"The Killer Behind the Badge": Race and Police Homicide In New Orleans, 1925–1945

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At 5:45 p.m. on Thursday, June 17, 1943, New Orleans police patrolman John Licali fatally shot 29-year-old Felton Robinson, an unemployed presser. A few minutes earlier, a neighbor had heard a disturbance in the backyard of Robinson's Loyola Street home and had alerted the Twelfth Precinct police station, which dispatched officers Licali and Emile Eskine to investigate. When they arrived, however, they found no signs of disorder. The policemen asked "was there any trouble," and Robinson answered "no" and invited the officers to come to the back of the small house and "see my wife." Veola Robinson, who was casually ironing clothes, explained that she and her husband (both of whom were African-American) had argued a short time earlier about purchasing an automobile. Felton Robinson, the woman added, suffered from "spells" and the effects of a "nervous breakdown," and he had been "cursing and getting boisterous," prompting the neighbor to summon the police. But the argument had quickly subsided. Licali and Eskine found Robinson to be quiet and peaceful, and the officers, persuaded that the minor domestic quarrel had ended, left the house. As Eskine entered the patrol car, Licali, a few steps behind his partner, turned to Robinson and admonished him "to keep quiet [because] if he talked loud again some of the neighbors might think he is fighting with his wife and call the police again, and they would have to come back again." Then, according to the officers' report, "without provocation Felton Robinson suddenly attacked Patrolman John Licali,"

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Law and History Review May 2012, Vol. 30, No. 2

doi:10.1017/S0738248011000927

grabbing the policeman's right arm, dragging him back into the house, hurling him to the floor, and throwing a glass bowl at him. When Robinson "went to the dresser and opened a drawer," Licali believed that the violent, deranged man was securing a weapon, and the policeman drew his .38 caliber service revolver and fired three shots. In his report, Licali explained that he "was forced to shoot Felton Robinson in defense of his own life."[1]

Veola Robinson provided a local journalist with a similar version of her husband's fatal encounter with Licali. She acknowledged that Felton Robinson had been "in a boisterous condition due to an attack of mental illness." During their argument, her husband had indeed "been rather noisy and made derogatory statements to her in a loud tone of voice," although he was calm by the time the officers arrived. Veola Robinson's account of the incident, however, also included details of the conversation that had preceded the deadly fight. As Licali was leaving the house, she reported, the patrolman "stopped on the porch and in a harsh and uncouth manner told Robinson 'Don't you have us come back here for you, boy.'" Angered at the tone, and probably the language, Robinson barked that he would "do as he pleased." Refusing to abide such defiance, Licali "opened the screen door and re-entered the home," and the patrolman advanced toward Robinson. The two men then began "tussling." Eskine, hearing the scuffle, "stepped up on the porch and called to Licali 'to shoot that n—r.'" When Licali drew his revolver, Veola Robinson "begged him to spare her husband as he was mentally ill and was not responsible for his actions." Licali ignored her plea and fired a shot at Robinson, which penetrated his right upper jaw. Robinson crumbled to the floor, groaning and "helpless," according to his wife. Back on his feet, Licali fired two more shots, hitting the badly injured man on the right side of the abdomen and in the left thigh.[2] The officers summoned an ambulance and had Robinson conveyed to the Charity Hospital, where he died 8 days later. Assistant District Attorney Archie Wagner immediately investigated the incident, and on June 18, 1943, the day after the shooting, District Attorney J. Bernard Cooke ruled it a "justifiable shooting by police officer in performance of duty protecting his own life."[3]

Dozens of similar police homicides occurred in New Orleans during the early twentieth century, cementing local law enforcers' reputation for

1. "Report of Homicide of Felton Robinson," June 17, 1943, Department of [New Orleans] Police, Homicide Reports, New Orleans Police Department, Louisiana Division, City Archives, New Orleans Public Library [hereafter cited as "Homicide Reports"].

2. "Mentally Sick Man Shot by Cop," *Louisiana Weekly*, June 26, 1943, 1, 6; "Report of Homicide of Felton Robinson," June 17, 1943, Homicide Reports.

3. "Report of Homicide of Felton Robinson," June 17, 1943, Homicide Reports.

violence.[4] Again and again, New Orleans policemen responded to disturbances or reports of criminal activity, felt themselves to be in danger, and employed deadly force in the "performance of their duty." All of the victims were shot; most were African-American and were shot while assaulting a police officer; and many were unarmed. New Orleans police chiefs zealously supported their patrolmen, and Orleans Parish district attorneys consistently ruled that such killings were justified.

The sustained, routine nature of police homicide shaped law enforcement in early twentieth-century New Orleans, but this violence also helped to define race relations in the city, as policemen saw themselves as defenders of social stability and guardians of the racial hierarchy that undergirded it. Both supporters and critics of white supremacy viewed police homicide of African-American residents as a tool to preserve the city's racial order; white newspapers endorsed the use of rough justice against African-American residents, whereas African-American journals decried police violence.[5] For example, in 1942, Constant Charles Dejoie, the editor of the city's leading African-American newspaper, the *Louisiana Weekly*, explained that local law enforcers "have been taught, by custom and tradition, that the club and the gun are symbols of authority. The law gave them these symbols of authority and told them to 'keep order' which was another way of saying 'maintain suppression.'"[6]

4. *New Orleans Times-Picayune*, March 6, 1939. For late twentieth-century comparisons, see Gerald D. Robin, "Justifiable Homicide by Police Officers," *Journal of Criminal Law, Criminology, and Police Science* 54 (1963): 229; Lawrence W. Sherman, "Execution Without Trial: Police Homicide and the Constitution," *Vanderbilt Law Review* 71 (1980), 71; Jerome H. Skolnick and James J. Fyfe, *Above the Law: Police and the Excessive Use of Force* (New York: Free Press, 1993), 41; Nicholas John DeRoma, "Justifiable Use of Deadly Force By The Police: A Statutory Survey," *William and Mary Law Review* 12 (1970): 68; Jodi M. Brown and Patrick A. Langan, "Policing and Homicide, 1976-98: Justifiable Homicide by Police, Police Officers Murdered by Felons," (Report of the U.S. Department of Justice, Bureau of Justice Statistics, 2001); *Tennessee v. Garner et al.*, 471 U.S. 1 (Washington, DC, 1985); James F. Fyfe, "Blind Justice: Police Shootings in Memphis," *Journal of Criminal Law and Criminology* 72 (1982): 707–22; and Jerry R. Sparger and David J. Giacopassi, "Memphis Revisited: A Reexamination of Police Shootings after the Garner Decision," *Justice Quarterly* 9 (1992): 211–25.

5. White and African-American newspapers generally concurred on the basic facts of the violence, although African-American newspapers more often depicted African-American victims in sympathetic terms.

6. "Mentally Sick Man Shot by Cop," *Louisiana Weekly*, October 3, 1942, 1, 6. Also see Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy* (1944; reprint edition, with an introduction by Sissela Bok, New Brunswick: Transaction, 1962), 535; and Gail Williams O'Brien, *The Color of the Law: Race, Violence, and Justice in the Post-World War II South* (Chapel Hill: University of North Carolina Press, 1999), 143.

Police homicide, however, was more complicated than this, although it was certainly employed in a racially biased manner and served to protect the status quo. Local law enforcers were not pawns of the elite or of white residents, and overt racial hostility contributed to police homicide but failed, by itself, to explain such violence. Rather, policemen's use of lethal force reflected both their formal mandate to preserve social order and their own experiences, perceptions, and definitions of racial order and social stability.[7] African-American New Orleanians' daily experiences and perceptions of local law enforcers influenced police homicide as well. This collision of experiences and perceptions shaped the interactions between law enforcers and minority residents, creating a cycle of escalating mistrust, acrimony, and violence. World War II accelerated the spiral, simultaneously steeling the resolve of policemen to maintain the racial hierarchy, contributing to their use of deadly force, and fueling a powerful backlash that helped to galvanize support for the city's emerging civil rights movement.

Police homicide in early twentieth-century New Orleans, in short, was consistent with the core mission of municipal policemen, as local law enforcers struggled to fight crime and preserve order. The incidents that triggered the violence in early twentieth-century New Orleans, and no doubt throughout the region, both reflected and reinforced perceptions that, in the eyes of local law enforcers, justified the use of lethal force. At the same time, police homicide became self perpetuating; New Orleans patrolmen feared resistance and responded with violence, whereas African-American residents, in turn, feared police violence and responded by increasingly resisting "the killer behind the badge."[8]

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Although police homicide dramatically influenced social relations, historians have not studied the topic in detail.[9] Scholars have carefully examined the institutional history of the police, especially police reform, and have devoted particular attention to crusades against police brutality, such as

7. See Malcolm D. Holmes and Brad W. Smith, *Race and Police Brutality: Roots of an Urban Dilemma* (Albany: SUNY Press, 2008), 20; and William A. Westley, "Violence and the Police," *American Journal of Sociology* 59 (1953): 38.

8. C[onstant]. C[harles]. Dejoie, "The Killer Behind the Badge," *Louisiana Weekly*, October 3, 1942,10. For an excellent analysis of this issue, see Leonard N. Moore, *Black Rage in New Orleans: Police Brutality and African American Activism from World War II to Hurricane Katrina* (Baton Rouge: Louisiana State University Press, 2010), 3, 21.

9. For exceptions, see Dennis C. Rousey, "Cops and Guns: Police Use of Deadly Force in Nineteenth-Century New Orleans," *American Journal of Legal History* 28 (1984): 41–66; and Jeffrey S. Adler, "Shoot to Kill: The Use of Deadly Force by the Chicago Police, 1875–1920," *Journal of Interdisciplinary History* 38 (2007): 233–54.

the use of the third degree.[10] Police brutality has also been a central theme in studies of the civil rights movement and its opponents.[11] But even though the use of lethal force by municipal policemen punctuated daily life for African-American city dwellers, sparked dozens of race riots, and generated outrage, rallying support for civil rights, the history of police homicide has received little systematic attention. In large part, this lacuna reflects the paucity of records that would permit historians to measure police homicide and to explore its morphology. Most early twentieth-century police departments failed to keep comprehensive records of such incidents. As a consequence, analyzing the history of police homicide has been difficult.

New Orleans homicide records, however, provide a rare window into the use of deadly force by early twentieth-century law enforcers. Municipal policemen wielded rubber hoses to extract confessions because this technique left few marks, and hence triggered little attention from white residents.[12] But when patrolmen shot and killed suspects, they were left with physical evidence: a body. Nonetheless, New Orleans policemen

10. For important studies of police brutality, see Marliynn S. Johnson, *Street Justice: A History of Police Violence in New York City* (Boston: Beacon Press, 2003); Moore, *Black Rage in New Orleans*; and George C. Wright, "The Billy Club and the Ballot: Police Intimidation of Blacks in Louisville, 1880–1930," *Southern Studies* 13 (1984): 20–41. Also see U.S. Commission on Law Enforcement, *Report on Lawlessness in Law Enforcement (*vol. 11 of *The Wickersham Commission Report)* (Washington, DC: U.S. Government Printing Office, 1931). For the development of the police, see Roger Lane, *Policing the City: Boston, 1822–1885* (Cambridge, MA: Harvard University Press, 1967); Wilbur R. Miller, *Cops and Bobbies: Police Authority in New York and London, 1830–1870* (Chicago: University of Chicago Press, 1973); Dennis C. Rousey, *Policing the Southern City: New Orleans, 1805–1889* (Baton Rouge: Louisiana State University Press, 1996); Robert M. Fogelson, *Big-City Police* (Cambridge, MA: Harvard University Press, 1977); Samuel Walker, *A Critical History of Police Reform: The Emergence of Professionalism* (Lexington, MA: Lexington Books, 1977); and David R. Johnson, *American Law Enforcement: A History* (Arlington Heights, IL: Forum Press, 1981). For cops and street life, see David R. Johnson, *Policing the Urban Underworld: The Impact of Crime on the Development of the American Police, 1800–1887* (Philadelphia: Temple University Press, 1979); and Marcy S. Sacks, "'To Show Who Was is Charge': Police Repression of New York City's Black Population at the Turn of the Twentieth Century," *Journal of Urban History* 31 (2005): 799–819.

