil Rights Congress has been termed a subversive organization by the U. S. Attorney General.

Witnesses of the shooting of Andrew Hines—Edward L. Davis, Enoch Miller and Lena Lee—testified that Officer Amundsen had shot Hines.

Inspector Howard Sorrells, who investigated the shooting, said Amundsen's actions (up to the time of the shooting) were reasonable. He said Amundsen had told him he had aimed at Hines' arm, trying

Longnecker said the investigation was fair and unbiased but was not completed because Cunningham would not co-operate.

"Cunningham would not give us any information because he said he wanted to get out on bail. We asked him to come back to the City Hall and talk to us but he never did return," he said.



MELVIN CUNNINGHAM  
"I kept asking for a doctor,"

white friend were stopped by an Oakland officer last month.

The officer's implication, she indicated, was that any Negro woman seen with a white man must be a





San Francisco Examiner  
Friday, January 6, 1950

## RECORD BANNED IN POLICE PROBE

Permission to have stenographic reporters at the current hearing of the Assembly interim committee on crime and correction in Oakland was denied yesterday to Oakland officials.

Vernon Kilpatrick, Los Angeles Democrat and chairman of the hearing, denied requests by both City Attorney John W. Collier and Chief of Police Lester Divine.

### BRUTALITY PROBE

Collier and Divine asked to have two court reporters present to record the proceedings, but Kilpatrick explained:

"We haven't allowed that privilege before, and there seems no reason to begin now."

The hearing, which moved through its second day yesterday, is investigating reported brutality and discrimination on the part of the Oakland police department.

Principal witness yesterday was Melvin Cunningham, 42, of 732 Seventh Street, Oakland, a Negro machinist, who claimed he was kicked and beaten on January 8, 1949, following his arrest on a drunk charge. Cunningham currently is charged with assault with a deadly weapon.

### DENIES CHARGE

Officer Paul Ritchey, the patrolman who arrested Cunningham when he assertedly was beaten, categorically denied the charge.

An eight-page pamphlet prepared by the Civil Rights Congress was distributed yesterday morning around the Alameda County courthouse where the hearing is being held. The hearing will conclude today.

Near the end of yesterday's session, Kilpatrick made a brief address on civil liberties which he concluded with the remark:

"This committee knows there are many who pay lip service to the Bill of Rights while actually seeking to trample the Bill of Rights."

### PERMISSION DENIED

This remark came soon after reporters attending the hearing learned that the City of Oakland had been denied permission to have a shorthand reporter present at the public hearing to take a transcript of the testimony.

City Attorney Collier disclosed that on the hearing's opening day, he had engaged Bernard O'Hara, a court reporter in Alameda County superior Court, to make a transcript of the proceedings. O'Hara was denied permission.

"I asked Assemblyman Kilpatrick where I was to sit," O'Hara related. "He told me: 'You aren't going to sit anywhere in here. I cannot permit you to take a transcript. We will take our own transcript.'"

O'Hara reported back to Collier, who then asked Assemblyman Kilpatrick whether the city would be permitted to place a court stenographer in the hearing room. He was told this could not be permitted.

### ASKED FOR COPY

Collier then asked whether the city could have a copy of the transcript after the hearing is concluded. He said Kilpatrick told him:

"I don't know. We'll have to take that under advisement."

Meanwhile, unaware of O'Hara's experience, Oakland Police Captain of Inspectors William Barkis assigned Patrolman John Arca, a police stenographer, to take a transcript of the proceedings. Arca reported for the assignment, but was informed by Chief Divine that permission for such a transcript already had been denied by Assemblyman Kilpatrick.



San Francisco Examiner  
Saturday, January 7, 1950

## POLICE INQUIRY STIRS PROTEST

### Civil Rights Congress Named in Oakland Hearing

The Civil Rights Congress, listed by the Government as a left-wing organization, was identified yesterday as one of the chief sources of information for the assembly committee investigating alleged Negro mistreatment in Oakland.

This disclosure came as a storm broke about the head of Robert Powers, chief investigator for the interim committee on crime and corrections.

The committee, headed by Vernon Kilpatrick of Los Angeles, has been holding hearings in the Alameda County Courthouse on alleged police brutality.

#### CITES ONE CASE

Inspector Edward A. Thompson was testifying concerning asserted discriminations in the case of John Ortega Jr.

Previous witnesses had told how Ortega's father had been denied the right to visit his son, held in the City Jail on a minor charge.

Thompson offered to read to the committee a report on an interview with the elder Ortega, in the office of Police Chief Lester J. Divine. Committeemen showed no interest.

From the audience stepped Assemblyman Randal F. Dickey of Alameda, not a member of the committee. He demanded the report be read.

Thompson then read from the report a statement by Ortega that he had talked to Chief Investigator Powers about his son, and had been told that Robert Treuhaff, of the firm of Treuhaff, Edises & Condon, was a good attorney to see.

#### CHIEF CONSUL

(Bertram Edises, Treuhaff's partner and an earlier witness before the committee, identified himself as chief counsel of the Civil Rights Congress.)

Assemblyman Dickey commented that he thought this was "highly unusual" conduct for a committee investigator.

"This committee got a great deal of information for the purposes of this investigation from the Civil Rights Congress," said Powers. "And also from Mr. Edises and Mr. Treuhaff," he added defiantly.

#### NIGHT SESSION

In a night session, eight policemen and one woman witness appeared before the committee to refute charges of brutality and prejudice brought in three separate cases involving Negroes.

Lieutenant Hubert Murray, who conducted an official investigation into the alleged beating of George B. McDaniel by police on May 11, testified that McDaniel had been released unharmed.

Murray intimated that subversive groups had prodded McDaniel into pressing his charges of police brutality.

Similar refutation was offered in the cases of Frank Carter, Negro sailor allegedly slugged by officers on November 8, and David Gomez, proprietor of a bar at 566 Seventh Street, who claimed his tavern had been raided without justification.





# Investigator, Probers in Row

Rebuttal of practically all testimony as to alleged police brutality was in the record of the Assembly Interim Committee on Crime and Corrections today.

It went in before the committee finally wound up its three-day hearing late last night following a drama-packed session.

A storm of protest broke around Committee Investigator Robert Powers during the closing hours. That official on two occasions lashed back with implied threats to "tell all" about committee policies, but the rest of the time remained stonily silent and took no part as a score of witnesses paraded to the stand to offer refutation of testimony he had adduced earlier.

## SEEK WHOLE PICTURE

Throughout the day Assemblymen Harlan Hagen, of Hanford, and Charles Meyers, of San Francisco, members of the committee, had endeavored through questioning to bring out a less one-sided picture than was being presented by the investigator. They were aided in that effort from time to time by Assemblymen Byron Rumford, of Berkeley, Francis Dunn Jr., of Oakland, and Randal F. Dickey, of Alameda.

At the insistence of Dickey, there was read to the committee a statement from John Ortega Sr., father of a youth arrested New Year's Eve, purporting to show that Investigator Powers had recommended Attorney Robert Treuhaff to Ortega.

Treuhaff is a law partner of Bertram Edises, counsel for the Eastbay Chapter of the Civil Rights Congress, which national organization has been listed as subversive, of Communist dominated by the U.S. Attorney General, the House Un-American Activities Committee and the California Un-American Activities Committee.

## STATEMENT SOUGHT

Ortega was quoted as saying that Powers had told him that Treuhaff was "a pretty nice lawyer—a good lawyer." He said he didn't know who called Treuhaff into the case and that he wasn't very much interested in getting a lawyer if the case could be settled without a lawyer.

As soon as the statement was completed, Assemblyman Vernon Kilpatrick, chairman, immediately turned to Powers to give him an opportunity to give his version of the incident.

"Will the committee ask for a copy of that statement," Powers replied, indicating that he had nothing more to say.

Dickey then expressed belief that the investigator should make a statement for the record and Powers declared:

"I have no independent recollection of having said Mr. Treuhaff was a good attorney, but I'll stipulate that he is."

A few moments later, Powers offered:

"I'd like to clarify this situation. If the committee would like to go into my sources of information it will open up an entirely new field and I will be happy to go into all discussions of policy by the committee. It's unusual to start questioning an investigator about his sources."

## NO VALUE, CLAIM

Kilpatrick hurriedly interjected that in his opinion the line of questioning opened up by Dickey had no value, and the Alameda assemblyman snapped:

"It's a little unusual for an investigator for a legislative committee to recommend counsel for anyone. It's entirely out of order and unbecoming."

When Dunn inquired how long Powers had known Treuhaff, the investigator replied:

"I knew Treuhaff and I talked to Edises. The committee got a great deal of information from the Civil Rights Congress to start this investigation. My dealings were with both Treuhaff and Edises."

Kilpatrick again tried to smooth things over, but both Hagen and Meyers quickly got into the record statements that they had had no previous knowledge of Powers of his background prior to the start of the local hearings on Wednesday.

The chairman asserted that it was

the first time the committee had been accused of malpractice and that to him the charge appeared pretty light.

## SHAKE HANDS

From that point on Powers took no part in questioning witnesses. At one point he walked out with his hat and coat on, but returned after a recess to sit through until the end when he again made an offer to go into details about his committee work. The offer was not accepted by the chairman, who held the matter was closed.

At the end of the hearing Powers stepped from his seat and walked out after shaking hands with Treuhaff.

The attorney himself had taken the stand briefly to tell his version of the affair. He claimed he had been retained by Ortega two days before the incident which caused the committee blowup.

Treuhaff said he first met Powers two weeks ago when he came to the office to see Edises about police brutality reports.

Powers statement was the first official admission that much of the case presented to the committee had been produced by the left-wing CRC.

While the investigator remained on an obviously uncomfortable spot, police officials proceeded to offer counter testimony on at least six of the cases he had submitted to the committee earlier. Powers discomfiture appeared evident from the time the committee decided to let the police department have its day in court, long before he became the target of criticism by the various legislators.

## BORE NO MARKS

Answering the testimony of George B. McDaniel that he was beaten by police inspectors at the City Hall during a robbery investigation, five officers testified McDaniel bore no marks of injury when he left the City Hall. They said he made no complaint of any injury.

A similar number of officers contradicted earlier testimony that Melvin Cunningham, who claimed he had suffered a ruptured bladder from a police beating, had been struck. In addition a letter was offered from a former officer to the effect that Cunningham had told him that no officer was responsible for the condition which caused him to be removed from the jail to the hospital for an emergency operation.

## NO COUNTER TESTIMONY

Rebuttal testimony was presented in three other matters Powers had laid before the committee, but no counter testimony was offered in the case of Andrew Hines who was shot and killed by an officer last year.

Police Chief Lester Divine said he did not believe presentation of such evidence was necessary in view of the findings of the Mayors Committee on Civic Unity.



APPENDIX VI

Robert Powers' Interview of Betty Toomes - a School  
Integration Incident in Arizona



TAPED INTERVIEW IN YUMA ARIZONA, 1963

Questioner, Robert B. Powers

Responses by Betty Toomes whose address in 1970 is:

Director  
Boston School of English  
Carrera 43 No. 44-02  
Apdo. Aereo No. 1782  
Barranquilla, Colombia, S.A.

