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March 21, 2022

Before “Riots”: Black Dissent, Policing in Atlanta, and the Myth of the “City Too Busy to Hate,”
1968-1981

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Abstract

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Before “Riots”: Black Dissent, Policing in Atlanta, and the Myth of the “City Too Busy to Hate,” 1968-1981 examines Black dissent to police abuse, overreach, and neglect in Atlanta, beginning with the aftermath of the assassination of Martin Luther King Jr. and culminating with the Atlanta Child Murders. This thesis argues that in response to continuous police abuse, unnecessary intervention, and neglect, Black Atlantans employed a multitude of nonviolent means to raise awareness about and end police oppression, but these efforts were actively suppressed by local police and government. This thesis will examine Black Atlantans’ pushback against racist policing through protest, small rebellions, litigation, and self-defense initiatives. This work will argue that the police and city government did not simply fail to respond to Black dissent, but rather played an active role in silencing and suppressing it. This suppression took on many forms, including legal punishments, physical injury, attempts to gaslight, and liberal rhetoric designed to quell criticisms of racist policing. This thesis argues that rhetoric bolstering the “city too busy to hate” myth worked to perpetuate the myth for a favorable public image, which required the termination of Black dissent drawing attention to racism and policing problems in Atlanta. The myth of Atlanta as a “city too busy to hate” itself played a role in the suppression of dissent, distracting from the oppression of Black Atlantans by police and serving as a counter and silencer of valid criticisms of policing. By exploring Black pushback against policing in Atlanta, this thesis endeavors to come to a new understanding of urban unrest as preceded by and the result of the persistent suppression of Black dissent.

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Introduction

On April 4, 1968 the assassination of Martin Luther King Jr. sent a shock through the United States. The death of this leading nonviolent Civil Rights leader created many anxieties about what the future of the movement might look like. These anxieties were felt acutely in Atlanta, King's hometown. Many Atlantans, including some followers of King, white moderates, and conservatives Governor Lester Maddox, feared that more militant techniques and activists would gain momentum and create unrest and possible destruction in the city.¹ As cities across the U.S. became embroiled in unrest and rebellion, many Atlantans worried that Atlanta would experience "riots."

Even before the killing of Martin Luther King Jr., concerns about "riots" loomed large in the U.S. Americans desperately sought to understand the causes of urban unrest during the late 1960s. President Lyndon B. Johnson created a task force to determine the causes of unrest and its possible solutions called the National Advisory Commission on Civil Disorders, or the Kerner Commission. One Kerner Commission member hailed from Atlanta: the Atlanta Police Department's (APD) very own chief, Herbert Jenkins. Jenkins was the only police officer on the committee and saw himself as a liberal, though many in the Black community criticized his liberal rhetoric as lacking true impact or understanding of the struggles in the Black community.² The Kerner Report was a lengthy document released in February 1968 that surprised many of its readers, including President Johnson, as its diagnosis of and potential solutions for the issue of urban unrest focused largely on racism and racial inequalities.³

¹ Hopkins, Sam. "Worst Shock in Georgia Since Kennedy Death." *The Atlanta Constitution (1946-1984)*. April 5, 1968.

² "Police Headquarters Picketed on 'Racism.'" *The Atlanta Constitution (1946-1984)*. June 12, 1969; Rohrer, Bob. "Negro Leaders Give Mayor 24 Hours to Act." *The Atlanta Constitution (1946-1984)*. September 16, 1969.

³ Hinton, Elizabeth. *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*. Cambridge: Harvard University Press, 2016, 127.

To address some of the root causes of urban unrest, the Kerner Report recommended the creation of two million jobs for low-income residents, the construction of 600,000 housing units in “ghetto neighborhoods,” the continued federal commitment to school integration, and a certain minimum income.⁴ This was important because it shows the Commission recognized economic inequality, racism, and segregation as root causes of urban unrest. These issues were highlighted as essential to preventing urban unrest, in addition to a number of issues related to police reform, as calls for equitable and antiracist policing were central to the heart of urban demonstrations of unrest leading up to the Kerner Commission.

More policing was certainly a large part of the Commission’s recommendations, but police reforms were also a central part of the equation. The Kerner Report concluded that police were holding poor Black neighborhoods to a lower standard of safety and that more Black officers were needed to police neighborhoods of color.⁵ The Kerner Report encouraged police departments to create screening procedures when assigning officers to police segregated city communities. The Report also encouraged sensitivity programs to curb the problem of racial discrimination in law enforcement and facilitate better community-police relations. The Report also suggested that city law enforcement should focus on serious crimes involving danger to people and property instead of minor crimes like loitering, as the pursuit of these infractions often created more distrust and upset in urban communities. Further, the Kerner Commission suggested that law enforcement agencies should decrease or entirely eliminate daily arrest quotas and create procedures to decide whether police needed to intervene in “victimless crimes” like vagrancy or street gatherings in areas that were deemed at a high risk of crime. The Commission

⁴ Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, 124-125.

⁵ Foreman Jr., James. *Locking Up Our Own: Crime and Punishment in Black America*. New York: Farrar, Straus and Giroux, 2017, 35, 104.

also suggested that police departments create internal and external police review boards to hold police accountable for their conduct. The Kerner Report also asked police departments to increase the role of local police in community service engagement in causes like the fight against poverty.⁶ This demonstrates that the Kerner Report included many constructive suggestions regarding police reform that recognized the racially disparate realities of policing in the U.S. and sought to reconcile these disparities in order to end urban unrest.

However, across the U.S. the changes adopted to police departments typically focused on more aggressive policing rather than the root causes of unrest. This increasing militarization of policing exacerbated the existing racial divide.⁷ As President Nixon took office in 1969, aggressive anti-drug policies began to kick off an unofficial drug war that disproportionately punished Black Americans. To pursue drug crimes, police across the U.S. became increasingly militarized and took more liberties with their powers at the expense of Americans' rights and privacy.⁸ The inclination to militarize police instead of implement more comprehensive police reforms addressing economic and policing inequities speaks to an anxiety in the U.S. related to the need to control Black communities because they were perceived as dangerous threats to order. Instead of embarking upon a quest to end racial gaps of wealth, opportunity, and resources, American policymakers saw it more expedient to increase police power and presence to address widespread fears of potential riots in cities across the U.S.

Like other Americans, Atlantans were also experiencing anxieties about urban unrest approaching King's tragic assassination. Shortly before King's death, Governor Lester Maddox met with church leaders in Atlanta to brainstorm how to avoid "racial crisis" during the coming

⁶ Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, 124-130.

⁷ Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, 134.

⁸ Balko, Radley. *Rise of the Warrior Cop: The Militarization of America's Police Forces*. New York: PublicAffairs, 2014, 70, 135.

summer months. In this meeting, attendees discussed possibly creating a series of seminars related to community-police relations and getting churches to put pressure on the businesses and banks they worked with to initiate more opportunities for equal employment across races.⁹ This demonstrates that even before King’s assassination, city leaders and state actors were devising ways to mitigate tensions in Atlanta in hopes of avoiding the riots that loomed large in political discourse.

Everyday Atlantans were also inquiring about the causes of urban unrest approaching the assassination of King. The *Atlanta Constitution* published an article about the possible reasons for unrest on April 4th, before King’s death. In the article, B.J. Phillips, a white woman, spoke with Black Atlantans from diverse backgrounds, ranging from Atlanta University students to residents of poor Black neighborhoods, to get an idea about why Black Atlantans believed riots occurred. Phillips perceived a common thread in Black people’s perspectives on unrest: threats and feelings of endangerment led to resistance. One Black student asserted that many Black people felt that their “lives [were] in danger in this country; that fascist police tactics will be used against black people...When we call out for justice, we get the National Guard.”¹⁰ This demonstrates that some Black Atlantans feared life-threatening police abuse. It also crystalizes a frustration of Black Americans that their calls for redress of grievances are often met with more violence and policing to suppress their dissent rather than to address the issue constructively.¹¹

⁹ “Churchmen Offer Race Crisis Help.” *The Atlanta Constitution (1946-1984)*. April 4, 1968.

¹⁰ This student also argued that “so-called riot control is the first step in Gestapo-like tactics that will eventually extend to others besides Negroes.” This implies that the student believed that the city and state government may be using “riots” as an excuse for using militarized police tactics against dissenting or in-compliant citizens. This statement also alludes to the risk that this police abuse could one day be extended to non-Black Atlantans, and thus white Atlantans should be concerned for their own rights and safety as well.

Phillips, B. J. “Who Starts Riots? A Negro Viewpoint.” *The Atlanta Constitution (1946-1984)*. April 4, 1968.

¹¹ In this thesis, I will broadly use the word “dissent” to characterize the many forms pushback against racist policing. Though I will not address all forms of dissent, I will use each chapter to explore one form, including peaceful protest, “small” rebellions, legal challenges, and self-defense organizing. These were all ways to challenge racist policing and the common narrative of Atlanta as a “city too busy to hate.”

Philips concluded that in her conversations she learned “trouble in the ghettos comes in all kinds of packages. Sometimes it’s shaped like rats, sometimes like a policeman, sometimes like no job opportunities, sometimes like poor housing.”¹² This shows that elevated tensions in poor Black neighborhoods were often the culmination of a range of poor conditions, including continued economic subordination, poor living conditions, and the poor treatment of low-income Black people by police. This diagnosis is echoed by the Kerner Report, historical scholarship, and many Black activists.¹³

After King’s assassination, worries of possible “riots” or chaos in Atlanta quickly became the focus of many Atlantans, especially amongst city and state officials. Lester Maddox quickly declared that “peace and calm must be maintained in Georgia” after he denounced King’s political views while disavowing his murder due to the violence’s disruption of law and order.¹⁴ This demonstrates that lawmakers and law enforcement were immediately turning their attentions to how order and peace would be maintained in Atlanta. When many days passed and Atlanta experienced no major violence, the peace maintained in Atlanta became a source of local pride, measured in contrast to other cities across the U.S. that experienced burning and conflict following King’s assassination.¹⁵

¹² Phillips, “Who Starts Riots? A Negro Viewpoint.”

¹³ Foreman Jr., *Locking Up Our Own: Crime and Punishment in Black America*; Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, 133; Fortner, Michael Javen. *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment*. Cambridge: Harvard University Press, 2015, 9; Gascón, Luis Daniel and Aaron Roussel. *The Limits of Community Policing: Civilian Power and Police Accountability in Black and Brown Los Angeles*. New York: New York University Press, 2019.

¹⁴ Hopkins, “Worst Shock in Georgia Since Kennedy Death.”

¹⁵ There were some minor disturbances in Atlanta following King’s death. A liquor store was also reportedly looted on the night that the news of King’s death broke. There were also gun shots reportedly fired on a Black university campus. There were some reports of small fires, broken store windows, and petty thefts on April 9th. A young boy was also caught with a Molotov cocktail and turned in to juvenile authorities. None of these events led to any larger unrest in the city, which Atlantans interpreted as a “win” for peace in the city.

McCartney, Keeler and Hubert Dick. “Non-Violent Leaders Plead For All to Show the World.” *The Atlanta Constitution (1946-1984)*. April 6, 1968; McCartney, Keeler. “False Alarms, Broken Glass But No Major Trouble Here.” *The Atlanta Constitution (1946-1984)*. April 10, 1968; “Youth Gang Suspected In False Fire Alarms.” *The*

One explanation for Atlanta's general maintenance of peace following King's death was Atlantans' desire to honor his memory in his home city. Following the shooting of King, many Black and white leaders in Atlanta urged residents to follow King's example and honor his memory. Civil Rights activist Reverend Benjamin Mays praised King's dedication to nonviolence as a means of bringing racial harmony and justice, and Rabbi Jacob Rothchild urged Atlantans to fulfill King's "principles of dignity and equality by the methods he devoted and sacrificed his life to—that of nonviolence."¹⁶ Days after King's death, Civil Rights leaders continued to urge Black and white Atlantans to "demonstrate to the world that nonviolence will prevail in the City of Atlanta" in hopes of honoring the late King's memory.¹⁷ Black students echoed these calls and encouraged their peers to maintain the peace. For example, the Morehouse Black Action Committee released a statement declaring that "violent retaliation is out" and began an initiative to lower the political temperature among their fellow students.¹⁸ This demonstrates that a wide range of Atlantans were indeed keen on preserving King's mission and remaining peaceful in his hometown in honor of his memory and cause.

Many Atlanta institutions and everyday people also exercised great generosity to accommodate the pouring in of funeral attendees. The Southern Christian Leadership Conference set up an emergency headquarters to help visitors. Central Presbyterian Church opened to Black people and offered to house three thousand people each night and provide meals for many more people during the march. Years later, Mayor Ivan Allen mused that "private homes, black and white, were also offering their rooms" to visitors who needed somewhere to stay when they came

Atlanta Constitution (1946-1984). April 13, 1968; Allen Jr., Ivan. "The Day King Died." *Atlanta Magazine* (blog), April 1, 1993. <https://www.atlantamagazine.com/civilrights/mlk-death-ivan-allen/>.

¹⁶ Hopkins, "Worst Shock in Georgia Since Kennedy Death."

¹⁷ McCartney and Dick, "Non-Violent Leaders Plead For All to Show the World."

¹⁸ Jackson, Charles. "'Violent Retaliation Is Out,' Students Plan a King Fund." *The Atlanta Constitution* (1946-1984). April 6, 1968.

for the funeral.¹⁹ These displays of openness and community have helped build the mystique of Atlanta as a racially harmonious city that displayed its true colors in peacefully honoring King's message after his death.²⁰

While there is certainly merit to the narrative that order was maintained in Atlanta due to a desire to honor King and his legacy, an extraordinarily high police presence likely also played an impactful role in discouraging urban unrest. City and police officials swiftly made a visible presence in Black neighborhoods following the news of King's death. The mayor at the time, Ivan Allen Jr., and police chief Herbert Jenkins visited Black neighborhoods shortly after King's death. They walked through the neighborhoods and stood on corners to speak with Black residents and "[tried] to show them [their] concern." Allen claimed that he did this to spread word of the city's understanding and sadness in the wake of King's death, as he believed that "the grapevine, rather than newspapers or television or any other method of communication, is the traditional means of spreading the word [in a black ghetto]."²¹ Though Allen claimed that he and Jenkins visited and patrolled Black neighborhoods to comfort Black citizens and express a level of solidarity, their presence may have also given Black residents the message that they were being carefully watched by police following King's assassination.²² This police presence may

¹⁹ Allen Jr., "The Day King Died."

²⁰ These demonstrations of welcoming different racial groups into traditionally white spaces, such as churches and private homes, is depicted by Mayor Allen as signaling racial harmony and the healing of racism and its many implications in Atlanta society. However, these examples of racial integration cannot be read as a dismantling of Jim Crow, as this simplifies the institution of Jim Crow and its long-lasting implications. Though these may be profound demonstrations of progress, this did not change de facto segregation of housing, the racial wealth gap, or the discriminative policing practices characteristic of Jim Crow and the ramifications of it that continue to be felt today.

²¹ Allen Jr., "The Day King Died."

²² Allen and Jenkins also made a visible presence to Atlantans by joining 4,000 Black students in their march in honor of King. Though Allen said he struggled in deciding whether he should grant the students a permit to march, he ultimately decided to permit the march and even tried to join the march to demonstrate his alignment with the students' values. However, when Allen arrived, a young Black man approached him and said "Mayor Allen... we respect you, but this is a black man's march, and we don't want you to go with us." Allen claimed that this "frightened" him, as he was already worried about "backlash on the part of the city's black community," but he compromised by participating in the march by riding in a police car 75-100 yards in front of the marchers. Allen's fear of a young Black man, who prefaced his declining of Allen's offer to march with him with "all due respect,"

have created an increased fear of retaliation and police conflict, discouraging Atlantans from expressing their discontent with unrest similar to that of which other cities experienced.

The Atlanta Police also experimented with new riot control methods. Police Chief Jenkins understood, as the Kerner Report concluded, that racism was “the most prominent cause” of civil disorder. However, Jenkins stressed the role of police in preventing unrest, rather than measures for social equity or police reform that addressed the root causes of discontent. Jenkins expressed that he believed “prevention [of riots] rests squarely on the shoulders of local police.”²³ Though the Kerner Report had many suggestions for improving race relations and the problem of urban unrest in American cities, Jenkins, like many other lawmakers and police, focused on the need for more policing to solve the issue.

After Atlanta emerged from the days following King’s death and funeral generally scot-free, Jenkins bragged of the successes of the Atlanta Police and their new riot control tactics. In anticipation of unrest, Atlanta Police experimented with a new system for maintaining order. The system involved an all-Black 40-person task force to patrol the streets from late afternoon to early morning. If there was any perception of trouble, a whole crime prevention squad would be sent into the area as well as the task force. If these two forces failed to resolve the issue, a riot squad would quickly follow. Then 12-hour police duty would go into effect. Jenkins expressed satisfaction with the functioning of this system following King’s death, citing that there was no

indicates that Allen was highly sensitive to and vigilant of any words or behaviors of Black Atlantans that could be perceived as unfriendly. Judging by Allen’s fear of this harmless and cordial speech, Allen was on edge and interpreted slight disagreements with Black Atlantans as having explosive potential. Though Allen and Jenkins may have mostly intended for the police presence at the march to demonstrate that city officials were on the same page as Black Atlantans, the police presence may have sent another message to Black participants in the march. Black Atlantans may have interpreted the police-led march as a way for city police to show that they would respond quickly if there were any conflicts and squash any potential unrest. This constant police presence may have discouraged Black Atlantans from expressing their discontent about King’s death in more destructive ways. Allen Jr., “The Day King Died”; Jackson, “‘Violent Retaliation is Out,’ Students Plan a King Fund.”

²³ “Prevention Is Key to Riot Control, Jenkins Says.” *The Atlanta Constitution (1946-1984)*. April 18, 1968.

significant burning or looting. This system relied on an intense police presence to squash any potential unrest. This overwhelming police presence likely played a significant role in Atlanta's failure to experience unrest like other cities in the U.S.²⁴

Quickly after news of King's death broke, Herbert Jenkins issued a special order placing the Atlanta Police Department on two twelve hour shifts until further notice, meaning that all police would be on duty, which was a highly unusual occurrence. Jenkins claimed that "there simply wasn't enough manpower to go around. So we did the only thing we could do. We doubled up the watches."²⁵ During the funeral on April 9th, every one of the over 1,000 Atlanta police officers were on duty.²⁶ 500 uniformed Atlanta firemen were also on patrol during the funeral ceremony and related demonstrations. 1,400 Black students were also recruited to serve as special marshals to maintain the peace during the ceremony and march.²⁷ This demonstrates that there was a strong local police presence in Atlanta following King's death. Robert Woodruff, the former president of Coca-Cola and a major Atlanta philanthropist called Mayor Allen and advised Allen to take whatever precautions that were necessary to preserve peace and order in Atlanta, saying that "whatever the city can't pay for will be taken care of."²⁸ This demonstrated that the city of Atlanta practically had a blank check to spend as much as they saw necessary on the police presence in the city following King's death. This meant that Atlanta was less financially limited in ways that other cities may have been as they prepared for urban unrest.

²⁴ Jenkins also gave credit to local Black leaders for encouraging nonviolence, but his focus was mostly on the success of the police in these critical days and accredited Atlanta's preparation to its long study of crime and juvenile delinquency, as well as Mayor Allen's leadership. "Prevention Is Key to Riot Control, Jenkins Says."

²⁵ "Police Go On 12-Hour Shifts Here." *The Atlanta Constitution (1946-1984)*. April 6, 1968.

²⁶ The APD returned to its normal schedule on April 10th, with the exception of 25 officers who continued their overtime for what was called a "cleanup operation." Gailey, Philip. "900 Police, Firemen Called for Funeral." *The Atlanta Constitution (1946-1984)*. April 8, 1968; Allen Jr., "The Day King Died"; "Police Return to Normal Working Schedule Here." *The Atlanta Constitution (1946-1984)*. April 11, 1968.

²⁷ Allen Jr., "The Day King Died."

²⁸ Ivan Jr., "The Day King Died."

This allowed Atlanta to produce a larger police presence, which ultimately may have played a role in intimidating Atlantans from engaging in unrest akin to that of other cities.

State police forces were also used to maintain peace in Atlanta in the days following King's death. Governor Maddox called all of the over 2,000 National Guardsmen into active duty for the April 9th funeral. On April 10th, Maddox announced that the National Guardsmen would be returned to inactive status, although an undisclosed number of units would remain active until April 11th.²⁹ This shows that there was a large presence of Georgia state police during the funeral and related demonstrations, which may have made a powerful statement to citizens about the possible serious repercussions of any missteps or lawbreaking. There was also a significant federal police presence in the city during the funeral, with Secret Service, Federal Bureau of Investigation agents, and federal marshals present.³⁰ Altogether, these local, state, and federal officials created an extremely strong presence in Atlanta following King's assassination, which may help to explain in part why there were minimal disturbances in Atlanta leading up to and during King's funeral.

Nonetheless, the possible influences of extraordinary police power on Atlanta's behavior following King's death have largely been left out of the narratives of Atlanta's response to King's death. Instead, a romanticized tale of Atlanta revealing itself as a racially harmonious and peaceful city has emerged without mention of the extreme police presence that was summoned in the city. Lieutenant Governor George Smith praised Mayor Allen and Chief Jenkins and claimed that "getting through this entire period as we did has done more for race relations in this city than

²⁹ Riner, Duane. "Maddox and Smith Pat City on Back." *The Atlanta Constitution (1946-1984)*. April 11, 1968.

³⁰ Ivan Jr., "The Day King Died."

any other thing.”³¹ Smith’s comment demonstrates that many people, especially politicians, resistant to necessary changes to bring about racial justice were quick to use the comparative lack of violence in Atlanta as evidence that Atlanta had an agreeable racial understanding even if many Black Atlantans continued to speak out against injustice.

But the lack of a large eruption of spectacular unrest or police violence in Atlanta following King’s death does not mean that violence was not in play during this time. Historian Micol Seigel claims that the power of police is dependent upon their potential to unleash violence at any given time. Seigel claims that “the violence of the police is often latent or withheld, but it is functional precisely because it is suspended. It often need not be made manifest, because people fear it and grant it legitimacy.”³² Thus, violence was indeed at work in Atlanta during the days following King’s assassination. Atlantans likely were discouraged from taking to the streets because of the threat of police violence present at every corner, given the great police presence in the city.

However, the role of potential violence was largely dismissed by politicians who continued to claim that racial harmony and peace had triumphed in Atlanta. Governor Maddox shared a similar sentiment to Lieutenant Governor George Smith, saying that Atlanta did not experience significant unrest because “Atlanta [was] a center of progress for all people—white and black.”³³ This demonstrates that many people used the maintenance of peace in Atlanta as evidence that Atlanta was a land of opportunity, absolving the city of any need to improve or have meaningful discussions about race or reform. The outward appearance of peace in Atlanta

³¹ Though police may have also been concerned about the prospect of white extremist violence in Black neighborhoods, their heavy presence particularly following the assassination of King was likely mostly due to a desire to control unrest in the Black community.

Riner, “Maddox and Smith Pat City on Back.”

³² Seigel, Micol. *Violence Work: State Power and the Limits of Police*. Durham: Duke University Press, 2018, 9.

³³ Riner, “Maddox and Smith Pat City on Back.”

was weaponized by political figures like Maddox to make the case that Atlanta did not have significant issues related to race such as discrimination or economic inequality. Instead, a rosy picture of the days following King's death was offered, depicting Atlanta as a racially harmonious city "too busy to hate," more progressive than other U.S. cities with regard to racial issues. This narrative of racial harmony in Atlanta is dangerous because it obscures the more complicated reality that Atlanta had plenty of its own racial inequalities and injustices at the time of King's death and continues to struggle with racial justice today.

Atlanta's reputation for being more racially tolerant than other southern cities, combined with the rising power of Black leadership in Atlanta from 1968 to 1981, makes a study of policing in Atlanta and the challenges to policing brought by Black people particularly interesting. Historians Maurice Hobson and Ronald Bayor establish that Atlanta cultivated a reputation for being a "city too busy to hate" and a safe place for Black Americans to flock because of its alleged racial tolerance. However, both scholars conclude that this reputation falls short of its promises. Despite its self-proclaimed racial progressivism, communities of color in Atlanta continued to experience racism and disrespect from police throughout the twentieth century and present day.³⁴

Atlanta is a unique city to study during this period because it demonstrated the actualization of two major reforms that the Black community traditionally called for—representation in government and police departments. The growing political power of Black Atlantans from 1968 to 1981 make this particular era interesting, as this influence still did not manifest into equitable or respectful policing of Black neighborhoods.³⁵ While the expansion of

³⁴ Bayor, Ronald H. *Race and the Shaping of Twentieth-Century Atlanta*. Chapel Hill: The University of North Carolina Press, 1996.

³⁵ Hobson, Maurice J. *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*. Chapel Hill: The University of North Carolina Press, 2017.

voting rights in the 1960s appeared to have meaningful impact on the mayoral elections in Atlanta, demonstrated by the election of Black mayors in Atlanta since 1973, this representation did not solve the problems of inequality and inequity in Atlanta.³⁶ In fact, Black Atlantans still suffered many of the same issues that plagued them under previous white administrations.³⁷ This disconnect becomes particularly evident in Hobson's study of the 1979 to 1981 Atlanta Child Murders, in which Hobson demonstrates that Black Atlantans did not trust the APD to protect them, were especially suspicious of Black police officers, and developed their own methods such as the Bat Patrol to provide their communities security.³⁸

Of course, the expansion of voting rights and more representation on police departments were not the only reforms for which Black communities advocated. Black communities across the U.S. demanded better social services, affordable housing and healthcare, an end to racist policing and police brutality, more police to keep their neighborhoods safe, and more Black police officers and political leaders, among many other requests. However, the main demands that were accommodated involved more policing, as this demand was a convenient one for

³⁶ The expansion of Black voting rights in Atlanta had already begun in the 1940s, creating more moderate white leadership in Atlanta compared to other southern cities.

Bayor, *Race and the Shaping of Twentieth Century Atlanta*, 183-186; see also Taylor, Keeanga-Yamahtta. "Black Faces in High Places." In *From #BlackLivesMatter to Black Liberation*, 75-106. Chicago: Haymarket Books, 2016.

³⁷ In his *Black Silent Majority: The Rockefeller Drug Laws and the Politics of Punishment*, Michael Javen Fortner asserts that Black New Yorkers played a role in crime policy development through their calls for additional policing and cracking down on drug use. This creates an implication that the Black community in New York was responsible for the rise of mass incarceration and Black criminalization. Fortner neglects to properly acknowledge that Black communities in New York, and across the United States, called for many other reforms that were not addressed by their state, local, or national governments. James Foreman addresses this discrepancy in his book, *Locking Up Our Own*. While I will draw upon some of Fortner's research, I will take an approach more akin to Foreman's. I will argue that the emergence of Black elected officials and the presence Black people in the APD had weaker impacts than anticipated from the Black community. However, I will always operate with the understanding that many of the inequalities and inequities in governance that urban communities of color have been persistently urging for remain unaddressed or unaccommodated by local, state, and national governments that seek ultimately to suppress criticisms of policing and inequality. I will argue that police and city officials in Atlanta went did not react unresponsively to demands for police reform, but rather played an active role in shutting down the criticisms of police by Black Atlantans through punishment, suppression, and gaslighting.

³⁸ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 99-100, 117-118.

politicians who wished to exert more control on communities of color that they found threatening.³⁹ Though 1970s Atlanta saw the realization of greater Black political power, increased Black political representation, and the rising racial diversity of police forces, these changes still did not create as much meaningful change as many Black Atlantans hoped they would. Atlanta's successes and failures in these areas are representative of the struggles of many other cities in America, which have achieved the integration of police forces and election of progressive city governments but still have not addressed many of the issues of working-class people of color in urban regions.⁴⁰

This thesis builds on a rapidly expanding historiography of policing and incarceration in the post-civil rights era. Historians have established that the war on drugs of the 1970s and 1980s set off the rapid expansion of police power across the U.S. and the continued heavy policing of urban spaces, particularly in neighborhoods where predominately people of color lived.⁴¹ Historian Danielle Wiggins argues that while Black people in Atlanta pushed for an end to violent crime in their neighborhoods, local “political leaders confronted disorder just as forcefully as they did crimes against persons and property in their anti-crime measures.”⁴² This meant that city leaders and police aggressively pursued “victimless” crimes and imposed harsh

³⁹ Foreman, James. *Locking Up Our Own: Crime and Punishment in Black America*.

⁴⁰ My study of Atlanta will unveil stories of working-class city-dwellers' experiences with the police and their efforts to challenge the corruption, overreach, abuse, and neglect of the APD in a way that will complement Felker-Kantor's study of the Los Angeles Police Department, Leonard N. Moore's study of the New Orleans Police Department, and Foreman's national findings regarding warrior policing.

⁴¹ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New York: The New Press, 2020; Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces*; Foreman, *Locking Up Our Own: Crime and Punishment in Black America*; Goluboff, Risa. *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s*. New York: Oxford University Press, 2016; Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*; Sherry, *The Punitive Turn in American Life: How the United States Learned to Fight Crime Like a War*. Chapel Hill: The University of North Carolina Press, 2020; Hinton, Elizabeth. *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s*. New York: Liveright Publishing Corporation, 2021.

⁴² Wiggins, Danielle Lee. *Crime Capital: Public Safety, Urban Development, and Post-Civil Rights Black Politics in Atlanta*. PhD Dissertation, Emory University, 2018, 120.

sentences on these minor offenders, disproportionately impacting and incarcerating Black Atlantans. Alongside these developments, scholars emphasize that as police brutality persisted throughout the second half of the twentieth century, Black communities continuously spoke out and organized against oppressive police forces.⁴³ Experts demonstrate that in the face of these abuses, protests, rebellions, and the judicial system provided little recourse for victims of the police.⁴⁴ Furthermore, various historians demonstrate that progressive politicians, particularly city government politicians and Black officials, were unable to control the police forces in their cities so that they would serve the needs of the Black working class.⁴⁵

Scholars have established that liberals have not helped stem the continued militarization of police departments or the development of mass incarceration, but rather they have propelled it. Legal scholar Michelle Alexander established that liberals and conservatives alike competed to be considered the party of “law and order,” which facilitated policies like those of the war on drugs that disproportionately impacted Black communities. Further, “colorblind” policies that were not explicitly racist were often racist in implementation and unhelpful to communities of color, and particularly Black communities, as supposed “colorblindness” made it more difficult for Black people to effectively attack racist practices and policies.⁴⁶

Historian Julilly Kohler-Hausmann builds on Alexander’s research in her book, *Getting Tough*. Kohler-Hausmann claims that 1970s tough-on-crime policy, though colorblind on its

⁴³ Bayor, *Race and the Shaping of Twentieth-Century Atlanta*; Foreman, *Locking Up Our Own: Crime and Punishment in Black America*; 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.

