

NIGHTMARE In Oakland

ANOTHER CASE OF POLICE BRUTALITY

EDITOR'S NOTE: The following are eye-witness accounts of what happened in the home of Luther Smith and his family, 1011 Campbell street, West Oakland, early in the morning of Friday, April 8. The story these witnesses tell is one of police brutality. It is the story of how two Vice Control officers broke into the basement of the Smith house because they had seen two white boys leave and re-enter that basement and because the basement was in an all black neighborhood and next to a house where acts of prostitution (according to the police) have taken place. It is the story of how these vice control officers then collected some 25 uniformed Oakland police to "subdue" the three male members of the Smith household and bring them under arrest for defending themselves against the police. It is the story of how the Smiths, bewildered by what was happening to them, had nowhere or no one to turn to for help.

The Oakland police department charges Mr. Luther Smith Senior with having interfered with a police officer in the performance of his duty. It charges Luther Smith Jr. and Alonzo Smith with having committed battery against a police officer. It charges the two white boys with loitering under suspicious circumstances, refusing to give identification and resisting arrest.

The Oakland Police department has refused to release to the defendants a copy of the crime report written up after the arrests were made. FLATLANDS was told that the department is as yet unable to provide any information on the investigation it

is conducting as a result of Mr. Smith's having filed a complaint of police brutality.

FLATLANDS therefore cannot offer its readers the Police Department's side of the case.

What happened to the Smiths might never have come to the attention of the community had it not been for the quick action taken by Mr. Curtis Baker after Mr. Smith, without lawyer, doctor or funds for his sons' bail, called him for help. Now, however, the Smith case may well be the rallying point for a new and united drive by the people of the flatlands to expose any prejudicial and brutal methods employed within the Oakland police force

and to set up definite safeguards against their continued use.

LUTHER SMITH'S STORY

Mr. Luther Smith Senior, resident of 1011 Campbell street for the past 23 years:

"I came home from work Thursday, (April 7) about eight o'clock. I work at Todd's shipyard. So I was kinda tired. I didn't even take a bath. I got up there on the bed and laid down. Then about nine I got into bed and I didn't wake up no more until it seemed like it were in a