11. For a few particularly important examples, see Johnson, *Street Justice*; Moore, *Black Rage in New Orleans*; Mary Dudziak, *Cold War Civil Rights: Race and the Making of American Democracy* (Princeton: Princeton University Press, 2002); and Edward Escobar, *Race, Police, and the Making of a Political Identity: Mexican Americans and the LAPD* (Berkeley: University of California Press, 1999).

12. William V. Moore, "Civil Liberties in Louisiana: The Louisiana League for the Preservation of Constitutional Rights," *Louisiana History* 31 (1990): 67; Joseph H. Fichter, with the collaboration of Brian Jordan, "Police Handlings of Arrestees: A Research Study of Police Arrests in New Orleans" (unpublished report, Department of Sociology, Loyola University of the South, 1964), 32.

could be virtually certain of exoneration from white district attorneys eager to please local voters, because police killings of African-Americans generated little political fallout in a city with 149,034 African-American residents in 1940, only 400 of whom were registered voters.[13] On the infrequent occasions when police homicide cases proceeded to criminal trial, all-white juries were quick to support the patrolmen whose rough justice preserved the city's racial hierarchy. Therefore, municipal policemen had little reason to hide their fatal encounters with "suspects," and, as a consequence, buried within local homicide records are case files of scores of police homicides.

Remarkably complete and detailed homicide reports for 14 of the years between 1925 and 1945 have survived, as have the transcripts of witness interviews in homicide cases for 12 years during this period. The officers summoned to homicides composed multipage files on the incidents. Policemen completed a printed form, which required the officers to record basic information about each killing, including the names, addresses, ages, and occupations of offenders and victims. Furthermore, the responding policemen provided lengthy narratives, summarizing witness accounts, tracing each step in the officers' investigation, and reporting the condition of the victim and the disposition of the killer. Police clerks added "supplementary" notes to the files, such as a description of the coroner's finding and a notation indicating the district attorney's assessment of the case. Although these records probably omitted some homicides, they appear to be extraordinarily complete, with the total number of cases matching Federal Bureau of Investigation and newspaper tallies of the number of homicides occurring in New Orleans. The police files, however, yield fewer homicides than do local health department and federal mortality reports for the city during this period; this disparity reflected the fact that municipal law enforcers counted—and investigated—only homicides committed within New Orleans, whereas health department and mortality figures included all homicides in which the victim died within the city. Because surrounding parishes frequently sent badly injured residents to the city's Charity Hospital, more people died from lethal violence in New Orleans than were murdered in New Orleans, accounting for the disparity in the numbers of homicide victims.[14]

13. Arnold R. Hirsch, "Simply a Matter of Black and White: The Transformation of Race and Politics in Twentieth-Century New Orleans," in *Creole New Orleans: Race and Americanization*, ed. Arnold R. Hirsch and Joseph Logsdon (Baton Rouge: Louisiana State University Press, 1992), 318. The adult African-American population of the city was approximately 100,000.

14. See Bruce Smith, *The New Orleans Police Survey* (New Orleans: Bureau of Governmental Research, 1946), 18. For a brief reference to the shortcomings of these

The transcripts of witness interviews contained raw, unedited testimony from dying victims, killers, and witnesses, who described both the events leading to the violence and the homicides themselves. Like all witness testimony, the reports were replete with contradictions and rife with profanity-laced screeds assigning blame and asserting innocence. Literate witnesses signed the transcripts, whereas illiterate ones placed a "mark" below the transcription of their testimony.[15] Although these files are rich and provide a uniquely intimate, personal perspective on lethal violence, they are uneven. Some case files include only a single interview transcript, and others contain numerous witness transcripts as well as detailed interviews with killers and victims in the throes of death. Furthermore, these files do not include interviews from every homicide case. There is no apparent logic or systematic bias to the coverage, because transcripts did not always survive for routine homicides; yet, they were frequently preserved in controversial or potentially controversial cases, such as homicides committed by local law enforcers. Similarly, police investigators interviewed and transcribed testimony from witnesses without regard to race, sex, age, or political consideration; the files include testimony from African-American New Orleanians, and many of the witnesses leveled blistering charges at patrolmen. In combination with newspaper reports (from both white and African-American journals) and other sources, police case files provide detailed accounts of every police homicide, feature both police and civilian perspectives, and contain both white and African-American descriptions of the fatal encounters, and, therefore, the surviving documentation makes it possible to analyze with precision the nature of police homicide in early twentieth-century New Orleans and to explore the boundaries of social order that local policemen defended, using deadly force.

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Louisiana criminal law relied on the plastic standards for the use of deadly force employed in most states during this period, and thus afforded

files, see Tennie Erwin Daugette, "Homicide in New Orleans" (Master's thesis, Tulane University, 1931). A similar disparity occurred in homicide totals for Memphis and generated a fierce debate between the statistician Frederick L. Hoffman and Memphis municipal officials, who were desperate to discount reports of their city's towering homicide rate. See "Misleading Homicide Figures," *Memphis Commercial Appeal*, December 29, 1917, 6; "Explains Memphis Homicide Statistics," *The Spectator*, February 21, 1918, 95; "Homicides in Memphis, Tenn.," *The Spectator*, June 4, 1925, 7.

15. The core facts of the encounters, however, were rarely in dispute, and therefore it is possible to reconstruct the events leading to the use of deadly force. The different records and different voices offer revealing evidence about motivation, such as Veola Robinson noting that John Licali called her husband "boy" immediately before Felton Robinson "tussled" with the patrolman.

policemen considerable latitude.[16] Law enforcers possessed the "right," according to one Orleans Parish district attorney, "to kill a person who has committed a felony and who is fleeing from arrest."[17] Local policemen could also justifiably kill suspects who resisted arrest and, in the process, endangered the life of the law enforcer. In addition, more generic provisions of the state's criminal code allowed policemen, like other citizens, to kill in self-defense.[18]

Police chiefs and district attorneys routinely deferred to the accounts of patrolmen, even when witnesses offered conflicting testimony, and hence the loose, flexible provisions for capturing criminals and self-defense gave New Orleans policemen nearly free rein to use whatever methods they chose to control crime and maintain order.[19] Although state law stipulated that only "fleeing felons" could be killed justifiably, district attorneys defined this phrase expansively and included all escaping suspects, ranging from murderers to loiterers, an interpretation of the law of homicide widely used in the United States during this era. Louisiana criminal justice officials, like their counterparts in other states, also granted policemen great discretion in defining self-defense, uncritically accepting law enforcers' assertions of imminent danger. Nor did New Orleans have a civilian review board or any other mechanism of oversight in the early twentieth century. Instead, the precinct captain who signed the original homicide report reviewed the case and an assistant district attorney conducted an investigation, after which the district attorney made his formal ruling, determining whether the use of lethal force was justifiable. Shielded from public scrutiny unless the district attorney ruled against the patrolman, this closed process served and protected local policemen.

Only one municipal law enforcer was convicted for killing a civilian in New Orleans between 1925 and 1945. Not even police officials could abide the actions of Patrolman Charles Guerand, who, while drunk and off-duty, attempted to rape and then fatally shot a 14-year-old, African-American girl. In the presence of a restaurant crowded with

16. See Nicholas John DeRoma, "Justifiable Use of Deadly Force by the Police"; William L. Clark, *Handbook of Criminal Procedure*, 2nd ed. (St. Paul: West Publishing, 1918), 60–62; James E. Grigsby, *The Criminal Law including The Federal Criminal Code* (Chicago: Burdette J. Smith, 1922), 508; and Francis Wharton, *The Law of Homicide*, 3rd ed. (Rochester: Lawyer's Cooperative Publishing, 1907), 740–51.

17. "Detective Slayer of Fleeing Youth Wins Exoneration," *New Orleans Times-Picayune*, August 22, 1929, 12.

18. See Robert H. Marr, *The Criminal Jurisprudence of Louisiana*, 2nd ed. (New Orleans: F.F. Hansell, 1923), 115–20.

19. Moore, "Civil Liberties in Louisiana," 60; Adam Fairclough, *Race and Democracy: The Civil Rights Movement in Louisiana, 1915–1972* (Athens, GA: University of Georgia Press, 1995), 79.

white witnesses, the 29-year-old Guerand boasted that he intended to force Hattie McCray, who worked as a dishwasher, to "fool around" with him. When she resisted, Guerand loudly announced that "I'm going back there [into the kitchen] and kill that G– D—Nigger wench." A moment later, restaurant patrons heard two shots and then found McCray lying in a pool of blood.[20] But this case represented the proverbial exception that proved the rule.

Far from questioning patrolmen's aggressive and deadly tactics, municipal officials more often heaped praise on policemen who killed suspected criminals.[21] City officials, eager to re-assure residents anxious about crime in the city, implored local policemen to stand firm against local criminals. When three New Orleans officers shot and killed an unarmed house burglar on January 20, 1929, for example, Police Superintendent Theodore Ray commended them for "their display of bravery" and expressed the hope that "the rest of the [police] force would profit by the example of the three men."[22] In a city awash in political corruption and plagued by street violence, local officials seized on the public relations value of crime fighting and hailed policemen who killed "criminals" as heroes.

Particularly when the victims were African-American, white New Orleanians approved of rough justice and expressed anger that district attorneys occasionally questioned such crime-fighting tactics. In 1933, when two detectives were charged with brutalizing—although not killing—an African-American teenager with a heated iron poker, a group of men disrupted the courtroom hearing, grumbling that "it is an outrage to prosecute two white men for beating a 'Nigger.'"[23] Likewise, members of a grand jury investigating the death of an African-American suspect at the hands of a New Orleans policeman dismissed the incident as "just a case of policemen shooting a 'Nigger' and 'that was all right.'"[24] One African-American journalist concluded that "as far as some white juries

20. "Report of Homicide of Hattie McCray," February 10, 1930, Homicide Reports; "Statement of Charles Guerand relative to the Shooting and Dangerously [sic] Wounding of one Hattie McCray," February 10, 1930, Transcripts of Statements of Witnesses to Homicides, New Orleans Police Department, Louisiana Division, City Archives, New Orleans Public Library [hereafter cited as "Transcripts of Statements"]; and "Girl Refused Advances of White Beast," *Louisiana Weekly*, February 15, 1930, 1.

21. For example, Police Superintendent Theodore Ray responded to Raymond Credo killing a "bandit" by announcing "I will consider a promotion" for the patrolman. See "Two Bandits Shot Down Fleeing Scene," *New Orleans Item*, April 27, 1930, 14. Also see Moore, "Civil Liberties in Louisiana," 60.

22. "Burglar Shot Down As Police Find Two Ransacking House," *New Orleans Times-Picayune*, January 21, 1929, 1.

23. "2 Detectives Found Guilty," *Louisiana Weekly*, June 3, 1933, 7.

24. Quoted in Moore, "Civil Liberties in Louisiana," 68.

are concerned, the killing of innocent Negroes by policemen is no graver an offense than killing a rat or an insect."[25]

Abetted by institutional and popular support, New Orleans policemen established a reputation for violence and brutality. In 1939, the American Civil Liberties Union reported that the Louisiana urban center was among the three worst cities in the nation for civil rights violations.[26] In part, this record reflected the dual imperative of Southern policemen to fight crime and to preserve racial order, for the mandate to control African-Americans trumped the niceties of the law.