⁴⁴ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*; Dickson, *Closed Ranks: The Whitehurst Case in Post-Civil Rights Montgomery*. Montgomery: NewSouth Books, 2018; Hinton, *America on Fire*.

⁴⁵ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*; Davies, “Black Mayors and Black Progress: The Limits of Black Political Power.” In *Mainstreaming Black Power*, 168-217. Oakland, California: University of California Press, 2017; Felker-Kantor, *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD*. Chapel Hill: The University of North Carolina Press, 2018; Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*.

⁴⁶ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*.

surface, disproportionately affected people of color and reified negative racial stereotypes while simultaneously “[absolving] government of responsibility for marginalized people’s well-being and accountability to their voices.”⁴⁷ This meant that not only did liberals propel policies that negatively affected communities of color, and especially Black communities, but they also personally benefitted from these policies politically, at the expense of marginalized people. Thus, while liberals may have pushed rhetoric embracing racial progressivism that contrasted their conservative counterparts, they participated in the formation of policies that hurt and criminalized communities of color in exchange for political expediency.

African American studies scholar, Naomi Murakawa, also emphasizes the role that liberals have played in the formation of the modern carceral state. In an interview with Christina Heatherton and Jordan T. Camp, Murakawa claimed that liberals pushed policies, which seemed to oppose conservative policies on the surface but “actually worked together to build a criminal justice system that is larger, more punitive, more rule-based, more procedurally grounded, and more ‘procedurally just.’ These forces tend to work together in mutual escalation, authorizing an even grander scale of racial brutality.”⁴⁸ In her book, *The First Civil Right*, Murakawa asserts that liberal law and order perpetuated and reinforced ideas about Black criminality.⁴⁹ Murakawa also asserts that liberals conceived racial violence as “an administrative deficiency,” making police brutality an issue that could be solved with the proper training and definition of what constitutes an “*acceptable use of force*.”⁵⁰ This makes excuses for state violence, ignoring its

⁴⁷ Kohler-Hausmann, Julilly. *Getting Tough: Welfare and Imprisonment in 1970s America*. Princeton: Princeton University Press, 2017, 5.

⁴⁸ Camp, Jordan T. and Christina Heatherton. “How Liberals Legitimate Broken Windows: An Interview with Naomi Murakawa.” In *Policing the Planet: Why the Policing Crisis Led to Black Lives Matter*, 227-235. Edited by Jordan T. Camp and Christina Heatherton. New York: Verso, 2016, 230.

⁴⁹ Murakawa, Naomi. *The First Civil Right: How Liberals Built Prison America*. New York: Oxford University Press, 2014, 13.

⁵⁰ Murakawa, *The First Civil Right: How Liberals Built Prison America*, 18.

inherent wrongness along with issues of violence endemic to policing that cannot be solved by policy changes or technology like body cameras. In this thesis, I will build on this research of the liberals' share of culpability by focusing on the ways in which rhetoric playing up Atlanta's exceptionality and liberalism served to gaslight Black Atlantans about the existence of problems related to policing, distract from racial inequalities, and silence complaints of police abuse.⁵¹

While this historiography is rich, there are many underexplored aspects of the history of policing, the criminal justice system, and carceral studies as a whole. My historical intervention is necessary because policing in Southern cities, and Atlanta in particular, remains understudied after the Civil Rights Movement, when many politicians and citizens claimed that laws and policing became colorblind and communities of color continued to refute this claim. This thesis will also add a new approach to the historiography of Atlanta policing that treats legal actors as judges with active roles in policing practices and accountability unlike other existing scholarship for Atlanta during this period.⁵²

I will also build upon historian Elizabeth Hinton's research on Black rebellion in U.S. cities. In her book, *America on Fire*, Hinton analyzes instances of urban unrest, which popularly might be characterized as "riots." Hinton refers to these eruptions of unrest as rebellions, denoting their intentional and political nature, as opposed to the common depiction of "riots" as

⁵¹ To say that officials "gaslit" Black Atlantans is not to suggest that these officials' speech actually got Black Atlantans to question their own sanity. Black Atlantans understood the reality of police harassment and misconduct and would not be tricked by city officials and police into thinking otherwise. I use this term to highlight an attempt on the part of officials to make Black Atlantans question their reality, regardless of its efficacy. Though officials' liberal rhetoric claiming that there was no issue with race or police attempted to end conversations about policing and make Black Atlantans question their experiences with racist policing, these attempts to gaslight Black Atlantans did not actually convince Black Atlantans that their city lacked these problems. However, the speech was effective at making conversations about policing with city officials more difficult, hindering the chances of effective reform.

⁵² I will discuss the active role of judges in facilitating the free reign of police and implicitly endorsing the rights of Black Atlantans in chapter three. While Foreman hints towards this as he criticizes the decision of a judge in a personal narrative in the introduction to his *Locking Up Our Own*, Foreman's historical study does little to address the active role of judicial actors, creating a space for my historical intervention in Atlanta-area courts.

senseless. Following Hinton's cue of taking the grievances of Black communities seriously and recognizing the function of these demonstrations, I will often refer to these mass "civil disturbances" as "unrest." Hinton's work highlights larger-scale rebellions of Black Americans against oppressive police power and continuous economic subordination. Her study of uprisings covered dramatic instances that often exploded in mass violence and community-police clashes. I will expand upon Hinton's research in chapter two where I will discuss Black rebellions in Atlanta against oppressive policing that were smaller in nature and not as overtly violent as much of the rebellions described by Hinton. I will call these instances "small rebellions," as they sent a clear message of defiance against police abuse and overreach to Atlanta cops while not exploding into larger violent conflicts with police. I will characterize these "small rebellions" as warning signs to city hall and Atlanta police that Black residents would refuse to be disrespected and abused.

In my thesis, I will stress that while the failure of the city government and police department in Atlanta's failures to control or discipline problems related to policing may be described as nonresponse, nonresponse is not a proper characterization of how local governments and police responded to criticisms of policing. Rather than simply ignoring calls for reform or relief, local governments and police actively resisted them. Police punished Black Atlantans for asserting and advocating for themselves, criminalizing and suppressing Black criticism and dissent. Judges actively supported the police to liberally use and abuse their power at the expense of the rights of citizens, while continuing to render disproportionately harsh punishments on Black Atlantans. All the while, legal actors, politicians, and police continued to echo rhetoric that Atlanta was racially harmonious, immune to having a problem with policing, and constantly working to make the city better for all Atlantans, regardless of race. These appeals were a part of

an attempt to align Atlanta with its “city too busy to hate” reputation in the face of sobering criticisms from the Black community.

While historian Maurice Hobson handily established that the “city too busy to hate” narrative of Atlanta was not a reality for Black Atlantans, I will expand upon his research. I will demonstrate that rhetoric from state actors, including politicians in city hall, local police, and judges, emphasized the idea of Atlanta as a “city too busy to hate” in an attempt to silence Black dissent and criticism. Appeals to liberalism and antiracism by officials operated to assure the Black community that their local authorities were invested in the issues important to the Black communities or to gaslight Black Atlantans that there was truly no problem with racism or policing at all, all the while taking no initiative to create positive changes to policing in Atlanta. This kind of speech worked to distract from the issues that Black people raised related to policing and suppress calls for an end to police oppression. Thus, the narrative of Atlanta as a “city too busy to hate” itself played a role in the suppression of Black dissent related to policing.

In this thesis, I will explore some of the methods that Black Atlantans used to challenge police abuses and advocate for changes to local policing. Each chapter will look to a different tactic used by Black Atlantans to advocate for themselves in the face of corrupt and racist policing. Chapter One will focus on peaceful protests against police brutality and the ways in which these protests were punished, ultimately failing to bring about meaningful change for the Black community in Atlanta. Chapter Two will look towards what I will call “small rebellions,” or physical resistance to police overreach and force that fell short of large-scale demonstrations of unrest. These rebellions were likewise suppressed and punished, and failed to bring about change to policing in Atlanta.

Chapter Three will address legal challenges to APD authority in court, which took place through the direct suing of officers as well as the challenging of police corruption and individual rights infringement through appealing lower-court convictions. I will use juvenile justice cases as examples in this chapter, as juveniles were legally entitled to more protections, and judges' continued endorsement of free police reign at the expense of the rights and rehabilitation of young Black people suggests equally bleak, if not bleaker, outcomes for Black adults challenging police abuses. Chapter Four will discuss the failures of Black leadership in dealing with the Atlanta Child Murders and the Black community's attempts to provide self-defense in the face of police negligence. I will argue that self-defense initiatives with teeth were eliminated and punished, and only palatable self-defense projects that worked with and posed no challenge to police authority and white dominance were allowed to persist, which also were ineffective at solving the problems of police negligence during this time of crisis.

Across these chapters, it will become clear that all of these expressions of dissent, attempts to change policing, and efforts to fulfill public safety needs without the assistance of police were often suppressed and punished. This meant that though Black Atlantans explored countless avenues to facilitate better policing, their peaceful efforts continually failed to bring about meaningful changes. As Black Atlantans challenged racist and corrupt policing, state actors such as police, city officials, and judges imposed legal punishments for their criticisms and noncompliance. Rhetoric was also employed to assure Black Atlantans that the city was against racism and did not have a problem with policing, playing a role in the suppression of Black pushback against racist policing.

All this is to say that Black Atlantans, as with Black communities in other cities, of the past and present have found themselves with few viable means of ameliorating issues related to

policing. Feeling as though all avenues have been exhausted while still no one listens or makes meaningful changes—and further, dissent is silenced—cities sometimes erupt in periods of unrest, as this is sometimes perceived as the only way of making people pay attention to the issues facing the Black community, including issues related to policing. To be clear, I am not seeking to endorse unrest or the destruction of life or property. However, these episodes of urban unrest become much more understandable when put in the context of a deep history of peaceful dissent and the ways in which the powers that be have repeatedly suppressed Black people’s nonviolent expressions of grievances with force and gaslighting.

I will explore some of the many ways Black Atlantans raised awareness about police racism, abuse, overreach, and negligence and advocated for change. These nonviolent methods were consistently suppressed by local government and police through legal punishment, blatantly biased judges, and lofty rhetoric of liberalism that sought to bolster the city’s reputation and silence reproach from its citizens. By showing that the Black community has long used a wide variety of nonviolent and non-destructive tactics to facilitate change in policing and demonstrating that these forms of dissent have been suppressed and shut down by political, legal, and law enforcement leaders, we come to a different understanding of the root of unrest. When Black dissent is constantly suppressed, subjugation and mistreatment will only be tolerated for so long before people begin to express their discontent in the only way they seem to be able to get the attention of the general public and politicians in power: with rebellion. Thus, the constant suppression of peaceful expressions of dissent that preceded demonstrations of urban disturbance makes periodic unrest in cities inevitable. This understanding of the constant suppression of nonviolent dissent that occurs before any participation in what is popularly called a “riot” provides a lens through which to understand unrest of the past and present.

In investigating these expressions of dissent before unrest, so-called “riots” of the past and present no longer appear senseless or purposeless as the media portrays them, but as a cry for help and change. By building a better understanding of the expressions of dissent that precede unrest and the ways Black advocacy and protest is suppressed, we can better understand and engage in the fight for racial justice. This understanding may facilitate an ability to effectively push back against knee-jerk demands for iron-handed law and order and call upon city leaders to allow the space for dissent and address the grievances of the Black community before unrest arises. After all, if the perpetual silencing of Black communities by state force leads to inevitable unrest, then genuine listening, accompanied by meaningful changes to facilitate racial justice, may help to prevent urban unrest and the forms of state violence that lead to it.

Chapter 1

The City Too Busy to Care: Police Brutality, and the Failures of Peaceful Protest, 1969-1973

Most people living in the U.S. over the past few years are familiar with the Black Lives Matter movement and its racial justice advocacy. Problems related to policing have loomed large in the discourse of systemic racism disproportionately affecting Black and brown Americans. Common cries for change include an end to police violence and law enforcement's racial profiling. Many people have also called for better police training to deal with mental health crises, accountability for police abuses, or even the defunding or abolition of police. Today, smartphones provide a readily available way to document police misconduct and abuse, enabling ordinary citizens to obtain proof of injustice and spread awareness about these issues affecting their communities. Irrefutable evidence from these videos serves as a point to rally around in mass protests across the country, which have led to a larger dialogue about policing and racial justice in U.S. households. This created a perception among many Americans that these demands, especially from the Black community, were somehow new or that policing had only recently become a pervasive issue for Black and brown people in the U.S.

Of course, many Black and brown people who have lived in the U.S. for a while, as well as historians, know that this was not the case. These issues were felt deeply in the Black community during the period of study concerning this thesis, and advocates of the 1970s called for many of the exact same things that activists call for today. These injustices and demands for redress date back long before the 1960s, but in this chapter my goal is to highlight the lineages of these protests and demands during the late 1960s and early 1970s. Black communities have long

fiercely spoken out about these issues. Perhaps now that technology and social media are being used to spread awareness and provide hard evidence of misconduct, there is hope for achieving the just society that communities of color in the U.S. have been chasing for centuries.

As I will explore in this chapter, Atlanta in the late 1960s and early 1970s was far from a perfect picture of racial justice. B.J. Philips' article on Black Atlantans' perspective on the cause of riots demonstrates that Black people in Atlanta did not feel safe in their communities for a number of reasons, demonstrating that race relations were in need of attention in Atlanta before King's death. These issues did not go away after Atlanta supposedly experienced a moment of unity and peace immediately following King's assassination. Black Atlantans continued to feel racial injustices in countless aspects of their lives, but in this chapter I will focus on a central social justice issue that Black activists called for in the late 1960s and early 1970s and well as today: police brutality.

Though police chief Herbert Jenkins clearly had knowledge of the causes of civil unrest through his role in the Kerner Commission, Black Atlantans continued to experience the racism that the Kerner Report warned contributed to city unrest. Like other U.S. cities, Atlanta focused on strengthening their police force instead of implementing meaningful social programs or police reform in poor Black neighborhoods. This led to a continuation of the same problems that the Black community had long faced in the city, including police brutality. Though no major "riots" or rebellions occurred in Atlanta during my period of study, 1968 to 1982, Black Atlantans continued to call for justice and better treatment.⁵³ In the face of police brutality, Black Atlantans often turned to peaceful protest and organizing to draw attention to this issue that disproportionately affected their community.

⁵³ Bayor, Ronald H. *Race and the Shaping of Twentieth-Century Atlanta*; Hinton, Elizabeth. *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*.

In the following sections, I will explore a few examples of police brutality protests conducted by the Black community in Atlanta and the ways in which the city and Atlanta police responded to these calls for accountability and reform. After this overview of a few protests, I will discuss specific cases of police brutality in Atlanta during the early 1970s. Though there are many more examples of police brutality during this period, I will focus on the experiences of Pamela Dixon and Rico Carty, as they showcase some differences between police violence exerted against everyday Black Atlantans versus Black Atlantans who had achieved a greater level of status. The continued instances of police brutality and the city's unwillingness to provide accountability in the face of peaceful protest debunk the myth of Atlanta as a racially harmonious "city too busy to hate." Further, the city's decided opposition to protestors' dissent demonstrates that this nonviolent organizing was not a viable means of achieving meaningful progress towards equitable policing for Black Atlantans.

Protests Against Racist Policing, 1969 to 1970

Community organizing against rampant police brutality in the late 1960s and early 1970s quickly demonstrated that whatever feelings of racial harmony that may have existed in Atlanta following King's assassination did not endure for long. In hopes of forcing the Atlanta Police and city government to address the issue of police brutality and racism in the department, community leaders led a variety of protests amplifying the demands for an end to police brutality. When speaking out about police-community issues, Civil Rights leaders such as Reverend Joseph Boone pushed back against the "lie of the liberalism of Chief Jenkins" and scoffed at Mayor Ivan Allen's supposed progressivism.⁵⁴ Boone's failure to buy into Jenkins and

⁵⁴ "Police Headquarters Picketed on 'Racism.'" *The Atlanta Constitution* (1946-1984). June 12, 1969; Rohrer, Bob. "Negro Leaders Give Mayor 24 Hours to Act." *The Atlanta Constitution* (1946-1984). September 16, 1969.

Allen's liberal rhetoric demonstrates that there was a clear disconnect between the words and actions of the APD and city government and the lived experiences of Black Atlantans.

Black Atlantans continuously spoke out against the police abuse occurring in the community with organized protest. For example, in September 1969, Black leaders rallied to call for a city response to police brutality charges. Reverend Boone and Jesse Hill, the director and co-chairmen, respectively, of the Metropolitan Atlanta Summit Leadership Conference (MASLC), worked to unite Black Atlantans to bring about police reform. Lonnie King, a representative of the local branch of the NAACP also joined forces with the MASLC operatives in hopes of creating change. These organizers requested that Mayor Ivan Allen host a public meeting to help put an end to rampant police brutality in Atlanta and temporarily suspend Jenkins, claiming Jenkins was "no longer in control of his police department." Protestors pointed to various examples of police brutality as justification for Jenkins' ineptitude, citing the beatings of Black residents such as Henry Campbell, Willie Ben Tiggie, and Myra Betner.⁵⁵ Boone asked that Allen put the department under the control of a committee of aldermen and citizens, following Jenkins' suspension.⁵⁶ This demonstrates that Black Atlantans were organized against police brutality, clear about their demands, and sure that APD leadership was not helping the issue of police abuse.

⁵⁵ Henry Campbell, who was 19 years old, claimed that 16 or 17 policemen had beaten him in his relative's driveway and that injuries to his eyes from the beating were not treated for five hours while he was at Grady Hospital. Willie Ben Tiggie claimed police had beaten him in the fall of 1968, leaving him blind. Myra Betner claimed that police beat her in August 1969 despite her state of pregnancy. In attending protests such as this one, these victims of police brutality leveraged their experiences to spread awareness about the issue of police brutality and its disproportionate impact on the Black community. Coffin, Alex. "50 Negroes Confront Mayor With Police Brutality Charges." *The Atlanta Constitution* (1946-1984). September 16, 1969.

⁵⁶ Rohrer, "Negro Leaders Give Mayor 24 Hours to Act."

However, the city was not amenable to entering a meaningful partnership with Black leaders to end police brutality. According to Reverend Boone, when 50 Black people calling for Jenkins' suspension visited Allen's office on September 15th, 1969, Allen simply read a book in his private chambers.⁵⁷ Many of the protestors were victims of police brutality themselves, including Henry Campbell, Willie Ben Tiggler, and Myra Betner.⁵⁸ Capt. Morris Redding provided a barrier between the Black protestors and Allen, detaining the group of justice-seekers outside. Many of those at the mayoral office on September 15th also participated in a rally where various victims of police brutality shared their experiences and formulated a campaign to combat cruel police treatment.⁵⁹

Writing for the *Atlanta Constitution*, Alex Coffin described the group of Black organizers as "angry" and "testy" while depicting Mayor Allen as calm and expressive of his interest in getting to the bottom of the brutality allegations.⁶⁰ This depiction suggests that Black Atlantans demanding reform and accountability for police brutality were unreasonable or irrationally upset, compared to an even-headed Allen. However, the concerns brought forth by Black activists were well-founded and Black leaders proposed comprehensive and logical plans to ameliorate the situation, while Allen continuously refused to work with Black leaders or take actions to curb police abuses. This suggests that predominately white media like the *Atlanta Constitution* often operated oppositional to Black Atlantans' pursuits for equitable policing.

To be sure, Black Atlantans were not the only group speaking out against police brutality. In late September 1969, an interracial coalition of Atlanta hippies and Black activists marched

⁵⁷ Rohrer, "Negro Leaders Give Mayor 24 Hours to Act."

⁵⁸ Coffin, Alex. "50 Negroes Confront Mayor With Police Brutality Charges." *The Atlanta Constitution (1946-1984)*. September 16, 1969.

⁵⁹ Rohrer, "Negro Leaders Give Mayor 24 Hours to Act."

⁶⁰ Coffin, Alex. "50 Negroes Confront Mayor With Police Brutality Charges."

from Piedmont Park to the headquarters of the Atlanta Police in protest of police brutality in Piedmont Park. The protest was comprised of about 500 marchers, many of whom called for Jenkins' termination and an end to armed police and undercover drug cops in Piedmont Park. The group called for the dismissal of eight patrolmen and the end of the police takeover of Piedmont Park.⁶¹ This demonstrates that the gravity of police brutality was recognized by many members of the broader Atlanta community. Despite the media and local government's downplaying of the severity of police violence, this group's protest shows that many white Atlantans also understood the seriousness of the police brutality issue and sought to improve community-police relations. This further validates the claims of police violence made by Black activists and highlights that the city's failure to act in the interests of Atlantans of various racial backgrounds, even if most mainstream media coverage implied that police reform was an exclusively "Black" issue.

Despite the wide concern with police brutality and protests against the phenomenon, interrogations of the issue rarely focused enough on Black perspectives or created any significant changes. When some of the charges of police brutality against the APD in the park did receive an audience before a Fulton County Grand Jury, the grand jury announced that a thorough investigation yielded the determination that "most of the charges were found to be exaggerated and lacking in substantial evidence." The accused police officers ultimately remained unprimanded for their alleged misconduct. Though the grand jury acknowledged that some police officers had demonstrated poor judgement and recommended more training for handling "mass disturbances," the decision largely downplayed accusations of police brutality. However, Reverend Boone pointed out that the grand jury's investigation had critical gaps. Boone noted

⁶¹ Teel, Leonard Ray. "Hippies' March Aims at 'Brutality.'" *The Atlanta Constitution (1946-1984)*. September 28, 1969.

that the grand jury had not asked crucial Black leaders to testify during the investigation. He explicitly mentioned that no leaders from MASLC or the NAACP testified for the investigation and claimed that the grand jury had committed a “whitewash.”⁶² This demonstrates that even when the issue of police brutality was investigated, it is likely that the investigations were not holistic, as Black voices were minimized in the investigation process. This meant that an important demographic of people who could provide valuable insight into the issue of police brutality in Atlanta were not consulted in the investigation of this accusations. Instead, investigations such as this one relied heavily on the narratives of police officers, causing a lack of understanding of Black people’s experiences with police violence.

When limited attempts at police reforms to control police misconduct did come, the departmental changes arose out of issues unrelated to police brutality and failed to resemble reforms suggested by activists in the Black community. In September 1970, Chief Jenkins announced that a Department of Internal Affairs would be created within the Atlanta Police Department to oversee activities of police officers, the police chief, and even the Aldermanic Police Committee. Though activists had called for increased community control over the police department and more transparency for many years, the creation of the Department of Internal Affairs was only initiated after a political controversy involving an officer named Buddy Whalen, who served as personal security for the brother of Mayor Massell. When the *Atlanta Constitution* broke news of Whalen of allegedly going to nightclubs and ordering prostitutes, the city was pressured to react quickly to demonstrate a dedication to honest policing.⁶³ Thus, though the Department of Internal Affairs became responsible for oversight related to police brutality,

⁶² Wright, Mike. “Brutality Probe Called Whitewash.” *The Atlanta Constitution (1946-1984)*. November 6, 1969.

⁶³ Allen, Frederick. *Atlanta Rising: The Invention of an International City 1946-1996*. Atlanta: Longstreet Press, 1996.

the department was created to make the city look better during a political controversy related to the mayor, rather than in reaction to years of allegations of police brutality. The structure of the Department of Internal Affairs reaffirmed the police department's responsibility to police itself and further obfuscated the investigations of alleged police misconduct, directly going against the requests of Black activists.

Capt. R. Everett Little, who led the Department of Internal Affairs, reported that his department was doing a satisfactory job. He claimed that the department was investigating between 25 to 30 charges of police brutality every month but asserted that most of the allegations were really only "frivolous complaints."⁶⁴ Little's comment that police brutality claims were "frivolous" plays into the idea that Atlanta did not have a problem with racism or policing, making any allegations of these issues completely incredible. However, the number of complaints reported each month suggests that police brutality was a deeply pervasive issue during the early 1970s. Further, it is possible that there were even more incidents of police violence that were not reported due to worries over fears of future police harassment or abuse. In his study of the LAPD during this period, Max Felker-Kantor demonstrated that many incidents of brutality went unreported due to fears of police retaliation.⁶⁵ Little's dismissal of the many reports of police brutality suggest that the Department of Internal Affairs did not seriously investigate these allegations enough and were more likely to believe cops' narratives than the perspectives of ordinary community members. The creation of the Internal Affairs department and comments like Little's spurred even more conversations about whether the police were capable of overseeing their own misconduct issues. In this ongoing debate, many Black and

⁶⁴ Fliess, Maurice. "Can Police Here Police Police? The Views Vary." *The Atlanta Constitution* (1946-1984). October 17, 1971.

⁶⁵ Felker-Kantor, Max. *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD*.

liberal Atlantans argued that accountability and self-oversight were incompatible.⁶⁶ Nevertheless, the city government and police ignored these complaints, insisting that the system was effective and refusing to take actions recommended by Black leadership in Atlanta.

While Atlantans debated the efficacy of police self-governance, Jenkins pushed tough rhetoric against police brutality while simultaneously failing to provide any real accountability or relief to the community. Jenkins called police brutality “unpardonable” and promised that he would fire anyone in the APD who committed acts of brutality.⁶⁷ This impassioned rhetoric operated to ensure concerned Atlantans that their police department was dedicated to ending police brutality, aligning Jenkins and the APD with the “city too busy to hate” narrative, even though the reality seemed less sure. When one man reported various police officers beating and kicking a robbery suspect in his backyard, Jenkins responded curtly, saying “prove it's so and we'll get another policeman out there.”⁶⁸ This sends the message that it is incumbent upon those alleging they experienced or witnessed police brutality to prove that it occurred themselves, which would be an extremely tall task without the enthusiastic cooperation of police officers who believed their allegations. Another man involved with investigating this charge of brutality defensively claimed that “99 per cent of the officers...[were] good men.”⁶⁹ This suggests that those overseeing the Internal Affairs departments may have found it difficult to believe allegations of brutality made against the vast majority of officers on the force. This speaks to the unescapable favorable bias of this system toward officers, making it a questionable way to approach issues of police accountability. The comment also sends the message that Atlanta did not have a problem with policing, undermining the claims of Black Atlantans and distracting

⁶⁶ Fliess, “Can Police Here Police Police? The Views Vary.”

⁶⁷ Sherwood, Tom. “Jenkins Warns Against Brutality.” *The Atlanta Constitution (1946-1984)*. March 27, 1971.

⁶⁸ Sherwood, “Jenkins Warns Against Brutality.”

⁶⁹ Sherwood, “Jenkins Warns Against Brutality.”

from the specific issues of police brutality that many members of the Black community were raising.

It is no surprise then that police brutality persisted in spite of continued protests against police brutality and for better law enforcement accountability. Though Black activists were very clear about their concerns about police brutality and their agendas to create change were laser-focused, police violence continued and accountability continued to be rare. Instead of implementing productive police reforms, the city and APD pushed tough rhetoric regarding brutality while only employing policies that provided for maximum internal control, rather than the community oversight that activists asked for. This served to drown out and silence those speaking out about misconduct while relinquishing no power and offering no transparency to the community. It is impossible to account for all of the cases of police brutality, even during this short period of time during the early 1970s. Thus, to demonstrate the persistence of police brutality and the ineffectiveness of repeated peaceful protests as a means of creating change, I will discuss one example of police violence and the related protests from the Black community.

Police Brutality in “Gray Areas” and the Consequences of Protest

The 1973 shooting of Pamela Dixon constitutes an instance of police violence that demonstrates the pervasive nature of Atlanta police’s impulse to use force against civilians during this period. Dixon’s case also demonstrates the ineffectiveness of peaceful protest as a means of achieving police accountability or reform from law enforcement and the city government. Dixon’s case is more complex than many other police brutality cases discussed at the time, as Dixon was wielding a butcher’s knife when police arrived at the scene. It is important to unpack this situation because we continue to see cases like this today in which

police argue that their usage of extreme force is warranted as a form of self-defense, while underlying issues regarding inadequate training that leaves officers unequipped to deal with such situations remain under-discussed.

On June 4, 1973 a 14-year-old young Black woman named Pamela Dixon was in the midst of a mental health crisis at her home in the Capitol Homes public housing project. Dixon had a history of mental disturbances, including an episode the previous week when the Atlanta Police had, upon her mother's request taken her to Grady Hospital to be placed in the psychiatric ward. On June 4th, Dixon seemed to be having more mental troubles, leading her mother to call the police to take her to the hospital again. Six police officers responded, and only two of the responding police officers had responded to the last call related to Dixon. When police arrived this time, Dixon was stabbing a butcher's knife through a screen in the front door of her apartment. After noticing the six men's arrival, Dixon began advancing on the police while wielding her knife. Though most of the officers moved back as Dixon approached, officer J.D. Roberts, a young white man, backed up slower while reaching for his gun. Roberts then shot Dixon in her abdomen, which wounded her severely.⁷⁰

This incident catalyzed speedy public outcry. Many community leaders and organizations inquired as to why six police officers were unable to handle the situation with this teenager without shooting her. In response, those coming to the defense of the officers argued that Dixon was dangerous and could have stabbed the officers, leaving them with no choice but to shoot her.⁷¹ Dixon may have posed a very real threat to the responding officers, and I will not attempt to argue otherwise. However, I will turn towards Atlanta police training policies and argue that

⁷⁰ "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990: Series 3: Subject Files: Due Process of Law, 1938-1988*, 1973. Mudd Library at Princeton University, Princeton, NJ. <https://link.gale.com/apps/doc/GYWUEF971227919/ACLU?sid=bookmark-ACLU&xid=48ab9127&pg=2>, 2.