SUBJECT: Refusal of school in Duncan, Greenlee County,  
Arizona, to admit school children who were  
Negro - 1949 and  
Efforts which resulted in their eventual  
admittance.



The first thing that I heard was that a colored family had moved into the Duncan area....

DUNCAN ARIZONA?

Duncan, Arizona. And that it was the first colored family ever to live there. In fact, Duncan had been a town where the signs at the -- entering and leaving Duncan -- included the usual "Welcome" and "Goodbye", but also, "Nigger don't let the sun go down on you here." So, because it had been settled originally by people who had moved out West from Georgia and some of the southeastern states, Duncan had been always free from the racial difficulties because they had only one race present. The Randolph family had been moved into Duncan, Arizona by a Mormon farmer who needed a large number of hands on his 100-acre cotton field. And he provided them with a house, and he paid them and employed the father, the mother, and the children. The family had been working for him for about a month when someone told me that they were there. And I can't explain exactly why - the first thing I thought of was, "How old are the children?" and I asked this person who had seen them and he told me that they were young between 15 he thought and a babe in arms. And then the next thing I thought was, "Why aren't they in school?"

Never having lived in a segregated state before, it didn't occur to me immediately that they couldn't go to school in Arizona. So, as I said this was the first time I knew anything about it.

ABOUT WHAT YEAR WAS THIS?

1949. I met them about April. They had been moved in, I





think in January or February. And I very shortly met the family. I made a definite attempt to meet them. I felt that it was very important to get to know them, and we immediately formed a very close friendship.

NOW, THIS FAMILY CONSISTED OF EARL RANDOLPH, SR?

Yes.

AND HE WAS CRIPPLED, WAS HE NOT?

Yes, he was crippled from polio - one hand and one leg, both on the same side...

HIS WIFE WAS CORRINE RANDOLPH?

Yes.

HOW MANY CHILDREN WERE THERE?

There were seven.

WHAT AGE DID THEY RANGE FROM?

Well, they ranged between 13, I believe, which was the oldest girl down to a baby who was less than a year old.

GO ON, NOW TELL ME THIS WAS THE FALL.... WAS IT THE FALL OR SPRING WHEN YOU BECAME CONCERNED ABOUT THE CHILDREN NOT BEING IN SCHOOL?

You know, schools in Arizona start quite early. .They start the last day of August. And we became acquainted and I assumed, I didn't ask, that they would want to go to school. And we had known each other all summer. We visited each others houses and we enjoyed each other's company a great deal.

DID MRS RANDOLPH HAVE ANY OTHER FRIENDS BESIDES YOU?

Just the Bells, just Marion and Ada Jane Bell were friends of theirs. Only them....



THEY WERE COLORED OR WHITE?

They were white....

OH, YES, I REMEMBER.

They were living with us. So the Bells and the Toomes were the only people that the Randolphs felt they could visit. None of the other people living there were approachable from the standpoint of the Randolphs. Ada Jane and Marion and Lew and my children were very happy to know them and we enjoyed them very much. We had a very interesting relationship and we enjoyed singing and picnicking etc. together.

I KEEP INTERRUPTING BUT I WANT TO MAKE IT CLEAR. ESSENTIALLY, THE RANDOLPHS WERE MIGRATORY WORKERS? WHO HAD SETTLED?

Well, no, they really weren't migratory workers, but they were people who had lived for a number of years in Las Cruces, New Mexico, and they apparently had registered with some employment office indicating their willingness to leave that area. The farmer who employed them was responsible for bringing them to Duncan: he went to Las Cruces looking for help. He hired the whole family. They had offered themselves because apparently they had had several very severe losses in Las Cruces through fire, and they needed or felt that they wanted to leave that area and go somewhere else. They were not particularly anxious to come to Arizona because Arizona was a segregated State at that time and New Mexico was not.

INSOFAR AS SCHOOLS WERE CONCERNED?

Insofar as school.



Consequently we became acquainted, and along about the last week of August - in fact it was the Wednesday - I think the Thursday before school was to begin on a Monday, around the 25th or 6th of August that I asked - I felt prompted to ask - if - what about the children going to school? And she replied, "But there's no school here for them."

I said, "Why that's impossible! That can't happen. It's ridiculous!"

YOU ARE FROM NEW ENGLAND?

Yes, that's right - never having lived under conditions of segregated education before. It didn't occur to me, truly, that such conditions really existed. I might even have thought that because Duncan schools had only white children - I knew that no colored people were living there, and it never occurred to me that they wouldn't be going to the same school. At any rate, Mrs. Randolph was more familiar with the situation than I, and when I asked her if she wanted to go and talk to the School Principal about having the children registered in school, she agreed immediately, and we set off at that very moment.

GO AHEAD, BETTY.

Well, Mrs. Randolph and I went in my car to see Mr. Brubaker. He lived about 5 miles....

BRUBAKER?

Brubaker, his name was. And he was the Principal of the Consolidated Duncan Schools. He was at home when we got there, and we, without any extra explanation, we said to him... I presented Mrs. Randolph, I mean him to Mrs. Randolph, and I



said, "You probably know that Mrs. Randolph and her family live and they trade here in Duncan, and she has several children of school age and she is very anxious for them to go to school.

So he turned to her and he asked, "Is this true?"

She said, "Yes indeed, it is true."

He said, "Well" and he became - he seemed to be rather discomfited because for him it was a grave problem. I didn't realize how grave it was at the moment. He said that he would have to take this up with the school board, but that he would let her know the following day. And he would call a meeting that night. I remember definitely that it was a Thursday afternoon that we went. That he would let her know on Friday. And he said, "You understand, don't you, that Arizona is a segregated State?"

Although the law calls for separate but equal facilities ...

I MIGHT READ YOU WHAT THE LAW SAID ON THIS: "THE BOARD OF TRUSTEES SHALL SEGREGATE PUPILS OF THE AFRICAN RACE FROM PUPILS OF THE CAUCASIAN RACE IN ALL SCHOOLS OTHER THAN HIGH SCHOOLS, AND PROVIDE ALL ACCOMODATIONS NECESSARY BY SUCH SEGREGATION." GO AHEAD, BUT THAT HAPPENED TO BE THE LAW AT THAT TIME.

He quoted that to me. He really didn't quote it necessarily but he did tell me what it consisted of - that they had a right to go to school, but he hoped that they would not try to force the issue in Duncan, but would move on to the town of Safford where there was a rather large section where Negroes lived and had their own school. However, Mrs. Randolph said that she wasn't considering moving, that she wanted to stay in Duncan..... And





another thing that happened which should be mentioned here. The Supreme Court had made the decision to the effect that there were to be no more segregated areas insofar as residence was concerned....

**OH YES,** YOU REFER TO THE DECISION OUTLAWING RESIDENTIAL RESTRICTIVE COVENANTS.

Yes, and this of course made it possible for the Randolphs, if it should be necessary, to fight for their rights legally, to live in Duncan, even though - they were pioneers in effect.

Well, with Mr. Brubaker's assurance of the fact that he would let her know, that she would hear from him definitely the following day, she went home - we went together - I took her home and she was happy and quite confident.

The following day, instead of receiving an answer from Mr. Brubaker whether and when the children would be admitted to school ... Well, she came to my house after dark tthe following evening, and she told me in a very frightened and upset condition, that she didn't want to get us into trouble by being seen at our house. Therefore, she had waited until after dark to come and tell us her story. And she told us that Mr. Randolph had had to go to Safford the evening before - the night of the day that we went to see Mr. Brubaker. And that she and the children were alone at home, and that shortly after midnight that they had all been awakened by shots and the sounds of horses' hoofs very close to their house which was very isolated; it was probably a half mile from the highway and there were no other houses around it. So, frightened, she gathered all the children around her, around the fireplace where she thought they



where she thought they would be protected, and they stayed there until all of the shooting and the shouting and the galloping stopped. Then they looked out of the window and they saw three crosses burning.

THREE CROSSES?

Three crosses on near-by hill tops - there was a sort of mesa that was separated from their house by a dry wash. And on top of this mesa were these crosses. They were all burning. And the people galloped away, and they had been shouting, at the family: "Get out of town, dont...." Well, I really can't remember, but I know that that was the essence of it, "Get out of town before something really bad happens to you!"

And there was, of course, every logical reason for her to assume that this was Mr. Brubaker's answer - an answer, at least, from the populace. And she knew that there was no other way that the news could have gotten out except through this Board meeting - the School Board meeting which he had promised to hold. And therefore she did believe that there was definitely .... that they would have to fight the entire town if they wanted that much to put their children in school.

SHE HADN'T HEARD FROM MR. BRUBAKER?

She had heard nothing from him personally. He did not deliver his answer to her and he was never able to explain why this answer wasn't forthcoming. He had promised it. Although he vigorously denied that he had had anything to do with this demonstration.

Well, when Mr. Randolph came home from Safford, the following day, he said - surprisingly - I am sure. I'm sure that the people in Duncan were surprised. He said, "I am not going to leave here.



I've never done anything wrong to anyone. And they're not going to scare me off. They had - both of the Randolphs - a remarkable degree of courage and calm, under the circumstances and considering that the children were very small. When they went out of the house the next morning there were shotgun shells, and twenty-twos, thirty-eights lying all around. They picked up a handful, a double handful; they showed them to me.

Now, the thing was, what to do next? What could be done under the circumstances? Circumstances that could have been so dangerous for them. At the same time we, who were comparatively safe, at that time, felt - and the Randolphs also, were in agreement that the opportunity was much too great to let pass.

THE OPPORTUNITY FOR WHAT?

Well, for standing for a principle, no?

YES.

Standing firm on the principle of the oneness of humanity...

AND CONSTITUTIONAL RIGHTS .....

And Constitutional rights for all the groups living in the United States. Now, I reacted rather violently to this, and I dashed to Clifton which was the nearest town/<sup>north</sup>- and not Duncan - the nearest town which was not Duncan.

IS CLIFTON THE COUNTY SEAT?

Yes.

GREENLEE COUNTY?

Yes, Greenlee County. And I dashed up there as fast as I could go and I sent, I wrote, a telegram to the Governor. And I paid for it. And it was accepted. And I stayed there as long as I could..



DO YOU REMEMBER WHAT YOU SAID IN THE TELEGRAM?

Well, I think I do, it was quite long - it consisted of something like this ....

I SUPPOSE IT RECOUNTED THE SITUATION?

Yes, it did, it said a colored family, residing in Greenlee County had been the victims of what appeared to be a Ku Klux Klan demonstration - which was based on their attempt to get their children - have their children go to school, in Duncan, Arizona. And that I, the undersigned, was protesting this and wanted to inform the Governor, and thought that he should take action immediately. That was what it was

WHO WAS THE GOVERNOR THEN? DO YOU REMEMBER? NOT IMPORTANT...

I do remember that he had rather an odd name. It doesn't really matter. The point is that I later on found that this telegram never left Clifton. I should have investigated, but we were so caught up in the events which followed, I never did anything about it. I should have like to. I wish now that I had, No? Because I understand that if you prove that you paid for a telegram that was not sent, it could be very serious for the Western Union Company. Because of the circumstances the clerk evidently thought he would avoid trouble by doing this.