The New Orleans Police Department's institutional history, however, also contributed to the violence. From the department's origins in the early nineteenth century, local law enforcers were shackled to city politics, mired in corruption, and quick to employ and condone rough justice, including their tacit participation in the lynching of the Italian immigrants thought to have been responsible for the 1891 murder of police chief David Hennessey.[27] During the early twentieth century, when most municipal police forces professionalized, New Orleans officials rejected reform, dismantling civil service procedures, returning control to the political machine, and eliminating the department's training program. Civil service regulations were not restored until 1943, and new patrolmen received no formal training until 1945.[28] Even by regional standards, local policemen were poorly trained and largely unsupervised. Recruits to the police department, typically chosen on the basis of their political connections, were required to have only an eighth grade education and took no written examinations to secure their positions.[29] Furthermore, local law enforcers tended to be poor, badly paid, and relatively older, and the department remained all white from the end of Reconstruction until 1950, which was later than most Southern urban centers integrated their departments.[30] In myriad ways, early twentieth-century New Orleans policemen represented a white working-class community fiercely resistant to racial and social

25. Dejoie, "Not Guilty," *Louisiana Weekly*, May 30, 1931, 6.

26. Moore, "Civil Liberties in Louisiana," 59.

27. See Rousey, *Policing the Southern City*; and Tom Smith, *The Crescent City Lynchings: The Murder of Chief Hennessey, the New Orleans "Mafia" Trials, and the Parish Prison Mob* (Guilford, CT: Lyons Press, 2007).

28. Smith, *The New Orleans Police Survey*, 1–3, 26, 28, 34, 35; U. S. Commission on Law Enforcement, *Report on Police* (vol. 14 of *The Wickersham Commission Report*), 68; and Louis Vyhnanek, *Unorganized Crime: New Orleans in the 1920s* (Lafayette, LA: Center for Louisiana Studies, 1998), 32.

29. Smith, *The New Orleans Police Survey*, 29, 35; and Vyhnanek, *Unorganized Crime*, 32.

30. Smith, *The New Orleans Police Survey*, 29; and W. Marvin Dulaney, *Black Police in America* (Bloomington, IN: Indiana University Press, 1996), 44–45.

change.[31] A 1946 study of local law enforcement concluded that "unless the department takes an active part in purging its ranks, it will accumulate a considerable body of men who should not be entrusted with police authority, yet exercise it daily."[32] The Swedish social scientist Gunnar Myrdal aptly described the New Orleans police in his characterization of the Southern policeman: "It is not difficult to understand that this economically and socially insecure man, given this tremendous and dangerous authority, continually feels himself on the defensive."[33] If political and social pressures encouraged local law enforcers to exercise their authority freely and forcefully (particularly against African-American residents), and if the absence of institutional oversight permitted them to do so, New Orleans policemen obliged.

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New Orleans policemen killed fifty-nine people during the 14 years for which complete records have survived between 1925 and 1945, accounting for one out of every twenty homicides in the city and claiming more victims than did local robbers.[34] Municipal law enforcers committed forty-four percent of all white-on-black killings in the city.[35] The police homicide rate in early twentieth-century New Orleans was more than triple the figure for major American cities during the 1950s and nearly five times the United States rate during the closing decades of the century.[36] The most violent year was 1930, when New Orleans law enforcers fatally shot eight suspects, accounting for nine percent of all homicides in the city. The least deadly year for municipal policemen was 1941, when one civilian died at the hands of local law enforcers (see Figure 1). This pattern roughly paralleled the overall trend in New Orleans homicide. Lethal violence in the city peaked earlier, in 1925, but also decreased until 1941 and then similarly rebounded.[37]

31. For a thoughtful discussion of this issue, see Moore, *Black Rage in New Orleans*, 19. Also see Fichter, "Police Handling of Arrestees," 32.

32. Smith, *The New Orleans Police Survey*, 35.

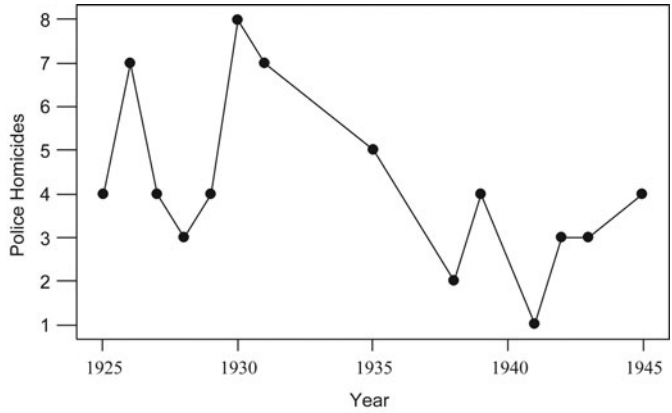
33. Myrdal, *An American Dilemma*, 540.

34. By comparison, during the early 1970s, police homicide accounted for 3.61 percent of U.S. homicides. See Lawrence W. Sherman and Robert H. Langworthy, "Measuring Homicide by Police Officers," *Journal of Criminal Law and Criminology* 70 (1979): 553.

35. In his newspaper-based research on South Carolina from 1920 to 1926, H[Arrington]. C.. Brearley found that policemen committed fifty-three percent of white-on-black homicides. See Brearley, "Homicide in South Carolina: A Regional Study," *Social Forces* 8 (1929): 221.

36. Brown and Langan, "Policing and Homicide, 1976–98," 33; and Robin, "Justifiable Homicide by Police Officers," 229.

37. New Orleans appeared to follow national trends. Chicago is one of the only cities for which comparable data is available, and Chicago law enforcers were most homicidal in 1932



*Source: Homicide Reports, New Orleans Police Department.

Figure 1. New Orleans Police Homicides, 1925–1945*.

New Orleans policemen typically killed criminals or suspected criminals. Robbery and burglary suspects accounted for forty-one percent of police homicides, and an additional thirty-six percent were disorderly persons. The remaining victims had engaged in some form of suspicious behavior, such as prowling or loitering, or were suspects in other kinds of crime, ranging from murder and rape to purse snatching. Police files indicated that at least one fourth of the victims had prior criminal records.[38]

In eighty-five percent of police homicide cases, the officer insisted that he killed in self-defense. One fifth of the victims had shot at a local law enforcer and died in the ensuing gun fight, and one tenth had threatened a policeman, who then responded with deadly force. Another one fifth of victims were suspected criminals who had refused to halt and had made a threatening motion, prompting the policeman to believe that the suspect was reaching for a weapon. On August 18, 1929, for example, Detective Robert Hackney fatally shot 16-year-old John Fazzio, who had a long record of juvenile arrests. Hackney spotted a stolen automobile and followed it until the three occupants stopped and fled. The detective ordered them to "halt," and when they "paid no attention," he fired three warning shots into the air. Undeterred, the thieves continued to run until one of the trio, Fazzio, stopped, turned, and "was seen

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and least homicidal in 1941, just as Chicago's overall homicide rate peaked in 1925 and troughed during the early 1940s. For Chicago data, see Thorstein Sellin, *The Death Penalty* (Philadelphia: American Law Institute, 1959), 60.

38. This is a minimum figure. The police often failed to include any such information. But in fourteen of the fifty-nine cases, the homicide reports explicitly noted a criminal record.

https://doi.org/10.1017/S0738248011000927 Published online by Cambridge University Press

to place his hand to his hip pocket." Convinced that he was reaching for a gun, Hackney fired his service revolver a fourth time, inflicting a fatal hip wound. Although Fazzio did not have a gun in his pocket, witnesses, including the victim's accomplices, corroborated Hackney's account of the shooting.[39] Almost two thirds of those killed by New Orleans policemen were armed, forty percent with guns.

In an additional ten percent of cases, an unarmed suspect reached for the policeman's gun, whereas fifteen percent of victims scuffled with local law enforcers and were shot during the encounter. The officers in these homicides reported that they killed in self-defence, but only after the suspect had initiated the violence and posed a clear threat, as had Felton Robinson, according to Patrolman Licali's report on the shooting. Again and again, the patrolmen testified that "they were forced to shoot him to protect their own lives."[40]

New Orleans was a violent city during this period, with a 1930 homicide rate twice that of Detroit, three times that of New York City and Philadelphia, four times that of Oakland, and twenty-two times that of Boston.[41] Local police officers believed that nearly any encounter with a criminal or with a disorderly person could instantly turn deadly in a city where violence was rampant, where guns abounded, and where many residents carried dirks and ice picks.[42] Newspaper accounts of murderous robbers, particularly during the late 1920s, presented a similar portrait of the dangers of street life, as did pronouncements from police superintendents about purchasing machine guns in order to "combat the depredations of bandit gangs."[43] But either patrolmen's vigilance protected them from harm or the threat to local law enforcers was overblown, for only five New Orleans policemen died at the hand of criminals during the 14 years for which complete records have survived.[44] Local law

39. "Report of Homicide of John Fazzio," August 18, 1929, Homicide Reports; "One Boy in Three Facing Car Theft Charge Wounded," *New Orleans Times-Picayune*, August 19, 1929, 3; and "Detective Slayer of Youth Wins Exoneration," *New Orleans Times-Picayune*, August 22, 1929, 12.

40. "Police Shoot Man to Effect Arrest," *Louisiana Weekly*, June 18, 1932, 1.

41. The city homicide rate hovered in the middle of the range for Southern cities. See Frederick L. Hoffman, "The Homicide Record for 1931," *Spectator*, March 31, 1932, 12–13.

42. David L. Cohn, "New Orleans: The City That Care Forgot," *Atlantic Monthly* 165 (1940): 491; and "Sale of Pistols," *New Orleans Times-Picayune*, March 3, 1926, 8.

43. For example, see "Police to Get Machine Guns to Fight Bandits," *New Orleans Item*, March 31, 1926, 1; and "15 Die, 12 Wounded in Orleans Hold-Up Cases During Last Year," *New Orleans Times-Picayune*, January 1, 1931, 1.

44. In 1932, however, a robbery suspect, Percy Thompson, grabbed an interrogating officer's weapon after being beaten, and engaged in a protracted gun battle with local policemen. Thompson killed three policemen, and this incident, much like Robert Charles's 1900 riot with New Orleans policemen, haunted local law enforcers and reminded them of the

enforcers, however, killed twelve suspects for every policeman who died in the line of duty.[45]

Most police homicides unfolded in predictable ways. Wherever patrolmen confronted criminals and other suspicious characters, the police employed deadly force. Therefore, the violence was scattered throughout the city but was concentrated in time; nearly one third of police homicides occurred on Sundays, as did twenty-eight percent of all New Orleans homicides. Similarly, just as robbers, burglars, and prowlers coveted darkness, most deadly encounters with the police took place late at night. Police homicides were also public events; almost two thirds of the killings unfolded on the streets of the city and in front of bystanders, giving lethal battles between law enforcers and local criminals a visibility even greater than the number of cases.