⁷¹ "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*, 2.

an incident such as this might be prevented if the APD had committed itself to better training or heeded the requests of the Black community in Atlanta.

In 1970, in response to community outcry about police misconduct and abuse, the City of Atlanta requested that the International Association of Chiefs of Police (IACP) evaluate the Atlanta Police Department and suggest potential improvements. The IACP produced a report in April 1971 that contained an in-depth analysis of the training program of the Atlanta Police Department accompanied by suggestions to improve said training. Many of these training changes were relevant to the situation in which officer Roberts shot Pamela Dixon. Though the Aldermanic Police Committee claimed it had adopted the report's findings "in principle" when it was released, the reality suggested otherwise.⁷² In its 1971 report, the IACP recommended a 17-week training program for the APD where four weeks would be used for field training. However, at the time of Dixon's shooting in 1973, the APD still had no field training, only training its officers with 240 hours in a classroom over six weeks.⁷³ Despite having received a recommendation from the requested report of the IACP two years earlier, the APD willfully decided to ignore this advice. This suggests that the APD was not prioritizing the kind of real-life training that could have prevented events such as the shooting of Dixon.

Defensive training, training for dealing with people suffering from mental illness, and community relations training were also all lacking for APD trainees. While the IACP recommended 22 hours of defensive tactics training, the APD continued to include only five hours of this sort.⁷⁴ Having under one-fourth of these recommended hours of defensive tactics

⁷² "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*, 5.

⁷³ "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*, 5-6.

⁷⁴ This IACP recommendation was still a relatively conservative amount of defensive tactics training. For example, city and county police in Miami underwent 100 hours of defensive tactics training in 1973. "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*, 6.

could have seriously impacted these officers' abilities to de-escalate the situation with Dixon and defend themselves without shooting Dixon or applying excessive force of any kind. The IACP also recommended 10 hours of training for dealing with "mentally disturbed" people. However, the APD at the time of Dixon's shooting was still only offering one training hour of "handling abnormal people."⁷⁵ Had the APD committed to the recommendations of the IACP, the responding officers may have better understood Dixon's mental illness and been better equipped to help her reach the hospital without harming her. Atlanta's community relations training was also lacking, compared to the IACP recommendations. The IACP recommended the APD incorporate 36 hours of social sciences training related to community relations into their training process. However, the APD continued to prepare trainees with only two hours of community relations training, including one hour of "civil rights" training and a second hour of "race relations."⁷⁶ This disparity suggests that APD officers were poorly equipped to deal with ordinary occurrences in the Atlanta community and that the APD purposefully and drastically ignored training recommendations from the report that the department itself requested. These crucial hours of training could have changed how the officers responded to Dixon's advances and facilitated a response less dependent on violence to neutralize the threat Dixon posed.

The training that the APD did continue to emphasize in 1973 was firing range training. Of the total 240 hours of APD training in 1973, APD trainees spent 40 hours at the firing range. However, of the 615 hours that the IACP recommended, the IACP only suggested 28 hours at the firing range.⁷⁷ While the IACP only recommended the APD train its officers at the firing range

⁷⁵ "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*, 6.

⁷⁶ Again, the IACP recommendation is a conservative number of hours compared to the training programs of some peer cities. For example, Miami police at the time underwent 85 hours of community relations training.

"Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*, 6.

⁷⁷ "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*, 6.

for about 4.55 percent of their total training hours, the APD continued to spend about 16.67 percent of their limited training hours practicing firing.⁷⁸ This concentration on firing range training demonstrated that the APD put an exaggerated emphasis on the importance of firing a gun in regular police duties. This disproportionate amount of firearm training may have created an impulse in APD trainees to rely on their gun to gain control of intense situations, as they were not trained enough in other areas such as defensive tactics, mental illness, or community relations. The emphasis on gun use in APD training may have implicitly indicated to trainees that their gun was one of the most viable ways to get control in a dangerous situation, causing the shooting of residents like Dixon when it may not have been necessary. This is also indicative of the culture of the APD, suggesting that Atlanta police perceived their population as so dangerous that they needed a large proportion of their total training to practice firing their guns, illuminating possible biases against Atlanta residents and an impulse to respond with violence.

To be sure, heeding all the advice of the IACP recommendations would likely not solve all of the problems with policing and police violence in Atlanta. Endemic to policing, these problems would likely persist to a certain degree. However, some of these training recommendations could have positively impacted policing in Atlanta and community-police relations. The APD's refusal to incorporate the suggestions of a report their city requested at the expense of taxpayer money suggests an unwillingness to change department policy for the benefit of the public. The incorporation of this additional training programming, which would have been possible with accessible federal funding, could have facilitated a less violent handling of Dixon's mental health crisis and prevented many other instances of police brutality in Atlanta. Unfortunately, the APD made the choice to over-emphasize firing range training and neglect

⁷⁸ "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*, 6.

important community and field training, which may have contributed to instances of police violence like the shooting of Dixon.

In response to the violence exerted on Pamela Dixon, the Black community commenced peaceful protests to push for accountability and an end to similar episodes of police violence. On June 23rd, a small rally of about 50 people took place in the Capitol Home Project to raise awareness about what happened to Dixon. At the rally, one witness described the events of the police response and attendees participated in a mock trial related to the shooting of Dixon.⁷⁹ However, the rally was highly surveilled by police and some participation in the rally was even punished by police officers. Three undercover police infiltrated the rally and mingled with participants. One of the plain-clothes officers took pictures of the protestors. This suggests that protestors risked being targeted by police for their activism. The presence of plainclothes officers also suggests that the police presence at the rally was intended to police and surveil the Black community specifically, rather than simply to maintain peace. Additionally, one of the protestors was arrested for “creating a turmoil” because he distributed pamphlets to encourage Atlantans to attend the rally.⁸⁰ This demonstrates that political organizing against police violence was even punished in Atlanta, discouraging potential protestors from participating and hindering the efficacy of the protest.

Despite the protests reacting to Dixon’s shooting and the calls for accountability, officer Roberts faced no consequences for the harm he inflicted on Dixon. On behalf of Dixon’s mother, an attorney filed charges on of aggravated assault against officer Roberts, but the case was dismissed by Judge Kermit Bradford of the Fulton County Superior Court after a hearing that

⁷⁹ “Brutality: Dixon, P.” *American Civil Liberties Union, Years of Expansion, 1950-1990*, 1.

⁸⁰ “Brutality: Dixon, P.” *American Civil Liberties Union, Years of Expansion, 1950-1990*, 1.

lasted two days.⁸¹ Despite pressure from protests, neither the APD nor the Aldermanic Police Committee initiated any actions to even determine whether disciplinary action against Roberts was necessary. The case was also never brought before a grand jury.⁸² The failure to provide accountability or even some form of trial before the Aldermanic Police Committee or Fulton County Superior Court demonstrates that protests were an ineffective means of achieving accountability for police violence against Pamela Dixon. Dixon's case crystalizes the ways in which the APD was neglecting crucial training for their officers and exposes the failures and community consequences for peaceful protest as a method for eliciting change from the APD.

Rico Carty and the Power of Celebrity Status

Even high-profile Black Atlantans were not immune from the problem of police brutality, although their cases were handled in a starkly different manner than the abuse of ordinary Black Atlantans. On the night of August 24, 1971, 31-year-old Atlanta Braves star Rico Carty was driving home from his barbeque restaurant with his 19-year-old brother-in-law Carlos Ramirez when he was confronted by a couple of racist white men. Carty, a Black man originally from the Dominican Republic, spoke limited English, but he understood that trouble might arise when two unknown white men pulled up next to him and began spouting racial slurs and accusations that

⁸¹ When explaining his decision to the gallery, Judge Kermit Bradford wholeheartedly expressed his endorsement of officer Roberts' shooting of Dixon. Judge Bradford's dismissal of the case against officer Roberts, not even allowing a trial to occur for a proper investigation and hearing of facts in court. Bradford's dismissal of the issue without an in-depth investigation of the allegations, and his rhetoric unequivocally supporting police reflected the response of the police department and city government after situations like the shooting of Dixon. I will discuss the Bradford's decision in further detail in chapter three as part of my analysis of courts as an avenue for redress of police abuse. "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*, 1; Hobson, Maurice J. *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta.*; Moore, Leonard N. *Black Rage in New Orleans: Police Brutality and African American Activism from World War II to Hurricane Katrina.*

⁸² "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*, 1.

Carty and Ramirez had killed policemen.⁸³ Carty claimed that one of the white men had pulled up next to his car at a red light and said “there’re some of those n*****s who’ve been killing our policemen.”⁸⁴ Unbeknownst to Carty, these white men were off-duty and un-uniformed Atlanta Police officers, patrolmen C.E. Turner and L.D. Smith. Sensing trouble and hoping to recruit help, Carty pulled over when he saw a police car and patrolman James R. McEarchern on the side of the road.⁸⁵

According to Carty, he told Officer McEarchern about the comments made by Turner and Smith, as he felt that he could be in danger. Turner and Smith, who had been drinking alcoholic beverages, followed Carty and Ramirez, and a fight ensued. According to Carty, McEarchern hit Ramirez on the head and joined Turner and Smith in beating the two men of color.⁸⁶ McEarchern

⁸³ The accusation that Carty and Ramirez were the Black people killing cops seems to be inspired by a recent event in which an Atlanta Police officer, Officer Kaylor, was killed by two young Black people during an attempted robbery of a liquor store. A writer for the *Atlanta Daily World* condemned this violence while also drawing attention to violence against Black people in Atlanta. As a side note, though some news coverage referred to Carty as Puerto Rican, he was actually from the Dominican Republic.

“Young Remarks On Carty Case.” *Atlanta Daily World* (1932-). September 2, 1971; “Rico Carty: The Man of a Thousand Anecdotes.” *La Vida Baseball*. <https://www.lavidabaseball.com/rico-carty-storyteller/>.

⁸⁴ Coffin, Alex, and Sam Hopkins. “3 Policemen Suspended in Carty Fight.” *The Atlanta Constitution* (1946-1984). August 26, 1971.

⁸⁵ Coffin and Hopkins, “3 Policemen Suspended in Carty Fight.”

⁸⁶ McEarchern’s rendition of how the conflict began differed slightly from Carty’s narrative. McEarchern claimed that he was pulled over, tending to ropes dangling from a bridge over the freeway, when two Black men drove up behind him, followed by a car with two white men. One white man then told him, “these n*****s are harassing me.” McEarchern claimed that Carty then said to the white man, “who the --- are you calling a n*****” and hit him. McEarchern claimed that he then stepped between the men and attempted to de-escalate the situation before the other white man and Ramirez joined. According to McEarchern’s story, Ramirez tried to pull him away from Carty. McEarchern claimed that he was trying to arrest all four of the men, but the white men “faded away into the crowd” before he could arrest them, as his attentions were focused first on subduing Carty and Ramirez. He claimed he did not know the men were policemen and would not be able to identify them. McEarchern’s version of the story may be called into question because various aspects of his story changed throughout the investigation, whereas Carty and Ramirez’s stories remained constant. For example, McEarchern initially claimed he never hit Carty, but he later admitted to hitting him with a slapjack. Additionally, he originally said he “may” have hit Ramirez and later admitted to hitting him with his pistol. There was also speculation about whether McEarchern actually recognized Turner and Smith, as Mayor Sam Massell claimed that he did and Ramirez recalled that he heard someone saying that a couple people could leave the scene of the conflict because they were police officers. Carty also claimed that he heard McEarchern tell the white men to leave.

Coffin and Hopkins, “3 Policemen Suspended in Carty Fight”; Coffin, Alex. “Chief Raps 3 Policemen.” *The Atlanta Constitution* (1946-1984). August 27, 1971; Allison, R. S. “Three Policemen Fired by Aldermanic Committee.” *Atlanta Daily World* (1932-). September 5, 1971.

hit Carty in the face with a slapjack, an act which he originally denied but later, after Carty's continued accusations, admitted may have happened. McEarchern also swung his pistol at Ramirez, claiming this was necessary for self-defense. McEarchern argued that he had to "either swing at [Ramirez] or shoot him," but he denied knowledge of whether or not he actually hit him.⁸⁷ These actions demonstrate the ease at which McEarchern, Turner, and Smith resorted to violence against Black civilians, as if there was no other option. McEarchern also demonstrated a deference to Smith and Turner, whether or not he knew them, more likely to believe that two men of color were harassing these white men than that Carty and Ramirez were the ones truly in need of help.

Carty, hoping that identifying himself as a Braves baseball star, cried out "I'm Rico, I'm Rico" as officers beat him. In response to these cries, McEarchern exclaimed "Who the hell cares who his is?"⁸⁸ Then one of the white men kicked him in the eye.⁸⁹ This demonstrates that in this moment, Carty's celebrity-status did not matter. The bottom line was that Carty was a Black man who found himself at odds with racist white police officers who were willing to commit drastic violence to get their message of dominance and intimidation across. A writer for the *Atlanta Daily World* highlighted this phenomenon, writing "the fact that Rico is a National League Batting Champion was completely overshadowed by the fact that he is a Black man."⁹⁰ This shows the understanding of many in the Black community that it did not matter to police who

⁸⁷ Allison, "Three Policemen Fired by Aldermanic Committee."

⁸⁸ "Young Remarks on Carty Case."

⁸⁹ "Carty Wins Case." *Atlanta Daily World* (1932-). September 24, 1971.

⁹⁰ This writer also called for police to undergo psychological examinations in hopes of ending the violence and racism that was so endemic to policing. Though a procedure for psychological testing was approved by the Board of Alderman in the fall of 1970, the measure was never carried out by the time of the confrontation involving Carty and the three policemen.

"Young Remarks on Carty Case."

Carty was or what he had accomplished because as long as he was Black, he was a seen simply as a threat that police were empowered to use any means necessary to subdue and arrest him.

As a result of the beating, Carty suffered two black eyes and a split finger.⁹¹ For some time, Carty was unsure if his eye was permanently damaged and if the beating would hinder his ability to play baseball again.⁹² When the physician for the Braves treated Carty on the night of the beating, the physician said he had “massive bruises around the face and head...where he had been whipped.” The physician also had to put stitches in a finger on Carty’s left hand.⁹³ Ramirez was also taken to the hospital later because he needed stitches. When the Aldermanic Police Committee later pressed McEarchern about why Carty and Ramirez were so badly injured and Turner and Smith were able to leave the scene, McEarchern maintained that he intended to arrest all four of the men, but Carty and Ramirez proved so difficult to subdue that he was unable to arrest the white men involved in the confrontation.⁹⁴

McEarchern’s perception of an elevated threat, causing him to focus his attention on Carty and Ramirez, played into popular perceptions of Black male aggression. McEarchern claimed that Carty “had gone stark, raving mad” and “berserk” when McEarchern was simply trying to break up the fight.⁹⁵ One Atlantan, in expressing his position that the three policemen would likely not receive a fair trial due to comments made by Mayor Sam Massell denouncing the violence, also described Carty as a “known hothead,” a claim used to rationalize the wanton

⁹¹ “Rico Carty’s Cafe Burned Down Monday.” *Atlanta Daily World* (1932-). September 7, 1971.

⁹² Allison, “Three Policemen Fired by Aldermanic Committee.”

⁹³ Coffin and Hopkins, “3 Policemen Suspended in Carty Fight.”

⁹⁴ McEarchern called for backup during the fight between the two off-duty police, Carty, and Ramirez. About 12 police reported to the scene to help McEarchern. It is unknown whether Smith and Turner were still at the scene when these additional police arrived.

Allison, “Three Policemen Fired by Aldermanic Committee.”

⁹⁵ Coffin, Alex. “Policemen to Appeal Firings in Carty Case.” *The Atlanta Constitution* (1946-1984). September 3, 1971. Allison, “Three Policemen Fired by Aldermanic Committee.”

brutality that Carty was shown.⁹⁶ Yet, even a reputation for being a “hothead” cannot justify the police abuse that Carty was subjected to. It is highly likely that if a white “hothead” found himself in a similar situation, he would not be beaten as Carty was and similar justifications of his abuse would be widely scorned. These depictions of Carty’s behavior coincide neatly with popular and pseudo-scientific rhetoric espousing that Black men were violent.⁹⁷ These ideas, left unquestioned, could then be retroactively used by cops like McEarchern to justify his brutal treatment of Carty and Ramirez.⁹⁸

However, this time city police and governing officials quickly thought twice about these three policemen’s words against Carty and Ramirez’s. In a striking contrast to the treatment of other recent cases of abuse in Atlanta, the APD readily took action to discipline these abusive cops without any pressure from peaceful protestors. On the evening of August 25th, the day after the initial attack, Atlanta Police Chief Herbert Jenkins suspended McEarchern, Turner, and Smith without pay until the Aldermanic Police Committee tried them to decide their formal discipline, which neither Mayor Massell nor Chief Jenkins were empowered to do.⁹⁹ Before the

⁹⁶ To support the claim that Carty was a “known hothead,” this writer off-handedly mentioned that Carty had gotten in a fight with a teammate on a plane. This was in reference to a scuffle that occurred between Rico Carty and Hank Aaron in 1967. Aaron claimed that Carty called him “a name that [he] couldn’t take” that he would have “fought anybody for” as “a matter of principle and pride.” The incident was quickly resolved and the two men were separated from each other. Carty apologized for the episode, calling it a misunderstanding. Though it appears Aaron was the one who initiated the actual fight, this incident from many years ago was used to call Carty’s character into question, and thus the truthfulness of his allegations. It is also relevant to note that by 1971 Aaron reported that he had long forgotten about his fight on the plane with Carty, as the scuffle was “just one of those things” and he was focused on baseball.

Roberts, Boyd. “Rico Carty.” *The Atlanta Constitution (1946-1984)*. September 2, 1971; Minshew, Wayne. “Hitchcock Investigates Scuffle.” *The Atlanta Constitution (1946-1984)*. June 20, 1967; Minshew, Wayne. “Carty, Mr. X Shake?” *The Atlanta Constitution (1946-1984)*. August 7, 1971.

⁹⁷ Metz, Jonathan. *The Protest Psychosis: How Schizophrenia Became a Black Disease*. Boston: Beacon Press, 2009.

⁹⁸ See Smith, Brad W. and Malcolm D. Holmes. “Police Use of Excessive Force in Minority Communities: A Test of the Minority Threat, Place, and Community Accountability Hypotheses.” *Social Problems* 61, no. 1 (2014): 83–104. <https://doi.org/10.1525/sp.2013.12056>, 101; Kramer, Rory, and Brianna Remster. “Stop, Frisk, and Assault? Racial Disparities in Police Use of Force During Investigatory Stops.” *Law & Society Review* 52, no. 4 (2018): 960–93. <http://www.jstor.org/stable/45093949>, 986-987.

⁹⁹ Coffin, “Chief Raps 3 Policemen.”

three men's trial before the Aldermanic Police Committee, Massell and Jenkins made statements condemning the abuse of Carty and Ramirez. Massell claimed that he would ask the men to all be fired when the Police Committee tried them.¹⁰⁰ He also emphasized his "complete disgust with what is apparently an incident of blatant brutality. Those involved have brought disgrace to our police department, the city and the profession of law enforcement across the country."¹⁰¹ Chief Jenkins claimed that he would fire the men if he had the power, arguing that this was "the worst case of misconduct of a police officer" he had ever seen.¹⁰² Jenkins and Massell's emphatic language starkly contrasts the silence from his office with respect to many other instances of police brutality. Further, this condemnation of the brutality affecting Carty and Ramirez served as lip service to convince the public that the police and local government truly cared about the issue of police brutality, even if ordinary Atlantans' complaints of it are rarely heard or meaningfully accommodated. This kind of lip service was employed to silence dissent and protect Atlanta's reputation as a "city too busy to hate."

Heading into their trial before the Aldermanic Police Committee, Smith and Turner were accused of drinking intoxicating beverages, yelling "cop-killing n*****s", assaulting Carty and Ramirez while off duty, leaving the scene, and failing to make a report on the incident. McEarchern was accused of "using unreasonable and unnecessary force," allowing Turner and Smith to leave, and failing to identify Smith and Turner in his report of the occurrence. The men

¹⁰⁰ Coffin, "Chief Raps 3 Policemen."

¹⁰¹ Coffin and Hopkins, "3 Policemen Suspended in Carty Fight."

¹⁰² Though Carty's injury to his right eye appears serious in a picture from the *Atlanta Constitution*, this could not have reasonably been the most serious case of police abuse that Jenkins had ever seen. For example, in 1969 Henry Campbell accused the Atlanta Police of brutality. A picture of Campbell shows what appear to be more severe injuries, with badly bruised lips and one of his eyes completely swollen shut with the other eye close to swollen shut.

Coffin, "Chief Raps 3 Policemen"; "Henry Campbell Accuses Atlanta Police of Brutality, 1969." Digital Library of Georgia, Atlanta Journal-Constitution Photographs Collection.

https://dlg.usg.edu/record/gsu_ajc_12546?canvas=0&x=1116&y=1450&w=8430.

pled innocent to all charges initially, although Smith and Turner later pled guilty to consuming alcoholic beverages. After their seven-hour closed-door trial, Turner, Smith, and McEarchern were all unanimously found guilty of “conduct unbecoming an officer of the Police Department of the City of Atlanta; conduct tending to reflect discredit upon said department and its members and calculated to bring the same into disrepute and a violation of the rules and regulations of” the Atlanta Police Department.¹⁰³

As the three policemen were found guilty and fired at their trial before the Aldermanic Police Committee, observing policemen and their spouses expressed their discontent with the Committee’s decision, “[voicing] their support for the three,” according to the *Atlanta Constitution*.¹⁰⁴ Even though these policemen were served with a level of accountability for their actions, their fellow policemen still supported their unrestricted right to abuse civilians at their will. The fired policemen’s attorney also claimed that he planned to appeal the decision, as he believed the men never stood a chance at a fair trial due to Massell and Jenkins’ public statements about the incident.¹⁰⁵ This speaks to a possible sense of the officers’ entitlement, refusing to accept the consequences of their actions and believing that only an unfair trial, prejudiced by the publicity the case was given, could have yielded the result of termination for their obvious brutalizing of Carty and Ramirez.

Carty’s status as a star baseball player for the Braves undoubtedly played a role in the quick response of the APD and the city government to hold Turner, Smith, and McEarchern accountable for their actions, at least to the extent of firing them. Though Black leaders conceded

¹⁰³ In anticipation of criticisms of a possibly biased trial, Massell did not vote in the trial. However, Vice Mayor Maynard Jackson, who many critics of the trial were convinced was prejudiced against the policemen, did participate in the vote.

Coffin, “Policemen to Appeal Firings in Carty Case.”

¹⁰⁴ Coffin, “Policemen to Appeal Firings in Carty Case.”

¹⁰⁵ Coffin, “Policemen to Appeal Firings in Carty Case.”

that the city's handling of this case of brutality was "forthright and sincere," many argued that the case crystalized the unequal treatment given to citizens without Carty's status and resources. This disparity was then used by Black activists to indicate that a civilian police review board was necessary to attain equal accountability for all Atlantans. Civil Rights activist, Reverend Joseph Boone, commented at City Hall that "there [are] many black counterparts of Rico Carty...who cannot muster the support of a Rico Carty," hammering home that the quick action in this case was largely due to Carty's notoriety. Boone highlighted that Massell and Jenkins were "strangely silent" when three Black people were "wantonly brutalized" by police earlier in the summer, starkly contrasting their quick condemnation of the incident involving Carty and the swift suspension and dismissal of the officers for their misconduct.¹⁰⁶

When ordinary victims of police brutality in Atlanta came forward with their stories, their complaints were silenced by empty promises from local government and police. Efforts of Black activists to peacefully protest for awareness and accountability did little to rectify the situation. However, when a high-profile athlete like Rico Carty suffered from the same affliction, police and city officials took his experience seriously and quickly took action to resolve the situation without pressure from peaceful protestors. Police and city officials were certainly capable of disciplining police abuse when they wanted to, but they simply did not take everyday Atlantans' allegations of brutality seriously enough to thoroughly investigate and take appropriate disciplinary actions against the cops involved. Thus, Carty's example should not be interpreted as the triumph of justice in the Atlanta police disciplining system but rather as the exception that proved the rule of the APD's general indifference to and active downplaying of claims of misconduct

¹⁰⁶ "Carty Case Called Unequal." *The Atlanta Constitution* (1946-1984). August 28, 1971.

But even Carty's "justice" was complicated by legal harassment and the consistent deferring to police officers' narratives, despite the officers' established lack of credibility.¹⁰⁷ Though the Aldermanic Police Committee determined that McEarchern, Turner, and Smith guilty of misconduct, charges filed against Carty by McEarchern remained pending even after McEarchern's termination. Shortly after the incident came to light, Massell recommended that the charges against Carty be dropped, but police Supt. Howard Baugh said that the charges would remain pending.¹⁰⁸ After McEarchern was fired, city attorney John Dougherty claimed that the charges against Carty could not be dropped unless McEarchern failed to appear in court as a witness or if the judge dismissed the charges because the case was "already in the breast of the court," making it impossible for Jenkins or Massell to dismiss the charges. Carty, charged with creating a turmoil and simple battery on a policeman, was then forced to return to Fulton County Superior Court multiple times and relive the trauma of his beating and spend his own money to pay for a lawyer. Further, Carty was forced to defend himself for offenses alleged by his now-fired abuser, McEarchern, who now had a well-established record of lying about the events of the incident involving Carty and Ramirez.¹⁰⁹

Eventually, in late September Judge Robert M. Sharp dismissed Carty's charges of assault and creating a turmoil, arguing that he was justified in his fight with the three police officers. No prosecutor represented the city, likely in an attempt to publicly distance the city with

¹⁰⁷ Carty's restaurant, Bar-B-Q Pit, also suffered from a fire and resulting damages in September, after the dismissal of the three officers. It is unclear how the fire started, although investigators of the incident were suspicious of potential arson. If this was the case, this could be interpreted as someone sending a message of violent disapproval to Carty's speaking out against the police who attacked him.

"Rico Carty's Cafe Burned Down Monday."

¹⁰⁸ Coffin, Alex. "Chief Raps 3 Policemen."

¹⁰⁹ Seddon, Bill. "Carty to Face Police Case Hearing Sept. 22." *The Atlanta Constitution (1946-1984)*. September 9, 1971; Allison, "Three Policemen Fired by Aldermanic Committee"; "Rico Carty Court Trial Postponed Until Sept. 22." *Atlanta Daily World (1932-)*. September 10, 1971.

this legal harassment of Carty.¹¹⁰ Yet Carty was still forced to spend his time and resources defending himself in a case related to his own abuse. The fact that this case was not thrown out by the Fulton County Superior Court judge sooner suggests the culture within and surround the APD of protecting officers at all costs.

The accountability Carty was afforded was also undermined further in December 1971, when McEarchern was granted a private detective's license from the city of Atlanta. McEarchern appealed to the same Aldermanic Police Committee that dismissed him in August for a detective's license to work at Pinkerton's, Inc. City Attorney John Dougherty claimed that the aldermen had no power to deny this license to adults over the age of 25 with no criminal record. As a result, the same men that concluded McEarchern had disgraced the APD and committed excessive violence against two civilians now granted McEarchern a license to pivot into a new career as a detective. This level of forgiveness and flexibility awarded to McEarchern, a white former police officer, is striking when contrasted with the experiences of many Black people who, according to scholarship related to the War on Drugs and mass incarceration, were rarely afforded similar second chances after run-ins with law enforcement for minor drug related crimes.¹¹¹

Conclusion

Though the events following Martin Luther King Jr.'s assassination have lived in Atlanta memory as a moment of profound unity and racial harmony, which politicians and police over

¹¹⁰ "Carty Wins Case."

¹¹¹ Black Americans were often not extended similar second chances as white people because they were deemed less deserving or capable of for the rehabilitative approach of Progressive-Era punitive methods. Felker-Kantor, *Policing in Los Angeles: Race, Resistance and the LAPD*; Sherry, Michael S. *The Punitive Turn in American Life: How the United States Learned to Fight Crime Like a War*, 40. Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 144-149.

the years have used as an indicator that Atlanta did not suffer from similar racial and policing issues as other U.S. cities. This narrative has been used to justify Atlanta's exceptionalism and fits neatly into the larger narrative of Atlanta as a "city too busy to hate." However, Atlanta was far from immune from racism and no exception for issues endemic to policing in other American cities.

Police brutality and its related protests in the late 1960s and early 1970's dismantle this myth of Atlantan exceptionalism highlighted in the nickname "the city too busy to hate" and the rosy narrative of Atlanta response to King's assassination. Though Atlantans, and especially Black Atlantans, drew attention to police brutality through many peaceful protests, marches, and rallies during the late sixties and early seventies, the city of Atlanta and the APD failed to take action to solve the issues raised by activists. Though this may be interpreted as inaction on the part of the city and APD, it was far from a nonresponse. The APD repeatedly denounced police brutality while failing to take steps to provide accountability for the officers who committed it. This operated to assure the public that the APD was in favor of fair police treatment and squarely opposed to police abuse without having to make any real changes to police policy or procedure. In their display of outward concern, the city of Atlanta and APD initiated some efforts that promised improvements to come, such as the costly commission of the IACP report, but these actions were highly symbolic, used as a tool to quiet fuss regarding the issue before essentially dropping reform altogether.¹¹²

¹¹² Black Atlantans continued to voice concern about police throughout Mayor Massell's term (1970-1974). After Chief Jenkins retired during Massell's mayorship, John Inman was named police chief. Inman soon developed a reputation for his unwillingness to properly discipline the APD when Atlanta was especially rife with police brutality under his leadership. When Massell's term ended in 1974, Maynard Jackson took office and quickly worked to end Inman's reign by establishing a Public Safety Department headed by commissioner Reginald Eaves that would have authority over the APD. Jackson purported that this was a concerted effort to control the abuses of the APD, oversee the department, and usurp the power of the notoriously abusive police chief John Inman. Historians Ronald Bayor and Danielle Wiggins claimed that this made significant progress in getting a handle on the rampant police brutality. However, police brutality persisted after the creation of the Public Safety Department. I

Though few meaningful policing reforms were made in Atlanta, the city and its police department had various resources suggesting and explaining feasible changes that Atlanta could make to begin the process of creating more equitable policing. Police Chief Jenkins had served on the Kerner Commission, but most of the changes adopted that were suggested by the Kerner Report involved heavier policing and more police militarization. There was a consensus that Jenkins had a good relationship with city lawmakers, implying that if Jenkins had viewed as essential the social programs and community policing measures suggested, and lobbied for them, more of these reforms would have been implemented. This is made clear Jenkins' endorsement of and quick-following adoption of anti-riot policing methods in Atlanta and the strengthening of the police force.