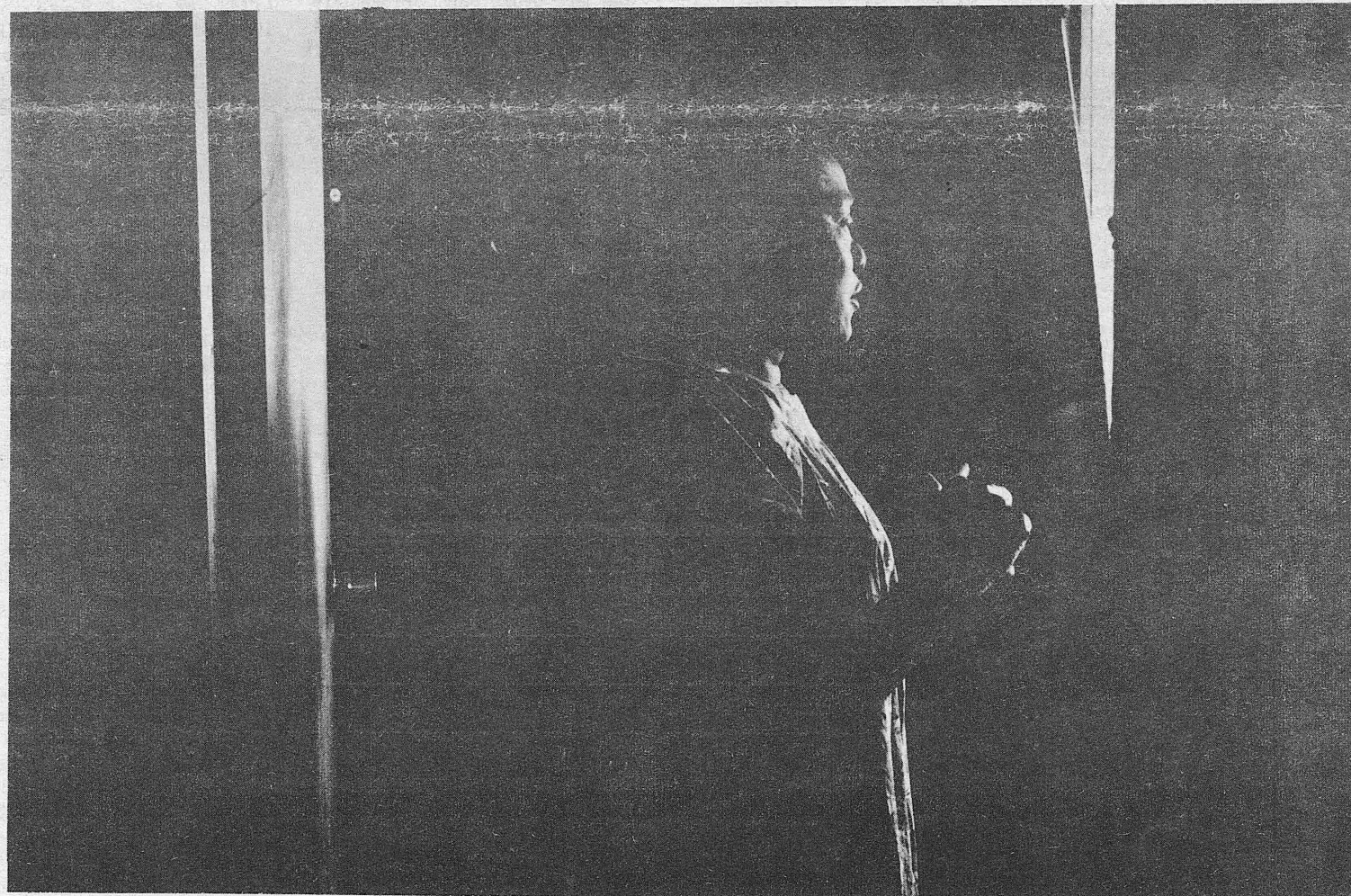
dream and I hear my wife call me. I jumped up out of the bed and started downstairs. "Wait a minute and get your pants," my wife told me. I slipped my pants on and didn't have no shoes. I could hear Lonny calling "Daddy, Daddy." Lonny and his two white friends had been in the basement. That's where we's got this neighborhood recreation center with a pool table, some weight lifts, and a record player. I ran out of the house and to the basement door. I seen one man punching my son.

"Luther Junior - he was in the basement begging the men to get up cause Lonny weren't doin' nothin'. Luther had been upstairs in bed. When he heard the holler-

ing he want down the back stairs right into the basement. He beat me downstairs.

"They had Lonny down on the concrete steps by the basement door. The door was wide open. One of them was laying right down on him choking him. The other one was beating on his head. He didn't have no billy club. He was hitting him with his fist. I felt like picking up something and busting their brains out. But I didn't have no wind.

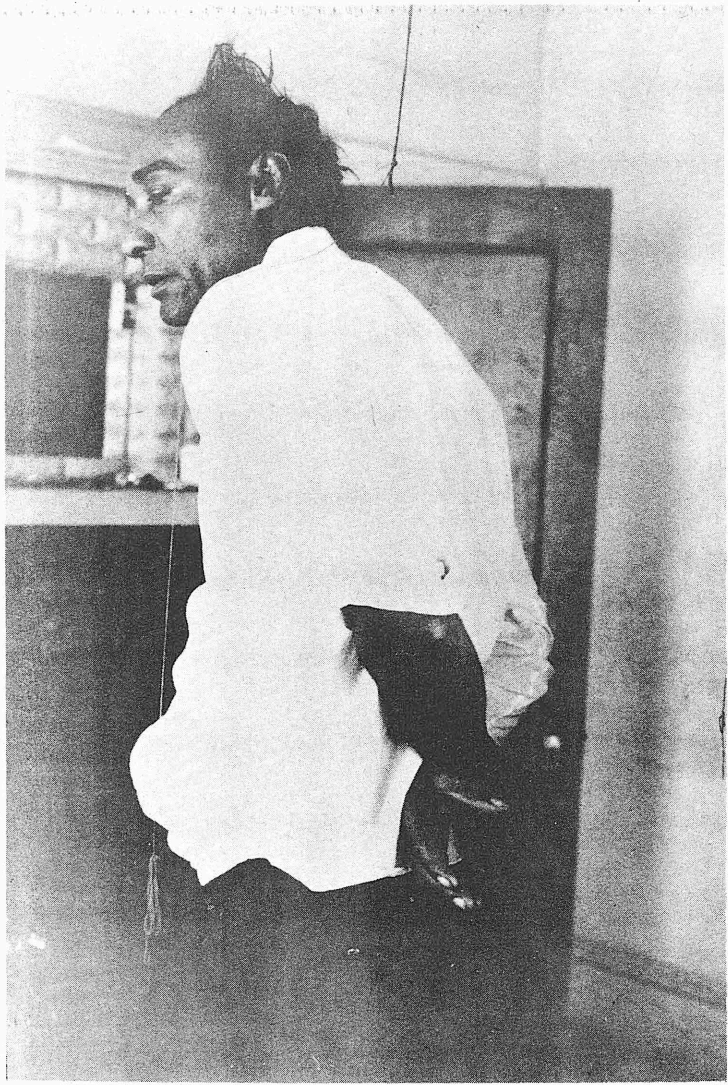
"Lonny had just got his income tax return check. When I seed those two men I first thought somebody was trying to rob him.