Well, that was all we did that night. Mrs. Randolph went on back home and I told her that the next day I would pick her up and we would go back and see Mr. Brubaker. So, of course the next day Mr. Brubaker was waiting at his house in the afternoon, after school, ~~XXXXXXXXXXXX~~ We went about 4 o'clock to be sure that he'd be home, and we told him what happened.





And he was terribly, terribly disturbed, in fact he was so upset that he was in bed - he said ill from this. He knew that - he said, "Everybody's blaming me, but it's not my fault."

I asked, "What about the results of the school board investigation - the School Board decision?"

And he said, "Well, it has been put in the hands of the Superintendent of Schools for the entire County." In other words he had moved it from the Duncan School Board to Clifton, and made it a County matter.

YES.

And he said that he would let her know when there was something to be done about it. And it was quite obvious at the time, although I really can't prove it, that he was hoping that she would get tired of waiting. He as much as said so. And he was very distressed.

That's all that happened that week. That is, as far as overt acts were concerned. The rest began with a letter to Matt Bullock I wrote .....

WHO WAS MATT BULLOCK?

Matthew Bullock - you know that he was at that time the Chairman of the Governor's Board of Pardons and Paroles in Massachusetts, a well-known Negro lawyer. And he advised - he wrote immediately and advised me to get in touch with the NAACP in Tucson, which was the closest chapter.

MAY I INTERRUPT, BETTY? DURING THIS TIME WERE THERE ANY DEMONSTRATIONS OR INDICATIONS WHICH WOULD SHOW THAT THE PEOPLE OF THE COMMUNITY WERE UNHAPPY WITH YOU FOR INTERCEDING FOR THE RANDOLPHS?



Oh yes, we received a few although we paid no attention to them - along with snubs, sneers and remarks ~~about~~ from various people who lived there. But particularly there were some people between our house and Clifton who openly said that they would never have anything to do with us because we were....

USUALLY, THE TERM IS NIGGER LOVERS.

Yes, well, they called us, "the people who thought niggers were as good as they were." So this was the name that we had from then on. It stuck. And we were very out-spoken, and we explained our attitude to anybody who would listen. Most people weren't interested.

We received an interesting series of visits from ~~these~~ people - they were all very anxious that we drop this immediately. And I asked one may, why it meant so much to him, personally. He said, "If these children get into school, I will be forced to leave my home and move to another place, because I cannot allow my children to go to school with niggers.

INCIDENTALLY, THIS MAN - WILL YOU IDENTIFY HIM BY OCCUPATION, RELIGION, OR SOMETHING/

I can identify him as a Mormon farmer, whose last name I have forgotten. And later on it was established that he <sup>definitely</sup> did/move out of town.

THERE IS ONE INTERESTING FACTOR, AND I DON'T WANT TO INTERRUPT YOUR STORY, BUT I DON'T WANT TO MISS THIS. IT SEEMS TO ME THAT IT WAS UNUSUAL THAT THE FARM ON WHICH THE RANDOLPHS LIVED ALSO BELONGED TO A MORMON, AND THAT HE TURNED OUT TO BE A VERY COUR\*AGEOUS MAN - WOULDN'T GIVE ANY GROUND IN THE MATTER AT ALL



when efforts were made to get him to oust the Randolphs, WAS THAT NOT TRUE?

That is true, and even though it was not profitable for him to have the children in school, because then he was left with children too small to go to school and too small to work, and the mother was the only able-bodied one of the family who could work. And it certainly wasn't profitable for him. He lost the advantage he had hoped to gain by bringing this entire family in.

BUT HE NEVER ACCEDED IN ANY WAY TO THE COMMUNITY DEMAND FOR HIM TO OUST THEM?

Not at that time. We all admired <sup>him</sup>/very much, although he was completely inaccessible. We admired him for not throwing them off his place.

NEITHER DID HE JOIN YOU IN ATTEMPTING TO SECURE THEIR RIGHTS?

N. no. He didn't. He remained aloof, but he did not try to get rid of them or to make their situation more uncomfortable. The only thing he did do ~~was~~, which was fair under the circumstances, he paid them by the hour, and he - as I remember they were able to earn about \$100 a week when all of the family, able to work, worked. And, of course we have to remember, that they still were not in school. So we did nothing in the beginning - they were still working for him. But he did not try - didn't tell them, for example - as he could have - "if you go to school, and I have no one but the parents to work, then I can't support you". He didn't tell them that. He simply let them continue working as long as they would. And he was very outspoken and very blunt with other ~~farmers~~ <sup>Mormons</sup> who came to him and suggested that he should get rid of them,

1870

THE

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Handwritten signature or initials

in order to save the town from the stigma.

I INTERRUPTED WHEN YOU ~~TO~~ WERE TELLING ABOUT THE CALL FROM THE FARMER WHO SAID THAT YOU WOULD DROP THIS WHOLE MATTER. GO, I DIDN'T WANT TO INTERRUPT YOU BUT I WANTED TO BRING OUT THIS POINT.

Well, it is amazing in a way, but the man was very sincere. He felt very deeply about it. He told us that he had come from Georgia, had become a Mormon in the West, that he had - or was raising his family and had three children in school, and that for him it would be an impossible <sup>situation</sup> ~~condition~~ to have his children in school with colored children. He was completely, absolutely, impenetrable on this point. We couldn't talk to him on any grounds, legal or otherwise. Consequently, he left very unhappy. Because we assured him that we couldn't possibly let it go. That we had to see that justice was done for the Randolphs, too.

We didn't try to justify our stand which we thought, at the time, was self justifying. And, as I remember, he left very angry and quite upset. He made another visit later on to talk to us again, but the situation was the same. So, meanwhile we made another visit to Mr. Brubaker, and since we had no radio we never realized that the news had gotten out through the correspondence with the N double A ... Oh, I forgot to tell you that Matthew Bullock had written a letter and told us to go to the NAACP in Tucson. And the NAACP in Tucson answered us just as quickly ... They told us that they had hired a lawyer and would pursue the case.

AND THE LAWYER ~~LAWYER~~ WAS?





Stewart Udall.

WHO IS NOW?

Secretary of the Interior.

INCIDENTALLY, HE'S A MORMON, TOO.

Incidentally, he is a Mormon, too.

SO, YOU FIND ALL SHADES OF ATTITUDE WITHIN ONE FAITH, WITHIN THAT PARTICULAR FAITH.

Yes. And it is a very interesting thing that he had long before had established a reputation for great liberality. Because he had defended an Indian barber, who didn't belong to the barber's union. The other barbers were trying to close him up. Of course, he charged much less than they, but Stewart Udall had successfully defended him and he didn't have to close his shop. And I don't remember right now where I heard that. But he willingly and quickly accepted the job of suing Greenlee County. And there was no hesitation whatsoever.

I BELIEVE THAT NO SUIT WAS INSTITUTED AT THAT IMMEDIATE TIME.

That is true.

AT THE TIME YOU WERE TALKING ABOUT WHEN YOU HAD THE TWO CALLS. WERE NOT SOME VIOLENT EFFORTS MADE TO FRIGHTEN YOU, AND LEW, YOUR HUSBAND?

Yes, that is true, there were a number of things that were - the rumors were very rampant in that area almost every day. Somebody would drop in and say, "Well, I'm not in sympathy with your -- what you're doing, but I'll tell you what they say in town", and then they would go on to say how they planned to mob us that night and that they would be riding up from town and pick up the ranchers

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Toomes/Duncan/15

on the way/ who were interested in getting us out, and th t they...

THERE WERE REALLY THREATS OF MOB VIOLENCE?

Yes, and they did burn several crosses on the hill close to our house. And they also took their opportunity of driving their heads through a small garden which was the source of some of our food. And they did everythin possible to annoy us ....

DIDN'T THEY SHOOT YOUR DOG?

The dog disappeared one day and came back very late in the night covered with buck shot. We didn't know who did it. He was definitely shot; and one time Lew was out in the back yard at twilight and a bullet went very close to the top of his head. We don't know what the intent was, we really don't know. But there were roughly six weeks of struggle between the end of August and the time, the middle of September when the children finally went to school.

WELL, BEFORE THE CHILDREN FINALLY WENT TO SCHOOL, I WAS LIVING IN LOS ANGELES AND SOME PEOPLE IN CHICAGO WHO HAD BECOME INTERESTED, PROBABLY BY WAY OF MATTHEW BULLOCK, OR FROM YOU DIRECT, HAD YOU...?

I had written, yes, to the Baha'is in Phoenix and to the Baha'i Area Teaching Committee. They -- at that time -- they didn't want us to make too much of it ....

Some of them were just A LITTLE TIMID ON THE SUBJECT, THEMSELVES? IN ANY EVENT, THE WORD GOT TO CHICAGO AND THE BAHA'I NATIONAL SPIRITUAL ASSEMBLY THERE, AND YOU AND LEW BOTH BEING BAHA'IS THEY BECAME CONDERNED THAT YOU MIGHT BE ACTING UNWISELY IN THE SITUATION OR CONTRARY TO SOME LAW WHICH OUR RELIGION INSISTS THAT WE BE OBEDIENT TO, AND THEY WERE ALSO CONCERNED FOR YOUR SAFETY



So I was asked to go to DUNCAN AND SEE WHAT THE SITUATION WAS AND EVALUATE IT AND OFFER WHAT ADVICE I MIGHT. THE REASON I WAS ASKED TO DO THIS WAS THAT I HAD A PROFESSIONAL BACKGROUND IN RACE RELATIONS, AND BEEN CONSULTANT TO THE AMERICAN COUNCIL ON RACE RELATIONS, WHERE I WORKED WITH, AMONG OTHERS, ROBERT WEAVER WHO IS NOW FEDERAL DIRECTOR OF HOUSING AND GORDON WHO IS OR WAS HEAD OF THE PSYCHOLOGY DEPARTMENT OF HARVARD, AND JANDY OF WAYNE UNIVERSITY, AND DR. EMBREE OF THE ROSENWALD FUND. AND I HAD BEEN CONCERNED WITH PROBLEMS SIMILAR TO THAT IN DUNCAN. THIS WAS MY BACKGROUND, ALTHOUGH I I HAD NO ACTIVE INTEREST IN RACE RELATIONS AT THE TIME.

BUT BECAUSE OF ALL THIS, I CAME TO LOOK OVER THE SITUATION. AND I WILL BRING MYSELF INTO IT AT THIS TIME. I WENT TO DUNCAN, FOUND THAT YOU LIVED A CONSIDERABLE DISTANCE OUT OF TOWN. HOW FAR WAS IT?

Seventeen miles, I think.

THERE WAS NO WAY FOR ME TO GET THERE FROM THE DEPOT, SO I HITCH HIKE A RIDE IN AN OLD FORD - PROBABLY THE PEOPLE WOULDN'T HAVE GIVEN ME A RIDE IF THEY'D KNOWN BEFORE I GOT IN THE CAR WHO I WAS ON MY WAY TO SEE - I HAD CHECKED IN AT A HOTEL: ~~THENXXXXX~~ THEN STARTED WALKING AND WAS PICKED UP BY THIS CAR. THERE WERE ABOUT FOURTEEN CHICKENS, LIVE, IN THE BACK SEAT WITH ME. FINALLY I GOT OUT WHERE YOU LIVED WHICH WAS - HOW SHALL I SAY IT? AN UNPRETENTIOUS HOUSE? -

Well, that's really an understatement!