However, like in many other American cities when Black activists asked for many reforms and assistance, the changes most readily implemented were those involving more police, while other reforms were neglected. This spoke to an understanding in Atlanta and the broader U.S. that the Black community was dangerous and needed to be contained and controlled by militarized policing, rather than uplifted by social programs and other reforms.¹¹³ The APD also had many reasonable suggestions that would have begun the pathway to more equitable policing from the IACP report the city itself requested. However, years passed and these reforms, including ones involving more comprehensive training that could have been paid for with federal funding, were never implemented. This shows that the city and the APD intentionally chose not

will discuss one example of this usage of excessive force against civilians from the late 1970s in chapter two. This reform may have had a positive impact on the community, but it was still ultimately ineffective at eliminating police brutality and disrespect or creating more reliable accountability for police officers that engaged in this type of abuse and misconduct.

Bayor, *Race and the Shaping of Twentieth-Century Atlanta*, 183-185; Wiggins, *Crime Capital: Public Safety, Urban Development, and Post-Civil Rights Black Politics in Atlanta*; see also Keating, Larry. *Atlanta: Race, Class, and Urban Expansion*. Philadelphia: Temple University Press, 2001, 3, 204-206.

¹¹³ Foreman Jr., *Locking Up Our Own: Crime and Punishment in Black America*.

to heed the advice of these readily available resources, choosing instead to implement more policing and a continued reliance on violent tactics to suppress deviance and dissent. In light of these circumstances, the APD's words of dedication to ending police brutality while failing to impose meaningful reforms, along with acts of surveillance of the Black community and protests against police brutality, suggest that the APD's objective less about implementing better policing but rather primarily about policing the Black community and silencing dissent.

As a result of this prioritization of monitoring and controlling the Black community over employing equitable community policing, calls for an end to police brutality from within the Black community and outside of it were disregarded by the APD and the city. Instead of taking significant steps to improve policing services in the Black community, the city's response was to give lip service to residents and surveil peaceful protests against unfair policing. The failure of the city and the APD to address the concerns in the Black community about police brutality—and further, to actively oppose these concerns—played into the idea that the popular method of peaceful protest as a means of affecting change during the Civil Rights movement would not be enough to create true and lasting racial justice in policing.

Chapter 2

A Pendulum Swings: Black Self-Advocacy, Intervention, and the Failures of Small Rebellions

Throughout the 1970's the Atlanta Police often inserted themselves into situations of all kinds, from labor disputes to collegiate activism. These insertions often involved asserting dominance over working class Black people, especially those who took to visible, public spaces to advocate for themselves and their interests. These superfluous police interventions often escalated community tensions with law enforcement, leading to the infliction of excessive punishment on those who law enforcement perceived as demonstrating the slightest noncompliance. One instance of contact between Reverend Joseph Boone and the Atlanta Police in March 1970 serves as a classic case of such occurrences.

Reverend Boone, an influential Civil Rights activist in Atlanta known as the “picketing preacher,” led a group of 25 picketers on March 14th, 1970 to protest the firing of a longstanding employee of the Sheraton-Biltmore Hotel’s Empire Suite restaurant.¹¹⁴ On March 4th the hotel restaurant’s banquet captain, Edgar Hilsman, was fired after working at the establishment for 16 years, inspiring an outcry from Black activists who believed hotel’s employment practices were “segregationist” and their employees received unreasonably low, “starvation wages.”¹¹⁵ After

¹¹⁴ “Rev. Joseph E. Boone Obituary (2006) Atlanta Journal-Constitution,” Legacy.com. July 15, 2006, <https://www.legacy.com/us/obituaries/atlanta/name/joseph-boone-obituary?pid=18455689>; Rohrer, Bob. “Protestors Of Firing Visit Hotel.” *The Atlanta Constitution (1946-1984)*. March 13, 1970.

¹¹⁵ The Atlanta Constitution reported that at the hotel restaurant protest Hosea Williams noted that “they’ve [the Sheraton-Biltmore] got Cubans, Czechs, French and Spanish working here, but not [B]lack people...We’ve got nothing against them (those of other nationalities), we love them, but they’re from a foreign country.” At its face value this charge might appear to have some xenophobic influences, but given the large Black population of Atlanta contrasted with the lack of Black employees at the hotel and its restaurant, the core argument of these complaints is understandable. This argument also speaks to a frustration in the Black community with the difficulty of economic progress, as Black families were making much slower economic progress in comparison to other racial and ethnic groups due to the pervasive impacts of racism. Disproportionate policing and the criminalization of Blackness

Boone and his fellow activists met with the regional manager of the Sheraton Corporation of America and were unable to reach a suitable agreement, they went forward with picketing demonstrations to draw attention to the unfair wages at the hotel restaurant and Hilsman's termination. Boone, along with Civil Rights activist Hosea Williams, claimed he would demonstrate as long as necessary, asserting that more Black people needed to be employed by the Sheraton-Biltmore in all its departments.¹¹⁶

During their protests, a conflict arose between a man named Charles Lyman and police officer E.B. Wallis. The police accused Lyman of threatening Wallis while he questioned someone about a traffic violation and began to arrest him for his alleged threats. Boone, knowing the track record of brutality amongst police officers in Atlanta and fearing the possibility violence ensuing, stepped between Wallis and Lyman. Boone then advised Wallis, "Don't hit that man...don't shoot that man," words that Wallis recounted in later court testimony. Wallis, perhaps exaggerating or blatantly lying, claimed that Boone screamed this at him along with other a series of profanities while Wallis attempted to get past him to follow through with his arrest of Lyman. Boone, knowing that he was already in the company of Black people who were tired of being treated with disrespect and brutality by the police, claimed he stepped between the two men because he wanted to prevent a "riot."¹¹⁷ However, this gesture of de-escalation was read as a threat to unquestioned police power, and Boone was punished for it.

contributed to and perpetuated this racial wealth gap. Rohrer, "Protestors of Firing Visit Hotel"; "Boone Bound Over in Policeman Case." *The Atlanta Constitution (1946-1984)*. March 17, 1970; Baradaran, Mehrsa. *The Color of Money: Black Banks and the Racial Wealth Gap*. Cambridge: The Belknap Press of Harvard University Press, 2017, 9; Craigie, Terry-Ann and Ames Grawert. "Mass Incarceration Has Been a Driving Force of Economic Inequality," Brennan Center for Justice, November 4, 2020, <https://theweek.com/articles/919664/fight-against-police-abuse-must-include-economic-equality>.

¹¹⁶ Rohrer, "Protestors of Firing Visit Hotel."

¹¹⁷ "Boone Bound Over in Policeman Case." *The Atlanta Constitution (1946-1984)*.

Boone was initially charged with interfering with an arrest, creating a turmoil, and using profanity. These charges were obviously beefed up to send a message to Boone and his followers that challenging the authority of the police in any way would have negative consequences. It is a stretch to consider Boone's request of Wallis not to hurt Lyman to be a true threat to the success of Lyman's arrest or order in the city. Further, the use of profanity was a common practice that most people would not be legally punished for. Many of the officers themselves were likely guilty of using profanity on a daily basis. However, Boone was likely given these charges as a form of harassment and as a warning not to step out of line. While the traffic court judge Joe Brown dismissed the charges of creating a turmoil and using profanity, Boone was placed on an over \$1,000 bond for interfering with an arrest to Fulton County Criminal Court.¹¹⁸ Judging by his dismissal of two of the charges, Brown likely understood that these charges were excessive for Boone's alleged offenses.

Boone, while drawing attention to unfair pay for working class Black people and employment discrimination, became embroiled in a conflict with the police. Though Boone's words were generally unharmed, as he had only asked that a man not be hurt in hopes of maintaining safety and order in his community, he was punished for his attempted peacekeeping and placed on a costly bond. If officer Wallis and his fellow patrolmen's primary objective was truly keeping the community safe and maintaining order, wouldn't they have respected Boone's attempt to regulate tempers? The punishment of Boone for simply asking that a man not be hurt or shot indicates that the police involved in this incident may have had ulterior motives. Rather than pursuing order, it seems they were demanding unquestioning obedience, total authority, and superiority to Black residents who asked for respect and fair treatment. Boone's experience with

¹¹⁸ "Boone Bound Over in Policeman Case." *The Atlanta Constitution* (1946-1984).

the police during this March picketing is emblematic of many Atlantans' experiences with the APD during this period. As with many others in various contexts, the police inserted themselves into a situation that did not warrant their involvement, and when Boone requested nonviolence and respect from law enforcement, he was punished. Like Boone, many Black Atlantans confronted with unwarranted police intervention continued to find ways to assert their dignity and demand respect and fair treatment, even if that was ultimately met by further targeting by the APD.

Following the Civil Rights movement, many influential figures scrambled to find new ways to limit the political power of the Black American population.¹¹⁹ The late 1960s and the 1970s served as a precursor for what would become the War on Drugs, which disproportionately punished Black Americans for minor drug crimes and hastened the progression of mass incarceration as a means of social control.¹²⁰ Fear of riots and the takeover of drugs were used to justify increased policing of urban spaces and the militarization of police forces in cities across the United States. The 1970s saw the popularization of SWAT teams, which would eventually be used more in the 1980s to pursue drug busts.¹²¹ In this period policing became more aggressive, and police were also used as a crutch to deal with social ills—or perhaps rather to sweep social issues under the rug. Laws related to drugs, vagrancy, and loitering were primary examples of these punitive practices.¹²²

Popular perceptions of Black criminality drove these discriminatory policies and the intense policing of Black neighborhoods. Many lawmakers feared and perpetuated myths about

¹¹⁹ Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 56.

¹²⁰ Foreman Jr., James. *Locking Up Our Own: Crime and Punishment in Black America*, 44-45.

¹²¹ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 94; Balko, *Rise of the Warrior Cop: The Militarization of America's Police Forces*, 132; Sherry, Michael S. *The Punitive Turn in American Life: How the United States Learned to Fight Crime Like a War*.

¹²² Hinton, Elizabeth. *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, 22; Goluboff, *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s*.

Black people being more likely to commit crime, justifying the need to have a high police presence in their neighborhoods.¹²³ Due to these assumptions of Black criminality, police also often treated Black residents as criminals instead of ordinary residents.¹²⁴ Though this stereotype was prominent during the 1970's—and persists today—scholars have shown that it has no merit. Rather, “crime” statistics are skewed to highlight the legal transgressions of Black people and fail to detect white people’s legal transgressions.¹²⁵

In the face of discrimination and unequal treatment, Black Americans found ways to push back against the people and systems that attempted to subordinate them. Historian Elizabeth Hinton has written exhaustively on the ways in which Black communities across the U.S. in the 1960s and 1970s rebelled against inequitable policing and the inhumane treatment of Black people by police officers. Hinton writes about popular mechanisms used to fight back against police oppression such as throwing rocks at police cars or interfering with arrests that were deemed bogus.¹²⁶ Hinton maintains that these acts were part of an intentional resistance, as opposed to a senseless rioting as they were often framed in media and popular discourse. Rather, these acts of resistance sought to make a statement that the police could not simply oppress and exploit Black people whenever they wanted.¹²⁷ They drew attention to injustices related to racist policing and asserted that Black people would not take abuse and harassment lying down. Though Hinton focused on northern cities, these rebellions took place in Atlanta as well, ranging from small incidents like Boone’s to larger demonstrations of noncompliance or defiance.

¹²³ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 155-156.

¹²⁴ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 202; Felker-Kantor, *Policing Los Angeles: Race Resistance and the Rise of the LAPD*, 105-107, 205, 245.

¹²⁵ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 124-128, 345; Kohler-Hausmann, *Getting Tough: Welfare and Imprisonment in 1970s America*, 36-37.

¹²⁶ Hinton, Elizabeth. *America On Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s*, 28-29, 31.

¹²⁷ Hinton, *America on Fire: The Untold History of Police Violence and Black Rebellion Since the 1960s*, 14.

Additionally, while Hinton tends to focus on larger Black rebellions, I will turn my attention to the small, yet profound ways that Black Atlantans subverted authority when they believed they were being treated unjustly.

Throughout the 1970's, the Atlanta Police continued to insert themselves into the daily activities of Black Atlantans, finding "problems" or creating them themselves. In reaction, many citizens pushed back against these power overreaches. Atlanta Police instigated conflicts during labor demonstrations in 1970, during college student protests related to administrative decisions in the late 1970s, and in recreational spaces for suspected drug usage. By inserting themselves into nonviolent demonstrations or everyday activities, police often further fueled tensions instead of eliminating them or created conflict when there was previously none, leading to civilian-police clashes, arrests, and unnecessary criminal charges. This police surveillance and harassment often targeted working class Black Atlantans, and police power was asserted with the most fervor when law enforcement perceived any noncompliance with their orders or social norms.

"We're Not Criminals"

On March 17th, 1970 city workers affiliated with the American Federation of State, County, and Municipal Employees union began a strike after negotiations failed to increase their wages. The city claimed the union's demands, including a wage increase of \$300 on average, would cost \$2.5 million. However, union representatives held that they were focused on raising the wages for the lowest-paid workers and the city had "lied to" the public regarding their exorbitant cost estimate.¹²⁸ As 2,600 city workers, mostly Black working-class employees,

¹²⁸ Wright, Michael. "City Wage Talks Near Deadline." *The Atlanta Constitution (1946-1984)*. March 16, 1970.

continued their strike, Atlanta quickly felt a burden, particularly with regard to sanitation services, as garbage quickly piled up at an estimated rate of 1,000 tons a day.¹²⁹ The garbage pileup raised the risk of trash fires, over of 50 of which had occurred by March 20th, according to the *Atlanta Constitution*.¹³⁰ On March 20th, the *Atlanta Constitution* reported that 21 out of the typical 200 garbage trucks were in service.¹³¹ Civil rights activist Reverend Joseph Boone also highlighted that poor Black communities suffered the brunt of the strike, claiming that “if [the garbage is] being picked up, it’s in Buckhead and Sandy Springs and at the Regency.”¹³² Massell made clear his opposition to the strike from its onset, exclaiming that “the union will not run the city!”¹³³ Massell’s comments and the prioritization of servicing wealthier, whiter regions of the city suggest that he was most concerned with the experiences of middle class and wealthy Atlantans and business interests and not interested in giving the working class Black population more political power than he saw fit.

Union members created a public presence by forming picket lines in city facilities and engaging in demonstrations in downtown Atlanta.¹³⁴ Meanwhile, Massell refused union offers to enter a process of binding arbitration.¹³⁵ As Massell vowed to fire the remaining strikers on Friday, March 20th, union leaders promised that the strikers would march to City Hall instead of reporting to work that Friday.¹³⁶ Upon Massell’s request, Governor Maddox ordered 500

The New York Times. “2,000 City Workers On Strike in Atlanta,” March 19, 1970, sec. Archives. <https://www.nytimes.com/1970/03/19/archives/2000-city-workers-on-strike-in-atlanta.html>;

Atlanta Daily World (1932-). “Municipal Workers Vow To Continue Stoppage.” March 24, 1970.

¹³⁰ Coffin, Alex, and Michael Wright. “Guardsmen Alerted In City Union Strike: Last Minute Appeal Postpones Firings.” *The Atlanta Constitution* (1946-1984). March 20, 1970.

¹³¹ Coffin and Wright, “Guardsmen Alerted In City Union Strike: Last Minute Appeal Postpones Firings.”

¹³² This statement pushed back against Mayor Massell’s claims that two thirds of the city’s garbage was being collected in early April. Coffin, Alex. “Strikers Plan Protests in Heart of City.” *The Atlanta Constitution* (1946-1984). “April 4, 1970.

¹³³ Coffin and Wright, “Guardsmen Alerted In City Union Strike: Last Minute Appeal Postpones Firings.”

¹³⁴ “Mayor Foresees Cut In Service.” *Atlanta Daily World* (1932-). March 19, 1970.

¹³⁵ Coffin and Wright, “Guardsmen Alerted In City Union Strike: Last Minute Appeal Postpones Firings.”

¹³⁶ Coffin and Wright, “Guardsmen Alerted In City Union Strike: Last Minute Appeal Postpones Firings.”

members of the National Guard to be on standby alert to squash any possible conflicts in the city.¹³⁷ Massell also created a “strike squad” comprised of 14 detectives in hopes of gathering intelligence and investigating any possible vandalism or “malicious mischief.”¹³⁸ Union official Emmett Doe also charged that their leaders were being surveilled by the police, though Massell claimed he had no knowledge of it.¹³⁹ The *Atlanta Daily World* called into question the necessity of the extreme police force being demonstrated in opposition to strikers, writing on March 24th that “there [had] been no violence so far. Yet the police department remained on a ‘state of emergency’” in addition to the National Guardsmen on standby alert.¹⁴⁰

Though the city remained prepared for “riots,” the degree of danger that the strikers actually posed was hotly debated and remains in question. The *Atlanta Constitution* reported on March 20th that there were rumors about strikers threatening people who wished to return to work. Additionally, both sides maintained that their opposition carried pistols.¹⁴¹ According to a union official, strikers claimed that “supervisors [were] running around with pistols,” although Massell denied this charge.¹⁴² If true, this would suggest that labor supervisors were performing acts of policing and surveilling strikers, despite not being formally empowered to do so through their official positions.¹⁴³ Were the allegations true, Massell’s denial of the allegation, whether of

¹³⁷ Coffin and Wright, “Guardsmen Alerted In City Union Strike: Last Minute Appeal Postpones Firings.”; Greene, Tom. “Garbage Workers Continue Strike After Long Meeting.” *Atlanta Daily World* (1932-). March 22, 1970.

¹³⁸ Coffin and Wright, “Guardsmen Alerted In City Union Strike: Last Minute Appeal Postpones Firings.”

¹³⁹ Massell’s dismissal and claims of ignorance of the allegations of police surveillance may have been effort to cover up a narrative that would expose police overreach and dismantle the myth of Atlanta as a “city too busy to hate,” devoid of any policing problems. “Agreement Reached in City Strike.” *The Atlanta Constitution* (1946-1984). March 25, 1970.

¹⁴⁰ “Municipal Workers Vow To Continue Stoppage.” *Atlanta Daily World* (1932-). March 24, 1970.

¹⁴¹ Union leaders maintained that these rumors of violence were manufactured to weaken union demonstrations and break the strike. However, it is unclear whether or not these allegations were true. Coffin and Wright, “Guardsmen Alerted In City Union Strike: Last Minute Appeal Postpones Firings.”

¹⁴² Coffin and Wright, “Guardsmen Alerted In City Union Strike: Last Minute Appeal Postpones Firings.”

¹⁴³ Black Feminist scholar Patrice Douglass discusses the ways in which policing occurs outside of police forces in the United States. Douglass argues that “the social is conditioned by a form of police power that deputizes the socius—here referring to everyday people, private and public entities, the state and its agents, as well as concepts

negligent ignorance or a calculated move to protect public image, would have worked to distance Atlanta and himself as mayor from narratives damaging to Atlanta's reputation as a center of racial progress through a process of gaslighting city strikers.

The Atlanta Ad Hoc Committee on Law Enforcement, which met to “investigate reports of police misconduct during the strike,” endeavored to get to the bottom of these accusations. The committee, including representatives from many influential organizations in the region like the Georgia American Civil Liberties Union, arranged to recruit disinterested Atlantans to observe picket lines to gain a neutral perspective on what was happening in the picket lines.¹⁴⁴ These disputes indicate that there was a lack of consensus between the government and strikers as to where the tension was coming from and who the primary instigators were. However, since the *Atlanta Daily World* reported on March 24th that no violence had occurred yet, it is likely that the intensification of militarized police presence during the strikes may have spurred higher tensions and instigated conflicts to come.

A few days after the *Atlanta Constitution* reported on the allegations coming from both sides, the city fired 1,700 workers. Many workers returned to their jobs while several hundred of those Massell fired continued their walkout.¹⁴⁵ After the firings, nine Black ministers attempted

and principles—to police the boundaries of Blackness.” Douglass conceives of police power as the defining and controlling of Blackness by various social practices and institutions, ranging from ordinary people, to private organizations, to the government and government actors. Here, the truth of the strikers' allegations would have meant that labor supervisors policed city strikers, threatening violence should strikers step out of line. Douglass, Patrice. “Unnatural Causes: Racial Taxonomies, Pandemic, and Social Contagion,” *Prism: Theory and Modern Chinese Literature*, 18:1 (March 2021), 258.

¹⁴⁴ “Ad Hoc To Investigate Police Conduct.” *Atlanta Daily World (1932-)*. April 12, 1970.

¹⁴⁵ Following his mass-firing, Massell attempted to replace the workers with labor from incarcerated people. Given the disproportionate amount of Black people incarcerated due to laws that were racially discriminatory in application, most of these laborers brought in to solve the lack of workers due to the strike were likely Black. The optics of this are quite troubling: Mayor Massell, unwilling to pay his predominately Black city workers a livable wage chose to fire the city employees and replace them with incarcerated people, who need not be paid due to a technicality in the 13th Amendment that allowed for the servitude of incarcerated peoples. Shirley, Neal and Saralee Stafford. *Dixie Be Damned: 300 Years of Insurrection in the American South*. Oakland: AK Press, 2015, 206; Greene, Tom. “Garbage Workers Continue Strike After Long Meeting.” *Atlanta Daily World (1932-)*. March 22,

to hold a meeting at Ebenezer Baptist Church to negotiate the end of the strike, though only three of 18 aldermen attended and the group reached no productive conclusion or solution.¹⁴⁶ Tensions soon escalated between police and the remaining strikers who continued to refuse the city's original offer.

On the afternoon of March 24th, Atlanta police and strikers clashed at a picket line in Maddox Park. The details of the skirmish were debated amongst police and strikers. The wife of James L. Adams claimed that she saw a policeman strike her husband with a club while she was speaking with a different policeman. The man who struck Adams, Captain B.F. Marler, claimed that Adams had hit him first. The timing of the incident was also called into question, as police claimed the conflict occurred when they attempted to get construction workers beyond the picket lines while strikers said the conflict occurred beforehand. The conflict, which created a disturbance in the crowd, led to seven arrests.¹⁴⁷ The evident unrest in the crowd following the confrontation between Adams and Marler demonstrate that the predominately Black city workers would not tolerate police brutality. Though this incident did not rise to a larger level of unrest, the strikers rebelled against the police abuse of power and reasserted their right to advocate for themselves through picketing in spite of police hostility. Exhibiting further resilience, union members then attempted to hold a private meeting on a hill close by, but police surrounded them, and they were forced to hold their meeting later and across town.¹⁴⁸ This demonstrates the persistence of the workers in working towards the wages and benefits that they felt they deserved in spite of police antagonism.

1970; "Municipal Workers Vow To Continue Stoppage." *Atlanta Daily World* (1932-). March 24, 1970; "Agreement Reached in City Strike." *The Atlanta Constitution* (1946-1984).

¹⁴⁶ "Agreement Reached in City Strike." *The Atlanta Constitution* (1946-1984).

¹⁴⁷ "Agreement Reached in City Strike." *The Atlanta Constitution* (1946-1984).

¹⁴⁸ "Agreement Reached in City Strike." *The Atlanta Constitution* (1946-1984).

In response to the conflicts with police, city official Dan Sweat stated that “somebody is trying to stir these people [the strikers] up,” later referring to the union as attempting to “establish a reign of terror.” With this statement, Sweat attempted to demonize the strikers and assert that they could not have possibly been understandably upset about their work compensation and benefits. This seeks to shift the city’s responsibility for the strike wholly onto the strikers, ignoring the city’s failure to reasonably negotiate with the union to provide workers with reasonable compensation. Sweat’s allegation that only external forces who sought to create conflict could have caused the frustration the strikers experienced implies that there was no other explanation for the strikers’ anger, as they lived in an exceptional city that treated them perfectly fair. This narrative and its implications serve to deny strikers their right to be angry by upholding the idea of Atlanta as a city “too busy to hate,” immune from racial disparities and state neglect.

While some strikers may have contributed to causing aggravation from law enforcement, union official Morton Shapiro maintained that none of his union workers created any of the violence.¹⁴⁹ What Sweat may have overlooked is that law enforcement may have had a large role in “stirring up” the strikers through acts such as the striking of James Adams by Captain Marler. The city’s highly militarized response to a workers’ protest that had been peaceful for many days may have exacerbated the frustrations of the strikers, who only saw themselves as peacefully putting forth employment terms to improve their lives.

Mayor Massell also made his opposition to the strikers’ cause clear in an article he wrote, published in the *Atlanta Daily World*. In his article, Massell described the demands as “unreasonable” and “impossible” to accommodate.¹⁵⁰ This indicates that Massell found calls to

¹⁴⁹ “City Garbage Strike Comes To A Halt: To Rehire Fired Strikers.” *Atlanta Daily World* (1932-). March 26, 1970.

¹⁵⁰ Massell, Sam. “Mayor Massell Statement.” *Atlanta Daily World* (1932-). March 27, 1970.

increase the salary of the lowest paid city workers to provide more livable wages were irrational demands. Massell also fails to acknowledge that even if the union's demands cost as much as estimated—which was a dubious claim to begin with—there may have been a way to raise the funds for the workers. He also described the strike as illegal, despite the Fulton County Superior Court clarifying that the strike and pickets were valid.¹⁵¹ Massell then committed himself to no longer acknowledging the strikers, saying that doing so would be giving “recognition [to] those who had become the city's enemies.”¹⁵² Though Massell adamantly denied allegations of racism in this same article, Massell's resolve to completely disregard the predominately Black strikers and declare them enemies of the city seems to have racist undertones and a desire to rid himself of the “problem” of Black working class Atlantans demanding better for themselves. Massell's denial of racism, despite his spearheading of racist policies and practices, attempts to gaslight Black Atlantans and silence their accusations of racism in Atlanta.

Though the police presence was clearly oppositional to the protestors, union workers continued to show up to demand livable wages and reasonable benefits for themselves. As strikers continued exercising their right to protest and organized, police continued to maintain a visible presence. One confrontation between police and strikers occurred during a press conference regarding a rally for the second anniversary of Martin Luther King Jr.'s death at Ebenezer Baptist Church. When Reverend Joseph Boone saw policemen and a riot squad outside the church, he decided to lead the strikers at the church past the police and into Massell's office in City Hall. The group of about 50 people stood outside Massell's office singing “We Shall Overcome” while twenty helmeted policemen with clubs in hand monitored the situation. Reverend Harkey Klinefelter denounced Massell's “brute force” approach. Reverend Boone

¹⁵¹ Massell, “Mayor Massell Statement.”; Greene, Tom. “Garbage Workers Continue Strike After Long Meeting.”

¹⁵² Massell, “Mayor Massell Statement.”

agreed with his sentiment, claiming that the police presence was not necessary “because we [the protestors] love Atlanta. We’re not criminals.”¹⁵³ Boone’s words drew on a common sentiment of many Black Americans who law enforcement had projected stereotypes of criminality upon.¹⁵⁴

In this case, these strikers and community leaders were simply gathering at a church to plan a memorial rally for Martin Luther King Jr., honoring him as a peaceful leader of Civil Rights and an advocate for the working class, when law enforcement presumed that a conflict could arise or already had arisen. Though there were no known signals of unrest or conflict at the church, police and a riot squad appeared outside. Boone, perturbed that the police had again intruded into the affairs of the Black community needlessly, used the police presence as an opportunity to draw attention to the strikers’ cause. This march to City Hall constituted a small act of defiance in the face of police surveillance and militarization. The act made clear that the Black community and the city strikers would not be crushed by police intimidation and would continue to pressure the city government to treat them how they deserved to be treated, in this case with reasonable compensation for doing the tasks that kept the city of Atlanta functioning. Boone also pushed back against the idea that his crowd would cause any harm, further highlighting that the threat perceived by law enforcement was exaggerated. Further, Boone’s profession of the group’s love for Atlanta was a focal point of his protest, as he fought for better wages to uplift Atlantans, and by extension Atlanta, to the fullest potential.

Eventually, the strike ended on April 29th, 1970. Many in the Black community had grown tired of the lack of traction made during the strike and feared the increased public health concerns of the garbage pileup as the summer approached, knowing that Black neighborhoods

¹⁵³ Coffin, Alex. Strikers Plan Protests in Heart of City.” *The Atlanta Constitution (1946-1984)*. “April 4, 1970.

¹⁵⁴ Alexander, *The New Jim Crow: Mass Incarceration In the Age of Colorblindness*, 155-156.

would suffer the most from the lack of sanitation services. An editorialist from the *Atlanta Daily World* also expressed concerns that “no one can avoid violence forever now that the union and the city have shown each other that they both have strength.” This concern of inevitable violence spurred desires to end the strike before more substantial conflicts took place. The editorialist, recognizing that the strikers had made no substantial gains in over a month of striking, argued that no one would really benefit from further striking “except the rats and roaches” who would enjoy feeding on the trash pileups.¹⁵⁵

Vice Mayor Maynard Jackson also helped to facilitate the strike’s end. Jackson, who had long publicly supported the fight to increase the abysmal wages of Atlanta’s working-class employees and criticized Massell’s strike-breaking tactics, pressured Massell to negotiate an employment agreement, rehire the fired workers, and give workers a meaningful raise in pay.¹⁵⁶ No major unrest occurred during the lengthy strike, but police presence remained high throughout the demonstrations, which was likely a contributor to the skirmishes and minor conflicts that did occur. Despite the massive police response in many cases where the claims of a threat were dubious, combined with city officials’ repeated deflections of fault, Black workers continued to assert their right to better compensation and benefits. Occasionally, standing up for this right meant engaging in small acts of defiance during police confrontations and demanding to be treated with dignity and respect during the ongoing protests. Some of the strikers were ultimately punished for their noncompliance with arrests or even brutality.