The victims of police homicide conformed to the expected profile. Like New Orleans homicide victims overall, they tended to be young, poor, male, and African-American. Most were in their twenties, and the mean age was 29.7 years, making these victims, on average, 3 years younger than the typical homicide victim. Eighty percent held unskilled positions or were unemployed, compared with seventy-five percent of all New Orleans homicide victims between 1925 and 1945. Furthermore, men made up ninety-seven percent of police homicide victims. Finally, African-American residents, who constituted twenty-nine percent of the city's population, comprised sixty-one percent of police homicide victims.[46] Whereas these New Orleanians were hence disproportionately the victims of police violence, the over-representation was less pronounced than among all

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dangers that they encountered, particularly from African-American residents. For accounts of the Thompson incident, see "Prisoner Kills Three Police; Is Slain by Detective," *New Orleans Times-Picayune*, March 10, 1932, 1; and "Prisoner Fights 200 City Policemen; 3 are Slain and He Too, Fatally Shot," *Louisiana Weekly*, March 12, 1932, 1. For an account of the Charles riot, see William Ivy Hair, *Carnival of Fury: Robert Charles and the New Orleans Race Riot of 1900* (Baton Rouge: Louisiana State University Press, 1976). Because the homicide reports for 1932 have been lost, I did not have systematic data on this year, and therefore the Thompson killings were not used in my quantitative analyses.

45. The ratio for the United States during the late twentieth century was five to one. See Brown and Langan, "Policing and Homicide, 1976–98," 1, 19. For the 1950s, see Robin, "Justifiable Homicides by Police Officers," 230, and for the 1960s, see William B. Waegel, "How Police Justify the Use of Deadly Force," *Social Problems* 32 (1984): 144.

46. Every victim in every document was described as either "white" or "negro." Police reports and accounts in white newspapers relied on this racial dualism, as did every witness interview with African-American New Orleanians and every report, article, and editorial appearing in the African-American *Louisiana Weekly*. Such a binary construction of local society is consistent with Arnold R. Hirsch's observation that "an unwavering racial dualism" developed in the city over the course of the twentieth century. Hirsch, "Simply a Matter of Black and White," 318. Police records also folded Hispanic residents into the "white" category.

homicide victims in the city, seventy-one percent of whom were African-American.

This profile, however, is misleading and masks powerful race-based patterns of police homicide, because race shaped the use of deadly force by law enforcers. New Orleans policemen shot and killed both white and African-American suspects, though they did so for different reasons and under different circumstances, reflecting the complicated mission of local law enforcers and the race-based definitions of social order and imminent danger that infused daily life for patrolmen in an early twentieth-century Southern city.

New Orleans policemen were not reluctant to use lethal force against white residents. City officials railed about crime waves and demanded that patrolmen employ aggressive tactics against criminals, regardless of their race. Perhaps as a consequence, the ratio of white victims to African-American police homicide victims was surprisingly low, particularly in view of the city's toxic racial climate. Local law enforcers killed African-American residents at four times the rate of white residents. Although comparable data for other cities are not available for the early twentieth century, a study of police homicide in major urban centers during the 1950s noted a seven-fold gap, and a study of Memphis in the early 1970s revealed a five-fold gap.[47]

New Orleans policemen used deadly force against white residents who engaged in criminal behavior. Robbery suspects comprised nearly one third of these victims, and burglary suspects made up an additional quarter of the white residents killed by local patrolmen. In nearly two thirds of these cases, the police killed fleeing suspects who made threatening motions, shot at them, or resisted arrest. More than one third of white victims had criminal records, and over half possessed firearms. When the fatal encounters began, New Orleans policemen often knew their adversaries and therefore were quick to reach for their weapons against dangerous criminals.

The shooting of Edward Rovira, alias "Red Rovira," was typical of a police homicide with a white victim. A 28-year-old New Orleans native, Rovira was a well-known "police character," having been arrested thirteen times on charges ranging from larceny to marijuana distribution and having served time in both the parish prison and the state prison. Just after 9:00 a.m. on March 21, 1939, Detective Captain William Bell and Detectives Joseph Vitari and Edwin Sbisa were "touring their section" and spotted Rovira scurrying down the street with a large package under his arm. When the suspect noticed the policemen, he ran, ignored their command

47. Robin, "Justifiable Homicide by Police Officers," 229; Fyfe, "Blind Justice," 719–21.

to "halt," fled toward the river, and hid under a wharf. The detectives called to Rovira to come out, and, when he refused, Sbisa fired a warning shot into the air. According to the police report, Rovira then "placed his right hand on his hip pocket which prompted Detective [Vitari] to take for granted that Rovira was armed and upon his own self defense Detective Vitari fired one shot which struck Rovira in the abdomen." The other detectives, along with numerous bystanders, corroborated Vitari's account of the shooting, and Assistant District Attorney Edward Gennerally immediately exonerated the detective and closed the case.[48]

New Orleans policemen, in short, killed white suspects as a part of a concerted crime-control strategy. Shooting robbers and burglars represented effective, professional policing, and, in the age of John Dillinger, Baby Face Nelson, and J. Edgar Hoover's much-publicized "war on crime," police administrators encouraged local law enforcers to shoot to kill and celebrated such deadly encounters.[49] In 1929, for example, New Orleans Police Superintendent Theodore Ray unveiled a new "death-dealing weapon," consisting of a motorcycle with a sidecar holding a patrolman armed with a Thompson submachine gun. Ray promised that this vehicle would respond to "every bandit call received at police headquarters" and that his crime fighters would "shoot to kill."[50] As in the Rovira case, the homicides occurred in public, often involved a known criminal who appeared to pose a threat, and numerous policemen pursued and killed the suspect. Few New Orleanians appeared to have objected to having squads of policemen pursuing and fatally shooting thieves.

When New Orleans policemen shot African-Americans, however, the circumstances were entirely different, in addition to the rate of police homicide being significantly higher. First, the police did not typically shoot African-Americans as a part of a crime-control strategy. Whereas fifty-seven percent of white victims of police homicide were robbery and burglary suspects, only thirty-one percent of African-American victims were suspects in such crimes. Instead, New Orleans policemen more often shot and killed African-American residents for engaging in some form

48. "Report of Homicide of Edward Rovira," March 21, 1939, Homicide Reports; and "Dope Suspect is Slain Here," *New Orleans Item*, March 21, 1939, 5.

49. "Police to Get Machine Guns to Fight Bandits," *New Orleans Item*, March 31, 1926, 1; "Burglar Shot Down As Police Find Two Ransacking House," *New Orleans Times-Picayune*, January 21, 1929, 1; and Vyhnanek, *Unorganized Crime*, 46–47. For Hoover, see Claire Bond Potter, *War on Crime: Bandits, G-Men, and the Politics of Mass Culture* (New Brunswick: Rutgers University Press, 1998). For crime fighting and aggressive policing, see Johnson, *Street Justice*, 8.

50. "Police to Use Machine Guns to Battle Bandits in Future," *New Orleans Item*, July 10, 1929, 1.

of disorderly or suspicious conduct.[51] Nearly forty percent of police homicides in which deadly force was employed against African-Americans involved disorderly conduct, compared with thirty percent for white victims. Hamilton Duplessis's disorderly conduct consisted of driving an automobile while clad in a bathing suit, and Kerney Ellis's deadly encounter with Patrolman James Gagan began because the young man sat on the steps of a grocery store.[52] Second, African-American victims were half as likely to have criminal records as white victims, and, as a consequence, patrolmen were typically unfamiliar with the African-American residents they shot. Third, the confrontations between New Orleans policemen and African-American suspects usually involved a single law enforcer and a single suspect; sixty percent of African-American victims were killed in one-on-one encounters, compared to seventeen percent of police homicides with white victims. Fourth, African-American suspects less often carried firearms. Thirty-one percent of African-American suspects carried guns, whereas fifty-three percent of white suspects possessed firearms, reflecting the difference between African-American men engaging in "disorderly conduct" and white men committing robbery. Fifth, and, once again, linked to the circumstances that brought African-American residents into contact and conflict with local policemen, these encounters more often occurred in residential areas, such as the "Negro neighborhood" where John Licali shot Felton Robinson; white victims, because they were engaged in robberies and burglaries, more frequently died in stores, in commercial districts, and on main streets. Sixth, on average, African-American victims were 5 years younger than their white counterparts, averaging 27.7 years of age. Seventh, at least according to police records, African-Americans were more than twice as likely to have been shot while assaulting a law enforcer. And eighth, the deadly battles between policemen and African-American New Orleanians occurred throughout the day, whereas patrolmen more often shot white suspects late at night as they committed robberies under the cover of darkness.

The lethal violence usually erupted during routine encounters between local law enforcers and African-American residents. Again and again, the deadly confrontation began when a lone patrolman stopped an African-American young man and questioned him for being disorderly, loitering, or acting suspiciously, often speaking loudly or skulking in an alley —behavior that Myrdal termed "a minor transgression of caste etiquette."[53]

51. Moore, Civil Liberties in Louisiana," 67.

52. "Man Shot by Officer Dies," *Louisiana Weekly*, September 3, 1932, 1, 4; and "Suspension for Officer Gagan," *Louisiana Weekly*, July 22, 1933, 1.

53. Moore, "Civil Liberties in Louisiana," 67; and Myrdal, *An American Dilemma*, 535.

The policeman then typically barked a command of some sort, demanding that the young man move along, raise his arms, halt, or otherwise submit to the law enforcer's authority. If the suspect complied—and submitted to the demand—the encounter typically ended without conflict, and both social order and racial order were immediately restored. But if the suspicious person responded slowly or, worse still, defied the instruction, the patrolman became more aggressive, setting in motion a series of actions and reactions that frequently ended with a New Orleans policeman fatally shooting an African-American resident. Hamilton Duplessis, the bathing-suit clad driver, "failed to halt on being commanded to do so," whereas Kerney Ellis proved too casual after being ordered to "get up and move on."[54] On June 29, 1930, two law enforcers shot Milton Battise, who was being questioned for "annoying a [white] motorist." When the 20-year-old suspect ran, refused to halt, and "made an attempt to pull something out of his right hip pocket," the officers, "thinking it was a weapon," drew their revolvers and shot the "fleeing negro" in the back of the head, instantly killing him.[55]

These police homicides were purposeful and were bound up with ideas about authority and racial order.[56] New Orleans patrolmen viewed an African-American suspect's refusal to follow instructions as an act of defiance and a challenge both to police authority and the racial hierarchy. For local law enforcers, African-Americans were either compliant and submissive or defiant and dangerous, and by refusing to submit, the suspect announced that he rejected his place in society and therefore posed a threat not only to social stability but also to the police officer.[57] Policemen termed these residents "bad Niggers" and employed force against them preemptively.[58]

As policemen responded, they often redoubled their effort to compel their suspect to submit. They pushed harder, repeating their commands,

54. "Man Shot by Officer Dies," *Louisiana Weekly*, September 3, 1932, 1, 4; and "Suspension for Officer Gagan," *Louisiana Weekly*, July 22, 1933, 1.

55. "Negro Fleeing Arrest Killed by Road Police," *New Orleans Times-Picayune*, June 30, 1930, 1; and "Report of Homicide of Milton Battise," June 29, 1930, Homicide Reports.

56. Harold Lee, quoted in Moore, "Civil Liberties in Louisiana," 67.

57. See Fichter, "Police Handling of Arrestees," 32–33. Myrdal makes a similar point. See *American Dilemma*, 541. Also see Paul Chevigny, *The Edge of the Knife: Police Violence in the Americas* (New York: New Press, 1995), 140.

