

JUN 9 REC'D

The account of an encounter with the City of Atlanta Police, Tuesday Night, May 2, 1967, by Huron W. Virden, Jr., 685 Argonne Avenue NE Apt. 10, Atlanta, Ga.

At approximately 9 PM to 9:30 PM, May 2, 1967, I was walking south on the west side of Peachtree between 10th and 11th streets. I had been to the Post Office on 14th and had parked on Peachtree and was going to make a telephone call at the Rexall Drug Store. Near 10th Street I noticed two men in business suits who looked to be in their thirties forcing an old man across to the east side of Peachtree to a late model automobile with no obvious markings. Each of the younger men had the old man (he was white in maybe his early fifties) by his arms and were twisting them slightly forcing him across the street. The old man himself was offering no discernable resistance and looked in good condition. He carried himself well. The old man was forced into the car to the rear seat and the other two got in the front seat and closed the doors.

The first thought that entered my mind was that of citizens in a city who observe violence and do nothing to aid the victim. This situation did not look right. I crossed the street after all three men were in the car and walked behind the car deliberately looking at the license plates which were ordinary Georgia, Fulton County, 1966 plates. I stepped onto the sidewalk and walked toward the front of the car. As I passed the front car door the man sitting next to the curb said:

"He looked at the license plates!"

I reached approximately the front wheel of the car and turned and looked through the front windshield in order to clearly see the faces. At this point the man sitting next to the curb jumped out of the car and said to me, "What do you want, mister?"

I said, "What's going on here?" (This was the first remark that I had spoken which was in response to him and had made no attempt to interfere.)

He said, "We're the police."

I said, "Show me your badge, mister."

We had been standing two or three feet apart. He immediately shoved me causing me to lose my balance. He showed me nothing. I turned and stumbling tried to run. He was right behind me, but I managed to get into the middle of Peachtree before he dragged me down onto the street. The other one piled on and I struggled, not hitting them but trying to throw them off. I began yelling, "Help! I don't know who these two guys are. Somebody help me!" Nobody came over. In the middle of Peachtree a pair of handcuffs was gotten out and finally put on me. I was forced back to the car, but they were unable to force me into the car. During this entire time I continued to yell, "Help, I don't know who these two guys are!" After I was forced back to the car a bystander said, "They're the police. You're in good hands."

Since I did not know the bystander and did not consider handcuffs very good badges of identification, I continued to yell. By this time they had forced me to the trunk of the car with my feet on the ground and pressed by torso across the trunk. Finally a bystander, a Chinese, said, "What are you two doing to him?" and one of them said, "We're the police."

The Chinese said, "Then show him your badge."

At this point one of them for the first and only time pulled out a badge and holding it low, briefly flashed it and then put it back in his pocket. I yelled to the Chinese "Get his name and badge number."

The Chinese then said, "You are in good hands, you go on with them."

I was by no means assured and continued to yell hoping that a uniformed patrolman would show up. Finally a paddy wagon came screaming up and as the driver jumped out I said, "Boy, am I glad to see you." The wagon driver later said that his name was Ray.

I offered no resistance to being placed in the wagon and stopped yelling. Sitting there in the wagon at 10th and Peachtree I became aware of two new faces in plain clothes who began talking to the men who had jumped me, and I began demanding their name and badge numbers. Finally one of them stuck his head in the door of the wagon and said that his name was Metzger (or something roughly like that) and that he was superintendent of detectives. I briefly related to him the circumstances of my observing the old man being forced across the street to an unmarked car and my subsequent involvement with the other two men and told him, "I don't mind an honest cop, but you've got two louses out there."

I later discovered I was charged with using profanity to an officer, and this remark was the extent of my profanity.

Sitting there in the wagon the old man was finally put in with me, and he said that his name was Robert Anderson from Decatur, Ga. I understand that he was later booked for being drunk.

Another remark that I did yell out of the wagon to the detectives and superintendent was that I was going to file charges for false arrest.

We were driven to the station house in the wagon and both of us got out making no fuss. The handcuffs were taken off me and I was told to sit on a bench in the station house while the old man was booked. I was told to come up to the counter which I did with no comment. A patrolman with a plaster of paris mitten took my right hand and started to raise it as if to fingerprint me. I held my hand down and said, "You can't fingerprint me."

He said, "Oh yes we can." and began to twist my right arm while putting a hammerlock around my neck with his left arm.

A woman behind the counter sustained his statement by saying, "Oh yes they can."

