

COMMUNICATION TO THE UNITED NATIONS

COMMISSION ON HUMAN RIGHTS and
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

HUMAN RIGHTS VIOLATIONS BY THE POLICE
AGAINST BLACKS IN THE U.S.A.

Submitted by

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HUMAN RIGHTS VIOLATIONS BY THE POLICE
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I. Statement of Purpose

The purpose of this communication is to continue to inform the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the growing pattern and practice of police use of deadly force against innocent Blacks. Since our last report¹ more innocent and unarmed Blacks have been killed. Furthermore, the government has openly advocated policies which weaken affirmative action programs designed to increase the number of minorities on police forces in various cities.² The government has also removed Blacks from the U.S. Commission on Civil Rights, which is charged with investigating allegations of human rights violations.³ The removals followed a series of reports by the Commission which found that the U.S. government does not provide adequate remedies for Blacks unjustly attacked by policemen.⁴

The U. S. government has chosen to ignore the well-documented pattern and practice of police use of deadly force against Blacks which is traceable to slavery.⁵ The government maintains that the innocent Blacks were killed by "mistake or error in judgment."⁶ Using this rationale, the U.S. government characterizes these human rights violations as isolated incidences where psychologically flawed officers have carried out insane acts.⁷

Despite the government's position, Black newspapers across the country continued to carry accounts of policemen killing innocent and unarmed Blacks.⁸ Furthermore, these killings were happening at a time when Blacks were again

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being lynched in the South and the Ku Klux Klan was openly recruiting all across the country.⁹ Riots again erupted in Miami after another Black youth was killed by a policeman with a record of violating the rights of Blacks.¹⁰ This climate of increased tension between Blacks and police officers across the country and the many unresolved murders slowly grinding through the U.S. judicial system refute government claims that the domestic remedy is adequate.

It is also clear that the pattern and practice of police use of deadly force against Blacks does exist despite government denials. Incidents of human rights violations which were reported to the United Nations in 1951 are indistinguishable from those which have occurred since the beginning of the 1980s.¹¹

This communication provides further evidence of the consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms of Blacks in the United States.

The racially selective and repressive use of deadly force by the police in the various states and by the federal government inculcates the entire criminal justice system. The United States is flagrantly violating basic human rights and fundamental freedoms of Blacks and other minorities, by giving inadequate time and resources to the problem of police crimes. The United States is openly violating its own laws and the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights. It is because of these violations which are indefensible on both moral and legal grounds that petitioner presents this communication on behalf of Black victims of police crimes. The individuals named in this communication are representative of a class of persons too numerous to include in this brief document. Petitioner seeks the assistance of the Commission

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on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities and prays that they will review this communication and pave the way for responsible measures to prevent the slaughter of Blacks and other minorities in the United States. We will continue to report to this Sub-Commission on an annual basis until these violations cease.

II. Jurisdiction

Jurisdiction to review this petition is conferred upon the U.N. Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities pursuant to Resolution 728F (XXVIII) of the Economic and Social Council (hereinafter referred to as ECOSOC) of 30 July 1959, providing for the receipt and distribution of communications by the Secretary-General which deal with the principles involved in the promotion of universal respect for, and observance of, human rights; by ECOSOC Resolution 1503 XLVIII of the 27 May 1970 authorizing the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider communications which reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms and to refer them to the Commission on Human Rights for consideration; and by Resolution 1 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (13 August 1971), delineating the appropriate procedures for admissibility of communications received pursuant to the aforementioned Resolutions.

These Resolutions in conjunction with the Charter of the United Nations vest the power to investigate and define the policy and standards by which evidence of human rights violations in any country should be analyzed by the Commission on Human Rights.

III. Standing

Petitioner, the Black American Law Student Association (BALSA), University of Minnesota Chapter, presents this communication on behalf of victims of police crimes and those who live in fear of police violence, before the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities for consideration in its capacity as a nongovernmental organization. The purposes of the Black American Law Student Association, University of Minnesota Chapter, are inter alia, to influence the legal community to bring about meaningful changes to meet the needs of the Black community, and to do all other things necessary and lawful to accomplish these purposes. The petitioner has direct and reliable knowledge which enable it to present clear evidence of the violations of the United States in support of this communication.