Mrs. Smith: "If the police carry on like they done, I don't want to live here no more."

Photo: Lynn Phipps

Continued on Page 6



Mr. Smith: "One of them just pulled my arms back... He like to hurt me."

Photo: Lynn Phipps

POLICE BRUTALITY

Continued from Page 1

I had no idea this was the police. "I say 'What's the matter, what's going on?' He said 'We's police officers.'

"I say, 'If you're police officers then get up off him. He'll stand arrest. He's not going anywhere.'

Alonzo was pretty well out. I didn't see the two white boys no place. One of them had run upstairs and told my wife they's killing Lonny. I don't know exactly where the other white boy was.

"I caught one of the men by the arm and pulled him up. He said 'I'm going to call for more help.' Then he and the other one ran out there to the car. I didn't intend to start no fighting. I just wanted them to get up and talk.

"Alonzo got up - there was a lot of blood on his face. I still didn't know whether they was police until them guys come in here with their uniforms.

"I said, 'Let's go upstairs.' We came on upstairs. We had pitchforks up here. If we had to fight the police, we'd have something. But we had no intention of fighting.

"The two white boys came back and knocked on the back door. 'Nobody come in,' I said. But Alonzo said, 'Oh, that's my friends.' So I re-opened the door and they came in. When the police came in the front door I don't know what happened to them. I didn't see them no more.

"It don't seem like it was more than a minute before we was up-



MRS. SMITH AND ALONZO SMITH

The Flatlands, April 23 to May 6, 1966

Page 6

stairs when all them police got here. If it was the police that had come downstairs, I figured they were going to come in now and arrest the boys. I didn't figure they was going to come in hitting like that even after they kicked the door in.

"As they came up to the door they says, 'Let us in.' My wife says 'What did they want?' They don't answer nothin. They just knocked the door in and came swinging with billy clubs.

"I was almost scared to death. I never seen nothin' like that. These guys after they got me, I figured it looked more like the Klu Klux Klan than anything else. If we had started any fight, they would have killed us all. About five of them jumped on Luther who was standing near his mother by the door. Some of them came at me, and some got Lonny when he was holding onto the chair.

"They'll pick on our youngsters just for walking down the street.

"They wasn't trying to handcuff us. They just trying to beat us. When I put my arm back like they told me, one of them just pulled both my arms back of my body straining my shoulder. He like to hurt me.

"They beat us for a long time. My wife was begging them to get up off us. So was my daughter-in-law. We have another son, Glen. He ten years old. He seen it all. He didn't sleep a wink.

"After they handcuffed me they got me up. I said 'Would you let me get my shoes?' One of them said no.

"Alonzo was still tusseling, holding onto the chair. I said 'Lonny, give up' - cause he didn't want to give up.

NOTHIN' EXPLAINED

"All that time they ain't explained nothin - just came in. I felt like they was going to beat us with the handcuffs on. They finally said that we's been fighting the police.

"When we got to the station I asked for a doctor and they said no. I asked for a phone call. They just acted like they don't hear you. I didn't make no phone call.

"They put us in different cells. Lonny was just about out. He was in the cell next to me. We talked for a while. After a while he hushed talking. I called him and

called him and didn't get no answer. Then I was scared. I figured he was dead.

"I could hear the police. We was right there where they come in and out to the desk. 'You go out this time and you bring in six. You don't come back until you bring in six' I hear them say to the ones that was going out. And they was going out to get them too. It weren't no joke. I seen the ones they brought back to the cells.