While eventually attrition and concerns about possible unrest caused Massell to make some concessions in the terms for workers’ compensation, the protestors’ small acts of resistance to police overreach and hostility did not create changes to the ways that working class Black

¹⁵⁵ Davis, John L. “Pros And Cons Of City Sanitation Strike.” *Atlanta Daily World* (1932-). April 17, 1970.

¹⁵⁶ Shirley and Stafford, *Dixie Be Damned: 300 Years of Insurrection in the American South*, 206.

Atlantans were treated by the police. Small acts of defiance warning that Black Atlantans would not be mistreated, such as creating a commotion after the hitting of James Adams with a club or marching into city hall after needless police presence, did not end police hostility during the strike, as many examples of arrests and police misconduct took place after these episodes of defiance. These small acts of resistance also did not change policing in Atlanta in the long-term, as highly militarized police continued to intervene in affairs that did not warrant their involvement, heightening tensions and sometimes creating larger conflicts out of minor of everyday occurrences.

“Police Attack, We Fight Back”

In April 1978, students at Atlanta Junior College, a predominately Black institution, voiced their concerns about the college administration’s failure to hire five beloved instructors to teach during the summer class session. Though the college president denied it, many students believed that the teachers had been targeted by the institution because of their known opposition to a new desegregation plan for Georgia public universities that would break up Black state colleges by creating quotas for white students or merging with predominately Black institutions majority white ones.¹⁵⁷ One student activist, Omar Ujama, threw his support behind the teachers, claiming that they were the only instructors who “had the guts to consistently make open knowledge of their position that students have rights too, and that we don’t have to simply settle

¹⁵⁷ The five faculty members, Nodiboe Kadalue, Ron Chandonia, Charlyn Bolton-Harper, Jabari Simona, and Beverly Head had been vocal supporters of students’ criticism of the desegregation plan for the Georgia University system, which included the Atlanta Junior College. *Atlanta Daily World* (1932-). “AJC Students Stage Protest In Support Of Five Instructors.” April 23, 1978; Moore, Beverly J. “17 AJC Students Arrested After Brief, Noisy Fracas.” *Atlanta Daily World* (1932-). June 16, 1978; *Atlanta Daily World* (1932-). “AJC Protesters Face Oct. 15 Trial Date.” October 12, 1979.

for anything the system decided to throw at us and call it an educational opportunity.”¹⁵⁸ Many students boycotted classes to demonstrate their support for the teachers not hired for summer and some marched outside of the college on April 19th with signs drawing attention to the failure to issue summer contracts for these five teachers.¹⁵⁹ These peaceful protests were preludes to further nonviolent student demonstrations.

On June 8th, around 15 to 20 people protested the college’s failure to issue the five instructors summer contracts outside the West Hunter Street Baptist Church during the Atlanta Junior College graduation ceremonies.¹⁶⁰ Reverend Ralph David Abernathy, the church pastor, gave the protestors permission to peacefully demonstrate on the church property during the ceremony. Though the protestors were present with the consent of Abernathy and caused little disturbance according to witnesses, the students were asked to leave. When the students failed to vacate the premises, Georgia Governor George Busbee called out state patrolmen. The patrolmen arrived, creating fear amongst demonstrators as well as unaffiliated ceremony observers, and endeavored to forcibly remove the protestors.¹⁶¹ State troopers arrested nine protestors at about five PM for “a ‘little used’ ordinance that grants the state authority over any piece of property being used by the state,” according to the protestors’ defense attorney, Ed Augustine. Reverend Abernathy expressed outrage towards the idea that the presence of the state graduation ceremony converted the church property to a possession of the state.¹⁶²

Atlanta Daily World (1932-). “AJC Students Stage Protest In Support Of Five Instructors.” April 23, 1978.

¹⁵⁹ *Atlanta Daily World* (1932-). “AJC Students Stage Protest In Support Of Five Instructors.” April 23, 1978.

¹⁶⁰ *Atlanta Daily World* (1932-). “College Protesters Hearing Postponed.” June 27, 1978.

¹⁶¹ Thomas, Jim. “WSB-TV Newsfilm Clip of Atlanta Junior College Students Who Want Charges against Students Dropped and an Attorney Comments on the Situation, Atlanta, Georgia, 1978 June 22.” *WSB-TV*. Civil Rights Digital Library, Walter J. Brown Media Archives of UGA Libraries. Accessed January 9, 2022.

http://crdl.usg.edu/cgi/crdl?format=_video;query=id:ugabma_wsbn_wsbn38120.

¹⁶² *Atlanta Daily World* (1932-). “College Protesters Hearing Postponed.” June 27, 1978.

In order to disrupt these students' exercise of free speech in a private space where they had explicit permission to be, state troopers invaded church property. The patrolmen used force to disperse the demonstrators, whose primary goal was to defend their access to a quality academic experience. The troopers used an obscure law to arrest nine demonstrators for expressing their opinions in a place where they had full permission to be, demonstrating the great lengths that law enforcement took to intervene in the affairs of local Black activists. Rather than creating order, the presence of state authorities brought fear and heightened tensions at the church ceremonies. Law enforcement then punished the protestors essentially for self-advocating in a visible location that had openly welcomed them.¹⁶³

Despite this antagonism from law enforcement, many student organizers continued to demand that their grievances be heard by their college. On June 14th, students continued their on-campus activism at a Regents' Education Committee meeting for the Atlanta Junior College.¹⁶⁴ The Committee granted three student representatives from the crowd of about 75 people time to

¹⁶³ In the July preliminary hearing for the protestors arrested, the state initially only possessed three of the nine warrants and had to delay the hearing to find the proper documentation. Ultimately, the charges were dismissed against four of the nine protestors arrested during the graduation ceremonies. Among those who had their charges dismissed by Fulton County State Court Chief Judge Thomas L. Camp were Darryl Cantrell, Heidi Silver, Kenneth Ellis, and Craig RaFuse. Cantrell and Silver's cases got dismissed because the state was unable to find the relevant warrants for them. Ellis and RaFuse's cases were thrown out because their defense attorney effectively argued that no testimony connected them with any direct participation in the protest. Though these students were not ultimately convicted of any charges, police efforts to punish their protests and discourage further dissent were effective, as their time was wasted during their attendance of multiple legal proceedings. The other five protestors, Earl Gilliam, Lewis Whitted, Octavius O'Neal, Chimurenga Jenga, and Omar Jenga were placed on bond after the preliminary hearing. The state's lack of preparation and failure to produce the proper warrants despite having plenty of time to prepare their case is a signal that the case itself against these protestors was weak. The state evidently took great pains to make their adamant disavowal of the demonstration by dragging these protestors to court twice despite lacking proper warrants or convincing testimony on already questionable charges. This indicates that the targeting of these demonstrators was likely a political move to intimidate and discourage young Black people from questioning authority or advocating for themselves in public forums. These legal efforts following the display of police force asserted dominance and authority over Atlantans challenging norms, particularly if those people were Black. *Atlanta Daily World* (1932-). "Action Taken Against AJC Demonstrators." July 9, 1978; Thomas, "WSB-TV Newsfilm Clip of Atlanta Junior College Students Who Want Charges against Students Dropped and an Attorney Comments on the Situation, Atlanta, Georgia, 1978 June 22."

¹⁶⁴ *Atlanta Daily World* (1932-). "AJC Protesters Face Oct. 15 Trial Date." October 12, 1979.

voice their position for a few minutes before they commenced their meeting.¹⁶⁵ After the students urged that the assistant professors had a right to teach, the entire board of regents decided to stick by the college president's initial decision to deny the instructors summer contracts. As the board continued with other affairs, some students began to chant "we demand contracts," causing the board to ask the students to leave the meeting various times. The students then moved to the hallway to continue voicing their discontent. This is when law enforcement authorities became involved.¹⁶⁶

State patrolmen, authorized by the Georgia State Building Authority to provide security, arrived and demanded that the student protestors exit the building within five minutes. The *Atlanta Daily World* reported that after protestors remained past the five-minute deadline, "officers began to remove them bodily." This created a physical confrontation between the patrolmen and students that resulted in at least three students injured, according to the authorities. Student Omar Ujama, who was present at the protest, was pushed through a glass door during the conflict, causing him to suffer from head injuries. The State Patrol also noted that "five or six" patrolmen "received minor cuts and bruises" in the altercation as well. After failing to disperse, seventeen people were arrested, including one of the instructors, and charged with "disrupting a meeting on state property."¹⁶⁷

This incident involved state patrolmen exerting force over peaceful students speaking out for academic quality and freedom in their own school. Though there was no apparent threat of

¹⁶⁵ Moore, Beverly J. "17 AJC Students Arrested After Brief, Noisy Fracas." *Atlanta Daily World* (1932-). June 16, 1978; *Atlanta Daily World* (1932-). "AJC Protesters Face Oct. 15 Trial Date." October 12, 1979.

¹⁶⁶ Moore, Beverly J. "17 AJC Students Arrested After Brief, Noisy Fracas." *Atlanta Daily World* (1932-). June 16, 1978.

¹⁶⁷ Moore, Beverly J. "17 AJC Students Arrested After Brief, Noisy Fracas." *Atlanta Daily World* (1932-). June 16, 1978.

violence from these students, patrolmen felt compelled and empowered to forcibly remove the protestors from their college, injuring them in the process.¹⁶⁸ In failing to easily comply with the patrolmen's orders, the college organizers asserted their unwillingness to be silenced. This headstrong nature was unacceptable to the law enforcement occupying the campus, responding to the crowd's persistence by inflicting serious wounds upon students. Though the state patrolmen were the aggressors of the violence, the patrolmen's spokesperson was careful to emphasize the minor cuts and bruises that some men on their force suffered, hoping to perpetuate a narrative of policing that involved victimized police selflessly putting their own safety on the line for the sake of order in the community.¹⁶⁹ However, this does not distract from the fact that the state patrolmen created the escalated tensions at Atlanta Junior College and that their wounds did not compare to the severity of damage inflicted upon students such as Ujama.

Though state troopers had repeatedly been summoned to suppress the students' speech and peaceful rallies, the college protestors demonstrated further resilience by leading a demonstration outside of the State Court of Fulton County before the preliminary hearing for those arrested during the graduation ceremonies. A multiracial, majority-Black crowd assembled

¹⁶⁸ Critics may argue that it is difficult to judge when a situation is or might turn dangerous, so it was not unreasonable for the state troopers to act as they did. However, every indication points to these crowds being non-violent during both demonstrations. The crowd had received permission to be at the West Hunter Baptist Church and for their representatives to speak at the Regents meeting. The participants were unarmed, only having posters and a megaphone. Reverend Abernathy, who had a reputation for being an advocate of peaceful demonstration, also expressed "outrage" with the state's management of the situation, arguing that the use of force was unnecessary and illegal. The protestors were also not charged for any violent activities, which law enforcement likely would have done if they had the slightest reason for doing so, judging by law enforcement and prosecutors' ardent pursuit of legal punishment under an obscure legal technicality. All of these factors suggest that these AJC protestors were not a threat to anyone's safety. This means that law enforcement perceived danger from a peaceful crowd of mostly Black protestors, an occurrence that is commonplace, according to a variety of scholarship in the field. *Atlanta Daily World* (1932-). "College Protesters Hearing Postponed." June 27, 1978; Thomas, "WSB-TV Newsfilm Clip of Atlanta Junior College Students Who Want Charges against Students Dropped and an Attorney Comments on the Situation, Atlanta, Georgia, 1978 June 22."; Alexander, Michelle. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, 135; Forman Jr., *Locking Up Our Own: Crime and Punishment in Black America*, 52-55; Felker-Kantor, Max. *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD*, 6.

¹⁶⁹ Hinton, *From the War on Poverty to the War on Crime: The Making of Mass Incarceration in America*, 109.

in front of the courthouse to show support for the nine college students who found themselves at odds with law enforcement. However, their message was now beyond the scope of their fellow students and the internal college issues. The protestors marched with signs encouraging fighting against capitalist oppression and discrimination, drawing a link between racial capitalism and the abuse inflicted upon the college students. Footage shows two Black men carrying a Pan-African flag, signifying pride in their ancestral heritage in the face of racial discrimination and targeting from law enforcement.

While marching back and forth in an organized line, protestors chanted phrases like “drop the charges, and we’ll go home,” “police attack, we fight back,” and “free the nine, put the state on trial.”¹⁷⁰ These chants speak to a core demand of the organizers: to be left alone by law enforcement. The protestors simply asked for the legal harassment of the nine AJC students for illegitimate charges to end. Beyond that, the students and their supporters asserted that if assaulted by law enforcement, they would not take this treatment lying down, demanding more respectful treatment for themselves than they were continuously awarded. Further, the protestors argued that they were the ones needlessly harmed during the police conflicts and asserted that it was the police, rather than the protestors, who were trespassing during the demonstrations at the church and their school. Thus, they argued, the state troopers should be held responsible for their transgressions rather than the student defendants.

No physical altercation came out of this particular demonstration, perhaps because of the highly visible nature and location of their courthouse-front protest, their more racially mixed group of demonstrators, or because of the heightened awareness of police brutality due to

¹⁷⁰ Thomas, Jim. “WSB-TV Newscast Clip of Atlanta Junior College Students Who Want Charges against Students Dropped and an Attorney Comments on the Situation, Atlanta, Georgia, 1978 June 22.”

community outcries following the cruelty showcased in the two previous encounters with AJC students and state troopers. The authorities' restraint during this demonstration shows that people working in law were capable of resisting knee-jerk reactions of force but that too often individuals working in law enforcement decide not to exercise that restraint, likely due to fear rooted in racial stereotypes. Though no law enforcement officer created any altercations during this protest, newsreel footage shows the presence of state troopers throughout the demonstration, parked across the street to monitor the situation and be ready whenever they determined that the protestors posed a threat to public safety—a standard which had evidently proven not terribly difficult for Black activists to meet in the eyes of law enforcement.¹⁷¹ The monitoring of the protestors by state troopers speaks to an assumption of criminality and trouble-making amongst the demonstrators, consistent with popular associations among law enforcement that perceived criminality in Blackness.¹⁷²

The state trooper intervention in Atlanta Junior College students' protests shows that law enforcement routinely overreacted to situations in which Black people simply asserted their own self-worth. Though this predominately Black group of students was simply advocating for their own quality education and the teachers who empowered them and enhanced their college experience, the state saw these assertions of worth and dignity as a threat. State troopers were called into what should have been a completely internal issue within the students' college and exerted violence upon peaceful protestors who had every reason to believe they were in safe spaces—outside a church where they had permission to demonstrate and at their own academic institution. When state troopers continued to insert themselves into the students' peaceful

¹⁷¹ Thomas, Jim. "WSB-TV Newsfilm Clip of Atlanta Junior College Students Who Want Charges against Students Dropped and an Attorney Comments on the Situation, Atlanta, Georgia, 1978 June 22."

¹⁷² Moore, Leonard N. *Black Rage in New Orleans: Police Brutality and African American Activism from World War II to Hurricane Katrina*, 8.

protests, the AJC students asserted their right to advocate for themselves and refused to leave the premises when asked. Refusing to adhere to unjust or unreasonable orders of law enforcement constituted a small rebellion on the part of the AJC students against the overreach of the authorities. However, law enforcement, demanding total compliance, would not let these non-violent acts of defiance go unpunished. As a result, state troopers employed force to remove the students and pursued them with legal charges as a form of harassment to discourage future disobedience. This use of violence and the following prosecution rendered small rebellions such as this harmless episode of noncompliance an ineffective means of resisting or drawing attention to police harassment and unnecessary force.

Community to Battlefield

To be sure, Black Atlantans are not the only city-dwellers to experience the iron hand of law enforcement. Critics of racialized theories of police brutality may point to these examples of police violence or disrespect towards white residents as evidence that the poor treatment that Black Atlantans suffered at the hands of police was not about race. However, this assumption is often misplaced. For example, in the early 1970's hippies in Piedmont Park were a hotly debated topic among Atlantans and Atlanta policing forces. Traffic of marijuana and narcotics in the park was highly publicized, and police scrambled for a solution to end the public displays of deviance. The severity of the problem was further demonstrated by suspected drug-related deaths and episodes of gun violence during attempted drug-related arrests.

The hippies in Piedmont Park were a racially-mixed group, many of them members of the white middle class with an affinity for marijuana.¹⁷³ During the late summer and early fall months of 1971, police remained divided on how to approach the hippies occupying a section of Piedmont Park all day and night. When park police attempted to conduct drug arrests, young hippies resisted the enforcement of what they believed to be unjust laws, throwing rocks and bottles at the arresting officers.¹⁷⁴ The Fraternal Order of Police complained that the park was a “haven” for the counterculture youth to live in complete lawlessness.¹⁷⁵ The Atlanta Police were reportedly instructed not to go into the park, as this was the jurisdiction of the park police and many feared that APD intervention would cause a riot.¹⁷⁶ Eventually, the parks police asked for assistance from the Atlanta Police to manage the park’s hippy population and their illicit activities.¹⁷⁷ Mayor Ivan Allen authorized a special 24-man police force to police the park on horseback. Additionally, with a previously existing loitering law declared unconstitutional by the Supreme Court, police struggled to find legal grounds to disperse the crowd. To alleviate this legal barrier for the police, the city government passed a law creating a curfew for the park such that crowds of hippies would not sleep in the park or get high there at night.¹⁷⁸

The hesitancy to intervene when a crowd of predominately white youth blatantly using illegal substances in public starkly contrasts law enforcement’s quick intervention in the affairs of Black people who on their face appeared more law-abiding, like the AJC students or city strikers. This comparative overzealousness when dealing with Black Atlantans could perhaps be

¹⁷³ Linda, “Tighe Killing.” *Great Speckled Bird* v. 4 No. 38. September 20, 1971. Georgia State University Library Digital Collections. <https://digitalcollections.library.gsu.edu/digital/collection/GSB/id/3723/rec/1>.

¹⁷⁴ Garner, Phil. “The Problem In Piedmont Park.” *The Atlanta Constitution (1946-1984)*. October 24, 1971.

¹⁷⁵ McCartney, Keeler. “Police Say Park Is ‘Haven.’” *The Atlanta Constitution (1946-1984)*. September 18, 1971.

¹⁷⁶ McCartney, Keeler and Bob Rohrer. “Piedmont Fights Heroin Traffic.” *The Atlanta Constitution (1946-1984)*. August 5, 1971.

¹⁷⁷ Seddon, Bill. “Fowlkes Supports Extra Police for Parks.” *The Atlanta Constitution (1946-1984)*. October 8, 1971.

¹⁷⁸ Garner, Phil. “The Problem In Piedmont Park.”

attributed to perceptions of Black criminality. Additionally, while state troopers dredged up a questionable legal excuse for removing the Black AJC protestors, the city government and police were careful to ensure they had legitimate legal standing to intervene in the Piedmont Park hippies' affairs, taking the time to craft a new law to give indisputable legitimacy to their intervention. The hippy and drug market in Piedmont Park were certainly a larger threat to public safety than the AJC students' protests, as some badly made drugs caused five deaths in the summer of 1971 and there were multiple episodes of gun violence involving people who dealt drugs with arms in case of deals gone bad or police confrontations. The hesitancy to interfere with hippies' affairs in Piedmont Park and the formation of laws to address the issue suggest that law enforcement took more care dealing with disciplining white people's "deviance" than Black people's "deviance."

Though greater care may have been taken with these hippies, the "freak community" complained about "constant harassment of street freaks" by police in Atlanta.¹⁷⁹ Further, sometimes when the police intervened in the hippies' activities, some white people suffered casualties from police force. The death of Bobby Tighe exemplifies a white hippy paying the ultimate price for cops' pursuit of drug dealers. On August 26, 1971 Tighe, an 18-year-old man, was out peddling marijuana with his friend Mike Cotton near Piedmont Park. Two undercover Georgia Bureau of Investigation (GBI) officers posed as customers for Cotton and Tighe, luring them into their vehicle with the promise of making a drug deal. After the deal was complete and the GBI agents flashed their bags, Tighe and Cotton took off. Cotton was intercepted by two officers as he attempted to climb out the back window. Tighe however was able to get out of the

¹⁷⁹ Gene and Howard, "Piedmont Blowout." *The Great Speckled Bird* v. 4 No. 41. October 11, 1971. Georgia State University Library Digital Collections. <https://digitalcollections.library.gsu.edu/digital/collection/GSB/id/3751/rec/1>.

car successfully and ran away from the GBI agents. When Tighe, who was unarmed, ran past Detective M.E. Horton, Horton hit Tighe in the head with the muzzle of his gun. The gun then discharged and wounded Tighe, who died later that night at Grady hospital.¹⁸⁰

The freak community rallied in solidarity in reaction to Tighe's death, arguing that "the answer to bad dope is not more arrests, more narcs and more guns. That policy has turned Atlanta's community into another of America's battlefields."¹⁸¹ This demonstrates that white Atlantans also felt the pressures of police surveillance and the punitive enforcement of drug laws. It also acknowledges that the police response led to conflicts causing casualties on the side of the police and "freaks." Another writer for the *Great Speckled Bird*, a middle-class white woman, expressed hope that now that issues of police harassment and brutality were affecting white people, there might be more done to address the issue.¹⁸² This demonstrates that though police harassment and violence have typically targeted Black Atlantans, middle-class white people were beginning to be subjected to these experiences more often as well. This woman's comments also speak to an awareness of white Atlantans that police violence was an urgent problem in the Black community. Though white Atlantans like this editorialist, who often had more comparative wealth and status in society due to their skin color, were speaking out for change related to police violence against both Black and white people, law enforcement and the city government continued to ignore these critiques and sweep these incidents under the rug as much as possible.¹⁸³

¹⁸⁰ Guerrero, Gene. "The Warning Shot Killed My Friend," *The Great Speckled Bird* v. 4 No. 36, September 6, 1971, Page 2. Georgia State University Library Digital Collections. <https://digitalcollections.library.gsu.edu/digital/collection/GSB/id/3718/rec/1>.

¹⁸¹ Gene and Howard, "Piedmont Blowout."

¹⁸² Linda, "Tighe Killing."

¹⁸³ The *Great Speckled Bird* author, Linda, notes that at Mike Cotton's Fulton County Superior Court hearing for the drug bust he was involved in with Tighe, Tighe's name was not mentioned once. The officers never even described the killing in their descriptions of the events that night. This signals that law enforcement was eager to move past these episodes of extreme violence, ultimately failing to address some of the problems with violence endemic to

Though Tighe was white, his death was partially linked to anti-Blackness. Tighe's death at the hands of law enforcement occurred as a result of undercover policing designed to apprehend drug dealers. Though Tighe was young, unarmed, did not attempt to hurt any officer, and only dealing marijuana, police used excessive force to stop his flight. Though this police killing may be used to argue that the use of excessive police force was not predominately about race, as Tighe was a white man, his death is linked to racial issues. As many scholars have demonstrated, the drug laws for which Tighe was being pursued were largely created to target Black Americans.¹⁸⁴ Thus, Tighe's death might be framed as a form of collateral damage to law enforcement and lawmakers who took great lengths to implement laws intended to control the Black population.

One lesson that might be extracted from Tighe's death is that anti-Black political initiatives often have unintended consequences that harm society beyond the Black community, including white people. Bryan Jordan Jefferson, a scholar of the racialized political economy and policing, writes about this phenomenon in his essay entitled "Policing, Whiteness, and the Death Wage." In his essay, Jefferson explains that policies intended to target communities of color have repercussions for white Americans, diminishing the privileges that many white people once enjoyed.¹⁸⁵ In this context, drug laws that, according to scholars such as Michelle Alexander,

policing that affected and still affects people of all races. The reluctance to even acknowledge Tighe's killing may come from the interests of judges, like other state actors, to preserve Atlanta's reputation for exceptionality and a lack of police issues. Linda, "Tighe Killing."

¹⁸⁴ Alexander, *The New Jim Crow*; Kohler-Hausmann, *Getting Tough*.

¹⁸⁵ Jefferson refers to this process as the "blackening" of the white experience, arguing that these policies have made white Americans experience abject poverty and subject to surveillance that were traditionally more characteristic of the experiences of communities of color in the United States. While I understand the point that Jefferson is attempting to make, I do not subscribe to his language, as it implies that experiences of poverty are markers of the Black experience in the United States. While issues like poverty may disproportionately affect Black Americans, I find this language troubling, as it almost implies that Black people have a monolithically poor experience or perhaps are incapable of rising above adversity. I do not agree with his use of language and the potential extensions of it, as there are many examples of astounding Black achievement in the U.S., and I do not want to tread towards a defeatist approach regarding a more racially equitable society. However, I do think that Jefferson's general point that white

were enacted in large part to disenfranchise and control the Black population, also adversely affected white people.¹⁸⁶ However, though these white people were not necessarily the people the lawmakers had in mind when they envisioned locking “criminals” up for drug crimes, there was somewhat of a consensus that these people deserved punishment for their legal infractions, perhaps because their conduct aligned them with perceptions of what “Black criminality” resembled stereotypically. Thus, much of the examples of white punishment that could be offered as a counterpoint to the over-policing of Black people in Atlanta might be explained as still having links to racial issues and the desire to punish Black people. This is because the policies for which white people were often punished for were created with the goal of controlling the Black population in particular.

Conclusion

Throughout the 1970’s the Atlanta Police found reasons to insert themselves into the daily lives of Black Atlantans, particularly when they were engaging in self-advocacy. This is partly because police, who are trained to maintain order, perceive an exaggerated threat when the social order is challenged. After all, Black Atlantans’ demanding better for themselves and equal treatment was and continues to be a challenge to the traditional social order that has attempted to subordinate them for generations, from slavery to mass incarceration. While Black Americans have not been the only victims of over-policing and law enforcement brutality, Black people suffer from these problems at a disproportionate rate to their white and brown counterparts.¹⁸⁷ Additionally, many instances in which white people in particular have been targeted or harmed

people’s experiences have suffered as a result of policy efforts to maintain control over other racial groups in the U.S.

¹⁸⁶ Alexander, *The New Jim Crow: Mass Incarceration In the Age of Colorblindness*.

¹⁸⁷ Felker-Kantor, Max. *Policing Los Angeles: Race, Resistance and the Rise of the LAPD*, 245.

by police presence are linked to laws that were intended to target Black people. Thus, these situations are also in part a result of anti-Black racism. White people's engagement in activities that the white mainstream's political landscape has associated with Blackness, and by extension criminality, challenge social assumptions and norms, which draws suspicion amongst law enforcement. Thus, the targeting of white people displaying this "deviant" behavior only reinforces notions of Blackness and criminality were inextricably linked to police intervention and conflict.

This challenging of the social order may attract police to intervene in affairs that do not warrant their involvement. These interventions, however well-intentioned police claim they are, often have a tendency to create more conflict and uncertainty, due to a long track record of police abuse and brutality against Black Americans. When police intervened unnecessarily in the affairs of some Black Atlantans and exerted force in their dealings with them, Black Atlantans continued to resist the police in small ways to make clear that Black Americans will not be silenced and will not tolerate undignified treatment from law enforcement. To terminate Black self-advocacy and small rebellions, police force and punishment work alongside city officials using dismissive rhetoric relying on the "city too busy to hate" myth. This creates a pendulum swing alternating between police intervention and little, yet profound acts of Black resistance.

Unfortunately, these small acts of resistance against police overreach and abuse have proved to be an ineffective means of achieving long-term improved relations with the police in Atlanta, as the city still struggles with almost all of these same police brutality and over-policing issues today. This type of dissent could be part of daily life and could be encapsulated by a spectrum of noncompliance, encompassing even acts as simple as refusing to allow a vehicle search during a traffic stop. These little resistances from the Black community to police

mistreatment signaled an unwillingness of the Black community to continually be treated with disrespect by law enforcement. These demonstrations of dissent fall short of the kind of unrest that might be called a riot, but they serve as a cautionary signal that disrespect would not be tolerated. Though these small acts of defiance may serve as a kind of warning sign or communication that Black Atlantans will not be treated with brutality or disrespect without a fight, police have not tended to adjust their behavior to prevent such acts in the future. Instead, many police officers seem to double down on their tough treatment of citizens and demand even more rigid obedience to orders, punishing those who fail to comply with force, legal charges, or both.

Chapter 3

Carte Blanche: Courts as a Means of Challenging Police Abuse and the Implicit Endorsement of Unbridled Police Power

As discussed in chapter one, the shooting of 14-year-old Pamela Dixon by officer Roberts was challenged by the Dixon family in Fulton County Superior Court. Dixon's mother sought accountability for her daughter's injuries, filing charges of aggravated assault against officer Roberts, but the case was dismissed before it even got to trial. When explaining his decision to the gallery, Judge Kermit Bradford wholeheartedly expressed his endorsement of officer Roberts' shooting of Dixon. Bradford condescendingly chided accusations of racism, saying "unfortunately, in cases like this one, where there is conflict between the black and white race, the cry goes up, 'racist.' That's the sickness of America today, and that's what's destroying and shall continue to destroy until... we cool and calm tempers and get someone to lead us out of this darkness."¹⁸⁸ This demonstrates the judge's dismissiveness of the Black community's outcry against racist policing. Bradford's dismissive response echoes responses from police regarding many accusations of police brutality, arguing that racism was not in play when Dixon was shot. Bradford even goes further, claiming that calling out racism itself was the problem. This anticipates accusations of racism in the police department and preemptively shuts them down. The "city too busy to hate" narrative helps to enable this argument that racism was not truly a factor in this situation.

¹⁸⁸ "Brutality: Dixon, P." *American Civil Liberties Union, Years of Expansion, 1950-1990*.