IV. Statement of the Case

Even a cursory examination of recent headlines of Black newspapers reveals a pattern of racist violence against Blacks by white policemen. Consider the following headlines:

"MIAMI POLICE OFFICER INDICTED FOR SHOOTING THAT LED TO RIOT"

Afro-American, February 26, 1983

"CLEVELAND COMM. REPORTS ON SHOOTING OF BLACK MAN BY POLICEMAN"

Cleveland Post, February 24, 1983

"NAACP COUNSEL ACCUSES GREENSVILLE, TEXAS POLICE OF BIAS"

Afro-American, February 26, 1983

"C.O.R.E. LEADS MEMPHIS MARCH OVER POLICE KILLING SECT MEMBERS"

Amsterdam News, January 29, 1983

"DETROIT POLICE BRUTALITY TRIAL WITNESS SAYS HE'S BEEN HARASSED"

Michigan Sentinal, March 24, 1983

The scope of the problem of police crimes was revealed in testimony before the House Judiciary Subcommittee on Crime. Reports were given on police crimes in Texas, California, Illinois, North Carolina, and New York. The Honorable John Conyers, Chair of the House Judiciary Subcommittee on Crime, described the problem in the following manner:

On top of the economic inequality, there lies the unequal justice. When a Black man shoots a police officer, he is quickly arrested, tried, convicted, and sentenced to life or death. When a white policeman shoots an innocent young Black, it is called justifiable homicide; the most visible symbol of the oppression of the criminal justice system is back on the streets the next day. This leads to anger. The anger is fueled by a sustained pattern of harassment, beatings, and demeaning acts by the police. Police violence is a crime. . .¹²

The following summaries reflect the national scope of the problem and the disregard for human rights shown by those in a position to change this situation.

STATON, CALIFORNIA¹³

In March, 1983, Patrick Andrew Mason, a 5-year-old Black child was killed by a white policeman, Anthony Sperl. Sperl was called to Mason's home at 8101 Cerritos Avenue to investigate the whereabouts of the child after reports reached the Staton police that the child had been missing from school and had not been seen in several days. Upon reaching the Mason residence the officer claims that he thought he was being set up since the neighborhood is "racially mixed and known to be anti-police." Sperl entered the Mason home and came upon the bedroom where the child had been locked inside by his mother for safekeeping since she

could not afford daycare and had to work. She had locked the child in the room by securing the outside knob with a rope, making it impossible for someone inside the room to get out and attack officer Sperl as he feared. Rather than calling for a back-up unit in case he was really being set up, Sperl unlocked the door and went into the room with his gun drawn. Patrick Mason was on the floor with the light out, playing with a toy gun in front of the television. Sperl shot the child once in the neck, killing him.

Sperl was suspended with pay and the Staton police considered bringing charges against the mother of Patrick Mason for neglect.

HARLEM, NEW YORK, NEW YORK¹⁴

On January 9, 1983, Henry Woodley, a 23-year-old Black man, was walking down the street with his sister when they were attacked by a gang of youths. Woodley's sister Gwendolyn ran to the housing project's police office for help. After she insisted that the matter was serious, Sgt. Gary Commer, an off-duty police officer, accompanied her to the scene. Gwendolyn said, "My brother was staggering from the attack and started running toward the precinct. The attackers had already gotten away but that's when he (Sgt. Commer) went paranoid and started shooting without ever identifying himself as an officer. I turned around and pushed him and shouted: 'You shot the wrong one.'" Sgt. Commer ignored her and walked over and shot him twice again in the heart. Shortly after the shooting Housing Police Chief Hamilton Robinson and several detectives denied that there was any evidence of misconduct. Woodley's sister said that assistant Manhattan district attorney distorted her entire account of the incident.

PHILADELPHIA, PENNSYLVANIA¹⁵

In August 1980, William Howard Green, age 17, was shot and killed while being pistol whipped by a white, 14-year veteran of the Philadelphia police force. In the recent federal suit U.S. v. City of Philadelphia, filed in 1979, the Federal Justice Department demonstrated that the Philadelphia police department had encouraged a consistent pattern and practice of police abuse of minorities and shielding officers from investigation and prosecution. The suit was later dismissed on procedural grounds.