"They kept us in the police station till 6 or 7 o'clock in the morning. Then they took us where we had to wait for x-ray, I mean thumb prints. I didn't get to make no call till 8. I called my wife and the line was busy. I had to go in a room to wait for a call. The fan was up there blowing. It was cold. I shake the door until the officer finally came and let me out.

"How I feel now is like that when I hear the sirens I wanta get my axe. They gonna have to kill me before they do it again.

"I felt like these people was trying to start a riot. I understand they had the streets blocked off during the beating. The boys in the neighborhood - they tell me, 'I wished I'd have been here.' They's disturbed everybody in the neighborhood."

MRS. LUTHER SMITH

"This was what I first heard starting from the beginning.

There was a knocking on the basement door. I heard Lonny say, "Who are you?" I didn't hear the answer. Then he say "Do you have a search warrant?" Again I didn't hear no answer. Then he say 'Well, get out.' The next thing I hear was a big blunder and commotion down there and Lonny shouting "Daddy! Daddy!" He kept screaming like someone was killing him.

"I said, 'Luther, they're beating Lonny downstairs.' He got out of the bed and started down with nothing on. I said, 'Put your pants on.'

"I started downstairs too. I grabbed my robe. At that time you can't find nothin'. When I got to the bottom of the front steps I heard them in the house - my husband and two sons - so I turned and came back up the steps. I come in and fastened the front door. The white boy had come in between the time my husband went down and I got ready to go down. I started down after the white boy hold me they was killing Lonny.

"My feeling was that someone had just broke in and was beating him up. You really don't know hardly what you feel. I felt like they might kill him.

"When I came back up and fasten the door, I heard someone holler "Open up or I'll kick the door in." These 25 policemen or so just walking up the front steps at me. One of them say to open the door and let us in. He was looking right at me. I say 'Well, what do you want?' But he just start kicking. Luther Junior was standing beside me. My husband was standing in the background. They throwd both of them on the floor.

"When Lonny saw them on his father he grabbed the pressure cooker. He don't know what he done. I know Luther Junior and my husband hadn't done nothin'. They was in the bed when the two men had come in downstairs.

"My daughter-in-law, she's very nervous. When all those police in here beating 'on us she kept yelling "What's going on? What are you doing to my husband?" One of them says to her 'Oh brawd, we've been watching this house for a long time.

"My daughter -in-law called her brother. He took us to the station on 6th and Washington. They say they hadn't got no report about the arrests yet. We just waited there. They still hadn't booked them. The man at the desk

told me "You go start making preparation for bail. It was supposed to be an hour before they booked them.

"In the police station I called the bailbonds man. Then I went to my husband's brother. There was still no booking report. Then we came home. Glen was still up. This was about 5 in the morning. After that I just sat here waiting for them to call. The first call was at 6 from Luther Junior. He told Van (his wife) to get him a lawyer. About 9:30 Luther Senior called. He say 'I'm sick as I can be.' He say to bring his pills down here. He's a diabetic. Then I called to the police. I asked could I bring the pills in. The man told me 'We have medication here.' Then I explained that Mr. Smith was a diabetic, and had to have pills every day. Anything can happen if he doesn't have those pills. I found out that man don't give my husband the pills until 9:30 Friday night when he got out of jail.

"I got in touch with the bail man around 7:30 Friday night, when the booking was finally done. He told me Alonzo's bail was \$16,500, Luther Junior's was \$11,000 and Luther Senior's was \$320.

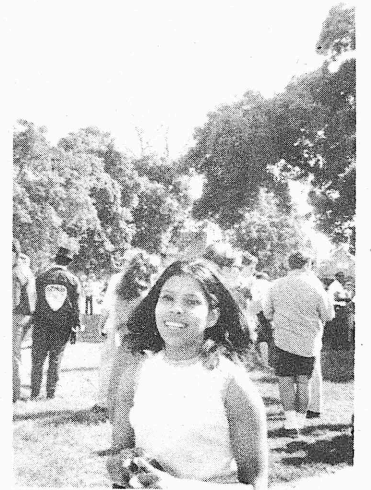
"Saturday morning my husband called Mr. Baker. He say 'I know Curtis. I knowd he was good.' We felt like maybe Curtis could get the bail cut down. It wasn't long after he comes over here before the lawyers was here.