The judge went on to argue that the shooting was not racist because “the colored officer considered it a dangerous situation to himself as well as to the white officer.”¹⁸⁹ This claim misses the point. Here Judge Bradford is assuming that Black people on the police force were immune to racial biases and anti-Blackness, which was not true. Historians Maurice Hobson and Leonard N. Moore write about this phenomenon in their histories of Atlanta and New Orleans, respectively. According to Moore and Hobson, Black officers, like white officers, were and are capable of incorporating anti-Blackness into their daily policing.¹⁹⁰ Additionally, just because the situation was considered dangerous should not imply that “Roberts had no choice other than to fire,” as Judge Bradford put it.¹⁹¹ This is a narrow-minded perspective, formed without a trial to meaningfully address the issue, that does not seriously interrogate other viable alternatives to the firing of Roberts’ gun to neutralize any possible threat that Dixon did pose.

Judge Bradford also seemed to impose anti-Black stereotypes upon Dixon when he described her, saying “she wasn’t a little delicate 14-year-old child as we think of delicate 14-year-old children.” At one point, Bradford even implied that Dixon would likely want to consume drugs or alcohol.¹⁹² This draws on stereotypes that regard young Black women as older, worse-behaved, and posing a greater threat than young white women the same age. It also draws on the stereotype that Black youth are more prone to abuse drugs and alcohol than their white counterparts. This suggests that Bradford’s ruling was tainted by anti-Black prejudice, and Dixon’s case likely never stood a chance to be reviewed in a fair and unbiased trial.

¹⁸⁹ “Brutality: Dixon, P.” *American Civil Liberties Union, Years of Expansion, 1950-1990*.

¹⁹⁰ Moore, *Black Rage in New Orleans: Police Brutality and African American Activism from World War II to Hurricane Katrina*; Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*.

¹⁹¹ “Brutality: Dixon, P.” *American Civil Liberties Union, Years of Expansion, 1950-1990*,

¹⁹² “Brutality: Dixon, P.” *American Civil Liberties Union, Years of Expansion, 1950-1990*,

Bradford also spent a large portion of his speech to the gallery discussing Christ, saying that he would “rather live in material poverty than be impoverished spiritually.” He also used his authority and position as an opportunity to advertise for the preacher Billy Graham, who was visiting town the next week.¹⁹³ These religious tangents undermine the integrity of a secular court system and suggest an unprofessionalism and lack of seriousness in Bradford’s address of the issue at hand. These statements also distract from the accusations of police brutality, a tactic that police departments and city officials often used to divert public attentions from police abuse scandals. Thus, the courts end up serving a similar function of distracting from police abuses of Black Atlantans, silencing Black dissent, and shutting down potential avenues for justice and accountability.

The quick dismissal of the case against officer Roberts offers insight into the difficulties of receiving a fair court hearing and trial when challenging police abuses. Though Dixon’s shooting was challenged in court and in peaceful protest, a combination of these tactics was not enough to achieve accountability for Dixon’s shooting or even provide a meaningful or productive reflection on the shooting by the APD and city government. The handling of Dixon’s case provides a look into the ways in which local courts like the Fulton County Superior Court extinguished Black efforts to get accountability of police abuses and provided a full endorsement of police activities, sometimes without even allowing a case to go to trial to hear all the facts and arguments of the case.

In this chapter, I will examine the cases of two young Black Atlantans who were designated “juvenile delinquents” to demonstrate the ways in which the legal system gave the

¹⁹³ “Brutality: Dixon, P.” *American Civil Liberties Union, Years of Expansion, 1950-1990*,

APD carte blanche to use and abuse their power at their will. These cases demonstrate that the APD disregarded the rights of even the most vulnerable people, who were supposed to be entitled to the most protections. The lack of regard for the rights of Black children and the ineffectiveness of legal challenges to these infringements of rights signal that the broader population of Black Atlantans likely stood even less of a chance of their basic rights being protected by police and courts. Thus, the broader population of Atlantans faced similar challenges getting courts to side with them as they challenged police abuses. These cases are also significant because they set solid precedents that essentially interpret individuals' Constitutional rights as easily bendable or breakable at the will and whims of local police. This perpetuates these problems further, as police are, in turn, undeterred from committing abuses of power at the expense of ordinary citizens. In this chapter, I will demonstrate that although Atlantans attempted to achieve justice and better policing through the court system, this was an ultimately ineffective approach, as courts simply deferred to police judgement and expanded their power, which may have even hurt Black Atlantans in the long run.

Progressive Rhetoric, Punitive Results

To better understand these cases, it is helpful to get background on juvenile justice in the U.S. and Georgia. Historians and sociologists across the board agree that the juvenile justice system was created during the Progressive Era, guided by ideals of rehabilitation for youths and the idea that “delinquent” children should not be treated the same as adult criminals. Unfortunately, research suggests that the juvenile justice system did not live up to these ideals, from the time of its conception onward. In their respective studies, William S. Bush and Anthony M. Platt stress the punitive nature of the juvenile justice system in practice, its use of force, long

prison terms and labor hours, and the ultimate failure of juvenile justice institutions to shelter children from the harshness of adult criminal justice.¹⁹⁴ In each of their research projects, Tera Eva Agyepong, Miroslava Chavez-Garcia, Max Felker-Kantor, Carl Suddler, and Geoff K. Ward all recognized the racialized nature of the juvenile justice system and how it effectively criminalized Black children and other children of color disproportionately and treated them more punitively.¹⁹⁵ Synthesized, these scholarly works paint a bleak picture for children deemed “juvenile delinquents” by the state, particularly children of color.

Despite the punitive and discriminatory leanings of the juvenile justice system uncovered by scholars, Supreme Court cases *In re Gault* (1967) and *Kent v. United States* (1966) as well as the federal government’s 1974 Juvenile Justice and Delinquency Prevention Act suggested a positive shift in juvenile justice. With *In re Gault*, the Supreme Court applied the Fourteenth Amendment’s Due Process to juveniles. *Kent v. United States* established that a sufficient investigation needed to take place before the juvenile court could waive jurisdiction in a juvenile case.¹⁹⁶ The Congressional act attempted to mitigate problems of racial and ethnic inequality in juvenile justice, focused on getting juveniles out of adult detention facilities, where they might have contact with incarcerated adults, and pressured for the deinstitutionalization of status

¹⁹⁴ Platt, Anthony M. *The Child Savers: The Invention of Delinquency*. Chicago: The University of Chicago Press, 1969; Bush, William S. *Who Gets a Childhood?: Race and Juvenile Justice in Twentieth-Century Texas*. Athens: University of Georgia Press, 2010.

¹⁹⁵ For a sampling of the racialized nature of the juvenile justice system, see Agyepong, Tera Eva. *The Criminalization of Black Children*. Chapel Hill: The University of North Carolina Press, 2018; Chavez-Garcia, Miroslava. *States of Delinquency: Race and Science in the Making of California’s Juvenile Justice System*. Berkeley: University of California Press, 2012; Felker-Kantor, Max. *Policing Los Angeles: Race, Resistance, and the Rise of the LAPD*; Suddler, Carl. *Presumed Criminal: Black Youth and the Justice System in Postwar New York*. New York: New York University Press, 2019; Ward, Geoff K. *The Black Child-Savers: Racial Democracy and Juvenile Justice*. Chicago: The University of Chicago Press, 2012.

¹⁹⁶ Tanehaus, David S. *The Constitutional Rights of Children*. Lawrence: University Press of Kansas, 2011, 58, 87.

offenders.¹⁹⁷ These developments created lofty ideals of rehabilitation for juvenile courts to uphold in the future, truly testing the capacity of the juvenile justice system to uphold justice and mercy for juveniles.

Georgia followed the tone of these national trends. In reaction to the aforementioned national developments, in 1967 Georgia created a Juvenile Court Law Study Committee. The Committee met for ten days to investigate the necessary modifications the juvenile justice system in Georgia and report their findings by the beginning December 1967. After this, the Committee was to be terminated.¹⁹⁸ Taking cue from the Committee's assessments, the state of Georgia reformed their 1951 Juvenile Court Act in 1968, 1971, 1974, and 1977. These reforms were created in hopes of better adhering to ideals of Due Process and rehabilitation.

This overhaul of the Juvenile Code in Georgia included a clear definition of the term "juvenile delinquent," the qualifications and selection process for juvenile court judges, the establishment of the Due Process and freedom from self-incrimination rights for juveniles, and procedures and restrictions for juvenile detainment. These amendments also called for the privacy of juvenile records and their record to be separated from adult records. In the words of the 1968 amendment, these reforms were intended to work towards "the best interest of correcting and rehabilitating the youthful offender."¹⁹⁹ However, some of its language limited children's rehabilitation in practice. For example, the reforms included a provision for a

¹⁹⁷ "Juvenile Justice and Delinquency Prevention Act ." Coalition for Juvenile Justice.
<http://www.juvjustice.org/federal-policy/juvenile-justice-and-delinquency-prevention-act>.

¹⁹⁸ "Juvenile Court Law Study Committee Created." Galileo: Georgia Legislative Documents.
<http://metis.galib.uga.edu.proxy.library.emory.edu/ssp/cgi-bin/legis-idx.pl?sessionid=538e44d7-c885a8ac87-1659&type=law&byte=289632542>.

¹⁹⁹ "Juvenile Court Act Amended." Galileo: Georgia Legislative Documents.
<http://metis.galib.uga.edu.proxy.library.emory.edu/ssp/cgi-bin/legis-idx.pl?sessionid=538e44d7-c885a8ac87-1659&type=law&byte=297021587>.

juvenile’s right to counsel “unless the parent, guardian or juvenile intelligently waive [t]his right.”²⁰⁰ The subjectivity of the word “intelligently” opens a door for juveniles to be taken advantage of and deprived of full Due Process rights. In fact, though this legislation showed an attempt to live up to the spirit of developments like *In re Gault*, juvenile justice scholar Barry C. Feld asserts that since *Gault*, juvenile courts have come up short of expectations, increasingly morphing into the structure and outcomes of adult courts.²⁰¹ Unfortunately, this Georgia state legislation was no exception.

Like the state legislation, juvenile court judges publicly pushed lofty rhetoric. However, their actual rulings when dealing with children’s cases departed from their progressive public statements. For example, Atlanta Juvenile Court Judge Tom Dillon expressed in a statement to the *Atlanta Constitution* that he was unhappy with juvenile facilities, suggesting he would have found it too harsh to sentence a juvenile to an adult correctional facility. In the 1972 *Atlanta Constitution* article Dillon said “juvenile authorities ought to turn young offenders loose into the streets rather than have them ‘sodomized, homosexually raped and beaten’ at the [juvenile detention] center.”²⁰² This would suggest Dillon’s outward hesitancy to sentence a child to a juvenile detention facility, let alone an adult correctional facility. The concern he expressed for abuses in juvenile facilities also echoes Chavez-Garcia’s findings of the “physical, sexual, and likely psychological harm” that incarcerated young people faced, detailed in her book *States of Delinquency*.²⁰³ However, Dillon himself went on to sentence a juvenile, A.B.W., to the

²⁰⁰ “The Juvenile Court Code of Georgia Enacted.” Galileo: Georgia Legislative Documents. <http://neptune3.galib.uga.edu/ssp/cgi-bin/legis-idx.pl?sessionid=7f000001&type=law&byte=320047430>.

²⁰¹ Feld, Barry C. “Criminalizing the American Juvenile Court.” *Crime and Justice* 17 (1993): 197–280.

²⁰² “Juvenile Justice.” *The Atlanta Constitution (1946-1984)*. December 29, 1972.

²⁰³ Chavez-Garcia, *States of Delinquency: Race and Science in the Making of California’s Juvenile Justice System*, 3.

Department of Corrections after he was accused of committing rape and murder while on probation, reasoning that A.B.W.'s alleged violation of probation was proof that he was incapable of rehabilitation.²⁰⁴ Judge Dillon's decision in A.B.W.'s case starkly contrasted his rhetoric about how the legal system ought to treat juveniles. This is not to say that the crimes A.B.W. was accused of were not serious or that those who do commit these crimes should not face an appropriate punishment. Rather, it is to point out that A.B.W. was convicted and sentenced to adult prison by Dillon in juvenile court, without the benefit of a trial before a jury. The relevant issue of concern is not guilt or innocence, but rather Due Process. A trial by jury is guaranteed to adults at risk of being sentenced to adult prisons. Thus, A.B.W.'s commitment to an adult prison without a trial by jury opposed the spirit of *Gault* while Dillon played up leniency and a reluctance to enforce harsh sentences in the press. Dillon's public progressive rhetoric yet punitive professional actions serve to perpetuate the vision of Atlanta as a center of progress, liberalism, and rehabilitation while simultaneously contradicting his own purported beliefs in

²⁰⁴ A.B.W. was on probation when he was accused of committing armed robbery and the rape of a 48-year-old woman. In reaction to these occurrences, Judge Dillon concluded A.B.W. was not amenable to treatment and committed him to the Department of Corrections. A.B.W. appealed twice, contending this commitment denied him of his constitutional Due Process rights by committing him to an adult facility without the trial by jury benefit adults were entitled to. The Georgia Supreme Court rejected A.B.W.'s claims, with Judge William Gunter writing the court opinion. Gunter concluded juvenile courts convicted children "for being delinquent[s], and such an adjudication is not a conviction of a crime." This rationalized the commitment of A.B.W. to the Department of Corrections under the dubious claim that the commitment was a form a "rehabilitation or treatment," rather than a criminal conviction, for juveniles not amenable to treatment. This logic was obviously faulty because adult facilities did not emphasize rehabilitation in the way juvenile detention facilities were designed to. Gunter justified A.B.W.'s deprivation of a trial by jury before his commitment to an adult correctional facility by claiming the "imposition of the jury trial on the juvenile court system would not strengthen greatly, if at all, the fact-finding function...[and] it would not remove the defects of the [juvenile court] system... and would tend once again to place the juvenile squarely in the routine of the criminal process." Gunter may have been right that a trial by jury would eliminate important differences between the criminal and juvenile justices processes, but committing a juvenile to an adult facility in itself eliminated these differences. Gunter also ignores other benefits of a trial by jury, such as the potential to garner more sympathy from jurors, which could yield a lighter sentence. Gunter's approval of A.B.W.'s commitment despite being denied the same privileges adults committed to the Department of Corrections violated the spirit of *In re Gault*, which established the entitlement of juvenile defendants to the Due Process of law. Gunter's court opinion affirming the denial of A.B.W.'s appeal demonstrates that judges worked around liberal legislation and court precedents to continue to find twisted legal rationales for imposing continually strict and harsh punishments. *A.B.W. v. State*, 231 Ga. 699, 203 S.E.2d 512 (1974).

practice. Dillon's public rhetoric bolsters the vision of Atlanta as a city with forward-thinking and benevolent leaders, while his actions suggest and actively perpetuate an opposing reality of Atlanta.

Though Dillon expressed sympathies for young people in the juvenile justice system, his compassion may have been limited and distorted by prejudice. In a 1973 *Atlanta Constitution* article, Dillon claimed the "'typical neighborhood' or a disadvantaged child...is...merely 'conformist' to commit crimes because many of the homes, themselves are 'small crime factories.'" This statement has clear racial undertones and suggests that Dillon had biases against impoverished children, who were likely often Black, given the deep racial wealth gap. Dillon's idea that low-income families reproduced crime likely facilitated harsher judgements upon young people from poor backgrounds who became embroiled with the legal system. This likely would have disproportionately affected young Black Atlantans. Dillon's demonstrated belief that children of low-income neighborhoods were likely to be "criminals" suggests that Dillon was likely to render punitive judgements for the children before him, contrary to the strong rhetoric he used previously. Thus, his liberal rhetoric that sought to position himself as an Atlanta Juvenile Court judge as progressive and rehabilitation-minded likely did not line up with many of his decisions.

Judge Dillon's rhetoric and actions only scratch the surface of the pervasive liberal rhetoric of judges in the juvenile and adult courts used to project an image of progress while simultaneously bringing down harsh punishments that disregarded individual rights and ideals of rehabilitation. Many scholars have argued that liberals and progressive rhetoric has helped contribute to the creation of the modern prison state in the United States.²⁰⁵ Atlanta was no

²⁰⁵ Fortner, *Locking Up Our Own: Crime and Punishment in Black America*; Murakawa, Naomi. *The First Civil Right: How Liberals Built Prison America*.

different. Judges in Atlanta played an active role in the process of mass incarceration, choosing to impose strict sentences and leniency at their discretion, with Black Atlantans suffering the most from their punitive, hardline rulings.²⁰⁶

When Atlanta police disregarded Black Atlantans' rights, including those of juveniles, many people pushed back against police abuse through the court system. Juveniles who faced harsh sentences from the insolated and allegedly rehabilitative juvenile court system also used courts to invalidate their harsh sentences and expose the police abuses that occurred during their own trial and conviction process. Given the juvenile justice reform of the early 1970s, young Black Atlantans likely had even more reason to believe that they could achieve justice and accountability through the court system than their adult counterparts. However, the promises of liberal legislation and rhetoric were often not upheld in practice.

Despite the development of the Juvenile Code in Georgia, which appeared to be promising for young Black Atlantans, the values of the Juvenile Code were often not endorsed in reality. The Juvenile Code aimed to create benevolent proceedings and rehabilitative outcomes for juveniles accused of crimes, but courts often departed from these ideals by breaking Juvenile Code protocols. For example, the 1981 Georgia Court of Appeals case *Paxton v. State* exemplifies a decision from an Atlanta court that goes against the values of the Georgia Juvenile Code and *In re Gault*. In this case Nathaniel Paxton, a young Black man from DeKalb County with no prior arrests, appealed his conviction of rape and burglary. This resulted in his adult trial for murder, rape, and burglary.²⁰⁷ Amongst other juveniles in the area, the DeKalb County police

²⁰⁶ Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*; Fortner, *Locking Up Our Own: Crime and Punishment in Black America*; Wiggins, *Crime Capital: Public Safety, Urban Development, and Post-Civil RIhts Black Politics in Atlanta*.

²⁰⁷ *Paxton v. State*, 159 Ga. App. 175, 282 S.E.2d 912, writ denied, 248 Ga. 231, 283 S.E.2d 235 (1981).

King, Barry. "Juvenile Held In Murder Of 97-Year-Old." *The Atlanta Constitution (1946-1984)*. August 10, 1979.

suspected Paxton of entering 97-year-old Dora Butler's house on the night of August 9, 1981 through Butler's lone unlocked window before raping and suffocating her.²⁰⁸

When Paxton and his mother were informed of his suspect status, they voluntarily went to the police station to provide Nathaniel Paxton's fingerprints. After leaving they were called back to provide more fingerprints due to inconclusive results, and Paxton's second set of fingerprints provided a match to the fingerprints at Butler's house.²⁰⁹ Upon determining there was a match, the police informed Paxton and his mother of Paxton's Miranda Rights and gave them a form entitled "Advice of Rights to Juvenile," which included forms to waive Paxton's *Miranda* rights. After Paxton read and explained the forms to his mother because she was illiterate, they signed the forms waiving Paxton's *Miranda* rights. Afterwards, Paxton and his mother signed a written statement that implicated Paxton and others in the crime.²¹⁰

Between 1:00 and 2:00 AM, Paxton's mother left the police station because she had to work in the morning. In her absence Paxton was questioned further despite the absence of a juvenile court judge and the failure to take Paxton immediately to a juvenile court, detention, or care facility, as required under the Juvenile Code.²¹¹ During the interrogation, Paxton offered a confession to the crime. After his admission, Paxton was escorted across the street to the

²⁰⁸ Dora Butler lived alone in the low-income Tobie-Grant housing project and had been burglarized several times following her death. Neighbors speculated the burglar was after the Social Security check she recently received. Prior Butler's death, the police had secured all Butler's apartment windows to prevent break-ins, but Butler kept her bedroom window open because she feared her gas stove was leaking. The police claimed Paxton entered through this window before raping and killing Butler.

"Juvenile Held In Murder Of 97-Year-Old;"

King, Barry. "Rapist Kills Scottdale Woman, 97." *The Atlanta Constitution (1946-1984)*; Atlanta, Ga. August 9, 1979.

²⁰⁹ *Paxton v. State*, 159 Ga. App. 175, 282 S.E.2d 912, writ denied, 248 Ga. 231, 283 S.E.2d 235 (1981).

The police did not inform Paxton or his mother that Paxton's original fingerprints were a possible match before the Paxtons returned to the police station for a second fingerprint sample.

²¹⁰ *Paxton v. State*, 159 Ga. App. 175, 282 S.E.2d 912, writ denied, 248 Ga. 231, 283 S.E.2d 235 (1981).

²¹¹ *Paxton v. State*, 159 Ga. App. 175, 282 S.E.2d 912, writ denied, 248 Ga. 231, 283 S.E.2d 235 (1981).

Juvenile Detention Center. According to the court record, during this walk Paxton said “Why did I do it, I didn’t mean to kill her” to himself repeatedly.²¹²

Paxton appealed his conviction on the grounds that Paxton’s detainment and confessions violated the Georgia Juvenile Code. The court denied all of Paxton’s claims. The court opinion, written by Judge John Sognier, concluded that Paxton’s constitutional rights had not been violated because he and his mother had been informed of his *Miranda* rights. But even if Paxton and his mother were properly informed of their Miranda rights, the question remained of whether or not the procedure properly adhered to the Georgia Juvenile Code, which guaranteed Paxton right to counsel “unless [his] parent, guardian or [Paxton] intelligently waive[d] his right.”²¹³ Though Paxton’s constitutional rights may have been upheld with the presentation of his *Miranda* rights, the Juvenile Code protocols were ignored.

In the Juvenile Code’s spirit of protecting children from the harshness of adult criminal justice, it would seem that Paxton’s review of the “Advice of Rights to Juvenile” form and his subsequent waive of his rights did not constitute as an “intelligent” waiver of his rights. Paxton’s understanding of the form is unknown at the time of his signature, and since Paxton had to explain the form to his mother, her understanding was only as good as his own. Because Paxton was 15 and did not have access to a trusted and literate adult to help him understand the form’s meaning, it is unreasonable to claim that Paxton “intelligently waive[d] his right” to counsel. Most average 15-year-olds would not understand the weight of waiver and would not be able to astutely waive their rights based on their own understanding of the provided form. Thus, the

²¹² *Paxton v. State*, 159 Ga. App. 175, 282 S.E.2d 912, writ denied, 248 Ga. 231, 283 S.E.2d 235 (1981).

²¹³ “The Juvenile Court Code of Georgia Enacted.”

Paxton court failed to acknowledge this violation of the Georgia Juvenile Code and denied Paxton's valid complaints relevant to his Due Process rights.

The court also ruled that Paxton's second confession was admissible evidence not in violation of the Juvenile Code, even though his mother was not present. Sognier reasoned that because Paxton's mother was notified she could stay before her departure, Paxton was not held "incommunicado." This failed to acknowledge that Paxton's mother was not notified that Paxton would be interrogated again. It also neglected the reality that in his mother's absence Paxton was effectively unable to communicate with any "relatives, friends, or [attorney]." ²¹⁴ These failures of the *Paxton* decision coincided with pre-*Gault* trends of courts treating Black children especially tough, suggesting *Gault* and related subsequent developments had few practical impacts.

Sognier's opinion further dismissed the infringement of Paxton's procedural rights under the Juvenile Code. By questioning Paxton without first consulting a juvenile court judge, taking Paxton to a formal juvenile court or juvenile detention center, the police violated Paxton's statutory right under the Juvenile Code to be taken immediately to a juvenile court, detention, or care facility. ²¹⁵ The *Paxton* court blatantly disregarded the importance of this provision, arguing the language of the legislation should "generally be construed as directory and not as a limitation of authority and particularly so where no injury appears to have resulted...Even assuming arguendo [for argument's sake] that the delay in contacting the juvenile court judge constituted a technical violation of the Juvenile Code, we can see no resulting injury to [the] appellant from

²¹⁴ *Paxton v. State*, 159 Ga. App. 175, 282 S.E.2d 912, writ denied, 248 Ga. 231, 283 S.E.2d 235 (1981).

²¹⁵ "Juvenile Court Code Amended."

such delay.”²¹⁶ This shows the *Paxton* court’s egregious permission of the police violation of Georgia law simply because law enforcement wanted to. What was the intention of the Juvenile Code, if not to limit authority to protect the interests of juveniles accused of crimes? This shows that the Court of Appeals prioritized punishing Paxton over properly adhering to Georgia law. Further, perhaps in some capacity laws like the Juvenile Code functioned to reflect positively on Georgia as positioning rehabilitation as central to its approach to juvenile justice while simultaneously preserving the same punitive sentencing and practices that had always occurred in Atlanta.

Sognier’s opinion justified this violation of law by claiming Paxton did not suffer injury from the police’s failure to follow Juvenile Code procedures.²¹⁷ Sognier’s assumption of an unchanged alternate reality where Juvenile Code protocol was followed is absurd. Had a juvenile court judge been contacted in a timely fashion before Paxton’s questioning, Paxton may have very well refrained from his confessions or been better informed of what it meant to waive his rights, which may have changed the outcome of his trial. Thus, the police disregard of Juvenile Code protocol may have resulted in detrimental legal consequences for Paxton. Similar to Black youths in the Jim Crow juvenile justice system of the old South, as Ward described, Black children continued to be denied democratic processes and rehabilitative ideals, *Paxton* serves as an example of the continued disregard for Due Process and rehabilitative treatment for juveniles.²¹⁸ These failures of the Georgia Court of Appeals with respect to the Juvenile Code and the general principles of fairness set out in *In re Gault* suggest that treatment of juveniles in

²¹⁶ *Paxton v. State*, 159 Ga. App. 175, 282 S.E.2d 912, writ denied, 248 Ga. 231, 283 S.E.2d 235 (1981).

²¹⁷ *Paxton v. State*, 159 Ga. App. 175, 282 S.E.2d 912, writ denied, 248 Ga. 231, 283 S.E.2d 235 (1981).

²¹⁸ Ward, *The Black Child-Savers: Racial Democracy and Juvenile Justice*, 10.

Atlanta courts remained punitive and unconcerned with rehabilitation, despite sweeping reforms and landmark Supreme Court cases.²¹⁹

Sognier's decision in the Paxton case demonstrated the lack of leniency afforded to young Black Atlantans in the court system. However, Sognier publicly expressed very different rhetoric. Before assuming his appointed judgeship position, Sognier expressed to an *Atlanta Constitution* staff writer that he saw being a judge as serving as a humble public servant. In this interview, Sognier also expressed his belief "that women and blacks and whites are all equal; all deserve an equal chance" and that judges should be "gentle in the exercise of [their] power."²²⁰ This article, considered in the context of Sognier's *Paxton* opinion, demonstrates that even judges that considered themselves liberal-minded contributed to harsh juvenile rulings, especially with respect to Black children. Sognier serves as an example of a liberal state figure who perpetuated the harsh treatment of Black children.²²¹ Sognier's rhetoric of equality, justice, and benevolence, used while he continued issue rulings directly oppositional to his lofty public speech, drew on the "city too busy to hate" myth operated to assure Black Atlantans that courts were on their side. This rhetoric was important because it sought to establish a level of antiracist credibility, in anticipation of accusations of racism in the court system and police department, that could be used to deny and shut down Black people's accusations of institutional racism.

²¹⁹ Paxton appealed again to the Georgia Supreme Court, but he was denied a writ of certiorari. One justice dissented, stating he would have wanted to hear the case because the court "[had] not directly addressed the question of the admissibility of a confession obtained in the course of a violation of the Juvenile Code." This justice correctly acknowledged that the Court of Appeals disregarded the Juvenile Code, but this does not necessarily indicate that this justice would have ruled any differently if he had heard the case. Regardless, the Georgia Supreme Court did not grant certiorari, allowing the Court's disregard for Georgia law to stand in order to punish a young Black person. *Paxton v. State*, 160 Ga. App. 19, 285 S.E.2d 741 (1981).

²²⁰ Ashkinaze, Carole. "Sognier Eager To Get To Work." *The Atlanta Constitution* (1946-1984). January 7, 1980.

²²¹ This harsh treatment of Black children is reminiscent of Max Felker-Kantor's discussion of the liberal Los Angeles Mayor Bradley's punitive treatment of Black children in Los Angeles. Felker-Kantor, Max. *Policing Los Angeles*, 110; *Paxton v. State*, 159 Ga. App. 175, 282 S.E.2d 912, writ denied, 248 Ga. 231, 283 S.E.2d 235 (1981).

Thus, supposedly liberal reform and benevolent rhetoric of judges juxtaposed the persistent harshness of the juvenile justice system and general court system of Atlanta, particularly with regard to Black Atlantans. This legislation facilitated an image of Georgia and Atlanta as a leader of progress, yet courts continued to authorize the APD's infringements on individuals' rights, giving full endorsement of police activity despite legislation and new national court precedents that should have held police and courts to a higher standard of care for individual rights and a fair review process. In this way, the promises of progressive legislation and public rhetoric served to gaslight the disproportionately policed, punished, and abused Black community, providing a public image of Atlanta's exceptionality and progressivism while maintaining traditions of harsh punishment and the upholding of police actions regardless of their failures to comply with regulations or protect individual rights. Given that juveniles were a class of people supposedly entitled to extra protections, the disregard of their rights by police and the failure of the courts to rectify these wrongs highlight that Black Atlantans of legal age likely suffered even harsher abuses at the hands of police and an even less friendly court system to air their grievances to.

The Weaknesses of Victory

To be sure, not all legal challengers of police misconduct were completely shot down by courts. For an example, I will explore a similar case involving a young Black man who, like Paxton, was accused of murder as a juvenile. Julius Marshall Daniels was 16 when he was accused of murdering Barbara Ann House on July 14, 1969, convicted of murder in Fulton

County Superior Court on October 3, 1969, and sentenced to life imprisonment.²²² House was stabbed to death on the porch of her Atlanta apartment, and Daniels was eventually accused being her killer. Two young boys named James and Ricky Sanders, of ages 10 and 12, were stabbed as well during the attack, although their wounds were not fatal. David Sanders, a 19-year-old, was later accused of stabbing the young Sanders boys, as an accomplice to Daniels.²²³ The younger Sanders boys claimed that the “murder and assault were committed by colored boys.” And so ensued a wild goose chase to find young Black men who may have killed Barbara Ann House.²²⁴

With no other clues, Atlanta police soon began a process of interviewing young Black men “around the clock” to find a potential lead. Daniels, who lived a few blocks from the sight of the attack, was first interviewed by police on Friday, July 18, 1969 during the afternoon but was later told to return on the following Sunday to put his statement into writing. Daniels returned as requested, accompanied by his sister, and recounted where he was when the killing took place and claimed to have no connection or knowledge of the attacks. On July 21st, two Atlanta cops, Sidney Dorsey and P.F. Johnson went to Daniels’ home and told him he was needed at the police station for questioning. The two detectives drove and delivered Daniels to APD detective Lewis Graham for a polygraph test. Despite the absence of both of Daniels’ parents, Det. Graham then told Daniels that he failed his polygraph test, implying that he had lied about his knowledge of or connection to the stabbings. Still unaccompanied by a parent or guardian, Daniels was then questioned further by Dorsey, Johnson, and Graham.²²⁵

²²² *Daniels v State*, 226 Ga. 269, 174 S.E.2d 422 (1970).