WELL, ANYWAY, I CAME IN TO BE GREETED BY YOU AND TO TELL YOU MY PURPOSE IN BEING THERE. WHILE I WAS WITH YOU, AMONG OTHER THINGS, WE WENT TO CALL ON MRS. RANDOLPH -AT NIGHT - AND THIS WAS THE FIRST TIME I SAW THE HERO FOOTBALL PLAYER OF ARIZONA STATE COLLEGE, EARL RANDOLPH, JR. THIS CHILD, AMONG THE SEVEN WIDE-EYED CHILDREN - HUDDLING IN THE DARK, TERRIFIED AT THE INTRUSION OF A STRANGE WHITE MAN, EVEN THOUGH I WAS WITH YOU WHOM THEY TRUSTED. THE MOTHER WAS FAR FROM FEARFUL. SHE WAS A TOWER OF STRENGTH. I SAT DOWN AND WE TALKED ABOUT THE SITUATION. IT WAS A MOVING EXPERIENCE TO SEE AND HEAR HER, AND TO REALIZE THAT IN THE FACE OF ALL OF THIS OPPOSITION AND VERY REAL DANGER, WITH THE SUPPORT OF ONLY ONE - WELL ONE STRONG SUPPORTER, AND THREE WHOSE HEARTS WERE WITH HER BUT WHO WERE .... WELL... THE BELLS WERE LESS ACTIVE BUT IN ENTIRE SYMPATHY WITH YOU. AND, OF COURSE, LEW'S DISABILITY FROM THE WAR MADE IT IMPOSSIBLE ....

DEFINITELY, THE BELLS WERE IN SYMPATHY; AND LEW WAS MY VITAL SUPPORT .....

OUT OF THE WHOLE COMMUNITY, ONLY A TOTAL OF FOUR .....

IN THE HOTEL I DISCUSSED THIS WITH MANY PEOPLE. AND I FOUND VERY VIOLENT BIGOTRY AND PREJUDICE EXPRESSED. I ALSO FOUND THAT I COULDN'T TALK TO THEM - THAT I HAD NO REAL COMMUNICATION. THEIR WHOLE ATTITUDE REVOLVED AROUND UTTER SELFISHNESS. THE RANDOLPHS MIGHT COST THEM INCONVENIENCE AND EVEN MONEY. THEY HAD NO RESPECT OR REGARD - THE PEOPLE OF THE TOWN I TALKED TO - NO RESPECT WHATSOEVER FOR ANYTHING SUCH AS ABSTRACT JUSTICE OR DECENCY OR CONSTITUTIONAL RIGHTS. AND I ALSO RECALL, SOMETHING WHICH MAY OR MAY NOT BE IN PLACE HERE, THAT I AWOKE ON A SUNDAY MORNING TO





TO THE SOUND OF BELLS ON MANY CHURCHES. THE SOUNDS - THE RINGING NAUSEATED ME, THINKING WHO WAS ATTENDING THE SERVICES PROCLAIMING THEIR LOVE OF GOD AND NEIGHBORS ON THE ONE HAND, AND ON THE OTHER THE RANDOLPH CHILDREN HUDDLING FEARFULLY IN A HOUSE WHERE THEY WERE AFRAID TO SHOW ANY LIGHTS - FEARING MOR VIOLENCE AND SHOOTING.

AFTER I WAS IN DUNCAN, AND ABOUT THAT TIME, THE NAACP BECAME VERY ACTIVE IN THIS CASE. STEWART UDALL, AS I REMEMBER, I HAD SOME CONFERENCES WITH HIM OVER THE TELEPHONE FROM LOS ANGELES - SOME LONG CONVERSATIONS/- I DON'T KNOW - IT MUST HAVE BEEN - WHEN I FIRST CAME THERE, THE RANDOLPHS - THE CHILDREN - WERE STILL IN A STATE OF TERROR AND THE MOTHER IN DEEP CONCERN.

Yes.

BUT NOTHING HAD BEEN DONE ABOUT GETTING THEM INTO SCHOOL. NOW, MY MEMORY ISN'T AS GOOD AS YOUR, BUT AS I RECALL, STEWART UDALL QUICKLY FIELD A SUIT AGAINST THE SCHOOL BOARD...

Against Greenlee County

AGAINST THE COUNTY ...

Yes.

MAKING A DEMAND THAT THE CHILDREN BE ADMITTED TO SCHOOL UNDER ARIZONA LAW. THERE WAS NO QUESTION OF SEGREGATION AT THAT TIME.

That's right.

IT WAS A QUESTION OF ANY KIND OF EDUCATION. HAVING DONE THIS, I RECALL HE RELEASED THE STORY TO THE ASSOCIATED PRESS AND TO THE NATIONAL BROADCASTING COMPANY. THEN I BELIEVE, WITH THAT TO BACK HIM UP HE MADE A DEMAND ON THE GOVERNOR FOR THE PROTECTION OF THE RANDOLPHS. TAKE IT FROM THERE. WHAT BEGAN TO HAPPEN AFTER THIS VIGOROUS ACTION BY THE NAACP?

Well, the School Board in Clifton, Arizona, the County seat began to receive letters, leeters and more let ers which,

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I was told were piling up on the Superintendent's desk, unopened, because they realized that they represented a very great interest in the case, and a number of people and organizations came out strongly for admission of the Randolph children to the school in Duncan.

DID FRED HOLMS, PRESIDENT OF THE COUNCIL FOR CIVIC UNITY, DID HE BECOME ACTIVE IN HIS....?

He was very active and his Council for Civic Unity was unanimous - well, they were all interested and they were working very hard, and a great deal of publicity was received by the newspapers in Phoenix, although I have a memory of the fact that the news escaped - I don't know who was responsible for putting it into the paper first. It could have been Stewart Udall, but I think that a colored newspaper in Phoenix published it first - that is what I think....

OH, AND THE ASSOCIATED PRESS PICKED IT UP FROM THERE.

That is what I think.

I WAS GIVING STEWART UDALL CREDIT FOR HAVING WORKED A ...

Yes, well I think ....

I AM NOT SURE THAT HE ....

He might have, but I have the impression, although not having been in Phoenix, I don't know, but I think that the Council for Civic Unity spilled the beans to the colored paper. And as soon as it came out in the colored paper, other editors picked it up. And it was in the papers of Tucson and the white newspapers. And...

OF COURSE, IT BECAME A MATTER OF PUBLIC RECORD AS SOON AS THE SUIT WAS FILED.

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That is right. Yes. And also, of course, it was on the radio. And it just so happened that the first time it came on the radio/ - We didn't have a radio, so we couldn't hear it - we, Mrs. Randolph and I went/<sup>again</sup>to see Mr. Brubaker, and when we got there ....

DID YOU EVER HAVE A MEETING WITH THE SCOOOL BOARD?

They denied us a meeting.

THEY REFUSED TO PERMIT YOU TO MEET WITH THEM.

And meanwhile these letters and demands, etc., were piling up on the Superintendent's desk, and Mr. Brubaker told me that they weren't even being opened - that he knew, and some of them must have been opened, that the State PTA, the Methodist Church, the Catholic Church, and all the organizations were definitely expressing themselves as opposed to this. The Red Cross - the State Red Cross and all the organizations, I am sure that there wasn't one...

THAT SUPPORTED....

That supported the County. So the County became as days went more and more, more and more, on,/the black-sheep of the - I mean, everyone was ashamed of Greenlee County. But the Superintendent, and the officers, and the School Board, in Greenlee County remained completely adamant, on th@s point. Well, time went on and, as you know, it takes quite a while to get a case

There is A CERTAIN AMOUNT OF TIME BEFORE YOU HAVE TO ANSWER.

Maybe something like that - six weeks. And while the suit had been filed very quickly, they used every bit of the time they had coming to them to answer. Finally, the time was up, or would



have been up within several - a couple of days. And the City school board, I believe, received a communication from Stewart Udall, telling them that they were having their last chance to answer this or to do something about it.

Now, when this happened, Mr. Udall wrote directly to the School Board and a copy to Mr. Brubaker - to the Superintendent with a copy to Mr. Brubaker, so that there would be two people who received it. And Mr. Brubaker finally tried to do something. He convinced the School Board, apparently, that it would be much better for them to try to find a building where these children could go to school, and hire a teacher, rather than lose the case as surely they would have, in court. And he told me this, although he was very, very upset with me. He, however, was careful not to accuse me of anything, for he said that he was not angry with the Randolphs, but that he was extremely angry with "someone"

MEANING A WHITE WOMAN WHO HAD INTERCEDED ON THE PART OF THE NEGROES....

Yes, of course. And this particular time when I went to see him, he was in bed, sick. And when I <sup>said</sup> to him, "Do you have a cold?" thinking that was a civil thing to say to him, when he came out finally, he said, "No! I don't have a cold, I am sick!" "Haven't you been listening to the radio? It sounds as if it is all my fault"

PROBABLY ULCERS....

Well that - could be that, too. Well, here we are again in the middle of the dates when the children were told to be in school was....





~~XX~~ YOU SAID THAT THEY FINALLY DECIDED TO RENT...THAT HE TRIED TO CONVINCED THE BOARD THAT THEY SHOULD TRY TO RENT A PLACE, HIRE A TEACHER, AND HAVE A SEGREGATED SCHOOL?

Well, rent a place, no, but he decided that it would be a lot cheaper to fix over an old shower building on the campus of the consolidated school, rather than build one: because they could have been forced to build one, under the law. So he and several member of the School Board got together on Saturday and Sunday and cleaned up and painted the building and hired a teacher for the children, who were notified to go to school - to be ready to have the bus pick them up on Monday.

Well, Saturday afternoon rumors began coming out of Duncan saying that if these children were on the bus Monday morning that the bus would be stopped before it entered the town limits, that they would be taken off the bus and, and beat up or something. They were threatened, in other words. And so many - this came out of town so much during that day and that afternoon and that evening that Mrs. Randolph became quite nervous about it. So the very next morning which was Sunday, I took her to Clifton because she wanted to have some assurance from the Sheriff that this would not happen. And do you remember that I telephoned you in Los Angeles that day?

I DON'T REMEMBER.

It was a Sunday morning.

I THINK I TELEPHONED TO STEWART UDALL.

You did. You did. I talked to you from Clifton. You telephoned to Stewart Udall, and he called the Governor of the State. And the Governor kept Sheriff Tee (Sp?) awake all night, reminding him that nothing had better happen to those children.



I REMEMBER THAT LATER ON IT WAS SAID THAT THE BEST GUARDED AND SAFEST CHILDREN IN THE STATE OF ARIZONA WERE THE RANDOLPH CHILDREN.

