

9 Killings by Police Stir Memphis

7/13/70
By Kelso Gillenwater

Special to The Washington Post

MEMPHIS, Tenn.—In the last five months, policemen here have killed nine persons, compared with two killed in all of 1969.

The deaths have stimulated what already was sharp controversy over police policies and practices in this city of 620,000 persons, about half of whom are black.

Police officials—particularly the director, former FBI agent Frank C. Holloman—are being criticized by churchmen, judges, state legislators and city councilmen for a firearms policy that gives wide discretionary powers to individual officers.

"As long as that gun is on the hip of a policeman," Holloman has said flatly, "it's there for killing."

The June 15 death of white liquor store owner Eugene Micci, 52, who was a popular figure in the black ghetto where his store was situated, served to focus the previously disjointed criticism.

Micci, who had no police record, was shot nine times by two officers who said he leveled a shotgun on them as they were trying to arrest him for disorderly conduct. An autopsy later showed that Micci had been drinking and that when he was shot his arms were in the position of one holding a shotgun.

Street Argument

The officers, P. J. Davis and Bobby G. Garner charged Micci with disorderly conduct, after he argued with them over the right of a street vendor to peddle his wares in front of the liquor store. Micci refused to submit to arrest, witnesses said, cursed the officers and returned to the store, saying he was going to telephone a police official he knew to complain.

The officers followed Micci into the store, one of

them striking him with a nightstick. Micci reacted by striking the policeman with his hand, knocking him down. Then, according to the officers, Micci picked up a shotgun and leveled it on the policeman he had just hit. At that point they said, the other drew and fired three times, after which the first officer drew and emptied his gun. The shotgun, although loaded, was never fired.

The policemen were using .38-cal. hollow-point, dum-dum bullets, which became standard police issue two months ago, replacing conventional bullets. The dum-dum—a bullet either manufactured or hand-altered to expand on impact with flesh so as to have maximum effect—is outlawed by several international conventions for use in war. The police said they adopted the bullet because of its non-ricocheting characteristics.

It wasn't so much the circumstances of the Micci killing but the events that followed that stirred the strongest criticism.

'No Choice'

Micci was shot at about 11 p.m. The next day Police Chief Henry Lux announced that it appeared the two officers had "no choice" but to shoot the store owner.

His conclusion was immediately branded premature by critics who said it was too early in the investigation to tell if the officers were guilty of wrongdoing.

The day after the killing, the chairman of the City Council's police committee announced he would ask Holloman for a full report. Without waiting for the formal request, Holloman refused, saying no report would be given to any group until the county grand jury had considered the facts. Later, Mayor Henry Loeb prevailed on Holloman to report to the three-member,

all white City Council police committee.

A week after the killing, Holloman said in a television interview he was surprised at the strong public reaction to the Micci death. Asked to explain why so many persons had been killed recently by policemen, he replied: "We are now paying the price for permissiveness in the home, the schools, churches and society itself."

7 Blacks Killed

Seven of the nine persons killed in the last five months were black. They ranged from a 16-year-old tenth grader shot in the back of the head as he fled the scene of a burglary, to an armed robber with a long criminal record who was felled during a shootout with officers, after gravely wounding one of them.

During this period no officer was killed, although four were hospitalized with bullet wounds. The two men who shot the four officers were killed.

Memphis policemen are told they may use deadly force when necessary to effect the arrest of a felon, prevent the commission of a felony or protect themselves. A state law gives officers the power to use whatever force is necessary to effect an arrest. State Su-

preme Court rulings limit such force to what is necessary and prohibit it for use on the arrest of misdemeanor violators.

The police department here has not joined those in many other cities—Charlotte, New Orleans, New York and Dallas, for examples—which have drafted complex firearms-use policies limiting the use of deadly force to situations where life is in danger.

Hit by Stray Shot

Occasionally, there is an accident. Late last month a young housewife watching television in the living room of her second-floor apartment was wounded in the foot by a stray police bullet fired in the street below by an officer chasing a burglary suspect. The officer, whose shots also hit a nearby car and truck, was suspended for five days.

The inner City Catholic Coalition, a group of clergymen working in slum areas, has called for a special federal grand jury investigation into the police killings.

Black City Councilmen J. O. Patterson, who also is a state legislator; Fred L. Davis and the Rev. James L. Netters have long campaigned for tighter civilian control over the police department. Their renewed efforts after the Micci killing

were unsuccessful in the face of solid opposition from the other 10 councilmen, all of whom are white.

Davis said the council should formally investigate the police department. Patterson has agreed, at one point saying, "It's time the battle lines were drawn between the council and the police department."

Holloman has strongly opposed proposals to establish civilian review boards. He said the concept was invented by the Communists in the 1930s as part of a conspiracy to neutralize the nation's police.