

HAROLD NORRIS

I'm a teacher of constitutional rights. For the last 30 years I've been a member of the faculty at the Detroit College of Law. Some 5,000 lawyers have gone through my class.

After I got out of Columbia Law School in 1946, I came back to Detroit, my hometown, to practice. I was engaged in a large volume of constitutional law cases and helped reconstitute the American Civil Liberties Union in the city. I became Chairman in 1959.

One of the conspicuous problems associated with the Detroit Police Department and citizens generally was the practice of arrest for investigation. I wrote an article called "Arrest Without Warrant." The statistical table that I had in that article indicated the number of arrests for investigation over a period of time. In 1947 it was 18,000. In 1956 it was more than 26,000. An arrest is taking into custody in answer for a crime. They didn't have a legitimate basis for doing it. What they did was take people into custody and then try to find a reason for keeping them.

I tried to challenge that practice. First of all I had the statistics from the Detroit Police Department itself to establish what they were doing. When you have that many--we're talking about a third of all arrests--that meant that thousands of Black people, working people, poor people were the subject of those arrests. Hundreds of Black people in this city have arrest records as a result of that activity which meant that they had problems with jobs--getting jobs, keeping jobs.

When a person is arrested for investigation, they also become subject to protracted questioning, perhaps the use of force, certainly the installation of fear. When you're in police custody, you're in a coerced situation. You're being compelled to be a witness against yourself, a violation of the Fifth Amendment. It also became the basis for a great deal of strain and stress between the Black community and the Police Department.

The Police Department is supposed to serve everybody in the community and protect them and follow the constitution. Certainly those who enforce the law are not supposed to break the law. But when you have abuse of authority, which arrest for investigation reflected, you have a large number of people getting the idea that police are not their friends; they're not people to report crime to. to assist police, to come forward as witnesses, to be jurors.

Indeed police are looked upon as an occupying power, not a protecting power. So those of us who were seeking to protect the constitutional rights of everybody in every section of the city regardless of race, gender, income, were really trying to promote effective law enforcement.

Some people feel that if you protect constitutional rights, you impede law enforcement. The only way that law enforcement can be

effective is to not protect rights but full steam ahead. It's called "alley court." In other words, get somebody in custody, beat the hell out of him. Obviously, for an officer to hurt a citizen, to administer alley court justice, is an abuse of the separation of powers doctrine. Police officers are not supposed to administer punishment. Judges do. Police are supposed to apprehend persons who are engaged in wrongful conduct, to investigate and bring the people to the court for the administration of justice.

The conviction I have is that we're all responsible for the society in which we live. We're all responsible for the Constitution. Democracy is not self-executing. The law is not self-executing. The Constitution is not self-executing.

We had an episode in our city, not far from here. Several nurses working at Grace and Harper Hospitals were the subject of homicide. A terrible thing. How do you deal with a problem like that? The police are not going to solve it without the community feeling that they should report information and help the police apprehend the people who committed this terrible thing. What did the police do, however? They engaged in what was known as a dragnet operation--taking hundreds of people, almost exclusively Black, into custody, including Judge Davenport, Arthur Johnson and a number of prominent people. I'm talking about thousands of little people.

According to the Detroit Free Press on December 29, 1960 the Mayor said, "The police should be able to go into places where they believe are suspicious persons and make searches on suspicion then let the courts decide whether they did right or not. Officers, said the Mayor, were to alert themselves to those persons who were in odd places at odd hours without reasonable explanation. My view is that a citizen has a constitutional right to be in odd places at odd hours if he is not committing any crime. I thought the Mayor's statement an odd explanation of the Constitution.

I think Detroit was typical of the United States. However, we did have a rather effective challenge to these practices. We challenged them because the NAACP was active, the Detroit Urban League was active, the ACLU was active, the Democratic Party became alerted, and because we won an election. We took a mayor out who had been a prominent representative of the establishment and defeated him with a 35 year old lawyer who never ran for political office in his life.

Arthur Johnson called me. I was then Chairman of the ACLU. He said, "I'd like you to come down to St. Paul's Episcopal Church and explain to community people the law of arrest because we have to do something about this dragnet business." I came down and talked about it. Then we had a protest against this action. Then we had a big meeting at Ford Auditorium. It was January 16, 1961 at a public meeting sponsored by the NAACP and the Interdenominational Ministerial Alliance.

At that point Jerry Cavanaugh decided to run for mayor against Miriani, the author of the dragnet. Cavanaugh won and became mayor of this town. He appointed a new commissioner and a lot of other things happened. So Detroit moved a couple stages forward.

When Black people or Jewish people or women or others are doing battle for the Constitution, they're not only helping themselves, they're giving integrity to what this country is all about. A lot of people say to me, "You do this because you like Black people." Why, sure, I like Black people; but that isn't the main idea. The main idea is that if everybody has equal access to these rights we're talking about, it would give vitality and credibility to the United States of America. We're helping everybody in this country. Every time a citizen exercises a constitutional right and wins recognition of the propriety of that exercise, they're making it possible for other people to have a sense of counting, of empowerment. We can change things. We ought to take confidence from what Black and White people can accomplish working together.

In my generation an effective working slogan was "Black and White Unite and Fight." I commend it to the next generation.

HAROLD NORRIS QUOTE

From the Michigan Chronicle, April 23, 1960

Supreme Court Strikes Blow for Civil Liberties

State Tribunal Criticizes Police for Illegal Tactics of Detention

While Detroit's top police brass condemn the recent rulings of the State Supreme Court as "aiding the criminal," Atty. Harold Norris, 42, praised the decisions as "making the constitutional rights of all citizens more secure."

Norris is chairman of the Detroit chapter of the American Civil Liberties Union. He has been an attorney 13 years, and has been the main advocate of a local Public Police Review Board.

In its decision, the Supreme Court criticized Detroit Police for detaining a murder suspect four days before taking him to court for formal arraignment.

The High Tribunal ruled that the suspect's civil rights were violated and reversed the murder conviction.

In discussing the decision, Norris said:

"The decision means that the more than 60,000 Detroit citizens arrested each year should be brought before a judge upon arrest and 'without any unnecessary delay' as the federal and state statutes require."

"The establishment of a night court and the appointment by the Mayor of a Public Police Review Board would help implement the Supreme Court decision as regard arrest and detention."

Explained Norris, "Many students of the problem believe that where illegal arrest and detention are found in volume, there is likewise a greater propensity to the use of threats, protracted questioning, the third degree, physical brutality, the practice of holding persons incommunicado, the obtaining of involuntary confessions and the deprivation of the right to counsel and advice as to constitutional rights.