Yes that was true. In fact, I don't know how it happened, but shortly after they did enter school, somebody placed - they were insured for some huge sum of money, because it would have completely bankrupt the County if anything had happened to those children at all - even a scratch. But I should like to say one more thing: the bus driver who had been driving the school bus all year - as soon as he found out that the Randolph children definitely were going to school - quit his job.

HE DIDN'T WANT THE BUS DYNAMITED TO GET RID OF THESE ...

He just didn't want to drive any niggers, he said. So he quit. There was a bus without a driver. So, Mr. Brubaker said, "I will have to drive," and then Mrs. Randolph was still nervous and said, "But you probably won't be able to protect my children. And I remember he said, "I will carry my gun" and he went and got it and showed it to her.

THE PRINCIPAL?

The principal, yes. And I will say for Mr. Brubaker that when he realized that he had to do something, he did it. And he did his best. And as he was assuring her that he would definitely protect her children, I remember feeling that he was getting stronger and stronger himself. Because this gave him something to - he really he had to stand up; he just had to....

CIRCUMSTANCES WERE MAKING HIM A BETTER HUMAN BEING



Yes, that's it.

AGAINST HIS WILL?

Against his will, his original will, because he was very upset with me and I don't know but what he still is. But, anyway, we went over there - I remember distinctly going over the night before to reassure them, to make them feel confident - that because this was the way God wants people to live, free from shame and free to be educated, etc., all together, that they must not have have any fear. And we said a lot of prayers together and I went home, and they were out ready for the bus next morning. Of course, they got on the bus. The bus went out about 30 miles and they were about 15 miles from town; the seats, apparently, were all taken, by people who suddenly needed more room. But Frances and Alfreda Toomes were on the bus - since they got on first - and they saved seats for the Randolph children.

HOW MANY OF THE RANDOLPH CHILDREN STARTED TO SCHOOL?

Let me see; there was Helen and Earl and Irma and -- there were four - another girl....

I think you said that the oldest was about thriteen.

That's right. There were four who started. And so they began going to school on this particular Monday which I think was about September 18th (?). I'm not certain of the date. I might be off quite a bit. And their troubles weren't over, but there was a very interesting thing - any possible plan for molesting them in town quickly dissipated when the bus was seen to be joined by several very official looking cars. And the people had some very interesting explanations for these cars. That the Federal Bureau





of investigation had sent in some people who stayed in town for weeks and the very rumors dissipated any ideas that anyone might have had for revenge on the Randolph children.

NOT TO INTERRUPT BUT TO INTERJECT SOMETHING AT THIS POINT, THAT THE PEOPLE DECIDED IT WOULD BE UNHEALTHY TO TAKE REVENGE ON THE RANDOLPH CHILDREN, I MIGHT HAVE, WHILE I WAS IN DUNCAN, HAD A LITTLE PART IN THIS. ASSUMING THAT MOST PEOPLE KNOW VERY LITTLE ABOUT LAW, AND LUMP ALL LAW ENFORCEMENT OFFICERS TOGETHER, AND KNOW LITTLE ABOUT JURISDICTION, I HAD " INADVERTANTLY" LEFT IN THE WASTEBASKET IN THE HOTEL SOME PAPERS WHICH BORE THE HEADING OF THE CALIFORNIA STATE DEPARTMENT OF JUSTICE TOGETHER WITH MY NAME AND THE TITLE, COORDINATOR OF LAW ENFORCEMENT AGENCIES, THE JOB FROM WHICH I WAS RETIRED. CONSEQUENTLY ANYONE LOOKING THROUGH THE ROOM WOULD HAVE IDENTIFIED ME AS HAVING BEEN CONCERNED WITH LAW ENFORCEMENT, AND COMING A LONG WAY TO INTEREST MYSELF IN THIS MATTER. MY CONVERSATION AND QUESTIONS WERE ENOUGH \* I KNOW THAT ONE CAN RUIN THE REPUTATION OF THE MOST DEVOUT BISHOP BY ASKING A FEW QUESTIONS IN HIS HOME TOWN - NO ASSERTIONS, JUST ASKING QUESTIONS. I ALSO KNOW ALONG THE SAME LINE THAT BY ASKING A FEW QUESTIONS A CERTAIN AMOUNT OF FEAR CAN BE PRECIPITATED IN PEOPLE, AND I'D ASKED A LOT OF CALCULATED QUESTIONS SUCH AS, "WHO IS BEHIND THIS", and "WHO IS HEAD OF THE KU KLUX KLAN IN DUNCAN?" Of course, I was told that NO KLAN EXISTED, BUT I HOPED THAT THE PAPERS IN THE WASTEBASKET PLUS THE QUESTIONS MIGHT HAVE HAD SOMETHING TO DO IN THIS SMALL TOWN TO BRING OUT SOME FEAR OF DOING SOMETHING COMPLETELY UNLAWFUL AND IMPROPER.





I think it did, definitely. And I remember that last morning before the children actually got on the bus to go to school for the first day, that Mrs. Randolph was so nervous that not only did we telephone you but we also went to see Mr. Brubaker and that was when he assured us that he would drive the bus himself. We not only did those two things, we also paid a visit to Sheriff Tee; So we went to the court house and we saw Mr. Tee and I told Mr. Tee that the rumors were coming out of town which were very ugly, and I asked, "Do you feel able to keep these things from happening if anyone should make the attempt to carry them out?"

"Oh," he said, "I've just sent my deputy down there; they haven't heard anything this morning..." And I persisted, "I must have some assurance from you that Mrs. Randolph will be able to accept." She had stayed out in the car - "she or no other mother would willingly let her children walk into a trap."

"No", I said, "as you might know, Life Magazine - I threatened with Life Magazine - it is quite possible that this story might appear in one of the National magazines, Life, for example. And he began to pick up his ears. And I also told him ....

YOU'RE SORT OF SNEAKY TOO.

YES, I'M VERY SNEAKY, because I was so anxious that he do something - definitely - instead of just telling me. Because I had no confidence in him, you see ....

YOU WERE TRYING TO SAVE SOULS BY DEVIIOUS MEANS

The first part of the document discusses the importance of maintaining accurate records. It states that proper record-keeping is essential for the effective management of any organization. The text emphasizes the need for consistency and reliability in data collection and reporting. It also mentions the role of technology in streamlining these processes and reducing the risk of human error.

In the second section, the author explores various methods for data analysis. It highlights the significance of identifying trends and patterns within the data. The text suggests using statistical tools and software to facilitate this process. Additionally, it discusses the importance of interpreting the results in the context of the organization's goals and objectives. The author notes that a thorough understanding of the data can lead to more informed decision-making.

The final part of the document provides a summary of the key points discussed. It reiterates the importance of data accuracy and the effective use of analytical tools. The author concludes by encouraging organizations to invest in training and resources to ensure they are equipped to handle their data responsibly. The text ends with a call to action, urging readers to implement the strategies outlined in the document to improve their organizational performance.

Well, I realized it was devious; I've been quite conscious stricken at times ever since. I knew I had no connection with Life whatsoever, but .....

YOU WOULDN'T HAVE BEEN IF YOU HAD SEEN EARL RANDOLPH GRADUATE FROM COLLEGE .....

Uh huh ...

WITH POMP AND CIRCUMSTANCE.

I wish I had. However, the Sheriff did tell me that he would do everything in his power

YES

And just about that time the first call came through for Sheriff Tee from the Governor. It had been started before when I called you in Los Angeles. And I understand that that whole day, evening, and the following week the Sheriff was very unhappy. He didn't even dare go to sleep. And he was very, very much on the job, to make sure that nothing happened to those children.

And then began the schooling, actually, of the Randolph children in Duncan. And it is a very, very interesting thing that the almost immediate result was that they found, and we all found, - the town found out - that the children themselves had no prejudices to speak of in comparison to their parents. And after a couple of weeks had passed, during recess a basket ball rolled over near Earl's feet. And he instinctively - without thinking - picked it up and threw it into the basket before anyone could protest. And because he was a long way off and the shot was a difficult angular one - but it did make the basket - with children's instinctive respect for that kind of skill they



accepted him almost immediately. And he became .... that was his first athletic feat in Arizona, which was the first of hundreds and hundreds of such feats in the years ahead for him. And as you know he has been a 4 letter man, ~~xxx~~ outstanding in every sport...

WHERE IS HE NOW?

I imagine he is a coach in some school. But he has an excellent reputation and I guess he is the finest all-round athlete Arizona has ever produced. I shouldn't doubt that a bit. And he has played in many tournaments, and has always been very successful, and is very highly respected for his honesty and ....

DO YOU RECALL HOW LONG THE SEGREGATION OF STUDENTS THERE CONTINUED? DID THEY EVER LET THE RANDOLPHS IN WITH THE WHITE CHILDREN?

Well, in Duncan, no. But do you remember that the Randolph family, as a unit, moved out of Duncan the second year. They moved to Clifton where Earl had a job in a gas station after school. And Duncan was very sorry to see them go because as long as Earl....the family was living in Duncan...and going to school there, Earl was a member of their athletic teams. And they were unbeatable. But he took the first opportunity he could find to get out of Duncan. He moved to Clifton, and since Clifton is Duncan's traditional rival in all sports, he turned the tables just by moving away from Duncan, which lost every game afterwards.

THAT WAS THE RANDOLPH'S REVENGE. THE RANDOLPH'S REVENGE

The first part of the report deals with the general situation of the country. It is noted that the population is increasing rapidly, and that the government is making every effort to improve the living conditions of the people. The report also mentions the progress made in various fields, such as education, health, and industry.

In the second part, the author discusses the economic situation. It is pointed out that the country is facing a serious economic crisis, and that the government is taking measures to stabilize the economy. The report also mentions the progress made in various fields, such as education, health, and industry.

The third part of the report deals with the social situation. It is noted that the country is facing a serious social crisis, and that the government is taking measures to improve the living conditions of the people. The report also mentions the progress made in various fields, such as education, health, and industry.

In the fourth part, the author discusses the political situation. It is pointed out that the country is facing a serious political crisis, and that the government is taking measures to stabilize the political situation. The report also mentions the progress made in various fields, such as education, health, and industry.

The fifth part of the report deals with the international situation. It is noted that the country is facing a serious international crisis, and that the government is taking measures to improve the international relations. The report also mentions the progress made in various fields, such as education, health, and industry.

In the sixth part, the author discusses the future of the country. It is pointed out that the country is facing a serious future crisis, and that the government is taking measures to stabilize the future. The report also mentions the progress made in various fields, such as education, health, and industry.

The seventh part of the report deals with the conclusion. It is noted that the country is facing a serious conclusion crisis, and that the government is taking measures to improve the conclusion. The report also mentions the progress made in various fields, such as education, health, and industry.

In the eighth part, the author discusses the appendix. It is pointed out that the country is facing a serious appendix crisis, and that the government is taking measures to stabilize the appendix. The report also mentions the progress made in various fields, such as education, health, and industry.

WAS ACCEDING TO THE REQUEST, WITH A TWO YEARS DELAY, TO MOVE OUT....

So, when they moved to Clifton, they found no more segregation, because by that time the schools in Arizona were completely desegregated.

