

TUCKER, CHARNO, WILLENS, JOURAS AND TUCKER

RALPH J. TUCKER  
GEORGE H. CHARNO, JR.  
SIDNEY L. WILLENS  
JAMES P. JOURAS  
MARVIN L. TUCKER

LAW OFFICES  
1107 COMMERCE BUILDING  
KANSAS CITY, MISSOURI 64106  
VICTOR 2-4275

July 30, 1968

Hon. Joseph J. Kelly, Jr.  
Hon. D. W. Gilmore  
Hon. Robert W. Willits  
Hon. Girard T. Bryant  
Hon. Ilus W. Davis  
Board of Police Commissioners  
1125 Locust Street  
Kansas City, Missouri

Re: Death of Julius Hamilton

Gentlemen:

On June 17, 1968, Mrs. Leona Hamilton requested a public hearing before the Board of Police Commissioners to learn the circumstances surrounding the death of her unarmed husband who was shot fatally by a police officer on April 10, 1968, at 2610 East 30th Street, during our city's worst period of disorder.

On July 3, Mrs. Hamilton and others sought my advice concerning the Board's scheduled hearing, which was anticipated to last three days. Thereafter, I conducted an intensive eight-day neighborhood investigation of the shooting. Subsequently, I advised the Hamilton family I saw no useful purpose in a public hearing (which usually is more adversary in nature than investigative and hardens positions on both sides) if the police department would agree to a private and informal conference with them and the participating officers. The family quickly agreed. Chief Kelley consented.

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On July 24, a three hour conference was held in the office of Chief Kelley for the purpose of fully developing Officer Barfield's motivation and reason for the shooting. Despite conclusive evidence that Mr. Hamilton was unarmed and found lying dead inside an apartment and behind a bullet-punctured screen door, Officer Barfield insisted he thought the victim was armed and standing outside on a porch and in a position to endanger a fellow officer emerging on 30th Street between apartment buildings. (My investigation did establish an officer was in fact emerging.) However, Officer Barfield said he was "scared" and "sorry" and that he had never before fired a gun in two years of police duty.

The Hamilton family has accepted the apology of Officer Barfield because there seemed to be no other choice. The violent atmosphere triggered minutes before by two sniper bullets in the vicinity of the Byron Hotel about 150 yards away offered at least a partial explanation of Officer Barfield's action.

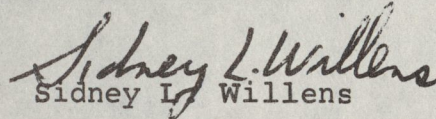
The doctrine of sovereign immunity blocks the family from looking to the police department for financial restitution. It is the hope of the family that their loss is not in vain; that in the future inexperienced officers and the police department, in their anxiety to control disorders, will not resort to such indiscriminate, repressive use of force against innocent elements of the black community and will no longer ignore families of innocent victims of police action and require them to demand a public hearing and retain the services of a lawyer for the purpose of getting explanations.

In my opinion the Hamilton case eloquently demonstrates the need for (1) effective mechanisms through which the citizen can have a grievance handled without having a head-on collision with the police department in the form of a public hearing, and (2) the value of direct communication and understanding between the police and the black community. In the public interest I recommend that the unique conciliation procedure used in this case be established permanently. For your information, the New York police department adopted a similar procedure two years ago.

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Yours very truly,

TUCKER, CHARNO, WILLENS, JOURAS & TUCKER

  
Sidney L. Willens

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Copies: Eight members of the Hamilton family  
Chief Clarence Kelley  
Manfred Maier  
Alvin Brooks, City Human Relations Director  
Dr. Earl Thomas  
Bruce Watkins  
Leon Jordan  
Harold Holliday  
Dr. Carl Peterson  
Mayor's Riot Commission  
Counsel for United Action  
Citizens Association  
Irving Achtenberg, A.C.L.U  
Robert Langworthy  
Members of the City Council  
Kansas City Bar Association

~~Sidney L. Willens~~