LOUISVILLE, KENTUCKY¹⁶

In November, 1980, Mr. Emmanuel Ballard, a 66-year-old Black man, was shot and killed by an off-duty policeman. Mr. Ballard had been to the drug store where the officer was moonlighting as a security guard. Claiming that Mr. Ballard had stolen some aspirin, the officer shot and killed the unarmed senior citizen.

In June, 1979, Fred Harris was falsely arrested on charges of which he was later completely cleared. The arresting officer, Mr. Whittaker, attacked Harris with a flashlight. When Harris brought up his knee to protect his genitals the flashlight broke. Whittaker then stabbed Harris in the eye with the broken end, cutting his eye in half. Despite the fact that Harris' civil suit against the police department resulted in a substantial settlement in his favor, and although Whittaker is known to have been involved in other flashlight assaults, the officer remains in the police force, paid out of funds to which Mr. Harris has to contribute.

ALGIERS, NEW ORLEANS, LOUISIANA¹⁷

The New Orleans Police Department has murdered more than five Blacks in cold blood since September 1980. The first to die was Lawrence Lewis. Lewis was

beaten in the head and shot in front of witnesses after having been arrested on the street. A grand jury acquitted police officers of crime. On November 8, 1980, a white police officer was killed, leading to a community-wide rampage by a squad of 20-30 officers who attacked and beat youths all over Algiers in an attempt to intimidate them into giving evidence about the killing. On November 11, 1980, Raymond Ferdinand was stopped in this way, while carrying a bag containing a knife and illicit drugs. He was killed on the spot. Finally after two so-called witnesses were tortured and forced to sign false statements implicating men they did not know, police surrounded the houses of James Billy, Reginald Miles and Sherry Singleton. Without warning or orders to come out the police stormed both houses, killing everyone except Singleton's four-year-old child, who saw the massacre. The local police chief was forced to resign, but stated that the raids were necessary to prevent police morale from being destroyed. Several of the police involved in the torture and beatings have been convicted of using torture to obtain false statements. Despite these convictions no charges have been brought by the government against the officers for the subsequent murders based on warrants illegally obtained.

V. Summary and Prayer for Relief

It is the position of petitioner that these incidents of police use of deadly force suggest that the rights and lives of Blacks are being forfeited without the minimum procedural guarantees under the U.S. Constitution. These incidents also show that the response of the criminal justice system is inadequate.

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For these reasons we submit this communication pursuant to Resolution I (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which provides that the exhaustion of domestic remedies is not necessary when "it appears that such remedies would be ineffective or unreasonably prolonged."

Petitioner respectfully prays for the following relief:

1. That the Sub-Commission on Prevention of Discrimination and Protection of Minorities refer this communication to the Commission on Human Rights for consideration and investigation of the consistent pattern of gross violations of human rights and fundamental freedoms;
2. That an ad hoc committee of the Commission on Human Rights investigate these allegations of human rights violations and prepare a written report of its findings and that appropriate recommendations be made to the Economic and Social Council pursuant to Resolution 1503 (XLVIII);
3. That the Commission on Human Rights circulate this petition to all members of the United Nations in order to bring international attention to the problem of police killings of Blacks in the United States;
4. That the Commission grant further relief as may be deemed necessary and appropriate.

Respectfully submitted,

June 29, 1983

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Association, University of
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VI. Notes

¹Human Rights Violations by the Police Against Blacks in the U.S.A. Submitted by A. Ray McCoy of the Black American Law School Association, University of Minnesota Chapter (June 10, 1982). See also U.N. Secretariat Note No. G/SO 215/1 U.S.A. (41) July 7, 1982.