SOMEONE HAS SAID THAT ALL THE UNHAPPINESS THAT THE GREENLEE COUNTY AND THE COMMUNITY OF DUNCAN WENT THROUGH ON ACCOUNT OF THE RANDOLPHS, CONVINCED MANY PEOPLE IN ARIZONA THAT IT WAS UNWISE AND LEGALLY UNHEALTHY TO ATTEMPT TO EXPRESS THEIR PREJUDICES AND BIGOTRY BY FLOUTING THE LAW. AND SOMEONE HAS SAID THAT THE BEGINNING OF THE END OF SEGREGATION IN ARIZONA ..... ESSENTIALLY SEGREGATION IN ARIZONA WAS "WHIPPED" IN DUNCAN BY THE RANDOLPH FAMILY ENTRANCE TO THE SCHOOL.

Yes, I heard that - it's an interesting thing that the spring, following the fall that the Randolphs entered the Duncan school, Tucson completely desegregated and they integrated not only students, but teachers. So that the following fall - the fall of 1950, students and teachers were integrated in the entire City of Tucson. There was no single incident of rebellion or difficulty. The Superintendent of Schools in Tucson, who<sup>was</sup> ~~is~~ still there, still Superintendent of Schools in 1952 when returned from California to become residents of Arizona again, the Superintendent told us later on that the Duncan incident, as he referred to it, was responsible for the desegregation of Arizona. Which, incidentally, was completely desegregated before the 1954 Supreme Court decision. And, he said, "The people are so happy that they desegregated before they had to!" He said that they were proud of this fact!





Desegregation took place in the following order: Tucson was first, then Prescott, then Flagstaff, then Yuma, and then Phoenix. That took in all the big school districts. Everything else followed suit.

AS I SEE THIS.... TELL ME SOMETHING, YOUR HUSBAND, LEW, AT THAT TIME: HE HAD NO WORK?

No we lost our work .... He lost his work.

IF HE HAD had a JOB IT WOULD HAVE BEEN AN AXE OVER YOUR HEAD, WOULDN'T IT?

Yes...

THE FACT THAT HE DIDN'T HAVE A JOB AT THAT TIME PROVED TO BE AN ADVANTAGE IN YOUR CRUSADE? I MEAN, THERE WAS NO LEVERAGE THEY COULD USE WHICH WOULD HAVE BEEN EFFECTIVE TO CURTAIN YOUR ACTIVITY?

Well, strictly speaking, he didn't have a job. We never had a job in Duncan, because he was self-employed.

YES.

We were....

I WAS MAKING THE POINT. HE IS A MECHANIC. HE WAS INDEPENDENT ENOUGH SO THAT HE COULDN'T HAVE THE PRESSURE PUT ON EMPLOYMENT ...

Well, he didn't work as a mechanic, Bob. He worked as a farmer. We raised chickens, you know. And that particular year we were - we had no income - we were picking the cotton of someone whose field was so full of weeds that nobody else wanted to pick it. And we took turns - it lasted all winter - and it gave us an average of about \$3.00 a day. But we had been threatened too - being in the field by ourselves - that we might have been hurt



Somebody would go by and take a pot shot at us. But it never did actually happen.

IT SEEMS TO ME THAT THE SITUATION HERE WAS ONE OF A VERY LARGE, TYPICAL, AMERICAN, SOUTHWEST COMMUNITY FACED WITH A PROBLEM OF ETHICS OR PRINCIPLES AND THEY FAILED TO RISE TO MEET THE PROBLEM. ONE PERSON, NOT OPPULENT, SHALL I SAY?, IN RELATIVELY ... YOU WERE IN RELATIVELY POOR CIRCUMSTANCES...?

Yes.

AT THE TIME. YOU WERE PICKING SCRAP COTTON. YOU CAME TO THE FRONT, DEMANDING DECENTCY AND RIGHTS FOR THE CHILDREN. LEW, YOUR HUSBAND, ASSISTED YOU IN EVERY WAY HE COULD. BUT YOU, BETTY, SPEAR-HEADED THIS THING. THE BELLS, WITH WHOM YOU LIVED WERE ALSO RELATIVELY POOR, BUT THEY, TOO, WANTED TO SEE THIS MATTER OF JUSTICE CARRIED OUT.

I WAS CALLED IN TO SEE THAT YOU WEREN'T DOING ANYTHING TO ENDANGER YOURSELVES - I DIDN'T FIND THAT TO BE TRUE, BECAUSE YOU WERE IN VERY REAL DANGER - BUT IN MY INVESTIGATION I I CONCLUDED THAT YOUR ACTIONS WERE LAUDABLE, CONSISTENT WITH HIGH INTEGRITY, AND THAT WE MIGHT ALL WELL BE PROUD OF YOU AND WHAT WAS BEING DONE. WELL MY PART IN IT WAS RELATIVELY SIMPLE, OFFERING SOME SUGGESTIONS AND IDEAS, AND PROVIDING ANOTHER BESIDES UDALL WHO KNEW SOMETHING OF THE LEGAL AND TACTICAL MEANS TO EMPLOY.

STEWART UDALL PLAYED A BRILLIANT PART IN THIS CRUSADE AND SHOULD NEVER BE FORGOTTEN. THERE WERE A NUMBER OF OTHER ACTORS, BUT YOU WERE CERTAINLY THE "LEADING LADY" IN THE PLAY.

THE THING, TO ME, WHICH SEEMS TO COME OUT OF THIS WHOLE THING IS THIS: BRUBAKER BECAME, FINALLY, \*CAME TO REALIZE THE IMPORTANCE OF PRINCIPLE AND INTEGRITY. AND HE PLAYED UP TO HIS PART.



THE SHERIFF, WHEN PRESSURE OF PREJUDICE WAS COUNTERED BY BY A PRESSURE FOR LEGALITY AND DECENCY, HE ACTED IN HIS PROPER POSITION. AND GENERALLY, THE PEOPLE....THE SCHOOL BOARD AND THE PEOPLE OF DUNCAN FOUND THEMSELVES TO BE CONDUCTING THEMSELVES IN A WAY THEY COULD BE PROUD OF, AND PROBABLY ARE .... SOME OF THE PEOPLE ARE PROBABLY BRAGGING ABOUT WHAT THEY ULTIMATELY DID NOW \* THE FACT THAT THEY DID THIS. AND THE WHOLE THING TO ME: ONE PERSON WHO STANDS UP FOR A PRINCIPLE CAN NEVER KNOW THE EXTENT OR RAMIFICATIONS OF EFFECTS OF HIS ACTION. . THIS CERTAINLY HAD A SIGNIFICANT PART IN DESEGREGATING THE SCHOOLS OF ARIZONA. THERE'S NO QUESTION ABOUT THAT. AND SO ARIZONA CAN PRIDE ITSELF IN BEATING THE SUPREME COURT TO SCHOOL DESEGREGATION BY REASON OF THE ORIGINAL ACTION BEGUN BY YOU.

THERE IS A CONDEMNATORY RABBINICAL SAYING WHICH IS TRUE HERE IN REVERSE: "IT WAS WITHIN HIS POWER TO PROTEST, AND HE PROTESTED NOT."

Well, do you remember that after this was all over in Duncan that some woman who had taken no public part, or expressed any opinion - she was a sincere, Christian woman - And of course we haven't talked at all about the effect on my girls or the fact - you know, Frances suffered a great deal .... Alfreda, no, because she'll give anybody as good as they send, but Frances was very sensitive to the whole thing and was upset. But this particular woman, whose name I'm sorry I can't remember, because I think she was a very discerning person, said to me after it was all



over, she said, "You must think that Duncan is really and completely God forsaken." And I said, "I think nothing of the sort. In fact I feel just the opposite - that God must love Duncan very much to have given it this problem to solve." She said, "Do you really feel that way?" and I said again, "Yes, I really do." And that is what I remember ... it is a sort of....

HIGHLIGHT?

Highlight! Because she - I know she was very sincere in saying what she said. And I think that she understood what I meant when I told her that this was not a matter of condemning people for their prejudices or anything, but rather a testing ground, and actually, they didn't come out so badly, did they?

NO, THEY DIDN'T: NOR DID YOU!

-end-





## APPENDIX VII

Postlude: Correspondence Regarding Steve Powers,  
Bakersfield Police, and Racism. October, 1969.



Oct. 5, 1969

Cheetah,

Your letter was surprising and timely. I had to get my mind off recent happenings. And here they are in a most brief form:

My younger son, Steve, was on the police department - 2½ years - after having taught high school for 7 years. July 23 there was a minor disturbance at a teen-age dance conducted by the City recreation department, primarily for blacks. 15 police were assembled and moved in with indiscriminate clubbing. There had been some rocks and bottles thrown at the police before their moving into the crowd outside and the orderly crowd inside. There were 3 adult arrests and 2 juveniles. All, I believe, beaten up.

Steve was somewhat slow to react to the evil of it all, but when, about a week later, he was given to understand that he must make a false, cover-up report, and after the NAACP had begun to protest loudly with good newspaper and TV publicity, Steve turned in his badge and equipment after a tour of duty and wrote the Chief saying, "I can't support the police action or subsequent handling of the case." He got a teaching job over in Arizona. I got direct word from one of the ranking officers in the police department that Steve would be framed if he spoke out or testified. Time went on... as it sometimes does and last week -today's Sunday - the three adult blacks came to trial for "failure to disperse and resisting arrest" - the latter charge being necessary for the police to justify the obvious beaten condition of the young men.

NAACP contacted me for Steve's address. I gave 'em it. He couldn't be subpoenaed because he was out of the State. I called him explaining what he'd have to face if he chose to testify. But then the ACLU lawyer called him and Steve said he would come.

At trial: About 8 officers testified almost exactly the same saying they didn't "do nothing wrong" - etc., et., etc. Then the defense came on and Steve was their last witness, "telling it like it was." The police practically "fell off their chairs" and over-reacting, trailed Steve in the car of the head of NAACP to my house. He came in. Police were front and rear. I went out and asked what they were up to. One said, we're trying to get a subpoena and it's on its way we think. Just - well I don't know why - I was reacting, not planning. I had Steve get in my car and we drove around and around with car and motorcycle following. We were stopped. Car officer said I have orders from station to hold you (me) until the subpoena arrives. I replied, "I refuse to remain" and drove on at about 30 mph. Soon there was siren and red lights. Car pulled up behind me when I stopped and motorcycle blocked forward movement. I got out, "let me see your driver's license" - "I won't show it to you". "Am I under arrest?" Answer: "um...ah... well..." Can I leave? No. Then I must consider myself under arrest...." Soon thereafter car raced up with six in it including the prosecuting attorney and Steve was served with a subpoena to appear next morning again in court.

Defense attorneys had the subpoena quashed the next morning, it being clearly evident that the subpoena was merely harassment, to gain time to think what they "could do to Steve." But they over-reacted. The result was that whereas Steve had intended to return immediately to Tucson, he had an extra day for TV interview, and interview from LA times, S.F. Chronicle, Fresno Bee, and .... Well.



Steve became a hero to the blacks and the friends of blacks. The two defending attorneys from ~~KKK~~ said, "This has never happened before. An officer or even an ex-officer going against the police and telling the truth in ~~xxxxxx~~ such a case.