58. For example, see "Policeman Jailed After Terrorizing Negroes at Wake," *New Orleans Times-Picayune*, December 28, 1930, 1. Also see Myrdal, *An American Dilemma*, 542; Guy B. Johnson, "The Negro and Crime," *Annals of the American Academy of Political and Social Science* 217 (1941): 97; and Allison Davis, Burleigh B. Gardner, and Mary R. Gardner, *Deep South: A Social Anthropological Study of Caste and Class* (Chicago: University of Chicago Press, 1941), 501.

firing warning shots, advancing closer to their suspect, testing him, prodding him, demanding that he submit, and struggling to establish dominance. Myrdal observed that "there are practically no curbs to the policeman's aggressiveness when he is dealing with Negroes whom he conceives of as dangerous or as 'getting out of their place.'"[59] After arresting Gerald Singleton for disturbing the peace, Patrolman Lawrence Terrebonne shot his suspect when the man tried to dispose of a weapon. According to a local newspaper, "after the shooting, witnesses say that Patrolman Terrebonne openly made the remark that Singleton was lucky that he did not shoot him twice. 'It is not my custom,'" Terrebonne roared, "'to shoot a Nigger once and stop. I always follow the first shot with a second one, and the second shot means another dead Nigger; I've killed three Niggers already, and you're lucky you're not the fourth one.'"[60] Although police records reveal no such history of lethal violence, Terrebonne's bluster reflected his effort to cow Singleton and to compel submission.[61]

Even insignificant encounters quickly escalated into contests of will, in which an African-American New Orleanian, by refusing to submit, all at once, challenged police authority and flouted the racial hierarchy.[62] David Marks, a middle-aged, off-duty patrolman, became enraged when the African-American prowler he chased out of his backyard defied his command to halt and even ignored two warning shots. Marks pursued Clarence Thompson for three blocks and through numerous backyards and alleys, screaming "Halt, you black s-o-a-b—h." Finally, Marks caught up with his suspect when Thompson became trapped in a fenced enclosure. Although the "prowler" submitted and held his hands above his head,

59. Myrdal, *An American Dilemma*, 540.

60. "Second Man Shot at Gentilly," *Louisiana Weekly*, August 12, 1933, 4. Although injured, Singleton recovered.

61. Fifty–four different police officers committed the fifty-nine police homicides. Frank Lannes killed three men, two of them white suspects, in the line of duty, making him the city's most homicidal law enforcer during this period. Lannes held the rank of patrolman when he killed his first victim, the rank of detective when he shot the second suspect, and the rank of captain when he killed Boon Coulter, a white robbery suspect who exchanged gunfire with him.

62. See Fichter, "Police Handling of Arrestees," 32. For social hierarchy and violence, see Roger V. Gould, *Collision of Wills: How Ambiguity about Social Rank Breeds Conflict* (Chicago: University of Chicago Press, 2003). A sociologist, Gould argued that uncertainty in social hierarchies increases the likelihood of violence, as both parties try to establish superiority. In many respects, this model fits inter-racial police homicide in early twentieth-century New Orleans, because African-American acts of perceived defiance threatened policemen's notions of the racial hierarchy and represented assertions of a dangerous kind of equality.

Marks, furious that Thompson had defied him, shot him in the chest from close range.[63]

In many instances, both parties recognized the coded signals in the battle of wills. Clarence Thompson must have understood the risks involved in defying David Marks and attempting to escape; at stake was something more serious than being arrested as a suspected prowler. Similarly, Felton Robinson seemed to have understood that John Licali demanded his submission—and refused. Veola Robinson, in begging Licali to refrain from taking umbrage because her husband was ill and, as a result, "not responsible for his actions," also knew that the patrolman would brook no disrespect. Policemen quickly resorted to force in order to establish dominance, and such a strategy was only effective if African-American New Orleanians knew that local policemen expected immediate compliance and complete submission.[64]

In some cases, however, the cues were more muddled, heightening the potential for a violent outcome. On December 27, 1930, for example, Joseph Cronin shot and killed George Simmons for defying his command. Drunk and off-duty, Cronin interrupted the wake for Louis Simmons. Cronin ordered the thirty mourners crowded around Simmons's coffin to "hold up" their hands and bellowed "let me search you-all." Thirty-six-year-old George Simmons, however, was deaf, did not hear the command, and hence responded slowly. Cronin interpreted Simmons's behavior as an act of defiance and a challenge to his authority. The patrolman growled "you're a bad nigger, huh," struck Simmons on the head with a pistol, knocking him to the floor, and then fired four bullets into the man's body. Although Cronin was too drunk to make a statement until the next morning, he was acquitted, likely because Simmons's unintentional inaction nonetheless entailed an African-American resident rebuffing a white man and a police officer and therefore could not be abided, particularly in the presence of dozens of African-American residents.[65]

63. "Report of Homicide of Clarence Thompson," August 17, 1941, Homicide Reports; Statement of John Messina relative to a shooting in which a negro was killed," August 17, 1941, Transcripts of Statements; "Prowler Killed When He Invades Policeman's Yard," *New Orleans Times-Picayune*, August 18, 1941, 3; and "Witnesses Say Man Shot Down in Cold Blood," *Louisiana Weekly*, August 23, 1941, 4.

64. Richard E. Sykes and Edward E. Brent argue that police officers first repeat their commands, and if this fails to produce compliance from suspects, law enforcers take more forceful actions to gain control over the encounter. See Sykes and Brent, "Regulation of Interaction by Police," *Criminology* 18 (1980): 182–97.

65. "Report of Homicide of George Simmons," January 10, 1931, Homicide Reports; "Policeman Jailed After Terrorizing Negroes at Wake," *New Orleans Times-Picayune*, December 28, 1930, 1; "Ex-Policeman Goes to Trial for Killing at Wake," *New Orleans Item*, May 20, 1931, 1.

Furthermore, popular attitudes toward African-Americans shaped police responses to perceived challenges. Like other white, working-class New Orleanians, law enforcers typically disliked African-American residents and resented their assertions of personal autonomy and dignity. But New Orleans policemen also feared African-Americans. Early twentieth-century Southern whites typically viewed African-Americans as "naturally" violent. In his 1937 ethnographic study of Indianola, Mississippi, for example, the social psychologist John Dollard reported that many of his "white informants are inclined to view excessive violence in the Negro group as a racial trait. It is said that Negroes are nearer to 'savagery,' and it is assumed that 'savages' are more aggressive than we ourselves."[66] Although contemporary social scientists offered more complex analyses, they too emphasized the violent "tendencies" of Southern African-Americans. The statistician Frederick L. Hoffman concluded that the "Negro in this country is much more inclined to crimes of violence than whites," whereas the sociologist Harrington C. Brearley observed that, "according to both general observation and rather reliable scientific tests the Negro is inclined to be more impulsive and less self-controlled than is the white. . . . This lack of the power of inhibition, whatever its origin and extent, tends to increase the Negro's acts of violence."[67] Another early twentieth-century sociologist linked Southern urban homicide to a "tradition of violence" and "jungle-like" conditions among African-Americans.[68]

Both departmental policy and daily experience exaggerated New Orleans policemen's perceptions of the violent African-American. Municipal officials failed to adjust personnel deployments as the city grew and as its population density shifted. As a result, police officers were assigned to precincts and patrol sectors without regard to the number of square miles, population densities, or crime rates of different sections of the city. Because of a combination of the surging population of African-American neighborhoods and the sustained political muscle of white residents, who demanded police protection, African-American areas of the city were under-policed, and patrols in African-American sections were spread thin.[69] But these neighborhoods also suffered from the highest rates of violent crime in the city; African-American New

66. John Dollard, *Caste and Class in a Southern Town* (New York: Anchor, 1937), 269.

67. Frederick L. Hoffman, "The Increase in Murder," *Annals of the American Academy of Political and Social Science* 125 (1926): 23; and H[Arrington]. C. Brearley, "The Pattern of Violence," in *Culture in the South*, ed. W[illiam]. T. Couch (Chapel Hill: University of North Carolina Press, 1935), 690.

68. Howard Harlan, "Five Hundred Homicides," *Journal of Criminal Law and Criminology* 40 (1950): 739.

69. Smith, *The New Orleans Police Survey*, 8–9.

Orleanians committed homicide at more than five times the rate of white residents during this period. Political pressures added to this elision of violence and race; the city's crime problem, for which policemen were harshly criticized, was, in their view, an African-American problem.[70] Hence, the patrolmen assigned to African-American neighborhoods spent much of their time in high-crime precincts and believed that they were left isolated and without adequate departmental support as they dealt with residents they considered hostile, violent, and likely to be armed.[71]

Equally important, local law enforcers believed that African-Americans were not only violent but also volatile and prone to impulsive, unpredictable eruptions of violence, much as John Licali, seemingly oblivious to his role in the fatal confrontation, termed Felton Robinson's actions to be "without provocation." White observers, ranging from policemen to journalists, often insisted that African-American New Orleanians had "run amuck" [sic] and exploded in sudden fits of violence. Other times, white commentators described "crazed Negroes." According to the *New Orleans Times-Picayune*, for example, on December 24, 1925, "a crazed negro who ran amuck" went on a shooting spree, "terrorizing the neighborhood" and killing a policeman.[72] Similarly, on February 6, 1938, Patrolman Frank Dupey shot and killed Archie Robinson, a "crazed un-identified negro running amuck."[73] This phrase—and explanation—

70. See Dejoie, "Some Crime Reports," *New Orleans Times-Picayune*, October 11, 1930, 10; Dejoie, "Negro Homicides," *Louisiana Weekly*, September 23, 1933, 8; Louis I. Dublin and Bessie Bunzel, "Thou Shalt Not Kill: A Study of Homicide in the United Sates," *Survey Graphic* 24 (1935): 127–29; and H[arrington]. C. Brearley, *Homicide in the United States* (Chapel Hill: University of North Carolina Press, 1932), 97–116.

71. For related discussions, see Myrdal, *An American Dilemma*, 542; and Moore, *Black Rage in New Orleans*, 8. Many studies of late twentieth-century police interactions with African–American residents have documented this mixture of fear and anxiety. For a few examples, see Holmes and Smith, *Race and Police Brutality*, 7–8; Waegel, "How Police Justify the Use of Deadly Force," 147; and Jerome H. Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society* (New York: John Wiley, 1966), 47. William Terrill and Michael D. Reisig describe the "ecological contamination" that results when police officers feel themselves struggling to maintain order in dangerous, high-crime neighborhoods and that contributes to police use of force. See Terrill and Reisig, "Neighborhood Context and Police Use of Force," *Journal of Research in Crime and Delinquency* 40 (2003): 295–97.

72. "Patrolman Shot, Instantly Killed by Crazed Negro," *New Orleans Times-Picayune*, December 25, 1925, 1; and "Report of Homicide of Patrolman William C. Grunewald," December 24, 1925, Homicide Reports. For a similar explanation, see Dejoie, "Fiendish Mississippians," *Louisiana Weekly*, April 16, 1932, 6. Also see Holmes and Smith, *Race and Police Brutality*, 92.

73. Report of Homicide of Archie Robertson," February 6, 1938, Homicide Reports; and "Statement of Gale Fulton relative to a crazed un-identified negro running amuck at

appeared repeatedly and shaped police responses to African-American suspects.[74]

In short, from the perspective of New Orleans law enforcers, police work was dangerous and demanded vigilance, and hesitation in dealing with African-American suspects could instantly become lethal.[75] Once again, patrolmen's street experiences exacerbated the racial biases and stereotypes that were commonplace among older, working-class New Orleans men, the segment of local society from which policemen were drawn.[76] Although only five New Orleans law enforcers were killed in the line of duty during this period, eighty percent died at the hands of African-American suspects, and these murders cast long shadows, reminding patrolmen of the danger that could suddenly greet them.[77] Percy Thomspon's deadly 1932 shootout with New Orleans policemen haunted local law enforcers. A 28-year-old African-American robbery suspect, Thompson, grabbed a policeman's "pump gun" during a brutal interrogation session in the twelfth precinct station house. Thompson killed 3 New Orleans police officers and held another 200 at bay until he surrendered and was, himself, shot and killed.[78]

The memory of Thompson "running amuck" exacerbated police concerns about the potential danger of interactions with African-American suspects. The *Louisiana Weekly* observed that "ever since the slaying of three policemen some weeks ago, it appears as though the least resistance offered by colored prisoners results in death for the latter."[79] Although Milton Battise was merely tossing away a container of alcohol when state troopers shot him, anxious and incensed law enforcers employed

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Melpomene and Camps Sts., and promiscuously [sic] cutting white citizens and two police officers," February 6, 1938, Transcripts of Statements.