Another patrolman began twisting my left arm and I relaxed and said, "Okay." At no time did I offer any other opposition then simply state that they could not fingerprint me, and I held my hand down when they first tried to lift it. I was choked unconscious. When I came to I was led into the elevator by the patrolman with the plaster mitten plus another patrolman. Another prisoner was placed on the elevator who I think was Robert Anderson and he was accompanied by another officer. I think there was also an elevator operator present. In the elevator I was beaten and kicked by the two officers with me and particularly by the officer with the plaster mitten which he used as a very effective weapon. When the elevator stopped I was led out and thrown to the floor and kicked. I was told to get to my feet and directed down the hall, down which I was continually beaten, especially with the plaster mitten. The only remarks that I made during this course of events was, "Stop, please, stop! I can't do anything!"

I was finally thrown into a barren cell and the door shut. After what seemed to be about two hours I asked an officer who came by if I could make a phone call. He said, "No." A little later he came by again and I said, "I want to call my lawyer."

He said, "No."

Finally around five o'clock in the morning (I had my watch) the same officer came by and said, "You can make a telephone call."

At this time I was afforded an opportunity to call an attorney and friend, Gilbert D. Spindel, and my employers L. W. Gray. Mr. Spindel bailed me out at approximately 7:30 AM, Wednesday morning.

My face was bruised and bloody. I stated at the desk as I left that I thought my arm was broken. Before the officers in charge would let me out he wanted to know if I wanted to go to the hospital while still in official care and I said no that I wanted out.

Trial was set for 3:30PM that afternoon, and it was the next day Thursday, before I was able to have the arm examined and x-rayed by Dr. E. Ladd Jones. The end of one bone on my right elbow was broken which did not require a cast.

There were five charges filed against me. Since I was never given copies I can only recall them as best I can according to memory:

1. Assault and battery against an officer
2. Assault and battery against an officer
3. Disorderly conduct
4. Violating the noise ordinance
5. Using profanity to an officer

My attorney for the hearing, Ernest Brookins, consulted with one of the arresting officers, Detective Ferguson, before the trial. The other detective who initiated the fracas did not show up. Detective Ferguson was willing to admit that I probably thought I was aiding a distressed citizen and I simply stated that I did not know the two men were policemen. I do not know what other consultations there might have been but Judge Jones dropped all the charges except disorderly conduct for which he fined me \$15.00 and suspended the fine.

My attorney also conceded that I be fingerprinted after the trial for which I acceded. The same crew who had worked me over the previous evening were there again. After delaying me for approximately an hour while attempts were made to find a previous record, of which there was none, I was let go. However, at the fingerprinting the man doing it made two sets, both with the date May 3, 1967, stamped on them.. There also seemed to be a third card of larger size than the ones made and signed by me. I could not be sure that this third card of fingerprints was associated with me, though it could have been a set of fingerprints I had made at the Atlanta Police Station back in January or February for a pistol permit which I received. Also in photographing me the same man who made the prints changed some of the letters or numbers on the identification plaque when going from the frontal shot to the profile shot. The two sets of fingerprints which I signed and the change in the plaque have yet to be cleared up.

If one is bemused by this account of brutality, there was perhaps one contributing factor heretofore unspoken. I am a construction superintendent on residences and was dressed in kaiki work clothes and work boots which were not altogether clean. I have found that when so attired I am sometimes given the most perfunctory consideration by store clerks, filling station attendants, and now the police.

My present course of action is this. I do not plan to contest the settlement of the charges against me nor do I plan to file charges of false arrest. I do intend that my side of the story be clearly brought to the attention of the appropriate superiors. I want to make it clear also that it was not detective Ferguson who initiated the fracas but his partner whose name I do not know. The situation in the station house is a different matter. I will file formal charges.

For those who must consider this case I say this. The primary responsibility for the brutality inflicted on me lays with the men who did it and their superiors. These now are less than men. I believe that the majority of the Atlanta Police Force are men of basic honesty, integrity, and humanity. To let such unwarranted brutality by their fellows go unchallenged would be a disservice to their values which must be constantly striven for in a vicious world. I know too that the same officers who assaulted me risk their lives every day in the line of duty.

There is another source of evil here only slightly less in magnitude. Men, whether rich or poor must stand accountable for their actions and when they do not, then they are the worst. But here we are also faced with a police department, a city administration, a city power structure, a bar association, newspapers, television stations, a citizenry that expect men to continuously risk their lives in defense of their great property for a minimum of pay.

Until these matters are effectively faced, the people will not be safe from criminals in their homes nor from the police on Peachtree Street.

Thomas E. Avery Jr.
 Mayor Elect of Atlanta
 Comm Exp 12-2-67

Signed:

date

Thomas M. Parker Jr.
 6-7-67
 Fulton County, Georgia