²²³ “2 Indicted In Slaying, Stabbings.” *The Atlanta Constitution* (1946-1984). July 26, 1969.

²²⁴ *Daniels v. State*.

²²⁵ *Daniels v. State*.

Though the APD officers claimed they were “friendly” and informal during his investigative interviews, Daniels claimed that he was threatened and abused by police during his interrogation. The police repeatedly asked Daniels the same questions and called him a liar during his questioning. Police claimed that Daniels eventually told them that “he did it” and “wanted to tell them about it.” These kinds of interrogations have been proven to yield questionable results. Research shows that accusatory and abusive questionings can often lead to false confessions, as they create an atmosphere so stressful that one will say anything to make the questioning stop.²²⁶ Daniels was not taken to a juvenile court judge or informed of his rights, as he should have under the Juvenile Code, before he signed his written statement. This demonstrates that police were less concerned with getting to the bottom of the violence against House by ethically and comprehensively following procedure and more interested in finding a young Black man to pin the stabbings on as quickly as possible. These verbal and physical abuses demonstrate a lack of respect for Black residents.

Across his interviews, Daniels was never advised of his right to have a parent or lawyer present or his right to remain silent. Only until after Daniels reportedly said he “did it” was his mother summoned. As questioning continued, Daniels’ mother came to the police station “in an intoxicated condition, but not drunk.” Detectives later testified that Daniels’ mother was present for the rest of the questioning, but she swore that she was not present but in a different room. After the questionings concluded, Daniels gave a signed statement, which his mother witnessed. Police did not notify Juvenile Court Judge Langford of charge and arrest until after Daniels made

²²⁶ Kassir, Saul M. “False Confessions: Causes, Consequences, and Implications for Reform.” *Current Directions in Psychological Science* 17, no. 4 (2008): 249–53. <http://www.jstor.org/stable/20183294>; Gudjonsson, Gisli H., and John Pearse. “Suspect Interviews and False Confessions.” *Current Directions in Psychological Science* 20, no. 1 (2011): 33–37. <http://www.jstor.org/stable/23045712>; Frenda, Steven J., Shari R. Berkowitz, Elizabeth F. Loftus, and Kimberly M. Fenn. “Sleep Deprivation and False Confessions.” *Proceedings of the National Academy of Sciences of the United States of America* 113, no. 8 (2016): 2047–50. <https://www.jstor.org/stable/26467804>.

his self-incriminating statement, which he testified was untrue at trial, claiming that he made up the lies in the statement to cease the repeated abuse from police.²²⁷

After Daniels signed his statement, his mother went home, and he was placed in a police station line-up, without the knowledge or consent of either parent. The police obtained no waiver of counsel before Daniels stood for the line-up. During the line-up, Daniels was “identified as having been in the vicinity of the crime at about the time of its commission” by someone who was near House’s apartment when the stabbing occurred.²²⁸ This line-up was conducted without Daniels having access to a lawyer or waiving his right to counsel, which are basic rights that even people of legal age would have been entitled to, let alone a juvenile who was entitled to further protections. Using this identification as proof of Daniels’ guilt misuses the facts, as this provides merely circumstantial and unconvincing evidence, as it makes sense that Daniels would be near the stabbing regardless of his guilt or innocence, as the incident took place close to his home. Further, due to the fallibility of memory, eye-witness identifications of this sort are known to be unreliable.²²⁹ After the line-up, at about 2 A.M on July 22nd, the police took Daniels to the juvenile home, transferring him to the jurisdiction of juvenile authorities. In the morning, Daniels appeared with his mother before the Juvenile Court of Fulton County, and upon request the court granted Daniels an appointed counsel due to his proven indigent status.²³⁰

When the Daniels’ case went to trial, the state’s case focused mainly on the statements Daniels offered while under the pressure of police abuse, without being informed of his rights,

²²⁷ *Daniels v. State*.

²²⁸ *Daniels v. State*; Hurt, Bob. “2 Charged In Fatal Stabbing.” *The Atlanta Constitution (1946-1984)*. July 22, 1969.

²²⁹ Rakoff, Jed S., and Elizabeth F. Loftus. “The Intractability of Inaccurate Eyewitness Identification.” *Daedalus* 147, no. 4 (2018): 90–98. <https://www.jstor.org/stable/48562988>; Albright, Thomas D. “Why Eyewitnesses Fail.” *Proceedings of the National Academy of Sciences of the United States of America* 114, no. 30 (2017): 7758–64. <https://www.jstor.org/stable/26486110>.

²³⁰ *Daniels v. State*.

without the presence of a parent, and before being presented before a juvenile court judge. This constituted a violation to Daniels' fifth amendment right to Due Process (applied to state law through the 14th amendment), his fifth amendment right against self-incrimination, and his rights under the Georgia Juvenile Code. Even when Daniels' mother was present for his signed statement, she was not fully competent to advise Daniels, as she was under the influence of alcohol. This police conduct violated Daniels' Constitutional rights, his rights under the Juvenile Code, and the precedent of *In re Gault*. The vast majority of the case against Daniels was procured while Daniels was being held illegally, without being read his rights and without the presence of an attorney, waiver of counsel, or competent parent. All other evidence was purely circumstantial testimony of people who claimed they saw Daniels near the neighborhood of the stabbings close to the time when they were committed.²³¹

Yet, Fulton County Superior Court Judge Charles A. Wofford confidently sided with the police narrative that relied on illegally, abusively, and questionably procured evidence.²³² This demonstrates the drastic degree to which local Atlanta judges implicitly endorsed police misconduct for the sake of punishing Black Atlantans. Daniels' extreme sentence of life in prison also suggests that Atlanta judges imposed extremely long prison sentences for Black people convicted of crimes, even for young people like Daniels who ought to have benefitted from rehabilitative methods and less strict sentencing. Daniels' deprivation of rights by the APD and Fulton County Superior Court's refusal to discount illegally procured evidence, a decade before Paxton's similar Constitutional slights by the APD, suggest that the APD routinely committed these infringements upon Black Atlantans' rights over time. This was likely because they never

²³¹ *Daniels v. State*.

²³² *Daniels v. State*.

faced consequences for their misconduct, as local courts simply accepted illegally procured evidence and prosecutors never came after police for their abuses of Black suspects.

Daniels appealed his case to the Supreme Court of Georgia, citing the many violations of his rights on behalf of the APD as compromising the integrity of his convictions. This was a challenge not only to Daniels' conviction and sentence, but also to the unquestioned power of the APD. On April 9, 1970, the Supreme Court of Georgia reversed Daniels' Fulton County conviction, claiming that the police violated Daniels' fifth and 14th amendment rights, his rights under the Juvenile Code, and the spirit of *In re Gault*. Justice Felton, writing for the court, claimed that "the statement of the appellant was illegally obtained and evidence of the same should have been suppressed on motion and on the trial it should have been excluded on objection of appellant's counsel."²³³ This was a solid legal victory for Daniels, with the Supreme Court of Georgia repudiating the misconduct and abuse of the APD and discrediting Daniels' original conviction.

The reversal of Daniels' conviction upon appeal sent the message that Atlanta police could not simply disregard their procedures and Black Atlantans' rights as they pursued their investigations. However, the *Daniels* decision was not representative of Black Atlantans experiences challenging Atlanta police because reversals acknowledging the faults of police were rare and most victims of police abuse did not have the time or money to commit to a legal battle challenging their convictions or the actions of police officers. For his appeals, Daniels was able to get a team of competent lawyers to take on his case. Effective counsel was crucial in getting Daniels' case to the Supreme Court of Georgia and getting his conviction reversed.

²³³ *Daniels v. State*.

Unfortunately, effective counsel to bring forward a civil suit against police or appeal a conviction like Daniels' is typically very costly and time-consuming to plaintiffs and appellants. This deters and disables people from challenging the actions of police and the convictions resulting from police misconduct, as most people cannot afford the legal fees for this process, especially Black Atlantans from low-income backgrounds who were more at risk of police abuses and the failure of courts to uphold their rights in the first place.

Most of all, though Daniels was effective at impeaching the authority of APD officers for the purposes of overturning his conviction, his results of his appeal did not deliver accountability for the officers' abuses and misconduct. Daniels' successful appeal affirmed that police's illegally obtained evidence and the violations of Constitutional and statutory rights cannot be used to establish and sustain a criminal conviction. This should have encouraged police to conduct themselves with a sharper eye for individual rights and their own protocols, but unfortunately this precedent could only be as strong as the police and lower courts willing to respect it. Police continued to disregard this legal obligation to respect Constitutional and statutory rights, and courts continued to look the other way, providing police with an implicit authorization to commit any desired misconduct or abuse in their daily affairs and investigations. Further, an appeal like Daniels' did not have any repercussions for the police officers that abused him, threatened him, or violated his rights. While police officers who worked on Daniels' case may have been disappointed to see his conviction be reversed, they themselves experienced no consequences for their abuse and misconduct. Thus, Daniels' appeal and other rare instances of court acknowledgement of the illegitimacy of police abuses in investigations typically did not provide a path to accountability or deter police from conducting themselves similarly in the

future. Consequently, the cycle of police abuse continued even when a select few challengers of police abuse and dominance experienced a degree of success.

Conclusion

As Atlanta police continued to disregard citizens' Constitutional and statutory rights, Black Atlantans challenged their abuses in local courts. This took on various forms, including directly suing officers for their misconduct, like the suit against officer Roberts brought by Pamela Dixon's mother, or appealing convictions reliant on evidence obtained through abuses of police power. Despite the efforts of Black Atlantans, most of these efforts were quickly shut down in courts. Judges dismissed the gravity of police misconduct and liberally bent their interpretations of the law to justify and even endorse police breaches of law, individual rights, and police protocol.

Judges dismissed accusations of racism and even blamed those alleging racism as perpetuating the wrongs of society by speaking out. Judges also often avoided addressing police violence, such as the judge who failed to acknowledge the death of Bobby Tighe during Mike Cotton's court appearance for the same drug bust that resulted in Tighe's death, as discussed in chapter two. These attempts to erase experiences of racism and police violence serve to protect the image of Atlanta as a "city too busy to hate." By not acknowledging these phenomena, judges partook in a similar downplaying of racial injustice and police abuses that city officials and police department leaders engaged in.

When judges were forced to confront police abuses in conviction appeals processes, judges bent over backwards to justify police misconduct or rationalize that the misconduct would

not have changed the results of a prior trial, upholding convictions achieved with the help of police abuse and essentially endorsing police officers' right to treat Atlantans with no regard for their rights or personhood. Judges' unwillingness to acknowledge the gravity of police misconduct or its impacts on Black Atlantans' lives in court minimizes the issue of police abuse and seeks to end the conversation about it in courts. This plays into the narrative of Atlanta as a "city too busy to hate," immune from issues of police abuse. By not acknowledging problems created by police that Black Atlantans raised in court, judges promoted the idea that policing was not a problem in Atlanta, which in turn worked to shut down Black calls for legal relief from police abuse.

Judges also exercised a clear selective leniency in their court opinions, providing forgiveness to police for their breaches of the law and an iron fist for Black Atlantans accused of lawbreaking. This sends the signal that even when police broke the law, courts would not be alarmed, impose consequences for officers, or provide relief for those who received a criminal conviction based on police misconduct. On the flip side, judges continued to impose disproportionately harsh rulings on poor Black Atlantans, refusing to offer them the same forgiveness that police were regularly given for their grave abuses as state actors. Thus, judges played an active role in enabling and endorsing police misconduct by providing leniency for police officers while continuing to impose harsh judgements upon ordinary Black Atlantans.

By analyzing how juveniles, who were supposed to be entitled to rehabilitation and benevolence, were treated in Atlanta courts, we gain a glimpse into larger trends involving courts as a means of challenging exploitations of police power. As demonstrated in this chapter, young Black Atlantans struggled to challenge their poor treatment by police and their subsequent criminal convictions and sentences in court. Though young Black Atlantans were supposed to

enjoy a greater extent of understanding from the juvenile court system, judges imposed punitive sentences nonetheless and refused to reprimand the police abuses of Black youth. Thus, Black adults in Atlanta with no additional legal protections fared no better. Thus, efforts by Black Atlantans to challenge Atlanta police abuses generally fell flat in bringing about positive change for community-police relations. Further, the “city too busy to hate” myth, by enabling and fueling the idea that Atlanta did not have a problem with policing or race, factored into judge’s justifications for shutting down accusations of police misconduct and racist policing, playing a role in the elimination of the legal system as a feasible way of challenging police abuse.

Chapter 4

The Atlanta Child Murders: The Limits of Black Leadership

and the Opposition to Self-Defense

Leading up to the summer of 1979, when the first two killings of the Atlanta Child Murders took place, politicians and business leaders depicted Atlanta to be a picture of the accomplishments of Black representation and leadership.²³⁴ Maynard Jackson was in his second term as Atlanta's first Black mayor, and there were other Black leaders in city government and on the school board. Lee Brown, a Black man, served as Public Safety Commissioner, giving him jurisdiction over the affairs of the APD. George Napper, another Black man, served as the chief of police.²³⁵ The APD itself now had many Black officers and had finally agreed to promote Black and white officers at about equal rates after a long battle over hiring and promotion in the department.²³⁶ Atlanta housed many big businesses, and the Black middle class

²³⁴ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 94-98.

²³⁵ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 98.

²³⁶ Though an in-depth analysis of the developments that led to more Black representation in the APD is beyond the scope of this work, it is useful to understand the backdrop of these changes from the prior work of historians. The APD had made great progress in integrating their Black and white officers by the 1970s, a demand which Black Atlantans had been calling for over decades, but meaningful change was not achieved in hiring and promotion practices until the mid-1970s. According to historian Ronald Bayor, public safety commissioner Reginald Eaves, who was hired in an effort to reign in police chief John Inman and the police brutality rampant in his department, helped create a formalized merit-based system of promotion. The system involved an evaluation based on a written test, performance evaluation, a review of officers' records, and an interview. In 1976, Eaves also implemented a residency requirement for the APD, although the Fulton County Superior Court and Georgia Supreme Court outlawed the requirement in 1977. Nevertheless, residency later became a requirement for high-up police positions in the late 1970s. The Afro American Patrolmen's League (AAPL) fought with the predominately white Fraternal Order of Police (FOP) regarding the hiring, promotional, and examination practices in the APD. APD leadership's efforts to fully integrate were even challenged by racist, embittered white officers in the late 1970s as being manifestations of reverse racism against white officers. In protest of this "reverse racism," a number of white officers pursued litigation against the hiring and promotion practices that were created to correct the historical (and persisting) racism of the department. As litigation regarding the racism and "reverse-racism" in APD hiring worked its way through court during the mid-1970s, mostly white officers quit the force while mostly Black police officers joined. Black leadership in the APD also went up by 50 percent. After these compositional changes, a federal district court judge ordered an end to racial considerations in the hiring and promotional decisions in the APD. Many challenges to this decision ensued, and the U.S. Department of Justice eventually became involved in the situation. Another issue that arose in 1977 was related to cheating on the examinations used for promotional purposes. It came to light that some Black officers had cheated on the 1975 promotional exam by being shown the examination ahead

experienced many professional business successes.²³⁷ With calls for Black leadership and representation central to the Civil Rights movement, these advances were often interpreted as the culmination of Civil Rights achievement and signals of Atlanta as a center of modernity and open-mindedness. These developments were often leveraged to paint a picture of Atlanta as center of tolerance and progress—the “city too busy to hate.”

However, many scholars have established that Black leadership has proven insufficient for solving the many issues that faced the Black community, from calls for police reform to demands related to education, housing, and economic opportunity. Keeanga-Yamahtta Taylor details the limits of Black leadership in her book *From #BlackLivesMatter to Black Liberation*, demonstrating that Black politicians often have many interests to balance and sometimes end up perpetuating damaging misrepresentations of Black people’s struggles in urban communities. Taylor argues that publicly, the color of these Black leaders’ skin gives them a level of credibility in the eyes of white outsiders who do not comprehend or refuse to understand the deeper issues at play in low-income urban communities of color that contribute to urban problems. This disconnect between Black elites and the Black working class creates an environment in which Black leadership can sometimes be harmful for communities of color.²³⁸

of time. Though many took this to be evidence of “reverse racism” in the department, Bayor claims that this was not an entirely race-based process of cheating, as the news of cheating was only broken to the public by Black officers who had not cheated. Though an investigation by the city attorney, initially exonerated Eaves of any involvement in the scandal, a later outside investigation from found that Eaves had authorized the advanced review of exams and suggested that Eaves be fired. Historian Danielle Wiggins claims that though many people initially defended Eaves, he eventually failed a polygraph test when asked questions related to the scandal while those who implicated him passed. Jackson never issued any punishment for Eaves before Eaves resigned himself. These many controversies demonstrate that integration of the police force and the installation of Black leadership was not easily won in the APD. Black successes were constantly scrutinized and criticized as examples of reverse racism. Persistent racism and racial battles in the department suggests that the APD exhibited racism in its interactions with Black residents as well as between officers within the department.

Bayor, Ronald. *Race and the Shaping of Twentieth-Century Atlanta*, 183-186; Wiggins, *Crime Capital: Public Safety, Urban Development, and Post-Civil Rights Black Politics in Atlanta*, 111-113.

²³⁷ Bayor, *Race and the Shaping of Twentieth-Century Atlanta*, 186; “The Agony of Atlanta,” *CBS News Special Report*, CBS, 1981, 7:30.

²³⁸ Taylor, “Black Faces in High Places,” 75-106.

Social justice advocate Mustafa Ali-Smith of the Vera Institute of Justice echoes Taylor’s findings about the limited impacts of incorporating Black cops into police forces. Ali-Smith argues, for example, that Black officers in Philadelphia who even “thought of themselves as being pro-Black—or at least not anti-Black—engaged in aggressive encounters” against Black people they saw as threatening city order. Ali-Smith also references a University of Michigan study that found that 28 percent of Black officers working in majority-Black precincts were prejudiced or highly prejudiced against Black people, which bodes poorly for Black communities seeking fair, respectful, and nonviolent treatment from Black officers. Originating from slave patrols, Ali-Smith argues that modern police forces continue to perpetuate violence and Black oppression, regardless of Black representation on police forces.²³⁹

Atlanta was no exception to these challenges. Historian Tom Adam Davies argues that “once in charge, black mayors found addressing the socioeconomic issues facing their black constituents very difficult,” as “white concerns, demands, and pressures” remained important “to the vitality and direction of African American protest, politics, empowerment, and progress.”²⁴⁰ Davies argues that though Mayor Maynard Jackson originally asserted himself as a supporter of Black empowerment and racial justice, he was unable to achieve all he had initially hoped for due to limited funding and the challenges of balancing white business and working-class Black interests.²⁴¹ Jackson highlighted the weaknesses of Black Capitalism as the end-all-be-all, arguing that social services, jobs, and neighborhood investment projects were crucial to ending the racial wealth gap.²⁴² However, when Jackson faced re-election, he abandoned his attempts

²³⁹ Ali-Smith. “More Black Representation on Police Forces Will Not Solve Police Violence.” *The Appeal*. Accessed March 20, 2022. <https://theappeal.org/more-black-cops-will-not-solve-police-violence/>.

²⁴⁰ Davies, Tom Adam. “Black Mayors and Black Progress: The Limits of Black Political Power.” In *Mainstreaming Black Power*, 168-217. Oakland, California: University of California Press, 2017, 170.

²⁴¹ Davies, “Black Mayors and Black Progress: The Limits of Black Political Power,” 189, 201-202.

²⁴² Davies, “Black Mayors and Black Progress: The Limits of Black Political Power,” 189.

redistribute spending to poor Black areas and increased funding for projects in the downtown business neighborhood as a response to business elite criticisms. Davies argues that despite Jackson's intentions, he was unable to effectively negotiate a good deal for Black Atlantans when influential white business elites challenged his agenda to help the Black community.²⁴³

Historian Maurice Hobson also details the disconnect between Black ruling elites and the Black lower classes in his book *The Legend of the Black Mecca*, particularly in light of the Atlanta Child Murders. Starting in the summer of 1979, Black children and young adults began getting abducted from their low-income neighborhoods, later turning up dead in various places in the Atlanta area. The 28th and final murder officially connected with the Child Murders occurred in May 1981.²⁴⁴ The city's lackluster response to the Child Murders that rocked the Black community made clear key divisions between the Black city leadership and low-income Black Atlantans. Many in the Black community believed the city's response to the murders was badly delayed, as officials initially did not acknowledge that the disappearances and subsequent deaths as anything out of the ordinary.²⁴⁵ When city officials did discuss the disappearances and murders, they referred to victims as "hustlers and runaways," which members of the Black community believed to be condescending and insulting language, demonstrative of the city's failure to understand the Black community.²⁴⁶

Members of the Black community also believed that the murders were not taken seriously because a task force to investigate the murders was not created until July 1980, a year after the first two bodies were recovered, despite the urgings of Black organizers in groups such as the Committee to Stop Children's Murders (STOP Committee), which was formed by mothers of the

²⁴³ Davies, "Black Mayors and Black Progress: The Limits of Black Political Power," 203-204.

²⁴⁴ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 97.

²⁴⁵ "The Agony of Atlanta."

²⁴⁶ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 97.

young victims. Even after the special task force was created, members of the Black community criticized the task force's failure to find the perpetrator. Camille Bell, a mother of one of the victims and community organizer, stated in a 1981 CBS report on the Child Murders that "the people who know the people in the city are not being used on the task force, and until that's rectified then they cannot possibly run the best investigation they can run...they don't know beans about Atlanta."²⁴⁷ This demonstrates that low-income Black Atlantans did not believe the police or city officials were consulting their community enough in their investigation, which left major holes in their understanding of the cases. This speaks to the sentiment that Black Atlantans were not being taken seriously in this moment of crisis. One community organizer remarked, "I haven't heard from our Black leaders...They've been might silent during this whole thing."²⁴⁸ Though the STOP Committee invited Mayor Jackson to all their press conferences and meetings, he never made an appearance, which many members of the Black community perceived as demonstrating Jackson's disinterest and his dismissiveness of their concerns.²⁴⁹ These criticisms from the Black community indicate a frustration with Black city leadership and show that low-income Black Atlantans felt misunderstood and ignored by the Black city officials they helped to put in power.

Camille Bell argued that the city and APD's poor handling of the investigation was not because of their race, since much of the city and police leadership were Black. Bell believed that the neglect was due to the poverty of the affected individuals, claiming that the city was predominately interested in maintaining a positive reputation that would facilitate the interests of

²⁴⁷ "The Agony of Atlanta," 1:10.

²⁴⁸ "The Agony of Atlanta," 20:20.

²⁴⁹ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 104; "The Agony of Atlanta."

business.²⁵⁰ Bell criticized the city's apparent prioritization of business interests in the wake of the Child Murders, arguing that police could divert funds "being used to keep the image of the city from being tarnished [to] run [the] investigation."²⁵¹ Bell's sentiments were understandable. Despite the deep anxieties of the Black community during the Atlanta Child Murders, Mayor Jackson continued using rhetoric emphasizing Atlanta's exceptionalism, fearing the compromise of the "city too busy to hate" reputation.²⁵² This ultimately made Jackson appear tone-deaf to Black families fearing for their safety every day.

The city also appeared to be making performative demonstrations dedicating themselves to public safety in ways that did not help the Black communities affected by this violence. For example, the city constructed police boxes in the downtown area to allegedly keep the streets safe. However, this was an already prosperous and generally safe area, unlike poor Black neighborhoods where the abductions were occurring. This sent a message that the city cared more about appearances for business interests than for the actual safety of low-income Black Atlantans.²⁵³ This further illuminates the divide between low-income Black Atlantans and the failures of Black city leadership to serve their interests throughout the investigations of the Atlanta Child Murders. This also makes clear the belief in the Black community that Atlanta business interests were being prioritized over the safety of poor Black residents.

The Atlanta Child Murders also heightened racial tensions in Atlanta. Despite many claims that Atlanta was in a post-Civil Rights era when the Child Murders began, potential racial motivations for the killings were hotly discussed in the Black community. A common rumor was

²⁵⁰ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 104.

²⁵¹ "The Agony of Atlanta," 19:35.

²⁵² Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 100.

²⁵³ The actual usefulness of these police boxes was also questionable, as the boxes were often left locked and unmanned. This indicates that the boxes were likely more about maintaining a public appearance of dedication to safety than helping to keep poor Black Atlantans safe.

"The Agony of Atlanta," 16:00.

that white supremacist Ku Klux Klan members were behind the murders. James W. Tibbs, a local pharmacist and an affiliate of the Black veteran's organization, United States Veterans, warned that if the police investigations continued to fail, Black Atlantans were not "going to sit by and see the Klan or whoever pick off black people one by one."²⁵⁴ Many in the Black community believed that city leadership hoped to pin the murders on a Black person due to fears of racial conflict in the event that it be discovered that the killer was white or motivated by anti-Blackness. This suspicion accentuated doubts around the eventual pinning of the murders on a Black man named Wayne Williams.²⁵⁵ These racial anxieties serve as a testament to Black Atlantans' feelings that, despite the installation of Black leadership, the police could not or would not provide adequate protection from potential violent threats to the Black community.

The integration of the APD also proved ineffective for gaining community trust. Though Civil Rights activists had long urged for more Black police officers, the Atlanta Child Murders served as a defining moment indicating that Black police officers did not always gain the trust of the Black community. Hobson writes that many members of the Black community distrusted Black police officers in particular, as they believed they were more vulnerable to Black police's abuses due to their knowledge of the Black community. Many members of the Black community were even suspicious that police could be the potential murderers of the Black children who were

²⁵⁴ Tibbs also expressed his belief that "the Klan has infiltrated the military, the police departments in our cities; they're training in these camps all over the South." This demonstrates an awareness of Klan resurgence and fears of the white supremacist threat in vigilante organizations as well as in local government and police forces. Indeed, according to historian Kathleen Belew, white supremacist groups such as the Ku Klux Klan were experiencing a revival and training in highly militarized camps across the country to prepare for a future race war. Fuller, Chet. "Black Vets Split over Anti-Klan Defense Training." *The Atlanta Constitution (1946-1984)*. November 2, 1980; Belew, Kathleen. *Bring the War Home: The White Power Movement and Paramilitary America*. Cambridge: Harvard University Press, 2018.

²⁵⁵ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 97, 129.

killed.²⁵⁶ This demonstrates that Black representation in police departments did not solve tensions surrounding policing in the Black community as many had hoped it would.

Black leadership in the APD, a development that many activists had hoped would help ameliorate police issues, also failed to solve the problem of police neglect of public safety problems facing poor Black communities. Camille Bell, though initially confident in the APD's ability to find the perpetrator of the murders under Black leadership, eventually became disenchanted with the APD's ability to solve the murders and bring justice to the Black community.²⁵⁷ Bell further criticized the APD's search for the killer, claiming that the police did not even know how to begin their approach to the investigation.²⁵⁸ This indicates that despite the existence of Black leadership in the APD, many members of the Black community still felt that police lacked a fundamental understanding of their community and the issues they faced. Many also criticized tactics that the police used to try to catch the killer such as using children as bait for the killer while police monitored the situation nearby.²⁵⁹ Many Black Atlantans interpreted this tactic as demonstrative of a lack of care or concern for Black children's safety. The Atlanta Child Murders made clear to the Black community that having Black leadership in their local police forces would not inherently mean that the Black community would be taken seriously or given adequate attention when pressing public safety concerns arose.

As criticisms of the police response to the Atlanta Child Murders arose, many came to the defense of police. For example, Andrew Young, a Black Civil Rights activists and Atlanta's future mayor argued that "everybody [was] working together to try to put an end to these crimes"

²⁵⁶ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 99-100.

²⁵⁷ "The Agony of Atlanta," 7:24.

²⁵⁸ "The Agony of Atlanta," 16:45.

²⁵⁹ "The Agony of Atlanta."

and claimed that the killer would not be caught by “putting the police on trial.”²⁶⁰ But however well-intentioned and hard-working the police were as they pursued their investigation of the child murders, there were still major deficiencies in the police response that contributed to the weaknesses of the investigation. For example, infighting and competition between investigators and different investigating agencies created a lack of communication amongst investigators that hindered the task force’s ability to pursue the perpetrator. Additionally, as Camille Bell pointed out, the police failed to get adequate input from members of the Black community who had intimate knowledge of their neighborhoods and who might have provided crucial insight into potential suspects. This failure to collaborate with the Black community likely indicated that the police did not trust Black Atlantans or take them seriously.

The Atlanta Child Murders crystalized issues of police neglect in the Black community and illuminated continuing distrust of police and the limitations of Black leadership in the city government and the APD. In response to this police neglect, Black Atlantans organized themselves to provide their own neighborhood security. In this chapter I will discuss some self-defense initiatives that the Black community employed due to the prevailing sentiment that Atlanta police and city leadership did not prioritize the Black community’s protection and well-being. Much of these efforts to create their own public safety were decidedly opposed by local police and shut down. Police actively punished the Black community’s efforts to defend themselves in this time of crisis when law enforcement continually failed to provide adequate security. Efforts of the Black community to defend themselves were an ultimately ineffective means of providing community protection and achieving justice for the Child Murders.

²⁶⁰ “The Agony of Atlanta,” 21:00.