74. Wire service reports of New Orleans homicides used this phrase as well. For example, see "Kills Two, Wounds Two," *New York Times*, March 10, 1932, 12; and "New Orleans Fight at Jail Fatal to 3," *Washington Post*, March 10, 1932, 3.

75. Late twentieth-century police officers expressed similar concerns and fears. See Holmes and Smith, *Race and Police Brutality*, 33–35, 67.

76. Moore, *Black Rage in New Orleans*, 19.

77. African-American residents killed five policemen during the 14 years for which the police files are complete. But on March 9, 1932, Percy Thompson, an African-American robbery suspect, killed three policemen before surrendering and being shot and killed.

78. As noted in n. 43, the Thompson killings occurred in a year for which the homicide reports did not survive, and therefore these homicides were not included in my quantitative analysis. For the Thompson incident, see "Prisoner Kills Three Police," *New Orleans Times-Picayune*, March 10, 1932, 1, 3; "Prisoner Fights 200 City Policemen," *Louisiana Weekly*, March 12, 1932, 1; "Statement of Percy Thompson relative to having fatally shot Corporal Geo. Weidert and Patrolman Cornelius Ford," March 9, 1932, Transcripts of Statements.

79. Dejoie, "Brutal Slayings," *Louisiana Weekly*, May 14, 1932, 7.

deadly force because they encountered a disorderly, uncooperative suspect who ignored them and reached for his pocket. Similarly, Lawrence Terrebonne's victim was indeed carrying a gun, and John Licali's victim initiated their violent encounter. Because law enforcers believed that African-American residents were dangerous, policemen had a low threshold for employing lethal force and responded quickly and forcefully to ambiguous or "suggestive" behavior.[80]

Believing themselves to be protectors of a kind of social stability that hinged on controlling the sudden, unpredictable, violent impulses of African-American residents, New Orleans policemen demanded that African-Americans be docile and submissive, both for the good of society and for patrolman's own protection. Law enforcers viewed any resistance to authority, no matter how slight, as a possible prelude to violence. Mardi Gras was particularly frightening for local law enforcers because it loosened social conventions and seemed to embolden African-American residents. Despite the popular perception, Carnival was not a violent period in New Orleans. Between 1925 and 1945, 8.2 percent of all homicides occurred in February, accounting for one twelfth of violent deaths. But one fourth of police homicides with African-American victims took place during this month. When African-American "maskers" behaved in disorderly ways, local law enforcers, fearing that revelers might suddenly "run amuck," became more insistent on cowing them and more inclined to rely on their service revolvers when they encountered resistance. Patrolman Joseph Rizzo was astonished when a "negro masquerader came up to me and asked me who was the Girl [sic] I knocked down" [in a minor traffic accident]. Moments later, "I grabbed him to place him under arrest," Rizzo explained. Edward Saunders, however, resisted and struck the policeman, who immediately shot him.[81] Brazen, insolent, drunken, and disorderly white revelers annoyed local patrolmen, whereas similarly behaved African-American residents frightened them. New Orleans policemen, in short, anticipated violent confrontations with African-American residents, leading patrolmen to employ more aggressive methods.[82]

This perception accounted for many of the distinctive elements of police homicides with African-American victims. Policemen patrolling alone in African-American neighborhoods felt especially vulnerable, and homicides

80. For "suggestive moves," see Waegel, "How Police Justify the Use of Deadly Force," 147.

81. "Statement of Jos. Rizzo in relation to an automobile accident resulting in the shooting and wounding [of] one Edward Saunders," March 4, 1930, Transcripts of Statements.

82. For a similar assessment, see Myrdal, *An American Dilemma*, 542.

with an African-American victim involved only one law enforcer at almost four times the rate of those with a white victim. In such charged encounters, New Orleans policemen interpreted virtually any noncompliant action as a potential attack in a hostile environment.[83] Hypersensitive to movements that might be threatening, many law enforcers feared that African-Americans were reaching for guns—although fewer than one third actually had firearms, compared with more than half of white victims. As a result of this expectation, policemen were more likely to feel endangered in their encounters with African-American suspects, no doubt explaining why eighty-three percent of policemen who killed African-American residents reported that they had been attacked, compared with thirty-nine percent of cases with white victims.[84] Police intuition, and therefore the definition of an assault on a police officer, was race specific, and the boundary between resisting a patrolman's command and assaulting a police officer quickly became indistinguishable during encounters with African-American suspects.

These escalating tensions were self perpetuating, because police responses to African-American defiance—or perceived defiance—often induced African-American New Orleanians to resist, confirming the perceptions of patrolmen and justifying the use of force. John Licali, for example, goaded Felton Robinson into assaulting the patrolman, which, in turn, led the policeman to employ lethal force lawfully. "Whenever a Negro defends himself against his attackers," the *Louisiana Weekly* explained in 1941, "it is usually said that he 'runs amuck."[85] In many instances, law enforcers acted to compel submission rather than to incite resistance, but once when the confrontation became violent (or potentially violent), New Orleans policemen instantly perceived danger and reached for their service revolvers. In some cases, policemen most likely intentionally baited African-American suspects into resisting and then shot them in "self-defense," although more often the fatal outcome was unanticipated; New Orleans patrolmen relied on their weapons because they believed themselves to have lost control over the encounter.[86]

For African-American suspects, interactions with lone patrolmen were even more fraught with danger and anxiety. Everyday experience taught African-American New Orleanians to fear local policemen. Newspaper accounts of grotesque brutality, framed in fawning terms by white newspapers and told as cautionary tales by African-American newspapers,

83. Brearley noted a similar reaction. See *Homicide in the United States*, 101.

84. See Holmes and Smith, *Race and Police Brutality*, 86.

85. Dejoie, "Fiendish Mississippians," *Louisiana Weekly*, April 16, 1932, 6.

86. For example, see ibid., Dejoie, "Too Thin," March 29, 1930, 6; and Dejoie, "A Call to Arms," May 13, 1933, 1. Also see Westley, "Violence and the Police," 39.

underscored the potential for deadly outcomes when African-American residents clashed with law enforcers. Moreover, reports of policemen torturing and killing African-American residents spread quickly through neighborhood networks. C. C. Dejoie averred that "it is not to be wondered at that the average Negro boy or man runs when approached by either uniformed or plainclothed [sic] officers, for all of us unfortunately have a thorough knowledge of the brutal treatment accorded those of our group who fall into the toils of law."[87]

Without question, African-American New Orleanians recognized that they could be beaten and shot with impunity, that trips to precinct houses and interrogations sessions frequently involved threats and torture, and that the price of defying a local law enforcer or resisting arrest was often death. "Negro citizens," an African-American writer warned in 1931, "have more to fear from 'officers of the law' than from the most dreaded highwaymen, bandits, cut-throats and what-nots."[88] Two years later, he calculated that "hardly a week passes but that some policeman brutally shoots down a Negro without any cause whatsoever."[89] Dragnets of African-American suspects were commonplace, forcing large numbers of New Orleanians into dangerous, unstable encounters with jittery local policemen.[90] When an African-American resident assaulted—or was reported to have assaulted—a white New Orleanian, police officers launched indiscriminate roundups, such as the arrest and detention of nearly 1000 African-American New Orleanians following the robbery and shooting of a white shipyard worker in August of 1943.[91] Once in custody, policemen routinely beat African-American suspects to elicit confessions, a strategy that police superintendents championed as an effective crime-fighting tool.[92]

African-American New Orleanians responded to this blend of uncertainty and fear in ways that also unintentionally reinforced policemen's perceptions. If the suspect opted to run, he defied the patrolman's command and could be—lawfully—killed as a fleeing felon. Fifteen-year-old

87. Dejoie, "No Excuse for Police Brutality," *Louisiana Weekly*, February 11, 1939, 8.

88. Ibid., Dejoie, "Not Guilty," May 30, 1931, 6.

89. Ibid., Dejoie, "Another 'Accidental Shooting," October 28, 1933, 8. Also see ibid., Dejoie, "No Excuse for Police Brutality," February 11, 1939, 8.

90. For example, see ibid., John Bowers, "540 Persons Arrested in Raid," September 30, 1933, 1. This article describes the arrest, photographing, and finger printing of 540 African-Americans to solve one robbery case.

91. Ibid., Dejoie, "Indiscriminate Arrests," August 28, 1943, 10; and Dejoie, "Juvenile Delinquency," September 4, 1943, 1.

92. See ibid., Dejoie, "Police Brutality," February 3, 1940, 8; Dejoie, "The 'Hot Tamale' Decision," November 8, 1941, 10; "Charge Two, Though Scores Were Put in Hoosegow for Night," August 3, 1940; Dejoie, "There is No Excuse," May 20, 1939, 8; Moore, "Civil Liberties in Louisiana," 60, 65, 67; and Fairclough, *Race and Democracy*, 79.

Jessie Walton, for example, heard a woman scream and immediately saw Charles Jones, a 30-year-old state trooper, with his weapon drawn, approaching him. Although Jones did not know why the woman had screamed, he pursued Walton, who fled. The state trooper commanded the young man to halt and fired a warning shot. When Walton continued to run, Jones shot him in the back, instantly killing him.[93] "Why did Jesse [sic] Walton run (if he did run)," asked the *Louisiana Weekly*? "And why do others (if they do) resist arrest and make attempts to escape? Is it because they fear police brutality so much that when stopped or asked to halt, they rather take a chance and run for their lives?"[94]

If an African-American resisted arrest, particularly if he struck an officer or appeared to reach for his weapon, the suspect provided policemen with justification for shooting to kill. "Negroes who are willing to die rather than submit to the white man's terror," according to one journalist, "are said to 'run amuck.'"[95] African-American suspects were three times more likely than white suspects to be shot while reaching for a policeman's weapon. As reports of police brutality and homicide circulated, African-American suspects became more inclined to run or resist arrest, making New Orleans policemen more likely to encounter resistance and more inclined to use deadly force. In 1941, the sociologist Guy B. Johnson termed this "a reciprocal expectation of violence." He concluded that "the police too quickly use gun or club, and Negroes—especially those with reputations as 'bad niggers'—are keyed to a desperate shoot-first-or-you'll-get-shot psychology. Thus what starts out to be merely a questioning or an arrest for a misdemeanor may suddenly turn into violence."[96]

Many African-American observers, however, insisted that law enforcers causally slaughtered suspects and then concocted stories about their victims resisting arrest and reaching for officers' weapons in order to justify killing them. The *Louisiana Weekly*, for example, wondered how James Moore, a petty larceny suspect, could have been fatally shot in the back while reaching for the policeman's gun or how Levi McDaniel could have scuffled with an officer while handcuffed.[97] After Patrolman Charles Trapini used lethal force against Russell Williams, the *Louisiana*

93. "Report of Homicide of Jessie Walton," May 24, 1941, Homicide Reports; and "Statement of Charles Jones relative to shooting and killing an unidentified negro," May 24, 1941, Transcripts of Statements.

94. Dejoie, "It's Happened Again," *Louisiana Weekly*, May 31, 1941, 6. Also see also ibid., Dejoie, "There is No Excuse," May 20, 1939, 8.