WILL POLICE GIVE JUSTICE?

"What I feel like now - if they get justice they won't be charged with anything. I don't know what will happen. Maybe the police department won't give justice. A police officer ain't supposed to just bust in your door without showing anything. If he come in dressed like your husband and don't show no badge or identification of nothing, how's you supposed to know who he is?"

"A police officer ain't supposed to try to kill anybody just because they's arresting them.

"It's better for my sons to be here lifting weights in the basement than being out in the street. If a person can't do this at home without the police coming in, where can he go? After my eldest son got married, he say "I'm



MRS. LUTHER SMITH JR.

going to teach my brothers to stay out of trouble - get them doing something.' That's why he got all them things in the basement.

"If the police carry on like they done, I don't want to live here no more. Where they can come in and beat up my family - I want to get out of Oakland. And I been living in Oakland for 24 years and I has been a taxpayer for 22 years and I never seen nothin' like this before. I was raised in Arkansas. I never saw any brutality like that there. Now I don't have no chance to tell nobody what's happened."

YOU CAN HELP

The Smith family needs help.

First it needs money to help pay the lawyers and the doctors. It needs money too because Mr. Smith Senior has lost his job since he was arrested. Second, it needs the support and encouragement of the flatlands people and their friends to continue their fight to expose and end the existence of police brutality in Oakland.

Any concerned person can send money to the Smiths c/o THE FLATLANDS (933 12th Street, Oakland) or can call any member of the Editorial Board or staff for additional information about the case. Please make checks payable to Mr. Luther Smith Senior.



Mrs. Smith: "You really don't know hardly what you feel."

Photo: Lynn Phipps

FLATLANDS SAYS:

THE ALARMING FACT about the Luther Smith case (see story on page 1) is that, like so many incidents in the flatlands in which the poor are brutally mistreated, it could have gone by unnoticed. The Oakland power structure would continue to whitewash the charges made against it by the flatlands people. The charges themselves would look like so many empty words. And the nightmare suffered by the Smith family would be relived behind closed doors and in the dark alleys of Oakland's ghettos of the poor.

Had the beatings in the Smith home occurred earlier in the evening, when more people were around to see what was going on, West Oakland may well have become the scene of an ugly riot, if not of a second Watts. In fact, the Smiths had little protection against the arm of the law besides the anger of their neighbors. They certainly couldn't call the Police Department for help.

The Smith's plight emphasizes the long felt and now urgent need in Oakland for an agency which could protect people from unjust practices committed by police. Such an agency, composed of civilians, would hear, record and investigate complaints involving the Police Department. It would ensure flatlands people the same treatment from police as the hill people now receive. This is because it would provide as equally effective and legitimate a means of fighting back as a good bank account provides the people in the hills.

Much of the power of such an agency would also lie in its ability to inform the community at large of cases of brutality as soon as they occur. People sacrifice a lot for the sake of unity once they realize they are not alone in their problems and that these problems cannot be solved individually until they are solved for the community as a whole. An agency dealing with police affairs would help them see their own problem with police as part of a general pattern. It would give them the organization through which they could help each other out until this pattern was destroyed.

The Smith case should provide the spearhead for the effort to push through the establishment of such an agency in Oakland. This effort began several months ago when a group of flatlands people proposed to the City Council that a Police Review Board be set up. The City Council rejected this proposal without so much as even discussing what the function of that board might be. That it would have benefitted them as well as the flatlands — specifically, by making sure that rumors of police brutality were documented — was ignored.

A similar proposal, only one which looks to the formation of a Police Affairs Committee rather than a Police Review Board, is now being submitted by the Oakland Economic Development Council to the Office of Economic Opportunity (which heads the War on Poverty) in Washington.

A Police Affairs Committee differs from a Review Board in that its function is to receive, investigate and communicate complaints against the police. It does not have the power to enforce any decision reached on the basis of its findings.

It look right now as if, even if War on Poverty funds are granted to set up this Committee, the City Council will still veto their application. People of the flatlands, through whatever grass roots organizations they belong to must give this issue their immediate attention and pressure (by protest letters, petitions, speeches, etc.) the City Council and the Police Department to make sure these funds go through.

There is no better proof of the need for such pressure from flatlands as the Smith case. There is, then, no better time for such action than now.