And Jackson, black attorney, in summing up, had trouble. He remarked, "Strange thing happened to me. I was closing with the reading of some of Steve's testimony and my throat got tight. And then tears started. This has never happened to me before...."

What else, Steve is the sensitive, scholarly type, and has had no clear opportunity to display especial courage. But in this situation he was utterly unafraid, and equally contemptuous of his former associates.

Oh yes, a white jury convicted all the kids - but the publicity made anyone who wanted to see made clear what had happened and damaged what reputation the police department had enjoyed.

My reaction? I understand the police position and what they did according to their lights...but I am absolutely ashamed of them, and especially their stupidity. I've been through all this before, and one feels contaminated through the contact although - as was in my case - it was vicarious. And I have, in early days, been a very dirty fighter when necessary, and thoughts keep erupting about what I could do .... but I also know, but have to keep reminding myself, that evil destroys itself - although sometimes it seems to take a hell of a long time.

But then, too, the only beauty I'm capable of fully appreciating is that of a human being when integrity surpasses self interest in acts. And I, too, know, that the kind of courage exemplified by Steve, does encourage others and gives hope to people who feel - for the moment - hopeless.

5/6

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for ensuring the integrity of the financial statements and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. It includes a detailed description of the sampling process and the statistical techniques employed to interpret the results.

3. The third part of the document provides a comprehensive overview of the findings. It highlights the key areas where discrepancies were identified and discusses the potential causes of these issues.

4. The final part of the document offers recommendations for improving the internal control system. It suggests several practical measures that can be implemented to reduce the risk of errors and to enhance the overall reliability of the financial reporting process.



# AN OPEN LETTER TO THE PEOPLE OF BAKERSFIELD

We, the undersigned, a group of concerned citizens in Bakersfield, register our strong disagreement with the decision of the Municipal Court jury in the cases of Julius B. Brooks, Terry Larkin and Wayne Johnson, rendered in Bakersfield on Friday evening, October 3, 1969. We feel that the young men were not guilty of the acts accused, and that the verdict was a grave miscarriage of justice.

These men were being tried for "resisting arrest" and "failure to disperse" on July 23, 1969 at the city-supported teen center dance on California Avenue.

Facts were presented to substantiate the defendants' stories of excessive police reaction used in their arrest. Pictures were produced to show the extent of physical abuse sustained by the men at the hands of some of the arresting officers. Swinging riot sticks make it extremely difficult for a man either to resist an arrest or to comply with an arrest. Testimony was given to show these young men did not commit the acts with which they were charged. All the evidence and testimony was to no avail. Words under oath were treated as nothing but lies. Facts were ignored and a verdict against the defendants was reached.

IT IS OUR BELIEF THAT THESE PERSONS WERE TRIED ON THE MERITS OF THEIR RACE RATHER THAN ON THE ACTS ALLEGEDLY COMMITTED BY THEM, AND THAT THE DECISION WAS SWAYED BY THE DESIRE TO JUSTIFY THE SEVERE ACTIONS OF THE POLICE SQUAD INVOLVED IN THE INCIDENT. WE ARE SHOCKED AND TROUBLED.

We are not interested in disrupting our community, but we are interested in justice for all our people. And we feel in this case that there has been a breach of justice. As one of the defense witnesses, Steve Powers, a former Bakersfield police officer, remarked: "Now I know how a black man feels. I can't even go to the police."

Will the citizens of Bakersfield continue to accept the dual administration of justice?

#### Signed:

Mr. and Mrs. Cloyd Anthony  
 Mr. and Mrs. Frederick Neilson  
 Mr. and Mrs. David Scott  
 Mrs. Edith Jackson  
 Ross P. McGuire  
 Mr. and Mrs. B. Rotner  
 Eunice Smith  
 Mr. and Mrs. John Spencer  
 Ernest and Caren Floyd  
 Sharon Jackson  
 Pickard S. Wayne  
 Norman Callaway  
 Ken Sroviil  
 Edward K. Ziegler  
 Robin Miller  
 Laura Endicott  
 Vera Fraser  
 Leila Greenberry  
 Cleo Suttan  
 Mr. and Mrs. Harford Warren  
 Bill Gruber Jr.

Ralph W. E. Anthony  
 Charles Siplin  
 Chloe and Duane Belcher  
 Mr. and Mrs. Willie Mills  
 Jessie Floyd  
 Mr. Paul Cato  
 Clif Garrett  
 David Willard  
 Ralph Krafvo  
 B. R. "Buzz" Caffee  
 Charles M. Schermerhorn  
 Dr. and Mrs. Robert Huntington Jr.  
 Earl Sanem  
 Fleming Atha  
 Kenneth Crogg  
 Stephen M. Lusk  
 Mr. and Mrs. James Glynn  
 Eddie Mae Mackey  
 Sharon Henry  
 James W. McCullough  
 Dobra Wood

Tomi Killian  
 Hildred Davis  
 Annie M. Green  
 Cyrille Duzen  
 Alfred G. Saunders  
 June Cyrus  
 R. Sraife  
 Donald Looby  
 Teri Atkinson  
 Betty Newman  
 Shirley Stevenson  
 Brenda Callahan  
 Jesse Bradford  
 Stanley Mackey  
 Elaine Lewis  
 Lawrence E. Jackson  
 Dr. and Mrs. David Hewes  
 Arnold Chamberlin  
 Arlene Steiner  
 Ward Fulcher





Fresno Bee, Sunday, October 12, 1969

# Ex-Police Chief Calls Bakersfield Backward, Racist

By Ron Taylor  
Fresno Bee staff writer

**BAKERSFIELD**—To former Bakersfield Police Chief Robert Powers, this city is "sociologically a backward, racist community." It is also a place, he says, where police can be used to harass private citizens.

Powers made these strong comments and observations five days after an incident in which police officers twice stopped his car, told him he was under arrest—for a traffic violation—and then failed to issue a citation.

All of this took place outside the city limits. Both police and the special prosecutor for the district attorney's office admit the police tactics were used to detain Power's son, Steve, who was riding with his father, until a subpoena could be issued ordering the son to appear in court as a witness.

Steve Powers is a former policeman who testified for three Negro youths found guilty of resisting arrest and failure to disperse. Steve Powers was on the police force in Bakersfield at the time the charges were made and testified he witnessed five fellow officers beating a Negro youth with riot sticks.

## Followed From Court

Following his testimony, Powers left the courtroom with Bakersfield NAACP President Ralph Anthony and they were followed by a motorcycle police unit and a patrol car. They drove to the senior Powers' home, outside the city limits, and the two police units "surrounded" the house.

What followed, according to the elder Powers, was "an obvious harassment." The father took the son out for a drive, the two police units followed.

"They stopped me, with the red light and a honk of the horn, and informed me I was to be detained until they could get a subpoena for my son. I asked if I was under arrest. They said no, so I drove off."

The police followed and again using red light and siren, pulled the senior Powers over a second time. He and his son and the police agree he was stopped twice. The second time the car was blocked front and back by the police vehicles.

"They asked me to show my driver's license. I refused. They wouldn't say I was under arrest until I insisted they answer the question. Finally they said I was under arrest for failing to stop for a red light," the senior Powers said.

They were held until three policemen, led by special prosecutor Gary T. Friedman, arrived and served a subpoena on Steve Powers. The next morning the judge quashed the subpoena without any opposition from Friedman.

## "Inexperience"

Friedman, when asked if he had a part in holding Powers for the subpoena issuance, admitted he had ordered the police to hold the senior Powers' car until he could race to the district attorney's office, get a subpoena and serve it. Friedman, citing his own youth and lack of experience as an excuse, said, he had made a mistake.

Friedman admitted he did not oppose the motion to quash the subpoena the next morning. He said he did not need to put Powers on the witness stand. He also admitted he followed the "chase" by police radio and ordered the senior Powers stopped the second time for failure to stop for a red light.

Friedman, while talking about the case, referred to Steve Powers as a "turncoat" and a "coward." When he served the

subpoena, Friedman was escorted by a Bakersfield city police captain and two sergeants; one of the sergeants had been in charge of the antiriot force which the younger Powers said beat the Negro youth.

Police Chief Jack Towle acknowledged his officers assisted Friedman in holding and detaining Powers until the subpoena was served. The chief said Steve Powers "scooted out of court like a sheep - killin' dog and we didn't want him to get away until the prosecution had a chance to decide if they had to recall him."

(In most court trials the judge does not excuse a witness unless both defense and prosecution lawyers agree the witness can be excused. This determination is made at the time the witness completes his testimony and has been cross examined.)

## Deputy Badges

Towle said his officers have deputy badges, which permit them to work legally beyond the city limits.

The senior Powers was police chief in Bakersfield from 1933 to 1945. He called the subpoena incident "stupid conduct. They were obviously over-reacting to what Steve had said, they had been caught off guard, and wanted time."

He said the action and the passion surrounding the trial of the Negro youths came as no surprise. He said "Bakersfield is a sociologically backward community, a racist community."

He pointed out the city school system has had segregation suits filed against it because of racial imbalance; he said the city has no race relations program, no race relation commission. He added, "the voters there turn down school bonds."

Powers left the Bakersfield police chief's job to take a state position in the California attorney general's office. He was appointed by former Gov. Earl Warren, and was a statewide law enforcement coordinator.

His specialty became race relations and he helped establish working relationships between police and Americans of Japanese descent returning from detention camps after World War II.

## Goes To Richmond

In 1946 he was called to Richmond to help the police in establishing workable relationship with Negroes and other minority groups. Powers said, "Prejudice is based on ignorance, always. Knowledge combats prejudice."