95. Ibid, DeJoie, "'Runs Amuck'—Or Desperation," April 23, 1933, 6.

96. Johnson, "The Negro and Crime," 97.

97. "Denied Attacking Officer," *Louisiana Weekly*, September 7, 1940, p. 1; and ibid., "Union Protests Police Slaying," October 3, 1942, 1

Weekly reported that "there is much speculation among the citizenry as to whether the killing was really one of the victim trying to escape by taking the officer's gun or is it the 'familiar' police report of an arrested Negro trying to escape and being shot to death."[98]

These accounts made African-Americans quicker to run, resist arrest, and try to escape from custody, all of which gave policemen license to kill. If New Orleans law enforcers shot suspects out of fear and frustration, African-American suspects responded to police tactics in ways that gave patrolmen still greater latitude to employ deadly force. The policeman's perception of the "Negro run amuck" and the African-American resident's perception of the "bluecoated terror" fed one another, increasing the likelihood of violence.[99]

World War II exacerbated and politicized this cycle of violence. In New Orleans, as in Los Angeles, Detroit, and many other cities, the presence of soldiers increased the potential for violence and disorder, as young, single service men, both white and African-American, mixed, caroused, and jostled with one another and with local residents. New Orleans's overall homicide rate hit its low point in 1940 and rose during the war. For policemen, the threat to social order skyrocketed as soldiers stationed in the area congregated in local bars.

At the same time, however, the war effort transformed African-American responses to police violence. Leaders of the city's African-American community embraced the Double V campaign and demanded that the police refrain from their "Nazi-like" brutality, just as Thurgood Marshall implored the Detroit police to stop behaving like the "Gestapo."[100] In a newspaper editorial, C. C. Dejoie issued a warning. "Every time a Negro is shot to death in such a manner for 'resisting' arrest and 'allegedly' attempting to escape, as was the case [sic] of Wilbur Smith, Willie Buggage and 15-year-old Jesse Walton, it lessons our faith in this so-called 'democracy' we are being conscripted to defend, and serves to make us bitter and less willing to put matters in the hands of the lord."[101] Protest meetings began to follow police homicides, including a gathering that decried John Licali's shooting of Felton Robinson.

The combination of heightened anxiety regarding soldiers and rising expectations from African-American New Orleanians increased the potential for police homicide, as law enforcers struggled to maintain social order

98. Ibid., "Shot to Death 'Escaping' Police," January 13, 1945, 2. Also see also ibid., Dejoie, "Not Guilty," May 30, 1931, 6; and Moore, *Black Rage in New Orleans*, 55.

99. See Holmes and Smith, *Race and Police Brutality*, 76.

100. "Rampart Street Scene of Bloody Beating," *Louisiana Weekly*, June 19, 1943, 1. For a similar process in New York City, see Johnson, *Street Justice*, 193–94.

101. Dejoie, "It's Happened Again," *Louisiana Weekly*, May 3, 1941, 6.

and as residents resented such efforts.[102] Patrolmen became more assertive; African-American residents became less submissive; and the cycle of police violence accelerated. Although the rate of police homicide rose only slightly during the early 1940s, the proportion of cases with African-American victims spiked, jumping from fifty-five percent during the late 1920s and fifty-eight percent during the 1930s to eighy-two percent during the early 1940s.

This process had important political implications. Whereas discussions of democracy encouraged African-American New Orleanians to expect better treatment from law enforcers, these demands, and resulting shifts in behavior, made local law enforcers quicker to hold the tide and employ lethal force. Community leaders, in turn, more publicly and more stridently decried police violence, and the protest rallies that they organized galvanized support for racial equality. Responses to police violence during the war, as the historian Leonard N. Moore has argued, transcended the class and generational divisions within the African-American community and hence played a crucial role in launching the civil rights movement in New Orleans.[103] The reciprocal expectation of violence, in sum, fueled police homicide during the 1940s, reactions to which forged greater African-American unity and welling support for racial equality in the city.

* * *

The high rate and the particular character of police homicide in early twentieth-century New Orleans reflected two facets of law enforcement in the urban South during this period. First, at a macrocosmic and institutional level, Southern policemen struggled with distinct, race-based missions. On the one hand, like law enforcers throughout the nation, they were expected to be crime fighters and used deadly force as a crime-control tool. A nationwide—but also local—surge in urban violence during the 1920s, partially linked to Prohibition, heightened the pressure on policemen to combat street crime. J. Edgar Hoover's high-profile crusade against bank robbers during the 1930s focused greater attention on crime and increased expectations for law enforcers to become effective crime fighters. In New Orleans, this contributed to police efforts to battle bank robbers and to use deadly force in doing so; political leaders urged patrolmen to "shoot to kill" when they confronted "bandits." Therefore, the crime-fighting crusade produced a spike in police homicides with white victims during the late 1920s and the early 1930s. On the other hand, Southern policeman

102. Fairclough, *Race and Democracy*, 75, 79, 110. Also see Johnson, *Street Justice*, 191.
103. Moore, *Black Rage in New Orleans*, 3, 21, 254.

struggled with the long-standing mandate to preserve social stability by defending the racial hierarchy, and hence police killings of African-American New Orleanians represented a tool of race control. This effort generated a very different pattern of police homicide, as local law enforcers tried to maintain a system of racial custom increasingly challenged by social and political change, particularly during the 1940s. Because of these distinct missions, New Orleans policemen used deadly force often and in starkly race-specific circumstances, producing two independent trends in police homicide.

Second, on a microcosmic level, the social and occupational experiences of New Orleans policemen encouraged local law enforcers to use lethal force against African-American residents. Four overlapping factors contributed to high rate of police homicides with African-American victims. First, early twentieth-century Southern policemen viewed themselves as guardians of the local racial hierarchy and considered any challenges to their authority to be a threat to social order. Second, the institutional history of New Orleans policing encouraged local law enforcers to rely on rough justice and lethal force but left them ill suited to the task. Although they were poor, untrained, and unsupervised, even by regional standards, New Orleans policemen were given wide latitude to use whatever methods they deemed necessary to maintain order. Third, New Orleans law enforcers feared African-Americans, believing these residents to be volatile, unpredictable, and violent—liable, "without provocation," to "run amuck" at any moment. The combination of heavy-handed tactics and fear encouraged local policemen to demand submission and to respond to perceived defiance with swift and deadly force. And fourth, these conditions and pressures combined to make the prophecy of the "crazed negro" self-fulfilling, for the routine use of excessive force compelled African-American suspects to respond to the police in ways that made these residents appear even more dangerous, made patrolmen feel even more insecure, and thus reinforced their inclination to shoot to kill. Ironically, pressures for social change, such as the Double V Campaign of the 1940s, accelerated the internecine spiral, as African-American residents demanded reform and as local policemen felt more threatened.

But perhaps New Orleans policemen simply invoked the "Negro-run-amuck" explanation as an ex-post facto justification for wantonly employing lethal force against African-American residents. Again and again, patrolmen who killed African-American suspects insisted that the victim had made a suspicious or furtive movement, and therefore the law enforcer, believing that his life was in danger, killed in self-defense. If district attorneys deferred to policemen in determining when a law enforcer felt threatened, then patrolmen had a built-in, irrefutable justification

for the use of deadly force. Perhaps patrolmen used police reports to frame the shooting in the language of self-defense, guaranteeing their exoneration, and hence the surviving police case files may have been constructed for self-serving purposes.[104]

Without question, some New Orleans policemen indiscriminately and capriciously shot African-American residents and then insisted that they killed in self-defense. In a few instances, police reports were obviously not credible, such as accounts in which officers shot suspects in the back who were allegedly advancing toward law enforcers.[105] In other cases, newspaper and witness accounts conflicted so directly with police records that the different versions could not be reconciled; someone was lying.[106] But such clearly manufactured accounts were unusual. More often, official reports, witness testimony, and newspaper articles provided roughly consistent versions of the violence, even if different observers and commentators reached divergent explanations of blame and responsibility for the deadly encounters.

Three sets of sources or perspectives suggest that fear, and a resulting reciprocal expectation of violence, contributed significantly to police homicide against African-Americans in early twentieth-century New Orleans. First, the totality of primary-source evidence makes most police reports of patrolmen's fears plausible. It is true that overtly racist assumptions about the character of African-Americans fueled police perceptions of danger; within the context of street conditions in the city, however, fear and anxiety abounded. Police reports and witness testimony, even when conflicting, described unstable, volatile social interactions in high-crime neighborhoods where both law enforcers and suspects recognized the potential for violence and had good reason to feel frightened.

Although most African-American victims were unarmed, reports of suggestive moves and ambiguous actions by suspects filled the accounts. Moreover, anxious local law enforcers believed that African-Americans tended to carry weapons and were quick to use them. Patrolman Steve Dominguez, for example, fatally shot Charles Hunter because the suspect "made an attempt to draw something from his Busom [sic]." In his report,

104. See "Shot to Death 'Escaping' Police," *Louisiana Weekly*, January 13, 1945, 2. For a late twentieth–century discussion of this process, see Waegel, "How Police Justify the Use of Deadly Force," 152.

105. For example, see "Report of Homicide of Ernest White," March 21, 1926, Homicide Reports; and "Denied Attacking Officer," *Louisiana Weekly*, September 7, 1940, 1; and Dejoie, "The Killer Behind the Badge," October 3, 1942, 10.

106. For example, see Dejoie, "Not Guilty," *Louisiana Weekly*, May 30, 1931, 6; ibid., "Pistol Wound is Fatal to George Jones," February 27, 1932, 1, 4; and ibid., "Man Killed by Officer in His Home," May 7, 1932, 1.

the patrolman added that he believed Hunter "would kill us if we attempted to arrest him."[107] State troopers shot Milton Battise in the back as he fled on June 29, 1930, insisting that he reached for his pocket and thus made a threatening movement. Battise was unarmed and was fleeing. Accounts of the shooting, by law enforcers and other witnesses, however, confirmed that Battise reached for his pocket. In fact, he was merely trying to dispose of a bottle of alcohol at the time, although the state troopers only saw his motion for his pocket. In numerous other instances, witnesses, both police officers and those unsympathetic toward local law enforcers, observed movements and actions that patrolmen, often by themselves in violent African-American neighborhoods and primed by stereotypes of volatile young African-American men, interpreted as acts of aggression. New Orleans policemen were not victims or blameless. Rather, given the city's racial climate and the character, backgrounds, and racial ideals of local patrolmen, it is hardly surprising that they feared for their safety and shot pre-emptively.

Two other, very different perspectives offer indirect evidence of the way in which social and occupational experiences contributed to police anxieties and inclinations to reach for their service revolvers. Modern sociological and criminological scholarship describes similar pressures and fears as intrinsic elements of police work—and core factors in police homicide. Both ethnographic and social-scientific studies of policing conclude that law enforcers often fear African-American residents and believe themselves to be in danger.[108] "Most [police] shootings," one expert reported, "occur suddenly, in moments of fear, without calculation."[109] In such emotionally charged, unstable encounters, modern policemen often perceive "furtive movements" to be acts of aggression and therefore believe themselves to be in danger.[110] It-was-him-or-me explanations dominate police accounts of the use of deadly force.[111]

107. "Report of Homicide of Charles Hunter," May 11, 1927, Homicide Reports.

108. For example, see Jerome Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society* (New York: John Wiley, 1966), 47–48; Terrill and Reisig, "Neighborhood Context and Police Use of Force," 307; Arnold Binder and Peter Scharf, "The Violent Police-Citizen Encounter," *Annals of the American Academy of Political and Social Science* 452 (1980): 114, 118; and Marshall W. Meyer, "Police Shootings at Minorities: The Case of Los Angeles," *Annals of the American Academy of Political and Social Science* 452 (1980):109.