²For example, in January the Reagan Administration challenged the affirmative action program of the New Orleans Police Department in court. The President asked the court to invalidate the program because he felt it discriminated against whites. In 1981 the Justice Department reported it had received more brutality complaints about New Orleans police than from any other city in the United States. In the same year New Orleans police officers shot nine Blacks in incidents involving excessive use of deadly force. Before the New Orleans affirmative action plan took effect in December 1982, Blacks held only seven supervisory posts out of 283 in the police department of a city that is 55 percent Black. Combined with another part of the affirmative action agreement, 44 supervisory slots will be available to Blacks, bringing the supervisory ranks to 50 percent Black. Nearly three-fourths of the police opposed the agreement. "If this thing [the affirmative action plan] is finalized, you're going to see a mass exodus of whites from the department." Minneapolis Tribune, Sunday, April 10, 1983 (p. 20A).

³National Public Radio, All Things Considered, May 29, 1983. The 1957 law that created the Commission says, "All Federal agencies shall cooperate with the commission. . . ." The U.S. Commission on Civil Rights says that the White House and Federal agencies have impeded its work by withholding documents.

⁴After obtaining detailed documents last year the rights commission issued a report questioning the Administration's commitment to civil rights. The report concluded that Mr. Reagan's budget for the fiscal year 1983 was "a new low point in a disturbing trend of declining support for the civil rights enforcement." The New York Times, Sunday, March 20, 1983.

The Civil Rights Commission has directly challenged the truth of the Administration's statements on civil rights, contradicting the rosey picture painted by the U.S. State Department before this Sub-Commission in 1981. See Response of the Government of the United States of America to UN Secretariat Note G/SO 215/1 (23) Dated July 1, 1981, Transmitting a Communication, From Professor David Weissbrodt and Theophous Reagans, President, The Black American Law Student Association, University of Minnesota Law School Chapter, as well as a Communication titled, "Human Rights Violations of Black People In The United States, Submitted by Mr. Reagans. Among other things, the U.S. State Department's response said: "The Government of the United States wishes to emphasize that it is committed to strict enforcement of those statutes which seek to promote equal employment opportunity for all minorities in the United States." p. 11.

⁵Mary Francis Berry, Black Resistance/White Law, Appleton-Century Crofts, New York (1971) p. 92. Mary Berry, a Black woman, was removed from her post as commissioner on the U.S. Commission on Civil Rights by the Reagan Administration.

⁶See, Response of the Government of the United States to U.N. Secretariat Note No. G/SO 215/1 U.S.A. (41), Dated July 7, 1982, pp. 2, 3.

⁷Ibid.

⁸See Section IV of this petition.

⁹Congressman Parren J. Mitchell has called upon the Justice Department to increase its anti-KKK and anti-Nazi enforcement activities. The call follows hearings conducted in Baltimore on April 25, 1982. Subsequent research revealed that the Justice Department has been reluctant to pursue prosecutions authorized under Title 18 of the Civil Rights Act of 1968. Mitchell said that "It now appears that the strength of these organizations is as great as it has ever been in traditional Southern strongholds. More ominously, many areas of the Northeast and Midwest have begun to display covert repressive behavior tendencies towards certain groups." Report to the People, Congressional Black Caucus, Vol. 10, No. 3, Winter 1982.

¹⁰Afro-American, February 26, 1983, Section 3, Column 4.

¹¹See, We Charge Genocide: The Crime of the Government Against the People, William L. Patterson (filed with the United Nations in 1951).

¹²Police Violence and Riots by John Conyers, Jr., Black Scholar January-February 1981, pp. 2-5.

¹³Los Angeles Sentinel, March 10, 1983.

¹⁴New York Amsterdam News, January 29, 1983.

¹⁵Washington Post, August 25, 1981, Section A, U.S. v. City of Philadelphia, 482 F. Supp. 1248 (E.D. Pa. 1979).

¹⁶National People's Hearing and Inquiry into Police Crimes in the United States, January 23-24, 1981. Expert testimony at this hearing revealed that throughout the United States minorities form a disproportionate number of those arrested, charged and imprisoned and those in prison serve longer sentences than the majority. Until 1976, although minorities form 20% of the population, only 4% of the Justice Department employees were minorities. Still today, there are 28 cities in the United States, employing a total of 80,000 police officers, but with only 9% of those employees from the minority communities.

¹⁷Ibid. See also Afro-American March, 26, 1983, Section 1, Column 3.