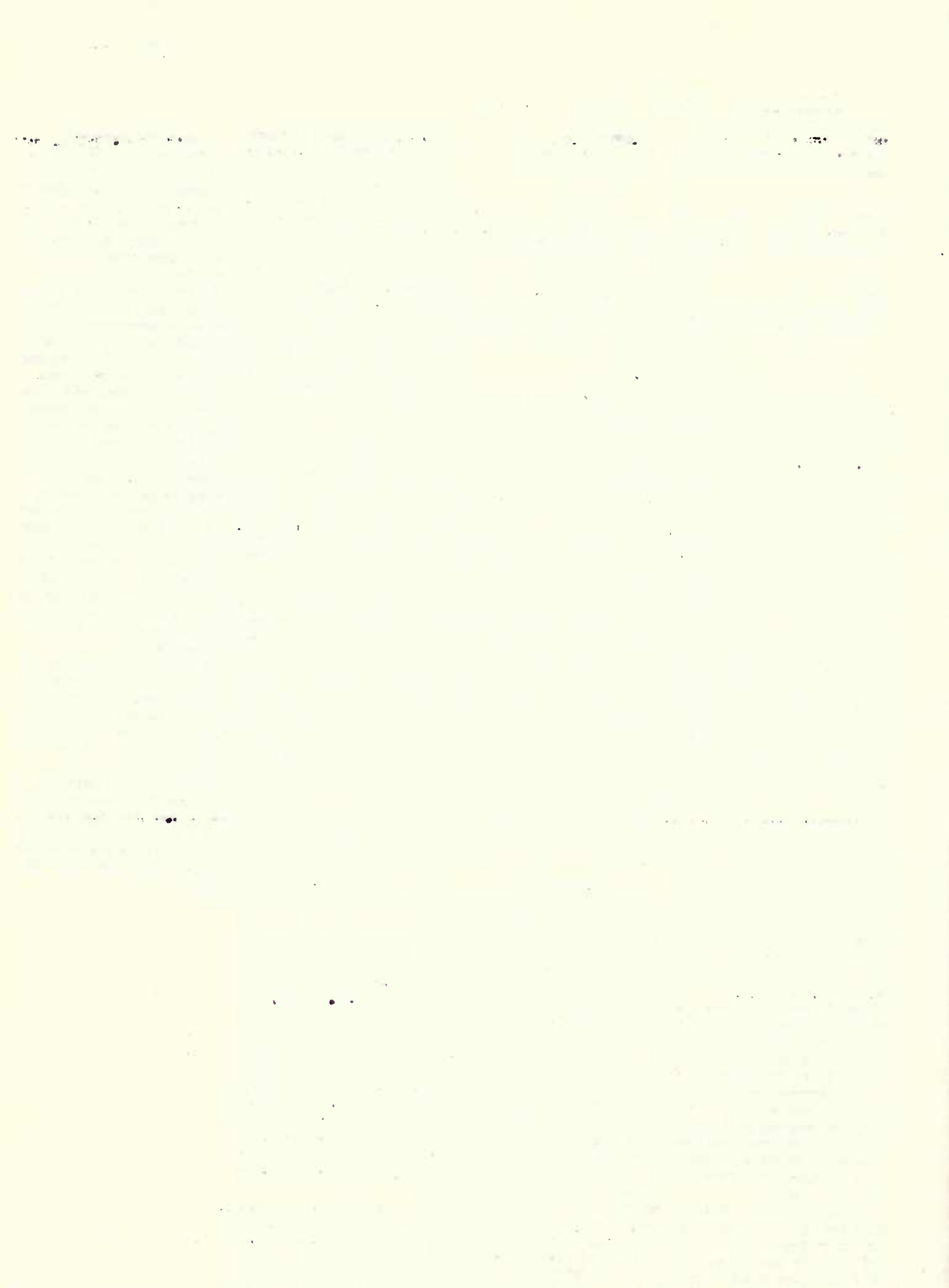
Powers is proudest of a race relations booklet he co-authored for police departments. In the late 1940s and until his retirement, he continued writing and selling articles to magazines.

He believes that police departments and city governments can establish working relationship with racial minorities in ghetto areas. But this he emphasizes, must be done through knowledge and understanding.

He feels Negroes and persons of Mexican descent must understand police problems and the police must understand the problems of the minorities. Education and confrontation (in group meetings) through race relations councils or committees are vital, he feels.

To eradicate bigotry and prejudice, he says, the white man—whether city official or policeman or private citizen—and the Negro must meet and talk and learn each other's problems and positions.

Power says Bakersfield is backward because—while there are a few individual efforts—there are no official, citywide commissions or committees or groups undertaking such education.





# Dance Hall Incident

## Still Has Repercussions

Last Friday night about 70 Bakersfield citizens, blacks and whites, middle and upper class, gathered at the Hill House to from a local chapter of the American Civil Liberties Union, organization which has been dormant in Bakersfield for six years.

Formation of the chapter with Bakersfield College professor Clyde Verhaine as president, can be attributed directly to the July 23 incident at a city-sponsored dance on East California Avenue and the testimony of ex-police officer Steve Powers at a subsequent trial.

The incident at the Fraternal Hall in which 15 police officers confronted about 200 Negro teenagers outside the building has become a "cause celebre," sparking controversy and creating further tensions between blacks and the police department.

Three youths were subsequently charged and convicted of various offenses arising out of the confrontation, a development that heightened further the split between the police department and various black leaders.

Julius B. Brooks, 19, of Fresno and Wayne Johnson, 19, were both convicted of resisting arrest and failure to disperse by the all-white jury, while Terry Larkin, a chaperon at the dance, was convicted of resisting arrest.

Obscenities and beer bottles were hurled during the disturbance after a youth was arrested for being drunk, several youths were injured and some police cars damaged by flying objects. Seven persons in all were arrested.

But it was the testimony of Powers, a soft-spoken, self-described liberal, which prompted many persons to question the story handed out by police officials about exactly what went on outside the hall.

His testimony at the trial of the three youths that police beat several youths indiscriminately, contradicted that of nine other officers involved in the confrontation.

But as far as Powers could tell none of the other officers would ever tell the true facts, a situation which prompted him to resign from the force on Aug. 3 after 2½ years of service.

Powers, who was one of 15 officers dispatched to the teenage dance disturbance, resigned because he could, in his words, "no longer support the police department in its actions at the teenage dance July 23 and the subsequent handling of the matter."

In his testimony, the ex-police officer said he saw five officers beating one youth after the 15-man detachment charged the teenagers, scattering them along East California Avenue. There were several indiscriminate beatings administered, Powers testified, but he could not name any of the officers involved.

When he began dictating his report of the incident, Powers said in an interview, he recounted the beatings, but was surprised when a secretary told him none of the other officers was writing the same kind of report.

"Most of the other reports indicated some kind of provocation for the beatings," he said, "and right away I realized there were lies in the reports."

Powers was no ordinary policeman. Before joining the police force he earned a master's degree from Duke University and taught school for seven years. His father, Robert Powers, now retired, was Bakersfield chief of police from 1933 to 1946.

After talking to a secretary and noting the differences between his report and those of the other officers, Powers said he decided to write a report full of generalities and vague recollections. After that was turned in, he pointed out, it was returned with the notation, "Justify all actions and explain all actions taken."

He never finished the report, verbally resigning Aug. 3 and writing a letter of resignation on Aug. 4 to Police Chief Jack Towle.

"I knew if I wrote a true report I would be harassed and fired. I knew it would be the end of my job. So I decided to quit suddenly and then write a letter of resignation."

After he quit Powers said an officer called him and asked for a full report of the incident, which he refused to give because "I know the police chief really knows what happened."

"Then I heard from friends in the department that the chief of police (Towle) had called the officers into his office and told them how they should write their reports. One of the things they were supposed to say was 'I hit so and so over the head and he fell down on the sidewalk, losing his teeth.'"

Powers, who now lives in Arizona and teaches school, says he is no civil rights type. "I didn't come here (to testify) for the NAACP or any other group," he said. "I believe the truth should be known, and not because of black or white people involved. This was one time where I knew the truth and I think people should know it. I really believe inside this is for mankind. There may be no visible evidence that it did any good, but I'm glad I did it (testified)."

Powers said he came here at the urging of an attorney involved in trial of the three youths. He was paid \$121.80 for his plane fare from Tucson, but lost \$60 pay for two days' teaching and was not reimbursed for that by anyone.

Not surprisingly, Powers was not greeted with warmth and charity by police officers when he testified at the trial Oct. 2. After he testified he and his father decided to go for a ride. When they went outside the elder Powers' home they found two police vehicles waiting for them.

As father and son drove off, the two vehicles followed them, finally stopping the senior Powers, in county territory, after they had driven only about three blocks.

The officer who stopped the car ordered the former police chief and his son to remain there while a special prosecutor, who headed the prosecution's case, arrived to serve Steve with a subpoena, one which was quashed the next day by Judge Walter Condev.



"Dance Hall Incident Still Has Repercussions" (con't)

Robert Powers, who knew something about law, told the officer he had no right to hold him and sped off. Five blocks down the street a motorcycle fronted Powers' auto and the other officer pulled up behind him, the officer again ordering him to stay put until the subpoena arrived.

Finally a police car with special prosecutor Gary T. Friedman, Capt. James Ware, Sgt. Harold Benfield, and Sgt. James Cash, arrived and Friedman served the subpoena.

To Robert Powers, the dance-hall incident has been mishandled and has served only to further divide the community. The ex-police chief who is an expert in race relations, is particularly proud of his work with former Gov. Earl Warren and former state attorney General Robert Kenney following World War II.

Powers authored several booklets on race relations prior to 1950, working with police departments throughout the state to head off potential trouble.

It is his belief that the important thing that must be done among policemen is not "improving skills, but improving attitudes."

"What we need here is one thing — developing good communications between city government and blacks which we do not have now, nor do we have mutual confidence. It can be done and it has been done," he said.

"I believe in absolute equality before the law—and I firmly believe and have proved experimentally that law enforcement officers can live with and gain the confidence of blacks. I know it can be done. I am only interested in developing unified communities and alleviating prejudice.

He said each side must understand one another's problems and the only way to do that is get everyone involved in a room and have them talk over the varying viewpoints. Problems "can be talked out rather than fought out in the street," he said.

Powers who is 69, said if things don't change "we're going to have one helluva mess." Moreover, it is his view that when complaints were made about police conduct at the Fraternal Hall, Police Chief Towie should have appointed a board of officers to hear the charges. "This is routine procedure," he said, but it was never done.

The only formal investigation of the incident was conducted by the Kern County Grand Jury which issued a three paragraph statement saying only that no felonies were committed. The grand jury took two days of secret testimony on the matter, but as one member said, "we didn't want to get involved in politics." The report was viewed by black leaders as a "cop-out" and a "whitewash."

The grand jury member, who asked not to be identified, said the touchy issue ended up being compromised by two opposing factions. One side, he said, wanted to commend the police for their actions at the hall, while the other side wanted to condemn both the police and the teenagers who participated in the fracas. In the end nothing was said about either side, other than that no laws were broken.

Moreover, the grand jury member said it was his feeling that the city should have handled the matter instead of passing the buck and turning it over to the jury. The city council voted to have the jury investigate the matter when complaints about police conduct were brought before it.

Black leaders, among them NAACP president Ralph Anthony, wondered aloud why District Attorney Kit Nelson had to appoint a special prosecutor at public expense to prosecute the three convicted youths.

Nelson said his 17-man staff was "busy" during the four-day trial and that Friedman had been involved in the case when he worked in the DA's office earlier in the year.

The refounding of the ACLU chapter is further evidence that concerned citizens plan to keep a close check on the activities of both local school districts and the police department.

A police complaint center and student rights center, staffed by Bakersfield residents, will be swinging into operation soon. The chapter has broadly based support from blacks, college professors, and some prominent farmers and businessmen.

As one ACLU spokesman put it, "This is a last ditch effort to see if the 'system' will work."





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Amelia R. Fry

Graduated from the University of Oklahoma in 1947 with a B.A. in psychology, wrote for campus magazine; Master of Arts in educational psychology from the University of Illinois in 1952, with heavy minors in English for both degrees.

Taught freshman English at the University of Illinois 1947-48, and Hiram College (Ohio) 1954-55. Also taught English as a foreign language in Chicago 1950-53.

Writes feature articles for various newspapers, was reporter for a suburban daily 1966-67. Writes professional articles for journals and historical magazines.

Joined the staff of Regional Oral History Office in February, 1959.

Conducted interview series on the history of conservation and forestry history; then public administration and politics.

Director - Earl Warren Oral History Project

Secretary - Oral History Association

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