109. Jonathan Rubinstein, *City Police* (New York: Farrar, Straus and Giroux, 1973), 330.

110. Terrill and Reisig, "Neighborhood Context and Police Use of Force," 307; Meyer, "Police Shootings at Minorities," 101, 103; Binder and Scharf, "The Violent Police-Citizen Encounter," 118; and Holmes and Smith, *Race and Police Brutality*, 90, 33–34.

111. Waegel, "How Police Justify the Use of Deadly Force," 150–51.

Finally, recent studies by social psychologists shed intriguing light on the history of police homicide and the history of American race relations. Research on "racial bias" explores the vexing persistence of stereotypes and suggests that unconscious attitudes toward African-Americans influence behavior, especially in high-stress and time-pressured circumstances.[112] In particular, a sizable body of scholarship examines "fear conditioning," which is the idea that through specific experiences and through exposure to cultural influences—or social learning—individuals unconsciously come to associate neutral stimuli with frightening incidents or groups.[113] Children who have been whipped, for example, might cower at the sight of a belt, regardless of whether it is in the hands of their abuser. Even when the stimulus is harmless or ambiguous, individuals primed by past experience anticipate discomfort, pain, or fear and react accordingly. Exposure to widely disseminated images of danger or threat can produce a similarly unconscious or "implicit" association.[114]

Social psychologists argue that many Americans unconsciously associate African-Americans with violence and respond to images of African-Americans with fear.[115] Myriad research studies, including some with police officers, have documented this association.[116] Participants in experiments, for example, are more likely to interpret ambiguous interactions, such as jostles, as acts of aggression when initiated by an African-American.[117]

112. Michael R. Smith and Geoffrey P. Alpert, "Explaining Police Bias: A Theory of Social Conditioning and Illusory Correlation," *Criminal Justice and Behavior* 34 (2007): 1277.

113. David C. Knight, Hanh T. Nguyen, and Peter Bandettini, "Expressions of Conditional Fear With and Without Awareness," *Proceedings of the National Academy of Sciences of the United States* 100 (2003): 15,280; Elizabeth A. Phelps and Laura A. Thomas, "Race, Behavior, and the Brain: The Role of Neuroimaging in Understanding Complex Social Behaviors," *Political Psychology* 24 (2003): 750.

114. Patricia G. Devine, "Stereotype and Prejudice: Their Automatic and Controlled Components," *Journal of Personality and Social Psychology* 56 (1989): 6.

115. H. Andrew Sagar and Janet Ward Schofield, "Racial and Behavioral Cues in Black and White Children's Perceptions of Ambiguously Aggressive Acts," *Journal of Personality and Social Psychology* 39 (1980): 596; and Birt L. Duncan, "Differential Social Perception and Attribution of Intergroup Violence: Testing the Lower Limits of Stereotyping of Blacks," *Journal of Personality and Social Psychology* 34 (1976): 591.

116. R. Richard Banks, Jennifer Eberhardt, and Lee Ross, "Discrimination and Implicit Bias in a Racially Unequal Society," *California Law Review* 94 (2006): 1172.

117. Joshua Correll, Bernadette Park, Charles M. Judd, and Bernrd Wittenbrink, "The Police Officer's Dilemma: Using Ethnicity to Disambiguate Potentially Threatening Individuals," *Journal of Personality and Social Psychology* 83 (2002): 1314–15; Sagar and Schofield, "Racial and Behavioral Cues in Black and White Children's Perceptions of Ambiguously Aggressive Acts," 596.

According to social psychologists, these implicit associations even influence what people see (or believe they have seen), because the brain interprets images in the context of memories and established schemas.[118] Therefore, in a society in which African-Americans are stereotyped as violent, participants in experiments believe that they "see" weapons in hands of African-American subjects in photographs or in computer-generated images.[119] For example, experiment participants seeing an individual carrying a partially concealed object tend to believe that an African-American is carrying a weapon, whereas a white person with the same object is perceived to be holding a wallet or a cell phone.[120] Particularly in unfamiliar circumstances or when faced with the pressure to make rapid judgments, even individuals who consciously reject negative racial stereotypes harbor implicit racial biases.[121]

This fear-conditioned racial bias also produces measurable physical and physiological responses. Images of African-Americans, for example, spark unconscious startle and blink reactions.[122] Similarly, brain scans reveal evidence of unconscious fear when white test subjects view pictures of African-Americans.[123]

118. Correll, Park, Judd, and Wittenbrink, "The Police Officer's Dilemma," 1325–27; Jennifer L. Eberhardt, Nilanjana Dasgupta, and Tracy L. Banaszynski, "Believing is Seeing: The Effects of Racial Labels and Implicit Beliefs on Face Perception," *Personality and Social Psychology Bulletin* 29 (2003): 360; Smith and Alpert, "Explaining Police Bias," 1277; and Jerry Kang, "Trojan Horse of Race," *Harvard Law Review* 118 (2005): 1503–4.

119. Eberhardt, Dasgupta, and Banaszynski, "Believing is Seeing," 361; B. Keith Payne, "Prejudice and Perception: The Role of Automatic and Controlled Processes in Misperceiving a Weapon," *Journal of Personality and Social Psychology* 81 (2001): 182, 186; and Patricia G. Devine, "Implicit Prejudice and Stereotyping: How Automatic Are They?" *Journal of Personality and Social Psychology* 81 (2001): 757.

120. Correll, Park, Judd, and Wittenbrink, "The Police Officer's Dilemma," 1327; and Banks, Eberhardt, and Ross, "Discrimination and Implicit Bias in a Racially Unequal Society," 1174. Also see Eberhardt, Dasgupta, and Banaszynski, "Believing is Seeing," 361; Jennifer L. Eberhardt, Philip Atiba Goff, Valerie J. Purdie, and Paul G. Davies, "Seeing Black: Race, Crime, and Visual Processing," *Journal of Personality and Social Psychology* 87 (2004): 876; Smith and Alpert, "Explaining Police Bias," 1272; Payne, "Prejudice and Perception," 189; Devine, "Stereotype and Prejudice," 7; Kang, "Trojan Horse of Race," 1525; E. Ashby Plant and B. Michelle Peruche, "The Consequences of Race for Police Officers' Response to Criminal Suspects," *Psychological Science* 16 (2005): 180.

121. Payne, "Prejudice and Perception," 181.

122. Knight, Nguyen, and Bandettini, "Expressions of Conditional Fear With and Without Awareness," 15,280.

123. The amygdala, a structure in the brain that processes memories of emotional reactions, particularly fear, activates when white tests subject see pictures of African-Americans. See Phelps and Thomas, "Race, Behavior, and the Brain," 754; Elizabeth A. Phelps, Kevin J. O'Connor, William A. Cunningham, E. Sumie Funayama,

Social psychologists, however, argue that fear conditioning is grounded in social context; stereotypes are historically constructed and therefore are mutable.[124] Individuals who are less exposed to negative stereotypes exhibit relatively weaker racial bias. Therefore, social psychologists suggest that shifting attitudes toward race are likely to make unconscious bias less pronounced.[125]

For precisely this reason, however, fear conditioning probably contributed to police homicide in New Orleans from 1925 through 1945, as blatantly racist ideas about African-Americans were normative in Louisiana during this period. Moreover, white Southerners typically believed that African-Americans were innately violent and emotionally unstable. Therefore, culturally constructed attitudes "conditioned" early twentieth-century New Orleans policemen to fear African-Americans and to perceive ambiguous movements as aggressive and dangerous. The daily work life of law enforcers in a New South city would have reinforced such attitudes, as untrained, lone New Orleans policemen encountered African-American residents in horrifically violent social contexts and physical settings, adding personal experiences of danger to culturally constructed images of the "Negro run amuck." If early twenty-first-century white Americans unconsciously respond to African-Americans with fear, it seems likely that early twentieth-century, working-class New Orleans patrolmen would have been even more likely to interpret furtive movements as acts of aggression, more inclined to see bottles of alcohol as guns, and quicker to feel fear and to respond with deadly force. Without question, many local law enforcers were consciously racist and intentionally murdered African-Americans, yet it also seems likely, based on the research findings of social psychologists, that other New Orleans policemen felt threatened and unconsciously misinterpreted the actions of African-American suspects, setting in motion the cycle of reciprocal violence that produced police homicide. Far from minimizing the role of racism in police homicide from the 1920s until the 1940s, the insights from social psychologists

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J. Christopher Gatenby, John C. Gore, and Mahzarin R. Banaji, "Performance on Indirect Measures of Race Evaluation Predicts Amygdala Activation," *Journal of Cognitive Neuroscience* 12 (2000): 730; and Kang, "Trojan Horse of Race," 1510–11.

124. Phelps, O'Connor, Cunningham, Funayama, Gatenby, Gore, and Banaji, "Performance on Indirect Measures of Race Evaluation Predicts Amygdala Activation," 734.

125. Plant and Peruche, "The Consequences of Race for Police Officers' Response to Criminal Suspects," 180; Phelps and Thomas, "Race, Behavior, and the Brain," 754; Phelps, O'Connor, Cunningham, Funayama, Gatenby, Gore, and Banaji, "Performance on Indirect Measures of Race Evaluation Predicts Amygdala Activation," 734; and Kang, "Trojan Horse of Race," 1557.

underscore the deep and enduring impact of early twentieth-century racial ideologies on law enforcement.

In sum, the colliding social, occupational, and cultural forces that triggered police homicide in early twentieth-century New Orleans were rooted in time and place: the social and demographic conditions of the city in the age of Jim Crow, the institutional conditions of a police department resistant to political and legal change, and the cultural conditions that shaped police perceptions of and reactions to African-American residents. Furthermore, these police homicides occurred before the civil rights movement changed social conventions and legal practices. In addition, the killings predated *Tennessee v. Garner*, the 1985 Supreme Court decision that restricted the use of deadly force to prevent fleeing suspects from escaping, that compelled police department to redraft the use-of-force guidelines, and that reduced the rate at which law enforcers employed deadly force.[126]

In many respects, however, police homicide in early twentieth-century New Orleans eerily resembles police homicide in modern America. More than two thirds of a century after John Licali killed Felton Robinson, African-Americans remain the disproportionate victims of police homicide. Furthermore, African-American city dwellers are still shot for more minor offenses than are whites; are still more often killed for fleeing, resisting arrest, or making ambiguous movements; and are still unarmed more often than are white victims of police deadly force.[127] The rate of police homicide has dropped, but the race-based gap has not changed significantly since John Licali shot Felton Robinson.[128] Although no doubt less pronounced than during the last century, the pernicious and persistent effects of fear conditioning continue to fuel racial biases.[129] Despite the achievements of the civil rights movement, despite the tighter, more restrictive guidelines for the use of deadly force, despite the training and supervision required of law enforcers, despite the ascent of African-Americans to leadership positions in law enforcement and government, police officers continue to view African-American young men with trepidation, continue to use lethal force in response to ambiguous hand motions from suspects, and continue to rely on vague provisions of the criminal code to justify the use deadly force. In turn, African-American young men still view law enforcers

126. Sparger and Giacopassi, "Memphis Revisited: A Reexamination of Police Shootings after the Garner Decision," 221.

127. See Fyfe, "Blind Justice," 717–21; and Sherman, "Execution Without Trial."

128. In 1998, the gap was four-fold nationally, which was the same as the early twentieth-century New Orleans gap. See Brown and Langan, "Policing and Homicide, 1976–98," 5.

129. See Holmes and Smith, *Race and Police Brutality*.

with suspicion and mistrust. Whereas police homicide has changed in numerous ways since the early twentieth century, its overall character has retained core elements, and for African-American city dwellers a patrolman too often is still seen as "the killer behind the badge."

https://doi.org/10.1017/S0738248011000927 Published online by Cambridge University Press