

Memphis Police Criticized Over Rash of Killings on

MEMPHIS, July 4 — In the last five months, Memphis policemen have shot and killed eight persons in the line of duty. Two months ago, the Memphis Police Department began using as standard equipment a variation of the dum-dum bullet, which is outlawed in international warfare.

The events produced sharp controversy here. Some members of the community, including Roman Catholic priests, a Criminal Court judge and a City Councilman, are harshly critical of the use of firearms by the police.

The death of a liquor store owner, Eugene L. Micci, has focused the most attention on police methods.

Mr. Micci was shot to death

June 15 by two policemen who responded to a routine disturbance call at his liquor store. According to the police and witnesses, the two policemen and Mr. Micci argued outside the store over the right of a vender to sell his wares in front of the store. The policemen said that Mr. Micci, defending the vender, cursed them and withdrew into the store.

The policemen, P. J. Davis and Bobby G. Garner, followed Mr. Micci into the rear of the store. Minutes later, several shots were fired and Mr. Micci, a popular figure in the Negro slum where his store was situated, was dead.

An investigation showed that the policemen had fired nine

shots at Mr. Micci, who, police said, first knocked one of the policemen to the floor and then produced a shotgun.

The Memphis safety director, Frank Holloman, refused comment on the incident at first, saying that it was a matter for the Shelby County grand jury.

Most disturbing to the critics were statements by Police Chief Henry Lux on the day after the shooting to the effect that the investigation had shown that the two officers "had no choice" when they killed Mr. Micci.

The critics charged that the statements came before a thorough investigation could be conducted.

The controversy was height-

ened the next day when reporters from a Memphis newspaper, The Commercial-Appeal, visited the scene and found two slugs from police revolvers overlooked in the investigation.

At the urging of Mayor Henry Loeb, Mr. Holloman and Chief Lux gave the City Council a briefing on the shooting.

They said that an autopsy had shown that "wounds suffered by Mr. Micci indicated that his left arm and right arm were in a position to hold a shotgun in front of him at the time he was shot." Laboratory tests later showed that, in fact, Mr. Micci was almost certainly holding the gun.

But what angered Councilman J. O. Patterson was the general attitude of the police

Duty and Use of Dum-dum-Like Bullets

in the investigation. "It's time battle lines were drawn between the Council and Police Department," Mr. Patterson said.

Wide Powers Given

Mr. Patterson is black, as is roughly half of the city's population of 620,000 persons. Six of the eight persons killed by the police since February were black.

The Memphis Police Department gives wide discretionary powers to its men in determining when to use firearms. A year ago, in a departmental memorandum, Chief Lux said: "Generally, the firing of a weapon constitutes the use of deadly force. Deadly force should be used only when necessary to effect the arrest of

felons, prevent the commission of a felony, or when necessary in self-defense."

Several cities, including New York, Dallas and New Orleans, prohibit the use of deadly force unless policemen or bystanders are in danger.

Criminal Court Judge Odell Horton, a Negro, has expressed great concern over the situation.

"Police leadership reflects the community it thinks it knows," he said. "Holloman says he knows he has the support of the majority of the city, black and white. Well, I can tell him he's not supported by the black citizens of Shelby County."

The Inner City Catholic Coalition, an organization of Catholic clergymen working

primarily in poverty areas of the city, has called for a Federal grand jury investigation of the recent shootings.

Mr. Holloman and Chief Lux have remained calm in face of the criticism.

"It's There for Killing"

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

He acknowledged that Memphis policemen killed only two persons in 1969 but pointed out that four policemen had been hospitalized for gunshot wounds this year. Mr. Holloman attributed the increase in deaths at the hands of the police to "the permissiveness in the homes, schools, and churches, and society itself."