Community Patrols and Police Suppression of Self-Defense

As the Black community continued to feel neglected and unprotected by police, residents of low-income Black communities began to organize themselves to provide their own neighborhood security in the midst of the Atlanta Child Murders. Camille Bell encouraged residents to be aware of their own community and get to know their neighbors in an effort to notice potential strange activity. Bell urged Black communities to “pull [their] own neighborhoods together,” as police were clearly not providing effective protection to low-income Black areas.²⁶¹ To fulfill this need for security, in addition to organizing many programs and plans to keep their communities safe, some Black Atlantans began to arm themselves and patrol their own communities in self-defense.²⁶²

For example, in the Techwood Homes public housing project, residents organized a patrol to protect Black children, which became known as the Bat Patrol. The Bat Patrol was organized by some followers of the Black Panthers such as Chimurenga Jenga, who was also the spokesman for the Techwood Tenant Association. The Patrol sought to bring security to their community in the face of police neglect and uncertainty about the safety of their children by arming themselves with guns and baseball bats to deter and respond to threat against their community children.²⁶³ Israel Green, the president of the Techwood Homes Tenant Association, claimed that the patrols would not be stopped by anyone, saying “we will carry weapons but they will be concealed. If we have to arm people on the roofs, we’ll do it.” This demonstrates the

²⁶¹ Brookins, Portia S. “Women Unite for Murdered Children and Their Families: Urge Coalitions To Police Neighborhoods.” *Atlanta Daily World* (1932-). March 8, 1981.

²⁶² Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 101-102.

²⁶³ Hobson, *The Legend of the Black Mecca: Politic and Class in the Making of Modern Atlanta*, 118.

Black community's strong resolve to protect themselves in the face of police neglect during a time of crisis.

Though police opposed these efforts to arm Black Atlantans to protect their communities, many proponents of these self-defense methods did not see their tactics as inherently oppositional to police. Orvell R. Anderson, an affiliate of the United States Veterans who was involved with monitoring white supremacist activity and training Black families in self-defense, highlighted this point. Anderson claimed that these defense tactics came out of fear for Black safety, but highlighted that Black patrols were

not advocating violence, but we are arming ourselves and will be setting up neighborhood watches in low-income areas where the disappearances and the killings have taken place...we aren't say we are going to catch the perpetrators, but we know the police are undermanned. We can help them. Our presence might deter whoever is doing the killings.²⁶⁴

This demonstrates that some advocates of Black community patrols like the Bat Patrol viewed their activities as helpful to the police in their pursuit to maintain safety and catch the killer of the murdered children. This reveals that members of the Black community encouraging the patrols did not see themselves as encouraging violence vigilante justice, or even opposition to the police. These patrols were simply an attempt to keep the Black community safe as the police officially charged with this task failed to do so during the Atlanta Child Murders.

This is not to say that all members of the Black community embraced these community patrols like the Bat Patrol. According to Hobson, some residents believed that the Bat Patrol attracted unwanted attention to Techwood Homes that had the potential to put the neighborhood's children at an elevated risk. Others believed that the patrol went too far by

²⁶⁴ Fuller, "Black Vets Split over Anti-Klan Defense Training."

carrying bats and guns in their patrols.²⁶⁵ Some members of the Black community feared that these armed patrols would revive “the image of a militant” that was created to spread fears about the threat of Black Power activists in the 1960s.²⁶⁶ Though the Black community was not unified in favor of community self-defense patrols, the patrols continued, as many saw no better alternatives to protect their communities in this time of dire straits and police negligence.

While many proponents of these community self-defense patrols did not see themselves as encouraging violence or activities antithetical to the police, the city government and Atlanta Police viewed these efforts—as some Black Atlantans feared they would—as a militant threat and an open opposition to city authorities. The creation of the Bat Patrol was a signal that even under Black leadership, the city and police were unable to protect Black communities, and the city became determined to put a stop to the community patrols. Mayor Jackson warned members of the Bat Patrol to leave policing to the police to avoid accidentally hurting themselves or children. The APD asked the Bat Patrol to stop their patrols and allow the police alone to enforce the law. Thus, when the Bat Patrol continued out of perceived necessity, the police and city government saw the Patrol as a clear defiance against their control.²⁶⁷

In response to this failure to comply with authority demands, the city resorted to punish this behavior in any way they could. Three members of the Bat Patrol, Gene Ferguson, Jerome Gibbs, and Modibo Kadalie, were charged with weapons violations, as they had previous felony convictions that forbade their carrying weapons. Police also targeted Chimurenga Jenga, initially piling on six charges, including “carrying a pistol without license, carrying a concealed weapon at a public gathering, disorderly conduct, reckless conduct, and obstructing an officer.” This

²⁶⁵ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 118.

²⁶⁶ Fuller, “Black Vets Split over Anti-Klan Defense Training.”

²⁶⁷ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 118.

demonstrates the aggressive consequences the city imposed on persisting patrollers. Eldrin Bell, the APD deputy police chief, warned that those who “carried weapons either concealed or otherwise...would be arrested.”²⁶⁸ This shows that the police refused to tolerate these community self-defense efforts during the Atlanta Child Murders.

Of course, there are real safety risks related to having armed civilian patrols. However, many who participated in or supported patrols like the Bat Patrol saw no alternatives to maintain safety in the Black community during the ongoing Child Murders. Patrollers did not see themselves as posing a threat to their community or enforcing vigilante justice. Rather, they saw themselves as meeting an essential need for security that was not being adequately provided by local police. Even many members of the Black community who were not fond of the patrols viewed them as necessary due to the failure of the police to bring safety to Black communities and their children. Instead of providing better security for Black neighborhoods in their time of anxiety, police worked to suppress these community self-defense efforts that were borne out of the perceived inadequacy of law enforcement.

Perhaps the squashing of these community-led patrols had more to do with maintaining control and a favorable public image of Atlanta than maintaining safety in Black neighborhoods. After all, these armed community patrols sent a clear message that Atlanta officials and police were not providing enough protection to Black communities, suggesting that Atlanta was unsafe and struggled with race issues. A successful patrol would also suggest that Black Atlantans no longer relied on the police for neighborhood, which could amplify demands for Black self-control and lead to more fierce retaliation against continuing police abuse and economic

²⁶⁸ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 118-119; McGraw, Vincent. ““Bat Patrol Will Carry Weapons Still.” *Atlanta Daily World* (1932-). April 3, 1981.

subordination. Regardless of their reasoning, the Atlanta police concluded they could not allow these defensive patrols to continue in Black neighborhoods. Police punished these community-based security efforts, eliminating self-defense as a viable way for Black communities to respond to police negligence and disregard.

Permitted Self-Defense Efforts and the Distinguishing of Allowable Self-Defense

To be sure, not all community self-defense efforts were suppressed. Local government even funded and promoted certain self-defense preparation. One of these initiatives involved teaching children self-defense. During the summer of 1981, five DeKalb County recreational centers held free four-part classes for Atlanta-area kids to learn self-defense techniques on Tuesday and Thursday evenings.²⁶⁹ These classes were advertised in the *Atlanta Daily World*, which shows that local government was willing and interested in Black children being able to defend themselves against a potential threat.

Additionally, Black Atlantans had the opportunity to attend a self-defense karate class through Atlanta's Safe Summer '81 recreation series. The Safe Summer program a broad range of classes, including in topics like sign language, and karate classes were taught to give kids self-defense skills and train them to compete in karate tournaments for their enjoyment. A Black DeKalb North Community College student and brown belt in karate, Lewis Jacobs, taught the karate classes, which were available to students, free of charge.²⁷⁰ Jacobs' involvement in this

²⁶⁹ "Self Defense Classes for Children Slated." *Atlanta Daily World* (1932-). May 3, 1981.

²⁷⁰ Though these classes were advertised in the *Atlanta Constitution* on July 30, 1981, over a month after the arrest of Wayne Williams and two months after the recovery of the body of the last child killed during the Atlanta Child Murders, the Black community did not feel safe from the threat of a serial killer targeting their children. Many people doubted that Williams was truly the killer, worrying that the killer was still among them in the Black community. Some doubts about Williams' guilt stemmed from Black residents being skeptical about the existence of a Black serial killer. Others remained convinced that the Ku Klux Klan was behind the murders. This demonstrates

program demonstrates the willingness of Black Atlantans to lend their skills in any possible ways to create greater security in their neighborhoods during this period of anxiety. An *Atlanta Constitution* article pictured Jacobs next to one of his proteges, 10-year-old Sabrina Zellars, after Zellars achieved second place in a karate sparring tournament.²⁷¹ Zellars' triumph is portrayed as cute and unthreatening, demonstrating the white general public's apparent comfortability with this offering of self-defense training to Black children.

The city's support of community involvement in self-protection was not limited to self-defense classes for children. Atlanta police also trained civilian patrols themselves, but these patrols were unarmed. The United Youth Adult Conference, which was also involved with organizing weekend search parties for the missing Atlanta children, planned to create a volunteer patrol of 200 residents on Atlanta streets. Their volunteers, trained and approved by police, began their rounds in April 1981. They functioned with police approval and was primarily tasked with enforcing a curfew from 7 P.M. to 7 A.M.²⁷²

Police also initiated a "youth patrol" comprised of high school juniors and seniors called Project Safe Atlanta For Everyone, or Project SAFE. Students of Brown High School were the first to join the program. These volunteer youths, traveling in pairs, would operate under the supervision of police and would not be able to arrest or detain anyone or allowed to carry a gun or weapon. Officer Snowden claimed that the police wanted "people who can handle a situation without using a gun or other violent means." Despite being ill-equipped for defending

that despite the arrest of Williams, the Black community was still very much in a state of anxiety for their children's safety, making parents interested in enrolling their children in self-defense classes such as Jacobs' karate sessions. Butler, Lisa Marie. "Students Learn Defense During a Safe Summer." *The Atlanta Constitution (1946-1984)*. July 30, 1981; Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 99, 127.

²⁷¹ Butler, "Students Learn Defense During a Safe Summer."

²⁷² Cook, Rhonda. "Several People Reportedly Picked Up By Police Here: Suspects Look Like Drawing, Some Say." *Atlanta Daily World (1932-)*. April 21, 1981.

themselves in a potential confrontation, these kids were sent out into neighborhoods in which children were disappearing, wielding only a badge, flashlight, and a walkie-talkie to pass on information to police.²⁷³ Project SAFE and the United Youth Adult Conference patrol initiatives show that the police were not inherently opposed to civilian involvement in patrols to encourage and create a safe atmosphere in Black Atlanta neighborhoods. The police even embraced this form of self-defense when it was on their own terms.

Why were these kinds of defensive expressions deemed permissible while groups like the Bat Patrol were suppressed and punished? The distinction lies in what the city and police perceived as a threat to their power, control, and image. Self-defense classes for children had limited scope and posed little threat to authority, only providing Black children in Atlanta select skills to resist the advances of an attacker. The optics of these classes were fairly positive, as local government was able to use them as a claim to their demonstrated interest and proactivity in keeping Black children safe during the Child Murders in the face of criticisms related to the police and city's negligence of Black Atlantans. Additionally, images such as the 10-year-old Sabrina Zellars in her karate uniform after winning a prize came across as endearing and did not force Atlantans to think about the harsh realities of life in poor Black neighborhoods during the Atlanta Child Murders or lead to worries about the threat of Black militants to white political interests. Child self-defense initiatives like this allowed the city to claim they demonstrated a vested interest in the welfare of Black children while simultaneously creating a distraction from the criticisms of Atlanta police and city leadership that Black Atlantans raised in light of the Child Murders.

²⁷³ Clark, Rozell. "Police Announce Plans to Establish Youth Patrol For Protection: Brown High School First With Program." *Atlanta Daily World* (1932-). February 12, 1981.

Unarmed citizens patrols created with the permission of and under the jurisdiction of police also posed less of a threat to authority. Armed patrols like the Bat Patrol held more physical capabilities and a larger capacity to enforce their own order in their community. On the other hand, unarmed citizens patrols created in conjunction with the police department were still relatively powerless and remained dependent on Atlanta police to enforce the law. Additionally, the Bat Patrol allowed citizens to manage their affairs amongst themselves and could have taken police out the equation for security in Black neighborhoods. Patrols organized by the United Youth Adult Conference and the APD were in communication with police and could be surveilled by police to ensure their conduct was satisfactory and to give the police insight into the everyday life of Black Atlantans. This yielded a community patrol that was palatable to Atlanta police.

The police's disbanding of grassroots efforts for security and useful surveillance suggests that the police had concerns that were prioritized above the policing of crime. The aversion to armed community patrols is indicative of police anxieties of resistance. Perhaps police imagined that if enough people in the Black community were armed and able to provide security for themselves, police would no longer be needed in the Black community. Police further may have worried that if Black leaders were to arm and organize themselves, they might lead a resistance against the city government and police to push back against years of inequality and subjugation. This anxiety is an implicit acknowledgement that the police and city understood that Black Atlantans felt ostracized, neglected, and oppressed, but that these people in power failed to take meaningful action to rectify these problems, choosing instead to sweep them under the rug. Thus, patrols orchestrated by the United Youth Adult Conference and APD were allowable, as they posed no threat to police power and promised no larger resistance. In contrast, armed citizen-run

groups like the Bat Patrol were not allowable because police worried that if Black people were able to defend themselves, they could resist their subjugation with force that could prove difficult for the police to overcome. The suppression of groups like the Bat Patrol served to prevent empowerment and autonomy in the Black community and reaffirm police dominance over and control of the Black community.

Unlike armed groups, unarmed citizens patrols under the jurisdiction of police also helped to support the picture of Atlanta as a racial utopia. While armed grassroots patrols sent the message that the city government and Atlanta police were not adequately serving or protecting the Black community, unarmed citizens patrols were used to suggest the opposite. Eliminating groups like the Bat Patrol attempted to cover up these negative reflections of Atlanta government and police. Conversely, unarmed civilian patrols working with the police bolstered the narrative of Atlanta as a unified and collaborative whole, creating imagery of the city coming together to meet challenges. Instead of dismantling the “city too busy to hate” narrative like the Bat Patrol, patrols like those created by the United Youth Adult Conference helped to build the image of a “city too busy to hate.” Thus, it was in the political and business interests of the city to suppress self-defense efforts akin to the Bat Patrol and highlight cooperative, unarmed efforts conducted by the United Youth Adult Conference in cooperation with police.

Conclusion

The Atlanta Child Murders did not constitute the first time that Black Atlantans experienced and called for an end to police neglect. As incumbent Mayor Sam Massell faced off with future Mayor Maynard Jackson in the mayoral election of 1973, crime and lackluster police responses to it were major issues in the election. The Black community sought a better police

response to the crimes that afflicted their neighborhoods, including crimes like brutality initiated by police. Thus, each candidate proposed their own plan to lower crime rates.²⁷⁴ After Jackson was elected in October 1973, Jackson declared Atlanta a “city of love.” Historian Danielle Wiggins claimed that this implied “all Atlanta needed was love to combat poverty, drug, abuse, and most of all, crime.”²⁷⁵ This is a riff off the “city too busy to hate” mantra and similarly seeks to distract from and minimize Black criticisms of the police response to violence affecting Black Atlantans. Coming from the city’s first Black mayor, this appeal was all the more effective. Though Wiggins shows that crime rates reportedly went down during the first term of Jackson’s administration, crime continued to be a central issue in his re-election.²⁷⁶ Concerns about violent crime and the weaknesses of the police response to it persisted in the Black community. Thus, rhetoric praising Atlanta for its liberalism failed to solve pressing issues facing the Black community. Further, this rhetoric even operated to detract and distract from their complaints. This demonstrates that police negligence was a constant in the Black experience in Atlanta and that officials’ refrain that Atlanta was a “city too busy to hate” played a role in refuting and diverting Black Atlantans’ pushback against police neglect.

During the Atlanta Child Murders, low-income Black communities experienced intense anxiety and concerns about the safety of their neighborhoods and their children. As the police continued to struggle to find the abductor and killer of the Atlanta children, the disappearances and subsequent killings continued. Black Atlantans vocally criticized the city’s handling of the cases and voiced concerns that police did not take them seriously, prioritizing business and

²⁷⁴ Wiggins, Danielle Lee. *Crime Capital: Public Safety, Urban Development, and Post-Civil Rights Black Politics in Atlanta*, 84-85, 90.

²⁷⁵ Wiggins, *Crime Capital: Public Safety, Urban Development, and Post-Civil Rights Black Politics in Atlanta*, 95.

²⁷⁶ Wiggins, *Crime Capital: Public Safety, Urban Development, and Post-Civil Rights Black Politics in Atlanta*, 109-110.

political interests above the safety of Black Atlantans. To cope with the weight of police negligence in this time of crisis, Black Atlantans organized in a variety of ways to provide security for themselves. Though some limited and less-threatening forms of self-defense were allowed by police, some of the most meaningful efforts of self-defense like the Bat Patrol were suppressed to ensure continued police control and a positive city image.

Ultimately, self-defense initiatives did not stop the murders, nor did they ever bring the victims' families true justice. Though police insisted when they punished grassroots self-defense efforts that they would handle the violence against youth Black Atlantans themselves, the violence lasted for two years, unrestrained. When the Child Murders eventually ended, families of victims were still never truly given justice, as there was never a trial for the murders of their children. Instead, the blame for their children's deaths was tacked onto Wayne Williams after he was only legally found guilty of and incarcerated for the murder of two adults. Many people in the Black community still worried for their children, believing that Williams was not the real culprit. Many Black Atlantans believed that the city had pinned the crimes on Williams to close the case and cover up that the crimes were works of the Ku Klux Klan in order to prevent a race riot. Another explanation was that Williams was framed to cover up a scheme to kill Black children, borne out of illicit connection between the Klan and the Federal Bureau of Investigation and Central Intelligence Agency.²⁷⁷ Suspicions persist today about Williams' guilt or innocence related to the Child Murders, and many feel the true killer was never held accountable for his or her crimes.²⁷⁸

²⁷⁷ Hobson, *The Legend of the Black Mecca: Politics and Class in the Making of Modern Atlanta*, 125-129.

²⁷⁸ *Atlanta's Missing and Murdered: The Lost Children*. Directed By Sam Pollard, Maro Chermayeff, Jeff Dupre and Joshua Bennett. Jupiter Entertainment and Will Packer Productions, 2019.

Though the Atlanta police and city government continued to showcase its ineptitude and lack of adequate policing for Black Atlantans during the Atlanta Child Murders, the police and city officials continued to push rhetoric expressing their concern about the murders and their tireless efforts to stop them. For example, when an FBI agent named Mike Twibell suggested in 1981 that Atlanta was not experiencing a crime wave, but rather there were “about the same number missing in ’78. The only difference is now the bodies are being recovered.” Public Safety Commissioner Lee Brown called Twibell’s remarks “irresponsible,” “unprofessional,” “uncalled for,” and insisted that his comments would not be tolerated.²⁷⁹ Brown’s denunciation of Twibell’s words serve to distance Atlanta from public comments that minimized Black suffering during the Child Murders and align Atlanta with a vision that valued racial equality and justice for all. This endeavored to ensure Black Atlantans that the city took them seriously and was hard at work to keep their neighborhoods safe.

However, Brown’s comment likely came across as insincere or simply insufficient to convince Black Atlantans that the police were dedicating enough time and resources to protecting Black residents. Since it took about nine months of disappearances for the Atlanta Child Murders to get more attention from white media in Atlanta and a year for a special task force to be created for the crimes, Brown’s comments come across as hypocritical and an attempt to save face. If the city had taken these cases seriously from the start, why did it take a year to create a special task force and why did police continuously fail to meaningfully collaborate with the Black community to keep Black neighborhoods safe? The city government and APD’s failures in these areas suggests that rhetoric such as Brown’s uplift narrative of Atlanta as a “city

²⁷⁹ Cook, Rhonda. “Police React Angrily to FBI Agent’s Claim, ‘No Crime Wave’ Exists: Statement Called ‘Irresponsible.’” *Atlanta Daily World (1932-)*. April 17, 1981.

too busy to hate” in order to quiet Black dissent for the sake of maintaining an image of progressivism favorable to business interests.

Violence affecting young Black people was not unique to Atlanta. As the Atlanta Child Murders continued, Black women in cities across the U.S. organized, like Atlanta’s STOP Committee, to raise awareness about violence against Black youth in their own cities and the failure of city governments and police to take the cases seriously or adequately protect Black people. Similar calls for self-defense and the policing of Black residents’ communities were raised in other American cities as Black Americans dealt with police negligence. Addie Wyatt, a labor advocate and minister for the Church of God in Chicago, claimed that ending the endangerment of Black urban youth was part of the “struggle to survive.”²⁸⁰ This contextualizes Atlanta into the larger national picture, demonstrating that Atlanta was not unique in its failure to protect Black residents from violence or take Black calls for help seriously. This also shows that Black people across the U.S. organized to raise awareness about violence facing their community and organized defense for themselves in the absence of meaningful police protection. Thus, understanding how the Atlanta Child Murders played out under Black leadership, how Black self-defense efforts were suppressed, and how rhetoric operated to quiet Black dissent in Atlanta provides a lens to understand how Black communities in other American cities responded to police negligence and the ways in which the police and city government attempted to minimize or suppress their calls for help and assertions of autonomy.

While city officials and Atlanta police employed rhetoric leaning on the vision of Atlanta as a “city too busy to hate,” Black leadership and an integrated police force effectively ended

²⁸⁰ Brookins, “Women Unite for Murdered Children and Their Families: Urge Coalitions To Police Neighborhoods.”

Black self-defense efforts intended to address the issue of police neglect during the Atlanta Child Murders. As Black children disappeared and turned up dead, the Black community called for police protection and serious investigation of the murders, but the city continued to drag its feet in response and failed to consult Black community leaders or adhere to their suggestions as they responded to the threat facing the Black community. Violence continued despite Atlanta's many Black leaders and Black police officers, and Black Atlantans began self-defense efforts to fulfill the need for safety in the face of police negligence. However, meaningful self-defense was eliminated, as police viewed it as a threat to authority and Atlanta's image. Self-defense efforts initiated on the terms of and with the permission of the police also proved ineffective at stopping the violence. Thus, the Atlanta Child Murders demonstrate that Black leadership would not prevent police neglect and Black self-defense could not be relied on as a cure for police negligence, as police punished these self-sufficiency efforts. This activity was punished because, despite the establishment of Black leaders, police and city officials perceived a threat in an empowered Black population and believed armed community patrols were detrimental to Atlanta's reputation as a racially harmonious and progressive city.

Conclusion

Many of the community-police interactions discussed in this thesis read as though they could have occurred just yesterday. Protest against police abuse to pressure police reform, defunding the police, or the abolition of police continues today, and often when protestors of policing speak out, the police they seek to challenge silence and punish their activism. In the summer of 2020, Americans in cities across the U.S., including Atlanta, engaged in mass protests against racist policing. Protestors recited “Black Lives Matter” as a rallying cry to acknowledge anti-Blackness entrenched in policing, politics, the economy, housing, and many other aspects of American life. Though popular media often pointed to the police killing of George Floyd in Minneapolis as the sole catalyst for the protests, the roots of the frustration ran much deeper. The peaceful protests, themselves highly policed, as well as the unrest that unfolded in across the country were the result of a long history of police suppression and abuse. While the murder of George Floyd may have sparked the outpouring of support for Black Lives Matter, the protests and rebellions were inspired by the buildup of consistent oppressive policing and the silencing of dissent from communities of color.

Though many city governments pledged to be better allies and join the movement for Black lives, these promises seemed to quickly expire. Countless politicians throughout the U.S. claimed to be advocating for the interests of Black Americans, but these same politicians continued to push providing more funding for police departments despite clear messaging from Black communities that more police would not solve the problems endemic to policing. Atlanta similarly experienced this trend. Though many powerful Atlantans expressed solidarity with protestors, little changes were implemented to ameliorate the experiences of Black Atlantans with police.

In fact, the city quickly took actions that directly opposed the clear mandate of Black residents. In September 2021, the Atlanta City Council overwhelmingly voted to build a new police training center that would serve as a mock city for training, which quickly became known as “Cop City.” This plan required the destruction of 85 acres of Atlanta’s South River Forest to construct the facility, which would cost \$90 million. The proposal sparked immediate controversy, with the vote on Cop City delayed by 17 hours of pre-recorded feedback from over 1,100 Atlantans. #StopCopCity activists made it abundantly clear that Cop City was not what the city needed but rather would worsen issues related to policing in Atlanta. According to Micah Herskind of the Southern Center for Human Rights, about 70 percent of callers who commented publicly about Cop City were against the proposal.²⁸¹ On the night of the Cop City vote, which took place virtually, protestors went to council members’ residences, where council members were voting on the proposal, to urge their representatives to heed the strong message from Atlantans to oppose Cop City. Police reported to the protest and told the activists to disperse. Though they claimed to be in compliance with police demands, 11 protestors were arrested and taken to city jail.²⁸² Similar to protests from Black Atlantans between 1968 and 1981, protestors of Cop City were silenced by police and their dissent was punished.

Despite the clear opposition to Cop City, the City Council voted 10-4 in favor of constructing the police training facility. Micah Herskind reported that “even those who

²⁸¹ Social Insights Research also conducted a survey of 371 Atlantans that found 98 percent of those surveyed opposed the creation of Cop City. Herskind, Micah. “Cop City and the Prison Industrial Complex in Atlanta,” *The Mainline*. February 8, 2022. <https://www.mainlinezine.com/cop-city-and-the-prison-industrial-complex-in-atlanta/>; Atlanta Community Research. “Atlanta Community Research.” Accessed March 19, 2022. <https://site-2670551-5163-2537.mystrikingly.com/>.

²⁸² Arnold, Aja. “Atlanta Protesters Arrested While City Council Passes Lease Agreement with Police Foundation,” *The Mainline*. September 9, 2021. <https://www.mainlinezine.com/atlanta-protesters-arrested-council-passes-lease-police-foundation/>.

ultimately voted against the Cop City ordinance clarified that they supported the facility, just not the proposed location.”²⁸³ This meant suggests that Atlanta politicians, despite public outcry against Cop City, refused to bring themselves into direct opposition to police and business interests that supported the project. Thus, though Atlanta continued to push liberal rhetoric of racial justice in reaction to 2020 Black Lives Matter protests, the city’s actions directly impeached its promises by approving the Cop City project that opposed all that the protests had stood for.

In Atlanta, the “city too busy to hate” narrative continues to be perpetuated with rhetoric that hails the city as a land of Black prosperity and racial harmony. When protests called his reputation into question, authorities made pledges to antiracism and drew on the narratives of Atlanta as a center of progress to distract from criticisms, save face, and quell dissent. Though this thesis has focused on Atlanta, other American cities use similar rhetorical appeals and city-wide slogans to convey exceptionalism with respect to racism and policing. For example, Philadelphia hails itself as the “city of brotherly love.” This slogan is used to uplift Philadelphia as a city for racial justice.

However, according to data from Drexel University, between 2013 and February 2021, 39 people had been killed by police in Philadelphia. Of those killed, 26 were Black, making up at least two thirds of police killings in the city despite the Black population composing only about 41 percent of the Philadelphia population, according to a 2021 census.²⁸⁴ Additionally, an ACLU

²⁸³ Herskind, “Cop City and the Prison Industrial Complex in Atlanta.”

²⁸⁴ Urban Health Collaborative. “Police Violence Is a Public Health Issue,” January 10, 2022.

[https://drexel.edu/uhc/resources/briefs/Police Violence is a Public Health Issue/](https://drexel.edu/uhc/resources/briefs/Police%20Violence%20is%20a%20Public%20Health%20Issue/); “U.S. Census Bureau QuickFacts: Philadelphia City, Pennsylvania.” <https://www.census.gov/quickfacts/philadelphiacitypennsylvania>.

analysis of the pedestrian stoppages and frisking by the Philadelphia Police demonstrates that in 2019 Black people comprised 71 percent of pedestrians that were stopped by police and 82 percent of people frisked. The Latinx population was also under greater scrutiny, comprising 22 percent of pedestrians stopped.²⁸⁵ These disparities suggest that Philadelphia is not the “city of brotherly love” that it claims to be. Thus, perhaps this rhetoric, like Atlanta’s “city too busy to hate narrative,” operates to distract, gaslight, and silence dissenters. Like Philadelphia and Atlanta, cities across the U.S. praise themselves as exceptional places for opportunity and progress, immune from police problems and racism. Unfortunately, these appeals continue to be distant from reality, as police surveillance, abuses, and violence continue to target communities of color. Further, these narratives and appeal work to distract from and silence efforts to bring attention to racist policing that profoundly impacts communities of color.

Though this thesis has discussed trends of Black expressions of dissent, policing in Atlanta, and the usage of rhetoric pushing liberal exceptionalism in Atlanta, these trends are useful to gaining a broader understanding of what Black dissent and policing look like nationally. As in Atlanta, Black Americans across the U.S. pursued various avenues for the redress of their grievances related to policing. Black people use countless nonviolent methods to spread awareness about racist policing and make their communities safer from police violence. Black people attempted to use peaceful protest, small rebellions, courts, and self-defense to solve many problems created by police or police neglect. However, these methods were consistently suppressed, punished, and silenced by local government and police with legal charges, force, and liberal rhetoric. Similar to the ways in which Atlanta’s “city too busy to hate slogan” and liberal rhetoric of city officials were used to diffuse Black Atlantans’ allegations of police abuse,

²⁸⁵ Urban Health Collaborative. “Police Violence Is a Public Health Issue.”

officials in other American cities used language of their own supposed progressive exceptionalism to shut down criticisms of policing.

The continued suppression of Black dissent in Atlanta and other U.S. cities has serious implications for Black communities. This suppression and punishment of dissent ensures that no progress is made community-police relations, let alone other racial justice issues. As a result, eventually frustration and anguish from consistent police mistreatment and economic subordination bubble up into episodes unrest. These rebellions are then cast as senseless overreactions, completely taken out of the context of persistent advocating and protest, all suppressed by state actors. With this context in mind, unrest can be understood as inevitable so long as Black dissent is silence and police oppression continue. Thus, this understanding allows for a re-evaluation of unrest and the dissent that is suppressed leading up to it, providing an opportunity to identify and call out the suppression of dissent and amplify efforts challenging police power for the improvement of community safety.

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